

## Report of the public consultation on the EU Action Plan on Forest Law Enforcement, Governance and Trade (FLEGT)

### Introduction

An open public consultation published on the Your Voice in Europe website ([http://ec.europa.eu/yourvoice/consultations/2015/index\\_en.htm](http://ec.europa.eu/yourvoice/consultations/2015/index_en.htm)) has been carried out in the context of the EU FLEGT Action Plan Evaluation. The consultation was opened from 15 April 2015 to 31 August 2015. The consultation was designed to better understand:

- The involvement and awareness of the EU FLEGT Action Plan / Voluntary Partnership Agreement (VPA) processes;
- Perspectives on the various characteristics of the Action Plan;
- Achievements and challenges of the Action Plan;
- Views and recommendations for future action.

This report presents the results of the consultation.

### Number of responses and completeness:

A total of 88 contributors participated in the consultation: 63 contributors filled out the English questionnaire, 25 the French questionnaire and none answered the Spanish version. Questionnaires have been filled rather completely.

### Who the contributors represent

The following types of contributors participated in the consultation:

Forest or processing company in producing country	2
Forest or processing company in the EU	0
International NGO	22
National NGO	22
Other civil society organisation	8
Indigenous person or peoples' organisation	1
Independent consultant or consulting firm	11
Government	5
Research institute	4
Think tank	2
Other (please specify)	11

Some of the respondents classified themselves as “others”: individual, private donor, lawyer, FLEGT

facilitator, organisation of the private sector (trade, energy), intergovernmental agency and philanthropic foundation

**Where the contributors are active?**

Countries negotiating a VPA	53
Countries implementing a VPA	46
Tropical timber producing countries not involved in VPAs	27
Other producing countries	18
EU consumer countries	31
Non EU consumer countries	17

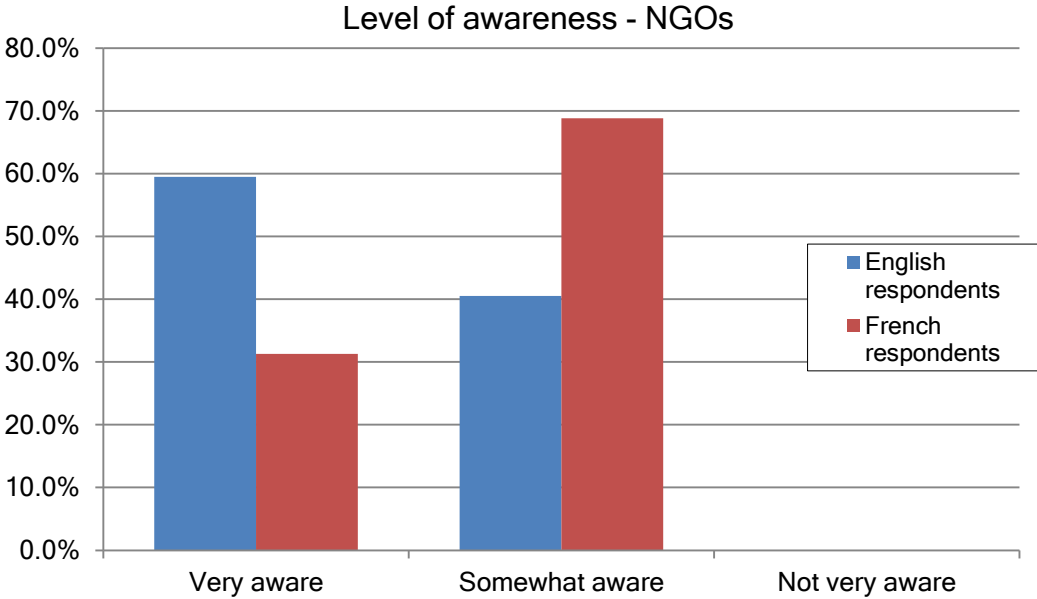
Most of the respondents have been active in VPA countries and tropical timber producing countries in general. Some of them have been active in consumer countries.

**How contributors raise their level of awareness of the EU FLEGT Action Plan**

58% of the participants are very aware of the FLEGT Action Plan, and 40% somewhat aware. Two individuals based in Europe are not very aware of the FLEGT Action Plan.

NGOs in general seem to be less aware (50% very aware, 50 % somewhat aware) than the other groups (70% being very aware, 25% somewhat aware and 5% not aware).

There is a difference between the English and the French NGO respondents: The English speaking respondents show a higher level of awareness than the French-speaking respondents (English speaking respondents 60% very aware and 40% somewhat aware; French speaking respondents respectively 30%-70%).



**Figure 1: Level of awareness according to the language– NGO respondents**

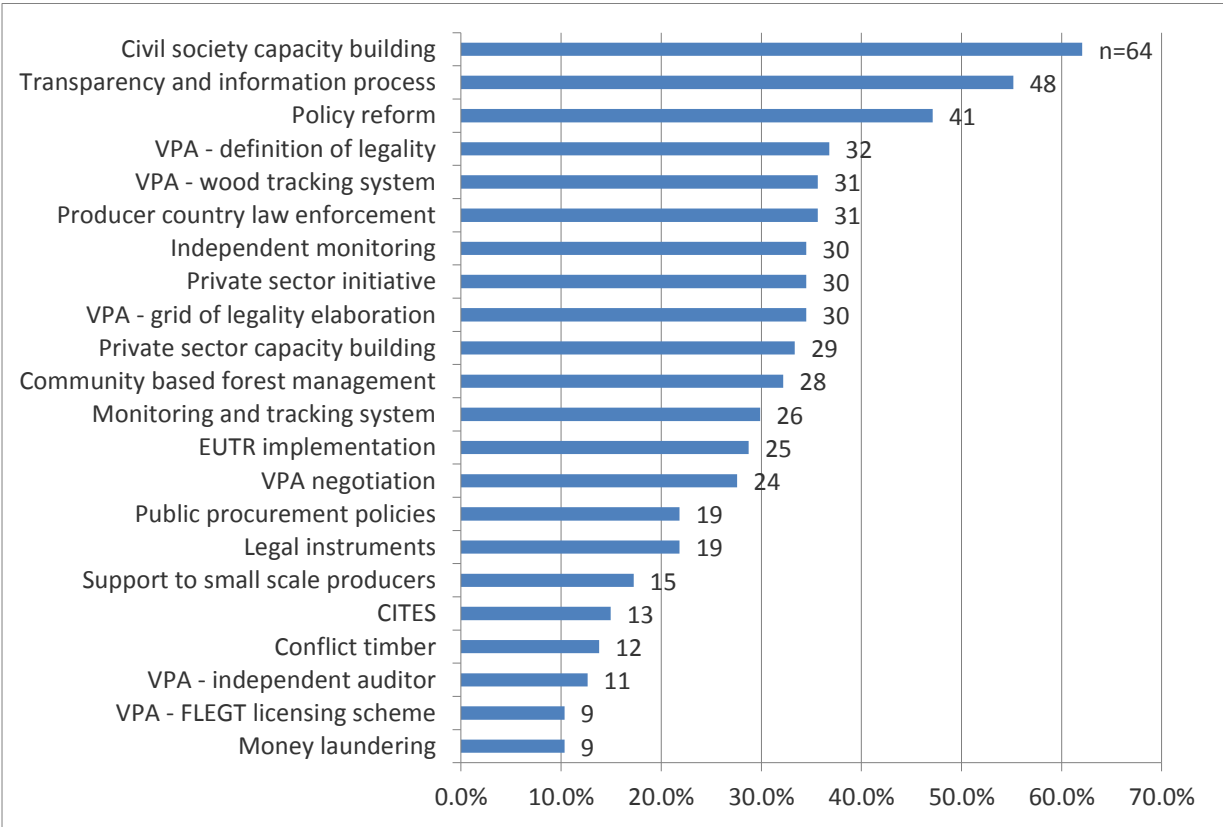
It is unclear what reason lies behind this statement: The UK has been –historically- strongly supporting NGOs and CSOs, stronger than France. However it does not seem to mean that in French

