

Indonesia to issue world's first FLEGT licences

This November Indonesia is expected to become the first country in the world to issue FLEGT licences, which will allow companies to import Indonesian timber in to the EU without carrying out the due diligence checks required by the EU Timber Regulation (EUTR).

Licences are a crucial part of every FLEGT Voluntary Partnership Agreement (VPA), as they provide the trade incentive to control illegal logging through governance and legal reforms, hammered out and put in to practice over numerous years (in Indonesia's case, the VPA took about ten years (depending on what you count) to negotiate and implement fully enough to be ready for licences).

Changes in Indonesia's forest governance landscape

Indonesia's forest sector has significantly changed in recent years. The research group Chatham House estimated that illegal logging has fallen by 75% in the ten years since a 2000 peak . Today, 100% of timber exports are in principle subject to independent audit with civil society oversight. Tax returns from the industry have significantly increased. The positive influence of VPA implementation in Indonesia, and in Ghana which is fast approaching the point of also issuing FLEGT licenses, have been explored in great detail in a [June 2016 study](#) by Overdevest and Zeitlin.

It is clear that the FLEGT VPA process in Indonesia has improved transparency, and has built the capacity of local CSOs monitoring forest illegalities. It is worth pointing out however that the majority of CSOs in Indonesia have not been involved in the VPA process. The extent to which the legality assurance system incorporated in Indonesia's VPA strengthens or ignores community land rights remains a point of debate. The VPA text explicitly requires legality verification procedures to be changed as soon as the landmark 2013 constitutional court decision recognising customary forests has been incorporated in to national law. A number of recent changes to the legality assurance system and the associated complaints procedure provide opportunities for CSOs to hold companies accountable with regards social and environmental obligations.

Respect and recognition of customary rights in Indonesia remains weak however, undermined by corruption and weak governance. There are also concerns that the way in which violations are 'scored' in the legality system could allow companies with human rights violations to still qualify for a FLEGT licence. It will therefore be a test of the VPA to see if CSOs are able to use the system to continue to push for governance reforms without which achieving recognition of customary rights in Indonesia will be impossible.

FLEGT licences are not the end game, they're another beginning

The Indonesian Independent Forest Monitoring Network (JPIK) has welcomed the imminent arrival of FLEGT licences, clarifying that "The application of FLEGT Licensing should be seen as a challenge to strengthen the system, and maintain and build system credibility and accountability". JPIK's membership base of over 50 civil society organisations are urging the Government of Indonesia and the European Commission to take a number

of immediate steps to ensure the world's first FLEGT licences are part of a continually improving system of legality assurance.

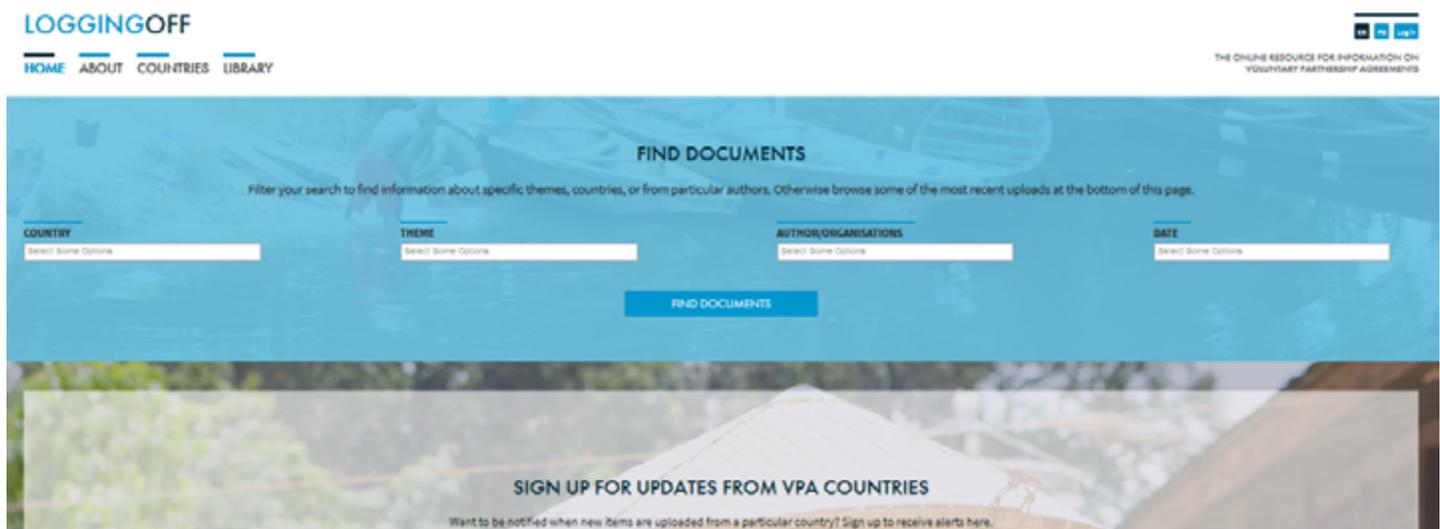
These include continuous strengthening of the legality standards so that outstanding issues around forest ownership and rights, forest conversion, corruption and environmental degradation can be clarified. Visible law enforcement in cases of non-compliance and audits which genuinely assess and reflect on-the-ground conditions, also feature in JPIK's recommendations.

