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One step forward – two steps back? An analysis of civil society participation in the Guyanese FLEGT VPA process



**Universiteit
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List of abbreviations

APA – Amerindian People’s Association

CI – Conservation International

CAR – Central African Republic

CSO – Civil society organisation

EU – European Union

FAO – Food and Agriculture Organisation (United Nations)

FLEG – Forest Law, Enforcement and Governance

FLEGT – Forest Law, Enforcement, Governance and Trade

FPP – Forest People’s Programme

G77 – Group of 77 developing nations

G8 – Group of Eight

GFC – Guyana Forestry Commission

GOIP – Guyanese Organisation of Indigenous Peoples

JMRC – Joint Monitoring and Review Committee

LCDS – Low Carbon Development Strategy

NADF – National Amerindian Development Foundation

NGO – Non-governmental organisation

NIWG – National Implementation Working Group

NTC – National Toshias’ Council

NTWG – National Technical Working Group

PPP/C – People's Progressive Party/Civic

REDD+ – Reducing emissions from deforestation and forest degradation in developing countries

SFM – Sustainable Forest Management

TAAMOG – The Amerindian Action Movement of Guyana

UNCED – United Nations Conference on Environment and Development

VPA – Voluntary Partnership Agreement

WWF – World Wide Fund for Nature

Table of contents

- 1. Introduction 5
 - 1.1 Selection of literature and thesis set-up..... 6
- 2. History and Participatory Design of the FLEGT Action Plan 8
 - 2.1 FLEGT as a product of a global focus on the issue of illegality 8
 - 2.2 FLEGT as a ‘novel’ bilateral tool after the failure of attempts at multilateral agreement..... 9
 - 2.3 FLEGT’s participatory process.....11
 - 2.4 Civil society in the participatory process 14
 - 2.5 Concluding Remarks 16
- 3. Methodology 18
- 4. Case study: Guyanese civil society and FLEGT 20
 - 4.1 Introduction to the Guyanese FLEGT process 20
 - 4.2 General information 21
 - 4.3 Who participates?..... 21
 - 4.4 When do they participate? 23
 - 4.4.1 The National Implementation Working Group (NIWG) and the Joint Monitoring and Review Commission (JMRC) 26
 - 4.5 How do they participate?..... 29
 - 4.6 General insights..... 30
- 5. Discussion 32
 - 5.1 Comparison 32
 - 5.1.1 Limitations..... 33
 - 5.2 Meaning of Participation 34
- 6. Conclusion..... 36
- 7. References 38
- ANNEX I..... 43
- ANNEX II 43
- ANNEX III..... 43

List of figures

- Figure 1 Countries involved with FLEGT.....11
- Figure 2 Participants in the NTWG..... 24
- Figure 3 Design of National Implementation Working Group. 27

1. Introduction

The degradation of tropical forest areas worldwide has been a salient issue for decades. The declining area of land mass covered in tropical forests contributes to many environmental, climatological and societal challenges (Reboredo, 2013, p.295). In order to prevent illegal logging for trade, the European Union (“EU”) tried to institutionalise the trade in legally harvested wood products through voluntary partner agreements (“VPAs”) with timber-producing countries. These VPAs are a part of the ‘Forest Law Enforcement, Governance and Trade’ (“FLEGT”) Action Plan, and are designed to create a verifiable system of legal wood production in partner countries, which then are able to export their wood products to the EU without extra controls (EC, 2003). FLEGT VPAs are bilateral agreements between the EU and timber-producing countries. These agreements aim to ensure that timber and timber products comply with the laws of the partner country. Simply summarised, its goal is to find a traceable system that distinguishes legally harvested wood from illegally harvested timber (Overdevest & Zeitlin, 2016, p.8). FLEGT changed the EU’s approach to tackling timber trade with a market-based policy initiative (ECA, 2015), that requires the participation of a wide array of forestry stakeholders, such as producers, traders and civil society (EC, 2003).

Therefore, the effects of the inclusive participatory approach of FLEGT are worth studying, since it can provide useful insights for the debate on deforestation policy. This thesis focuses on one specific aspect of the FLEGT negotiation process: civil society participation. The involvement of civil society in the FLEGT process is, as said, one of the requirements for partner countries if they want to conduct a VPA with the EU. Although FLEGT has drawn a substantial amount of scholarly attention because of its novelty in the area of international forestry regulations, the number of studies that solely focus on civil society participation is limited. This thesis aims to contribute to the academic literature by addressing civil society organisation (“CSO”) participation in a country which’s FLEGT process has not been the subject of any academic study: Guyana. This country began negotiating a VPA in 2012 and is currently in the process of implementation of this agreement, which they initialled in 2018 and signed in 2022 (Council of the EU, 2023). The choice for Guyana is, besides its absence in the academic literature on FLEGT, also driven by the fact that it is the only South American country in the FLEGT process which started a proper negotiation, while research mainly focuses on Southeast Asian and African countries.

This thesis aims to answer the following research question:

- *How do CSOs participate in the Guyanese FLEGT VPA process?*

And to do so the following sub-questions:

- *Which CSOs participate? And which ones do not?*
- *How do CSOs gain access to the VPA process?*
- *In what ways are CSOs involved with other CSOs during the VPA process?*

- *What is the relationship between CSOs and the Guyanese government during the negotiations?*
- *What issues do CSOs run into during the VPA process?*

1.1 Selection of literature and thesis set-up

The literature review in this study has two objectives, based on Van Wee & Banister (2016). The first one is to analyse the real-world implications of FLEGT and the discussions that derive from this. Since FLEGT is intended to create traceability systems for legally sourced timber, the discussions in the literature mainly focus on its implications. The various views in the literature will be used to put the case study's results into a broader context of the main discussions of FLEGT's impact. The literature used for this piece is found using Google Scholar and the Leiden University library catalogue with the search words "FLEGT" or "VPA/Voluntary Partnership Agreement". The selected pieces of literature were assessed on their relevance to the topic by the title and the abstract. This part of the literature study aims to identify debates and the global context concerning forestry legality FLEGT emerged. Therefore, many additional pieces of literature were found by progressive and regressive snowballing and an additional search with the term "timber legality".

The second objective is to make an overview of the existing empirical insights to compare the case study to the relevant knowledge available. For this part, a more systematic search was conducted, since it was essential to consider all the various existing case studies on CSO participation. For this part, Google Scholar was used to identify all of the relevant research using the search words "FLEGT" or "VPA" in combination with "Civil society/CSO". Articles that include an analysis of one or multiple case studies of CSO participation which were (partially) based on empirical interviews with CSO members were selected, since the case study will similarly be based on CSO interviews. The results of the case study or case studies had to be analysed by countries individually. A general focus on CSO participation, even though based on interviews, was not considered suitable enough for proper case-to-case comparisons, which this thesis aims to do. Due to the limited availability of peer-reviewed articles published in academic journals, grey literature was used when the methodology for the study was provided and was similarly based on CSO interviews. To not overlook valuable information in more general case studies of FLEGT countries, a second search was conducted to find country-specific case studies that discuss CSO participation, with the search words "FLEGT" or "VPA" in combination with "[COUNTRY NAME]". Similarly to the first search, these studies had to be based on interviews with CSO participants. [Annex I](#) gives an overview of the selected articles and their contents. The next chapter will discuss this literature, in which parts 2.1 to 2.3 discuss the broader debates surrounding FLEGT, while part 2.4 discusses the findings of the systematic analysis of literature on CSO participation.

The third chapter of this thesis will set out the methodology used for the case study. In chapter four the findings of this case study will be discussed. These findings will be put into a broader context in the

fifth chapter by analysing them based on the knowledge of CSO participation derived from the literature, followed by the meaning of the findings in the broader debate on FLEGT's forestry legality regime. Chapter six concludes this thesis by answering the research question(s).

2. History and Participatory Design of the FLEGT Action Plan

In May 2003, the EU introduced the FLEGT Action Plan. This Action Plan was designed amidst of a global debate on the concern of illegal logging (Bollen & Ozinga, 2013; Lawson, 2010), in which the enforcement of newly designed stringent laws in tropical timber-producing countries left much to desire (McDermott, 2012). The EU, a major importer of tropical timber, and therefore also a big player in – or even motor behind – timber production in tropical countries, was aware of the negative consequences of the demand for timber on its market (see EC, 2003). This chapter commences with an overview of the history of the FLEGT Action Plan, placing it in the perspective of two global debates that formed the base of this specific external environmental policy initiative, namely a debate surrounding timber legality, which shaped the construction of FLEGT's policy focus, and a sovereignty debate in the international effort to create a global forestry rule regime, which explains why the EU chose trade agreements as a tool to combat the perceived problem. The second part of this chapter will focus on the academic literature concerning the participatory process of FLEGT, with a specific part diving into the available information on CSO participation.

