

**IMPROVING FOREST LAW COMPLIANCE AND GOVERNANCE IN
SOUTHEAST ASIA:
TAKING STOCK AND MOVING FORWARD**

Report of the Outcomes and Recommendations

from a Regional Workshop held 11 – 13 September 2007

in Manila, Philippines



October 2007

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Summary of Recommendations

The Southeast Asian regional workshop on improvement forest law compliance and governance was held in Manila, Philippines during 11-13 September 2007, co-sponsored by the Food and Agriculture Organization of the United Nations (FAO) and the International Tropical Timber Organization (ITTO). The Philippine Department of Environment and Natural Resources (DENR) hosted the event, which was attended by 51 representatives from concerned government agencies, civil society/NGOs, private sector and regional/international organizations. Participants came from 10 countries in the region, as well as 14 regional and international organizations.

The workshop aimed to promote multi-stakeholder dialogue and the exchange of views among countries in Southeast Asia on the challenges related to improving forest law compliance and governance, and to agree on tangible and deliverable actions to enhance progress on the ground.

The workshop reiterated the aspirations and high-level commitment of the Bali Ministerial Declaration in September 2001 to address illegal logging and its associated trade, and took stock of the ongoing initiatives carried out by the East Asia Forest Law Enforcement and Governance (EA-FLEG) process, ASEAN Secretariat, Asia Forest Partnership, the EU-FLEGT Action Plan, FAO and ITTO. Recognizing the need for effective collaboration and coordination to improve forest law enforcement and governance, the participants called for greater commitment from all stakeholders to implement concrete actions on the ground.

Towards a Holistic Strategy

Any strategy aimed at addressing the problems of illegal activities must be holistic and include a wide range of policy, legal, institutional and technical options to:

- Rationalize the policy and legal framework;
- Build institutional capacity for law enforcement and governance; and
- Improve knowledge and information about the forest resources and sector.¹

These three key elements of an integrated strategic approach to improve forest law compliance and governance formed the framework for the workshop structure and process. Accordingly, the participants were able to identify the major obstacles to improving compliance and governance, formulate concrete recommendations and next steps to surmount these barriers, and specify the roles of different stakeholders in implementing the recommended actions.

Effectively implementing these recommendations would lead to concrete results, for example, in the form of arrest, prosecution and conviction of major large-scale illegal loggers and/or corrupt government officials along with seizure and forfeiture of all ill-gotten wealth from illegal logging. This would serve as a powerful deterrent to forest criminal activities.

¹ FAO and ITTO. 2005. *Best practices for improving law compliance in the forest sector*. FAO Forestry Paper 145, Rome.

Concrete Recommendations to Address Key Challenges

Concerning the three strategic elements, the workshop participants highlighted the following general needs and actions:

1. ***Policy and legal framework.*** Foremost is the need for commitment by governments to review and amend outdated laws, then equitably enforce them. There is also a need to review conflicting laws and enhance coherence by harmonizing laws at the national and sub-national levels. In view of inadequate coordination among countries in the region, including transboundary issues, mechanisms for regional collaboration need to be enhanced.
2. ***Institutional capacity.*** To strengthen the institutional capacity for better forest law compliance and governance, multi-stakeholder processes should be established to develop mechanisms to ensure transparency, avoid conflicts of interest and monitor performance within the broader good governance concept and framework.
3. ***Knowledge and information.*** In order to effectively implement the workshop recommendations, properly generating and using knowledge and information is crucial. In this context, ensuring relevant and updated information, access, transparency, reliability and timeliness of the data are matters of urgent concern and required action.

For each of the above elements, the participants identified the following key challenges, as well as concrete recommendations for addressing them. Effectively implementing these recommendations would lead to dramatic results, for example, in the form of arrest, prosecution and conviction of major large-scale illegal loggers and/or corrupt government officials along with seizure and forfeiture of all ill-gotten wealth from illegal logging. This would serve as a powerful deterrent to forest criminal activities.

The volunteer drafting group² worked diligently to produce a draft statement that summarized and synthesized the main points and recommendations from the workshop. This draft summary was presented during the last plenary session, and many useful comments and suggestions were contributed by the participants for improving the final summary of recommendation.

² The group comprised Ms. Aimi Lee Abdullah, Ms. Aida Adnan, Mr. Renato De Rueda, Ms. Anita Guillen, Mr. Myo Mint and Ms. Gabriella Quimson.

Policy and Legal Framework

Challenges:

- Inconsistency of forest laws and conflicts with other relevant laws related to: wildlife, local communities/indigenous peoples, environment, customs and trade, banking, and anti-corruption
- Lack of provisions for joint enforcement of forest laws and other relevant laws
- Inadequate linkage between forest laws and policy at regional (ASEAN) and national levels; some of these laws are not in line with international commitments
- Lack of coordination between countries in the region, including government-to-government resolution of transboundary issues, due to differing national priorities and constraints
- Conflict of interests among policy and decision makers (e.g., among politicians, government officials, judges, law enforcers)
- Lack of consultation by decision makers on important matters affecting sustainable forestry operations and forest-dependent peoples and livelihoods
- FLEG processes/policy framework not appropriately translated into different levels of governance in each country

Recommendations:

1. Arrest, prosecute and convict a major large-scale illegal logger and/or corrupt government official including seizure and forfeiture of all ill-gotten wealth from illegal logging.
2. Eliminate illegal logging and trade syndicates.
3. Require public disclosure of assets, liabilities and net worth of all government officials.
4. Provide mechanism and allocate funds to reward informants.
5. Provide whistleblower protection policy and witness protection program.
6. Require timber theft prevention plans from all industrial concessionaires.
7. Provide legal assistance for forest law enforcers.
8. Apply anti-money laundering laws and mechanisms to the forest sector.

Institutional Capacity

Challenges:

- Lack of independent oversight and politicization of vested interests
- Political interference on matters related to forest resource management (e.g., award of concession areas, appointment and assignment of forest managers and law enforcers)
- Lack of coordination and institutional arrangements on forest law enforcement and governance within and among countries in the region
- Lack of funds, incentives and other resources to undertake effective enforcement of forest laws (e.g., purchase of needed tools and equipment, operational expenses and salaries)
- Inadequate knowledge and information on forest law enforcement, legal processes and prosecution procedures among forest law enforcers, prosecutors and judges

Recommendations:

1. Strengthen forest law compliance and governance through multi-stakeholder processes to develop:
 - format for diagnosing country FLEG situation, and voluntary reporting and sharing of relevant information and lessons; and
 - mechanisms to ensure transparency (and avoid conflicts of interest) like: Ombudsman Committee (PNG & Indonesia), National Forestry Council (Malaysia & Indonesia), Multi-Sectoral Forest Protection Committees (Philippines).
2. Develop reporting format and key performance indicators for FLEG.
3. Build on existing initiatives (such as ASEAN and VPA) and conduct diagnostic and peer reviews (among and within countries) on forest law conformity and its implementation.
4. Conduct needs assessment at country level for FLEG implementation, and disseminate results through multi-stakeholder processes.
5. Build on strategic alliances for effective implementation.
6. Use effective audit system to avoid conflicts of interest and monitor performance.