The EU and Indonesia have agreed to develop a Joint Action Plan for post-FLEGT licensing activities, with a view to continue to strengthen the system. There is understandable nervousness about endorsing the world's first FLEGT licences, and considerable governance improvements in Indonesia's forest sector are still required. We will, however, only see if there are sufficient checks and balances within the VPA system once it is fully functional and violations are being identified, raised by CSOs or other stakeholders, and the complaints processes activated.

In a number of VPA countries (Ghana, Liberia among others), CSOs have been able to use the VPA process as a lever to initiate broad legal reforms. The extent to which Indonesia's post-FLEGT licencing system will provide enough leverage to continue legal reforms is, as yet untested. Some are hopeful that the government commitment to consider the VPA requirements in future legal reforms provides an opening.

What next?

With five other countries currently implementing a FLEGT VPA, and another nine in negotiation, the ripples initiated by Indonesia's FLEGT licences could be global. It may also provide the trigger for Malaysia and China to step up their activities to address illegality in the forestry sector. All actors will have to tread a fine line to ensure that Indonesia's timber legality system is recognised while remaining concerns are addressed.



LoggingOff is back online!

Loggingoff.info, the website for exchanging civil society perspectives on FLEGT VPAs and forest governance, has had a facelift. The site is designed to provide a relevant, up to date and expert library of civil society positions, research and news about forest governance processes worldwide, especially the VPAs. A lot of work has been done to make it easier to search through the substantial library of documents going back over a decade, particularly for those with intermittent or weak internet access, and to showcase the newest contributions. Visitors can also [sign up to receive email notifications](#) when new information is published about a particular country.

Africa

Cameroon

Official VPA status: in implementation since 2011

The VPA implementation process in Cameroon is stalled. The EU and Cameroon agreed to revise the VPA legality grids in response to the Independent Auditor's 2014 report (which entered the public domain via a leak in late 2015), but it seems there has been little action since the commitment was made. CSOs are demanding that the governance and rights recognition requirements already included are not removed, or weakened in any revision of the VPA texts.

The good news is that access to forest-related information has improved in Cameroon. More than 80% of the documents to be made public according to the VPA transparency annex (annex VII) are now available on the Ministry of Forests (MINFOF) website. Moreover the tension observed in 2015 between civil society and the government has softened slightly, probably due to personnel changes within MINFOF. The IT forest information management system (SIGIF II) is not yet up and running. Despite strong objections from civil society groups including FODER, the 2016 finance law (adopted late 2015) failed to reinstate the requirement for affected communities to receive 10% of royalties (RFA – redevances forestières annuelles) from logging operations. The long-established 10% RFA was abandoned in the 2015 budget. FODER's campaigning did successfully claw back some benefit sharing provisions – communes (a local administrative unit) are now granted 27% of the original RFA. However communities have limited control over how the funds are used. The issue has attracted media attention in Cameroon, but it looks unlikely that the Government will meet these demands in a new finance law to be adopted at the end of the year. In a context where corruption is again on the rise in Cameroon, Civil society will continue to fight for fair and just benefit-sharing arrangements and reintroduce the 10% RFA.

Timber from Cameroon is coming under increasing scrutiny in international markets as independent observers have classified Cameroon as a high risk country. In March 2016, the Dutch competent authority sanctioned a Dutch timber importer for having placed timber originating from Cameroon on the EU market without a fully functioning due diligence system, in violation of the EU Timber Regulation. In June UK

competent authorities took action against 14 UK importers sourcing timber from Cameroon linked to illegal logging.

