

Forest and Nature Conservation Policy Group  
MSc Thesis Report

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## Stakeholder opinion on FLEGT/VPA process: a survey on issues of timber legality in Indonesia

Dody Hernawan



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Supervisor:

1. Dr. K. Freerk Wiersum (Forest and Nature Conservation Policy Group, Wageningen University)
2. Dr. Krystof Obidzinski (Center for International Forestry Research, Bogor)



Forest and Nature Conservation Policy Group  
Wageningen University and Research Centre  
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## SUMMARY

Illegal logging has been troubling Indonesia for the last five decades. It has been associated with a range of negative impacts, including environmental degradation and economic and social problems. The Forest Law Enforcement, Governance and Trade; (FLEGT) is European Union initiative to prevent illegal timber entering the European market. Within this programme Voluntary Partnership Agreements are established with tropical countries exporting timber to Europe. This programme is envisaged as contributing towards the development of sustainable forest management. The FLEGT/VPA programme was introduced in Indonesia in 2006. A major component of this programme concerns on the identification of a Timber Legality Assurance System including the timber legality standards and its verification system. During the VPA process these standards were negotiated between different groups of Indonesian stakeholders from government, timber industry and civil society (NGO). These negotiations formed a follow-up of a previous Indonesian programme for formulating a national timber legality verification system (SVLK). In this SVLK process criteria and indicators were established for timber production, environmental impacts and socio-economic issues. Although it is recognized that timber legality has several dimensions, still little insight exist in the opinions of different stakeholders about whether and how the different dimensions have been taken into account during the VPA process.

The objective of this study is to generate better understanding about the stakeholder's opinions about the timber legality issues considered during the FLEGT/VPA process as well as their opinions about what issues should be considered in further developing timber legality into standards for sustainable forest management. For this purpose, a survey was conducted amongst experts from the government, civil society organisations and timber industry, who had been actively involved in the VPA negotiations. The response rate of the representatives of the civil society organisations was much higher than that of the representatives of the government and the timber industry. This reflects the active involvement of civil society organisations in both the SVLK and FLEGT/VPA process.

The theoretical framework for the research is based on theories regarding the policy regimes and the process of regime formation, regime effect and regime change. The study focuses on the normative aspects of regimes; these are expressed through discourses which reflect frames of meaning about the principles involved in the process of constructing and representing the stakeholder's opinion and interpretation during the FLEGT/VPA regime formation process. The study focused on four specific issues: timber legality definition, timber market orientation, law enforcement approaches and social safeguards.

The finding shows that the legality standards as defined in the SVLK process and further elaborated in the FLEGT/VPA process mainly concerned technical/administrative and financial issues. Although the social issues regarding the customary rights, benefit sharing and involvement of local peoples in forest management were included, they were less elaborated. In line with the nature of the FLEGT programme, the standards were mainly focused on the export market, but all respondents also considered that the domestic timber market should be considered in developing standards for sustainable

forest management. During the FLEGT/VPA process specific attention was given to soft law enforcement; this reflects the active participation of the civil society (NGOs) organisations and their concerns about independent monitoring of timber legality. Hard law enforcement was given less attention, but more attention is needed when further developing the timber legality into a programme for sustainable forest management. During the FLEGT/VPA process social safeguards received the least attention compared to the issues of timber market orientation, timber legality and law enforcement. All respondents regard social safeguards an important issue in developing a further programme on sustainable forest management. Overall, little significant differences in opinions between the three stakeholder categories were found. This may be explained by the relatively small number of respondents and the rather skewed representation of the three categories in questionnaire returns.

The research findings indicate that the formulation of timber legality standard in Indonesia involved a process of active collaboration of government, timber industry and civil society. As reflected by the response to this study, notably civil society organisations were well-motivated to participate in the process; they emphasized the need for transparency in the process of formulating standards for timber legality and its enforcement. All stakeholders agreed that the present standards for timber legality need to be further developed in respect of sustainable forest management, notably in respect of attention to the domestic timber market, elaboration of further social standards regarding forest use (including legal standards for respecting local community rights to access forest), soft and hard law enforcement approaches that address the legal right of forest dependant peoples; and social safeguard in respect of mitigation of the negative impacts of legality standards on forest dependant people.

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## ABBREVIATIONS

APHI	Asosiasi Pengusaha Hutan Indonesia (Indonesian Forest Business Association)
CBFM	Community Base Forest Management
EU	European Union
EC	European Commission
FLEGT	Forest Law Enforcement, Governance and Trade
FSC	Forest Stewardship Council
IFF	Intergovernmental Forum on Forests
IPF	Intergovernmental Panel on Forests
ISWA	Indonesian Sawmill and Woodworking Association
LEI	Lembaga Eco-label Indonesia (Indonesian Eco-Label Institute)
MFP	Multi-Stakeholder Partnership
MoF	Ministry of Forestry
MoU	Memorandum of Understanding
MSFE	Micro and Small Forest Enterprises
PEFC	Programme for Endorsement of Forest Certification Schemes
Pustanling	Pusat standardisasi dan lingkungan. (Standardization of Environment and Climate Change Centre, Indonesian Ministry of forestry)
SFM	Sustainable Forest Management
SRA	Social Responsibility Agreements
SVLK	Sistim Verifikasi Legalitas Kayu (Indonesian Timber Legality Assurance)
TLAS	Timber Legality Assurance system
TNC	The Nature Conservancy
UNCED	United Nation Conference on Environmental and Development
UNFF	United Nation Forum on Forests
VPA	Voluntary Partnership Agreements
WSSD	World Summit on Sustainable Development

# 1. INTRODUCTION

## *1.1 General context*

It has become evidential for more than two decades that illegal logging undermines sustainable forest management and has a long term negative impact on the livelihoods of forest-dependent people, many of whom are amongst the world's poorest and most marginalised people. Particularly it's troubling in developing countries; causing an estimated loss in assets and revenue between €10-15 billion per year, which could otherwise be spent on the provision of education, better healthcare and other public services, as well as the implementation of sustainable forest management (EC. 2003). It was putting at risk hundreds and millions of people who rely fully or partly on the use of forests for their livelihoods. As for Indonesia alone illegal logging and illegal trade was estimated with 40 million m<sup>3</sup> of production with loss of national tax revenue estimated at US\$ 600 million every year (Obidzinski *et al.*, 2006). The range of negative impacts associated with illegal logging and illegal trade in Indonesian includes environment, economy and society problems (Obidzinski *et al.*, 2006).

Indiscriminate removal of timber from tropical forests has continued unrelenting over the past decade; with most deforestation occurring in developing countries. Initiatives to surmount the problem mostly come from developed countries through international agreements. The international concern was first raised in Rio de Janeiro in 1992 during the United Nation Conference on Environmental and Development (UNCED) known as Earth Summit. A Statement of Forest Principles was produced and it became the first global agreement concerning sustainability of forest management. Although it was not a legally binding arrangement, all signatories were expected to practice reforestation and forest conservation and were also to develop programs to find economic and social substitutions for forestry (Cutler *et al.*, 2007). The agenda was continued through the post Rio inter-governmental process with efforts on reducing the pace of tropical deforestation. The Intergovernmental Panel on Forests (IPF) was followed by the Intergovernmental Forum on Forests (IFF) and then (at a higher political level) the United Nation Forum on Forests (UNFF). UNFF is now proposing a non-binding agreement very similar to the one under consideration immediately after UNCED; this is being proposed because the record of all these binding international forest treaties has been poor and none has made any progress on the negotiation (Brown *et al.*, 2008).

The failure of the earth summit 1992 as a result of it being blocked by the Group of 77 Developing Countries known as 'G77' refusing to sign the global forest convention; increased interest in Non-state Market Driven to take an initiative to form actions. In 1993 Toronto – Canada, Forest Stewardship Council (FSC) was created, fashioned by nine 'principles' and more detailed 'criteria' on sustainable forest management, with performance broadly based in scope including tenure and use right community relation, workers rights, environmental impact, management plans, monitoring and preservation of old growth forest (Moffats, 1998 in Chashore *et al.*, 2003). In parallel process, PEFC program was conceived in 1998 by forest companies and private forest owners in Europe, it became an European wide initiative with 15 members, using principle based on Helsinki Criteria that was produced before UNCED Earth Summit (1992) in 1990

(Cashore *et al.*, 2003). Both FSC and PEFC provided certification for timber products using environmentally, socially and economically criterion as foundation to measure sustainable forest management.

The international trade in timber and timber products, originating from to demand from developed countries, identified as an important driver of illegal logging. Illegal logging has been found to depress world prices of timber products, and the financial proceeds from the sale of illicit forest products often wind their way, through money-laundering schemes, into such nefarious enterprises as supporting terrorism, armed conflicts, human and drug trafficking, and protection of war criminals (World Bank, 2006). Due to the massive impacts of illegal timber production and trade, the problem impact negatively not only on producer countries but also on international communities, hence the effort control is a must.

Illegal logging was first raised as a serious international problem in 1998 at the G8 foreign ministers 'Action Programme on Forests'. In April 2002, the European Commission hosted an international workshop that was attended by representatives of the EU Member States, Governments of several non-EU wood-producing and wood importing countries, Forest industry, and Non-government organizations to discuss how the EU should combat illegal logging. At the World Summit on Sustainable Development (WSSD) held in Johannesburg in the same year, the European Commission set out a strong commitment to combat illegal logging and the associated trade in illegally harvested timber. To build on this commitment, the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan was adopted in May 2005.

### ***1.2 EU-FLEGT Action plan***

In April 2002, the European Commission hosted an international workshop to discuss how the EU could contribute to measures to combat illegal logging as a continuation of the process, Forest Law enforcement, governance and Trade was publish in 2003. The aim of FLEGT Action Plan is to establish Voluntary Partnership Agreements (VPAs) between European Union and interested timber producer states or FLEGT partner countries (EC, 2004a). This will both provide an agreed method of guaranteeing the supply of legal timber onto the European market and open the way for the EU to help producer countries improve the quality of their forest governance (Brown *et al.*, 2008).

The Action Plan was the start of a process that places particular emphasis on governance reforms and capacity building, supported by actions aimed at developing multilateral cooperation and complementary demand-side measures designed to reduce the consumption of illegally harvested timber in the EU and ultimately major consumer markets elsewhere in the world.

The Action Plan laid out an innovative approach to counter illegal logging, linking good governance reform in producer countries to the leverage provided by the EU's own influential internal market. The core components included support for governance reform and a licensing scheme to ensure that only legal timber could enter EU territory. The latter was to be achieved through bilateral and voluntary (but also binding) partnerships with selected wood-producing states (Brown *et al.*, 2008).

The Action Plan identifies the setting up of a licensing scheme as a measure to ensure that only timber products that have been legally produced in accordance with the national legislation of the producing country may enter the Community, and stressing on the fact that the licensing scheme should not impede legitimate trade. The Action plan consist of seven broad areas committed to combating problems of illegal logging and its trades emphasizing on governance reform and capacity building of partner countries. These areas as stated in EC (2007a) are:

- Provision of financial and technical support and advice to timber-producing countries;
- Promotion of trade in legal timber, by first focusing on the work with the EU's trading partners that are primary timber producers and second, by focusing on the role of other major timber-importing countries;
- Promoting public procurement policies, that encourage EU member state to implement policies that favour sustainable and verified legal timber in their procurement contracts;
- Support for private sector initiatives, this encourages private sector involvement, including support to build private sector capacity in producer countries;
- Safeguards for financing and investment, the plan aim to encourage banks and financial institutions to take long-term legal supply, as well as environmental and social factors into account when conducting due diligence assessment for such investments;
- Use of existing legislative instruments or adoption of new legislation to support the Plan, by investigating whether existing community or Member state legislation can be used to combat forest sector illegality;
- Addressing the problem of conflict timber, by committing the EU to develop a more robust definition of conflict timber and to better recognise in development cooperation programmes links between forests and conflicts.

### ***1.3 Voluntary partnership agreement***

An important feature of the FLEGT/VPA programme is the establishment of Voluntary Partnership Agreement (VPA) between the EU and major timber producing countries exporting to EU market. VPA is a binding agreement between the EU and a Partner Country by which the EU and the Partner Country undertake to work together to support the purposes of the FLEGT Action Plan and to implement a timber licensing scheme (EC, 2007a). This agreement aims to ensure that the wood imported into the EU has complied with the legal requirements and improve forest governance of the partner country (EFI, 2009).

VPAs offer an approach by which legally produced timber exported to the EU can be identified using licenses issued by FLEGT Partner Countries. This scheme, which requires an EU regulation, would enable customs agencies to allow verified legal timber from Partner Countries to enter the EU, while excluding unidentified (and potentially illegal) timber (EC, 2004a). The process of making Voluntary Partnership Agreements has four phases (EFI, 2009);

- Preparation, during which countries explore the scope of the partnership model and assess whether it meets the needs of their forest sectors;
- Negotiation, during which partner agree on standard and assurance system on which they will base their timber trade agreement;
- Development, during which the parties develop the system as agreed and assess their credibility, and;
- Full implementation, during which the system are functional and only licensed legal wood, can be exported from partner country to European market.

The common key element of the agreement will be that partner countries have, or be committed to developed and to verify in accordance with national laws, that timber is produced in credible legal and administrative structures and technical systems (EC, 2007a). In each country, a VPA need to take into account factors such as national forest governance issues, forest-related legislation, the nature of forest and land rights, the nature of timber trade, current forest sector initiatives and the capacity to implement agreements (EC, 2007a).

So far, VPAs have been concluded with Ghana and the Republic of Congo (Brazzaville) as well as recently with the Republic of Cameroon. These countries are now facing challenges of implementation of the trade agreement, including capacity building activities, law reforms, the development of a wood tracking system as well as the Legality Assurance System to distinguish between legally and illegally produced forest products (EFI, 2010).

### ***1.4 The FLEGT/VPA process in Indonesia***

The FLEGT/VPA scheme was introduced in 2006 in Indonesia. During the preparation process European Commission (EC) and Indonesia explored the scope of the partnership model and assessed whether this approach meets the needs for both sides. There were three consultations meeting conducted and it concluded by the end of the year which agreed to follow up the process. Indonesia and EC officially entered the VPA's formal negotiation phase in January 2007. During March to July 2007 two senior official meeting were organized. Three technical working groups from various stakeholders were set up (see table 1) in 2008 concerning the compatibilities and gaps between Indonesian's new timber legality verification system (SVLK) and the EU expectations for FLEGT timber legality assurance system (TLAS).

Table 1 Technical working groups on timber legality standards

<b>Working groups</b>	<b>Theme</b>	<b>Member organization</b>
1	Capacity building	MoF, MFP, KAN, LEI, APHI, EC-Indonesia FLEGT support project
2	SVLK socialization	MoF, MFP, APHI, TNC, Sucofindo, EC-Indonesia FLEGT support project
3	Independent Monitoring	MoF, Tropenbos Indonesia, Pustanling, ISWA, MFP, EC-Indonesia FLEGT support project

Source: (Dephut, 2010)

Indonesia actually has started to develop SVLK four years before VPA process commenced. This originated from a bilateral Memorandum of understanding (MoU) signed in April 2002 between United Kingdom (UK) and Indonesia, which committed to take tangible steps in reducing, and eventually eliminating, illegal logging and international trade in illegally logged timber and wood products between both countries (Wells *et al.*, 2007). The process began in January 2003 with the formulation of a legality definition to be used to audit the forest industries. In the early development, the process was lead by civil society organisations and environmental NGOs such as Telapak, Environmental Investigation Agencies (EIA) and The Nature Conservancy (TNC), including the inputs from industry service organisation such as Indonesian Eco-labelling institute (LEI) and various organisations like The Forest trust and Tropical Forest Foundation (EC, 2011). The SVLK is the

The process to define timber legality as the core element of FLEGT/VPA was intense from 2006 to 2008 involving multi-stakeholder consultation from government, NGOs and timber industry both in national and provincial level. At the end of 2008, LEI as the facilitator of multi stakeholders groups with support of National Forestry Council, officially delivered both legality standard and proposal for legality assurance system to government. Finally, by collaborating with small group of stakeholders, the government subsequently turned the proposal into legislation. The SVLK is defined by one Ministerial regulation (P.38/Menhut-II/2009, stipulating the institutional and operational framework for assessment of performance and verification of timber legality, and independent monitoring) and one from Director General of Forestry Production Regulation (P.6/Vi-Set/2009, specifying the principle, criteria, indicator and verifier for SVLK).

The four generic TLAS elements of the EU-FLEGT scheme are clearly addressed in SVLK which covered legality definition, timber supply chain control, verification and independent monitoring. One of TLAS elements namely FLEGT licensing was not included in P.38/Menhut-II/2009 since Indonesia developed this SVLK to ensured legality of timber not only for European market but also to other countries as well as applies domestically (Dephut, 2009). Criteria, indicators and verifier for certification and verification system for sustainable forest management (SFM) and timber legality (SVLK) are outlined in P.6/Vi-Set/2009. The assessments (Table 2) include pre-production, production, ecology and social economy aspect (Hakim, 2009).