Knowledge and Information

Challenges:

- Lack of consolidated information system on forest resources and sector
- Insufficient access to forest related information; lack of transparency and accountability
- Limited knowledge on how to effectively apply appropriate laws
- Lack of disclosure of relevant, reliable and timely information among customs, trade and forestry officials
- Inadequate sharing of relevant information on forest law enforcement and governance.
- Limited legal literacy among indigenous/local communities.

Recommendations:

1. Harmonize/recognize (where possible) each country's customs and trade laws, rules and regulations related to forestry.
2. Make available and ensure access to reliable forestry data and information in all countries in the region.
3. Establish protocol for acquisition, sharing and use of relevant forestry data at the regional level.
4. Identify how governance weaknesses inside and outside the forest sector create conditions for corruption.
5. Promote voluntary country reporting by both producers and consumers on FLEG recommendations and compliance, including best practices.
6. Undertake more research or assessment to increase knowledge in areas related to forest law compliance.
7. Conduct appropriate training programs on forest laws, law enforcement and good governance for relevant stakeholders within and outside of forest sector.
8. Gather relevant data and information that would be required for reformulation of forest policies and laws.
9. Share information to promote mutual legal assistance for forest law enforcement among countries in the region.
10. Establish a portal for information & knowledge sharing (e.g., utilize the ASEAN clearinghouse mechanism <<http://forest-chm.aseansec.org>>, mailing list among FLEG partners).
11. Promote availability and accessibility of information for local communities.

Role of Different Stakeholders

For implementing the recommended actions, participants identified appropriate roles for different stakeholders: government agencies (executive, legislative and judiciary branches), civil society (community-based organizations, NGOs, academic institutions and private sector), as well as regional and international organizations. This included groups not explicitly represented at the workshop (e.g., community-based organizations, media and academic institutions).

One critical action for all identified stakeholders will be to develop strategic alliances for effective resource mobilization to support the implementation of future actions. This alliance-building process will include:

- Industry and NGOs working together to promote corporate social responsibility (CSR) approaches;
- Governments providing appropriate budget allocations;
- Donor communities supporting and supplementing government budget allocations, especially for transitional arrangements and capacity building; and
- Governments initiating regular auditing and reporting on FLEG allocations in relation to needs assessment target; this should be done through multi-stakeholder processes.

Time-bound Actions and Next Steps

The participants also identified a series of time-bound actions and next steps, which require diligent follow-up and action by the identified stakeholders. These include:

1. ***Encourage governments to make explicit commitments.*** To push for government commitments to recommended actions at upcoming meetings regarding FLEG, including:
 - The 29th ASEAN Ministers on Agriculture and Forestry Conference to be held in Bangkok (September 2007), in which a ministerial declaration or statement on EA-FLEG is expected to be issued; and
 - Other meetings such as the second EA-FLEG Ministerial Meeting, if it occurs as anticipated sometime in 2008.
2. ***Develop and test guidelines for country-level diagnostics and lesson learned.*** To be developed by the end of 2008 by a regional institution (e.g., EA-FLEG Secretariat), taking into account the existing initiatives and country priorities. To be tested on a voluntary basis by the Philippines and other countries by the end of 2009.
3. ***Develop mechanisms to ensure transparency and avoid conflicts of interest.*** Recommended actions include:
 - International organizations (e.g., ITTO, FAO, CIFOR, RECOFTC/VERIFOR, WRI, Transparency International) to develop, collate and share information on lessons learned on transparency from various countries – by the end of 2008;

- International organizations to support workshops to develop guidelines on national transparency framework – by the end of 2009; and
- Each country commits to prepare national transparency framework – by 2010.

In view of the rapid regional and global changes taking place, the persistent and attendant problems associated with ensuring good governance and sustainable development, and the evolution of new and emerging forestry issues – particularly those related to mitigating climate change – and their implications for poverty reduction and livelihoods of forest-dependent stakeholders, the participants urged the timely and full implementation of the workshop recommendations at the national and regional levels.

Moreover, the participants recognized the need to engage the active involvement of other concerned stakeholders – such as the media, policy analysts, and legal experts – in the implementation of the identified actions.

Finally, the participants wished to warmly acknowledge and thank DENR for the efficient organization and hosting of this workshop, as well as the warm hospitality extended to all. The contributions of FAO and ITTO were highly appreciated. Contributions of the other resource persons, invited guests as well as facilitators were also gratefully acknowledged.

Background and Rationale

The Southeast Asian regional workshop on improving forest law compliance and governance was held in Manila, Philippines during 11-13 September 2007, co-sponsored by the Food and Agriculture Organization of the United Nations (FAO) and the International Tropical Timber Organization (ITTO). The Philippine Department of Environment and Natural Resources (DENR) hosted the event (please see Annex 1 for final workshop program).

The workshop was attended by 51 representatives from concerned government agencies, civil society/NGOs, private sector and regional/international organizations. Participants came from 10 countries in the region, as well as 14 regional and international organizations (see Annex 2 for directory of participants).

The main objective of the workshop was to promote multi-stakeholder dialogue and the exchange of views among countries in Southeast Asia on the challenges related to improving forest law compliance and governance, and to agree on tangible and deliverable actions to enhance progress on the ground.

Participants reiterated the aspirations and high-level commitment of the Bali Ministerial Declaration in September 2001 to address illegal logging and its associated trade, and took stock of the ongoing initiatives carried out by the East Asia Forest Law Enforcement and Governance (EA-FLEG) process, ASEAN Secretariat, Asia Forest Partnership, the EU-FLEGT Action Plan, FAO and ITTO. Recognizing the need for effective collaboration and coordination to improve forest law enforcement and governance, the participants called for greater commitment from all stakeholders to implement concrete actions on the ground.

Any strategy aimed at addressing the problems of illegal activities must be holistic and include a wide range of policy, legal, institutional and technical options designed to:

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These three key elements of an integrated strategic approach to improve forest law compliance and governance formed the framework for the workshop structure and process. Accordingly, the participants were able to identify the major obstacles to improving compliance and governance, formulate concrete recommendations and next steps to surmount these barriers, and specify the roles of different stakeholders in implementing the recommended actions.

Setting the Stage

Delivering Opening Remarks

The workshop opened with remarks by DENR, FAO and ITTO.

Representing the Honorable José L. Atienza Jr., Secretary of DENR, was Mr. Demetrio L. Ignacio Jr., Undersecretary for Planning, Research and Policy Services. On behalf of the Secretary, Mr. Ignacio welcomed all the participants to Manila. He described the active participation of the Philippines thus far in EA-FLEG and related processes, which is not by coincidence but part of broader efforts at mitigating global warming and climate change. During the climate change conference in Bali this coming December, forestry will be a major discussion area for the post-2012 Kyoto Protocol regime. The Philippines will be there to advocate for stronger support for forest law enforcement and governance. Mr. Ignacio then formally declared the workshop open.

Mr. Kazuyuki Tsurumi, FAO Representative to the Philippines, also welcomed the participants and acknowledged the valuable support and hospitality of the Philippine Government, particularly DENR, for hosting this important workshop. The DENR has assumed a leading role in regional efforts to promote forest law enforcement and governance. Mr. Tsurumi also expressed his appreciation of ITTO as an outstanding partner working jointly with FAO in identifying best practices for improving forest law compliance in countries in South and Central America, Central Africa and Southeast Asia. This workshop is indeed proof of the region's intent to respond to the challenges of improving forest law compliance, to conserve the forest resources and to ensure sustainable development.