Central African Republic

Official VPA status: implementation since 2012

In March 2016, CAR held successful and transparent presidential and parliamentary elections, closing one of the darkest pages of its troubled history. CAR citizens are hopeful that their nascent democracy holds a brighter future. Members of the local civil society platform Plateforme pour la Gestion Durable des Ressources Naturelles et de l'Environnement (GDRNE), actively reached out to presidential candidates including organising a roundtable on the VPA and forest governance and welcomed the inauguration of Faustin Archange Touadera, CAR's new President. Touadera is remembered by forest governance advocates for signing and championing the VPAs and they hope that the country's vast natural resources will be managed more equitably and sustainably under his leadership.

The VPA process is slowly resuming, and formal multi-stakeholder meetings between all stakeholders were held during the transition and in July to discuss pressing implementation priorities. An official Joint Implementation Committee (JIC) meeting was held in late August with the new Forest Minister to take stock of challenges and progress, and to update CAR's VPA roadmap. Discussions are ongoing between the government and the EU about a tightened roadmap including for developing of the timber legality assurance system (TLAS), and financial support.

The GDRNE platform remains an important driving force for the VPA. With several new permits being awarded to logging companies, it was important for civil society groups to ensure that these newly established logging companies in the CAR are informed about the VPA process and implementation. In May, a group of organisations teamed up with the VPA focal point to organise a sensitisation tour to Centra Bois, Timberland Industries and Sinfocam to discuss companies' and other stakeholders' roles and responsibilities in the process, the TLAS, and companies' social and environmental obligations. This was felt useful by both companies and the local forest administration who acknowledge that the lack of information on the VPA could significantly hinder them in participating effectively.

A number of independent monitoring test missions were conducted in Batalimo, Bayanga, and Bimbo counties, to assess whether some of the requirements of VPA legality grid (such as community consultation and compensation for damage) were effectively respected, and to train communities in denouncing illegalities. The monitoring reports generated a lot of interest and reaction from the forest administration and logging companies including around what constitutes severe or minor infractions, and the role of civil society versus the forest administration in monitoring law enforcement. A meeting was held with various stakeholders in May to explain GDRNE's strategy when it comes to forest monitoring and how monitoring can be used for improving forest governance. In addition to this monitoring work, civil society actors have been developing a mechanism to ensure direct participation of community and indigenous people representatives in the VPA structures in line with the VPA requirements. Awareness-raising trips are planned in all of the forest areas to consult with community members and agree selection criteria, and a mandate for their future representatives.

Cote d'Ivoire

Official VPA status: in negotiation since 2013

After considerable delay, work on the implementing decrees to the 2014 Forest Code began on the 19th April 2016. The drafting process is being led by the Forest & Water Ministry (MINEF), supported by legal consultants from Ernst & Young, and financed by the French Development Agency (AFD). So far, twenty implementing decrees have been drafted, and are awaiting validation by the different stakeholder groups. Ivorian civil society has participated in the drafting process via consultation sessions to which they have sent around five representatives, and a civil society lawyer is included in the inter-ministerial drafting committee. Some civil society members do complain that the process has been too rushed, and has not sufficiently taken on board the positions of civil society or the private sector. In June, the Forest Ministry provided draft documents just one working day before the consultation session was scheduled. After formal complaints from civil society, consultation was put back by three weeks to enable everyone to examine the documents. There is a tension in which pursuing the VPA negotiation process seems to be

encouraging the government to push through Forest Code related work more quickly without allowing time for full stakeholder participation, although at the same time it is the VPA process which has encouraged the government to open up the reform process to participation in the first place.

Two of the key implementing regulations of importance to civil society—on participation of communities in decisions around forest management, and on civil society independent monitoring of the forest sector—were removed from the list of implementing regulations to be approved at the next validation session. Civil society is determined to ensure these implementing regulations do not drop off the agenda.

In terms of progress on the VPA itself, work on the legality assurance system (système de vérification de légalité- SVL) is still in progress. Work has recommenced on the legality grid principles most relevant to communities—principles 2, 3 and 7, which cover issues like workers' rights, concession allocation processes, and benefit-sharing agreements between logging companies and communities. The work on these principles had previously been suspended because they depend on the content of the Forest Code implementing regulations.