2.1 FLEGT as a product of a global focus on the issue of illegality

The FLEGT Action Plan was preceded by a 1998 G8 initiative for a Forest Action Programme, which included the promise to take steps to fight illegal logging and illegal timber trade. The G8 agreed to work with partner countries to help them build capacity to, among others, “develop and apply agreed criteria and indicators to monitor and assess the state of their own forests” (G8, 1998, §2). This led to various conferences on Forest Law Enforcement and Governance (“FLEG”), in which timber-producing countries committed to the fight against illegal logging and the improvement of forest-related governance (Bali Declaration, 2001). In the early 2000s, the challenge of illegal timber harvest was discussed as a problem of ‘legality’, mainly as a result of the failure of tropical countries to enforce the laws they already had (Lesniewska & McDermott, 2014). Illegal practices in the forest sector mainly refer to illegal logging, timber smuggling, practices specifically aimed at reducing the payment of taxes and other fees and illegal processing of timber, which include corruption and organised crime (for an extensive list, see Callister, 1999, p.7). The narrative of ‘legal timber’ was subsequently embraced by other players, such as businesses and governments. It is noteworthy that timber-producing countries saw the strengthening of legal enforcement as a way to subsequently strengthen their grip on the timber production on their soil (Lesniewska & McDermott, 2014). Although NGOs were on board with the idea of a system that would trace the legality of timber, an emphasis on legality created in their view a conflict between customary law and formal law, mainly concerning local (Indigenous) communities (Dykstra et al., 2002; Brack & Buckrell, 2012), whereas a focus on improving governance was preferred by NGOs (Bollen & Ozinga, 2013).

In 2001 the EU set up its own initiative to tackle trade in illegal timber through the consumer side, partially prompted by pressure from environmental NGOs (Overdevest & Zeitlin, 2015, p.158). In April 2002, the EU held a conference in Brussels which led to the proposal of the FLEGT Action Plan in 2003. The plan addressed the various issues of the global forestry sector, ranging from issues on the supply side to the causes of these issues on the demand side. However, it mainly addressed the problem of illegality, which the European Commission defined as “a substantial and growing problem” (EC, 2003).

2.2 FLEGT as a ‘novel’ bilateral tool after the failure of attempts at multilateral agreement

With FLEGT, the EU uses trade agreements as a tool to achieve better forest governance in timber-producing countries in return for access to its market. With these trade agreements, the EU reviews the timber-related laws in the partner country. In essence, the EU uses its ‘market power’ (see Damro, 2012), to make other countries follow their standards. With FLEGT, the EU negotiates with partner countries about their forestry laws and governance. In return, a Voluntary Partnership Agreement (VPA) is signed. These VPAs make timber from these countries excluded from controls at the EU border, therefore making wood from these countries attractive for businesses. Once a VPA has been signed and ratified, this country can start giving out FLEGT licenses. A ‘green lane’ for FLEGT-licensed timber products was therefore the tool to convince other countries to strengthen their forestry governance as part of the VPA (Rutt et al., 2018). The FLEGT regulation is based upon Article 133 of the Treaty establishing the European Community (now Article 207 TFEU) that addresses the common commercial policy, which is one of the exclusive competences of the European Commission. In a normal situation, after receiving a mandate from a qualified majority from the Council of the EU, the Commission can start to negotiate a trade agreement. The FLEGT Regulation (Regulation EC 2173/2005) functions therefore as the mandate for the Commission to open negotiations for a FLEGT VPA with any tropical timber-producing country that applies for it. Through a delegated act, the Commission can add the licensing scheme of a VPA country to the Regulation, as set out in Article 10 (1) of the FLEGT legislation. Article 11a (5) sets out that the European Parliament and the Council have to consent to the delegated acts of the Commission, as is common with any type of delegated acts.

To increase interest in the FLEGT programme, the EU created another type of legislation. For this one, the EU used its regulatory capacity for the domestic market: with the EU Timber Regulation (“EUTR”), importers of tropical hardwood are themselves required to exercise due diligence, thus making them responsible for verifying that their products are not derived from illegally harvested timber (see Jarlebring (2022) for extensive analysis on this type of practice). The EUTR is therefore an incentive for countries to desire direct access to Europe’s market, which is achievable through a VPA.

For FLEGT, the EU uses its capability to negotiate trade agreements in order to create bilateral solutions to an existing environmental problem. Bilateral agreements can be viewed as a bottom-up ‘solution by

the willing' for tackling environmental issues, which can be used to influence an eventual multilateral solution later down the road (Marin Duran & Morgera, 2012, p.271). Sustainable forest management ("SFM") is one example of a policy area in which no international agreement on a legally binding solution has been reached – the UN Forestry Principles of 1992 are non-binding after all (Humphreys, 2008) – although the EU tried to achieve an agreement on binding forestry rules (Savaresi, 2012, p.151; Marin Duran & Morgera, 2012, p.271). FLEGT has been preceded by many international efforts to fight illegal logging. However, proposals for internationally binding agreements caused resistance from countries in the Global South (Humphreys, 2001; Brown et al., 2008). A first attempt at an international forestry regime was the establishment of the International Tropical Timber Agreement the 1980s, which focused on the promotion of sustainable trade (McDermott, 2014). In the beginning of the 1990s, especially during the United Nations Conference on Environment and Development ("UNCED") in 1992, the North-South divide centred around sovereignty issues. Because of the importance of tropical forests for the global climate, the desire for universal timber production regulations exists, but at the same time, forestry resources are managed inside sovereign states and are considered resources of sovereign states (Brown et al., 2008). Northern countries, especially European countries, influenced by environmental NGOs, had the issue of tropical forest degradation high on the agenda, while Southern countries (organised as the 'G77' – a group of 77 developing nations) were against an international forest convention out of sovereignty reasons (Humphreys, 2001). The UNCED process led to the Rio Forest Principles, which is a 'non-legally binding authoritative statement of principles for a global consensus' on forestry (United Nations, 1993). In the following years, multilateral dialogue continued but did not lead to binding international agreements or treaties. The developed norms at these institutions therefore tend to only influence countries that are more recipients of external pressures, which even depends on the political leadership (Bernstein & Cashore, 2010). Simultaneously, wealthier nations used development cooperation programmes to promote SFM, but the conditionality provision built into the development cooperation programmes aimed at SFM seemed was often ineffective, since the national forestry industry tends to outweigh donor countries in financial importance (Brown et al., 2008). Donor nation's influence on governments tends to be only effective when the recipient nations are small, or their governments rely heavily on foreign donors (Ross, 2001, p.201).

Nevertheless, illegal forestry was at the top of the EU's mind concerning development assistance. For instance, in the 1990s, 60% of the development assistance for Indonesian forestry projects was funded by the EU, the largest importer of Indonesian tropical timber at that time (EC, 2000). During this time, the EU started to emerge as the leading actor in international environmental multilateral dialogue. The UNCED was the first event in which the European Commission had a formal role, in which it could position itself as the leader in sustainable development, but it failed to substantially create a link between trade and environmental goals (Vogler & Stephan, 2007).

The bilateral VPAs of FLEGT serve therefore as a tool to perhaps be a future framework a multilateral agreement on global sustainable forestry (as suggested by Marin Duran & Morgera, 2012, p.271-274). Subsequently, the choice of a bilateral tool instead of a multilateral one fits into the debate surrounding the failure of a multilateral sustainable forestry agreement. Humphreys (2008) characterises the debate around avoided deforestation as a disagreement between the global north and south on economic inequalities. A second narrative in the debate noted by McDermott (2014) is the issue of sovereignty: countries depending on timber export are less likely to subject themselves to an international regime of rules. After all, the FLEGT trade agreements are called “*Voluntary Partnership Agreements*” (emphasis added). Although the FLEGT Action Plan is designed around trade agreements, FLEGT also includes development aid and a supporting role for international donors, which are expected to aid the partner country and local organisations in creating the capacity to negotiate and implement the VPA agreement (EC, 2003).

2.3 FLEGT’s participatory process

The concept of FLEGT’s market-based approach to regulating timber trade was a novelty and marked a shift away from development assistance (ECA, 2015). The uniqueness of FLEGT’s design – in the literature described with words ranging from ‘experimentalist’ (Overdeest and Zeitlin, 2014; 2016) to ‘fad’ (Rutt et al., 2018) – has therefore drawn a substantial amount of scholarly attention. This part of the chapter will discuss studies on the functioning of the participatory process of the FLEGT Action Plan in practice and the scholarly debates that derive from these studies.

Up until this day, 15 countries have started VPA negotiations. Only one country has so far been allowed to start licensing FLEGT certificates and export them accordingly to the EU; Indonesia. In the table below, all countries and their negotiating status are listed.

<i>Countries in negotiation</i>	<i>Countries with a VPA agreement (in the process of ratification or implementation)</i>	<i>FLEGT licencing countries</i>
Côte d’Ivoire	Viet Nam	Indonesia
Democratic Republic of the Congo	Republic of the Congo	
Gabon	Liberia	
Laos	Honduras	
Malaysia	Guyana	
Thailand	Ghana	
	Central African Republic (“CAR”)	
	Cameroon	

Figure 1 Countries involved with FLEGT

Although FLEGT VPAs are bilateral agreements, the FLEGT Action Plan states that “partner countries should have or be committed to developing credible legal and administrative structures and technical systems for the purpose of verifying the legality of wood production according to national laws” (EC, 2003). FLEGT is designed in such a way that the EU negotiates with the partner country about the design of the structure that will be put in place to verify the legality of timber, which has to meet certain standards. These standards include policy reform to change laws that are believed to emphasise a top-down approach, capacity building for government agencies, implementation of a transparent timber verification system and support for community-based forest management (EC, 2003). The Action Plan goes on to mention four requirements that the EU states to be essential for the design of a FLEGT VPA:

- A commitment to ensure that the applicable forest law is consistent, understandable and enforceable and is supportive of sustainable forest management principles;
- Developing technical and administrative systems to monitor logging operations and identify and track timber from the point of harvest to the market or point of export;
- Building checks and balances into the tracking and licensing system, including the appointment of independent monitors,[...] and
- Developing procedures to licence the export of legally harvested timber.