In his remarks, the representative from ITTO, Mr. Steven Johnson, acknowledged that there are several ongoing initiatives to address the problem of illegal logging and associated trade in the Southeast Asia region, including the EA-FLEG process, programs undertaken by the ASEAN Secretariat, the Asia Forest Partnership, the EU-FLEGT Action Plan, as well as current work supported by FAO, ITTO and others. However, the illegal logging problem is still very significant. Therefore, an honest assessment is needed of what has worked and what hasn't, and why. This analytical stock taking as well as the formulation of concrete recommendations and next steps will be the main contributions of the workshop for improving future efforts.

Introducing the Workshop

The workshop facilitator, Mr. Chun Lai, introduced the participants, workshop objective and expected outcomes, the three-day program and process, documentation plan and suggested workshop norms. He also invited a small group of volunteers from among the participants to form a drafting group to prepare a workshop statement for presentation and finalization on the final day. Six participants responded to this invitation.

Mr. Lai emphasized that multi-stakeholder processes – such as this workshop – are complex, and involve multiple agendas. He urged everyone to identify, acknowledge and document areas of: convergence as well as divergence; agreement as well as disagreement; and

resonance as well as dissonance. These consensus areas will form the basis of future actions to improve forest law compliance and governance.

To minimize paper usage and the 'carbon footprint' of the workshop, hard copies of papers and presentations were not distributed. Instead after the workshop, DENR will compile, produce and distribute a CD containing the workshop report as well as all papers, presentations and the statement produced by the drafting group. The workshop report will also be posted on the FAO and ITTO websites (www.fao.org and www.itto.or.jp).

Critically Reviewing Current Initiatives

Mr. Thang Hooi Chiew, ITTO Consultant, made a presentation entitled *A Review of Actions Taken to Address Illegal Activities in the Forest Sector in Southeast Asia* based on the background paper he prepared for the workshop.

He stated that besides distorting the global wood market, illegal activities in the forest sector and its associated trade in illegal timber and timber products have accelerated: deforestation and severe forest degradation; the loss of forest biological resources; and the decline of ecological and environmental services provided by forests; as well as the loss of significant revenues to governments.

Currently, there are numerous initiatives and actions taken by governments, bilateral and multilateral agencies, local and international NGOs, and private sector enterprises to address illegal forest activities and their associated trade in illegal timber and timber products, as well as forest law enforcement and governance, including the following:

- East Asia Forest Law Enforcement and Governance (EA-FLEG) process;
- Forest Law Enforcement, Governance and Trade (FLEGT) of the European Union (EU);
- Asia Forest Partnership (AFP);
- Work program of the ASEAN Senior Officials on Forestry (ASOF);
- Enforcement of procurement policies by consumer countries;
- Implementation of timber certification schemes by producer countries;
- Imposition of logging bans by some countries; and
- Analytical, advisory and advocacy work of NGOs such as World Wide Fund for Nature (WWF), Tropical Forest Trust (TFT), World Conservation Union (IUCN), Center for International Forest Research (CIFOR), Chatham House, and European Forest Research Institute.

Some international agreements also target the problems associated with illegal logging. These agreements include: the International Tropical Timber Agreement (ITTA); the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES); the Non-legally Binding Instrument on All Types of Forests of the United Nations Forum on Forests (UNFF); as well as the work supported by FAO to combat forest crime.

However, despite the number of initiatives taken at the national, regional and international levels to address and minimize the level of illegal activities in the forest sector in Southeast Asia, the impacts to date have not been significant. The outcomes of the EA-FLEG process and the work of the AFP have yet to be translated into concrete on-the-ground action.

These regional processes and meetings have seldom actively involved agencies outside the forest sector, such as customs, police, prosecutors and judges, who have multi-sectoral oversight or criminal justice responsibilities. Moreover, there is a lack of an effective regional mechanism in Southeast Asia to explicitly coordinate and harmonize the existing initiatives to address illegal logging and associated trade, thus weakening their effectiveness and potential synergy.

What is critically needed is establishing an over-arching framework to address corruption, transparency and accountability, and the rule of law. Promoting transparency of information and civil society participation are key aspects in combating illegal forest activities and the trade of illegal forest products, as is focusing forest administration to ensure forest law compliance. In this context, it is imperative for countries in Southeast Asia to make the distinction between poverty-driven and commercially-driven illegal activity, as the former, in most instances, may involve people whose livelihoods are dependent on the goods and services provided by forests, while the latter is mainly driven by greed. Nevertheless, the penalty codes for forest offences should constitute an effective deterrent to forest crimes.

It is also pertinent for countries in the region to link forest law enforcement and governance with broader planning frameworks, such as through their national forest programs or other integrated programs relevant to forests. This linkage is a pre-requisite to avoid overlaps and duplication of efforts in trying to combat illegal activities in the forest sector, as well as in promoting sustainable forest management. Furthermore, a supportive legal and regulatory framework, coupled with favorable social and economic conditions, and a strong political will, would ensure better law compliance and good governance in the forest sector in the region.

Presenting the Framework for Best Practices

Ms. Eva Muller, FAO, provided a presentation on ‘best practices’ and examples for improving law compliance in the forest sector.

First and foremost is the need for a strategic approach to analyze the multiple and interrelated factors contributing to illegality, and to develop a holistic and balanced range of policy, legal, institutional and technical options. Critical elements include:

- Addressing underlying elements;
- Prioritizing remedial actions;
- Assessing economic and political feasibility; and
- Ensuring stakeholder participation.

This approach encompasses three main areas of action: 1) rationalizing the policy and legal framework; 2) building institutional capacity; and 3) improving data and knowledge. For each of these three areas, Ms. Muller highlighted the best practices emerging from experiences worldwide and provided some specific examples, which are summarized below:

| Area of Action: | Best Practices: | Specific Examples: |
|---|--|--|
| Rationalizing policy and legal framework | <ul style="list-style-type: none"> ○ Analyzing the impacts of existing legal and regulatory framework on actors in the forest sector, rural poverty and commercial interests of large companies | <ul style="list-style-type: none"> ○ Analysis of the legal and policy framework for a pro-poor forestry strategy in Mozambique |
| | <ul style="list-style-type: none"> ○ Increasing clarity, transparency and consistency of forest legislation, including a sound and coherent forest policy, as well as raising awareness and developing mechanisms for participatory decision-making | |
| | <ul style="list-style-type: none"> ○ Simplifying and rationalizing forest regulations | <ul style="list-style-type: none"> ○ Simplified forest management plans in Gambia leading to community forest management agreements |
| | <ul style="list-style-type: none"> ○ Ensuring forest tenure rights to improve accountability and control of forest resources at local level | <ul style="list-style-type: none"> ○ Community concessions in Guatemala (12 certified concessions from 4,200 ha to 83,500 ha) |
| | <ul style="list-style-type: none"> ○ Providing commercial and economic measures to rationalize industrial capacity and improve competitiveness of legal operations | |
| | <ul style="list-style-type: none"> ○ Enhancing the impartiality and capacity of the judiciary | <ul style="list-style-type: none"> ○ Capacity building of the judiciary in Mozambique through training of district judges, production of legal reference books, exchanges with Brazil and socio-legal analysis of community tribunals |