speaking VPA countries the involvement of NGOs and CSO is less strong, as in Cameroon or Congo the CSOs have been very active for years.

**How contributors have been involved in the EU FLEGT Action Plan implementation**

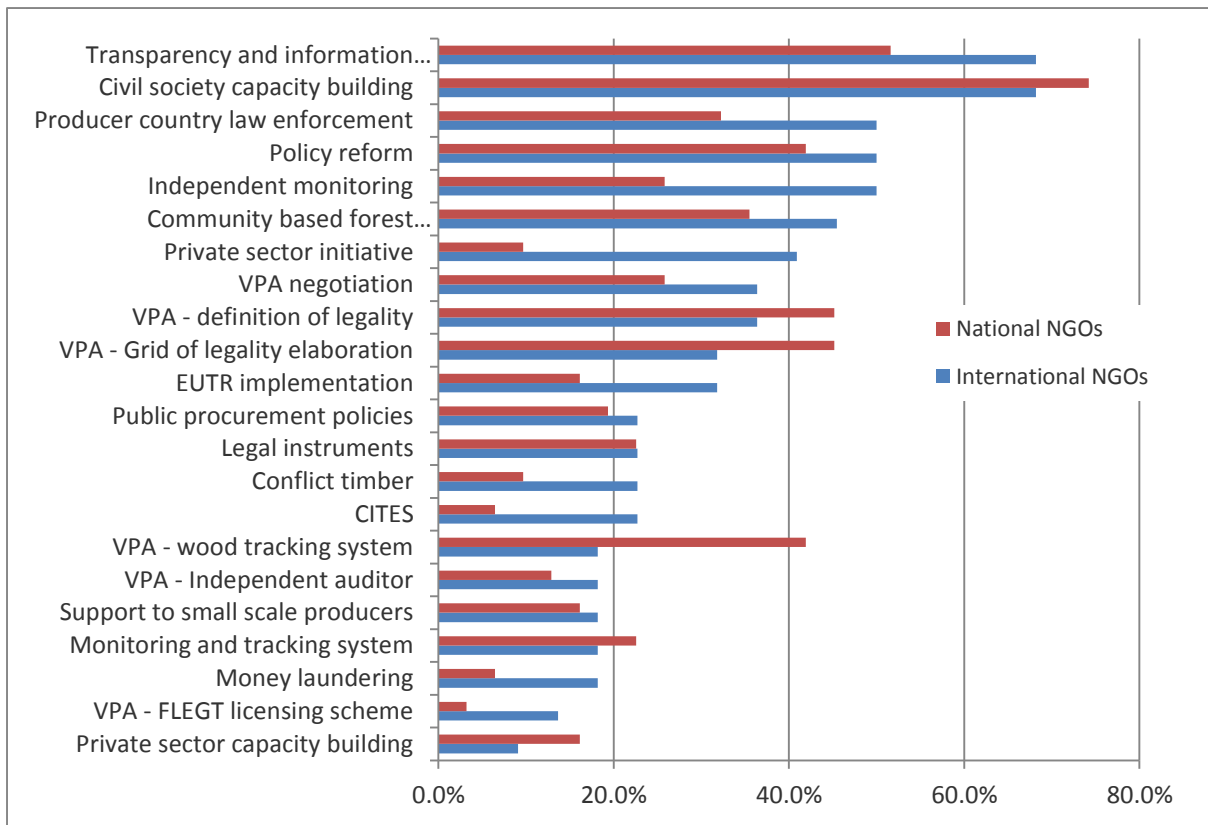
Most of the respondents are involved in VPAs (37% in the pre negotiation process, 52% in the negotiation phase and 49% in the implementation phase). Capacity building, Transparency, Policy reform are the topics in which the participants have been most involved.

CITES, conflict timber, licensing, auditing and Money laundering are the topics in which there has been less involvement.