(EC, 2003)

In practice, the basic shape of a VPA includes a legality definition, which outlines the laws, regulations, and policies related to forestry and timber trade that must be adhered to for timber and timber products to be considered legal. This legality definition is based on a review of existing national law, in which gaps and inconsistencies are pointed out, with the support of businesses and CSOs (Overdevest & Zeitlin, 2016, p.7). This component serves as the basis for determining compliance with legal requirements throughout the entire supply chain, listing standards and needed evidence (Overdevest & Zeitlin, 2016, p.8). This leads to the second part of the VPA, which is the supply chain controls (Lewis & Bulkan, 2022, p. 384): mechanisms put in place to trace and verify the legality of timber and timber products as they move through the supply chain. This requires a functioning traceability system, the ‘Timber Legality Assurance System’ (“TLAS”) (Overdevest & Zeitlin, 2016, p.8; Lewis & Bulkan, p. 384). TLAS is the overarching framework that encompasses both the Legality Definition and Supply Chain Controls. It can be seen as the practical implementation of the two aforementioned components and serves as the system through which the legality of timber is assured, from harvest to export. The way the TLAS is designed is different in the various VPAs, notably the role of a third-party auditor. This is a formal requirement, but Overdevest and Zeitlin (2016) note that in various VPAs, civil society organisations have the possibility to report irregularities through dispute mechanisms. The VPA process is overseen by a joint committee of representatives of the EU and the partner country. In various VPA

processes, there is a role for civil society organisation representatives in these committees (Overdevest & Zeitlin, 2016, p. 8).

In the academic literature, FLEGT has been approached with a combination of both curiosity about the novelty of and scepticism on its functionality in addressing the issues for which it is designed. Overdevest and Zeitlin have written influential works where they describe FLEGT as a novel type of trade agreement, emphasising the increased participation of forest stakeholders in decision-making (Overdevest & Zeitlin, 2014a; 2014b; 2015, 2016). Similarly, Adams et al. (2020), note that in Cameroon, Liberia, Ghana, the CAR and the Republic of the Congo, it improved “multi-stakeholder structures and the participation of state and non-state forest sector stakeholders”. Specifically the Ghanaese and the Indonesian FLEGT process have been at the forefront of the argument that FLEGT contributes to a more inclusive participation in the forestry sector. Overdevest and Zeitlin (2016) use the examples of these two countries to conclude that VPAs can lead to a ‘substantially increased participation by civil society and other stakeholders in forest governance’. Beeko & Arts (2010) draw a similar conclusion for the Ghanaian case, noticing that stakeholders who were not participating in the decision-making process were enabled to take part in the ‘centre’ of the policy arena. A study on the Indonesian FLEGT process by Neupane et al. (2019) draws a similar conclusion on multi-stakeholder participation in policy dialogue and implementation. According to Overdevest & Zeitlin (2014a) the Indonesian FLEGT process “stands out in terms of its extensive provisions for civil society monitoring”.

More recently, the inclusivity of FLEGT has been questioned by several authors. Derkyi et al. (2021) note that sociodemographic factors such as age and leadership status influence participation in FLEGT-related activities in Ghana. Hansen et al. (2018) draw a more sceptical picture of the inclusiveness of the Ghanaese process, indicating that at a local village level, the knowledge of and participation in FLEGT shows a lot of variation, and is in some cases non-existent, lacking a consistent base level. Small-scale forest businesses even criticise the dominant participation of a powerful NGO coalition, which in their eyes “hijacked” the process (p. 79). Even more critical of the participatory process are Myers et al. (2020) who see FLEGT as a process which strengthens statehood, with negative consequences for customary forest communities. Although they see the engagement of small actors and civil society in the FLEGT process in Ghana and Indonesia as a “step in the right direction” (p. 140), they see the “imposed” notions of governance and participation as reminiscing of the colonial era. They argue that FLEGT follows a notion of centralised (‘Westphalian’) state power, with one-size-fits-all legal structures, which in turn negatively impact customary practices. Even though the FLEGT process includes possibilities for the participation of a large range of actors, it is in the end still a process which focuses on statehood and legality. A similar conclusion is drawn by Verhaeghe (2023), who focuses on the position of Indigenous peoples in the FLEGT process in Honduras, concluding that the process, although it enabled the possibility for Indigenous groups to address issues, favoured state sovereignty

over Indigenous lands. A more nuanced picture is sketched by Cerutti et al. (2021), who note that FLEGT stakeholders agree on the “revolutionary” character of the VPAs in the sense of its strengthening of civil society and involving them in the process. Yet, they write, “the devil is in the details when it comes to global and in-country decision-making” (p.3), assessing that the idea that timber legality will benefit all forest-dependent people might create impossible expectations, arguing that funding must be critically assessed when its result does not favour forest-dependent peoples. Wodschow et al. (2016) similarly write about an experienced gap in Cameroon between the inclusive setup of the FLEGT process and the legitimacy of its output.

2.4 Civil society in the participatory process

As explained above, the goal of FLEGT is to collaborate with partner countries in the development of a legality system with the involvement of, among others civil society (EC, 2003). Although FLEGT aims to strengthen the capacity of governance in partner countries as well as CSOs, the main money flows seem to go to the latter (ECA, 2015). These organisations are expected to address issues and wishes concerning local and Indigenous community forestry to the negotiation table. Various studies have focused on the role and the position of CSOs in VPA negotiations, with most notably Satyal’s (2018) extensive work on four African VPA partner countries, namely Cameroon, Liberia, Republic of the Congo and Ghana. Duffield & Richards’s (2013) work focuses on the same countries as Satyal (2018), but also includes the CAR and Indonesia. Country-specific studies on CSO participation have been conducted in Cameroon (Wodschow et al., 2016) and Laos (Mustalahti et al., 2017; Ramcilovic-Suominen, 2024). Besides the studies with civil society participation as its main focus, other case studies on the FLEGT negotiation process elaborate on the role of civil society in Thailand (Lewis & Bulkan, 2022), Cameroon, Congo, CAR, Liberia and Ghana (Adams et al., 2020), Honduras (Verhaeghe, 2019), Indonesia (Hadiprasteya & Kim, 2022) and Viet Nam (Verhaeghe, 2021).

The studies show that CSOs participation in VPA negotiations has created an opportunity to address issues of local communities and achieve the inclusion of various clauses on CSO monitoring of implementation efforts, land tenure rights and transparency (Satyal 2018; Duffield & Richards, 2013). In Ghana, the CSOs were able to reduce the “absolute power” of concessionaires and the state over communities, by giving them more legal tools, such as an advancement of the right to withhold consent or give permission to log by communities (Duffield & Richards, 2013). In Indonesia, by refusing to accept the first version of the SVLK, where civil society found that its concerns were largely disregarded, CSOs were able to build in more social clauses and even labour rights (Duffield & Richards, 2013, p. 21-25). In other cases, the provisions are more vague and need to be implemented, such as in the Republic of Congo (Duffield & Richards, 2013, p. 31-34).

However, in many cases, CSOs had to figuratively fight themselves into the negotiations. This was for instance the case in Ghana, where CSOs did initially not have a proper position at the negotiating table. When international NGOs started to beat the drum and tried to make European officials aware of this, a turning point in the VPA negotiations was reached, after which CSO participation was fully embraced (Duffield & Richards, 2013). Subsequently, the Ghanaese VPA included a substantial amount of community rights clauses and helped to reduce state power in the forestry sector (Duffield & Richards, 2013), for instance, the power of ministry permits, a loophole which gave the minister-in-charge the power to avoid the TLAS procedure, was closed off (Satyal, 2018). Other studied VPA countries where CSOs experienced a reluctant government were the Republic of the Congo, where CSOs had to request the option to participate (Duffield & Richards, 2013) and Laos, where the government was reluctant to give green light to CSO participation (Mustalahti et al., 2017). In Cameroon, CSOs had to push to be invited to the negotiating table, and CSOs were confronted with late invitations or only invited to sign a document they had only received on short notice (Satyal, 2018). A similar approach occurred in the CAR, where the government preferred a speedy process in which CSO participation had no priority, which resulted in them being informed insufficiently, which did not enable CSOs to prepare properly for negotiations (Duffield & Richards, 2013). Organised CSO platforms however do not mean that all CSOs form one front: in the Cameroonian case, some CSOs felt left out of the platform. Additionally, a power struggle within the forum made several organisations leave (Wodschow et al., 2016). Satyal (2018) also notes that governments tend to choose specific CSOs that are allowed to join the process.

The position of CSOs in the various VPA countries differs as well. In some countries, like Cameroon, Indonesia, the Republic of the Congo and Ghana, CSOs organised themselves, shared information and developed common talking points. In the CAR, however, CSOs were “poorly organised” and had faulty internal communication (Satyal 2018; Duffield & Richards, 2013). These CSOs often take on the positions of local communities and Indigenous peoples, to bring over these points to the negotiating tables. Liberia is in this sense an exception: seven forest community representatives actually had a place at the negotiating table, besides CSOs (Duffield & Richards, 2013). Simultaneously, European NGOs serve as partner organisations with knowledge on the FLEGT process. In the Vietnamese case, a European NGO actively called local organisations to inform them about their rights to participate in FLEGT VPA negotiation processes (Verhaeghe, 2021). Satyal (2018, p. 92) however notes that a role for local communities and Indigenous groups is non-existent in the negotiation process with at least three African countries.