| Area of Action: | Best Practices: | Specific Examples: |
|--|--|--|
| Building institutional capacity | ○ Building institutional capacity for law compliance: striking the right balance between legal requirements and law enforcement capacity; focusing on low-cost actions | |
| | ○ Focusing and prioritizing law enforcement by forest administration | ○ Establishment of road checkpoints in Mozambique to control timber volume and transport licenses |
| | ○ Increasing operational capacity to detect and suppress forest crime | ○ <i>Regencia forestal</i> in Ecuador: delegation of state forest supervisory and monitoring functions to private foresters |
| | ○ Developing private-public partnerships to improve compliance through independent monitoring, codes of conduct and forest certification | ○ Tripartite approach to participation in Ghana: government, private sector and civil society dialogue and action plan with priorities, roles and responsibilities |
| Improving data and knowledge | ○ Improving transparency of information in forest sector | ○ Forest concession monitoring system for Central Africa (FORCOMS) provides public access to information on timber concessions |
| | ○ Establishing legality standards in forestry | |
| | ○ Improving information and knowledge to detect forest crimes | |
| | ○ Improving information and knowledge to detect illegal trade | ○ Timber trade flow analysis: comparisons of data between importing and exporting countries |
| | ○ Public awareness raising to gain wide acceptance and support of civil society for forest law enforcement | |

Taking Stock: Achievements and Challenges

A panel discussion featuring five speakers examined the achievements and challenges related to improving forest law compliance and governance in the region, from the perspective of EA-FLEG, ASEAN, AFP and Indonesia.

What's Wrong with FLEG?

Mr. William Magrath, World Bank, stated that he generally agreed with the assessment in the background paper presented earlier. Moreover, with regard to EA-FLEG, he felt that:

- The focus has been on political aspects (e.g., striving for a second Ministerial level meeting) rather than field level and technical work;
- The regional/international dimension has overwhelmed attention to national and local work; and
- Diplomatic concerns (second Ministerial meeting planning and 'membership' issues) have distracted from the substance of the EA-FLEG process.

Forest crimes come with means (capital, financial institutions, corrupt government systems), motive (need, greed, power) and opportunity (weak forest management, inadequate domestic regulatory capacity, lack of trade controls). There are different roles for different players – national governments, forestry agencies, regional/international criminal justice regime, civil society, importing country governments and industry, and donor governments and international organizations – to reduce means, reduce motive and foreclose opportunity for forest crimes.

Enforcement regimes include prevention (deterrence), detection and suppression measures. Mr. Magrath concluded with a plea to ignore the capital letters: to get away from the preoccupation with labels and names of the forum. Instead, the priorities should be to:

- Locate issues within the sustainable forest management agenda;
- Professionalize treatment of the issues – need for criminological, legal and trade administration expertise;
- Re-balance attention across national and international levels; and
- Integrate with international criminal justice regime – transnational crime, corruption conventions, Financial Action Task Force.

What's Right with EA-FLEG?

Ms. Neria Andin, DENR, provided a different perspective on EA-FLEG, an initiative that brings timber-producing countries in the Asia-Pacific region together with various timber-consuming countries, with the common aim of combating illegal logging, associated trade of illegal timber and corruption. She described EA-FLEG as a process to improve forest governance, policy reform, forest management and law enforcement through regional dialogue, information sharing and concerted actions. Since the Bali Ministerial Declaration in 2001, there have been significant EA-FLEG initiatives at the national, regional and international levels.

At the country level, there have been increased efforts to combat illegal logging and its associated trade and corrupt practices; Indonesia and Philippines are two good examples of this.

At the regional level, FLEG has been incorporated into the ASEAN strategic plan and regional program of action. Deepening the technical content of discussions has built consensus around three thematic areas for EA-FLEG:

- Regional customs and trade cooperation;
- Forest sector transparency; and
- Country diagnostics and experience sharing.

At the international level, FLEG was recognized as a major cross-cutting issue during UNFF-7 (New York, 2007), and will be an important theme within the context of UNFF-8 to UNFF-11.

Regarding EA-FLEG phase II, the main challenges will be to:

- Implement programs and activities under the three identified thematic areas;
- Translate regional plans into national programs to produce concrete outputs at the local level;
- Strategize resource and social mobilization;
- Sustain momentum of initiatives and ongoing activities in the region;
- Secure high-level political commitment of ASEAN Ministers (e.g., endorsement of AMAF EA-FLEG Declaration);
- Link more with ongoing regional initiatives (ITTO, FAO, AFP, etc.);
- Bring other important players (countries and institutions) more centrally into the FLEG process;
- Support, strengthen and complement FLEG processes in other regions; and
- Convene the Second EA-FLEG Ministerial Meeting during 2008.

ASEAN Position on EA-FLEG

Mr. Prabianto Wibowo, ASEAN Secretariat, complemented Ms. Andin's presentation by sharing the ASEAN position on EA-FLEG. In addition to the Bali Ministerial Declaration, the ASEAN position is underpinned by the following:

- Vientiane Action Program (2004-2010), which seeks *"...to eradicate unsustainable forest management practices by 2010..."*;
- ASEAN Strategic Alliance on SFM (2004), which calls for *"...corporate responsibility and cooperation for enforcement..."*; and
- ASEAN Vision 2020, one element of which is *"...to promote forestry as model in sustainable development..."*

The ASEAN Senior Officials on Forestry (ASOF) have agreed to sustain engagement in EA-FLEG and related processes, and to facilitate, through the ASEAN Secretariat, institutionalization of EA-FLEG involving all partners. ASOF has endorsed the three thematic areas, but the key challenges are: 1) fighting forest crime requires the involvement of police,

customs, business and civil society; and 2) doing it effectively requires cross-sectoral structures and additional capacities.

The ASEAN Ministers on Agriculture and Forestry (AMAF) have called for: enhanced cooperation with ASEAN's dialogue and other partners to align actions at all levels; concerted actions in terms of information sharing, forest sector transparency and regional customs cooperation to improve forest law enforcement; and consideration of further options (e.g., Bangkok Declaration).

Next steps for the ASEAN Secretariat will be to:

- Assume leadership in the EA FLEG process;
- Establish a multi-sectoral working group or committee;
- Establish linkages with ongoing regional initiatives (e.g., AFP, G-8 Initiative);
- Welcome partnerships with all stakeholders sharing the ultimate objective of forest law enforcement and governance; and
- Secure additional resources from partners to support EA-FLEG actions.

Asia Forest Partnership

Mr. Yuyu Rahayu, Indonesian Ministry of Forestry, provided an overview of AFP, which was launched in August 2002 at the World Summit on Sustainable Development. The initial phase is for five years, with support from Indonesia, Japan, CIFOR and TNC, who are among the current 41 partners.

The vision of AFP is to promote and implement sustainable forest management in Asia through voluntary collaboration. One of its primary objectives is to promote sustainable forest management (SFM) in Asia, focusing on the following themes:

- Control of illegal logging;
- Control of fire;
- Rehabilitation and reforestation of degraded lands; and
- Cross cutting issues such as good governance and forest law enforcement, and developing capacity for effective forest management.