**Figure 2: Involvement of the respondents**

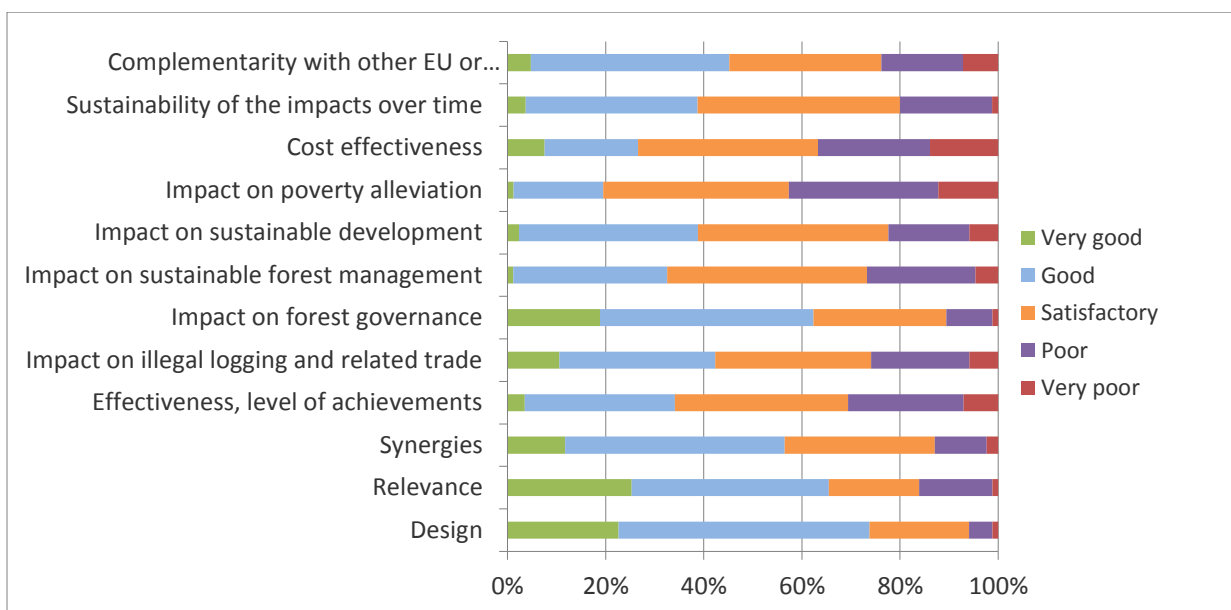
Both national and international NGOs have primarily been involved in capacity building and the transparency process. National NGOs have been more involved in VPA implementation including the Wood Tracking System, while international NGOs have been involved in Independent monitoring, EUTR and private sector initiatives.



**Figure 3: Involvement of the respondents, national NGOs versus International NGOs**

**Characteristics of the FLEGT Action Plan - How contributors rate the following characteristics of the EU FLEGT Action Plan**

Respondents are rather positive about the Action Plan. They rate the FLEGT Action Plan as follows: Very good 10%; good 36%; satisfactory 33%; poor 16% and very poor 5%. Some characteristics are better rated than others: Relevance, Design and Impact on forest governance received high rates, while Impact on poverty, Cost effectiveness and to a lesser extent Effectiveness and impact on sustainable forest management rated lower.



**Figure 4: Rating of the FLEGT Action Plan characteristics (all respondents)**

National NGOs are less critical than International NGOs when rating the FLEGT Action Plan characteristics. For example the impact on poverty and impact on sustainable forest management are rated more poorly by the international NGOs than by the national NGOs