Table 2 Criteria, indicator and verifier in P.6/Vi-Set/2009

No.	Assessment	Criteria, indicator and verifier
1	Pre-production	<ul style="list-style-type: none"> <li>• Concession permit</li> <li>• Vision and mission of the owner regarding forest utilization</li> <li>• Modality of the company</li> <li>• The use of regulation/policies regarding timber utilization</li> <li>• The use of professional forester in the concession</li> </ul>
2	Production	<ul style="list-style-type: none"> <li>• Operational plans</li> <li>• Harvesting rotation</li> <li>• The use of technology in exploitation</li> <li>• Financial liquidity of the company</li> <li>• Realization of actual harvesting versus annual harvesting plan</li> <li>• Allocation budget for research and development</li> </ul>

3	Ecology	<ul style="list-style-type: none"> <li>• Checking reservation of protected area</li> <li>• Forest protection</li> <li>• Environmental management on forest extraction</li> <li>• Management of wild/threatened species (flora and fauna)</li> </ul>
4	Social economy	<ul style="list-style-type: none"> <li>• Acknowledgment of indigenous rights living surround the concession areas</li> <li>• Clear define boundary between village and concession area</li> <li>• The availability of solving dispute mechanism</li> <li>• Involvement of indigenous people or local community in forest management</li> <li>• Ensuring fairness of benefit distribution to local community in order to improve local community activities</li> </ul>

Evidently, Indonesia had already developed substantial progress in defining timber legality when entering FLEGT/VPA process. During the FLEGT/VPA process, the government has organized the public consultation around the country by inviting regional representatives of stakeholders from forest companies and industries, provincial and district government and civil societies to reviews on the evolving system. A series of 12 programmes including national radios programme (green radio) and telephone and live interviews were organized to stimulate national dialogue between stakeholders and Secretary General of Ministry of Forestry and the EU Ambassador. As the result the process of national legality assurance system and the VPA agreement received large support from Indonesian stakeholders (EU-Indonesia expert, 2011).

At the time of the field research, the Indonesia FLEGT/VPA agreement was under intensive discussions with EU. The Voluntary Partnership Agreement was concluded in May 2011. It was the culmination of more than four years negotiating process toward establishing a timber legality standards and verification system in Indonesia.

### ***1.5 Problem Statement***

Timber and some non-timber resources are being unsustainably exploited and, more worryingly in the long term, the ecosystem services provided by forests are in danger of irreversible degradation. Policy has always played a larger role in shaping action in forests management sectors and yet some of the deeper roots of current forest problems lie in policy moves of the past (Mayers *et al.*, 2008). This problem has been addressed in FLEGT/VPA negotiation process to include three pillar of sustainable forest management, namely environmental, economic and socio-cultural sustainability, as keys to define timber legality concept based on Indonesian forest law and regulation as a partner country. In determining the definition of legality, all stakeholders must include both state and non-state actors. Furthermore, It is generally acknowledged that the success of an effective multi-stakeholder dialogue depend on the extent to which the stakeholders believe in the role of such a mechanism to produce results, and the willingness of each group to accept outcomes of the process, even if they represent a change - away from fixed ideas and established positions.

The development of national legality standards for FLEGT/VPA agreement is the responsibility of the government of each partner country. However, it is acknowledge that the credibility of the agreements and their acceptability to the European market

requires that they are formulated through open and inclusive political process. This process are recognition of the facts that failure to respect forest laws can cause harm to different institutions and people-government, the private sector, the general public and local and indigenous communities in different ways. A politically legitimate standard for legality needs to involve wider consultation with affected groups (EFI, 2009). The challenge now as Beeko said in EFI (2009) is to build on this dynamic experience, and harness the new learning to inform future policy initiatives that related to people, resource governance, market and international standard setting.

To meet targeted market and international standard setting, it might be an extremely onerous task for assessed the compliance since Indonesia has hundreds of laws and regulation related to timber and forests management. Moreover, not all laws are equally relevant to address the most serious impacts of illegal logging (EC. 2007b). There is also another issue to be considered; a dual forest economy consisting of a more-or-less modern export timber oriented and an informal domestic timber sector (Wiersum, 2010). Therefore in formulating timber legality, a practice through stakeholder consultation is needed to overcome the knowledge gap for determining the precise consequences of legality standard to every stakeholder including potential impact on forest dependant livelihood, and governance gap that regard mitigation of those consequences (Hijweege and Arts, 2007).

It was also recognized that further forest policy reforms are needed, especially in respect to social safeguards that " *the parties agree to develop a better understanding of the livelihoods of potentially affected indigenous and local communities as well as the timber industry, including those engaged in illegal logging*" and will " *monitor the impacts of this agreement on those communities and other actors...while taking reasonable steps to mitigate any adverse impacts*" (article 17 of the VPA).

It is not yet clear to what extend such issues are given attention in the FLEGT/VPA processes in Indonesia. Therefore the study will be focused on the need to obtain better understanding about the main issues considered during FLEGT/VPA negotiation process in Indonesia.



## 2. THEORETICAL BACKGROUND

This chapter gives a comprehensive representation of all relevant concepts necessary for the achievement of the research objective and framing of all appropriate research questions for understanding stakeholder opinion on issues to be taken into account in FLEGT/VPA implementation. The concept of policy regime, Discourses focusing on discourse as a frame and different perspectives on the key features of timber legality are presented below.

### *2.1 Policy regime*

Within a larger and more liberal project in the study of international relations which deals broadly with how a society of states can govern itself, regime theory has been especially oriented toward instrumental usefulness (Stokke, 1997). It is important to note the function of regimes, is to shape and converge the expectation of participants. As regime prescribe roles and guide the behaviour of the participants, they increase inevitability and security in international affairs (Arts, 2000). Regime tends to be organized around specific issue areas: trade, monetary policy, food, defence, and others such as in natural resource conservation (Langley, 2001 and Stokke 1997) and in forestry management (see Kant, 2000 and Gulbrandsen, 2004).

Many scholars define regimes in various approaches. Krasner (1983. pp 2) offered the definition of a regime that is most widely used: 'sets of implicit or explicit principles, norms, rules, and decision-making procedures around which actor's expectations converge in a particular issue area'. Principles are beliefs of fact, causation, and rectitude; norms are standards of behavior defined in terms of rights and obligations; rules are specific prescriptions or proscriptions for action; and decision-making procedures are prevailing practices for making and implementing collective choice. Another related interpretation of regimes as Kratochwil and Ruggie (1997) in Wilson (2000) define regime as 'governing arrangements constructed by states to coordinate their expectations and organize aspects of international behaviour in various issue-areas. They thus comprise a normative element, state practice, and organizational roles'.

Several dimensions of regime emerging from literature and presenting a comprehensive summary of international regimes that are closely related with Krasner's and Kratochwil and Ruggie's regime definition, discussed by Dougherty and Pfaltzgraff (1997) in Wilson (2000). From the definition one is likely to note that; first, there is an organizational dimension made up of the states, social or political institutions. Second, regimes consist of mutually accepted decision-making procedures and agreed upon rules for action. Third, regimes contain shared principles, norms, and beliefs. Finally, regimes are organized around a particular issue. Furthermore they divided regime into categories, that is, regimes may be formal and informal. Formal if it by the result of an established international organization; or they may be informal, loose arrangements around a common interest and involving collaboration agreed upon by organizational arrangements, goals, and principles.

The definition of regime as Krasner mention above will be used to cover the grand outline of this study to describe the FLEGT/VPA process. This process emphasises

national (timber producer country) initiative in framing forest regime which should be noticed and covered; involving principles, norms, rules of social actors involved and adopted decision-making procedures. To make the regime legitimate, it must also concern the mitigation of its negative effects on communities. Various elements such as; timber legality definition, type of market orientation, enforcement of forest laws and social safeguards should be included as essential attributes to regime arrangement. These key elements will be discussed further in the next subchapter. To give a broader-scope description of regime I will elaborate regime characteristics and dynamics in below paragraphs.

Braman (2004) distinguishes regime characteristics into three parts namely; regime formation, regime effect and regime change. In regime formation context she categorized into three issues, firstly desire to reduce transaction costs and to manage technological change. Commodification of previously uncommodified areas of activity can lead to regime formation. Secondly the exercise of power by a hegemon in the international environment that in some cases the choice may be between regimes proposed by a strong nation(s), or none at all. The last issue of regime formations is shifts in cognitive framework; lead to identification of new issue areas in which an agreement on operating principles must be achieved where there have been none before and/or change in an existing regime is required.

The second characteristic is regime effects. The goal of a regime is to achieve specific effects, with reduction of uncertainty high on the list. The effect can reduce conflict intensity by reshaping actor's interest and enabling shifts in position; minimized transaction cost; increases the importance of reputation and decreases the incentive to cheat.

The third characteristic of regime discusses regime change. A regime becomes transformed when there are significant alterations in rights and rules, the character of its social choice mechanism and the nature of its compliance mechanism that is, shift in the nature of decision making. Furthermore, in public policy making as Jones (1994) identifies several factors that may lead to policy change, its include the role of new participants and new ideas invading the policy arena expanding and redefining the issues; the media defining the public problem; the policy entrepreneurs promoting ideas and shepherding new policy proposals through the policy process; and the public shifting its attention to new dimensions of a problem and new solutions.

Regime dynamic implicitly announced from previous paragraphs, demonstrates that regime is not static and the change depends on discourses of its constituent entities. Nation-states and global regimes can be thought of as complex adaptive systems because at each level there are behaviors that cannot be inferred from those of, and because any change in one entity or relationship alters other entities and/or relationships (Braman, 2004). Furthermore, political systems in turn unfold within a broad legal field comprised of a wide variety of practices, institutions, and discourses involving multiple actors and sub-systems in constantly shifting formal and informal relationships. From this perspective, a regime is an equilibrating but still dynamic condition of a political system as it takes shape within the legal field.

EU-FLEGT/VPA in this case introduced assistance to partner country to overcome problem of illegal logging. In its assistance, FLEGT/VPA introduced bilateral

governmental approach by combining laws between them to create new approach dealing with illegal logging problems especially its trades to EU. In my opinion, this programme accepts various reactions among future partner countries. Since Ghana has already signed the agreement with EU it might mean that the concept was well accepted in relationship with local forest policy. However, another country, for example Indonesia is a bit hesitant and prefers waiting for progress from other countries for comparison.

This reaction is prevalence due to the fact that the VPA offers legal reform, which some countries where the forest business sector is running well and with low market of timber products targeted to EU surmises less interest in such programme. Furthermore, there is no guaranty benefiting the producer country in term of additional revenue because European offer no guaranty for premium timber price while in national forestry it will definitely raise the timber production cost.

In relation to forest regime, FLEGT VPA can be distinguished as a new regime adjacent with the existing local forest regime, to build harmony, the process of adjoining these two, in local process, needs to accommodate various discourses of social actors' principles, beliefs and norms, including local community dependent on forest.

## ***2.2 Discourses***

Principles, beliefs, norms and decision-making procedures underlying policy regime, are often expressed by discourses. Adger *et al.* (2001) broadly define discourse as a "shared meaning of a phenomenon" either small or large of which its understanding might be shared by a small or large group of people at local, national, international or global level. Hajer and Versteeg (2005) also defined discourse as an ensemble of ideas, concepts and categories through which meaning is given to social and physical phenomena, and which is produced and reproduced through an identifiable set of practices.

The discourses promote certain generally accepted practices and modes of behaviour, establishing the parameters within which social life is conducted, enabling certain types of action while delimiting and constraining others (Humphreys, 2009). Thus, Analysis of discourse allows us to understand the conditions behind a contested issue and gives us access to the essence of that contest as represented by underlying assumptions, the values or stakes recognized by the actors and the priorities they attach to the various considerations that structure the problem (Wolf and Klein, 2007). An example is the sustainability discourse, which brings together notions such as economic, ecological and social sustainability, a belief in the possibility to integrate (contested) economy and ecology (Veenman *et al.*, 2009).

Arts and Buizer (2009) distinguished four types of discourse approach that interprets discourse in different way. Firstly discourse as *communication* that often associated with discussion, debate or exchange of views with regard to a certain societal or political topic. Secondly discourse as a *text*, use basic unit of analysis of classical version of discourse analysis such as text, language or conversation. It confines discourses study mainly to what is said or written, involved a meticulous study of, for instance, a governmental documents on forest policy or the debate at a conference on the matter.

Thirdly, discourse as a *frame*, in the field of policy and planning - like previous version - use meanings of words and texts, but on the other hand discourse can be define as a shared frame of meaning. This approach is no longer focus on language in specific situation but how the certain frame of reference or 'frame of meaning' could mediate the use of language. Finally discourse as *social practice* that has broad end of discourse analysis spectrum that put more emphasis on how discourses, and social practices, including institutional arrangements and power process are intertwined.

This study will focus specifically on the frame approach. The frame concept will be used to identify principles, norm and belief of social actor involved and their interaction in shaping policy arrangement related to VPA process. It is based on social actors' experiences and history, of which they may be aware or unaware, but which in either circumstance influence how they speak and act (Arts and Buizer, 2009). Furthermore, this discourse approach is more abstract that in words version and as text analysis. It exists in the mind of peoples and in social networks of which they are part.

Framing which is a spotlight in this study involves shaping, focusing and organizing the world around us (Gray, 2003). Frames are constructed by sorting and categorizing our experience, weighting new information against our previous interpretation. Thus framing refers to the process of constructing and representing or interpretation the world around us.

In its interactions on policy arrangements, framings are converging between interest groups in specific issue area. Uncovering different frames behind a problem may give rise to reframing, which is necessary to come to solutions unification. However, according to Arts and Buizer (2009) this is not an easy task, as these frames are considered to be 'underlying', hence not directly visible at the face of value. To understand the framing process, investigations should center on the discursive fields within which the framing process takes place. Such fields contain the genres that collective actors can draw upon to construct discursively diagnosis, prognosis, and motivation (Steinberg, 1998). When it is framed as a problem that is (mainly) globally or locally caused, very different policy options will emerge. Again, this also means that problems may also be reframed in order to legitimize a certain action, or to get out of an impasse of conflicting frames (Snow and Benford, 1988 in Arts and Buizer, 2009).

In seeking to convince others of the merits of their particular understanding of how the world is, McCann (2003) denote term of discursive frame, which refers to the process through which interest groups get involve in, how it should be, and the policies that will make it better in the future. Discursive factors distinguishes contending actors and ideas, name and evaluate subjects of conflict, identify modes of argument and standards of judgment, and provide the grounds for agreeing upon objectives and mechanisms for dispute resolution (Barman, 2004). Additionally McCann (2003) recount that discursive framing draws on certain aspects of materiality and experience of everyday life to focus the attention of a wide range of people on a common concern so as to achieve a particular political purpose.

Another approach in framing theory as was introduced by Surel (2000), bring up cognitive and normative frames. These concepts refer to coherent systems of normative and cognitive elements which define, in a given field, 'world views', mechanisms of

identity formation, principles of action, as well as methodological prescriptions and practices for actors subscribing to the same frame.

Cognitive and normative frames allow actors to make sense of their worlds, and to locate themselves and develop in a given community, by defining the field for exchange, by allowing meaning to be conferred on social dynamics, and by determining the possibilities for action. This framing affiliated with Dewulf *et al.* (2005), mentioning cognitive and interactive approach, it emphasizes the way frames are stored and represented in memory and are related to structure of expectations, while the interactional approach emphasizes the enactment of frames in ongoing interaction. Additionally Aarts and Van Woerkum (2006) shows frames are constructed and legitimate in interaction by combining and integrating cognitive building blocks referring to previous experiences, expectations and objective concerning the issue at stake (content), actors involved (relations) and process that take place (process). Generally speaking these frames constitute conceptual instruments, available for the analysis of changes in public policy and for the explanation of developments between public and private actors which come into play in a given field (Surel, 2000). Campbell (2002) noted that, through experiments it has been seen that political actors are more likely to favour policy interpretations that best conform to their cognitive schema/frames and political beliefs. Since political decisions are made by people who are subject to the limits of restricted rationality and they inevitably use cognitive and normative heuristics and short-cuts to form their opinions.

Dewulf *et al.* (2005) signified that cognitive frame is memory structures that help an individual to organize and interpret incoming perceptual information by fitting it into pre-existing schemas or frames about reality. People frame situations by matching perceptual inputs with available frames and from this viewpoint; he made known that frames are considered relatively static entities that extend indefinitely in time. Campbell (2002) in addition indicated that we more specifically may speak of cognitive paradigms as, taken-for-granted descriptions and theoretical analyses that specify cause and effect relationships that reside in the background of policy debates and that limit the range of alternatives policy makers are likely to perceive as useful. From this perceptive, Miller and Holl (2005) highlighted and differentiated between cognitive and normative frame as; whereas cognitive paradigms are 'taken-for-granted descriptions and theoretical analyses that specify cause and effect relationships', normative frameworks are 'taken-for-granted assumptions about values, attitudes, identities, and other 'collectively shared expectations'.

Lindenberg and Steg (2007) point out that normative concern play a key role in pro-environmental behaviour, thus, behavioural choices are based on evaluations about what is right or wrong. Hence, by a normative goal frame one is likely to activate all sorts of sub-goals associated with appropriateness (such as behaving the right way and this make people especially sensitive to what they think one ought to do). For this reason, the important aspects of a situation are normative, both in the sense that one is sensitive to 'oughts' according to self or others and sensitive to what one observes other people doing.