AFP seeks to strengthen and enhance synergies and reduce duplication through information sharing, and by providing a framework for identifying and implementing new collaborative work programs. An evaluation of the current phase (2002-2007) is being conducted to assess the AFP functions, work programs and secretariat. A partnership meeting will be held in Japan during November 2007 to chart the future course of AFP, with attention to:

- The role of forests in mitigating climate change on the global political agenda;
- Stabilizing and enhancing forest cover to enhance the provision of ecosystem services and to mitigate climate change;
- Promoting partnerships to conserve the ecosystem services provided by forests in Asia; and
- Linkages between SFM and carbon transactions in terms of awareness, readiness, mechanisms, regulations and compliance.

Toward SFM in Indonesia

Mr. Rudijanta Tjahja Nugraha, Indonesian Ministry of Forestry, made a presentation on Indonesia's activities toward SFM and to combat illegal logging. This is based on a two-prong strategy: 1) to improve governance (rules, laws and regulations; forest management; private forest program; rehabilitation movement); and 2) to improve forest law enforcement (information campaign; capacity building; detection, prevention and suppression measures).

Presidential Instruction No. 4/2005 directs 18 government agencies to take appropriate measures and form a National Task Force on Combating Illegal Logging. One measure taken is the establishment of a Rapid Response Forest Police Unit with 600 personnel. The forest law enforcement initiative – otherwise known as the 11-Step Program to curb illegal logging – aims to implement and support a systematic, comprehensive framework of prevention, detection and suppression measures (see Box 1), which was designed through extensive multi-stakeholder consultations and meetings during 2002-2006.

Box 1. Stages and Concrete Actions of 11-Step Program

PREPARATION:

1. **Demonstrate commitment to tackle illegal logging** by establishing a strike-force to fast-track the prosecution of major figures organizing and financing forest crimes and by directing relevant government agencies to effectively curb illegal logging;
2. **Determine legal sources of timber** to enable law enforcers, buyers and consumers to distinguish legal timber from illegal timber;

DETECTION:

3. **Improve detection** by collecting and analyzing information needed to detect harvesting, processing and transportation crimes;
4. **Archive up-to-date and reliable information** on the harvesting, processing and transportation of timber;
5. **Disclose information** on the harvesting, processing and transportation of timber to the general public;

PREVENTION:

6. **Develop a comprehensive wood industry restructuring plan** to bring Indonesian mill demand into balance with the nation's legal timber supply;
7. **Increase tenure security and livelihood options** to encourage local people to protect forests from outside encroachment and refrain from illegal logging;
8. **Work with the international community** to promote legal timber trade;

SUPPRESSION:

9. **Build law enforcement capacity** through institutional reform, inter-agency cooperation and training on forest-related laws and regulations, evidence collection, assembling case files and pursuing chains of complicity;
10. **Amend laws and regulations** to strengthen law enforcement efforts and ensure the prosecution, conviction and sentencing of key forest criminals; and
11. **Prosecute and convict major forest criminals** to the full extent of the law.

Other Important Perspectives

A Private Sector Perspective

Ms. Aimi Lee Abdullah, Malaysian Timber Council, made a presentation from the standpoint of the private sector. She informed that there are already nationally-agreed Malaysian criteria and indicators (MC&I 2001) for SFM, which form the basis for certification and are being implemented in timber-producing states. Incremental improvements in SFM are being made in stages, and the private sector is currently working towards meeting the requirements of the MC&I.

In June 2002, Malaysia declared a ban on the imports of logs from Indonesia. This was followed up by a ban on squared logs (greater than 60 square inches in cross section) from Indonesia in June 2003. However, enforcement is difficult owing to the long and porous sea and land borders between the two countries.

In 2005, the National Forestry Council decided that illegal logging offences will no longer be compoundable, and offenders will be prosecuted before courts. This has resulted in an increase in the number of arrests for illegal logging in Sabah and Sarawak.

From the perspective of the private sector in Malaysia, these are the current trends and issues of importance:

- Negativity about the forest sector and logging caused by media hype;
- Viable, vibrant sector portrayed as a sunset industry by the media;
- Bank lending to the private sector adversely affected – difficult to attract loans;
- Intensification of search for other materials (e.g., bio-composites);
- Market access challenges due to ‘green’ and trade issues, EU FLEGT requirements;
- CDM issues and market mechanisms to fund SFM;
- Lack of baseline studies and estimates (e.g., inclusion of relatively common timber species in IUCN Red List since 1994);
- NGOs using the largely unsubstantiated list of 1994 to discourage trade in tropical timber (e.g., Greenpeace Good Wood Guide); and
- Climate change and deforestation increasingly becoming twin issues.

Thus, there needs to be a more objective, accountable and constructive engagement among the private sector, the media and NGOs, with the common aim of fighting illegal logging and working toward the attainment of SFM.

Social Dimension: The Poor Always Lose

Mr. Bambang Setiono from CIFOR made a presentation entitled *Poor are the loser in any scenario of logging*, based on research findings in the vicinity of Sebangau National Park in South Kalimantan, Indonesia. In this area, illegal logging is a life support for most poor people, who depend on this kind of livelihood for their survival. The research team estimated that the total value of the logs harvested illegally would have been worth US\$7.5 million. However, to date, there have been no arrests.

Clearly, there is a need to increase the accountability and transparency of logging companies and sawmills operating in this area. In this regard, the Ministry of Forestry and the Supreme Audit Board have important roles to play, and anti-money laundering laws need to be enforced.

Even though it is a long and tedious process, empowering the poor who live in the locality is the only viable approach to deter illegal logging and further destruction of the forests. Helping the poor to understand the economic value of their positive activities in the forest will increase their bargaining power.

VERIFOR: An Independent Governance Tool

Mr. Robert Oberndorf of RECOFTC shared information about the VERIFOR Project, designed to ensure that timber and forest products are legally harvested and to help producer nations put in place verification systems with high national and international credibility. VERIFOR's focus is on: institutional mechanisms rather than technical solutions; the provision of equitable solutions without adverse effects on the poor, and the application of the principles of good governance. Seen in this light, verification is a forest governance issue, as the verification mechanisms are part of the overall forest governance system.

The partner institutions in this global project are ODI, CATIE, CIFOR and RECOFTC, with the timeline for major activities being:

- 2005 to present: phase I activities primarily revolving around research, creation of case studies, and capturing lessons learned;
- Preparing a book on verification system design, implementation and sustainable operation as well as related training materials; and
- Until early 2009: demand-based offering of VERIFOR services relating to verification system design; and convening international conference.

There are several important governance and institutional considerations, including:

1. Desire for independence: brings a high level of credibility to the verification process, and creates trust in the system of forest governance.
2. Locus of the verification mechanism: may be part of the governance system, an outside private entity or a public watchdog.
3. Operational criteria: clear and transparent standards by which the monitoring and analysis is conducted, maintaining high levels of professionalism.
4. Impact assessment: considering potential impacts, both positive and negative, the benefits and costs of verification, and how to minimize negative effects.

Forest sector verification system design and implementation, and the use of independent forest monitors in conjunction with this, are still relatively new phenomena in the sector. Clear lessons have been learned, but more study is certainly required as such systems are

designed and implemented. Verification system design and implementation must be done carefully, with potential impacts considered and then carefully monitored.

Action-Oriented Programs Led by NGOs

Transparency International: Reducing Corruption in Forestry

Ms. Lisa Elges, Transparency International, introduced TI's vision as a world in which government, politics, business, civil society and the daily lives of people are free of corruption, which is defined as the abuse of entrusted power for private gain. As an independent NGO founded in 1993, with an international secretariat located in Berlin, Germany, TI has 95 national chapters around the world and is active in 107 countries.