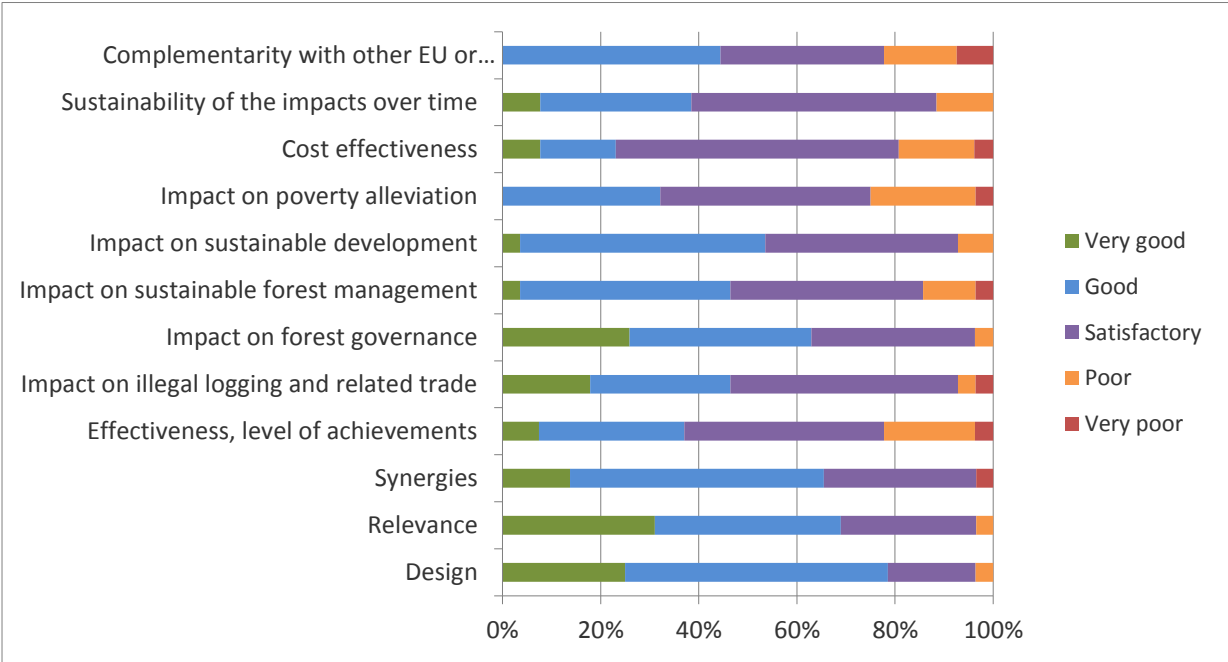


Figure 5: National NGOs rating

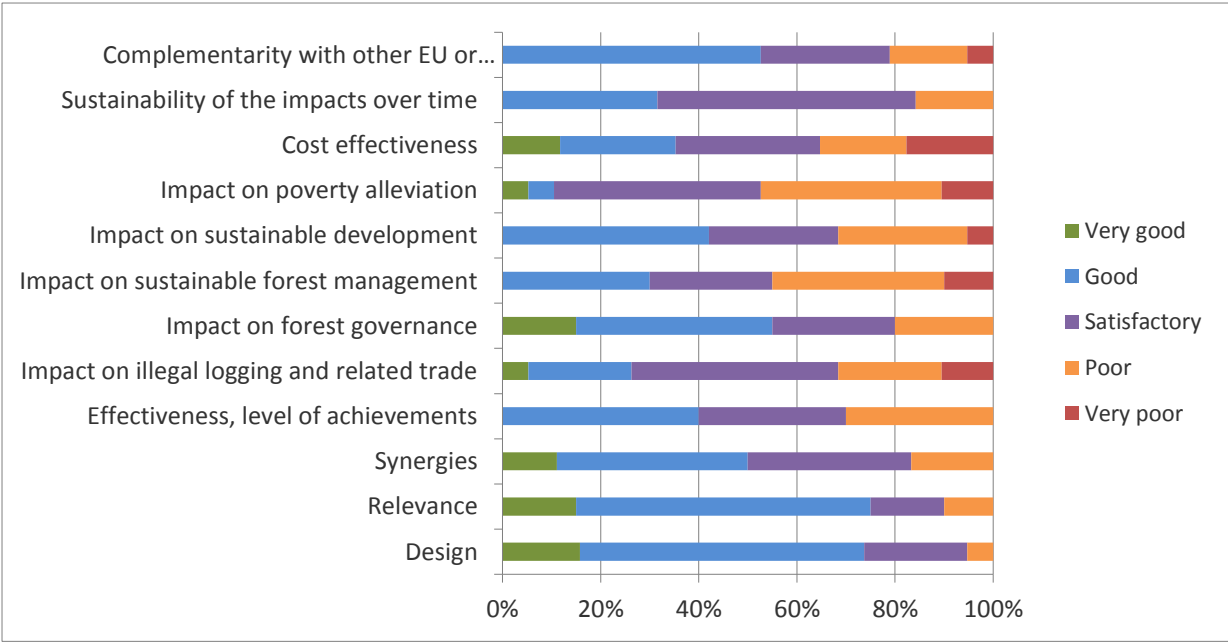


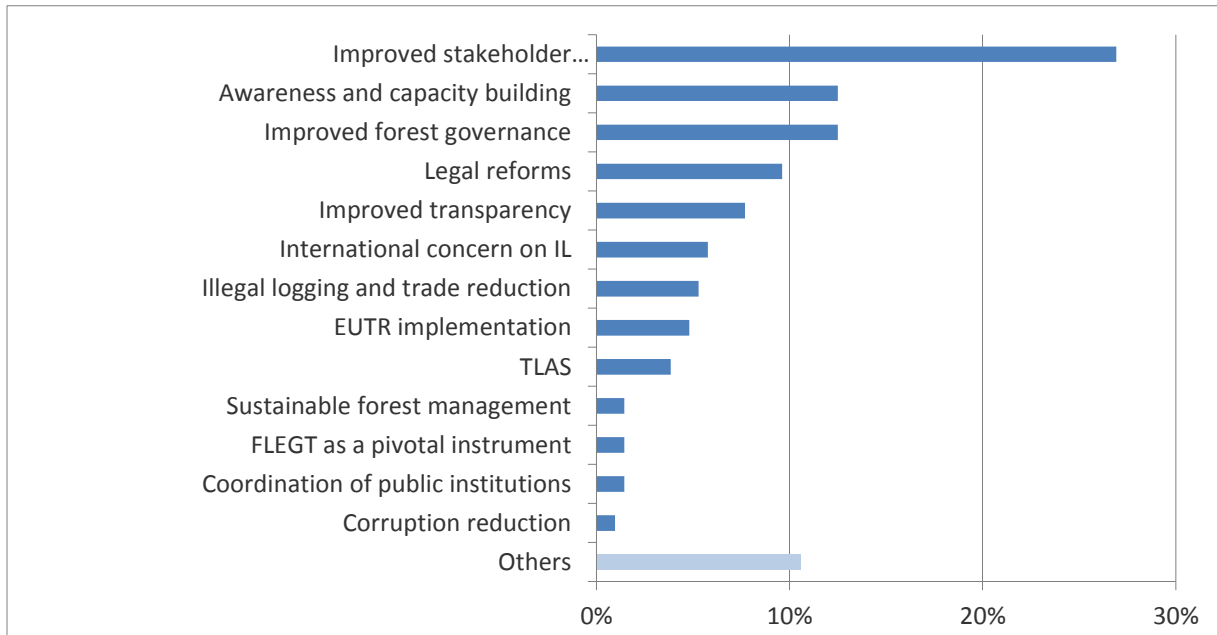
Figure 6: International NGOs rating

Non-NGO respondents have the same appreciation on the FLEGT Action Plan except for:

- Impact on SFM: 25% of Non-NGO respondents rate it ‘Good’ while more than 40% of the NGOs (especially local NGOs) rate it Good or very good.
- Impact on illegal logging is better recognized by Non NGO respondents (60% rating Good or Very Good) while 40% of NGO respondents rate it as good/very good.

## Achievements - What contributors consider the three most important achievements/ changes the EU FLEGT Action Plan contributed to

More than 200 responses (multiple answers were possible) were given to the question about the perception of the main achievements. A classification of the information has been made and is presented in the following figure.



- Improved stakeholder participation is, by far, the achievement that is the most quoted. It includes all kind of debates, dialogs, platforms, CS structuration and recognition, participation framework... However the inclusion of the PS is much less mentioned than the CSOs/NGOs (certainly due to high NGO response)
- Growing awareness and capacity building is the second most quoted achievement. Most of the actors are to some extent better informed on the existing legal framework, their rights and the illegal logging issue. The PS and the administration have also mentioned capacity building as one of the major achievement
- Restructuration of the legal framework and its link to a better governance is one major achievements recognized by many stakeholders;
- Nevertheless other important topics are not often mentioned as an achievement: SFM, corruption reduction or the TLAS development;
- A number of achievements could not be classified and have been much less mentioned:
  - o Poverty reduction
  - o Threats on Illegal loggers
  - o Improve cooperation with 3<sup>rd</sup> world countries
  - o Growing awareness that VPA countries do not have the capacity to fully respond to FLEGT
  - o Growing awareness of the weaknesses of the EU to implement its regulation.
  - o A respondent said that the “*main achievement is that FLEGT has been facilitating the work of NGOs who want to get rid of any kind of industrial logging activities*”.

National and international NGOs have the same perception of the main achievements of the FLEGT Action Plan: Improved stakeholder participation (by far the most mentioned topic: 39% for the national NGOs and 29% of the international NGOs), Improved forest governance, awareness and capacity building and improved transparency are the four main results.

International NGOs are also insisting on legal reform and focus on legality results (areas of forest governance).

