Emerging governance mechanisms in ASEAN: Supporting improved quality infrastructure for forest sector legality and sustainability initiatives

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The Association of Southeast Asian Nations (ASEAN) was established on 8 August 1967 in Bangkok, by Indonesia, Malaysia, Philippines, Singapore and Thailand. Brunei Darussalam joined the Association on 8 January 1984. Vietnam became the seventh member of ASEAN on 28 July 1995. Lao P.D.R. and Myanmar were admitted into ASEAN on 23 July 1997, and Cambodia on 30 April 1999.
ASEAN Vision 2020

“We will create a stable, prosperous and highly competitive ASEAN Economic Region in which there is a free flow of goods, services and investments, a freer flow of capital, equitable economic development and reduced poverty and socioeconomic disparities...”

“...to enhance food security and international competitiveness of food, agriculture and forest products to make ASEAN a leading producer of these products and to promote the forestry sector as a model in forest management, conservation and sustainable development...”
ASEAN 2025: Forging Ahead Together

• AEC by 2025:

“highly integrated and cohesive; competitive, innovative and dynamic; with enhanced connectivity and sectoral cooperation; and a more resilient, inclusive, and people-oriented, people-centred community, integrated with the global economy.”
AEC Blueprint

- ASEAN Economic Community Blueprint, endorsed by ASEAN Leaders in 2007 calls for actions to:
  - Strengthen efforts to combat illegal logging;
  - Promote collaborative research and transfer of technology in forest products; and
  - Develop a regional reference framework on phased approach to forest certification

- ASEAN Consultative Committee on Standards and Quality (ACCSQ) aims to reduce technical barriers by harmonising standards and technical rules
Vision and SP for ASEAN Cooperation in FAF (2016-2025)

- **Strategic Thrust 1:** Enhance quantity and quality of production with sustainable, ‘green’ technologies, resource management systems, and minimise pre- and post-harvest losses and waste

- **Strategic Thrust 2:** Enhance trade facilitation, economic integration and market access

- **Strategic Thrust 3:** Ensure food security, food safety, better nutrition and equitable distribution

- **Strategic Thrust 4:** Increase resilience to climate change, natural disasters and other shocks

- **Strategic Thrust 5:** Assist small scale producers and SMEs to improve productivity, technology and product quality, to meet global market standards and increase competitiveness in line with the ASEAN Policy Blueprint on SME Development

- **Strategic Thrust 6:** Strengthen ASEAN joint approaches on international and regional issues

- **Strategic Thrust 7:** Promote sustainable forest management
Vision and SP for ASEAN Cooperation in FAF (2016-2025)

**Strategic Thrust 2: Enhance trade facilitation, economic integration and market access**

- Harmonize accreditation, inspection and certification so that uniform requirements will prevail ASEAN-wide, enabling the recognition of equivalence.
- Involve the private sector in identifying priority products for harmonisation of standards and regulations to focus scarce scientific and technical resources on high pay-off products.
- Established business linkages among the potential agricultural cooperatives and farmers organisation.
- Enhance cooperation to prevent illegal activities (eg. illegal logging and non-timber forest products (NTFP) harvesting; Illegal, Unreported, and Unregulated (IUU) fishing) and promote sustainable use of natural resources, so as to establish an eco-friendly reputation for ASEAN origin products to improve market access.
Initiative on Forest Certification in ASEAN
ASEAN Sectorial Body Responsible for Forestry

ASEAN

- ASEAN Political-Security Community
- ASEAN Economic Community
- ASEAN Socio-Cultural Community

ASEAN Ministerial Meeting on Agriculture and Forestry (AMAF)

ASEAN Senior Officials on Forestry (ASOF)
Structure of ASEAN Cooperation in Forestry

ASEAN Ministers of Agriculture and Forestry (AMAF)

ASEAN Senior Officials on Forestry (ASOF)

AEG on Herbal and Medicinal Plants

AEG on Forest Product Development

AEG on CITES

ASEAN Wildlife Enforcement Network (ASEAN WEN)*

AEG on International Forest Policy Process

AWG on Pan ASEAN Timber Certification

ASEAN Social Forestry Network *

ASEAN Regional Knowledge Network on Forest and Climate Change

ASEAN Regional Knowledge Network on FLEG

Note: the above structure will be changed following the Streamlining of WGs under ASOF
Formation of Working Group on a Pan ASEAN Timber Certification Initiative

• 5th Meeting of the ASEAN Senior Officials on Forestry (ASOF), July 2002 agreed to establish Ad-hoc Working Group on a Pan ASEAN Timber Certification Scheme

• 10th Meeting of the ASOF, July 2007 approved and formalised the “Working Group on a Pan ASEAN Timber Certification Initiative (WG-PATCI).”

• Responsibilities of the WG-PATCI include:
  – develop a regional framework on phased-approach to forest certification, which covers key elements of a phased-approach to forest certification
  – address the key criteria and indicators of sustainable forest management, while ensuring minimum requirements to verify legal origin of timber in developing the above regional framework
  – facilitate and support the development and implementation of national certification programmes in ASEAN Member States
ASEAN Guidelines on Phased Approach to Forest Certification

1. Background

The enabling conditions and the situation in the context of forest certification within ASEAN member states vary significantly. This is recognized as the underlying reason to establish guidelines for a phased approach to forest certification (PACI) for ASEAN member states. Such guidelines will become a barrier for implementing a step-by-step process to achieve sustainable forest management (SFM) within the member states.

