

Experience of CS participation in the FLEGT-VPA processes and negotiations in Indonesia

*Lesson learned in advancing
tenure and other rights*

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Processes in Latin America”

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BRIEF INTRODUCTION INDONESIA



Maps: wikipedia & lonelyplanet; data:Indonesia Min of Forestry 2013, wikipedia, eurostat 2009.

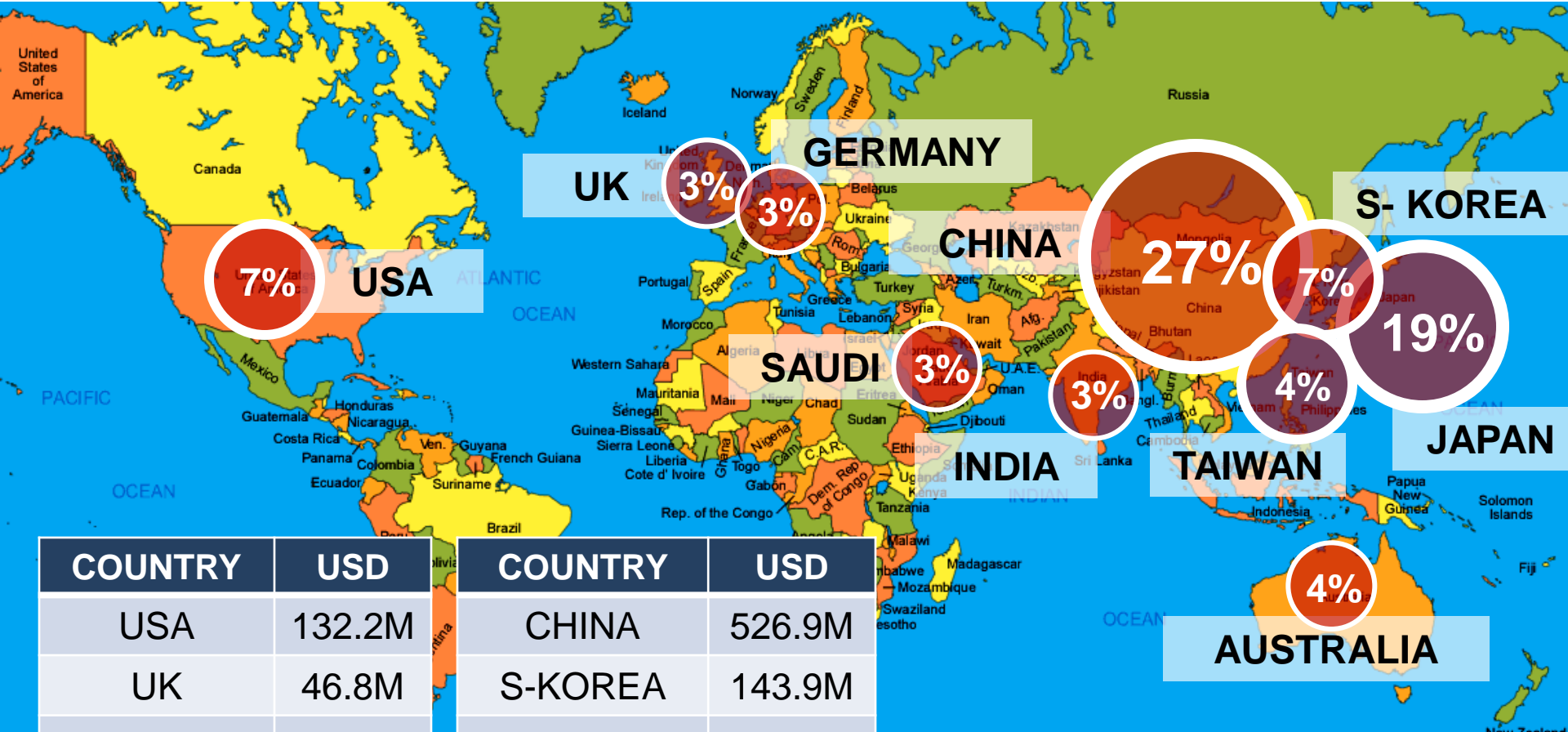
Length: 5,120 km (west to east; longer than USA),
archipelago comprising approx 17,508 islands
Neighboring countries: Malaysia, East Timor, PNG;
other incl Singapore, Philippines, Australia



Land: 190.5 mil ha (= 0.43x EU)
= almost 8x UK or 7x Ecuador
Forest area: 134.4 mil ha (71%) [EU 39%]
Production forest*: 76.7 mil ha (57%)

Biggest Export Destinations by Value (USD)

January-April 2013 (1st Quarter of 2013)