It has been decided that Cote d'Ivoire will have six separate legality grids, each associated with different origin categories for wood (eg. state-managed natural forests, plantations, areas outside the forest domain, etc). Discussions are also ongoing around how to formalise the activities of artisanal loggers in the domestic market, who are currently operating outside the law. The working group on communication and transparency has finished drafting a transparency annex, which sets out a list of documents that the government must make publicly available. This has now been submitted to the European Union and is awaiting their feedback.

The civil society platform engaged in the VPA process, the Ivorian Observatory on the Sustainable Management of Natural Resources (Observatoire Ivoirien pour la gestion durable des Ressources Naturelles—OI-REN), is currently organising their first general assembly. The platform will resolve key questions around internal organisation, and elect representatives in the VPA process.

Ghana

Official VPA status: in implementation since 2010

Ghana has taken some major steps towards addressing the chief obstacles holding back delivery of FLEGT-licensed timber. It is anticipated that the second joint assessment of the Legality Assurance System (by the EU and the Government of Ghana) will take place before the end of 2016. A positive outcome of this assessment would allow for an announcement of Ghana's readiness to begin issuing FLEGT licenses.

The government is going to court to resolve an impasse with the timber industry about how to convert existing logging permits to Timber Utilisation Contracts (TUCs) by bringing them in line with the latest legal requirements, and paying communities unpaid Timber Rights Fees associated with the existing licences. A clear set of criteria for permit conversion has not yet been developed, including the method for determining the owed Timber Rights Fee, the maximum duration and size of the logging contract, negotiation of Social Responsibility Agreements (SRAs) and parliamentary ratification of the contract.

A checklist for validating compliance with SRAs has been developed and has been integrated into the audit documents for legality assurance system (LAS) auditors. This SRA checklist was a collaborative effort between forest civil society and the forestry commission.

There is general consensus between stakeholders particularly government and civil society on special permits. Legally binding guidelines for special permits have been included in a new legal instrument, which will face parliament this month (October). The instrument was based on guidelines jointly developed in 2015, and eliminates the provision for special permits (also sometimes called ministerial permits), which would have allowed companies to sidestep normal obligations around competitive bidding, ignore size and time limits on concessions, and avoid due process. The instrument also creates a new category of small scale concession permits, up to a maximum of 10km², which civil society have not objected to.

As a show of good will, the government has finally made information on existing 'special permits' publicly available. It has also agreed to support efforts to publicly release information from the wood tracking

system, although there hasn't yet been any discussion about which kinds of information will be provided or how it will be made accessible. Information about the area and duration of logging permits is currently produced by the Forest Services Division, but not regularly updated on the ministry website. EFI has shared best practices with stakeholders on how to improve transparency, and civil society is now engaging with government to clarify their system for making the information available.

The Government is expecting some funding from the FAO FLEGT facility and other sources to complete about 35 management plans before the end of 2016. The traceability system is also expected to have an end-to-end trial run to identify any gaps that need to be addressed. Some electrical equipment is being acquired by the government to ensure that the district offices have better internet connection to access the wood tracking system for their work. The Timber Validation Committee which in Ghana's VPA addresses FLEGT license complaints is already doing its work. The Independent Auditor has also done some witness audits and is expected to publish a public summary of the report soon.

Liberia

Official VPA status: in implementation since 2013

Like Indonesia and Ghana, Liberia is the third country where the VPA process is moving forward and may lead to FLEGT licenses in the not too distant future. As previous updates have noted the process has been transparent and inclusive. Liberia's NGO coalition still sees the VPA as 'the only game in town' to address the global problem of illegal logging.

The fourth and most recent JIC just concluded in Monrovia in October. This JIC was, however, seen by many participating as a disappointment because implementation is slow; there was no real discussion and too much time was taken up by presentations by other donors such as the World Bank and GIZ, without linking these clearly to the work of implementing the VPA. The ongoing issue of the debarment list was not put on the agenda but CSOs intend to make this a key issue for the next JIC.

To speed up the implementation process parties have now agreed to an implementation plan, with clear

milestones that will be adopted before the end of the year, and which will be reviewed at the next full JIC in March 2017.

