

GUIDING LEGAL ELEMENTS (GLEs)

The Guiding Legal Elements for forest management, timber production and trade have been developed by FAO through consultations with a technical working group — pooling expertise from international organizations, research institutions, academia, civil society and the private sector — and further refined via a public online discussion to collect input from a broad range of stakeholders.

Thirty-one GLEs have been identified and grouped in four Clusters to capture the different stages of the timber value chain:

1. Land Tenure and Forest Management
2. Harvesting Activities
3. Processing, Transport and Trade
4. Taxes and Fees

CLUSTER 1. LAND TENURE AND FOREST MANAGEMENT	
Guiding Legal Element	Explanatory Note
1. Provisions on land use planning	Includes provisions on: <ul style="list-style-type: none"> - the preparation of a national land use plan - institutional coordination between ministries
2. Provisions on national or subnational forest inventories	Includes provisions on: <ul style="list-style-type: none"> - requirements and procedures for the conduct of national or subnational forest inventories - forest inventories management systems

<p>3. Provisions on forest management plans/work plans/operational plans</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - requirements and procedures for the development of forest management plans/work plans/operational plans for industrial logging, including public consultation and participation in the preparation and review of these plans - specific forest management requirements for artisanal logging
<p>4. Provisions on concession licences</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - requirements and procedures for issuance, renewal, termination of timber concession licenses on public, private and communal land
<p>5. Provisions on the designation of forest areas where logging is restricted</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - logging restrictions in protected areas, buffer zones, environmentally sensitive areas, forests set aside for nature conservation, educational or recreational use
<p>6. Provisions on the conversion of forests to other uses</p>	<p>Includes provisions that determine:</p> <ul style="list-style-type: none"> - what conversion is authorised - what conversion is prohibited - the conditions for being granted the right to access forested land and clear it for another use.
<p>7. Provisions recognising private ownership of forests</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - the recognition of forest ownership by individuals, families, corporations, nature conservation organisations
<p>8. Provisions recognising customary rights and tenure rights of local, tribal and indigenous communities</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - ownership, access, use and control of land and forest resources - management rights by local, tribal and indigenous communities

9. Provisions on Free, Prior and Informed Consent	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - requirements for consultations with indigenous peoples before, during and after the implementation of forestry projects - requirements for obtaining the consent of indigenous peoples for forestry projects - requirements to obtain the consent of local communities in connection with any limitation or transfer of forest management rights and customary rights
10. Provisions on public consultation and participation in land use planning and zoning	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - requirements for the participation of stakeholders in the preparation and review of land-use plans
11. Provisions on gender equality in land and forest tenure	<p>Includes provisions:</p> <ul style="list-style-type: none"> - in the constitution that are specifically applicable to land and forest tenure - on temporary special measures aimed at accelerating the achievement of de facto gender equality (in line with CEDAW, Article 4) in land and forest tenure

CLUSTER 2. TIMBER HARVESTING ACTIVITIES	
Guiding Legal Element	Explanatory Note
12. Provisions on harvesting	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - requirements and procedures for issuance, renewal and termination of logging permits, licenses or other legal document required for specific harvesting operations (including artisanal or community harvesting rights) on: <ul style="list-style-type: none"> - public land

	<ul style="list-style-type: none"> - private land - communal land - requirements for harvesting techniques and technology including selective cutting, clear felling, transport of timber from felling site, regulations on the size of felling areas, minimum age and/or diameter for felling activities and elements that shall be preserved during felling, etc.
13. Provisions on the rights attached to logging authorisations and post-harvest requirements	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - right to construct and operate logging roads and bridges; to create drainage systems, skidding or hauling trails; right to establish and operate logging camps, office buildings and wood processing facilities - easements - decommissioning of harvest roads/skidtrails, proper treatment of slash, disposal of debris, equipment, oil and lubricants
14. Provisions regarding artisanal logging	<p>Includes provisions:</p> <ul style="list-style-type: none"> - on scale, methods, restrictions.
15. Provisions on public consultation and participation during and after logging operations	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - requirements for the participation of stakeholders in field operations and/or review of operations
16. Provisions on benefit sharing with local, tribal and indigenous communities	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - monetary benefits - non-monetary benefits such as employment, goods and infrastructure