A common problem CSOs deal with is a lack of capacity and a lack of factual knowledge of the FLEGT process. In Cameroon, this affected the presence of CSOs in negotiations (Duffield & Richards, 2013), something the Cameroonian government seemed to exploit by communicating meetings on short notice, which made it impossible for some representatives to attend these (Wodschow et al., 2016). The

effectiveness of CSOs in the Liberian negotiations suffered from a lack of knowledge (Satyal, 2018). In the Laos case, awareness of the FLEGT process in general is perceived as low (Mustalahti et al., 2017). One of the outcomes of all FLEGT negotiation processes studied by Duffield & Richards (2013) is a role for CSOs in monitoring the process of FLEGT licencing. Some VPAs include a formal role, like in Indonesia, the Republic of the Congo, Ghana and Liberia, while others have ways to report issues to the overseeing FLEGT body, as is consistent with Overdevest and Zeitlin's (2016) description of the role of CSO participation in various formal settings, such as oversight committees and monitoring mechanisms.

Duffield & Richards (2013, p.35) conclude that "CSOs in most VPA countries appear to regard the VPA process as having been very important as regards getting customary and other rights onto the agenda or expanding the political space available to promote rights". Satyal (2018), while confirming that CSOs feel that they are at least "complementing" government efforts (p.93), notices another tendency in CSO participation: CSOs often feel that governments look at them with suspicion and that they are considered as opposition. Although VPAs formally require the participation of CSOs, their effectiveness seems to depend on their resources and capacity, their knowledge on the topic of FLEGT, their collaboration with other CSOs and the attitude of the governments in regard to CSO participation and information sharing.

2.5 concluding remarks

Summarising, the literature shows that the FLEGT Action Plan has opened the door for civil society participation to be in discussions with the local government on forestry legislation. Yet, we must see FLEGT VPAs inherently as trade agreements, albeit with a substantial amount of environmental and social requirements, which aim - in combination with support from international donors and multi-stakeholder participation – to tackle the issue of illegally harvested timber entering the EU market. As emphasised above, through the entire processes of the FLEGT VPA negotiations and implementations, CSOs play a role. It is no wonder that the EU on the side provides capacity building for these organisations (Overdevest & Zeitlin, 2016, p.9), next to contributions for private and public actors. Overdevest and Zeitlin (2016, p.62) see the involvement of CSOs as an "indispensable contribution", because of their ability to expose gaps in the agreements and provide independent local knowledge, which helped to create legitimacy for VPAs. That notion is disputed by Hansen, Rutt and Acheampong (2018), who argue that Overdevest and Zeitlin put too much emphasis on civil society participation, which, in their eyes, has not been able to make a notable change in the case of the Ghanese VPA. Lesniewska and McDermott (2014, p.22) conclude that after VPA negotiations, there is a "lack of formal mechanisms for ongoing civil society participation". Even though FLEGT might seem to be a 'revolutionary', novel, more inclusive approach, critics point out how it strengthens the role of the state, emphasizing colonial structures (Myers et al., 2020; Verhaege, 2023; Lewis & Bulkan, 2022), while

some go as far as questioning the legitimacy of CSO participation: “what gives them more legitimacy to participate in the VPA processes than e.g. firms (big, small and informal) and community groups?” (Hansen et al. 2018, p.80).

3. Methodology

As the previous section has shown, there is an emerging body of literature on civil society participation in the FLEGT process. However, in the literature, there are no works that focus on civil society participation in Guyana. Similarly to the other bodies of work on CSO participation, mainly Satyal (2018) and Duffield & Richards (2013), semi-structured background interviews will be used to answer the research question, filling the research gap concerning the FLEGT VPA process in Guyana. As the results section will show, the number of CSOs actively involved in the FLEGT process in Guyana is rather small compared to other VPA countries. Furthermore, not all knowledge of the entire VPA process is still within these organisations, as some staffers who were present at the start of the negotiation phase are not working for these organisations anymore. Besides interviews with CSOs, the results section will be partially based on interviews with FLEGT process facilitators, supporting staff and coordinators involved with the FLEGT process over the entire timespan to fill up potential knowledge gaps. All the interviews, nine in total, were conducted through various online video-calling programmes and lasted between 40 minutes and two hours. The interviews were held in March and April 2024. Four of the interviewees were actively working for CSOs or had a supporting role towards CSOs. Four interviewees had a facilitating role in the FLEGT process and one interviewee worked for the European Union delegation. The interviewees gave consent to be interviewed and were informed about the goal of the thesis and the fact that the interviews would be anonymised to ensure the privacy of the participants and give them the possibility to speak more freely.

Similarly, the documents on the official website of the Guyanese VPA (<https://euflegt.gov.gy>) have been analysed as well for indications of CSO participation. Not all documents on the website were available since a lot of the URLs have become obsolete, so-called link rot. To solve this issue, some of the documents have been retrieved through the Wayback Machine of the Internet Archive. When it was necessary to factually check information provided by interviewees, news articles, letters and other types of documents will be used to confirm events described by the interviewees or give extra context.

In order to effectively compare the Guyanese case to the broader picture the literature provides, I draw upon the model developed by Satyal (2018). Since Satyal applied this to four other countries, this gives a solid basis to make a proper comparative analysis. To obtain qualitative information, Satyal conducted semi-structured open-ended interviews to gain more information on the ways of participation. The interviews were structured in four sections. The first, “General information”, mainly focuses on the CSOs main features and their familiarity with FLEGT. The second section, “Who participates?” delves into the various stakeholders that participated, if CSOs missed certain organisations and if they thought the process was fair. “When do they participate?”, the third section, aims at when CSOs started their participation and how they got their seat at the table, the frequency and the length of their participation. The fourth section “How do they participate” is about many aspects of the participation process itself,

ranging from government transparency, the reflection of their standpoints in the VPA, whether they expressed their views during the meeting and how decisions were made. It has to be noted that Satyal uses the framework on the degree of participation in order to compare two different forestry initiatives (FLEGT and REDD+). This is not the aim of my study, and therefore this tool will not serve to compare cases, but to analyse CSO participation in the FLEGT process. I have created a list of interview questions that follow the sections Satyal created for his study, specified to the Guyanese case. The list of questions can be found in [Annex III](#). It however has to be noted, as is often the case with open-ended interviews, that some questions are already answered at a different point in the conversation, Satyal's (2018) division of categories therefore proved very useful during the analysis of the interviews. The results and analysis chapters will be therefore structured alongside those four categories. The anonymised transcripts are available through the author of this thesis, who is reachable through the e-mail address on the cover page.

4. Case study: Guyanese civil society and FLEGT

This chapter discusses the information obtained through the interviews and relevant FLEGT-related documents. It will commence with a brief introduction of the FLEGT process in Guyana. After this, the chapter will be structured along the lines of Satyal's (2018) model. Therefore, after the introduction, the character of the participating CSOs will be discussed, followed by a more detailed description of the participating CSOs. After this, the section "When do they participate" focuses on the attempts at the beginning of the FLEGT process made by CSOs to be part of the negotiations, followed by the structure of the current participation mechanism. The final sections discuss the characterisations of CSO participation during the process, such as participation fatigue, grant allocation and their categorisation on the overall participation, including perceived impact.

4.1 Introduction to the Guyanese FLEGT process

Guyana started negotiating the FLEGT VPA with the EU in 2012. The reason for Guyana to initiate FLEGT negotiations lies in a broader strategy for the country to lower carbon emissions, the Low Carbon Development Strategy ("LCDS"), for which the country received financial assistance from Norway. One of the cornerstones of the agreement with Norway, which was signed in 2009, was opening a dialogue with the EU to negotiate a FLEGT VPA (Government of Norway & Government of Guyana, 2009, p.15). In 2012, around 8% of the export value from forestry came from exports to the European Union (GFC, 2012c). During the negotiations and the implementation phase of the FLEGT process, the main responsible government body is the Guyana Forestry Commission ("GFC"), which manages the inspection, certification and accreditation of the forestry industry. Although the process formally started in 2012 and aimed to sign the VPA in 2015, the process immediately ran into some hurdles. As this chapter will show, civil society asked for a slowing down of the process, due to concerns of civil society involvement (George, Almås & Griffiths, 2014). The eventual initialling of the VPA happened in 2018, after which the implementation phase started (Council of the EU, 2013). To this day, the VPA has not been ratified. Once both parties ratify the agreement, Guyana can start FLEGT licencing.

Before discussing the characteristics of CSO participation during the Guyanese FLEGT process, it has to be noted that Guyanese politics shaped the participatory process like no other aspect. Concerning civil society participation, the FLEGT process in Guyana can be divided into two different periods. A key factor in this division is the general elections of 2015, which changed the attitude from the government to FLEGT, including its stance towards the participation of CSOs (Interview#9; #5; #2; #4). These elections are characterised by a shift in power, as the ruling People's Progressive Party/Civic ("PPP/C") lost the elections to a coalition of opposition parties, after being in power since 1992. The FLEGT process until now has seen two changes in government, since the PPP/C regained power in 2020. This chapter therefore often refers to the pre-2015 and post-2015 situation. One interviewee names the change

of government in 2015 a “watershed moment” for the FLEGT process (Interview#5). With the instalment of the new government, the process took a new turn, in the sense that this government was more open to the participation of civil society. The change of the attitude of the government must however not be envisaged as a bolt out of the blue, as attempts to better relations between the government and CSOs were an ongoing process (Interview#2). The changes in the process will of course be discussed in this chapter, but because of the chosen structure, this chapter will not focus on the chronological order of the events.