As already noted in previous paragraph normative ideas consist of taken-for-granted assumptions about values, attitudes, identities, and other "collectively shared expectations". These lie in the background of policy debates but constrain action by

limiting the range of alternatives that elites are likely to perceive as acceptable and legitimate rather than useful means to an end. From this, policy makers' values, norms, and principled beliefs may affect their position on public policies by helping them decide which policies are the most appropriate (Campbell, 2002). Normative beliefs may be so strong that they sometimes override the self-interests of policy makers. At the end normative beliefs trumped self-interests as is confirmed by policy makers passing legislation that favoured social groups other than their own, and also by risking their electoral fortunes in the process.

This study takes the notion of cognitive and normative frames as a starting point. Normally frames are studied by qualitative and interpretative method. This study, however, selected a more quantitative approach in respect to pre-identified timber legality issues. This approach was selected due to the fact that comparable study in Ghana was carried out.

### ***2.3 Different framing perspectives***

As discussed in chapter one, when considering the frames of meaning of FLEGT/VPA process, possible different perspective regarding the relevant features of FLEGT/VPA arrangement exists. These issues are type of timber legality, type of market orientation, enforcement of forest laws and social safeguards. It will be elaborate in the next paragraphs.

#### **2.3.1 Type of timber legality**

In theory, Kaimowitz (2003) mention that legal means having a formal management plan, getting it approved, implementing it, and tracking the timber harvested in accordance to what it prescribes form one coherent system. Illegal operation in forest sector takes place when wood is harvested, transported, processed, brought or sold in violation of national law (FAO, 2005). According to Council Regulation (EC, 2005) No 2173/2005, legal timber definition is set up as; '*legally produced timber*' means *timber products produced from domestic timber that was legally harvested or timber that was legally imported into a partner country in accordance with national laws determined by that partner country as set out in the Partnership Agreement*. Above definition emphasizes *legally harvested* timber accordance to *national laws* criteria and *legally imported* refer to EU regulations. I will focus to elaborate on *legally harvested* term in next sub chapter.

Callister (1999) give vast lists of criteria of illegal practices in forest sector related to harvesting process, transportation, timber process and trades as shown in Table 3 below.

Table 3 Criteria of illegal practices in forestry

Practices	Criteria
<b>Illegal logging</b>	<ul style="list-style-type: none"> <li>• extracting timber species protected by national laws</li> <li>• buying logs that harvested outside the concession</li> </ul>

	<ul style="list-style-type: none"> <li>• logging outside concession boundaries</li> <li>• contract with local forest owner to harvest in certain area but then cutting trees from neighbouring public lands</li> <li>• logging in protected areas such as forest reserves</li> <li>• logging in prohibited areas such as on steep slopes, river banks and catchment areas</li> <li>• cutting under/over-sized trees</li> <li>• extracting more than authorised</li> <li>• logging without authorisation</li> <li>• logging when in breach of contractual obligation (e.g. pre logging environmental impact statement)</li> <li>• obtaining concession illegally</li> </ul>
<b>Timber smuggling activities</b>	<ul style="list-style-type: none"> <li>• export or import of banned tree species under national and international laws, such as The Convention on International Trade in Endangered Species of Flora and Fauna (CITES)</li> <li>• export or import of tree species listed under CITES without the appropriate permits</li> <li>• export/import of log, lumber or other timber products in violation of national bans</li> <li>• unauthorised movement of timber across district on national borders</li> <li>• movement of illegally logged timber from forest to market</li> <li>• exporting volumes of timber products in excess of documented export quantity</li> </ul>
<b>Practices specifically aimed at reducing payment of taxes and other fees</b>	<ul style="list-style-type: none"> <li>• declaring selling forest products at prices below market prices to reduce declared profits and corporate and income taxes</li> <li>• declaring buying inputs at prices above market prices to reduce declared profits and corporate or income taxes</li> <li>• manipulation of debt cash flows (transferring money to subsidiaries or a parent company where debt repayment is freer than the export of projects; inflating repayments allowing untaxed larger repatriation of profits, reducing the level of declared profits and, therefore, of taxes)</li> <li>• overvaluing services received from related companies to reduce declared profits and corporate and income taxes</li> <li>• avoiding royalties and duties by under-grading, under-measuring, under-reporting and under-valuing of timber and misclassification of species</li> <li>• Non-payment of licence fees, royalties, taxes, fines and other government charges</li> </ul>
<b>Illegal Timber Processing</b>	<ul style="list-style-type: none"> <li>• processing timber without documentation (if required) verifying its legal origin</li> <li>• operating without a processing licence</li> <li>• operating without other necessary licences and approvals (e.g. effluent disposal permits)</li> <li>• failing to meet licence provisions, including pollution control standards</li> </ul>

Illegal logging practice in forestry as Kaimowitz, FAO and Callister define above is likely to illustrate Timber legality in traditional way disdained the socio-cultural factor concerning the local community. Wiersum (2010) said this Interpretation of timber legality is rather narrow one. It basically refers to issues considered under the traditional

corporatist forest regime, when legal procedures concerning timber organization focused mainly on technical norms on timber production and on payment duties to government. However, it can be considered that timber legality does not just refer to legally harvesting and proper payment of timber royalties and related payments, but also to social and benefit sharing. For instance, it also can be considered that the principles for timber legality include norms in respect to people's legal tenure rights that may be affected by timber harvest rights is involved.

During the last decades according to Arts and Wiersum (2010), new norm and principles regarding forest use and its management have emerged. In many cases, these recent principles and norms have elaborated in formal laws and regulations. As a result, when considering timber legality, four main categories of legal principles in timber production can be distinguished as:

- Legal principle concerning to timber exploitation as an ecologically sustainable practice. This principle concern the cutting of officially-assigned timber species and quota in assigned exploitation blocks, fulfilment of damage control logging requirement, etc. In order to verify timber legally exploited, market timber should applied the important requirement of timber tracking throughout the marketing chain.
- Legal principles concerning on payments of different types of timber duties, e.g. stumpage fees, transport fees, export fees, etc.
- Legal principles concern to social requirements by timber companies. Traditionally such legal requirements were mainly focused on safe and socially responsible labour conditions. But increasingly they also concern on social responsibilities of timber exploitation groups in respect to local communities, e.g. in respect of benefit sharing schemes or payment for reimbursement of damages to community forest resources.
- Legal requirement concerning forest access rights and benefit sharing by local communities. As demonstrated by development of different forms of decentralised forest management, during the last decades increasing attention has been given towards the forest related needs of local communities, and developing new policies for assuring equitable access to forest resources and schemes for forest benefit sharing.

Furthermore, EU though FLEGT/VPA emphasising timber legality does not only operates the simply operational aspects as mentioned before, but also the 'three pillars of sustainability' namely environmental, economic and socio-cultural sustainability should also be addressed in proposing related forest law on defining legality (EC. 2004b). Since sustainable forest management is the long-term aim of forest management in timber producing countries. The following elements are likely to be included to form a credible definition:

- Logging only where there are legal harvest rights, by the holder of those rights;
- Complying with regulations on permitted harvest levels (allowable cutting), and with environmental and labour legislation;
- Payment of timber royalties and other directly relevant fees;
- Respect for other parties' legal tenure rights that may be affected by timber harvest rights.



A definition of legality must be unambiguous, objectively verifiable and operationally workable (EC. 2004b). This means that; filtering which laws and regulations are included and which are not in defining legally harvested timber; clear tests of evidence to determine compliance with each law or regulation; and there must be practical ways to carry out such tests in the field.

### **2.3.2 Type of timber market**

Efforts to secure the sustainable management of forest resources and forest-linked livelihoods are seriously compromised by high rates of resource depletion. For such a system to be effective it has to deal with timber both in the domestic and export markets (Mayers *et al.*, 2008). In pursuance of this vision, the negotiation elements were expanded to include the development and regulation of the domestic market on one hand and the restructuring of the timber industry on the other hand (Beeko, 2009).

Importantly, in developing countries the small and medium-scale forest enterprises (SMFEs) represent the majority of forest enterprises. It is however unclear to which extent they are involved in timber exports and would participate in the VPA licensing system. If the VPA licensing system were expanded further to cover domestic market, all enterprises would be obliged to comply with the same requirements (Indufor and EFI, 2008).

Although both orientations of timber market are regarded in FLEGT/VPA programme, there is still no clear mechanism to organize which market orientation should be a major focus or emphasized in local policy arrangement. It seems duality of this market orientation can be a dilemma during its implementation in field; for instance if producer countries are able to prove the assurance of timber legality, and most of the national timber products are directed to export market that offer price incentive, it will affect the local timber supply for domestic market become less availability. Furthermore if the same criteria of timber legality is applied to both export and domestic market, there is the possibility this action will increased the price of timber products for the domestic market (local consumers) and this could create business instability for small and medium artisanal timber producers. This can be understood since at present most domestic timber products are produced through informal and illegal arrangement (Wiersum, 2010), hence the recognition of the need to further change legal regulation on timber production.

Another concern on timber production and trade between EU-FLEGT and partner countries is that, the current fact of VPAs products coverage does not address the imports of pulp, paper and furniture. When negotiating a VPA, the EU should ensure all forest products will be included (Greenpeace, 2005). Furthermore, licensing only products destined for the EU increases the likelihood of resuming exports of illegal forest products to the EU, in particular by laundering through third countries. This will limit the impact and legitimacy of the scheme.

### **2.3.3 Law Enforcement approaches**

In forest law enforcement context, control is a function delegated by law to a statutory with the right to investigate, report and, within its competence, ensure compliance (that is, to seized evidence and sanction) (Padleton, 1998). In broad sense, it is meant to control activity of forest dependant users which has to follow forest laws and regulations. A forest control system therefore is at least partially nested within the forest administration and consists of the national arrangement for the control of forest resources management, harvesting and use that is mandated by law (Brown *et al.*, 2008).

In many countries, forest-related laws limit the rights of forest-dependent communities. For various reasons, rural communities often have difficulties getting their rights of ownership, access and use of forests regularised (Colchester *et al.*, 2006). Enforcement processes often unevenly target small-scale users while ignoring the political economy surrounding illegal forest use.

Colchester *et al.* (2006) gave an account that Forest law enforcement efforts can usefully be analysed in terms of *soft* and *hard* law enforcement. *Soft* enforcement, where compliance is encouraged by providing positive incentives; and *hard* or tough enforcement, includes the criminalisation of violators.

#### **Soft law enforcement**

The soft enforcement of forest-related laws and regulations to ensure their application, which may be done by encouragement, by providing appropriate incentives and by invoking, without exacting, penalties. Additionally, soft enforcement encourages compliance through informal methods of education, prevention and community relation (Felson 1995 in Padleton, 1998). Soft enforcement recognizes the complexity of social control that is not dependant on formal coercive action. Furthermore, while compliance is not voluntary it does involved incentives. In forest management, soft enforcement often emphasized its practiced that related to forest dependant people, in which many rural forest-dependent communities are engaged in illegal activities in forests.

Law enforcement initiatives potentially pose a serious problem for forest-dependent communities which, obviously, vary from country to country. Unless appropriate measures are taken to protect their interests, even 'soft enforcement' can engender insecurity, sub-optimal investments in long-term land use and resource management, social and environmental degradation (Colchester *et al.*, 2006).

#### **Hard law enforcement**

Hard enforcement involves the actual criminalization of violators of the law through arrests, the filing of charges, court judgments and the imposition of punishments. Hermosilla (2001) set out three actions rooted in forest law enforcement. They are prevention, detection and Suppression, and these actions are interrelated and operate as mutually reinforcing.

1. Prevention activities are geared towards the reduction of illegal acts and they can be applied to actors of the civil society, public and private sectors.

2. Detection, successful detection of illegal acts depends closely on the existence of proper baseline data that give a clear understanding of the forest and of how it has change over time.
3. Suppression involves the use of force and physical (arrest and imprisonment) and/ or financial (fines) penalties to impose the law.

However there is a caution though; hard enforcement is likely to be ineffective if there is a lack of strong penalties, weak institutional capacity, lack of independence in the judiciary or because those charged with enforcement may be complicit in illegalities. In other respect, Colchester *et al.* (2006) mention hard enforcement initiatives may lead to whole communities being criminalized, deprived of income and even their entire livelihoods, and thereby seriously impoverished.

### **2.3.4 Social Safeguards**

As indicated by the above illustrations, when considering timber legality it is important not just to focus on legal issues, but also to consider the social workings of law. An already mentioned in Chapter one in view of the prevalent dual forestry economy consisting formally-recognized forest business enterprises and a more informal artisanal forest enterprises it is important to consider whether social safeguards need to be considered for limiting socially and economically undesirable effects of stimulating timber legality.

The concept of social safeguards was originally developed in response to the understanding of modern business transactions that involve complex exchange of products, services, technology, information, expertise, and human and capital resources over a period of time. Many exchange, such as distribution and supply arrangement, involve ongoing relationships in which one party relies continuously on another for performance of critical functions in development and marketing of its products (Achrol and Gundlach, 1999). Furthermore, parties are expected to make valuable commitments before tangible result are likely to flow from an exchange, often these commitments are borne asymmetrically by one party or in sequence that leaves the first party vulnerable to opportunistic behaviour by each other (Das *et al.*, 1998 in Achrol and Gundlach, 1999)

Safeguard is likely needed to avoid asymmetrical relationship among parties which might lead to one party being more dominant than the other. Paragraph above shows the relationship between two or more individuals, institutions or nations in this nature. The situation is more complex when the relationship to make agreement, laws, policy or any other contractual products, put other parties whose engagement or disengagement at a vulnerable position.

World Bank was among the first institution that applied safeguard in their 10 World Bank Environmental and Social Safeguard Policies to helping borrowers identify environmental issues and problems to examine and determine ways to avoid, minimize, or mitigate negative environmental impacts (Environmental Assessment, OP/BP 4.01) and the objectives are to provide for a sustainable stream of direct or indirect benefits to alleviate poverty, and to enhance community income and environmental protection (Forestry, OP/GP 4.36)(Green & Raphael, 2000). Additionally, to identify the various

stakeholders or institutions and determine their capacity and constraint to participate in project implementation, and assess potential social impacts of the proposed interventions and build into the project design policies and measures that would optimise benefits and avoid adverse impacts on livelihoods. Moreover in May, 2010 UN-REDD newsletter used the term 'safeguard' to address the need for countries to promote and support effective national forest governance structures, stakeholder participation, risk of reversal and displacement and knowledge and rights of indigenous peoples and local communities. For this reason a safeguard draws the attention both to possible risk as well as the possible increased benefits.

In regard to social safeguard policies, World Bank (2005) considering indigenous people underlying natural resource management includes:

1. Ensuring that affected indigenous peoples receive social and economic benefits that are culturally appropriate and inter-generationally inclusive.
2. Ensuring that, when their avoidance is not feasible, a project's potentially adverse effects on indigenous peoples are minimized, mitigated, or compensated for.
3. Ensuring that affected indigenous peoples support a project by engaging them in a process of free, prior, and informed consultation.

These social safeguards are not only relevant for indigenous peoples, but also for local community as well as for people engaged as labourer in timber exploitation. Recently at a Tropenbos International (Ghana) workshop (2010), four main types of social safeguards of potentially affected actors in respect to timber legality were identified:

#### 1. Forest Fringe Communities (FFCs)

Currently, forest laws prohibit FFCs to cut timber for commercial purposes and collection of non-timber forest products from forests is only nominally allowed. Formally, FFCs can profit from timber harvesting when Social Responsibility Agreements (SRA) are fully implemented. However, in most cases, SRA is poorly implemented and farmers are not compensated for damages caused by loggers on their agricultural fields. This leads to insecurity in forest-dependent livelihoods. To mitigate the insecurity, social safeguard could be developed for new alternative livelihood schemes. However, these should be carefully planned, as some of the alternative livelihood activities currently promoted such as grass-cutter farming can be difficult to manage at the initial stage.

#### 2. Chainsaw Operators

Chainsaw operation is known to offer livelihood opportunities to large rural dwellers in Ghana, providing jobs for about 130,000 Ghanaians and livelihood support for about 650,000 people. When law enforcement is tightened, these people are likely to suffer loss of income. At the moment there is no indication that the ban on chainsaw operation will be lifted. Social safeguards are needed to assure sustainable livelihoods for those involved in the activity. This could include transforming it into a legal artisanal activity or integrating it into mainstream forest management and operations. This option is at the moment being discussed by stakeholders in Ghana.

### 3. Micro and Small Forest Enterprises (MSFEs)

Micro and small forest enterprises are currently faced with the problem of accessing legal timber. This is because good quality saw-mill lumber is either not available on the local market or not affordable. This situation compels MSFEs to resort to illegal lumber for their wood-working activities. For instance, about 40,000 carpenters depend on illegal lumber. When the new forest regime such as FLEGT/VPA becomes operative, supply of chainsaw lumber is likely to reduce, potentially impacting negatively on MSFEs. Safeguards are therefore needed against the loss of such legal jobs that depend on illegal lumber. Reliable supply of affordable lumber from legal sources to MSFE is required.

