

Status of VPA Implementation in Liberia

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BACKGROUND

- **1. Introduction & Overview of the VPA**

What is the “VPA”?

- The Forest Law Enforcement Governance and Trade Voluntary Partnership Agreement (FLEGT VPA) is:
- **V**oluntary to enter. Liberia has decided to participate to reinforce commitments to transparency and law enforcement in the forestry sector
- **P**artnership between EU and Liberia, working together to ensure supply and demand of timber that is legally produced
- **A**greement which is legally binding with no expiry date

- It aims to support governance and law enforcement in the forestry sector, by ensuring only timber harvested **in compliance with Liberian law** can be exported
- Once ratified by both Liberia and the EU it will be legally binding and has no expiry date
- At the centre of the VPA is a description of a Legality Assurance System (LAS) which will be set up to monitor legal compliance of companies operating in the timber sector

● What is the LAS?

The LAS stands for **Legality Assurance System**

- That means it is:
 - A **system**
 - Of checks and balances that will be carried out to provide **assurance and verification**
 - That timber is **legal**

- The LAS includes five elements :
 1. A definition of “what we mean by legal timber in Liberia”
 2. Description of how timber will be verified (checked) as compliant with this definition
 3. A chain of custody system (wood tracking system), which is already in place in Liberia
 4. A system to issue licences for timber that is compliant with the legality definition
 5. A process of Independent Audit of the system, to ensure it is effective

Introduction

- Following five rounds of negotiations, the VPA between the Government of Liberia (GoL) and the European Union (EU) was successfully concluded on May 9, 2011 at an initialing ceremony in Monrovia.
- Subsequently, the VPA was signed in Brussels on 27 July, 2011.
- It is now expected to be ratified in the EU and Liberia during 2012

- The VPA sets out supporting measures that are required to fully implement the Agreement (Annex VIII) and a schedule to achieve this (Annex VII)
- In addition, a joint workplan has been agreed detailing priority activities to be completed in 2011-2012

Activities required to implement the VPA

- The VPA requires a wide range of different activities, carried out by various stakeholders, to ensure full implementation.
- Types of activities currently underway include:
 1. Ratification of the VPA
 2. Setting up institutions to oversee and coordinate implementation of the VPA
 3. Capacity building and development of systems
 4. Communications, outreach
 5. Monitoring VPA implementation
 6. Monitoring impacts of the VPA
 7. Development of new regulations
 8. Transparency and access to information

1. Ratification of the VPA

- The VPA was concluded and signed in 2011
- The VPA requires ratification by both the EU and Liberia to come into force
 - On the **Liberian side** the Executive Mansion has submitted the VPA to the National Legislature for consideration. Following ratification by the Legislature, the Agreement returns to the President for signature, after which it is printed into handbills.
 - On the EU side, the VPA was sent to the EU Parliament for consideration and consent. The initial response has been positive. After Parliament consent, the VPA returns to the Council for final endorsement. Ratification is expected by June 2012.
- NOTE: Ratification does not mean that we will right away start to issue FLEGT Licenses. Those will only be issued once the LAS is operational

2. Institutions to oversee VPA implementation

- The VPA establishes a **Joint Implementation Committee (JIC)**: This body comprises of both the GoL and EU and is charged with the responsibility of overseeing the implementation of the VPA.
- As the VPA has not yet been ratified, the JIC is not yet formally established. However a high level meeting on VPA implementation (“the Pre-JIC”) took place in Monrovia on 27-28 March 2012. An Aide Memoire of this meeting is available to the public
- GoL has also established the **Liberian Implementation Committee (LIC)**: This committee brings together the government and non-government stakeholders who were involved in the development of the VPA through negotiations. It meets every 1-2 months to oversee progress.

2. Institutions to coordinate VPA implementation

- Since the VPA negotiations concluded, the **VPA Technical Secretariat** established for negotiations has continued for an interim period to coordinate VPA implementation activities
- However, for full implementation of the VPA a different structure is required. A **VPA Support Unit** will be established. This unit will sit close to FDA, but not within a government structure and will channel support for capacity building and coordination required for VPA implementation.
- Terms of Reference (TOR) for this unit will be finalized by GoL, working with international partners, in May.
- The unit will be contracted by end of third quarter 2012 and its TOR will include an assessment of capacity building needs as its first task.