4.2 General information

The CSOs participating in the FLEGT process are just a small pool of organisations which can be divided amongst the lines of Indigenous (also referred to as Amerindian) CSOs and environmental CSOs. Many interviewees noted that the number of CSOs in Guyana is limited and the amount of organisations capable of participating in FLEGT is rather small (Interview#4; #9; #5). As one interviewee notes: “Civil society is really, really weak, particularly on governance issues, because governance brings you into contact and often into conflict with authority. And in a small society, I find people feel very vulnerable to the politics because the politics runs things you know. We have a very stiff, centric model of development. [...] And it's very hard to maintain an independent sort of civil society in the governance area because of the threat, whether real or perceived, [...] that the government might take offence.” (Interview#4). A major other factor is the politicization of these CSOs and organisation structures alongside political lines (Interview#9).

Since many CSOs that participated in the FLEGT process have a limited amount of staff, there is often one single person responsible for participation in FLEGT-related activities. Some organisations are even run by just one person, who often does the work for the CSO in their spare time, as is the case for at least two Indigenous CSOs. As later sections in this chapter will show, mainly within the community of Indigenous CSOs, there has been a lack of coordination and trust, while the environmental CSOs seem more collaborative with one another. Furthermore, the Guyanese FLEGT process also includes another form of Indigenous peoples’ representation, as the National Toshias’ Council (“NTC”) is one of the actors in the process whose participation is sought after by the Guyanese government. This is a council consisting of elected Indigenous leaders, which is established by Guyanese law.

4.3 Who participates?

The most vocal organisation during the FLEGT process has been the Amerindian Peoples Association (“APA”), an organisation which advocates for the rights of Amerindian communities in Guyana. The APA is the largest Indigenous rights organisation in the country, and has good connections with international NGOs, mainly the Forest Peoples Programme (“FPP”), and donors who fund their

activities. The APA has an organisational structure which includes regional representatives and an executive committee. Other Indigenous CSOs involved with FLEGT are the much smaller Guyanese Organisation of Indigenous Peoples (“GOIP”), The Amerindian Action Movement of Guyana (“TAAMOG”) and the National Amerindian Development Foundation (“NADF”). These last two organisations are mainly run by one person (Interview#4, #9, #5)

Three environmental CSOs participate, of which two are local offices of larger global NGOs, namely Conservation International (“CI”) and the World Wide Fund for Nature (“WWF”). The Guyanese chapter of CI works on local conservation projects with regard to, among others, forestry, mining and climate change. The local WWF office is part of the regional chapter that also includes Suriname and French Guyana, working on environmental protection projects in these three areas. One interviewee notes that both organisations, although they are funded by their international NGO, have a “good reputation in Guyana, so they've managed to navigate that fairly well.” (Interview#4) Subsequently, the local conservation organisation Iwokrama International Centre for Rainforest Conservation and Development (hereafter referred to as “Iwokrama”), is the only local Guyanese organisation, although also Iwokrama has international funding. Iwokrama is an environmental organisation focused on the development of knowledge on sustainable forest management, which mainly focusses on the Iwokrama Forest, a natural reserve in the centre of the country.

Besides environmental and Indigenous CSOs, there has not been much participation from other organisations. There has been a small role for a local transparency organisation during the process, although they were invited relatively late (George, Almås & Griffiths, 2014), and did not obtain a formal role later on in the process. A few interviewees named women’s rights forestry organisations as a distinct stakeholder group that was missing during the process (Interview#1, #9), one mentioned missing a representative for specifically Indigenous loggers (Interview#6) and another interviewee missed participation of a grassroots environmental organisation that is based on local volunteerism rather than international donors (Interview#4). Although these interviewees indicated that they felt that these specific types of voices were missing, it must be noted that these groups simply do not exist in the Guyanese civil society context. It is therefore not the case that these groups have been excluded deliberately.

Although the environmental CSOs mainly feel that they are invited to take part in the FLEGT process because of their specialisation, within the Amerindian rights organisations there is a division regarding the nature of participation in the process. The Amerindian rights organisations who were initially not invited to FLEGT-related meetings and activities felt that the government saw them as an opposition organisation, rather than an organisation that could provide valuable insights for the design of the VPA legality definition. Besides their knowledge and their outreach into communities, a civil society representative described another aspect of why they thought they were taking part in the process by a

rather amusing anecdote. This civil society representative saw a task for their organisation in showing European (Union) officials how forestry in Guyana works in practice. This representative described a case of an overconfident representative who claimed he would be able to handle the bumpy roads of the Guyanese forests. “He went on the road and he threw up for the whole 14 hours” (Interview#3).

4.4 When do they participate?

The first instance of CSO participation mainly happened through workshops organised by the GFC, to which CSOs were invited. In September 2012, the first stakeholder workshop in the official negotiating track was organised in Georgetown. Of the CSOs, only the environmental ones attended (GFC, 2012a). For Indigenous matters, a second workshop was organised in April 2013, to which both the APA and GOIP sent two representatives (GFC, 2013). The environmental organisations were at the beginning of the FLEGT process not very involved (Interview#5).

Especially in the early years, CSOs, led by the APA, criticised the FLEGT process as being primarily driven by the government without proper input from civil society, which were informed late or were not informed at all (Interview#5, #6, #9; George, Almás & Griffiths, 2014). As one interviewee notes: “The government was not open for them at all. The country was really closed. They did not want to talk to anyone. The four Indigenous CSOs were not involved in the beginning.” (Interview#5). In 2013, the APA wrote a letter to the Guyana Forestry Commission to slow down the process because of concerns about the lack of CSO participation (Interview#6, #9; APA, 2013). Because of the APA’s connections to European NGOs, their European partners signalled the concerns from Guyana to European Union officials (FPP, 2013a; 2013b). The criticism mainly addressed a consultation process that was believed to be untransparent. In their letter, the APA primarily refers to the aforementioned workshop, which they considered to be “rushed” and contained technical languages which caused problems for participants in understanding what FLEGT entails. Another main point of criticism was the design of the exclusion of the APA and other Amerindian rights organisations in the National Technical Working Group (“NTWG”), which functioned as the advising organ of the GFC in the FLEGT negotiations. As is visible in the table below which lists the participants, civil society representatives are absent in the NTWG, despite their workshop participation.

Participants in the NTWG
1. Guyana Forestry Commission
2. Ministry of Natural Resources and the Environment
3. Representative of Guyana’s Forest Products Exporter to the EU
4. National Tshaos’ Council, Chairperson
5. Ministry of Legal Affairs
6. Small Loggers Association
7. Forest Products Association
8. Forest Products Development and Marketing Council Inc.
9. Guyana Manufacturers and Services Association
10. Ministry of Foreign Affairs
11. Ministry of Amerindian Affairs
12. Guyana Revenue Authority
13. Indigenous Peoples Commission

Figure 2 Participants in the NTWG. In George, Almàs & Griffiths (2014, p.118).

It must be noted that although there were no CSOs invited to take part in the NTWG, the Indigenous voice was represented by the elected Tshaos in the NTC. The APA subsequently criticised this decision as they stated they had a better outreach into Indigenous communities, and therefore should be invited to the NTWG meetings. (APA, 2013). From the EU side, it was also hard to address this issue. According to one interviewee, the EU tried to push on Guyana to have CSOs on the table, which was challenging, since the government argued that the NTC represented the Indigenous voices. (Interview#5). After the NTWG meetings, no aide-mémoires or notes were published, making it difficult for civil society to be informed on the process (George, Almàs & Griffiths, 2014, pp.118-119). These criticisms were also addressed to EU officials by the international NGOs FPP, Fern and Global Witness (FPP, 2013a). They addressed their concerns for the FLEGT process to be a ‘top-down’ process and requested to slow it down, to facilitate a better multi-stakeholder structure. They criticised the government's selection of representatives. In the letter, these organisations wrote:

We are extremely concerned that if a VPA in Guyana is allowed to move ahead without ensuring a proper multi-stakeholder consultation process with independence in secretariat, chairmanship and funding, similar to that in the other VPA countries, it risks undermining the potential of the VPAs to improve forest governance and thereby risks undermining the whole EU FLEGT process. (FPP, 2013a).

Against the backdrop of the attempts of the APA to gain access to the FLEGT process, there is another issue which arguably hindered the continuous efforts made by the APA. A representative of another Indigenous CSO, TAAMOG, argued differently related to the exclusion of the APA. Both intern

(Interview#6) and publicly (Persaud, 2013), TAAMOG voiced criticism related to APA's stance. In a letter sent a letter to the Guyana Chronicle, the representative spoke of a “disgruntled” APA, because they were not invited to the NTWG. In his letter, the representative wrote:

I am therefore appealing to the national and international experts on Guyana’s EU FLEGT process to apply caution when faced with the barrage of APA’s imaginary concerns under the pretext of “Indigenous People’s Rights”. (Persaud, 2013).

For TAAMOG, the inclusion of the NTC was sufficient with respect to Amerindian participation in the NTWG. The disagreements between the APA and TAAMOG continued to cause tension during the process.

In addition to the conflict between the APA and TAAMOG, there were also tensions between the GFC and CSOs. Interviewees describe the situation at the time as “polarised” (Interview#2) and “very tense” (Interview#5) since the APA was considered by the Guyanese government to be an opposition organisation, to which the fact that they receive money from international donors added distrust (Interview#2, #4). The tensions between the APA and the GFC eventually led to the establishment of a FLEGT facilitator’s office, designed to build a bridge between the Guyanese government and CSOs (Interview#5, #2).