### 4. Formal Timber Industry

Timber industry and markets face decline in wood availability from domestic origin. The changes in availability of wood species would affect the export sector volume (at least in the short to medium term) more than it would the domestic as the latter is more flexible with choice. There are increased cost implications from reduced volumes, species change and enforcement. VPA brings further decline in levels of employment already under way, and could cost US\$ 10 million annually in lost job opportunities as logging and primary processing capacities are further consolidated.

In the process of designing which social safeguards demanded, stakeholders likely have different needs and aspirations, hence it is needed to identify social safeguards, in respect of specific need and interest of each social actor involved. This is required to avoid providing one simple package as social safeguards for all social groups.

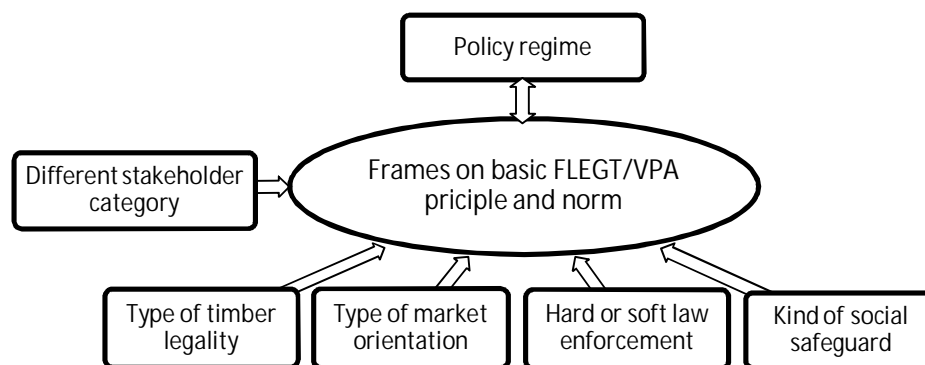
## 2.4 Conceptual Framework

A conceptual framework as stated in Symth (2004), illustrates a broad set of ideas and principles taken from essential fields of enquiry and used to structure a subsequent presentation. By so doing it scaffold research and assist the researcher to make meaning of successive findings. In carrying out this research, the concept of the policy regime will be used as a key themes in referring to socio technical arrangement of policy rules (type of timber legality and forest law enforcement) regarding production and trade of timber and social safeguards in forest resources as it embedded in specific constellation of stakeholder involvement in respect to sustainable forest management.

Competing of different frames among national and international stakeholders in defining the basic approach of FLEGT/VPA governance system, will be used in analyzing the differentiation of stakeholders approach in FLEGT/VPA process. Under this competing frames, as mention in previous chapter: type of timber legality, type of market oriented, law enforcement and social safe guards is to be used to explain the perspective of key actors in the implementation of FLEGT/VPA.

As already mentioned policy regime can be defined as a 'sets of implicit or explicit principles, norms, rules, and decision-making procedures around which stakeholder's expectations converge in a particular issue areas and for this reason tends to be organized around specific issue areas. In Figure 1, timber legality, market orientation, law enforcement and social safeguards are regarded as issue areas, these fields might contain the genres that collective actors can draw upon to construct policy frame. Differences and similarity will be examined by assessing individual frames of meaning of stakeholders regarding these issues.

Figure 1 Conceptual framework depicting a relationship between forest policy regime and different framing perspectives



## ***2.5 Research Objectives and Questions***

The general objective of this study is to develop a better understanding the different opinion of stakeholders attached to major legality issues of FLEGT/VPA policy regime in Indonesia. On the basis of the conceptual framework, this objective was operationalized in the following research questions:

1. What are the opinions of different stakeholders on the present characteristics of the FLEGT policy regime as represented in the country VPA?
  - What was the main market orientation?
  - Which categories of timber legality were considered for inclusion in the country VPA?
  - What kinds of law enforcement approaches were considered?
  - What kind of social safeguards were taken into account?
2. What are the opinions of different stakeholders concerning the further development of VPA into programme of sustainable forest management?
  - What should be the role of export and domestic timber production and trade?
  - Which categories of legality should be included?
  - What specific types of law enforcement should be included?
  - What kind of social safeguards should be included?
3. Are there differences in this opinion between different stakeholders?

### 3. METHODOLOGY

In this chapter, the methodology used to collect relevant information and the research activities that were undertaken are explained. The first part consists of an overview of research design that was employed. Next is the research area where the study conducted. The third part gives an overview of information sources. The fourth part is data collection techniques. Lastly, a presentation of how data obtained were analysed.

#### ***3.1 Research design***

Systematic survey according to Groves *et al.* (2009), is a method for gathering information from (a sample) entities for the purposes of constructing quantitative descriptors of the attributes of larger population of which the entities are members. In addition he further explained that a systematic survey can be distinguished from other ways of gathering information, due to the fact that only key informants are selected from the target population; hence the selection of a sample. This opinion is related what Kumar (2005) mention about judgmental or purposive sample which also indicate the same approach, he added that type of survey approach is very practical if the study want to understand the historical reality in respect to a certain phenomenon in which only certain people involved and subject matter is little known.

This survey was conducted through the use of closed-ended emailed questionnaire and face to face interviews. Likert scale applied as multiple-choice for respondent to answers the questionnaire. Likert scale is the most widely used scale in questionnaire for survey research as Alvin and Roland (2008) mentioned. Furthermore they stated that Likert questionnaire makes the respondent specify their attitudinal value of agreement or disagreement level on symmetrical agree-disagree scale for series of statements, which capture the intensity of their opinion and perception. The aim of this practical modelling exercise was to derive information from actors involved which covered various stakeholders to determine their perspectives in regard with the implementation of FLEGT/VPA in Indonesia. It allows the systematic collection and comparison of the information. As the study was indirectly involved comparison between present country and Ghana. Thus, this approach was most appropriate to collect systematic comparable information.

Respondents were classified into three different groups namely Government agency, Civil Society and Timber Industry, to facilitate the identification of opinion and perspectives for the development of policies on past VPA process of preparation and negotiation phase. The principle of stating opinion and perception in the public setting as Smith in Mbatu (2008) mention is the aggregation of individual's perception on public issues into a collective or unfired option.

#### ***3.2 Study area***

The study was conducted in Indonesia and it focused in the capital city Jakarta and Bogor since most of the negotiation process of FLEGT/VPA was conducted here as well



as most of national and international NGOs located. The study was also conducted in several different province such as West Kalimantan, Jambi and Papua where several local working groups has been developed as a continuance of FLEGT/VPA project to support the Indonesian Ministry of Forestry working group in the development of a new law on the eradication of illegal logging activities and the formulation of Indonesian timber legality assurance system.

### ***3.3 Selection of Respondents***

Since the study has the purpose of retrieving information relevant to achieve the objective of it, there was therefore the need to strategically select respondents. This was due to the fact that it was usually important to select respondents/informants who were somewhat typical of the group you are studying in other not for their observation and opinions to be misleading, (Babbie, 2010). Hammersley and Atkinson (2007), gave two steps which will be considered in selecting respondent; the respondent who sensitive with the issue and the more willing respondent. Respondent who were especially sensitive to the area of concern means that the respondents were actively involved in VPA process, and the more willing to - relevant respondent was considered since most respondents were busy, high level government officers where in several cases need some kind of protocol or appointment before conducting interview.

The key respondents who were experts and have been involved and familiar with FLEGT/VPA were selected. Their identification and selection were carried out by accessing information from previous participant in negotiation, meeting, workshop, seminar etc. Furthermore, this study was accommodated the stakeholders from various actor such as state actors, timber company representations, NGOs and from civil society. Because of time constraint, only infallible respondents were selected whose determined could provide appropriate answers for the purpose of this study since the process has begin since 2006 and involved various stakeholders from different institutions.

The information of potential respondents was collected from FLEGT office in Jakarta and from MFP (Multi Stakeholder Programme) which indicates lists of names, institution, domicile, contact number, email, and other relevant information. Also during interview, the respondents were asked about recommendations for the potential next respondents (snow ball approach) since he/she has the information of actors involved in this VPA process.

### ***3.4 Data collection***

As already stated above, collecting data from respondents was achieve through the combined closed-ended questionnaires, website questionnaires and structured interviews methods. Questionnaire was developed in proper Indonesia language and test three times before the actual survey; it was taken 25 to 30 minutes to fill in the overall questions.

### **Closed-ended email and website questionnaire**

The Close-end questionnaire aimed to get various stakeholders opinion on FLEGT/VPA process in Indonesia for less variation and also for easy aggregation of answers for further analysis. Questionnaire was consist of three main items; the background information of respondent, respondent opinion on past FLEGT/VPA process relating to its key features, and future perspectives of FLEGT/VPA which consist of same questions with previous item but reflecting on their perception for the further development of VPA in the future.

The email survey was chosen because it offers some possible advantages including cost saving associated with eliminating the printing and mailing of the survey instruments and the return questionnaire is already in electronic format (Kaplowitz *et al.*, 2004, Sheehan, 2001). Another consideration was in certain population that regularly access internet the email base survey found to be a useful means of conducting research.

The questionnaire was sent to respondent email address along with research cover letter (from CIFOR) and personal information. One of the challenges faced according to Selwin and Robson (1998) that email survey as a research method obscures some inherent weaknesses in its validity, for the reason that using of email is the extremely self-selective, limited and therefore biased population that it covers. However, as reaction to above respondent validity the study indeed selective in choosing the respondents referring only to who were involved actively in VPA process. Moreover, the selective survey meant to select key informant as the 'proper' respondent who have better knowledge of the process thus the information acquired reflecting the actual situation of the process.

Another data collection method was website questionnaire. This approach was use after receive feedbacks from respondent that complaint some problems opening the attached questionnaire files. The survey was employ through free Google Docs spread-sheet with no modification of questionnaire content at all, but the appearance was modified by following the website layout. The technique was similar with email survey regardless attaching the questionnaire's file, instead informed the respondents the website link. The respondent was approached though phoning and emailing to get the willing-to-participate respondent, especially the respondent who domicile in provinces and districts in Sumatra, Kalimantan and Papua Island. In some occasion, it was taken several times to contact the respondent before got their enthusiastic to participate. It also needs to remind their participation since some of them after the email which contained with questionnaire or website link were sent, they forgot or delayed to send the questionnaire (or fill in website link) back.

The initial number of respondents was planned to deliver one hundred questionnaires in total. However, the realization was less than planned, overall 57 questionnaire were distributed, mailed and website delivered only 30 were replied the questionnaires.

### **Structured Interviews**

Kumar (2005) defined structured interview as the use of a predetermined set of questions by a researcher without any variation and order of the questions. The purpose of this approach was to get better insight of respondent's knowledge by collecting additional verbal or written information related to FLEGT/VPA process in Indonesia. This

face to face interview was design as a combination to email and website survey. From 15 targeted interviews 10 were succeeded. The handicap for this approach in the field point out that most of targeted respondents being interviews was high level government officers and directors of International NGO which not all of them were available at certain time or willing to be interviewed.

### ***3.5 Data Analysis***

The data obtained from the questionnaires were entered in excel which later transformed into SPSS data base. The SPSS (originate from Statistical Package for Social Sciences) program was chosen as a tool for data analysis because it is the most widely used programs for statistical analysis in social science (Wellman, 1998). The ordinal data from the answered questionnaire was transcribed into numerical scale data sets;

1 = no attention; 2 = limited attention; 3 = explicit attention.

The mean value was originated from the average of scale data for certain topic of certain stakeholder. Frequency for descriptive statistic in SPSS was applied in the first place to see the tendency of mean value from three stakeholders (government, civil society and timber industry) as initial information for further analysis using One-way Anova. It was used to test for (significant) differences among the groups (mean value).

## 4. RESULTS

This chapter presents the outcome of the information gathered during fieldworks and generated through data analysis. The primary purpose is to present the result of stakeholder's perspectives comprehensively in accordance with the four key features of FLEGT-VPA's negotiation phase in Indonesia. The FLEGT/VPA negotiation process was proceeded by the Indonesian process of formulating legality standards under the SVLK process. During this process the timber legality standards were further adopted. This research focused specifically at the FLEGT/VPA process, but as indicated by data collected in this chapter it occasionally referred to the SVLK process. This reflects the reality of the evolving policy process in Indonesia. The structure of this chapter is organized in several parts; firstly, I will elaborate the respondent characteristics and group them into three stakeholder categories. The following subchapters elaborate the stakeholder's perspectives on FLEGT-VPA features regarding timber market, timber legality, forest law enforcement and social safeguards. Both perspectives during preparation and negotiation phase and perspectives on future arrangement for sustainable forest management are presented.

### *4.1 Profile of respondents*

#### **4.1.1 Stakeholder categorization**

As shown in Table 4, the respondents can be classified into three stakeholder categories namely government agencies, civil society and timber industry. Government agency was comprised of four respondent organizations which are Ministry of Forest, local-level forest agencies in provinces and districts, non-forestry government organization and university or research institution. Allocating university or research Institution as government body is because respondents from this domain are government funded. Secondly, civil societies consist of Non-Governmental Organization (NGO) both for local and international and international development cooperation organization. Lastly, timber industry is representation of timber exploitation company who own forest concession and timber industry associations who produce and export timber products.

Table 4 Categorization of respondents

Stakeholder's categorization	Number of respondent	percentage	Respondent's organization
Government agencies	11	27.5	<ul style="list-style-type: none"><li>• National Forestry Organization</li><li>• Local-level Forestry Organization</li><li>• Non-forestry Government Organization</li><li>• University or Research Institution</li></ul>
Civil society	24	60.0	<ul style="list-style-type: none"><li>• Non-Governmental Organization (both for local and international)</li><li>• International Development Cooperation Organization</li></ul>
Timber Industries	5	12.5	<ul style="list-style-type: none"><li>• Timber Exploitation Company</li><li>• Timber Industry</li></ul>
<b>Total</b>	<b>40</b>	<b>100</b>	

Number of respondents who responded to the survey varied amongst categories. More than half of respondents belong to civil society (60%) whereas government agencies (27.5%) and timber industries (12.5%) show lower percentage of response. The high response rate from civil society groups illustrates their active involvement in FLEGT/VPA and related SVLK process.

Respondent's age were categorized into three ranges of age clusters. The age ranges are 30-39, 40-49 and 50-59 years of old. Age range between 30 to 39 and 40 to 49 years old were the two higher age clusters of respondents which 45% and 40% respectively. There is only 15% of respondent in age range of 50 to 59 years old. Most of respondent are men contributing only one woman from local forestry agency participated in this survey.

#### 4.1.2 Stakeholder involvement

The respondents were asked to specify their degree of involvement in the VPA process. Most of them stated that they had been participating in one or more activities, but they did often not specify how frequently they participated in specific activities. Therefore, results only indicate the number of participants who were involved in information or participatory meetings.

Table 5 shows that the respondents from civil society and timber industry generally attended more in FLEGT/VPA meetings than government officials. The 24 respondents of civil society were attended 1.5 for information meetings and 1.0 for participatory meetings in average. The timber industries consist of 5 respondents which in average 1.6 for information meetings and 0.6 for participatory meetings. The government participated by 11 respondents, the average for information meetings and participatory meetings is 1.0 and 0.9 respectively. Overall, the information meetings were highly attended (54) by all stakeholders than the participatory meetings (37).

Table 5 Involvement of stakeholders in FLEGT/VPA meetings

Meeting	Number of meeting attended		
	Government	Civil society	Timber industry
Information	11	35	8
Participatory	10	24	3
<b>Number of respondents</b>	<b>11</b>	<b>24</b>	<b>5</b>

#### 4.1.3 Conclusion

Respondent were categorized into three groups of stakeholders namely government agency, civil society and timber industry. The participation of stakeholders in this survey was varied which placed civil society as the most participated stakeholders for both information and participatory meetings compare to timber industry and government officers. Although the number of respondent was uneven between stakeholders, their involvement was considered intensive in VPA process.

## 4.2 Timber market orientation

### 4.2.1 Opinion on timber market orientation during FLEGT/VPA process

Export, domestic and its timber products were three timber market orientations considered in this study. As indicated in Figure 4 export timber market was the dominant issue in VPA process. All three groups indicated that export timber market received explicit attention (2.9) during the FLEGT/VPA process. Furthermore, when these opinions were test using statistical one-way Anova with significant level 5% it shows no significant different (Sig. 0.74) within stakeholders.

