



Law Sciences and Logic Sciences for FLEGT

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FLEGT is an issue of illegal logging

WHERE ARE WE NOW FOR FLEGT?

Since 2003, over 13 years passed

6 countries signed VPAs, a number of VPAs had been already expiry, or are going to be expiry

Even EU Timber Regulation:

Adopted for 5 years

Effective for 3 years

Too many governments, people, efforts, funds, studies, reports, workshops, etc

There is still no single VPA licensed timber entering into EU market

TOPIC OF THE SESSION AND THE PRESENTATION

There are too many studies, reports, workshops, papers etc etc

Covering so many areas and focuses

Except law sciences and logic sciences

For too many workshops

There are very few reports/presentations/papers touching on law sciences of illegal logging

There are very few people who know much about (or have strong expertise of) the law sciences of illegal logging

So, the topic of this session and paper is:

Law sciences and logic sciences

SOME VERY BASIC LAW SCIENCES

In any sovereignty country

There is a constitution, which is the highest legislation

Then you have laws

**If the law contradicts the constitution, the laws is
invalid or has to be revised**

Then you have regulations

**If the regulation contradicts the constitution or any
law, the regulation is invalid or has to be revised**

Then you have policies

**If the policy contradicts the constitution or any law or
any regulation, the policy is invalid or has to be
revised**

AT ANY SOVEREIGNTY COUNTRY

You should have a constitution

Then you should have laws

At least dozens of laws

Then you should have regulations

At least hundreds of regulations

Then you should have government policies

At least thousands of policies

Then you should have government department requirements

At least dozens of thousands of such requirements

Altogether possibly you may have millions of clauses or words of requirements to be in conformity with

TWO FUNDAMENTALLY DIFFERENT TYPES OF VIOLATIONS OF LAWS

There are two fundamentally different types of violations of laws

They are very fundamental basis of law sciences

We just leave their terminology first

For example, you are doing a business

If you have no license, permission etc

The government will close your business

If you have license, permission etc, but you may violate so many these and those laws and regulations

The government will punish you, but with only to the extent that the laws and regulations allow the government to do so

But you can still keep doing your business

ONE SIMPLE EXAMPLE

You are running a hotel

If you have no license, permission etc

Your hotel has to be closed

If you have license, permission etc, but you may violate so many these and those laws and regulations (labor law, taxation law, sanitary law, fire control law etc)

The government will punish you by giving you a fine

But you can still run your hotel or your restaurant

ONE MORE SIMPLE EXAMPLE

We all can drive

If you have no driving license

You will be forced to stop for any further driving and seriously punished (In China, you will be fined and could be held in custody for up to 15 days)

Normally, we all have driving license

Although you have driving license, normally it is so common that you may violate this or that requirement set by the traffic law

So, you will be punished, but you can still keep driving

For example, over speeding in China (maybe elsewhere)

200 yuan with 6 points (totally 12 points)

No more than 200 yuan, as otherwise you can sue the police

RUNNING A COMPANY

Lack of license and permission

Leads to the lack of legal status of the company

Leads to the closure of the company

- Have license and permission
- Leads to having legal status
- **Legal company**
 - No matter this company violates any other laws and regulations
- Of course, might violate any other laws and regulations (labor law, taxation law, environmental law etc)

IUFRO Regional Congress For Asia and Oceania

**Organizer by:
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Beijing, China**

**There are 100 sessions, including
this topics of FLEGT**



Save the Dates

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October 24-27, 2016

**Sponsor: International Union of Forest Research Organizations
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Thank you!