With elections looming the future for VPA implementation is uncertain. It may well be that the new President and a new House of Representatives will have fewer vested interests and move forward quickly with enforcing the required governance reforms, but the opposite could also be true and is maybe more likely. This year the Forestry Ministry (FDA), the Ministry of Justice and the Liberia Revenue Authority have become more actively involved in VPA implementation, a positive development. Whether this involvement will continue after elections is uncertain. The 120 Community Forest Management Areas (CFMAs) that are in the process of being created could pose perhaps the largest threat to Liberia's remaining forests. The area under discussion comprises most of the country's remaining forests. Although CFMAs are meant to provide benefits to the communities and to be run by the communities, this will only materialise if there is sufficient oversight from the Government. Ensuring the allocation and oversight of the development and implementation of the CFMAs is a key task for CSOS and Government. Only a few CSOs have started to work with the Community Forest Management Bodies (CFMBs) to educate them about their legal rights (including that 50% of the benefits should go them). Finding a middle way between industrial logging and strict conservation is difficult. There are, however, many positive developments worth mentioning. The Government made clear that conversion timber from agriculture or mining concessions will not be allowed into the chain of custody system and/or exports. Hence, no new regulation is planned at this stage. The FDA stated that the quantity of timber from conversion should be limited given that palm oil concessions should not deforest due to their commitments to Roundtable for Sustainable Palm Oil (RSPO) and Tropical Timber Alliance2020, and mining does not involve large areas anyway. Any unavoidable timber from conversion can be used locally and guidelines are being developed for this. Although CSOs see this as a victory, some others are concerned that by keeping this timber out of the chain of custody, it will actually create a loophole for illegal logging. More discussion may be needed to look at the pros and cons of including conversion timber in the VPA.

The intellectual property rights to the timber tracking system are claimed by the consultancies developing the systems, in this case SGS. To ensure the data generated by the system will be made available a deal has been made between DFID and SGS. While the software licensing remains the sole property of SGS, DFID has been given access to all the data. What remains unclear though is whether SGS will hand over the source code to DFID and the Liberian Government or whether the Government will forever remain in the pockets of SGS to maintain and adapt the tracking system.

The Impact Monitoring Working Group is ongoing and has presented its first report. Although it is under resourced, even collecting existing data and presenting them in a comprehensive way would already be a great step forward.

The National Benefit Sharing Trust (NBST) Board has disbursed \$114,000 to three communities for use in their community and the Government highlighted that it has disbursed 1.25 million to the NBST for communities to use. It should be noted that despite this, the loggers are still in significant arrears on payments, including the Bid Premium money owed prior to the abolition of this payment. The abolition of bid premium has not yet been replaced by a mechanism to raise equivalent revenue for Liberia and its people.

Last, but not least, all CSO in Liberia hope and pray that the Land Rights Act (LRA) will still be passed in January. The Upper House (House of Senate) passed the Land Authority Act in April and awaits concurrence by the Lower House (House of Representatives). CSOs have written to relevant land and governance committees in the government to try to push for the LRA and the LAA to be passed. If they are not, it will become a major election issue. So Liberia is on the cusp of becoming the first country in West Africa where communities have full ownership of their land.

Republic of Congo

Official VPA status: in implementation since 2013

Congo has been facing severe political and social unrest following the constitutional referendum of 2015 and the subsequent presidential elections of March 2016. Progress can be noticed on the VPA 'technical' front with ongoing development of the Système Informatisé de Vérification de la Légalité (Computerised TLAS), and communications. A number of TLAS modules are

available online and field tests are being rolled out and will involve several pilot companies including IFO and SEFYD in the Sangha, Congo ASIA and SFIB in Niari and EFC to Pointe Noire. The Ministry of Forest Economy resumed publication of its newsletter covering VPA activities, and the technical joint group meetings provide a space for stakeholders to continue sharing information about progress. A meeting of the joint implementation committee was held in mid-May to update the 2016-2017 work plan and finalise the national FLEGT/VPA 2015 progress report.

Civil society groups remain concerned that the forest reform is stalled and that adoption of the new Forest Code is being delayed. Nonetheless, civil society has worked on concrete proposals for implementing decrees including on companies' social obligations and community usage rights. The independent CSO forest monitor CAGDF produced additional reports on the Cuvette and Cuvette Ouest departments looking at the logging operations of Wang Sam Resources and Congo Deija Woods. The reports highlight numerous illegalities and urge the forest administration to undertake field missions to assess illegalities and strengthen forest officials' ability to ensure proper enforcement of forestry laws and regulations. A briefing note on the illegalities surrounding six new forest permits awarded among others to CIB was published in August triggering local CSO concerns that systemic infractions persist in the forest sector in breach of the VPA. Independent CSO monitoring has also helped human rights organisations such as OCDH to denounce companies that fail to meet their social obligations in their annual report published in 2016, and support communities to claim their rights.