Figure 2 Present market orientations during VPA process

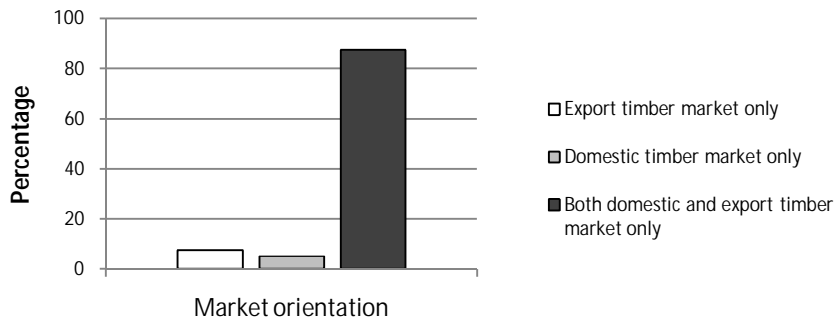


International wood products market was also received moderate (between limited and explicit attention) attention during the negotiation phase. Average mean value of stakeholder's opinion on this issue was almost 2.5 which indicate the issue being highly discussed. Timber production aimed for domestic timber market was been discussed but compare to others, this option was received relatively limited attention. Within civil society groups this opinion was not uniformly expressed, but this difference was not statistically significant (one-way Anova, significant level 5%)

### 4.2.2 Opinion on optimal arrangement of timber market orientation

The respondents were also asked what kind of markets should be considered in further development of the timber legality definition into a sustainable forest management (SFM) scheme. There were three options of timber market arrangements issuing export, domestic orientation and its timber products. Figure 5 shows that respondents considered both domestic and export should receive attention (87.5%) in further developing sustainable forest management, while arrangements only for export and only for domestic orientation has low in response (less than 10%).

Figure 3 Stakeholder opinions on type of market to be considered in SFM



Stakeholder's opinion within each market options between government (2.9 score), civil society (2.8) and timber industries (2.8) indicate small differences in mean value. Majority of stakeholders has chosen both market for export and domestic as their choice for the best option for further timber market arrangement. The small differences of mean values between stakeholders were not statistically significant (Sig. 0.75) tested using statistical one-way Anova.

### 4.2.3 Conclusion

During VPA negotiation, domestic timber market orientation was less discussed compared to export market and its timber products. However, respondent's opinion changed when they asked to which market arrangement was best for further timber market arrangement in line with SFM. Majority of respondents regards both domestic and export timber markets are equally important as optimal timber market arrangement.

### 4.3 Timber legality

There were 12 questions that were asked to respondent regarding legal definition of timber legality. These questions further grouped into 3 categorical issues namely technical administrative, financial and social issue (Table 6).

Technical administrative consist of 5 topics in relation to traditional forestry regulation administered forest extraction activities including prevention corruption in timber extraction. Corruption prevention was categorized under technical administrative since the question was aimed to discuss corruption that related to illegal payment administratively and technically in timber exploitation including its transportation. The topics which were categorized as social issue concerned on social obligations of timber companies and industries to its worker and to local community.

Table 4 Categorization of timber legality issues

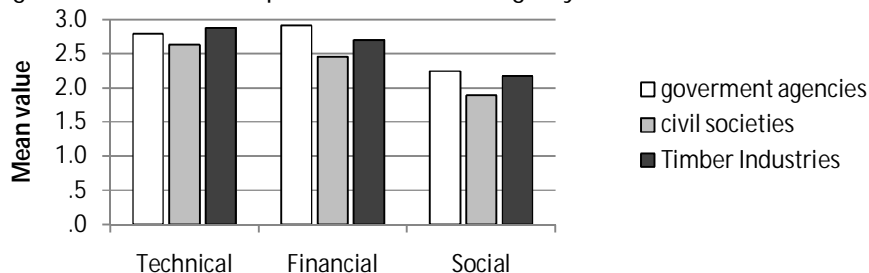
Timber legality	Issues of interest
Technical/administrative issues	<ul style="list-style-type: none"> <li>• Logging with official harvesting permits</li> <li>• Regulations compliance on permitted harvest levels</li> <li>• Not logging outside concession boundaries</li> </ul>

	<ul style="list-style-type: none"> <li>• Not cutting of protected tree species</li> <li>• Prevention of corruption in timber exploitation</li> </ul>
<b>Financial Issues</b>	<ul style="list-style-type: none"> <li>• Payment of timber exploitation royalties</li> <li>• Payment of Official charges</li> </ul>
<b>Social issues</b>	<ul style="list-style-type: none"> <li>• Compliance with regulations on forest benefit sharing</li> <li>• Reimbursement of damaging crops to local communities</li> <li>• Respecting local communities access rights to forest resources</li> <li>• Complying with labour legislation</li> <li>• Payment of development funds to forest fringe Communities</li> </ul>

### 4.3.1 Opinion on attention to timber legal standard in FLEGT/VPA issues

Stakeholder opinion shows differentiation of attention given to technical/administrative, financial and social issues as elaboration of timber legality definition. During the FLEGT/VPA processes the technical/administrative and the financial were indicated as two major issues discussed while social issues received relatively lowest attention compare to technical and financial issue.

Figure 4 Stakeholder opinions on timber legality standard



Vertical scale: 1= no attention, 2 = limited attention, and 3= explicit attention

Three scale options were set for respondent to choose whether certain market issue received (1) no attention, (2) limited attention or (3) explicit attention during the processes. As shown in figure 5, the average mean value of technical/administrative (2.8) and financial (2.7) issue is more or less has the same value indicates explicit attention whereas social (2.1) issue indicates limited attention. Statistical analysis using one-way Anova shows there is no significant different on technical/administrative (Sig. 0.17) and social issues (Sig. 0.11) in respect to their opinion on degree of attention given to both legality issues. However, there is significant different of opinion on financial issue (Sig. 0.04) between stakeholders. This significant different were derive from significant value between government and civil society (Sig. 0.01) in stakeholder's multiple comparison.

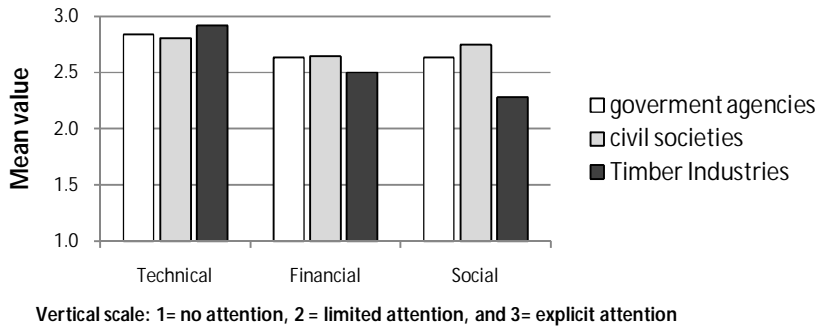
### 4.3.2 Optimal arrangement of timber legality perspective regarding SFM

The optimal future stakeholder's perspectives of timber legality shows somewhat similar pattern with previous present opinion, whereas the technical/administrative issue still received highest attention followed by financial in the second place and finally social



issue. However there was slight increase of attention given to social issue especially opinion from civil societies, while respondent from timber industries still put social issue in lowest attention of all issues.

Figure 5 Stakeholder perspectives on optimal timber legality arrangement



Average mean value of all stakeholders (2.9) shows explicit attention on technical issue while financial (2.6) and social issues (2.6) acquired relatively moderate attention. Small differences of mean values within technical and financial issues was resulting no significant different of opinions between stakeholders with significant value of 0.70 and 0.84 respectively.

Nevertheless, there was difference of opinion level within social issue which shows significant different between stakeholders (Sig. 0.04). In multiple comparison one-way Anova, stakeholders of civil societies and timber industries has significant different (Sig. 0.01) opinion in which likely causing significant different between all three stakeholders in this issue.

### 4.3.3 Conclusion

Stakeholder opinion on optimal arrangement of timber legal standard during FLEGT/VPA process on timber exploitation regarding SFM shows similar trend which was placed technical/administrative as major attention issues. Greatest increased of attention in relation to social issues was indicated by civil society but still on averages it scored below financial and technical/administrative issues (Table 7).

Table 6 Comparison of stakeholder perspective on timber legality

stakeholder	Timber legality					
	During VPA process			SFM perspectives		
	Technical	Financial	Social	Technical	Financial	Social
Government	2.8	2.9	2.2	2.8	2.6	2.6
Civil society	2.6	2.5	1.9	2.8	2.7	2.8
Timber industries	2.9	2.7	2.2	2.9	2.5	2.3
Average	2.8	2.7	2.1	2.9	2.6	2.6

There were significant different of opinions among stakeholder perspectives concerning both during FLEGT/VPA process and the optimal timber market arrangement. The opinion on financial aspect of timber legality during the VPA process shows significant different between stakeholders. Social aspect was significant different between stakeholders regarding the optimal arrangement of timber legality regarding SFM.

#### 4.4 Law enforcement

The question on law enforcement was grouped into two categories namely soft-law enforcement (six categories) and hard-law enforcement (three categories), see Table 8. The topics in soft-law enforcement regarded not only socially-inclusive approaches to enforcement of laws, but also involvement of NGOs and workshops and trainings to communities and to timber companies.

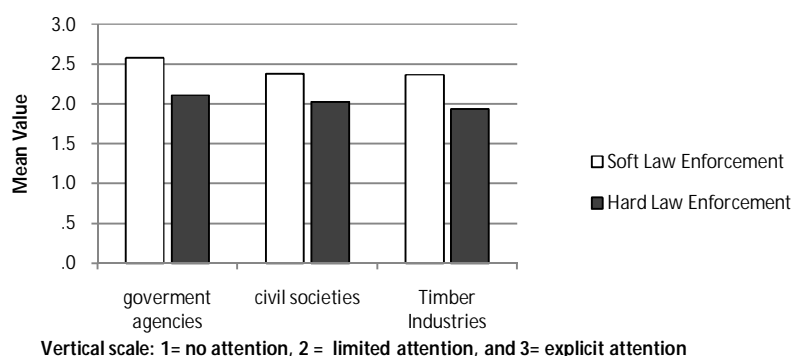
Table 7 Categorization of law enforcement

Law enforcement	Issues of interest
<b>Soft law enforcement</b>	<ul style="list-style-type: none"> <li>• Increased (transparency) in process of obtaining timber exploitation permits</li> <li>• Provide easy mechanisms for the public to report non-compliance of timber legality regulations</li> <li>• The need for legal reform to redress obsolete forest legislation</li> <li>• Engage NGOs and environmental groups in control on proper implementation of law enforcement</li> <li>• Organize workshops with civil societies groups and local communities to make them aware of legal obligations on timber industry</li> <li>• Organize training for timber companies on best practices to comply with legal requirements</li> </ul>
<b>Hard law enforcement</b>	<ul style="list-style-type: none"> <li>• Strengthening of enforcement capacity by investing in policing resources</li> <li>• Improve capacity of courts to judge and punish legal offenders</li> <li>• Engage the army to assist with timber law enforcement</li> </ul>

##### 4.4.1 Opinion on law enforcement in VPA process

Stakeholder's opinion as seen in Figure 6 shows that according to the respondents soft law enforcement received relatively more attention during VPAs negotiation phase compare to hard law enforcement. Soft law enforcement was considered as having received moderate attention and hard law enforcement was received limited attention.

Figure 6 Stakeholder opinions law enforcement VPA process



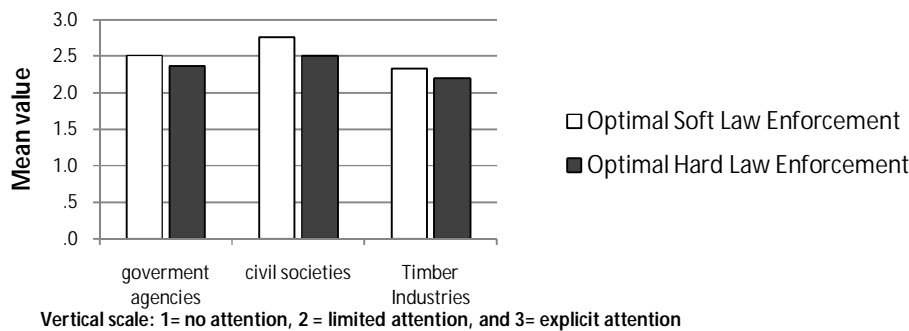
Mean average of soft law enforcement (2.5) and hard law enforcement (2.0) are slightly different to each other. Moreover comparison of stakeholder opinion were tested using

one-way Anova; it shows that there was no significant different between stakeholders on these issues with significant value of 0.42 and 0.83. However, there was significant different between government and civil society (Sig. 0.02) in one individual topic in soft-law enforcement domain which dealing with 'organize workshops for civil societies group and local community regarding awareness to legal obligations of timber industries'.

#### 4.4.2 Optimal arrangement of law enforcement regarding SFM

In order to accessed stakeholder's opinion on future perspectives similar series of questions to the present opinion were asked to find out what would be the best arrangement of law enforcement regarding VPAs further implementation regarding SFM. The result of respondent perspectives on hard-law enforcement in Figure 7 shows an increasing tendency, but overall they have replied with similar outline to present opinion which still indicates soft-law enforcement (2.5) received high attention compare to hard-law enforcement (2.4).

Figure 7 Stakeholder opinions on optimal arrangement of law enforcement



There was no significant different on optimal hard law perspective (Sig. 0.24) when one-way Anova's multiple comparisons between groups was carryout. This was because of the difference of mean value in this issue was small between stakeholders although there was significant different on individual topic of 'Engage the army to assist timber law enforcement'.

In the same test, soft-law enforcement shows significant different (Sig. 0.01) with significant level of 5%. This significant value was derived from significant different in individual topics within soft-law enforcement. There were two Individual topics that has significant different between stakeholders, the first is the topic of 'Engage NGOs and environmental groups in control on proper implementation of law enforcement' (Sig. 0.00) and the second is 'Provide easy mechanisms for the public to report non-compliance of timber legality regulations' (Sig. 0.01).

#### 4.4.3 Conclusion

Comparison of stakeholder's opinion indicates that soft-law enforcement is considered as having received explicit attention during VPA process and needing most attention in further developing optimal SFM arrangements. There was slightly increment of attention needed to be given to hard-law enforcement in developing SFM standards as compared

to the attention of this issue in the FLEGT/VPA process, while soft-law remains the same value between two processes (see Table 9). Concerning the mean values given to hard-law and soft-law, law enforcement received limited attention during VPA process while it received moderate attention for the further development of VPA process.

Table 8 Comparison of stakeholder perspectives on law enforcement

stakeholder	Perspective's mean value			
	During VPA process		SFM perspectives	
	Hard law	Soft law	Hard law	Soft law
Government	2.1	2.6	2.4	2.5
Civil society	2.0	2.4	2.5	2.7
Timber industries	1.9	2.4	2.2	2.3
Average	2.0	2.5	2.4	2.5

Although there was significant different in individual topic on soft-law during VPA process, in overall there was no significant different between stakeholder's opinion to soft-law and hard-law enforcement. These perspectives slightly changed which was indicated by significant different on soft-law enforcement when respondent gave their opinion for the optimal arrangement regarding SFM.

#### ***4.5 Social safeguards***

There are eight individual issues of social safeguards which was allocated into 2 groups (Table 10), namely the 'Proper access and benefit rights' and the second was 'proper legal framework'. The first category discussed about timber company's obligations to local community through equitable sharing of forest benefit and effectiveness of social responsibility (CSR or SRA). Furthermore, it also interested to enable market access of timber product from local community and to stimulate alternative employment for outlawed loggers.

Table 9 Categorization of social safeguards regarding local-poor peoples

Social Safeguards	Issues of interest
Proper Access and Benefits rights	<ul style="list-style-type: none"> <li>Measures for stimulating equitable sharing of forest benefits between the timber industries and local communities</li> <li>Programmes to stimulate alternative employment and income earning opportunities for outlawed timber exploitation labourers</li> <li>Measures to enable local communities to market timber from community forests</li> <li>Negotiating on corporate social responsibility (CSR) or Social Responsibility Agreement (SRA) of timber company in respect to community development in their concession areas</li> </ul>
Proper Legal framework	<ul style="list-style-type: none"> <li>Measures to limit socially undesirable impacts of timber legality regulations on specific categories of timber industry such as domestic timber industry</li> <li>The need for legal reform to prevent undesirable negative impacts of present legislation</li> </ul>

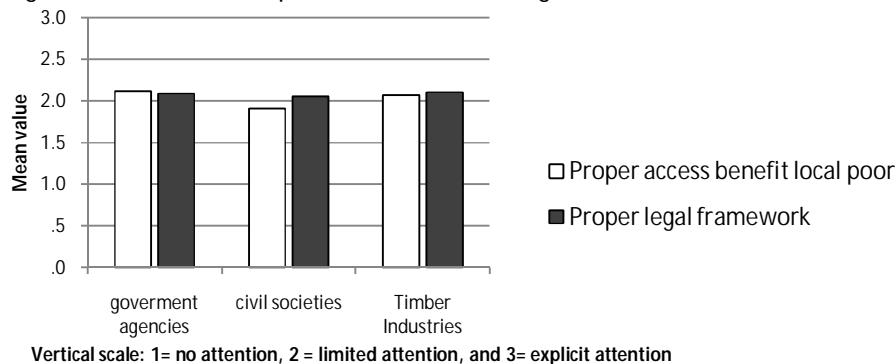
- Review of impact of official timber exploitation regulations on traditional rights of local communities on using forest resources
- Harmonization of regulations on timber legality and programmes for livelihood improvement of forest dependent communities

The second category elaborates legal issue to secure the right of local community regarding its access to forest resources and programme to improve forest dependent communities. Measuring potentially negative impacts of timber legality regulation and the need of legal reform to limit the impacts are also under this category.