COUNTRY	USD	COUNTRY	USD
USA	132.2M	CHINA	526.9M
UK	46.8M	S-KOREA	143.9M
GERMANY	41.1M	TAIWAN	74.6M
SAUDI	62.2M	JAPAN	362.9M
INDIA	64.8M	AUSTRALIA	71.2M

SVLK & VPA relevant process



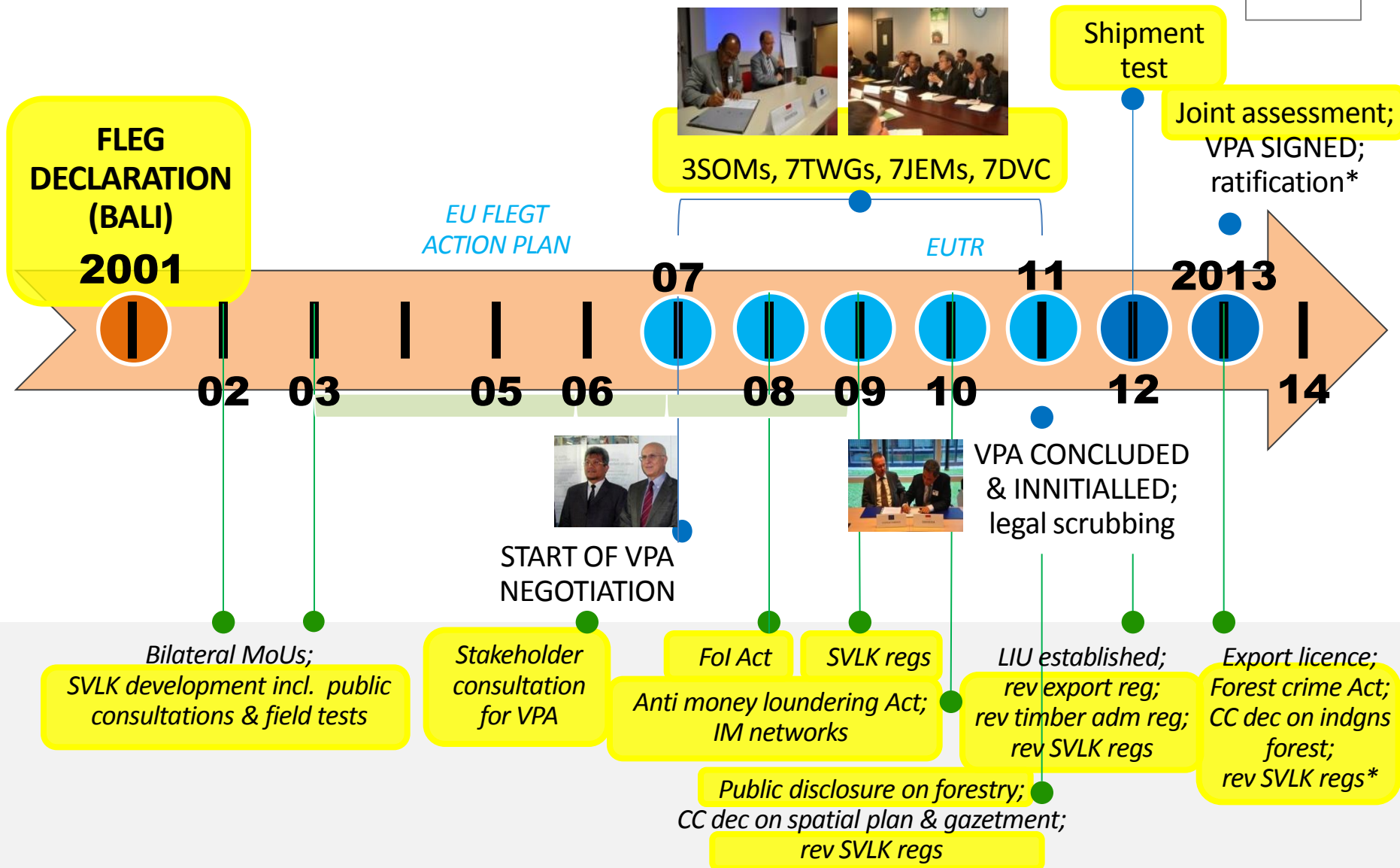
Awareness on illegal logging and the associated trade problems, incl. trafficking

(rampant and destructive –forest and its biodiversity, human rights-corruption-violance-conflicts-and above the law, state lost revenue, unfair playing field, floods-landslide, timber mafia/mastermind/financiers; also consumers driven/responsible)

- ← number of cases exposed/reported by civil society groups & number of enforcement operations
- **collective concern from all stakeholders**

Current Status of VPA

Relevant National Processes (SVLK & Policy Reform)