There is hope that the Minister of Forest Economy and Sustainable Development Mrs. Rosalie Matondo who was given the portfolio of Forest Economy will provide strong leadership on forest governance and strengthening linkages between the VPA and REDD+ processes now that Congo is moving to the REDD+ readiness phase and set to submit its Emission Reduction Programme Note. Fern local partners Azur and FGDH are collaborating with the VPA and REDD+ civil society platform to conduct independent monitoring missions in the Sangha to look at how well FPIC and benefits sharing arrangements under the VPA and REDD+ are implemented in practice. A multi-stakeholder workshop was held in Brazzaville in May to approve the focus and methodology of

the monitoring and identify the CSO representatives and parliamentarians who will be contributing to the monitoring work and advocating for improvements locally and at national level. Findings from the first mission in the Jua Ekié logging concession in July noted the lack of consultation and adequate compensation for most local communities impacted by logging activities and mining exploration in the middle of forest concessions. A TV debate and meeting with various stakeholders were held in September and October to present this work and convey policy recommendations to decision makers.

Asia

Laos

Official VPA status: in negotiation since 2012

Technical discussions have started on the timber legality definition. Stakeholders have agreed to recognize four timber sources: natural production forests, village use forest, conversion area and plantation. The inclusion of conversion is a good starting point as it offers opportunities to discuss the legality of timber coming from concessions where tenure rights issues are the most sensitive and subject to land conflicts. Conversion timber and tenure issues have yet to be discussed but the department of Forestry seems committed to address conversion. Stakeholders have also agreed to include all export markets and the domestic market, the chain of custody will be applied for all processing companies and ministries involved (commerce and industry, agriculture and forests) seem committed. The challenges around capacity and genuine civil society participation remain. While Lao CSOs have a seat in the working groups preparing the timber legality definition, they haven't been able to provide meaningful contributions yet due to lack of resources and understanding of the role of civil society in the FLEGT-VPA multi stakeholder process. Lao civil society is relatively new and vulnerable and the Government of Laos sees them mainly as public service providers. Hence it remains to be seen as to whether or not Lao CSOs will be able to provide critical opinions into the process. Nevertheless, a first draft of the timber legality definition is expected before the end of the year.

Malaysia

Official VPA status: in negotiation since 2007

The VPA process is still stalled due to the refusal of Sarawak to enter into the negotiations (see previous VPA updates). The recent promulgation by Japan of a new law addressing imports of illegally-sourced timber – Sarawak exports significant volume of timber products to Japan - won't create an incentive for Sarawak to change its position. Indeed the new law establishes a registration system for companies that want to be recognized as legal wood suppliers, and registered companies are required to conduct due diligence, but participation in the registration system is voluntary. Fifteen NGOs have highlighted in a joint letter sent to Japan at the occasion of the G7 summit the serious weaknesses in Japan's new law intended to stop the trade in illegal timber and outlined the measures that the Japanese government should take to ensure their legislation has a positive impact on the illegal timber trade.

In the meantime, illegal timber from Malaysia continues to be exported to the EU; the UK and the Netherlands being two of the main export destinations. The Dutch Procurement policy has accepted FSC International, PEFC International and granted a temporary permit to the Malaysian Timber Certification System (MTCS - PEFC Malaysia) which expired in July 2016. The Timber Procurement Assessment Committee (TPAC) had planned to make a visit to Malaysia by the end of April to check on the ground whether the MTCS system has improved and intended to report the outcomes back to the Parliament but the Malaysian Minister of Plantation Industries and Commodities did not approve it. While MTCC has not proven to comply with the Dutch criteria and has not cooperated with TPAC, temporary acceptance of MTCS has formally been extended until 2nd of December 2016. There will be a parliamentary debate in the Netherlands on these issues.