#### 4.5.1 Opinion on social safeguards during VPA

Figure 8 illustrates the range of respondent opinion regarding social safeguards issue during VPAs process. Average mean values of government agencies (2.1), civil societies (2.0) and timber industries (2.1) opinion were more or less same sort of value which indicated that both issues in social safeguards received limited attentions during VPA.

Figure 8 Stakeholder opinions on social safeguards of VPA



Furthermore, one-way Anova shows there is no significant different between three stakeholder's opinion on 'proper access and benefit for local poor peoples' (Sig. 0.58) and 'proper legal framework' (Sig. 0.98) issues.

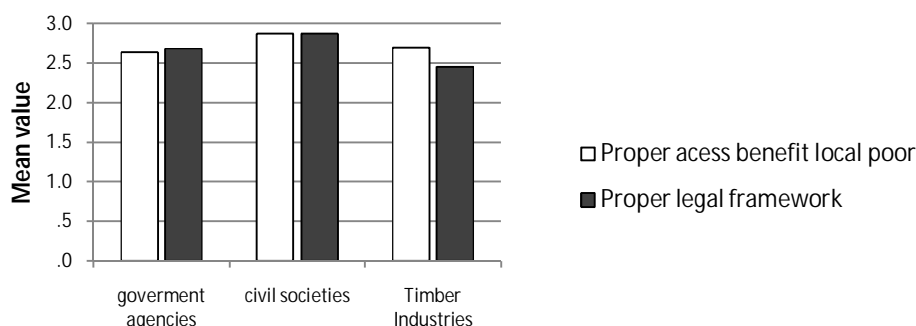
#### 4.5.2 Optimal arrangement of social safeguards

Same series of questions with safeguards during VPA process were asked to respondents to figure out the best arrangement for optimal social safeguards regarding SFM for the further development. The result as shown in Figure 9 describes civil societies (2.9) gave a highest attention to both issue of 'proper access and benefit right for local poor' and 'proper legal framework' compare to government agency (2.6) and timber industry (2.5).

In average all stakeholders was considered the social safeguards should has relatively explicit attention for the future optimal arrangement. There is significant different of opinion between stakeholder on 'proper access and benefit right for local poor' with significant value of 0.04 using 5% significant level. However, not all stakeholders had the differences, the significant different on this issue was generated from difference of government and civil society with 0.01 of significant value. Likewise, the second issue of

'proper legal framework' shows significant different (Sig. 0.00) among three stakeholder. In this issue the difference was laid between civil society and timber industries with significant value of 0.00.

Figure 9 Mean value of stakeholder's opinion on optimal social safeguards



Vertical scale: 1= no attention, 2 = limited attention, and 3= explicit attention

### 4.5.3 Conclusion

Attention given to social safeguard during VPA process in Indonesia was relatively limited which was indicated by its low mean value. There was no significant different of stakeholders opinion within each of these issues. Additionally, the stakeholder's opinion slightly modified from limited to explicit attention considering future optimal arrangement of social safeguard regarding sustainable forest management, the highest increase of attention between three stakeholders was come from civil society (Table 11) especially in respect to 'proper access and benefit right' issue. Both issue for these future perspectives were significant different.

Table 10 Comparison of stakeholder perspectives on social safeguards

Stakeholder	Social safeguards perspectives			
	During VPA process		SFM Perspectives	
	Access/benefit	Legal framework	Access/benefit	Legal framework
Government	2.1	2.1	2.6	2.7
Civil society	1.9	2.1	2.9	2.9
Timber industries	2.1	2.1	2.7	2.5
<b>Average</b>	<b>2.0</b>	<b>2.1</b>	<b>2.7</b>	<b>2.7</b>

### 4.6 Conclusion

The majority of VPAs main features were considered has received limited to moderate (between limited and explicit attention) attention during FLEGT/VPA process. Table 12 shows gradation of attentions from timber market to social safeguards, timber market ranks the higher in attention ladder down to social safeguard which received the lowest degree of attention. It was likely during negotiation process the attention was given more to timber market orientation compare to other issues.

In general, stakeholders somewhat were scaling up their opinion on the need to consider the future optimal arrangements for sustainable forest management. Most of perspectives in these issues were considered to be explicit attention. The higher increment of attention occurs to social safeguards issues which was slightly changing form limited to become explicit attention.

Table 11 Main difference of FLEGT/VPAs key features

Perspectives	Features of FLEGT/VPA			
	Timber market	Timber legality	Law enforcement	Social safeguards
During VPA process	2.5	2.4	2.2	2.0
SFM arrangement	2.8	2.7	2.5	2.8

Statistical analysis using one-way Anova was applied to find significant differences of stakeholder opinions within specific issues both during FLEGT/VPA processes and for the optimal-future arrangement regarding sustainable forest management. During the FLEGT/VPA processes, Anova test using significant level of 5% shows the significant difference occurs only in timber legality specified on financial categorization (Sig. 0.05) The rest of the VPA key features such as timber market orientation, law enforcement and social safeguards shows no significant different.

As mention before, the attention of some issues were escalated respectively in the optimal arrangement of SFM which consequently change the significant level of opinion comparison among stakeholders. The Anova statistically shows some of the issues were significant different. Market orientation shows no significant different between stakeholder opinion at all. In timber legality, only one issue has statistically significant different (social issue with Sig. value 0.04) while the other two issue of technical/administrative (Sig. 0.70) and financial (Sig. 0.85) shows no significant different. Hard law enforcement (Sig. 0.07) shows no significant different while the soft-law enforcement (Sig. 0.03) shows significant different. Both issue on social safeguards such as 'proper access and benefit rights' and 'proper legal framework' shows significant different with significant value 0.05 and 0.01 respectively.

## 5. DISCUSSIONS

This section represents a reflection upon the result of data analysis in relation to research objective and research questions. The general objective of this study is to develop a better understanding of the different opinion/perception of stakeholder regarding FLEGT/VPA process and its further evolvement into a sustainable forest management regime. Findings about stakeholder perception on the issues considered during preparation and negotiation phased of FLEGT/VPA in Indonesia will be discussed further in relation with recent studies from others related studies. Also this chapter will reflect upon the theoretical concept and the methodology of data collection and its analysis.

### *5.1 Stakeholder opinion of FLEG/VPA process; empirical study*

#### **5.1.1 Stakeholder involvement**

The empirical study shows civil society involvement was significant during the negotiation phase especially in defining timber legality process. According to Hakim (2009) it was decided that the development of timber legality standard was collaboration of involvement of NGOs, the representative of businesses and indigenous people's contribution with Indonesian Eco-Label Institute (LEI) as a lead organization. The VPA working groups itself consisted of NGOs such as MFP, TNC, Tropenbos Indonesia which working on capacity building, socialization of SVLK and independent monitoring (see Table 1). Furthermore, during creation of VPA principles from 2004-2005, the agreement of the 9 principles was the outcome of a consultation amongst Indonesian Civil Society Groups (ICS) through a series of workshop, meeting and seminars (ICS, 2005).

However, this finding was contradicted with Telapak (2005) which study the earlier development of FLEGT in West Kalimantan, it stated that civil society was unable to fully participate in communicating their ideas to the project processes because of unclarity of civil society roles in the project planning and its implementation. The other reason was difficulties to get access to information or documents as material sources to perform third party independent monitoring (except the government and timber industry) in the present running project. The same circumstances also occurred in Jambi where civil society considered the FLEGT project was dominated by government representation, especially the officers who come from central government (Jakarta). Furthermore, from the communication during the local process it showed that local government (provincial and district) has insufficient knowledge of the substance and technical arrangement of FLEGT (KMS, 2005).

The involvement of the government in VPA is central since the process can be categorized as government to government arrangement. However, the responses of governmental actors in this survey were relatively lower than the responses of civil society actors. It was quite challenged to get the participation of government officers in this survey. Most of them were contacted through their secretary to arrange the interviews. Some of them were willing to be interviewed, some were not because of



busy, travel to other places, promote to another job position or reluctant to be respondent in this survey.

Articles showed the intense of government contribution during the formulation of legality standard, for example Hakim (2009) indicated most of discussion in 2007 regarding the timber legality standard was done internally within Ministry of forestry. He further mention in 2008 after multi-stakeholder consultation in defining the legality standard was finalized and the proposal presented to Ministry of Forestry, since then the discussion regarding the harmonized standard and its institutional arrangement was mostly carried out by the government with little involvement from the other stakeholders.

Stakeholder from timber industry less contributed to this study. In VPA process this stakeholder was represent by two big timber organization namely Indonesian Forest Business Association (APHI) and Indonesian Sawmill and Woodworking Association (ISWA). The presence of timber business in VPA working groups which covered all themes of activities was an indication of their involvement in this process. Yet, there was no documentation or study which exclusively highlights the level of timber business involvement in particular process. The business involvement can be interpreted as high as the other stakeholders since the timber business was involved in early development of legality standard and from field tests in several logging concessions and timber industries.

The result of this study cannot be regarded as rightly reflection of the stakeholder's actual involvements in VPA process. However, the information which indicates the involvement of government, timber industry and the high involvement of civil society in this process can be correlated with several findings from other studies. The progress so far can be seen as the success of all stakeholders' engagement in the harmonization of the VPA process; this was an achievement in itself. Despite the initial apathy or resentment toward the development of timber legality standard, the evolving process constructs a high level of trust between all parties (Telapak, 2007).

### **5.1.2 Timber market**

Europe is one of the important markets for Indonesian wood product beside Japan and US with average revenue around US\$ 1.2 billion which comprise approximately 15% of Indonesian total export annually. The EU Action Plan sets out action to prevent the import of illegal wood, and as the continuation in October 2010 European Union decreed EU Timber Regulation that proscribed the distribution of timber produced illegally and controlled European timber supplier to eliminate trading illegal timber, this 'due diligent regulation' become operational in March 2013. Thus obtaining the FLEGT/VPA partnership agreement for producer countries means to strengthen market opportunities to European market as well as simultaneously address the country partner problem associated with illegal logging.

It was not surprising the initial development of VPA in Indonesia addressed export market orientation as a major topic being discussed since VPA's timber cover products were highly discuss (Wells *et al.*, 2008. Micski, 2008. Hawin *et al.*, 2010).

It was alleged that in VPA preparation phase, to certain extent put more attempt in addressing the trade of timber, rather than legal reform and governance issues (Greenpeace in Hawin *et al.*, 2010). Moreover, it also reflected in the formulation of SVLK that much attention given to arrange export market, for example assessment of timber transport from harvest to point of export as well as custom regulation, supply chain, verification and FLEGT licensing system. Those observations are in the line with the results of this study that indicated the stakeholder's opinion from government, civil society and timber industry expressed that the export market and VPA's timber products received high attention during preparation and negotiation phase.

Another issue indicated was the important of domestic timber market especially to further developed the legality standards for sustainable forest management. The further development of VPA's timber market as indicated by all stakeholders should comprehensively cover both export and domestic orientation. Eradication of Indonesian illegal logging to foster sustainable forest management as the long term aimed (Mayers *et al.*, 2008. Elson, 2009), need to include domestic timber as another major attention. It was argued that EU FLEGT will efficiently diminish illegal logging if only export market directed to European market using FLEGT licensing taken into consideration. Laundering timber products through third countries before entering European market and trade between non-European countries (Hawin *et al.*, 2010) as well as distribution of timber products domestically was the other timber market leakage creating opportunity for illegal logging to prolong.

In the latest development of SVLK, the purpose of legality assurance was dedicated for broader market option, not only to European market but also to other non-European country as well as in the long term applies to regulate domestic timber market. Even FLEGT verification regimes was argue benefiting producer country in economical respect, at least in shorter term compare to non-compliance countries (Brown *et al.*, 2008), and the timber's production cost and production time span are double because verification scheme require additional cost and verification stepwise takes extra procedural times, but in longer term when the system is fully builds and implemented it will reduce Indonesian timber transaction cost by 43% (net of the additional costs of the TLAS and associated permit) and up to 5 % reduction of total production cost. (Elson, 2009). The problem arises when legality standard also coerced the same requirement towards small and medium forest enterprise (SMFE). Most of domestic timbers produced illegally (Elson, 2008, Wiersum, 2010, WWF, 2008), while this products for Indonesia and most of developing countries is an important supply for domestic market demand which annually produce larger than the amount of exported one and contribute income for rural livelihood and local economies considerably (Tacconi *et al.*, 2004). Additionally, FLEGT/VPA is expected not only be effective in safeguarding the integrity of timber trade but also make broader contribution to foster the adoption of sustainable forest management, improve forest governance and livelihood in producer countries, and avoid the creation of market inequalities between small scale (domestic) and industrial timber sector (export).

### 5.1.3 Timber legality

Definition of timber legality was the core instrument for FLEGT/VPA. It mention in EU Action Plan that this program exclusively focus on timber legality definition but in the same time it's not address the whole complex of sustainable forest exploitation scope. 'Legally produced timber' as Action Plan (EC, 2003) stated, emphasized on legally harvested timber from producer countries which likely refer to the prominent timber legality definition acknowledged by authors such as Callister (1999), Kaimowitz (2003), Tacconi *et al.* (2003) and FAO (2005). Legal principle of social aspect regarding timber companies obligations to local community seem to have received little attention in those definitions. As Wiersum (2010) indicated there is scope to include new norm in timber legality definition and add legal principles concerning social requirements of timber company and access rights and benefit sharing of local community

The result from the study shows the tendency refer to the new definition paradigm which are most of stakeholder in Indonesia are also concern about social factors as essential as other elements like technical and financial in timber legality definition. Although during the preparation and negotiation phase much concern were focus on legality definition focusing on technical and financial aspect. However, the perception of stakeholders, especially from civil society addressed social issue as highly considered as other aspects of legality in the next development phase of VPA. This opinion likely related to social situation which since the beginning of timber industries era in Indonesia, local community are marginalized from benefit sharing and limitation access to forest not only by large scale forest concession on but also by national law (Kaimowitz 2003, Colcester 2006, Brown *et al.* 2008). There was been a worries that this program only benefiting big capital owner and left local peoples as they used to be (marginalized) since the local community, small farmers and indigenous people - in term of timber production - difficult to employ forestry activities legally or to obtain the technical assistance needed to prepare management plans because very limited to do paperwork requirements.

Another relevant context is the assurance of timber legality will not excluding the small scale and medium timber enterprise (SME), for example by prohibiting access to market and supply of raw material. In this respect, Wiersum and Oijen (2010) were indentified principles in Ghana's VPA context that includes consent on timber exploitation by individual or group of land owners in social context of timber legality. For Indonesia context which was the first countries who have a concept of timber legality and its verification schemes namely SVLK (Sistim Verifikasi Legalitas Kayu) or TLAS (timber legality assurance system) put higher consideration of technical administration aspect while this legality standard that initially developed in 2003 under the UK-Indonesia MoU has consequently been criticize as legitimating the status quo, even reinforcing exclusion of customary landowners and small scale producers (Brown *et al.*, 2008). However the recent (2009) SVLK administered some criteria and indicators of social inclusion which point the effect of logging operation on local community, and the verification scheme allowing civil society to independently monitor the legality application in the field.

Although social aspect were includes in defining legally produce timber definition during VPA process, the urgencies of pursuing bilateral agreement between EU and Indonesia give social aspect as second priority compare to technical and financial aspect. Even

social aspect was included as define criteria and indicator in SVLK but not all guidelines (field Instruction) for SVLK have been test in the field. It means that input for improvement are still open. For instance, the guidelines to verify timber legality for private forest, community forest and forest conversion have not been tested which difficulties could be found during the re-implementation (Hakim, 2010).

#### **5.1.4 Law enforcement**

The empirical study shows much attention given to soft law enforcement during formulation of timber legality in Indonesia rather than hard law enforcement. Most of respondents indicated the importance of civil society and local community involvement in VPA process through organizing workshop regarding their awareness of legal obligation of timber industries. This involvement was also reflected in the earlier process of formulation Indonesian legality standard (SVLK) imparted through Ministerial Decree (P. 38/Menhut-II/2009). In this process civil society represented by NGO's significantly contributed defining the legality standard. One of the important parts in legality verification scheme is to include independent monitoring or third party auditor of law enforcement system performance whose NGOs or civil society organization as the agent for this assessment. On the future VPA development perspective, promoting law reform in forest law enforcement that put multi-stakeholder participatory and transparency as key element would become important driver to curbed the illegal logging and to creation of forest sustainable management. Stakeholder in this sense gives opinion that NGOs and environmental groups can play role as controller for proper implementation of law enforcement, as well as to provide easy mechanism for public to report non-compliance of timber legality regulation. Controller in the law enforcement context, as Padleton (1998) and Brown *et al.* (2008) mention is a function delegated by law to statutory with the right to investigate, report and within its competence ensures the compliance.

Law enforcement initiatives potentially situated forest dependent communities into a serious problem because hard law enforcement tend to criminalized informal small-scale commercial forestry and forest dependent community since most of them are illegal or unclear status under existing law. Kaimowitz (2003) mention those activities mainly without proper permits and formal management plan, not paying any administration fee and taxes and usually working in government claimed area or in big forest concession territory. Even in the earlier preparation phase tend to talk more around trading issue compare to law enforcement (see Hawin *et al.*, 2010), but in the following development of the process, law enforcement become one of the central issue which nested in the legality verification system as a law enforcement itself or in other words the implementation of law is the implement of VPA itself. Yet there was lack study of law enforcement consequences to SMFE especially small scale forestry by local community if this VPA legality regime takes place in Indonesia. The empirical study illustrate the findings which still placed hard law enforcement essentially as stakeholders future perspectives of further VPA development as well as soft law enforcement. The implementation of both criteria of law enforcement should care toward the impact to poor peoples who defend their livelihood on forest and the empowerment of such communities.