### **International NGOs perception of main achievements**

<b>Improved stakeholder engagement/participation/involvement (including monitoring)</b>	<b>29%</b>
<b>Improved forest governance</b>	<b>14%</b>
<b>Awareness and capacity building</b>	<b>12%</b>
<b>Improved transparency</b>	<b>14%</b>
<b>Illegal logging and trade reduction</b>	<b>2%</b>
<b>Recognition of the problem by the admin</b>	<b>5%</b>
<b>Focus on legality</b>	<b>7%</b>
<b>TLAS</b>	<b>2%</b>
<b>EUTR</b>	<b>2%</b>
<b>Legal reform</b>	<b>7%</b>
<b>Monitoring</b>	<b>5%</b>

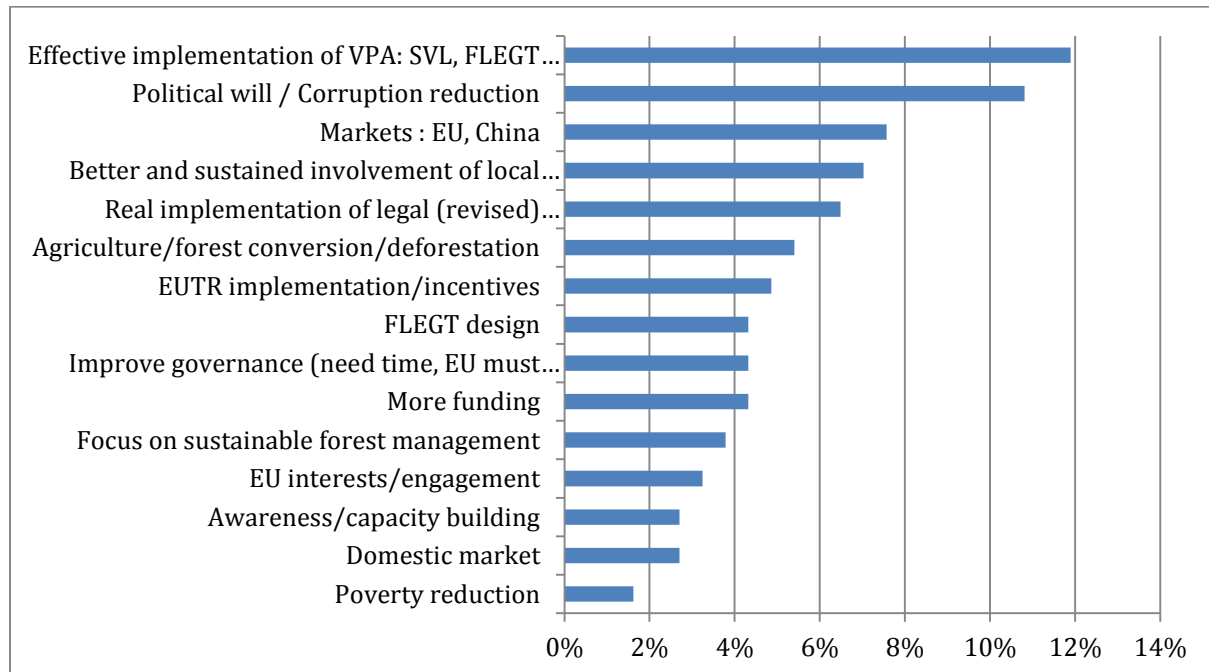
### **National NGOs perception of main achievements**

<b>Improved stakeholder engagement/participation/involvement (including monitoring)</b>	<b>39%</b>
<b>Improved forest governance</b>	<b>12%</b>
<b>Awareness and capacity building</b>	<b>18%</b>
<b>Improved transparency</b>	<b>12%</b>
<b>Illegal logging and trade reduction</b>	<b>4%</b>
<b>Export to EU</b>	<b>2%</b>
<b>Focus on legality</b>	<b>2%</b>
<b>TLAS</b>	<b>2%</b>
<b>EUTR</b>	<b>4%</b>
<b>Coordination of public institutions</b>	<b>5%</b>
<b>Poverty reduction</b>	<b>2%</b>

## 7. Challenges - What contributors consider the three biggest challenges for the EU FLEGT Action Plan

Around 200 responses (multiple answers were possible) were given to the question about the perception of the main challenges seen by the respondents. We have tried to classify the information but the respondents are reflecting a vast range of challenges.

The main challenges identified are described below:



**Figure 7: Major challenges identified by respondents (mentioned more than 2 times)**

- The effective implementation of the VPA is the concerns most often reported by the respondents who raise this issue of the slowness of the process and the fact that no FLEGT licenses are going to be issued soon, so long after the first VPA was signed. The credibility of the process is questioned as well as the possibility to implement all the components of the VPAs such as the traceability system or the TLAS as a whole or the transparency system. Many participants wonder if this can really be implemented. One proposes to adapt the VPAs to the particularities of the countries and not to apply a single framework for all.
- One reason mentioned by some recipients and that could undermine the effort made in the framework of the FLEGT Action Plan is its complexity that includes too many action points (focus could be restricted to Support to producer countries and Trade in Timber) and overcomplicated legal provisions which make oversights difficult. Milestones and simplification are two challenges that are mentioned. However one expressed his worry about “projectifying” too much the FLEGT Action Plan.
- Political will or better said, the lack of political will is mentioned many times as the key for success. To some a lack of political will lead to inconsistencies in policies and lethargy to move on governance problems. Political will is also linked to corruption issues, which are of critical importance for many. They do not always see changes regarding this matter and wonder whether the whole system might collapse if this is not properly addressed. In their eyes fixing problems by using technology is useless when problems are political.
- The political will could be challenged in the VPA countries by a proper implementation of a revised legal framework. There are some doubts on the strict implementation of laws that address community rights and other tenure and access issues.