A new regional program on Asia-Pacific Corruption in Forestry is being launched by TI, with the goal of contributing to transparent, accountable and responsible forest governance in the region. The specific purpose is to increase transparency and reduce corruption risks in the transactions linked to forest management and trade in timber and wood products in Asia-Pacific.

This program focuses on five categories of transactions and issues that contribute to poor and illegal practices in the exploitation of forests in the region:

- State capture and bribery of foreign public officials;
- Land reforms, forest licensing and concessions;
- Timber laundering – corruption in certification, import and export processes;
- Judicial integrity – addressing the issue of judicial corruption; and
- Unsustainable demand for wood derivatives in industrialized countries.

Activities will be centered around: 1) diagnostic studies and analysis; 2) awareness-raising and advocacy campaigns (informed by diagnosis studies); 3) development/adaptation of anti-corruption instruments, tools, solutions and capacity building to support advocacy campaigns; and 4) progress monitoring and reporting.

The program approach will be based on partnerships, cooperation, support and reinforcement, examining the human side as well as the crime side with a view toward bringing about systemic change. Emphasized will be principles of mutual learning and evaluation, results-oriented activities, sustainability of efforts (multiplier effects and implications for Africa), and creating a collective sense of urgency as forest resources are being rapidly depleted in Asia-Pacific and other regions of the world.

TRAFFIC International: Enhancing Customs Collaboration

Mr. Chen Hin Keong, TRAFFIC International, made a presentation about the recently-launched project on Enhancing the Regional Cooperation Framework for Border Control of the Illegal Timber Trade. This project is a direct follow-up action to the workshop on *Promoting Cooperation among Customs and Forestry Authorities and Other Relevant Agencies in East Asia to Reduce Trade of Illegal Wood Products*, which was held during November 2005 in Cebu City, Philippines.

The project's goal is to assist customs and timber trade regulating agencies in their efforts to improve the control of the international tropical timber trade, thereby preventing trade from being a driver of illegal logging and thus supporting the management, conservation and sustainable development of forests. Three categories of work are supported by this regional project:

1. Strengthening information gathering and exchange:
 - Develop a robust, efficient timber export and import documentation system acceptable to both exporter and importer countries
 - Develop options for effective prior notification systems for selected timber products
 - Identify and propose options for more cost effective, targeted, unified and robust statistical gathering

2. Developing enhanced regional cooperation frameworks:
 - Develop options for immediate measures to promote technical and legal collaboration by including trade of forest products in Customs Cooperation and Mutual Administrative Assistance Agreements and the RILO work plan
 - Develop institutional options to ensure long-term political support for more comprehensive regional arrangements and the implementation of the actions, mechanisms and recommendations arising from EA-FLEG

3. Capacity-building of customs, trade and forest officials:
 - Identify capacity building needs of key customs, trade and forest officials involved in issuing or handling timber export and import documentation
 - Develop options for targeted capacity building of these key officials

The project will involve 13 countries, regions and territories divided into the following categories:

- Tropical timber producers: Malaysia, Indonesia, and Papua New Guinea;
- Timber processing and re-exporters: China, Hong Kong SAR, Singapore, Taiwan and Vietnam; and
- Key consumers: Japan, Republic of Korea, Australia, EU and USA.

Working Groups to Identify Challenges

Based on the rich information and experiences gleaned from the presentations, panel discussion and plenary discussions during the first day, participants were divided into working groups, which actively deliberated during two sessions on day 2. For all the deliberations, participants were requested to prioritize the key challenges and recommendations, and be as specific and concrete as possible. Following each session, there was an opportunity for the working groups to report back in plenary, and field some questions and commentary.

For session I, participants were grouped accordingly to their stakeholder affiliation (see Annex 3 for group composition), and tasked with identifying major challenges or obstacles for improving forest law compliance and governance, from the perspectives of:

- Forest administrators/managers;
- Other forestry functions/government agencies;
- NGOs;
- Private sector; and
- Regional and international organizations

Forest Administrators/Managers

From the perspective of this group, the major challenges or obstacles were identified for each of the three main strategic elements as follows:

Policy and legal framework:

- Lack and inadequacy of legislation, regulations, and rules governing forest activities;
- Non-existence or lack of provisions on joint enforcement of forest laws within the overall criminal laws of a country;
- Conflicting and inconsistency of forest legislation and the linkages with the laws of other sectors (e.g., wildlife, communities, environment);
- Unclear on the linkages as well as inadequacy of national policy and forest legislation to meet regional (ASEAN) and international commitments in the areas of forest law enforcement and compliance, as well as governance (e.g., MEAs, UNFF, CITES, ITTO, FAO).

Institutional capacity:

- Lack of trained manpower;
- Inadequate financial resources in undertaking forest law enforcement work (remuneration and working conditions) that are not commensurate with tasks;
- Weak cooperation and coordination among forest department and other forest related organizations/institutions;
- Inadequate tools and equipment to effectively enforce forest laws; and
- Insufficient support for research and development in the field of FLEG.

Knowledge and information:

- Inadequate legal literacy among indigenous people, local communities and other forest dependents;
- Insufficient knowledge of forest laws among court officials;
- Inadequate knowledge on investigation as well as prosecution of forest cases by forest officers;
- Weak management system on the vertical and horizontal integration of pertinent information;
- Insufficient extension services (inadequate awareness among stakeholders);
- Lack of protection given to informers and “whistle blowers” as well as rewards; and
- Non-existence or lack of criteria and benchmarks for monitoring and evaluation of FLEG, including agreed terms and definitions for legality, verification, certification, etc.

Other Forestry Functions and Government Agencies

This second group – comprising participants from other forestry functions (such as research) and other government agencies – identified these key challenges:

Policy and legal framework:

- FLEG processes and policy framework not appropriately translated into different levels of governance in each country; and
- Conflicting and overlapping policies between forestry and other sectors at different levels of government within and among countries in the region.

Institutional capacity:

- No institutional arrangements among FLEG member countries and within each country;
- Inadequate budget allocation for forestry law enforcement concerns (e.g., operational expenses, salary & others); and
- Insufficient training of forestry law enforcers on legal procedures, and prosecutors/judges on forestry techniques and issues.

Knowledge and information:

- Insufficient knowledge on forestry and related laws;
- Shortage of appropriate mechanisms for information sharing on FLEG processes among countries and within each country; and
- Limited knowledge on applying appropriate laws.

NGOs

The NGO group arrived at the following major challenges and obstacles:

Policy and legal framework:

- Lack of coherence and linkages to a regional framework;
- Imbalance of influence and power;
- Low relevance of current legislative and policy frameworks;
- Weak implementation and enforcement of policy and regulations (lack of guidelines and procedures); and
- Corruption: based on need and greed, and as a result of bad policies.

Institutional capacity:

- Politicization and lack of independent oversight bodies in government institutions;
- Inappropriateness of skills and attitudinal base among current staff; and
- Inadequate resources to ensure proper forest law compliance and governance.

Knowledge and information

- Many stakeholders lack access to information;
- Low quality and reliability of information about the forest sector;
- Inappropriate topical areas from which information is collected (more focus on traditional forest management); and
- Poor management of knowledge and information; lack of databases.