The first period is therefore characterised by an ad-hoc participation process, where civil society was excluded from the main FLEGT bodies. Only during workshops and various stakeholder outreach sessions, civil society participated. In the background, however, there were attempts made by FLEGT facilitators and consultants to bring the APA closer to the GFC. Similarly, EU representatives or representatives related to the EU tried to meet up with the APA. This had to happen without having an official character since it was presumed that the GFC would not appreciate such a meeting (Interview#5). The second phase of the negotiations was, as previously mentioned, marked by a shift in government. This opened up the possibilities for civil society to play a larger role in the FLEGT process. In 2016, the APA requested access to the EU-Guyana negotiations as an observer, which was granted. Here again, an interviewee claims, TAAMOG was against the observation position of the APA (Interview#6).

Although there was a distance of CSOs to the direct negotiating table, other ways in which civil society was part of the FLEGT process were local workshops in (Amerindian) forest communities on raising awareness of the FLEGT licencing scheme, organising seminars to share experiences.

4.4.1 The National Implementation Working Group (NIWG) and the Joint Monitoring and Review Commission (JMRC)

The Guyana FLEGT VPA with the EU, signed by the 2015-2020 government, includes a structure for implementation in which, contrary to the negotiating phase, CSOs took place. In the National Implementation Working Group (“NIWG”), the body that is designed to form a Guyanese position in the implementation phase for coordination meetings the Guyanese government has with the EU, both Amerindian CSOs and environmental CSOs have a place on the table. The NIWG is designed in such a way that the country of Guyana forms a position, after which the government negotiates with the EU. One of the interviewees explained this setup as follows: “This helps the process inside of the country if you form a common opinion, rather than all separately talking to the EU” (Interview#2). In the NIWG, all Guyanese stakeholders come together to discuss FLEGT-related matters. After this, the GFC brings the national position to the sessions with the EU representatives. This Guyana-EU meeting is called the Joint Monitoring and Review Commission (JMRC). Although this is officially a meeting between the two VPA parties, the meetings are also attended by an Indigenous CSO participant and other stakeholder parties, who give presentations. Still, the setup made one CSO participant wonder whether the European Union was therefore able to become aware of the input of civil society during the NIWG meetings. This representative would prefer a system in which the CSOs have a proper say in the JMRC meetings (Interview#7).

In the NIWG there is one seat for all Indigenous CSOs and one seat for all environmental CSOs, this means that the organisations have to work together in a rotation system, which is visualised in the image below. Both CSO groups rotate the occupation on the NIWG seat, which seems like a functional system, since many CSOs, both the Amerindian and environmental ones, spend a lot of time out of the capital Georgetown for fieldwork. With the environmental CSOs, this system seems to work well (Interview#3; #7; #9). One interviewee describes that the group is intended to function as a “safe space” to discuss matters related to FLEGT (Interview#3). For the Amerindian organisations, tensions exist. FLEGT process participants mention in the interviews that the Amerindian representatives occasionally voice different opinions on matters, even in formal meetings, which shows the tensions between these organisations (Interview#7, #6). One interviewee described the tensions between these organisations as follows: “It’s always walking on eggshells, you don’t know when a minor situation can become political”. (Interview#9).

To strengthen the sense of community in the NIWG, sporadically a common getaway to a retreat is organised. During these retreats, workshops take place. But of course, the main purpose is to form a more cordial bond between the stakeholder representatives and identify what types of support CSOs need (Interview#9). Other activities like informal drinks in the office of the FLEGT staff also occur. One interviewee however noted that during a retreat, existing tensions did come to the surface (Interview#7).

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For civil society, it is sometimes difficult to send a representative to these events, since they deal with a limited amount of staff that works on FLEGT (Interview#7, #3).

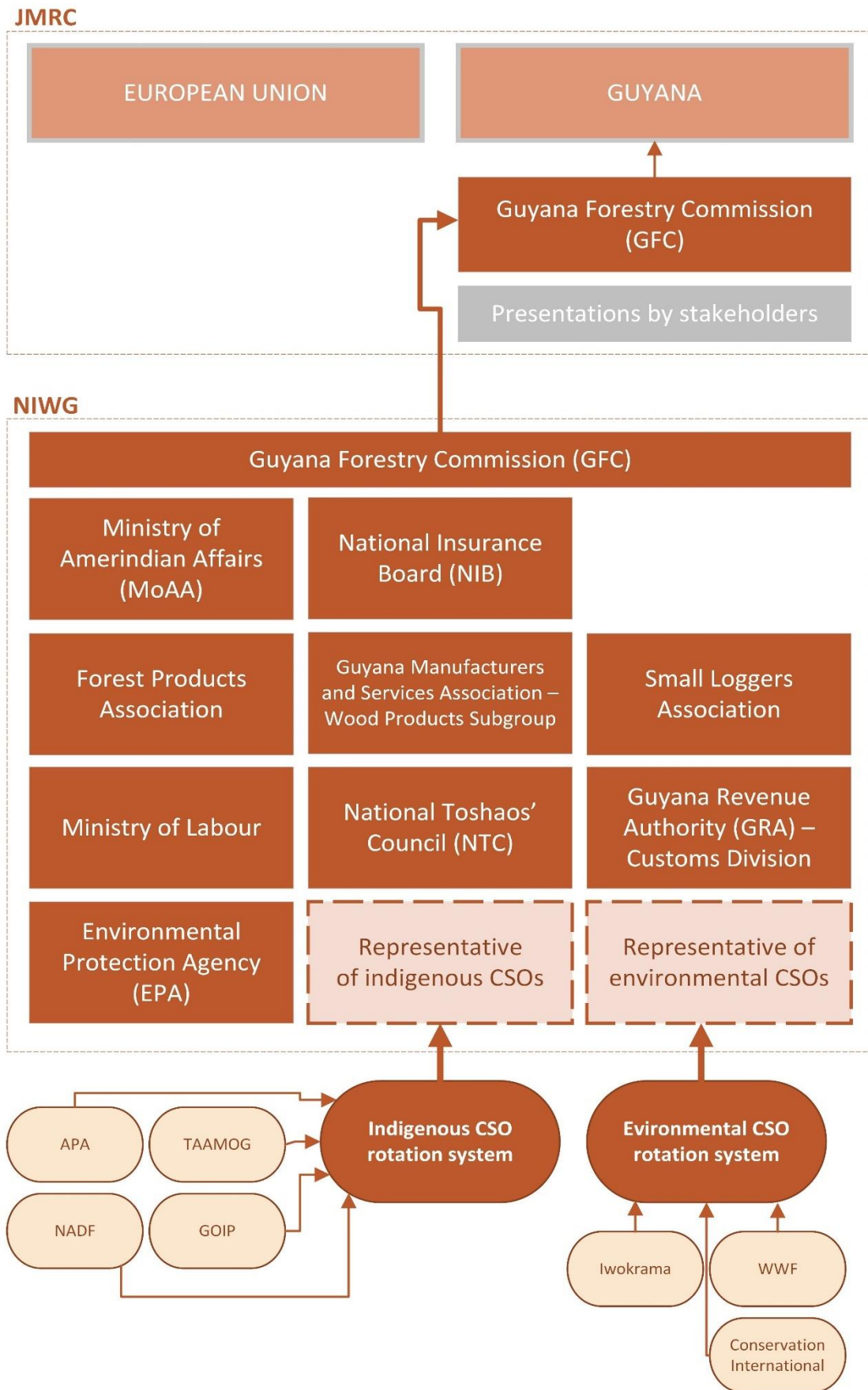


Figure 3 Design of National Implementation Working Group. Created by the author based on interviews and document analysis.

4.5 How do they participate?

FLEGT seems to be a burden for many CSOs. As one CSO representative said with a sigh: “Documents” (Interview#7). Interviewees say it is hard to keep up with the immense amount of documents that FLEGT entails. Not all documents are as relevant for the CSOs and their main focus, so CSOs tend to focus on the parts of the documents that are important to them (Interview#3, #7). One interviewee mentioned that it is specifically difficult to keep track of the various updates that are made to specific documents (Interview#7). Some interviewees noticed fatigue with the process, as FLEGT tends to take up quite a lot of resources from civil society, with one of them distinctly describing the fatigue as a fatigue in resources rather than a fatigue in willingness to cooperate (Interview#2). Another interviewee did not see any fatigue but emphasized that CSOs have a lot of work, and are often in the field (Interview#9), which limits their communication possibilities with other parties in the FLEGT process, both facilitators and CSO representatives (Interview#6, #9). The beforementioned drinks in the FLEGT facilitator’s office and the retreats are a way in which the actors in the FLEGT process are trying to fight the potential fatigue. “There are little things that can be done to try and keep CSOs going despite their fatigue. They are fatigued. And in fairness, CSOs should be fatigued. It's taking a long time.” (Interview#4).