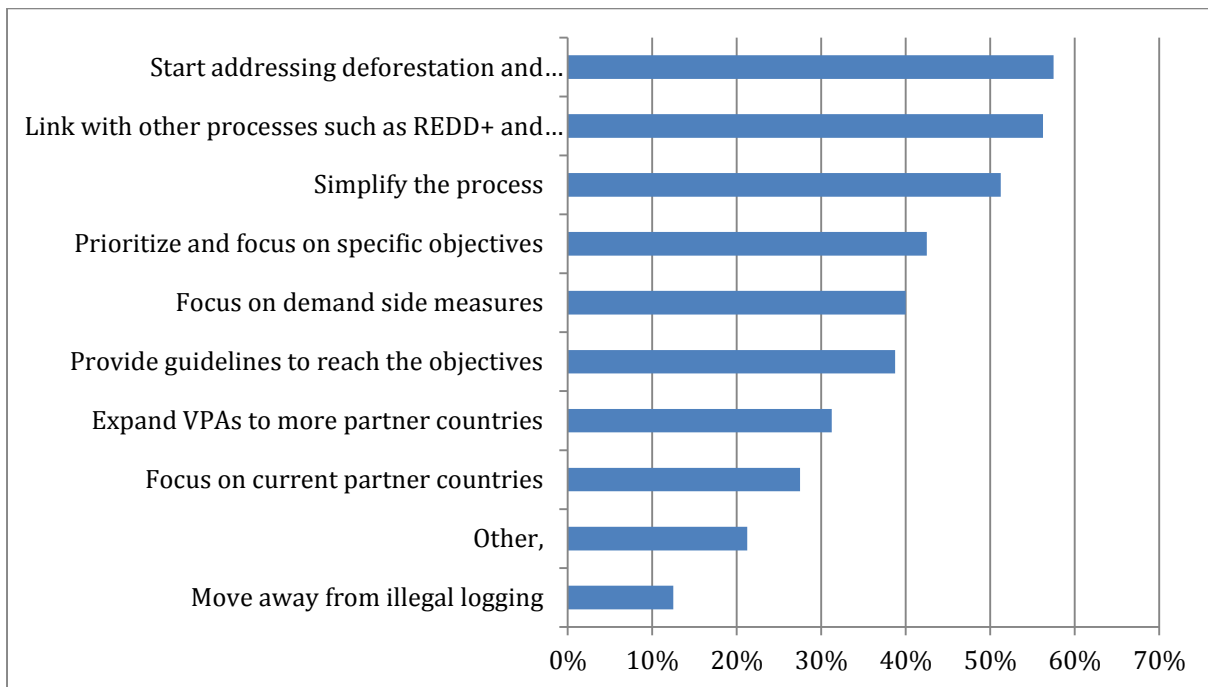
- Many stakeholders considered that improved governance is still one of the major challenges.
- Political will, improved governance and effective implementation of the legal framework are mentioned in 20% of the responses.
- Markets, both European and Chinese ones, are mentioned as one of the main challenges by participants. There is a general concern that the EU is not the main market anymore and that exports from producing countries are now shifting to other less demanding countries in Asia like China. The EU market is not attracting the export traders anymore. One respondent said that FLEGT has contributed to the downfall of the tropical wood market in the EU, implying more deforestation in producing countries. Through the increased standards for legality some local actors might move away from the EU market and act illegal as long as they can without being caught
- The implementation of the EUTR is questioned as well. There are many remarks on uneven and slow implementation of EUTR throughout Europe leading to a decreasing incentive for VPA countries to commit to VPA requirements. This gives a negative sign to the long-term commitment of the EU and some respondents have the feeling that there is some fatigue and exhaustion of the EU as the process slows down.
- Surprisingly one challenge (7% of the responses) is about a lack of an improved civil society consultation and the lack of uniformity in the quality of multi-stakeholder consultation across different Partner Countries. There is some kind of paradox here while the CS participation is also considered as one of the major success of the FLEGT VPA process. It could also indicate some mistrust of the national administrations and that, without continuous pressure, the multi stakeholder consultation process might be abandoned in some countries.
- Conversion of forests for agricultural purposes is a common worry especially among the NGOs. There is a general need to take into account other deforestation commodities that are overtaking logging as the major cause of forest loss globally. The general feeling is that, until now, FLEGT has failed to address deforestation from agricultural conversion and this might be the next major challenge and test in certain countries (such as Cameroon).
- Funding is seen (4% of the comments) as a future challenge for CSOs or the involvement of the administration. Sustainability of the funding is also raised as a challenge.
- Forest sustainability has been brought up in 4% of the responses: FLEGT is focusing too much on legality and much less on sustainability. One comment suggests “legality should meet sustainability”.
- Other challenges mentioned:
  - Awareness and capacity building is requested for all stakeholders in EU and in the VPA countries, in the administration, the CS and the private sector, at the central level and on the ground;
  - Domestic and SMEs engagement should be better addressed in order to mitigate the potential negative effects on livelihoods of small scale producers and processors and avoid any disincentives;
  - As a logical following concern, Poverty mitigation is not seen as really been taken into account. Above all there is little focus provision of alternative livelihoods for people engaged in illegal logging in producing countries.
  - Other subjects mentioned once: need for more field work, increased involvement of PS, land tenure issues, coherency with other initiatives such as REDD+, development of a reporting system (of progress against the overall plan) which is not itself resource-intensive, the lack of capacity in producer countries. One says that there is a “Conflict of benefit of the private sector”.

- Proper and sustained involvement of the CS is the major challenge that both national and international NGOs foresee. Effective implementation of the VPA and improved governance are also 2 other main challenges.
- International NGOs are also more concerned by the Forest conversion and agriculture issues as well as by the effective implementation of the EUTR and the international changing context (Chinese market, certification).
- National NGOs are also concerned by poverty mitigation and sustainable forest management.

### **Futures actions - what contributors would like to see in future EU FLEGT Action Plan actions**

For the respondents FLEGT should focus first of all 1) on addressing deforestation and sustainability instead of focusing only on legality, 2) on the link with other initiatives and 3) on the simplification of the VPA process.

The demand to focus on current partner countries is low. The demand to move away from illegal logging is almost absent while concerns on forest conversion are mentioned several times by international NGOs. Other expected actions are more or less referring to the previous question on challenges.



**Figure 8: Expectations regarding future Action Plan actions**

Some respondents made specific responses, such as:

- "In order for the FLEGT Action Plan to really fulfil its potential, ALL TECHNICAL ASSISTANCE SERVICE PROVIDERS AND INTERNATIONAL COOPERATION need to align in the messages they are giving regarding FLEGT versus a VPA. There is so much confusion out there in the literature and media - I think it does the FLEGT Action Plan itself a great disservice because it is not giving enough opportunity for countries to select other actions apart from a VPA which are hugely important: public procurement policies, legal reforms, stakeholder engagement."
- "It is essential that the EU prohibits the importation of timber and other commodities from third countries linked to human rights violations and illegal land acquisition. It is thus necessary to

