

# **CSO's View on FLEGT VPA Process in Myanmar: Challenges and Opportunities**



# **Part 1: Context**

- (a) Forestry Sector Updates**
- (b) Issues in forestry sector**

## **(a) Forestry Sector Updates**

- Emergence of MOECAAF and ECD;
- Increased emphasis on the environment;
- Forestry sector reform: revenue target to sustainable timber production;
- Forest Law and CF Instructions have been revised;
- Log export ban (LEB) starting from 31-03-2014;
- Significant drop in Annual Allowable Cut (AAC) - 60,000 hoppus tons of teak and 670,000 hoppus tons of other hardwoods;
- Introduction of new open tender system;
- Potential MTE reform and restructuring (corporatization);

## (b) Issues in Forestry sector

- Illegal logging and associated trade;
- Depletion and degradation of forests;
- Inadequate mechanisms and legal framework to combat illegal logging;
- Bribery and corruption;
- Poverty and forest-dependent livelihood;
- Clear cut policy for forest versus other land uses;
- Forest governance issues;



## **PART 2: Forest Governance Issues**

- (a) Legality and justice**
- (b) Land tenure, customary tenure and access rights to forests**
- (c) Participation in forest policy development and implementation**
- (d) Transparency and accountability**
- (e) Prospects for lasting peace**

## (a) Legality and Justice

Existing legal framework do not provide adequate safeguards for:

- a) Inclusive and responsible forest governance;
- b) Environmental protection;
- c) Against human right abuse;
- d) Corruption;
- e) Legality assurance;



## (b) Land Tenure, Customary Tenure and Access Rights to Forests

- a) Non recognition of customary tenure restricts the rights of forest users, indigenous people, and minority groups;
- b) Ongoing conflict and heavy bureaucratic requirements in obtaining forest tenure further impedes people's access to forests and livelihoods;

## (c) Participation in Forest Policy Development and Implementation

- A top down approach is applied in policy making with no mechanisms for civil society and forest users to participate in the policy development process;
- A lack of transparency in contracting timber extraction compromises trust between the public and the government;
- There is a limited understanding of forest laws and insufficient awareness raising;

## (d) Transparency and Accountability

- ❖ There is little available information on forest conditions, logging, trade and public revenue and expenditure in the forest sector;
- ❖ The benefits of logging are often not seen by the local community, who deal with the negative social and environmental impact of timber extraction;
- ❖ There is no space for independent monitoring of the timber industry and the perceived ties between 'crony' companies and government reinforces public exclusion and mistrust;

## (e) Prospects for Lasting Peace

- ❖ A lack of adequate revenue sharing and communication between government and ethnic armed groups complicates peace-building efforts and undermines the legitimacy of ethnic groups;
- ❖ Conflict in many areas of the countries limits access for poor and marginalized groups and forest dependent people;

## Part 3: CSO's View on FLEGT VPA Process



## CSO's View on FLEGT VPA Process

- There is a need to address illegal logging and associated trade in Myanmar.
- FLEGT must not be assumed to be an accepted mechanism to resolve illegal logging and forest governance issues in Myanmar.
- There is a requirement for broader consultation and debate in all State's and Region's of Myanmar, which includes ethnic stakeholders and minority groups.

## CSO's View on FLEGT VPA Process (Contd.)

- Many civil society groups saw a high risk that FLEGT was too heavily weighed towards 'Trade';
- They also believe that a peace agreement between the government and ethnic armed groups was an important step in achieving an inclusive definition of legality and VPA;
- Many groups expressed concern that not enough time had been given for identification of the risks FLEGT may pose to the country's transition to democracy and on-going peace processes;

## CSO's View on FLEGT VPA Process (Contd.)

- Additional research, awareness raising, consultation, with adequate reflection time is required before many groups can commit to and endorse a FLEGT VPA for Myanmar;
- FLEGT VPA negotiations need to remain flexible to contextual changes related to the transition process;
- Inclusion of ethnic stakeholder groups needs to be sought before entering into FLEGT VPA negotiations;

## CSO's View on FLEGT VPA Process (Contd.)

- MSG should be the national negotiation body for multi-stakeholder deliberations.
- The structure should reflect an equal partnership approach and reduce excessive bureaucratic oversight;
- Representation on the multi-stakeholder group needs to reflect participation of all stakeholders.
- Civil society has the right to select their–own representatives on the MSG through a fair and transparent election process.
- The MSG will directly support the negotiation team.
- A conflict analysis needs to be undertaken to ensure that FLEGT VPA remains consistent with peace-building efforts