Participation of CSOs depended mostly on civil society being invited to meetings, or responding to organised events such as workshops or implementation seminars. Besides these organised informative meetings, especially the APA got training from the FPP to completely comprehend the FLEGT process (Interview#8). For the other Indigenous CSOs, the knowledge of FLEGT seems limited. “They don't have people who are dedicated to following all these technical processes to be quite honest, these things are actually quite heavy in terms of their technical content.” (Interview#4). After the instalment of the NIWG, civil society participation was more streamlined, since they were institutionally included in all meetings through the rotation system. Still, the participation rate runs into the previously described difficulties. As one interviewee notes: “My general impression is that environmental organisations are not too concerned with the VPA. They do show up, but they are too busy with their job elsewhere that they don't have the time to concentrate on the VPA” (Interview#9). Besides the formal NIWG meetings, the GFC invites CSO participants for informal ad-hoc meetings to prepare documents for the NIWG meetings. One interviewee explained that this structure made the process of NIWG decision-making more streamlined, as issues can already be solved before an official meeting (Interview#3). NIWG communication happens both through WhatsApp and e-mail contact. Yet, trust between the GFC and some civil society concerning invitations is not optimal. One interviewee made a specific point about an instance when the GFC invited a representative of one of the Amerindian CSOs for a meeting with the EU in Brussels. According to the interviewee, this request was made outside of the common conversation structure of the registered Amerindian organisations, which made that there was no

discussion between these organisations on what specific message was important, prior to appointing a representative. This led to a situation in which the Amerindian CSOs felt like the GFC surpassed their common deliberations. (Interview#6, #9).

Another way in which CSOs were involved during FLEGT was as the responsible organisation for community awareness workshops. Characterising the Guyanese FLEGT process are difficulties for international donors to find organisations to support in organising these types of activities, because of the limited CSO capacity (Interview#8, #5). As part of such funding, the APA – being the only CSO to receive funding from the FAO organisation of the United Nations – organised workshops with Indigenous communities to train and inform them on the various documents FLEGT entails. The APA got a 70,000 US dollar grant for this programme. Through this grant, the APA also created draft submissions to the NTWG, even though they were not a participant (FAO FLEGT, 2016, p.6). The allocation of funds to the APA was not uncontroversial. TAAMOG was displeased with the choice for the APA for another grant by the European Union Guyana office (Interview#6). This grant was aimed at bringing awareness to Amerindian communities about FLEGT. The TAAMOG representative sent a letter to the newspaper Guyana Chronicle with accusations that the APA was spreading misinformation at awareness workshops. He described the APA as an organisation that cannot be trusted, since it is in opposition to the main structure of the Guyana Low Carbon Development Strategy (LCDS), of which FLEGT is a cornerstone. Subsequently, the EU was accused of “trying to sabotage” the FLEGT process. The TAAMOG representative concluded:

... should the APA be a hindrance to Guyana’s current EU FLEGT process, paid for by Guyana’s EU office, the alternative should be the withdrawal from the EU FLEGT process by the Government... (Persaud, 2014).

The EU grant was also a thorn in the side of the GFC and the Guyanese government, which did not understand why the APA was chosen for a grant to take up this task, when the NTC also applied. (Interview#5, #6). None of the interviewees noted difficulties between environmental organisations and the GFC.

4.6 General insights

Many of the interviewees do note that the process created an opportunity for civil society to be in a formal dialogue with the government, which tended to be reluctant towards civil society participation initially (Interview#2, #5, #9, #4). As one interviewee says: “The VPA, of course, requires that civil society and private sector participate, so the government, I think, reluctantly got into that space. I think it's fair to say that over the years it has now developed into a pattern and a tradition. [...] It's not just a governmental process. Civil society, weak as it is, has contributed I think.” (Interview#4). In the current

system, one interviewee notes: “I think [CSOs] are not involved enough – at the same time, it is not a question of deliberately leaving them out.” Also their limited capacity seems to impact their potential to participate fully in the process (Interview#9). One interviewee wished that civil society had more confidence (Interview#4). Still, some interviewees wonder whether CSO input has made a difference, as one interviewee says: “Sometimes I think we are making progress, sometimes I feel we put two steps back.” (Interview#6). This sentiment seems to rhyme with another interviewee who sees the VPA more as a process to achieve inclusive CSO participation, rather than something that has a large impact on the forestry sector (Interview#9). Including CSOs seems to have contributed to the transparency of the forestry licencing process (Interview#9, #4, #5), rather than CSOs seeing their wishes reflected in the VPA. As one interviewee stated: “If you compare the situation before 2015, [CSOs] were not even in discussion with the government. The government did not even want to talk with CSOs. If CSOs got what they wanted to achieve, probably not. [But after 2015, CSOs] were at least part of the discussion.” (Interview#5). Besides the reluctance of the government in the process itself, the conflict between the Amerindian CSOs also seemed to hinder their participation: “I still feel that so much more could be done if there was, if not consensus, a bit more cooperation between [civil society]”, as one interviewee noted (Interview#9).

5. Discussion

The FLEGT process in Guyana shows the two faces discussed in the literature chapter. On the one hand has the FLEGT process increased civil society participation in an initially closed governance structure, but on the other hand has the process been marked by many obstacles that have limited the possibilities for CSOs to make a clear mark on the process. The discussion section will commence with a comparison of the Guyanese case to the information the other literature on FLEGT VPA CSO participation provides, after which the results are put into a broader sense of the discussions surrounding the functioning of FLEGT. Hereafter, the limitations of this study will be discussed, followed by recommendations for future research.

5.1 Comparison

First and foremost, the initial phase of the Action Plan shows a clear lack of CSO participation, initiated by a government that is not keen to include civil society which it considers to be opposition. When we compare the Guyanese case to the other countries in which CSO participation is studied, this does not seem to deviate much from many other cases. A reluctant government in the initial phase of the process is not uncommon, for instance, the process in the Central African Republic, where the government similarly was accused of leaving CSOs out in an attempt to create a speedy process, and Ghana, where European civil society organisation had to pressure the EU to make sure that civil society was included in the FLEGT process (Duffield & Richards, 2013). The case of Guyana fits into this notion, as the largest Amerindian CSO felt left out of the process, due to suspicions of being viewed as an opposition organisation. This felt suspicion even went as far as making grant allocation controversial. A conclusion of Mustalahti et al. (2017, p.105) about Laos could similarly be written for some CSOs in Guyana: “The government does not view these organisations as independent players nor as a balancing force or counterweight to government policies, as is the case in many other countries”. It however has to be noted that not every CSO experienced distrust from the government, as other organisations mentioned a better collaboration with the GFC. The conflict was mainly between the government and the Amerindian CSOs, rather than the environmental CSOs.

Another similarity to the FLEGT process in the Central African Republic is faulty communication among the different CSOs (Duffield & Richards, 2013). Proper organisation among Guyanese CSOs only occurs when they are grouped into an institutional framework, such as the NIWG, rather than a voluntary common forum with a common position to influence the VPA negotiations, as happened in Cameroon, the Republic of the Congo and to an extent in Ghana (Duffield & Richards, 2013; Satyal, 2018). The divisions in Guyanese Amerindian civil society seem to limit their effectiveness, especially during the negotiation phase.

There is one factor which makes Guyana stand out from the other countries. None of the case studies mentions a civil society that is as small and as divided as in Guyana, even though the Guyanese process

does show similar issues civil society runs into. None of the case studies describes a case of a civil society organisation which advocates *against* the inclusion of civil society in the process, which highlights the experienced politicization of civil society in Guyana by the interviewees. As in many other countries, the capacity of Guyanese CSOs limit their possibilities to properly engage in the process. The fact that donors had difficulties finding organisations to fund reveals a lot about the capacity of the CSOs.

Another interesting specificity of the Guyanese is the inclusion of direct Indigenous representation through the inclusion of the NTC. In the case studies on Liberia by Duffield & Richards (2013), Satyal (2018) and Adams et al. (2020), direct Indigenous participation is one of the stand out characteristics of this country's VPA process. In Guyana, the selection of Indigenous representatives was a cause of debate, where APA and its international partners had concerns about NTC's community outreach capabilities. This criticism in turn then led to criticism on the APA from another Indigenous CSO.

Eventually, CSOs gained a permanent seat in the NIWG, which is similar to a few other VPA countries in which civil society has an institutional participation position, as is the case in Liberia, Indonesia, the Republic of the Congo and Ghana (Duffield & Richards, 2013; Satyal, 2018). The eventual successful inclusion of CSOs in the NIWG should not only attributed to the government being more willing to involve civil society. Some vocal civil society's persistence to be part of FLEGT kept them on the radar. Outside of the official procedural process, mainly the APA kept on forming an opinion on the FLEGT process and organising different workshops and events to engage with the NIWG partners and local communities. This, supported by grants from international donors, helped the organisation build capacity and gain knowledge on FLEGT, essential for meaningful participation.

5.1.1 Limitations

The collected information partially relied on empirical evidence, which had to be collected through interviews via videocall platforms, due to limitations in financial resources. This potentially limited the quality of the interviews, as conversations in person and on location tend to be more fruitful in terms of the quality of information given. Furthermore was it not possible to speak with all participants on the civil society side, as some of them were not reachable due to field work or have never responded to interview requests. Other interviewees were not present during the entire timespan of the FLEGT process, which means that some knowledge has been lost. But to regain some of that knowledge, a few interviews were held with past participants to the process. Another limitation was the unavailability of certain documents of the FLEGT process. Although these documents should have been available on the website of the FLEGT secretariat (<https://euflegt.gov.gy/>), link rot tends to be a problem. It however was possible to retain some past aide-mémoires and other documents that give an insight into civil society participation. Despite these limitations, enough balanced information was obtained to properly study CSO participation in the FLEGT process of Guyana.