<p>17. Provisions related to the identification and/or protection of environmental and social values affected by harvesting</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - reforestation, Annual Allowable Cut, establishment of buffer zones, maintenance of retention trees, seasonal limitation, use of pesticides and other chemicals, air and water quality - limits on percentage of concession land that is open to harvest - the environment and balancing of environmental considerations - environmental and social impact assessments
<p>18. Provisions on the protection of wildlife and biodiversity</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - the protection of species (CITES, CMS, IUCN) - the protection of habitats (Ramsar) - invasive alien species
<p>19. Provisions on working conditions</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - hours, wages, weekly rest and holidays, safety, health and welfare, the employment of women, children and young persons, and other connected matters (ILO C129, Article 6) - equal remuneration (includes gender considerations)
<p>20. Provisions on workers' rights, freedoms and protections</p>	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - freedom of association and collective bargaining rights - competence certificates and other training requirements - payment of social and income taxes withhold by employer - informal, customary, or traditional labour standards and practices

21. Provisions on the employment of indigenous people, casual and migrant workers	Includes provisions on: - non-discrimination in relation to (inter alia) hiring, remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age for employment, apprenticeship and training, women's work and the work of young persons, social security and taxes.
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CLUSTER 3. PROCESSING, TRANSPORT AND TRADE	
Guiding Legal Element	Explanatory Note
22. Provisions on information systems	Includes provisions on: - central information systems on logging authorisations - traceability requirements, including required transport documents
23. Provisions on the definition of timber products and their classification	Includes provisions on: - general definition of timber products including definitions of unprocessed and processed timber products - classification of timber products in terms of HS codes
24. Provisions on timber processing	Includes provisions on: - timber processing facilities (licences and registration) - the installation of timber processing facilities - environmental requirements for the timber processing industry - processing requirements and specifications on value added - working conditions and workers' rights

	<ul style="list-style-type: none"> - occupational health and safety requirements
25. Provisions on the domestic sale of timber	<p>Includes provisions (inter alia) on:</p> <ul style="list-style-type: none"> - specific requirements to provide timber to domestic markets
26. Provisions on import, export and re-export of timber and timber products	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - import licences/permits - official documents of timber products for import - log export bans - processing requirements for export
27. Provisions on the issuance of import, export and re-export permits of CITES-listed species	<p>Includes provisions that integrate the interpretive and operationalisation resolutions of CITES CoP and guidance document which (inter alia) created the definition of legal acquisition finding (LAF)</p>
28. Provisions on chain of custody/due diligence requirements	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - due diligence requirements (including supply of information, risk assessment, risk mitigation) - exemptions from due diligence requirements - traceability of timber products - the regulation of the mixing of timber from different sources
29. Provisions on the monitoring of supply chains	<p>Includes provisions on:</p> <ul style="list-style-type: none"> - inspections and sanctions, control points (including transportation for supply chain controls) - the publication of import and export figures

CLUSTER 4. TAXES AND FEES

Guiding Legal Element	Explanatory Note
30. Provisions on taxes and fees to be levied	Includes provisions on: <ul style="list-style-type: none">- concession fees and royalties, stumpage payments, public timber sales revenue, taxes and charges based on forest area or yield, taxes on domestic trade and export of forest products, special levies on forestry activities and payments into forest-related funds, other miscellaneous inspection, licence and administrative fees levied by forest administration- tax incentives for timber production- taxes and fees related to processing, transport, sales, and trade- royalties, import and export tariffs
31. Offshore trading and transfer pricing	Includes provisions: <ul style="list-style-type: none">- regulating offshore trading and transfer pricing