## Part 4: Way Forward



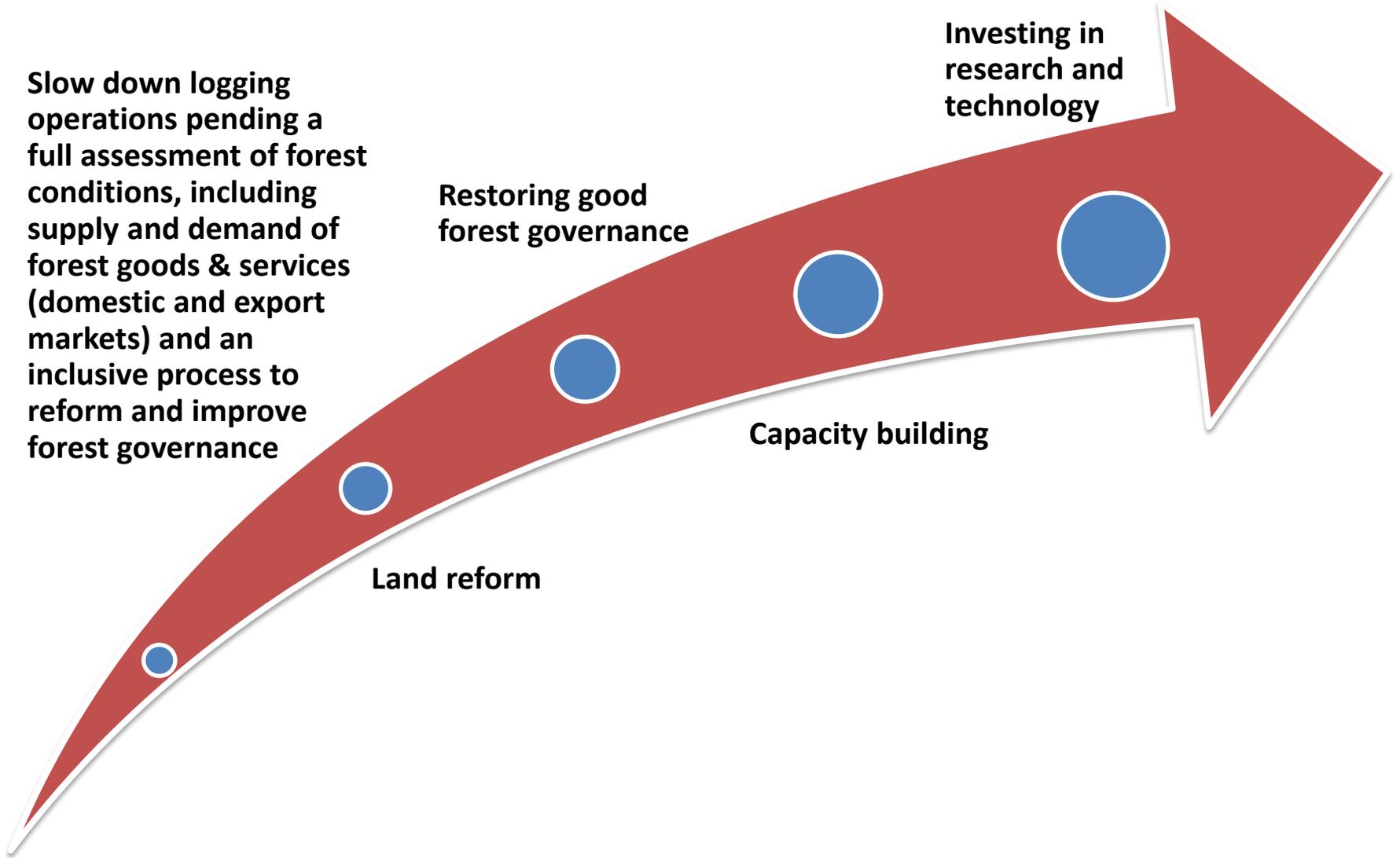
**Slow down logging operations pending a full assessment of forest conditions, including supply and demand of forest goods & services (domestic and export markets) and an inclusive process to reform and improve forest governance**