Vietnam

Official VPA status: in negotiation since 2010

Although the EU and Vietnamese government now see no major issue to impede the conclusion of VPA negotiations before the end of this year, it is difficult for CSOs to have an informed position because of the lack of access to the annexes. A particular area of concern

for instance is the apparently limited obligation for government to respond to complaints from CSOs and other independent monitors. Without the guarantees from monitors who are independent of government the fear is that the EU could be legitimising business-as-usual by concluding negotiations. There is no civil society seat foreseen at the Joint Implementing Committee for Vietnam's VPA.

A [national consultation day](#) was held in late October, including government, private sector and civil society participants. This was the first time Vietnamese CSOs have been able to see the detailed draft VPA texts in years, and they were only made available on the day of the consultation. No English-language texts have been made available since 2012.

Although CSOs recognise some progress in provisions for controlling imported timber, and the fact that the TLAS will apply to all markets, there has been no improvement in term of space for CSOs to effectively participate in the VPA negotiation process and ensure their concerns are adequately represented.

There is also a fear that texts can be worded well and agreed in principle but there will be no mechanism to ensure the provisions of the agreement will necessarily be put into practice. The NGO FLEGT network is therefore continuously striving for formal recognition of their role in independent monitoring of the VPA process. They have restated their willingness and desire to take on this role both directly to the EC, and in country at various events such as a policy workshop on the role of CSOs which they organised, proposing to work within the framework of a collaboration programme between VUSTA (the umbrella organization for VNGOs) and VNFOREST as a platform to take this forward.

Despite being denied a more formal role, the VNGO network has been working on a series of initiatives to contribute to influence the process: convening a workshop to provide inputs into a draft circular guiding the harvesting, salvaging of timber and non-timber products - an important input for the legality definition, and training members on methodologies and tools for conducting legality definition baseline studies, three of which will be conducted, the results of which will provide inputs for legality definition compliance, land tenure policy briefs and for the draft Forest Law.

Last July in Brussels, during the stakeholders' debrief that happened after the fifteen Joint Expert Meeting (JEM), CSOs reminded the Parties of the necessity to improve participation of CSOs in the process and to formalize CSOs' role in the evaluation of the VPA which is a prerequisite to have a credible VPA. At the same time, a parliamentary question was sent to the Commission on the mechanisms foreseen by the VPA to enable CSOs supporting forest communities and households to take part in the independent evaluation of the VPA.

Indonesia

See main article.

Americas

Guyana

Official VPA status: in negotiation since 2012

A fourth formal VPA negotiation was held in March 2016 in Georgetown. The updated roadmap from this session indicates that the date for the initialling of the agreement is set for the last month of 2016. However, field testing of the Legality Assurance System has not yet taken place, as also set out in the Roadmap, and inputs to the process by the country's indigenous peoples show that this deadline is unrealistic as they are yet far from satisfied with the current content of the draft agreement.

The General Assembly of the Amerindian Peoples Association, bringing together representatives from 68 villages from across the country in May 2016, issued the following resolution on the FLEGT VPA: "The APA regrets that vital recommendations made by indigenous communities with regards to the need to protect our inherent rights to lands and resources in the Voluntary Partnership Agreement between Guyana and the EU have still not been accommodated in the draft legality definition. Moving forward, the APA calls on the government of Guyana and the EU to ensure that the VPA, including the definition of legal timber, contains clear and strong safeguards for the protection of the rights of indigenous peoples of Guyana to our lands, territories and resources in line with the Constitution and international human rights law and standards. If such protections are not in place

in the VPA text and annexes before signing, the APA cannot and will not endorse it."

The Aide Memoire from the fourth negotiation does contain a suggestion of addressing broader land issues through a Complimentary Measures Annex, which might establish a multi-stakeholder coordination mechanism on land tenure and land use. If such a proposed additional annex contained legally binding provisions on indigenous land tenure rights and FPIC, this could potentially be a positive development. However, the precise nature, scope and legal standing of such an annex and mechanism are yet to be established.

Despite numerous efforts, the APA still does not have a seat in the multi-stakeholder National Technical Working Group but has continued to contribute towards the discussions. To this end, the APA will be participating in a regional FLEGT seminar of Sharing of experiences learned – challenges and opportunities.

In the last negotiation one representative from APA was, however, allowed to sit as an observer to the formal procedures, however without being able to contribute to any of the discussions. There is an opportunity for the government of Guyana and the EU to rectify this in the 5th formal negotiation, which is coming up in November 2016.

These occasional ForestWatch 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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