Private Sector

The working group of private sector representatives came up with the following:

Policy and legal framework:

- Corruption observed at practically all levels of the forestry-related bureaucracy;
- “Knee-jerk” political decisions are often made; and
- Lack of implementation of regional framework within countries and across the region, including government-to-government resolution on transboundary issues, due to differing national priorities and constraints.

Institutional capacity:

- Lack of motivation, legal and financial support, and protection of forest protection personnel (foresters and forest rangers left on their own, even at risk of their own lives);
- Inadequate institutional support and financial/resource commitments of governments to suppress forest crimes; and
- Policy decisions not effectively disseminated to lower implementation levels.

Knowledge and information

- Lack of consolidated information system, including the requirements of existing wood-based industries vis-à-vis legitimate wood supplies;
- Very damaging, unfair, negative and unsubstantiated media and/or NGO reports against legitimate wood-based companies; and
- Lack of knowledge on investigation, filing, preparation of relevant reports and role of witnesses in court, aggravated by the lack of awareness among some judges on forestry laws and regulations.

Regional and International Organizations:

Participants from this group identified the major obstacles to improving forest law compliance and governance as follows:

Policy and legal framework:

- *Lack of policy coherence* with respect to: political protection for timber barons; political financing and conflict of interest; poor use of existing tools/legal instruments; companies/corporate governance; banks that finance illegal logging (directly or indirectly); banking sector standards/due diligence (large-scale enterprises); low inclination of courts to prosecute; customs and trade; involvement of military and others; structure of laws and taxes that favor extraction; coordination within donors and international organizations; learning from experiences; equity/benefit sharing, incentives for law compliance; and loopholes in legislations;
- *Conflict of interests* prevails: cabinet members, politicians, state officials and judges should divest themselves from forest interests; and
- *Lack of harmonization of laws and policies* between national and sub-national levels.

Institutional capacity:

- Capacity for law enforcement and governance has been eroded by corruption;
- Lack of needed capacity at the national level;
- Lack of follow-up and monitoring; and
- Lack of independent oversight mechanisms and bodies.

Knowledge and information:

- Lack of transparency in forest sector information;
- Lack of trust between countries (e.g., in customs cooperation and trade data);
- Lack of reliable and timely information on legal production, trade data and customs information;
- Insufficient access to information; and
- Lack of disclosure of interests and assets.

Working Groups to Formulate Recommendations

In session II, three working groups comprising mixed stakeholders were created (see Annex 4) to: 1) formulate concrete recommendations and next steps; and 2) identify roles of different stakeholders in implementing these recommendations for the three main strategic elements:

- Policy and legal framework;
- Institutional capacity; and
- Knowledge and information.

Policy and Legal Framework

This working group came up with recommendations in the form of bold statements of action addressed to two main stakeholder groups:

Governments:

- Arrest, prosecute and convict major large-scale illegal loggers and/or corrupt government officials;
- Asset recovery: seize and forfeit all ill-gotten wealth gained from illegal logging;
- Eliminate organized syndicates that engage in illegal logging and associated trade;
- Require public disclosure of statement of assets, liabilities and net worth of all government officials;
- Provide mechanisms for rewarding informants of illegal logging activities;
- Provide whistleblower protection policy and witness protection program;
- Require timber theft prevention plans from all industrial concessionaires; and
- Provide legal assistance for forest law enforcers.

Other stakeholders (civil society and private sector):

- Build coalitions among civil society and private sector groups to function as watchdogs or friendly alliances;
- Stop paying bribes to government officials;
- Participate actively in multi-stakeholder processes;
- Participate actively in monitoring activities;
- Adhere to financial due diligence, customer due diligence;
- Conduct advocacy work;
- Raise public awareness of illegal logging issues and impacts; and
- Conduct “name and shame” campaigns through constructive alliances.

Institutional Capacity

The working group on institutional capacity grouped its recommendations under three priority areas addressing major problems. They also indicated time frames and roles of different stakeholders.

Recommendations to address lack of independent oversight and politicization of bureaucracy for vested interest:

1. ***Develop and test guidelines for country-level diagnostics and lesson learned.*** To be developed by the end of 2008 by a regional institution (e.g., EA-FLEG Secretariat), taking into account the existing initiatives and country priorities. To be tested on a voluntary basis by the Philippines and other countries by the end of 2009.
2. ***Develop mechanisms to ensure transparency and avoid conflicts of interest.***
Recommended actions include:
 - International organizations (e.g., ITTO, FAO, CIFOR, RECOFTC/ VERIFOR, WRI, Transparency International) to develop, collate and share information on lessons learned on transparency from various countries – by the end of 2008;
 - International organizations to support workshops to develop guidelines on national transparency framework – by the end of 2009; and
 - Each country to prepare national transparency framework – by 2010.

Recommendations to address lack of coordination and institutional arrangements within and between EA-FLEG countries:

1. ***Develop reporting format*** and key performance indicators for FLEG.
2. ***Improve coordination*** through regular reporting under country diagnostic framework, building on existing ASEAN peer review processes.

Recommendations to address the lack of dedicated resources:

1. ***Conduct needs assessment*** at country level for FLEG implementation, and disseminate results through multi-stakeholder processes.
 - Governments to initiate the needs assessment; and
 - NGO partners to work with government, media and other key stakeholders to ensure wide dissemination and review of the assessment.
2. ***Build strategic alliances for effective resource mobilization and implementation.***
 - Industry and NGOs to promote corporate social responsibility approaches;
 - Governments to include appropriate budget allocations;
 - Donor communities to support the budget allocations, especially for transitional arrangement and capacity building; and
 - Governments to initiate regular auditing and reporting on FLEG allocation in relation to needs assessment target, through a multi-stakeholder process.

Knowledge and Information

The third working group formulated the following recommendations to improve knowledge and information in support of forest law compliance and governance:

1. Harmonize/recognize (where possible) each country's customs and trade laws, rules and regulations related to forestry.
2. Make available and ensure access to reliable forestry data and information in all countries in the region.
3. Establish protocol for acquisition, sharing and use of relevant forestry data at the regional level.
4. Identify how governance weaknesses inside and outside the forest sector create conditions for corruption.
5. Promote voluntary country reporting by both producers and consumers on FLEG recommendations and compliance, including best practices.
6. Undertake more research or assessment to increase knowledge in areas related to forest law compliance.
7. Conduct appropriate training programs on forest laws, law enforcement and good governance for relevant stakeholders within and outside of forest sector.
8. Gather relevant data and information that would be required for reformulation of forest policies and laws.
9. Share information to promote mutual legal assistance for forest law enforcement among countries in the region.
10. Establish a portal for information & knowledge sharing (e.g., utilize the ASEAN clearinghouse mechanism <<http://forest-chm.aseansec.org>>, mailing list among FLEG partners).
11. Promote availability and accessibility of information for traditional/local communities.

For implementing the above recommendations, the group also discussed and indicated the various roles that should be played by these key stakeholders: government agencies (executive, legislative and judicial branches); civil society organizations, NGOs and People's Organizations; private sector; academic institutions; the media; and regional and international organizations.