3. Capacity building & development of systems

- Liberia has estimated to issue the first FLEGT license by 2014. This means that a lot of capacity issues (human resource, equipment, finance, etc.) have to be addressed with urgency.
- Building capacity for future role is essential, especially for FDA, but also other stakeholders – EPA, civil society, industry, community, and other government agencies directly involved in implementing the LAS. This work will commence with a detailed needs assessment in late 2012.
- In addition, there is a lot of detailed work on systems development (especially the LAS) to meet requirements for VPA implementation. This work is already underway, supported by EFI and their consultants (LTS).

4. Communications, outreach

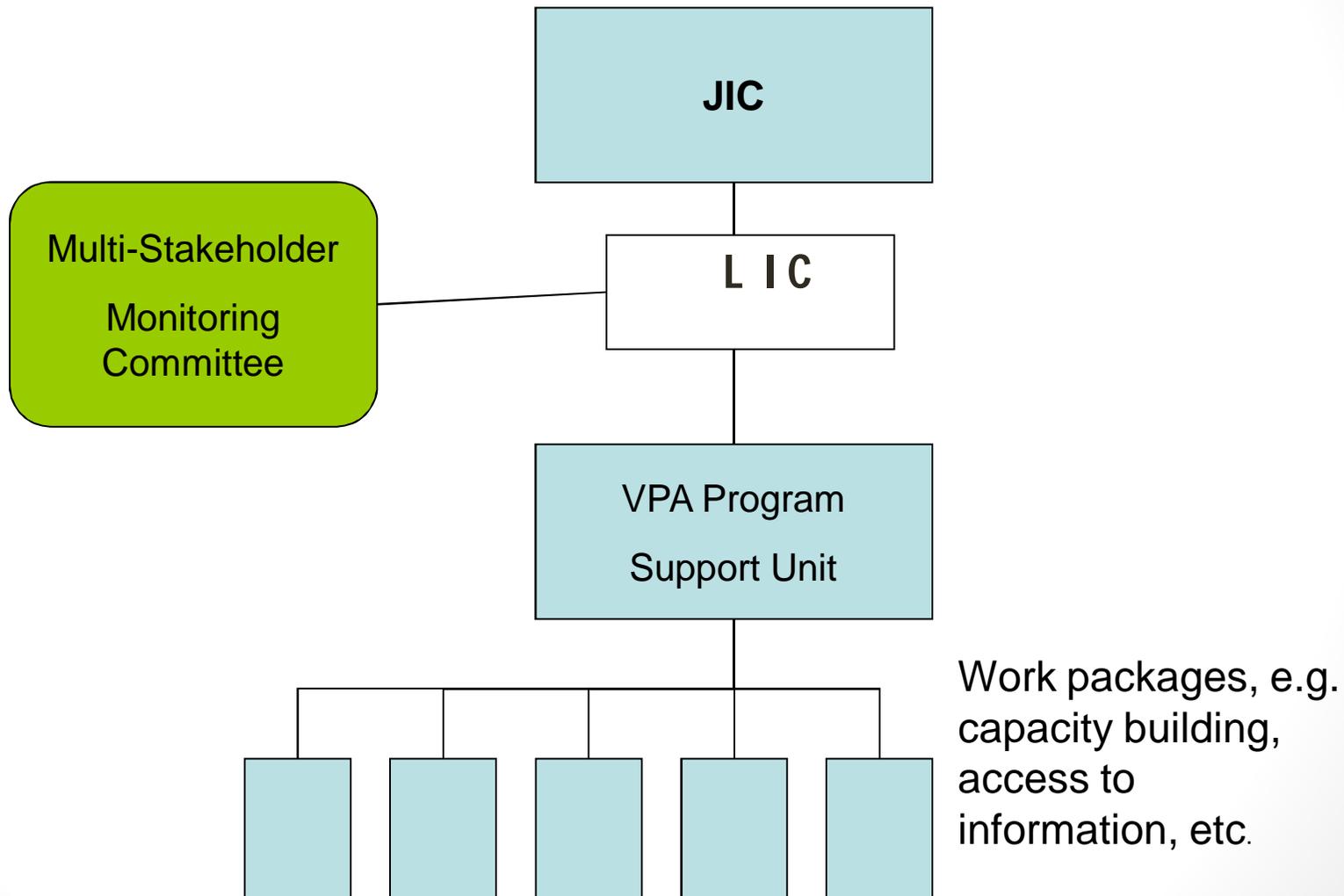
- Communication is important and a top priority for 2012 to ensure a good understanding of the VPA and stakeholder engagement in its implementation. In this regard, the focus is on effective and simple communication tools.
- Liberia is currently reviewing its overall VPA communication strategy to update it with support of the EFI FLEGT Facility between now and July 2012. Two priority areas for this piece of work are:
 - Communication towards European buyers in the run-up to March 2013 when the EU Timber Regulation comes into force; and
 - Communication targeting the legislative ratification process.
- Several organizations are implementing communications & outreach projects on forest governance/ illegal logging and the VPA (e.g. SAMFU, Green Advocates, Chainsaw Union)