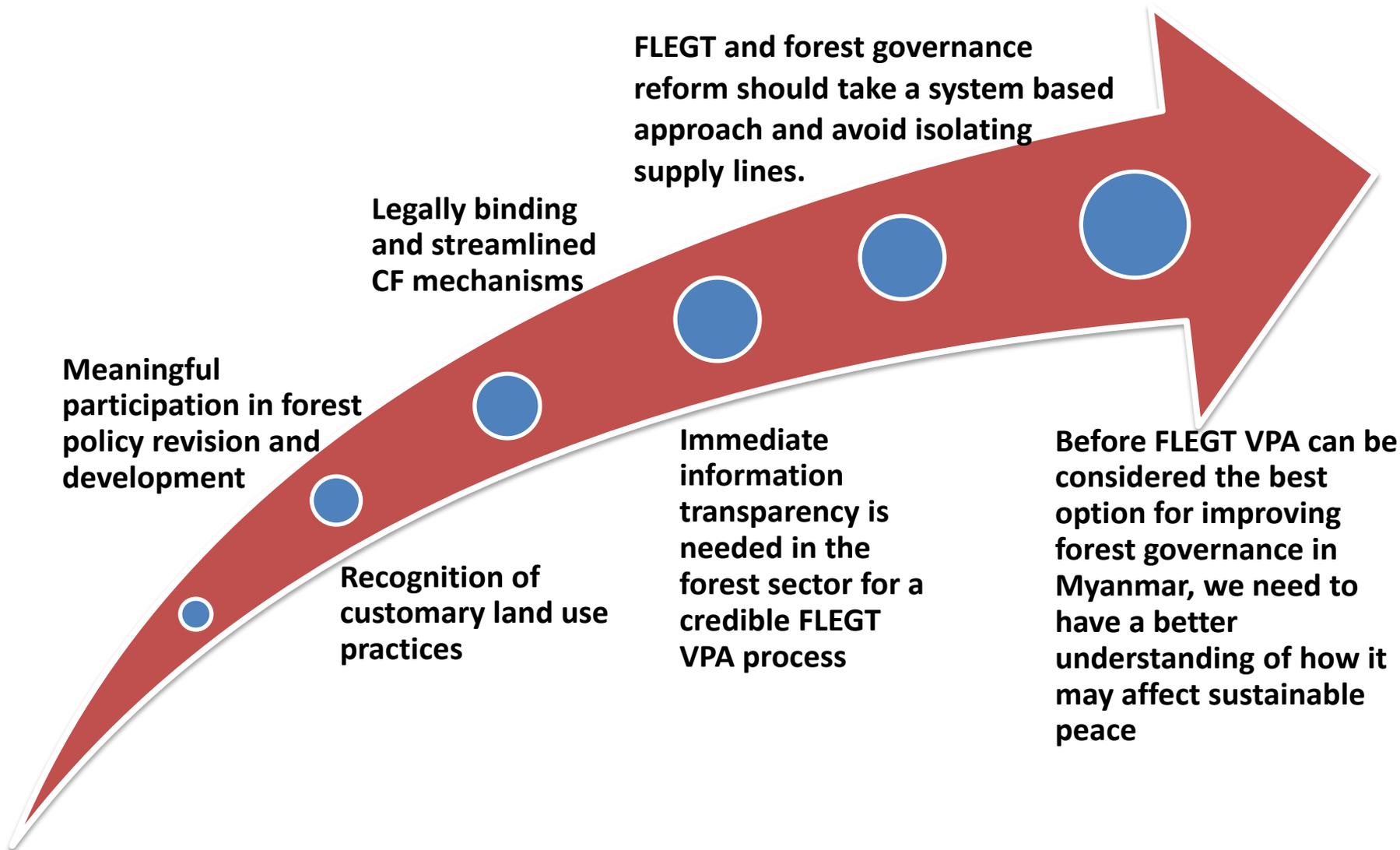
**Land reform**

**Restoring good forest governance**

**Capacity building**

**Investing in research and technology**





**FLEGT and forest governance reform should take a system based approach and avoid isolating supply lines.**

**Legally binding and streamlined CF mechanisms**

**Meaningful participation in forest policy revision and development**

**Recognition of customary land use practices**

**Immediate information transparency is needed in the forest sector for a credible FLEGT VPA process**

**Before FLEGT VPA can be considered the best option for improving forest governance in Myanmar, we need to have a better understanding of how it may affect sustainable peace**

**Thank You!**