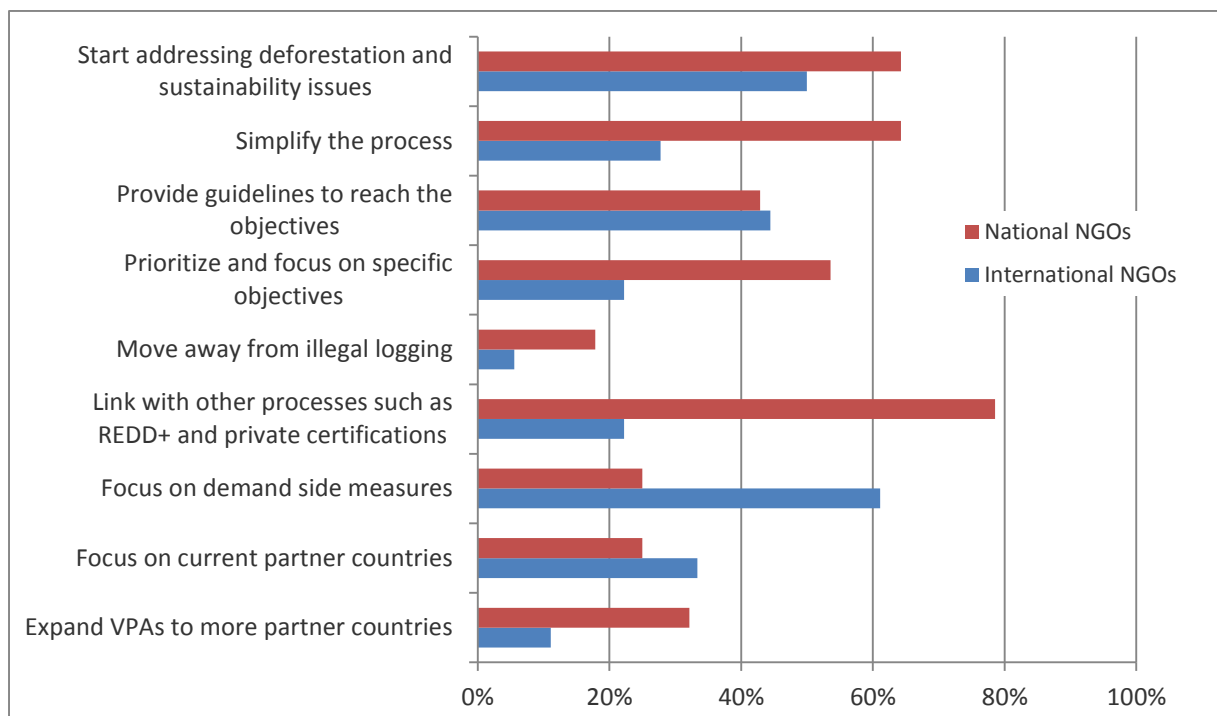
ensure that a future Action Plan is in full alignment with relevant international legal norms on land tenure governance”

- “The most significant threat to tropical forests today is (both legal and illegal) conversion for agriculture, such as palm oil and soy. FLEGT should also consider to “build on lessons learnt from FLEGT by developing similar policy instruments to prevent the import of products into the EU associated with tropical deforestation and forest degradation”.

There are important differences in the expectations for the future between international and national NGOs. International NGOs are looking for a higher focus on demand side measures (and are meeting Non NGOs respondents here) while national NGOs wish that FLEGT is better linked with other processes and that the VPA process is simplified (meeting French speaking Non NGOs respondents, 83% of whom are supporting this simplification) with a prioritization of the objectives.

Sustainability and fight against deforestation is a common expectation for both as it is for non-NGOs respondents.

Simplification of the process is highly solicited by those who are more involved in the implementation of the VPAs such as local NGOs and French speaking respondents (mainly active in Cameroon, Congo and CAR, 3 VPA countries).