Facilitator's Impressions

Having been involved in some of the key meetings and processes related to EA-FLEG during the past few years, the workshop facilitator (Mr. Chun Lai) offered these impressions and reflections:

1. Our notions about 'progress' and 'achievements' in improving forest law enforcement and governance are very much relative, and influenced by the time horizon we use. There are no quick fixes or 'magic bullets'; instead a long-term perspective, commitment and perseverance are needed.
2. The key drivers and determinants of FLEG are largely found outside the forestry sector, prominent examples being:
 - The post-1998 *reformasi* era in Indonesia;
 - Global forces driving economic integration and globalization;
 - The role and impacts of the media (hype or not);
 - Evolving patterns of consumer demands and preferences; and
 - Donor-driven agendas.

Yet most of us work within the forest sector, thus raising the challenge of how can we go beyond the sector, beyond the 'usual suspects' to engage meaningfully with those other key players and processes.

3. Compared to previous meetings on this topic, the workshop added value by:
 - Bringing major initiatives (EA-FLEG, ASEAN, AFP) and actors together to take stock, identify obstacles and plan concrete next steps;
 - Bringing in a critical mass from private sector for good, frank engagement;
 - Recognizing 'missing links' – media, policy analysts, legal experts and other stakeholders not in the room;
 - Issuing plea to stop 'finger-pointing' and start contributing to solutions; and
 - Resolving to go beyond 'reviews' and get to concrete action on the ground.

Workshop Closure

Closing remarks were made on behalf of ITTO (Mr. Steven Johnson), FAO (Ms. Eva Muller) and DENR (Mr. Romeo T. Acosta).

All three speakers warmly thanked and congratulated the participants for their valuable time, boundless energy and valuable contributions to the workshop deliberations and outcomes. The six volunteer members of the drafting group were praised for their hard work and long hours spent on producing the draft statement.

The speakers also expressed their utmost satisfaction regarding the quality of the workshop process, content and outcomes, and felt confident that the set of concrete recommendations formulated by the participants will be translated into tangible actions in and across the countries in the region.

On behalf of all the participants, the three workshop organizers also thanked the DENR team and the workshop facilitator for the excellent organization, facilitation and support services provided before and during the workshop.

In closing, Mr. Acosta expressed his thanks to FAO and ITTO for providing the opportunity for the Philippines and DENR to host this important workshop, which took place on the fifth anniversary (September 11th) of the Bali Ministerial Declaration that launched the EA-FLEG process. Finally, he wished everyone a safe journey home and declared the workshop closed.

Annex 1: Final Workshop Program

DENR/FAO/ITTO Regional Workshop on Improving Forest Law Compliance and Governance in Southeast Asia

| Tuesday, 11 September | |
|-----------------------|---|
| 08:00 – 09:00 | Workshop registration (Le Salon I and II, Level 3) |
| 09:00 – 10:00 | Opening ceremony: <ul style="list-style-type: none"> • Mr. José L. Atienza Jr., Secretary of DENR • Mr. Kazuyuki Tsurumi, FAO Representative to the Philippines • Mr. Steven Johnson, ITTO Representative |
| 10:00 – 10:30 | Workshop introduction (Mr. Chun Lai, Facilitator): <ul style="list-style-type: none"> • Presentation of participants • Introduction to the workshop topic, objectives, methodology and expected outcomes |
| 10:30 – 11:00 | Coffee break |
| 11:00 – 11:45 | Presentation of background paper (Mr. Thang Hooi Chiew) <ul style="list-style-type: none"> • 30 minutes presentation; 15 minutes questions and comments |
| 11:45 – 12:30 | Introduction to “Best Practices”: Rationalizing the policy and legal framework, building institutional capacity and improving knowledge and information (Ms. Eva Muller, FAO) <ul style="list-style-type: none"> • 30 minutes presentation; 15 minutes questions and comments |
| 12:30 – 14:00 | Lunch (Bayview Salon, Level 5) |
| 14:00 – 15:30 | Panel discussion on achievements and challenges related to improving forest law compliance and governance in the region <ul style="list-style-type: none"> • EA-FLEG (Mr. William Magrath, World Bank; Ms. Neria Andin, DENR) • AFP (Mr. Yuyu Rahayu) • Toward SFM in Indonesia (Mr. Rudijanta Tjahja Nugraha) • ASEAN (Mr. Prabianto Wibowo) |
| 15:30 – 16:00 | Coffee break |
| 16:00 – 16:30 | Private sector: case study from Malaysia (Ms. Aimi Lee Abdullah, Malaysian Timber Council) |
| 16:30 – 17:00 | The social dimension: illegal logging and livelihoods (Mr. Bambang Setiono, CIFOR) |
| 17:00 – 17:30 | VERIFOR: Institutional and governance aspects of the verification of legality (Mr. Robert Oberndorf, RECOFTC) |
| 19:00 | Welcome reception (Ballroom 2, Level 6) |

| Wednesday, 12 September | |
|--------------------------------|--|
| 09:00 - 09:15 | Recapitulation of the first day (Mr. Chun Lai) |
| 09:15 – 09:45 | Explanation of working group methodology and establishment of working groups (Mr. Chun Lai) |
| 09:45 – 11:15 | <p><u>Working Group Session I</u>: Identification of major obstacles to improving forest law compliance and governance in the region in relation to the policy and legal framework, institutional capacity and knowledge and information from the perspective of different stakeholders. 5 working groups: forest departments, other government agencies, NGOs, private sector, regional/international organizations.</p> <p>Coffee/tea will be available from 10:30</p> |
| 11:15 – 12:45 | Presentation of working group results in plenary and discussion |
| 12:45– 14:00 | Lunch (Bayview Salon, Level 5) |
| 14:00 – 15:30 | <p><u>Working Group Session II</u></p> <p>Part 1: Recommendations for concrete steps forward in relation to the policy and legal framework, institutional capacity and knowledge and information (3 working groups)</p> |
| 15:30 – 16:00 | Coffee break |
| 16:00 – 17:00 | <p>Working Group Session II</p> <p>Part 2: Roles of different stakeholders in the implementation of the recommendations</p> |

| Thursday, 13 September | |
|-------------------------------|--|
| 09:00 - 09:15 | Recapitulation of the second day (Mr. Chun Lai) |
| 09:15 - 10:45 | Presentation of working group results and discussion in plenary |
| 10:45 – 11:15 | Coffee break |
| 11:15 – 12:00 | Presentations by participants (Transparency International and TRAFFIC) |
| 12:00 – 13:30 | Lunch (Ballroom 2, Level 6) |
| 13:30 – 15:00 | Discussion and finalization of workshop statement in plenary |
| 15:00 | Workshop closure (ITTO, FAO, DENR) |

Annex 2: Directory of Participants

GOVERNMENTS

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Annex 3: Composition of Session I Working Groups

| <i>Stakeholder Group:</i> | 1. Forest administrators/ managers | 2. Other forestry functions & government agencies | 3. Civil society/ NGOs | 4. Private sector | 5. Regional/ international organizations |
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| | Manuel da Silva | | David Cassells | | Bill Magrath |
| | Nguyen Van Cuong | | Gabriella Quimson | | Helen Sutch |
| | | Dolores Espanol | | Simmathiri Appanah | |

Annex 4: Composition of Session II Working Groups

| <i>Theme:</i> | 1. Policy & Legal Framework | 2. Institutional Capacity | 3. Knowledge and Information |
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