### 5.1.5 Social safeguards

There is wide different of interest between many users and beneficiaries both nationally and internationally in timber products. The international policy initiative such as FLEGT/VPA should consider the importance of safeguarding the existence and needs of poor and vulnerable forest user (Wiersum 2010, Kaimowitz 2003). FLEGT/VPA is commonly regards having positive impact on macro-economic scale while potentially implicated negatively for forest dependent livelihood. It will produce a strict forestry legal framework, as the consequences it will exclude the small-scale timber segment that generally dominated by rural communities logging and chainsaw subsistence (Attah *et al.*, 2009).

It was mention in EU action plan that the effort will be focus on promoting equitable and solution to the illegal logging problem which do not have an adverse impact on poor people (EU, 2003). This social concern was also being highlighted during the stakeholder negotiation in VPA countries such as Ghana Cameroon, Liberia and Democratic Congo, all parties indicate the need to further developed principles and criteria in respect to social issue (Wiersum and Oijen, 2010). The most likely vulnerable party in this VPA legality regime is small scale forestry operators who do not have the capacity, and as the consequences is inability to fulfil the legal verification requirements. High cost for fees and taxes, bureaucracy, limited in paper works in providing management plan was their lacking characteristics which likely unable to make them entail into the scheme. However, during VPA preparation and negotiation, this issue was claimed by the stakeholder from government, civil society and timber industries, received limited attention both for safeguarding the forest dependant community on proper access and benefit right and the proper legal arrangement that recognize the their right.

Yet there was no study being held to assess the impact of this forest policy reform toward the small scale forestry in Indonesia. Ghana for example was advance in defining the categories of peoples which differentiated the forest fringe community, chainsaw operator and small timber manufacturer, and formulate relevant principles and criteria for social safeguard for VPA (Wiersum, 2010. Owosu *et al.*, 2010). Most study in Indonesia mostly elaborated the macro economic impact especially on formal timber industries if this trade and legality regime is implemented in 2013 (Hawin *et al.*, 2010, Miski 2008). The need for further appreciation of social safeguards was identified by all of stakeholder that indicate the important of further development of social safeguards principles and criteria in respect of VPA future process. Stakeholder put the same important for both criteria of social safeguards which elaborate the proper access and benefit rights and the legal framework as the recognition of their right. There was a significant difference of opinion between all stakeholders in both criteria of social safeguards which indicate the variation of interest to further developed the social safeguards; civil society was the stakeholder who put the highest appreciation related to this issue compare to government and timber industry.

Among several criteria of proper access and benefit rights is enabling local communities to access the timber market, domestically and export produced from community base forest management (CBFM). One of legal assurance for their conduct is Government Regulation PP.6/2007 which regulate four different CBFM such as; community forestry, village forest, community planted forest and company-community partnerships. Support

to small scale sector in term of legality in processing the timber product must, however, be considered in wider context of industrial restructuring (Wells *et al.*, 2007. Beeko, 2009). The social safeguards will now need to reflect these market option if it is to adequately accommodate CBFM within the scope of future VPA. The legality standards ideally developed on a broad set of economic, environmental and social requirements for management and the use of forest. The social arrangement can be included in environmental principles; in this respect Indonesian AMDAL (environmental impact assessment) as one of Indonesian timber legality criteria can address the rights of forest dependant peoples (Dephut, 2009).

### ***5.2 Reflecting upon theoretical and conceptual framework***

The theoretical framework was structured from elements of regime theory, discourse analysis which focuses on frame concept and lastly the key feature of FLEGT/VPA considering the concept of timber market option, type timber legality, law enforcement and social safeguards. The relevance of the chosen concept in relation to research objective reflected in the findings is elaborated in this section.

Regime theory as defined Krasner (1983) offers an instrument to distinguish stakeholder expectation upon FLEGT/VPA mainstream in Indonesia, opinions as a reflection of their implicit or explicit principles, norms, rules, and decision-making procedures that in the process of its development will creating a discourse which dominant so called regimes. Dual timber legality regime as Wiersum (2010) mention that includes traditional norm of timber legality (technical administrative and financial) and social norm was very much in the line with the concept of this study. It explaining the emerge of social inclusion in defining timber legality, civil society participation as independent monitoring as well as social safeguards in term of protecting forest dependant peoples from being negatively affect by FLEGT/VPA policy regime.

Other aspect of the policy regime mentioned by Braman (2004) is the characterization of regime itself, it distinguished the regime formation, regime effect and regime change, have also been found relevant in this study. This study dealing with the frames of meaning regarding timber legality regimes as emerged during the FLEGT/VPA negotiation process in Indonesia. In principle, it thus concerned a process of the regime formation. The regime formation context clarifies commodification of timber legality which previously uncommodified area of activities that concern on the elimination the trade illegal logging though binding agreement proposed by a strong nations, in this case is EU, toward the timber producer countries. Although the (traditional) timber legality was not a new issue area, however, when it concerns with the inclusion of widely appreciation of social norm it would consider as a new paradigm in forestry sector. The second characteristic is regime effect which by this findings and its correlation with another studies show the emerging of new norm concerning on forest dependent peoples wellbeing. As for the effects, social criteria should be implemented in legality definition and the social safeguards to mitigate the negative impacts of this agreement. Nonetheless, the results indicated that the process was organized within stakeholders inclusive process resulted in certain regime changes in respect to the prevailing Indonesia forestry regimes. The inclusion of civil society as part of the process, social's

indicator and criteria in timber legality definition and social safeguards is also explain the latest characteristic of policy regime which concern on regime change.

The second theoretical background was discourse as a frame. This was the initial concept to investigate the differences of stakeholder's cognitive and normative values towards a concerned issue or process as unit of analysis. Frame approach uses text, language or conversation (Arts and Buizer, 2009) which refers to qualitative method. However, this study used a quantitative method including data quantification and statistical analysis. The opinions were expressed by Likert scale regarding stakeholders attitudinal values, still the opinion data can be considered as relevant representation of frame meaning of respondent.

The concept of timber market, legality, law enforcement and social safeguards was also useful for this study. On the basis of these concepts, I was able to define characteristics that formulated into questionnaire's attributes. The timber market theory was able to determine the stakeholder's future perspectives which tend to focus on not only export but also domestic timber market, timber legality emphasized more on technical and financial during VPA process, soft law enforcement as an alternative of hard law enforcement, and the need of social safeguard to protect forest dependant people from negative impact of new policy. The latest issue, however, was lack of theoretical background which specifies only to mitigate negative impact of legality regime; there was no evidence of international project which successfully applied social safeguard concept which especially dedicated to forest dependant community. During the formulation of research discussion, this issue was by some means intertwine with the other concepts, for example with market orientation which put appreciation of domestic timber and the opportunity to access the local or international market. Furthermore, assurance of proper legal framework in social safeguards is mixed with soft law enforcement (Wiersum and Oijen, 2010) and lastly with social insertion in timber legality. It can be interpreted that the inclusion of social safeguard to addressed the needs, rights of forest dependent peoples and to mitigate negative impacts of VPA were already presented in other VPA features like; market orientation, timber legality and social safeguards.

### ***5.3 Reflection upon methodology***

The systematic survey was the most appropriate method to gather systematic comparable on opinions of selected respondents from the targeted population. It also allowed comparison of results from similar study in Ghana. This study used data collection technique through combination of emailed, website and interview that useful to gather information within limited of time and the targeted respondents were not cantered in particular place, but in the other hand this technique also proven less in response. Even though the selection of respondents was designed to collect the same amount of respondents for each stakeholder, but responded varied between stakeholders and as the result the number of every stakeholders participated in this study was unequal, especially from government agency and timber industry that low in replying the questionnaire. The problems were varied among them which related to installed software (eg. different Microsoft office) and internet connection that made the

file unable to be open or corrupted. This method especially emails and website, as Selwin and Robson (1998) stated was have weaknesses in its validity since it might bias in selecting the respondent. As reaction to validity, this study indeed selective in choosing the respondents referring only to who were involved actively in VPA process. Moreover, the selective survey was meant to select key informant as the 'expert' respondent who have better knowledge of the process thus the information acquired reflecting the actual situation of the process.

The questionnaire originally in English that translated to Indonesian language. Although it translated by a certified translator but translation lucidity was not clear, it took sometimes to adjust into proper and understandable questionnaire and tested several times to find out the language clearness and time duration to finished one questionnaire. There were approximately more than 60 questions in the questionnaire which rather long to finished in short of time, it need 25 to 30 minutes to finished one questionnaire, and as for the interview method it took even more because some of the respondents asked for the information associated with this study. The length of the questionnaire was seen to have a negative influence on mail survey; the response rate is often lower when the (questionnaire) survey is longer (Sheehan, 2001). However, this study distributed 72 (57 email and website, 15 interview) questionnaires in total, and in total 40 returned including 10 from interview, means the response rate for email and website survey alone was 53%. This study relatively can be considered as good response compare to Sheehan (2001) studied email survey for 15 years (1986-2000) which resulting 37% of response rate.

This study was used multiple choices Likert scale that applied in close end questionnaire with three point 'intensity' scale (no attention, limited attention and explicit attention). Typically, 5 categories of respond Likert scale (e.g. strongly disagree, disagree, neither agree nor disagree, agree and strongly agree) are commonly used which providing a (wide) range responses to a given question or statement (Jamieson, 2004). Some scholars argue about the point scale alternatives, for example Dawes (2007) indicated the 5 to 7 point scales can improve its reliability and validity (compare to less than 5 point scale), but 0.3 lower in mean value compare to 10 point scales. On the contrary, another study suggests that there was no significant different of mean value when Likert scale applied in different point scale (Wyatt and Meyers, 1987 and Dixon *et al.*, 1984 in Albaum, 1997). There was no affiliated of how many point scale was properly used in likert scale, 2 or 3 point scale by some researchers could be applied since there was no effect on the use of those categories (Jacoby and Matell, 1971 in Albaum, 1997).

The Likert scale produced means values that analysed using (one-way) Anova. This measurement was aimed not to test hypothesis which this study did not have one, but merely to find the difference of opinion between groups. Likert scales have been categorized as an ordinal level of measurement (Pett, 1997 and Hansen, 2003 in Jamieson, 2004) and it was become an argument between researchers applying Anova to test Likert scale because the calculation of mean value and standard deviation are inappropriate for ordinal data (Blaikie, 2003 and Clegg, 1998 in Jamieson, 2004). However, there were researchers consider in opposite direction that had used Likert scale and described their data using means and standard deviation and performed an analysis such as Anova (Jamieson, 2004). As for the reflection to this study, one can say: you can choose one or the other if the method of analysis is still under debate.



## ***5.4 Conclusions and recommendations***

### **5.4.1 Main conclusions**

FLEGT was designed as a European programme to eliminate illegal timber trade between European and tropical countries exporting timber to Europe. A core element of this programme concerns the definition of timber legality; this definition should be based on the forest laws and regulations of the country which enter into a Voluntary Partnership Agreement (VPA) with the EU. The VPA process in Indonesia started in early 2006 after a year preparation through wide consultation between many stakeholders from civil society groups and NGO, central and local government as well as representation of timber business. The process can be considered as a continuation of the prior Indonesian process of formulating a national timber legality verification system (SVLK). As the FLEGT/VPA process followed-up on an earlier national initiative, it was first considered a bureaucratic activity. Consequently, during the early stage of the process civil society organisations and provincial and district governments found it difficult to collaborate in the process. But this situation changed during the progress of process. During a transparency and consultative decision making process with good stakeholder collaboration managed to produce a set of national timber legality standards that serves as a set of national regulations for commercial exploitation of Indonesian forests. This is reflected by the fact that little significant differences in opinions between the three stakeholder categories were found in this study. However, this conclusion is influenced by the relatively small number of respondents and the rather skewed representation of the three categories in questionnaire returns.

Although the different categories of respondents agreed that all relevant issues, including social inclusion, had received different degree of attention, the FLEGT/VPA process focused mainly on export timber. All respondents indicated that in further developing the FLEGT/VPA programme for sustainable forest management, attention should be given to both export and domestic timber markets. The inclusion of domestic timber issues into legality standards will strengthen the FLEGT/VPA main goal to eliminate illegal logging and to foster sustainable forest management. It should stimulate the opportunity for small scale operators and small and medium forest enterprises (SMFE) to access the raw material supply and to become integrated into the legal timber market and manufacturing sector.

The legality standards as defined in SVLK and elaborated in VPA process predominantly concerned administrative and financial issues. Although social issues were included, they were less elaborated. In the government approved SVLK legality assessment criteria and indicators, the social issues were included under the category of socio economic aspects. They refer to respecting customary rights, benefit sharing and involving local peoples in forest management. Moreover, the role of participation of civil society organisations in independent third party monitoring and assessment of timber legality is indicated. However, in testing the practical applicability of the different SVLK standards, these social aspects have hardly been considered yet. This illustrates the need for further appreciation of social aspect of timber legality. It is reflected in the opinions of respondents on the need to give further attention to these issues in the process of developing timber legality standards into standards for sustainable forest management.

Another issue requiring further attention concerns the forest law enforcement approach. During the FLEGT/VPA process considerable attention was given to soft law enforcement. This is reflected in the notions about the need for civil society (NGOs) participation as independent monitors in timber legality verification schemes. This will stimulate a transparent process of controlling forest management and foster good forest governance in Indonesia. It was also considered that hard law enforcement needed further attention in developing standards for sustainable forest management. However, strict hard law enforcement could exclude forest dependent communities and placed them into serious problems, because this arrangement often tends to criminalize their commercial forestry activities. Therefore, soft and hard law enforcement should be combined.

In the FLEGT/VPA process relatively little attention was given to the issue of social safeguards. Even though the eradication of illegal logging is not meant to negatively impact the livelihoods existence of forest dependant peoples, the enactment of strict timber legality standard with limited consideration to social safeguard can easily put these people in a vulnerable position. All stakeholders considered that during the further development of timber legality standards into sustainable forest management standards increased attention should be given towards the identification of social safeguards. This should include the involvement of civil society as a third party independent monitoring regarding the implementation of verification scheme.

#### **5.4.2 Recommendations**

Considering the results of this study and other relevant studies regarding the process of FLEGT/VPA in Indonesia so far and the need to further develop a robust policy arrangement to foster sustainable forest management, the following recommendation are made :

1. The legality standard as originally developed during the SVLK process concerned criteria and indicators about timber production, ecological issues and socio-economic issues. Several tests of these SVLK criteria and indicators were conducted in timber concession areas and industries. These tests were mainly focussed on timber (pre) processing and transport from stumpage area to industry or export point. In these tests little attention was given to the socio-economic issues. In order to establish a robust timber legality arrangement such as SVLK or FLEGT/VPA, explicit attention needs to be given to test the applicability of the legal standards regarding socio-economic issues.
2. Most study related to FLEGT/VPA process in Indonesia focused on macro-economic issues and considered impacts on the industrial forest sector. The impact of the FLEGT/VPA programme on forest dependent peoples, especially small and medium timber enterprise, has been given little attention. Therefore, comprehensive studies should be carry out to identify the possible negative impacts of the present timber legality standards on the often informal, local timber trade and manufacturing enterprises, and to identify what kind of social safeguard need to be implemented to deal with the social and cultural heterogeneity in Indonesia and to prevent negative impacts on local timber production and manufacturing.

3. The stakeholders from the government, timber industry and civil society should develop a system providing easy access of information to all parties regarding the timber legality verification process. This system should assist to create transparency and stimulate involvement in the process of legality verification and monitoring, especially from civil society organisations acting as third party independent monitors.

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## ANNEX

### Format of questionnaire (in Indonesian language)



office address: Jalan CIFOR, Situ Gede, Bogor Barat 16115, Indonesia  
mailing address: P.O. Box 0113 BOCBD, Bogor 16000, Indonesia  
tel: +62 (251) 8622622, fax: +62 (251) 8622100, e-mail: [cifor@cgiar.org](mailto:cifor@cgiar.org),  
webpage: <http://www.cifor.cgiar.org>

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## Survey pendapat mengenai karakteristik dari proses FLEGT/VPA

Program Aksi EU FLEGT (*Forest Law Enforcement, Governance and Trade* - Penegakan Hukum Kehutanan, Tata Kelola dan Perdagangan) bertujuan untuk memerangi pembalakan liar dan perdagangannya yang terkait. Program ini merangsang produksi kayu legal dan meningkatkan tata kelola hutan di negara-negara tropis yang memasok kayu ke pasaran Eropa dan menghilangkan ekspor kayu ilegal dari negara-negara ini ke Eropa. Untuk mencapai hal ini, program ini bertujuan untuk mengembangkan Persetujuan Kemitraan Sukarela (*Voluntary Partnership Agreement* - VPA) antara negara-negara Uni Eropa dan negara-negara tropis pengeksport kayu yang terpilih dengan kepatuhan pada norma dan aturan yang telah ditentukan secara eksplisit untuk legalitas kayu. Diharapkan bahwa proses FLEGT/VPA akan memberikan manfaat tambahan dalam bentuk tata kelola yang baik dan kesetaraan dalam akses ke sumber daya hutan dan bahwa hal tersebut secara berangsur-angsur berubah menjadi suatu program untuk Pengelolaan Hutan Lestari.