5. Monitoring VPA Implementation

**Stakeholder involvement in
implementation of the VPA
(Article 16)**

1. Pursuant to the National Forestry Reform Law of Liberia related to participatory management of forest resources, **Liberia shall ensure that the implementation and monitoring of this Agreement are done in consultation with relevant stakeholders**, including industry, civil society, local communities and other people dependent on forests. Stakeholders shall participate via existing forest governance structures and by membership of a national body to be established pursuant to paragraph 2 of this Article.
2. **Liberia shall establish a national committee to monitor implementation of this Agreement**, made up of representatives of relevant government agencies and other relevant stakeholders.

We can now show the relationship of the MSMC to the JIC and the VPA Support unit like this:



- In the VPA, GoL commits to establish a Multi-stakeholder Monitoring Committee (MSMC)
 - An Interim Multi-stakeholder Committee has been constituted to assist the LIC with pre-implementation activities.
 - Draft Terms of Reference (ToR) for the MSMC has been developed and is now being reviewed by Liberian stakeholder groups for comments.
- Civil society organizations (CSOs) have established a monitoring framework, setting up a monitoring team and have agreed to jointly monitor the VPA implementation process. The NGO Coalition is seeking further support to build capacity for the implementation of the monitoring and community outreach.

6. Monitoring impacts of the VPA

- The VPA outline a requirement the monitoring of social, economic and environmental impact. This is to ensure that the VPA is meeting its objectives and not causing unexpected negative impacts (e.g. on livelihoods, or on trade)
- The JIC is tasked with impact monitoring and has agreed to make the development of the VPA impact monitoring framework a priority in 2012 building upon the Poverty Reduction Strategy (PRS)-2 Vision 2030.
- Work will begin to develop the impact monitoring framework, and establish baselines, during 2012.

7. Development of regulations

- During VPA negotiations, a number of areas were identified where further regulation is needed to allow the Legality Assurance System (LAS) to function effectively, and to address issues identified where there is currently no clear regulation to follow
- Draft regulations have been developed on Confiscated Timber, Abandoned Timber, Transit Timber (or Timber in Transit), Imported Timber, and Third Party Access to Concession Areas.
- These drafts will be further developed through consultation with concerned stakeholders including the EU. Final regulations will be agreed by October 2012.

8. Transparency, access to information

- At the moment the Secretariat is updating its website which will be linked to the government (FDA) website; with future hope of further linking it to the official government website (Executive Mansion) to reflect/avail vital information on the forestry sector – e.g. laws & regulations, information from LiberFor, concession agreements, etc.
- During 2011, the Secretariat distributed copies of forestry laws and regulations, the VPA, and concession agreements to FDA regional offices and county authorities across the country
- The FDA is establishing an “Info Shop” (housed at FFI in Congo Town) to improve access to information
- FDA is also working to increase awareness and implementation of the Freedom of Information Act

Next steps

- VPA implementation needs to keep momentum if Liberia is going to meet its target of issuing FLEGT Licences from 2014
- One challenge is coordinating efforts by different organisations to ensure we are effective in implementing the VPA. Lots of stakeholders play a role in VPA implementation:
 - GoL – FDA, EPA, MoF, Customs, etc
 - Private sector – concession holders, chainsaw operators, exporters
 - Civil society – NGOs, CFDCs, media, other community groups
- Coordination is currently led by the VPA Secretariat; from late 2012 it will be done by a VPA Support Unit

For anyone working on FLEGT-related activities in Liberia: Please contact us to share information about your project or find out more about what others are doing!

Many thanks for your attention!

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