

MSD processes in legality assurance

Purpose

Strengths and weaknesses of MSD in the development of LAS

Strengths

- Listen to and consider stakeholder opinions enriches dialogue
- Compromises are stronger when key stakeholder groups contributed – easier to implement

Weaknesses / challenges

- Especially NGOs are sometimes 1st joining, then leaving the MSD to criticise the process from the outside, discredits the process,
- Legitimacy issues of stakeholder group to participate
- Legal and illegal actors are often the same but they may only talk about their legal business
- Access to MSD - local / province / national / regional level
- The smaller the geographic area to be covered the better the participation
- Participation and power of local govt – strong govt open to MSD can lead to strong impact / results
- Rebel controlled areas – formal govt participation won't work.
- Access to information on MSD
- Small holders / fringe groups (poor) often not included, often don't have resources to participate, are cut off feedback from MSD – need to enable their participation, how to make them stand up?
- Fringe groups need to see their incentives (more than meeting per diems) in participating to motivate their input
- Common vision development may require tons of time without ever getting there
- Neutral unbiased facilitation important-often problematic to find / identify accepted facilitators

Legitimacy

Who should participate, who should decide on who participates

- Log frame of process ID required parties, intl and national parties to decide, participation depends on expected results / use of results
- Govt-EU FLEGT negs: govt to ensure that stakeholders are around the table, establish facilitator(s) to ID and contact stakeholders,
- Stakeholder group meetings to choose their representatives and ID lacking representatives,
- Same sector vs cross sectoral level of representativity – govt-NGO-industry,
- ID stakeholders and role of stakeholders – on-going exercise, new stakeholder groups can pop up during MSD
- Timber flow / chain of custody defines whom to include in MSD
- Legitimacy of groups to be included depends on MSD subject
- Auto control of MSD to be credible, depends on experience / acceptance of facilitator
- Legitimacy creates stakeholder confidence
- Small forest owners are often excluded, 'added value actors' often over represented; some actors easy to ID, some important actors can be 'hidden' / over-ridden by others

Implementaion

Role of MSD in LAS implementation

- Multi-actor platform to ensure / enable participation, provide feedback and monitoring mechanism
- Transparency is key to acceptability and monitoring of implementation
- LAS design requires various levels of stakeholder participation
- LAS design depends on 'quality' (inclusiveness) of law – this can only be checked through MSD
- Each stakeholder group has a specific role to play
 - NGOs and parliament to observe / check / monitor implementation – need to be able to check, have access to info, public information acts/disclosure policies
 - Govt agencies and industry as implementors