Dengan kerangka kerja dari sebuah program penelitian internasional, kami tertarik untuk mendapatkan opini dari orang-orang yang terlibat dalam proses FLEGT/VPA mengenai karakteristik dari kesepakatan-kesepakatan FLEGT/VPA. Bapak/Ibu juga dapat melakukannya dengan berkontribusi mengisi kuesioner ini dan mengembalikannya kepada kami. Hasil dari studi ini akan dipergunakan untuk membandingkan karakteristik proses FLEGT/VPA dari berbagai negara dan untuk merekomendasikan bagaimana proses FLEGT/VPA dapat dikembangkan lebih lanjut.

Jika Anda memiliki pertanyaan lebih lanjut, silakan menghubungi: Dody Hernawan ([dody.hernawan@wur.nl](mailto:dody.hernawan@wur.nl)).

Kuesioner ini terdiri atas tiga bagian:

**Bagian A:** Informasi latar belakang responden

**Bagian B:** Opini mengenai karakteristik-karakteristik FLEGT/VPA saat ini

**Bagian C:** Opini mengenai perkembangan lebih lanjut dari FLEGT/VPA menjadi sebuah

program Pengelolaan Hutan Lestari.

## Bagian A:

### Informasi Latar Belakang

1. Dengan organisasi manakah Bapak/Ibu bekerja, **silahkan beri tanda x pada posisi yang terpenting:**

- Organisasi Kehutanan Nasional.
- Organisasi Kehutanan tingkat lokal.
- Organisasi Nonkehutanan Pemerintah.
- Universitas atau Lembaga Penelitian.
- Organisasi Nonpemerintah.
- Organisasi Kerjasama Pembangunan Internasional.
- Perusahaan Kayu.
- Industri Kayu.
- Lain-lain, silakan dirinci: .....

2. Sebutkanlah jenis kelamin Anda

- Perempuan
- Laki-laki

3. Sebutkan tahun kelahiran Anda: 19 . .

4. Sebutkanlah bagaimana Bapak/Ibu terlibat dalam proses pelaksanaan FLEGT/VPA?

**Beri tanda x pada jenis pertemuan/rapat yang telah Bapak/Ibu ikuti.**

Jenis kegiatan	Keterlibatan Ya/Tidak	Bila Ya, Berapa kali?
Informasi pertemuan FLEGT/PA		
Pertemuan nasional perencanaan VPA		
Pertemuan terkait pelatihan VPA		
Lokakarya persiapan terkait VPA		
Konferensi ilmiah tentang FLEGT/VPA		
Dialog ilmiah-kebijakan FLEGT/VPA		
Lain-lain, Silakan dirinci ...		

## Bagian B:

### Opini mengenai karakteristik utama program FLEGT/VPA di Indonesia

Sasaran utama dari proses FLEGT/VPA ialah identifikasi dan pelaksanaan langkah-langkah untuk memastikan produksi dan perdagangan kayu legal. Untuk mencapai hal ini, setiap negara harus mengidentifikasi kesepakatan FLEGT/VPA masing-masing, bagaimana mereka mendefinisikan legalitas kayu dan bagaimana mereka akan mengatur pengendalian legalitas. Bagian kuesioner ini mencakup opini Anda mengenai bagaimana konsep legalitas kayu dan penegakan hukum ditafsirkan dalam (draf) kesepakatan FLEGT/VPA di negara Anda.

5. Jenis **pasar kayu** apakah yang paling banyak diperhatikan dalam (draf) kesepakatan FLEGT di negara Anda?

Mohon beri tanda silang (x) satu kotak untuk setiap isu berdasarkan peringkat dengan menggunakan panduan berikut:

1 = Tidak ada perhatian. 2 = Ada sedikit perhatian.

3 = Perhatian utama. 4 = Saya tidak tahu.

		1	2	3	4
1.	Pasar kayu untuk ekspor				
2.	Pasar kayu untuk kebutuhan dalam negeri				
3.	Pasar produk kayu internasional (untuk produk-produk seperti mebel, pulp/bubur kayu, kertas, dll)				

6. Menurut opini Anda, aspek-aspek apakah dari **legalitas kayu** yang dipertimbangkan dalam formulasi (draf) kesepakatan FLEGT/VPA di negara Anda?

Mohon beri silang (x) pada kotak untuk setiap isu dengan menggunakan panduan berikut:

1 = Tidak dipertimbangkan 2 = Perhatian terbatas

3 = Perhatian penuh 4 = Saya tidak tahu

		1	2	3	4
1.	Penebangan dengan izin pemanenan resmi.				
2.	Kepatuhan pada peraturan pada tingkat pemanenan yang diizinkan (allowable cutting/penebangan yang diizinkan).				
3.	Kepatuhan pada peraturan dengan pembagian manfaat hutan (benefit sharing).				
4.	Tidak melakukan penebangan di luar batas-batas wilayah konsesi.				

5.	Tidak melakukan penebangan terhadap jenis-jenis pohon yang dilindungi.				
6.	Pembayaran royalti eksploitasi kayu.				
7.	Pembayaran ganti rugi terhadap tanaman masyarakat yang rusak akibat dari kegiatan eksploitasi kayu.				
8.	Pembayaran bea-bea pengangkutan dan ekspor kayu.				
9.	Menghormati hak-hak akses masyarakat lokal terhadap sumber daya hutan.				
10.	Mematuhi perundang-undangan tenaga kerja.				
11.	Pembayaran dana pengembangan masyarakat kepada komunitas sekitar hutan.				
12.	Pencegahan korupsi dalam eksploitasi hutan.				

7. Menurut opini Anda, langkah-langkah untuk **penegakan hukum** seperti apakah dalam kaitannya dengan eksploitasi kayu dan perdagangannya yang dipertimbangkan dalam (draft) kesepakatan FLEGT/VPA di negara Anda?

Silahkan silang (x) satu kotak untuk setiap isu dengan menggunakan panduan berikut:

- 1 = Tidak dipertimbangkan.    2 = Perhatian terbatas.  
3 = Perhatian penuh.            4 = Saya tidak tahu.

		1	2	3	4
1.	Penguatan kapasitas penegakan hukum dengan berinvestasi dalam sumber daya pembuat kebijakan.				
2.	Peningkatan akuntabilitas dalam proses untuk memperoleh izin eksploitasi kayu.				
3.	Menyediakan mekanisme yang mudah bagi organisasi-organisasi di masyarakat untuk melaporkan kepada pihak berwajib mengenai pelanggaran terhadap berbagai peraturan legalitas kayu.				
4.	Identifikasi reformasi kebijakan yang diperlukan untuk memperbaiki peraturan-peraturan eksploitasi kayu yang dipandang tidak sesuai.				
5.	Melibatkan LSM-LSM dan berbagai kelompok lingkungan dalam pengendalian terhadap implementasi penegakan hukum yang seharusnya.				
6.	Meningkatkan kapasitas peradilan untuk mengadili dan menghukum para pelanggar.				
7.	Mengadakan lokakarya dengan kelompok masyarakat sipil (civil society) dan komunitas lokal untuk memberikan kesadaran kepada mereka mengenai kewajiban legal (legal obligation) dalam industri kayu.				

8.	Melibatkan angkatan bersenjata untuk membantu penegakan hukum industri kayu.				
9.	Merancang pelatihan untuk perusahaan-perusahaan kayu mengenai praktik-praktik yang benar dan sesuai dengan syarat-syarat legalitas.				

8. Penegakan hukum yang efektif tidak hanya tergantung pada pelaksanaan yang benar dan pengendalian terhadap peraturan-peraturan legal, tetapi juga pada kehadiran **pengamanan sosial (social safeguards)** untuk memastikan adanya perhatian yang tepat terhadap isu-isu sosial dan mitigasi dampak-dampak sosial yang tidak diinginkan dari penegakan hukum dan kebijakan. Menurut opini Anda, sampai sejauh manakah kegiatan-kegiatan berikut dipertimbangkan dalam (draf) kesepakatan FLEGT/VPA di negara Anda?

Silahkan silang (x) satu kotak untuk setiap isu dengan menggunakan panduan berikut:

- 1 = Tidak dipertimbangkan.      2 = Perhatian terbatas  
 3 = Perhatian penuh.            4 = Saya tidak tahu.

		1	2	3	4
1.	Langkah-langkah untuk membatasi dampak sosial yang tidak diinginkan dari kebijakan legalitas kayu untuk kategori yang spesifik terhadap industri kayu, contohnya industri kayu dalam negeri?				
2.	Langkah-langkah untuk merangsang pembagian yang adil/seimbang dari manfaat hutan antara industri kayu dan masyarakat lokal.				
3.	Identifikasi kebutuhan reformasi kebijakan untuk mencegah dampak-dampak negatif yang tidak diinginkan dari peraturan yang ada.				
4.	Peninjauan terhadap dampak dari peraturan perkayuan resmi terhadap hak-hak tradisional (ulayat) masyarakat lokal dalam penggunaan sumber daya hutan.				
5.	Program-program untuk merangsang usaha alternatif dan kesempatan memperoleh pendapatan untuk para pekerja kayu ilegal.				
6.	Langkah-langkah untuk memungkinkan komunitas lokal memasarkan kayu dari hutan kemasyarakatan (community forest).				
7.	Identifikasi norma-norma dan tanggung jawab sosial (corporate social responsibility/CSR) dari perusahaan kayu dalam kaitannya dengan pengembangan masyarakat (community development) di wilayah konsesi mereka.				

8.	Penyelarasan kebijakan tentang legalitas kayu dan program perbaikan kehidupan masyarakat yang bergantung pada hutan?				
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**Bagian C:**

**Opini mengenai kesepakatan FLEGT/VPA agar menjadi suatu program untuk pengelolaan hutan lestari**

Kesepakatan sukarela FLEGT kerap dianggap sebagai sebuah kendaraan untuk reformasi politik yang lebih luas dan untuk memberikan manfaat sampingan dalam bentuk akses setara dan tata kelola yang baik dalam sumber daya hutan. Agar dapat mencapai manfaat sampingan semacam itu, kebijakan Uni Eropa adalah untuk merangsang secara perlahan-lahan pengembangan dari kesepakatan FLEGT/VPA menjadi suatu program untuk pengelolaan hutan lestari. Bagian kuesioner ini berkaitan dengan pendapat Anda tentang apakah karakteristik kesepakatan FLEGT/VPA pada saat ini memerlukan penyesuaian lebih lanjut untuk mencapai pengelolaan hutan Lestari?

9. Dalam pandangan Anda, apakah sebuah program pengelolaan hutan lestari dipusatkan pada pasar kayu ekspor atau pada pasar kayu dalam negeri?

Mohon beri tanda silang (x) pada salah satu kotak dibawah ini:

- Hanya pasar kayu tujuan ekspor
- Pemasaran kayu untuk kebutuhan dalam negeri
- Pasar kayu dalam negeri maupun ekspor
- Tidak tahu

10. Menurut opini Anda, dalam perbandingan terhadap proses FLEGT/VPA, yang manakah dari berbagai isu **legalitas kayu** yang disebutkan dalam pertanyaan nomor 5 di atas yang memerlukan perhatian dalam program-programnya untuk merangsang pengelolaan hutan lestari?

Mohon beri tanda silang (x) satu kotak untuk setiap isu dengan menggunakan panduan berikut:

- 1 = memerlukan sedikit perhatian.      2 = memerlukan perhatian yang sama.
- 3 = memerlukan lebih banyak perhatian.      4 = tidak tahu.

		1	2	3	4
1.	Penebangan dengan izin pemanenan resmi.				
2.	Kepatuhan pada peraturan pada tingkat pemanenan yang diizinkan (allowable cutting/penebangan yang diizinkan).				

3.	Kepatuhan pada peraturan dengan pembagian manfaat hutan (benefit sharing).				
4.	Tidak melakukan penebangan di luar batas-batas konsesi.				
5.	Tidak melakukan penebangan terhadap spesies-spesies pohon yang dilindungi.				
6.	Pembayaran royalti eksploitasi kayu.				
7.	Pembayaran ganti rugi terhadap tanaman masyarakat yang rusak akibat dari kegiatan eksploitasi kayu.				
8.	Pembayaran bea-bea pengangkutan dan ekspor kayu.				
9.	Menghormati hak-hak akses masyarakat lokal terhadap sumber daya hutan.				
10.	Mematuhi perundang-undangan tenaga kerja.				
11.	Pembayaran dana pengembangan kepada komunitas sekitar hutan.				
12.	Pencegahan korupsi dalam eksploitasi hutan.				

11. Menurut opini Anda, dalam perbandingan terhadap proses FLEGT/VPA, langkah-langkah untuk **penegakan hukum** yang seperti apa dalam kaitannya dengan eksploitasi kayu dan perdagangannya yang disebutkan dalam pertanyaan no. 7 di atas yang akan memerlukan perhatian dalam program-program untuk merangsang pengelolaan hutan lestari?

Silakan silang (x) satu kotak untuk setiap isu dengan menggunakan panduan berikut:

- 1 = memerlukan sedikit perhatian.                      2 = memerlukan perhatian yang sama  
3 = memerlukan lebih banyak perhatian.        4 = tidak tahu

		1	2	3	4
1.	Penguatan kapasitas penegakan hukum dengan berinvestasi dalam sumber daya para pembuat kebijakan.				
2.	Peningkatan akuntabilitas dalam proses untuk memperoleh izin eksploitasi kayu.				
3.	Menyediakan mekanisme yang mudah bagi organisasi-organisasi di masyarakat untuk melaporkan kepada pihak berwajib mengenai pelanggaran terhadap berbagai peraturan legalitas kayu.				
4.	Identifikasi kebutuhan reformasi kebijakan untuk memperbaiki peraturan-peraturan eksploitasi kayu yang dipandang tidak sesuai.				
5.	Melibatkan LSM-LSM dan berbagai kelompok lingkungan dalam pengendalian terhadap implementasi penegakan hukum yang seharusnya.				



6.	Meningkatkan kapasitas peradilan untuk mengadili dan menghukum para pelanggar.				
7.	Merancang berbagai lokakarya dengan kelompok-kelompok masyarakat sipil dan komunitas lokal untuk memberikan kesadaran kepada mereka mengenai kewajiban legal dalam industri kayu.				
8.	Melibatkan angkatan bersenjata untuk membantu penegakan hukum industri kayu.				
9.	Merancang pelatihan untuk perusahaan-perusahaan kayu mengenai praktik-praktik yang benar dan sesuai dengan syarat-syarat legalitas.				

12. Menurut opini Anda, dalam perbandingan terhadap proses FLEGT/VPA, **pengamanan sosial** seperti apakah dalam pertanyaan 8 yang memerlukan perhatian dalam program-program untuk merangsang pengelolaan hutan lestari?

**Silahkan silang (x) satu kotak untuk setiap isu** dengan menggunakan panduan berikut:

- 1 = memerlukan sedikit perhatian.      2 = memerlukan perhatian yang sama.  
3 = memerlukan lebih banyak perhatian.      4 = tidak tahu.

		1	2	3	4
1.	Langkah-langkah untuk membatasi dampak sosial yang tidak diinginkan dari kebijakan legalitas kayu dalam kategori yang spesifik terhadap industri kayu, contohnya industri kayu dalam negeri?				
2.	Langkah-langkah untuk merangsang pembagian yang adil/seimbang dari manfaat hutan antara industri kayu dan komunitas lokal.				
3.	Identifikasi kebutuhan reformasi kebijakan untuk mencegah dampak-dampak negatif yang tidak diinginkan dari peraturan yang ada.				
4.	Peninjauan terhadap dampak dari kebijakan/peraturan perindustrian terhadap hak-hak tradisional (ulayat) masyarakat lokal dalam penggunaan sumber daya hutan.				
5.	Program-program untuk merangsang usaha alternatif dan kesempatan memperoleh alternatif sumber pendapatan untuk para pekerja kayu ilegal.				
6.	Langkah-langkah untuk memungkinkan komunitas lokal memasarkan kayu dari hutan kemasyarakatan (community forest).				
7.	Identifikasi norma-norma dan tanggung jawab sosial (corporate social responsibility/CSR) dari perusahaan kayu dalam kaitannya dengan pengembangan masyarakat (community development) di wilayah konsesi				

	mereka.				
8.	Penyelarasan kebijakan tentang legalitas kayu dan program perbaikan kehidupan masyarakat yang bergantung pada hutan?				

**Terima kasih banyak atas kesediaannya berpartisipasi dalam survey ini.**

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Hakim, S. 2009. Certification & Verification of Timber Legality System: a new phase of timber legality in Indonesia. Indufor Oy in association with Cowi AS, WWF Indonesia, IHSA Indonesia. pp. 2.