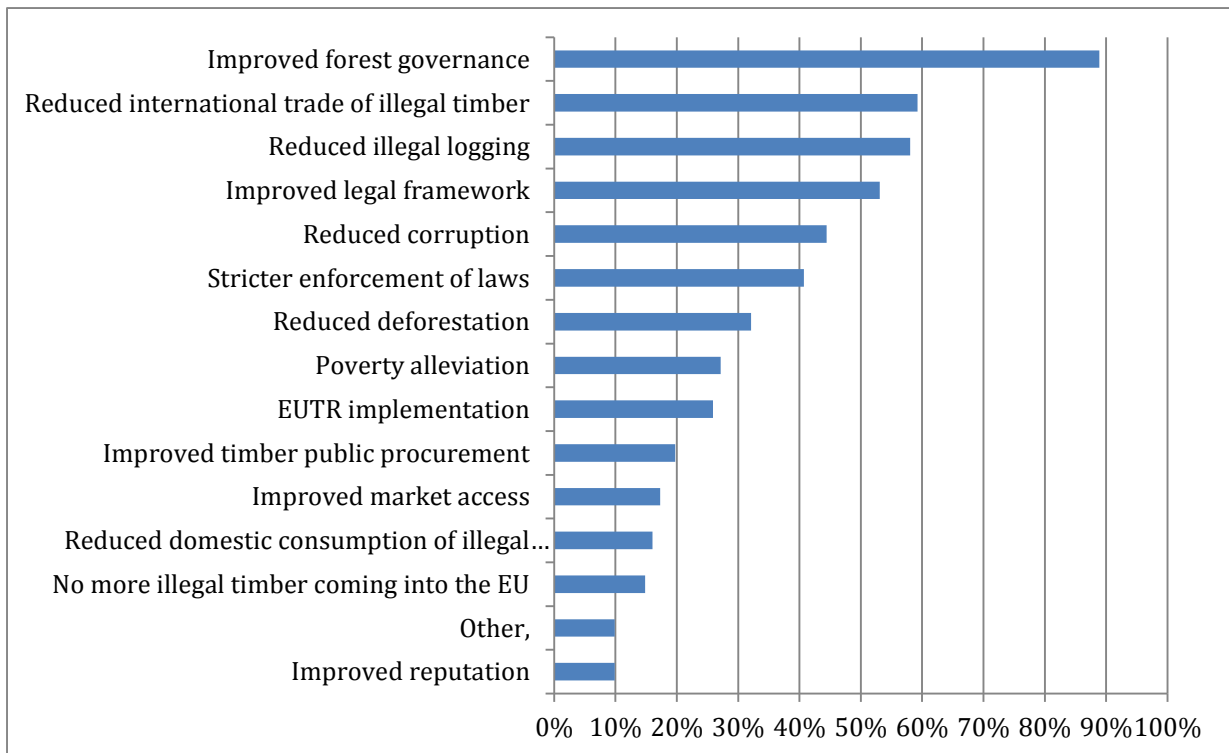


**Figure 9: Focus on the expectations by NGOs**

**Future outcomes - What contributors consider to be the 5 most important future outcomes of FLEGT?**

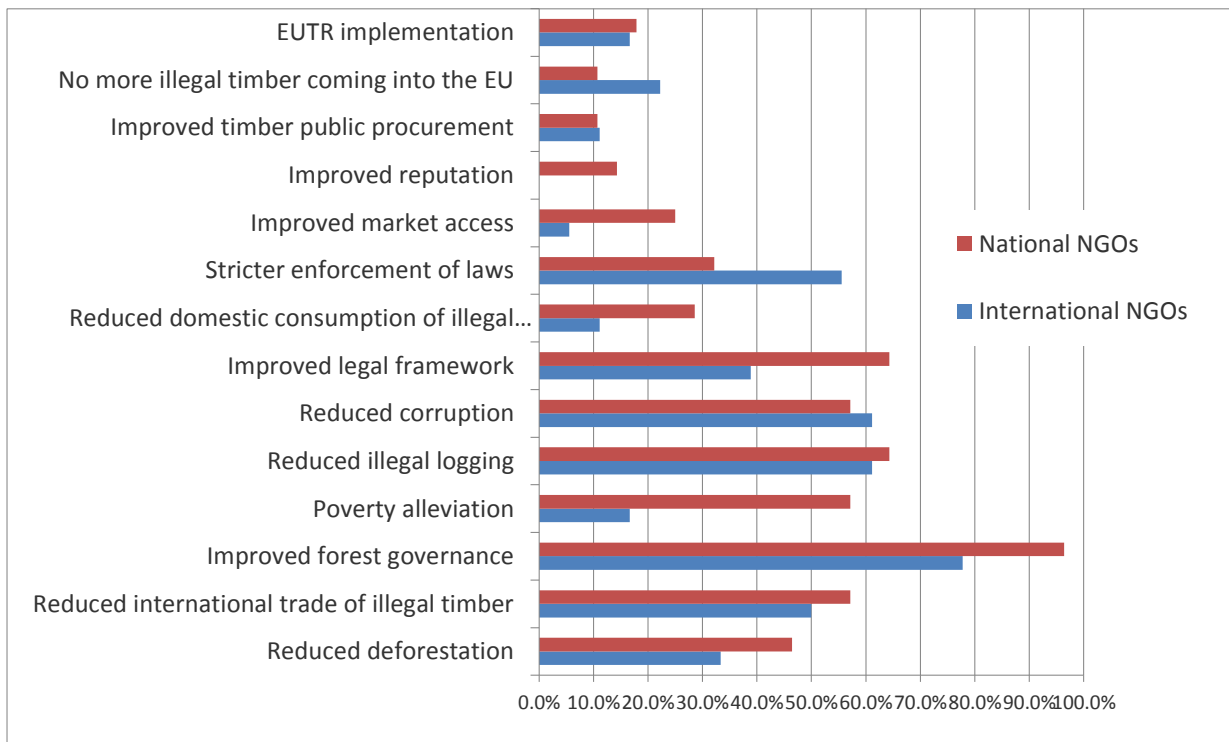
Generally speaking, expectations of future outcomes refer to improved forest governance/legal framework and reduced corruption on the one hand, and reduction in illegal activities (logging and trade) on the other hand.

There is little expectation regarding the timber market (EUTR, public procurement, improved market access).



**Figure 10: Important future outcomes**

Improved governance is the first outcome mentioned by both the international and national NGOs with a better enforcement of laws and an improvement in the legal framework. Poverty alleviation is also considered as an important outcome by national NGOs. EUTR implementation, market access to the EU, public procurement are not considered as major outcomes.



Only 6 private sector representatives participated in the survey. None of them reported being active in Africa. None of them has been involved in VPA implementation. Few have been involved in policy reforms. Most of them have been engaged in private sector initiatives such as certification or capacity building and information. However some conclusions can be drawn:

- Respondents are rather satisfied with FLEGT in general, but not with cost effectiveness, sustainability, complementary with other EU actions and impact on poverty.
- They appreciate the fact that illegal logging in producer countries is now put on the international political agenda and that efforts are made to consult all stakeholders and that there are some governance improvements.
- However they are concerned by the delay in implementing the FLEGT VPA as well as EUTR in Europe. They are a bit dubious with the bureaucracy that is behind the VPA process but they seem to be willing to move on.
- For the future, the responses are covering all the proposals. Simplifying the process, focus on demand side measures and try to find a more efficient way (pilot projects, phasing) to implement the VPAs are their expectation to reach reduced illegal activities (trade, logging, corruption). None of them mentioned “reduced deforestation” as an expected output.

### **Main conclusions from the open public consultation**

There was a higher response from NGO/INGO staff and English-speaking actors. It seems the NGOs have a stronger connection to the EU FLEGT Action Plan, and, possibly, were better informed and more willing to respond than the private sector, universities and government staff.

The EU FLEGT Action Plan is still valued and supported by the respondents: 46% of the respondents rate the Action Plan as very good/good, while 21% rate it as poor/very poor. Another 33% rate the Plan as satisfactory. Characteristics that are rated best include ‘relevance’, ‘design’ and ‘impact on forest governance’.

From the answers it can be concluded that there is confusion about the EU FLEGT Action Plan, and specifically the difference between the VPA, the FLEGT Action Plan, FLEGT licenses and the EUTR. Besides, there is a considerable difference between the level of awareness of the EU FLEGT Action Plan between French and English speaking actors, and between actors with and without an academic background.

Main achievements of the FLEGT Action Plan mentioned include ‘Improved stakeholder involvement’ (almost 30% of the responses), followed by ‘improved forest governance (> 10%) and awareness and capacity building (> 10%)’. However there are also concerns about sustained progress towards forest governance: Around 20% of the responses indicate that the lack of political will and effective implementation of the legal framework are still major challenges. So although the FLEGT Action Plan appears to create an important leverage for improving forest governance, some persistent challenges are still there.

Main challenges mentioned include ‘Effective implementation of the VPA’ (12% of responses), the ‘lack of political will and corruption’ (> 10% of the responses) and ‘Changing markets’ (trade flow towards China)(8% of the responses). The complexity and length of the VPA process to come to FLEGT licenses is mentioned to affect the credibility of the Action Plan.

The three most cited future actions include ‘starting to address deforestation and sustainability – rather than only legality’ (58%), ‘increased linkage with other processes and initiatives such as REDD’ (56%), and ‘simplification of the processes’. It is also noteworthy that International NGOs recommend a stronger focus on demand-side measures (as non-NGOs respondents do) while national NGOs want FLEGT to better link with other processes and the VPA process simplified.