5.2 Meaning of Participation

Although the capabilities of civil society to participate effectively in the process can be questioned, the inclusion of civil society has been viewed by many interviewees as a big step for Guyanese forest policy decision-making. Interviewees emphasised the difference between the beginning of the process and the current participation structure. This is in line with the findings of Overdevest & Zeitlin (2016), who see the inclusive nature of FLEGT as one of its strengths. The fact that the NIWG participants are involved in social gatherings and other types of activities, shows that there are genuine efforts to make FLEGT an inclusive process and create mutual understanding between the different parties that might not always be ideologically aligned. The inclusion of civil society in the NIWG has increased transparency in the sense that CSO groups are informed about the decision-making and can bring topics to the table.

However, the process in Guyana initially had little civil society participation, without much transparency. This phase confirms that FLEGT was mainly a process between two governments, in which the promise of civil society participation is by some participants experienced as a way of creating legitimacy, rather than an actual process of inclusion. This notion is strengthened by the fact that even European representatives had to navigate carefully regarding the tensions between certain CSOs and the GFC, in order not to offend their negotiating partner. The exclusion of CSOs in the initial national process could only effectively be altered by a change of government, and even after that, some conflictuous issues remained. Although CSOs are now structurally involved, their capacity to properly engage in the process has its limitations, which curbs the extent to which proper participation could be impactful, as the CSO representatives have to be constantly updated on new FLEGT documents and even taking part in the FLEGT related activities takes up resources. It is important to keep in mind that FLEGT remains a process between governments, and that although CSO participation increases the transparency of the process and creates an opportunity for CSOs to put certain issues on the agenda, they are not parties in the agreement. In the Guyanese process, CSO participation clearly risks becoming a form of window dressing, where the government uses the participatory process to strengthen its position on forestry policy, hiding behind the notion of inclusivity in the process. This raises the question of whether the design of FLEGT is suited for smaller countries like Guyana, where the capacity and cumulative size of civil society is so limited that their presented participation risks becoming a signal of good behaviour rather than actually impacting the VPA negotiations and its implementation.

It is not in the scope of this thesis to prove whether the FLEGT process in Guyana has enhanced state structures inherited from the colonial period regarding forest policy, as Verhaeghe (2023) was for instance able to conclude for Honduras. Yet, this type of criticism of the FLEGT process, similarly voiced by Myers et al. (2020) and Lewis & Bulkan (2022), offers an important warning clause for the premise of civil society participation in FLEGT. If civil society cannot cooperate at full capacity, due to

material or financial limitations, tensions among CSOs, or tensions with the government, their impact on the eventual output is limited. These limitations might not necessarily be viewed as issues with the process but as issues for civil society themselves. But one must then wonder whether the process is properly designed for civil society participation if it becomes a burden for CSOs and a source of conflict. The rotation system in the NIWG is a good example of a way to relieve the pressure, but not potential conflict. The next issue to consider along these lines is the role of the EU in the FLEGT process. By agreeing on a VPA that states that civil society should be included, it gives a partner government the possibility to create legitimacy for the FLEGT process. If the EU wants CSO participation to create an inclusive process, and to have another source of information besides the partner government, it has to ask itself whether creating a procedural burden is fair for CSOs, who obviously do not want to be left out of the process. Arguably, the quality of informative output from these CSOs, when their resources are limited, has the potential to be inadequate or limited, therefore strengthening the risk of the added value of CSO participation to the process becoming insufficient, while providing legitimacy to the process.

6. Conclusion

The primary aim of this thesis was to evaluate the participation of CSOs in the Guyanese FLEGT process, with a focus on understanding their roles, ways of participation, and the challenges they face. From the literature, it can be concluded that the impact of the FLEGT Action Plan is quite ‘two-faced’, so to speak. The supposed inclusive nature of the VPA negotiations (Overdevest & Zeitlin, 2016), tends potentially enhance state dominance and hegemonic, colonial structures (e.g. Myers et al., 2018), since it originated amongst a global discussion on state sovereignty regarding forestry issues (Humphreys, 2001). To understand the way participation of civil society takes place in the VPA process in Guyana, and so contribute to the academic literature on FLEGT by studying a less-focused on angle in an overlooked VPA country, this thesis used a combination of document analysis and collected empirical evidence from interviewing participants in the Guyanese FLEGT process. It looked at various aspects of the participation of Guyanese CSOs, in order to come to a clear picture exemplified by the research question: “How do CSOs participate in the Guyanese FLEGT VPA process?”. The findings reveal a mixed picture.

The main CSOs that participate are environmental and Indigenous groups, that have been able to gain access to national meetings concerning implementations, the NIWG. In the initial phase, these CSOs have mainly been left out of the national process, which led to criticism voiced by mainly one Indigenous CSO. Due to persistence of this CSO, in 2016 they gained access to the negotiations as an observer. A change in government attitude as the result of the result of general opened up the process. The participatory design of the NIWG makes CSOs work together, since one seat is reserved for the environmental CSOs and one for the Indigenous CSOs. While the environmental CSOs seem to be working together well, have the Indigenous CSOs experienced conflicts. These conflicts were present since the beginning of the process and have therefore made creating a common CSO position during the process difficult. The relationship between the government and CSOs follows a similar pattern: for environmental CSOs, the relationship with the government has been cordial without noticeable issues, while the largest Indigenous CSO has a more conflictual relationship with the government, characterised by mutual distrust and a feeling of unwillingness to facilitate cooperation. A lack of resources tends to be a persisting issue as well. Participating CSOs tend to be small and have limited staff available for the process, which requires continuously being updated with documents. Also their fieldwork tends to get into the way of being present at meetings.

As a result of a tumultuous process, CSOs do play a role in enhancing transparency and accountability within the FLEGT process in Guyana by being part of the NIWG. They participate by raising issues during the meeting and surrounding the meetings, albeit limited by the aforementioned difficulties. Some CSOs also are involved in local awareness raising.

The FLEGT process in Guyana can be marked as a potential beginning of a move towards more stakeholder representation in governance regarding forestry, which was largely the consequence of a shift in government attitude during the VPA process, but was subsequently possible because of some persistent civil society representatives. However, the study also identified numerous challenges, including limited resources and varying levels of government support, which hinder the full potential of CSO participation. Future research must identify the implications of the FLEGT process in Guyana, for which the attitude of the government towards CSOs should be an important aspect. As Guyana moves towards gaining the permission to export FLEGT licences, the quality of the input of CSOs in combination with government attitudes towards them, will determine whether the premise of a participatory process results in actual change or mere window-dressing under the name of inclusivity. Further research must also reveal the impact of FLEGT on the Guyanese forests and local and Indigenous communities, which could help CSOs assess whether FLEGT participation is useful for them or that they have to consider other ways to make their voice heard.

7. References

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ANNEX I

Overview of literature on CSO participation

Literature	Countries	Main focus CSO?	Based on interviews?
Satyral (2018)	Cameroon, Liberia, Republic of the Congo, Ghana	Yes	Yes
Duffield & Richards (2013)	Cameroon, Liberia, Republic of the Congo, Ghana, CAR, Indonesia	Yes	Yes
Mustalahti et al. (2017)	Laos	Yes	Yes
Lewis & Bulkan (2022)	Thailand	No	Yes
Ramcilovic-Suominen (2024)	Laos	Yes	Yes
Hadiprasetya & Kim (2022)	Indonesia	No	Yes
Wodschow et al. (2016)	Cameroon	No	Yes
Verhaeghe (2019)	Honduras	No (Indigenous peoples, incl. CSOs)	Yes
Verhaeghe (2021)	Viet Nam	No	Yes
Adams et al. (2020)	Cameroon, Congo, CAR, Liberia, Ghana	No	Yes

ANNEX II

Interview dates

Interview	Date
1	27-03-2024
2	15-04-2024
3	18-04-2024
4	09-04-2024
5	09-04-2024
6	16-04-2024
7	11-04-2024
8	15-04-2024
9	02-04-2024

ANNEX III

Interview structure and questions, see the next page.

Interview tool based on Satyal (2018).

General information	Roles and main features of CSOs, incl. main areas of work What CSOs are involved in Guyana FLEGT process Whether and how pre-consultation within their own organisation or community (before the national meeting) took place? How many people in their organisation are active participants in the FLEGT process
Who participates?	Did they participate in the negotiation and adoption of the VPA? Or in other ways during the process? Did they approve of these ways of participation? Do they think that the civil society stakeholders were fairly represented in the and FLEGT VPA processes? Were there important stakeholders/stakeholder groups missing? Why do they think they are invited during the process?
When do they participate?	When did they start participating in the FLEGT process? When were they asked to participate? Or were they left out? Frequency of participation: Was their participation an ongoing process or ad-hoc process? What is the duration of their Are they able to participate in all of the meetings? (If not, why?) Institutional mechanism of their participation: were they a part of a working group? How does this process work?
How do they participate?	Whether they experienced participation 'fatigue' or burden When, by whom and how were they informed? How did they know about the meetings? Was the information also in the How often are they informed about FLEGT meetings? Was the available information on FLEGT meetings provided in a complete, timely way and understandable to them? Impact on the policy outcome: Were their views considered in the final version of the VPA documents? How is the relationship between CSOs and the GFC/Government of Guyana? How is the relationship between the different CSOs? Do they coordinate certain positions? Did they have enough time, appropriate skills and mechanisms for participating effectively? Did they receive any training to
Other insights	Are there other insights in CSO participation that I have not asked about? How would they categorize their overall level of participation in FLEGT processes?