How CS Participated



- FLEG/FLEGT CS workshop forum (NGOs, CBO, IPOs, labour group) arranged by Telapak and mailinglist/egroups on to discuss and agree on concerns/issues and positions, and CS FLEG/FLEGT lobby trips.
- (i) CS reps (1CBO+2NGOs+1IPO) on the SVLK development small adhoc team along with public/stakeholders consultations (national and regional) on SVLK development (started 2003); (ii) CS reps in illegal logging task force enforcement coordination and monitoring evaluation ('kormonev'); (iii) VPA negotiations (since 2006); (iv) and SVLK comprehensive/annual evaluation (since 2010).
 - CS engagement as observer in the field test of SVLK (2005, 2006, 2008, 2009).
 - CS reps involvement in negotiation & technical/expert meetings (TWGs, JEMs relevant, SOMs). After VPA initiated → JPC meetings.
 - CS engagement in consultation process in the Indonesia-EU shipment test (2012) and VPA joint assessment (2013)
- CS role as IM element in SVLK implementation (IM guideline and complaint mechanism); assist SMEs; review of system-policy and regulations; taking part on market dialogues.

Strengths

CS Participation & Advancing Tenure and Other Rights in VPA



- CS forum on FLEG/FLEGT and IM networks. Recognition of CS role as IM element in SVLK/VPA implementation, with IM guideline and complaint mechanism.
- CS engagement in the multistakeholder processes of SVLK and VPA negotiation, incl. on SVLK/VPA review or evaluation (Comprehensive/Annual Evaluation) → next VPA implementation (the JIC and the annual Periodic Evaluation)
- CS access for information recognized in the FoI Act, and further direct access for information for public and IM through the LIU website. Public disclosure also in VPA legal text and VPA Annex.
- SVLK standards (shall) covered all sources and the principles include the valid permit/land title, traceability, environmental assessment, and social in accordance to the relevant law and regulations → incl privately managed forest and community forestry (community concession & community-owned forest/land).

Weaknesses (Challenges)

CS Participation & Advancing Tenure and Other Rights in VPA



- Response/reply of public/local government institutions or agencies on information related to SVLK implementation; improve/shift CS approach on access of information and monitoring (to file formal complaint if rights not fulfilled and to monitor the follow up of formal complaint on SVLK implementation).
- Sustainability of support for IM capacity improvement, monitoring activities, and safety.
- Follow up of Constitution Court decision on IP forestland/area for formal recognition.

Opportunities (Entry Point & Platform)

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- Constitution Court decision (2013) on indigenous people/customary forest and the follow up Minister for Forestry circular letter (SE 1/2013). Increase attention on IP movement and labour rights in other and relevant conventions.
- Annual review/comprehensive evaluation (on going revision) of SVLK regulations, incl. on full implementation of SVLK starting 1 January 2014.
- The agreed livelihood assessment in VPA legal text and the annual VPA Periodic Evaluation.
- Consumer country governments, importers/traders, and end consumers reciprocal calls on TLAS products and regulations to prohibit products with illegally harvested materials (US Lacey Act, Japan GOHO-Wood, EUTR, Australia Illegal Logging Prohibition Act)
- Political space and precedent for other policy/advocacy works in other (nature) resource management.

Threats

CS Participation & Advancing Tenure and Other Rights in VPA



- CS and other stakeholders engagement/participation (if) reduced or limited in the relevant processes where multistakeholder engagement shall be maintain.
- Change of new administration in 2014 can have implication for VPA implementation, including the livelihood assessment and Periodic Evaluation (if ratification delayed).
- Weak actions/enforcement for cases violating SVLK regulation, and also weak actions/enforcement for cases violating end consumer regulations that prohibit products with illegally harvested materials (US Lacey Act, Japan GOHO-Wood, EUTR, Australia Illegal Logging Prohibition Act).
- Partial application for partner country of VPA, which not in line with the purpose/objective of EU FLEGT Action Plan.

Lesson Learned

in Advancing Tenure and Other Rights



- Stakeholders awareness and buy-in is key. Forum from CS on FLEG/FLEGT is key to agreed on focus and position, provide ground for engagement in relevant processes, and update on issues among CS and with other stakeholders (esp Govs).
- SVLK/VPA (and its evaluation mechanism) widen the opportunity for direct CS participation and CS influence on policy works, and governance change on CS incl community rights (access for information, participation, justice esp in forest and timber-base industry management).
- SVLK/VPA application that cover SMEs is also an instrument for recognition of community forestry and SMEs. This also open opportunities for policy changes, attention/supports on capacity building and assistance (it is also a great challenge).
- SVLK/VPA is one of instrument provide political space that can be use or adopt for other policy/advocacy works in other (nature) resource management (on tenure and other rights).

Thank You
muchas gracias



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