Discussions on the development of guidelines for a phased approach to forest certification have taken place at several meetings of the Working Group on a Pan-ASEAN Timber Certification Initiative. The 4th Meeting of the Working Group in Manila in December 2004 agreed that development of the ASEAN Guidelines on a phased approach to forest certification should include: (i) minimum requirements to verify timber of legal origin as an initial step of a phased approach as part of SFM certification; and (ii) key elements of a phased approach to forest certification in ASEAN member states. The principles and elements needed for such an approach would be transparency, acceptability, sustainability, comparability, objectivity and accessibility, and public consultation. An additional principle should also be included, namely that a certificate will not be issued during a phased approach process to assist conformity with SFM certification. Various aspects should also need to be considered, specifically the economic, environmental and social aspects.

The goals of developing the guidelines are (i) to build common understanding on the benefits of development and implementation of a phased approach to forest certification and (ii) to provide guidance (framework) for each ASEAN member state on the establishment and implementation of their own scheme of phased approach to forest certification. Such a framework will be practiced to identify credible schemes being implemented in each ASEAN member state. The presence of such a framework should encourage further collaboration among ASEAN member states towards sustainable forest management in the region.

2. Definition

A Phased Approach to Certification (PACI) programme comprises a series of planned actions that will have to be carried out by the Forest Management Units (FMUs) with the purpose to conform to the minimum of performance required by a certification scheme and verified by an independent body (third party).

3. Requirement of credibility

Requirement of credibility which applies to a certification scheme (i.e. transparency, impartiality, independence, comparability and absence of conflict of interests in the work of auditors) should also be valid for the phased approach.

ASEAN Guidelines on Phased Approach to Forest Certification

ASEAN Criteria and Indicators for Legality of Timber

BACKGROUND

At the 13th ASEAN Summit held in Singapore on 23 November 2007, the ASEAN Economic Community Blueprint was endorsed, which provides ASEAN Member States with a common reference point for ASEAN economic initiatives. As for the forestry sector, the blueprint outlines that a regional reference framework on a phased approach to forest certification shall be developed by 2011. In this context, the Working Group on a Pan-ASEAN Timber Certification Initiative has been operating since 2002. The Group’s main objective is to encourage coordination and cooperation among the ASEAN Member States in their efforts to implement credible forest certification.

The Working Group’s new Terms of Reference, agreed at its 7th Meeting in Myanmar in April 2008, further outline that the regional reference framework shall address the key criteria and indicators of sustainable forest management (SFM), while ensuring minimum requirements to verify legal origin of timber. The presence of such a framework shall encourage further collaboration among ASEAN Member States towards promoting SFM in the region.

Already at the 5th Meeting of the Working Group in Chiang Mai in December 2005, the principles, procedures and governance aspects of the ASEAN Guidelines on Phased-Approaches to Forest Certification (PACI) were agreed. The PACI programme was defined as a series of planned actions carried out by Forest Management Enterprises (FMUs) with the purpose to conform to the standards of performance required by a certification scheme and verified by an independent body (third party). The meeting acknowledged the conformance with the criteria and indicators of a yet to be developed ASEAN Forest Legal Standard. Therefore it is a pre-requisite to enter into the PACI Programme (first level of the step-wise approach to achieve SFM certification). Country specific specifications of the requirements for legality shall be developed, based on the existing laws and regulations in the respective ASEAN Member States.

At the 7th Meeting of the Working Group in April 2008, after almost two years of discussion, the elements of the ASEAN Criteria and Indicators for Legality of Timber within the PACI Programme were approved. The discussion reflected also upon ongoing deliberations on legality and legality verification in the international context (EU-FLEGT process, green public procurement policies, and business-to-business timber legality verifications). The following six elements were agreed:

1. Compliance with all relevant forest laws and regulations
2. Payment of all statutory charges
WG-PATCI

• Met fourteen times since inception:

  - Lao P.D.R., 2012
  - Malaysia, 2013
  - Myanmar, 2014
  - Philippines, 2015
WG-PATCI

• Country progress reports on implementation of timber certification and legality assurance systems and ASEAN CoC Guidelines;

• Exchange of information and experiences on implementation of US Lacey Act and preparation for negotiation on a VPA

• Consultations with, and support from consumer countries and interested parties for studies and capacity building activities, e.g:
  
  – EFI Asia FLEGT Facility:
    • 4 Sub-Regional Training Workshops on Timber Legality Assurance
    • Scoping study: Customs & timber legality

  – GAP-CC/GIZ:
    • Stock Taking Study on Existing Initiatives for Ensuring Legal and Sustainable Timber in ASEAN
Current status and moving forward

• Activities has gained notice and interest of like-minded organisations and countries to support efforts towards ensuring SFM in ASEAN

• AMS require technical and financial assistance, in particular building national capacity to develop/improve national infrastructure for certification

• Progress and willingness have been encouraging, however complexity and difficulties involved require effort and support.