



# **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:  
Chinese Academy of Forestry**

**October 24-27, 2016  
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Beijing, China**

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



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***Thank you!***

