Forest Law Enforcement Governance and Trade (FLEGT) Voluntary Partnership Agreements (VPAs)

or

How to do effective consultation for national policies?

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Objective of presentation: Explain FLEGT VPAs and their potential to create a platform for national dialogue and reform.

Definition of VPAs:
• Voluntary legally binding bilateral trade agreement between the European Union (EU) and an individual timber exporting country, which aims to ensure trade only in legal timber and to improve forest governance.
Main Steps of VPA Process

**Definition of legality** outlines set of laws that will be enforced and monitored within the VPA.

Always based on laws and procedures of producer countries, and must include laws addressing social, environmental and economic issues.

Must be developed through multi-stakeholder process.

Time to identify and foster law reforms in timber exporting countries.
Main Steps of VPA Process

Legality Assurance System (LAS)
• outlines laws to be covered and monitored.
• Establishes a chain of custody system
• Includes verification of legal compliance and traceability by the government or a 3rd party
• FLEGT license then issued
• Independent audits

Funding or Technical Assistance: Most processes are accompanied by funding from EC or EU Member States to help implement this process.
FLEGT VPAs

- **In-country consensus building**
  - Information dissemination
  - Stakeholders organize and create structure for discussion
  - Country debate and analysis on legality, tracking systems etc.

- **Bilateral Negotiations**
  - Negotiations with EC on VPA Annexes and Agreement text
  - Negotiations AMONG stakeholder groups in VPA producer country
  - Negotiations WITHIN stakeholder groups

- **Agreement Ratification**
  - VPA initialed
  - VPA Signed and ratified in producer country and EU

- **System Development**
  - Tracking systems improved/created
  - Licensing system created
  - Independent auditor selected
  - Joint implementation meetings

- **Implementation**
  - FLEGT Licenses issued
  - Indep Monitor functioning
  - Timber controlled at EU borders

Which major market requirements are changing?
How important are their consumer markets to global trade?
Which major market are requiring proof of legality / sustainability?
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VPA countries
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VPA countries

Bolivia, Colombia, Ecuador, Guatemala, Peru.

Sierra Leone

Cambodia, Laos, Myanmar/Burma, Papua New Guinea, the Solomon Islands.
Comparison of existing VPAs

1. All VPAs covered all exports, not just those to Europe
2. Almost all also covered domestic markets, not just exports
3. All negotiated with multi-stakeholder consultation, including environmental and human rights organizations
4. All required additional legal reforms, including recognition of customary rights, community forests and domestic markets
5. All included provisions for documents to be made publicly available (annex stipulating which documents)
6. All require annual monitoring by auditors, and have clear role for CSOs to be involved in monitoring
Comparison of existing VPAs

Legality agreements can specifically:

• mention customary rights
• Spell out need for FPIC
• Mapping of concession areas and community areas
• Include conflict resolution mechanisms
• Require documents to be made publicly available
• Refer to social contracts and benefit sharing arrangements
• Include requirements to include civil society in monitoring of VPA implementation
VPA a Window of Opportunity for Change

1. *Window of opportunity* and can be a long process of continual negotiation
2. Legally binding trade agreement
3. “market hook” and the “green light” at European customs (and possibly some benefit with US Lacey compliance)
4. Associated financing and technical assistance
5. In some places, EC negotiators have refused to continue negotiations when certain social or environmental issues not addressed, or process has not been as inclusive

Biggest weakness will be implementation and likely less emphasis / stakeholder processes in later stages.
VPA Challenges

1. Implementation. Is this paper only?

2. Did all the right stakeholders participate in the VPA process? If not, why?
   - Exclusion
   - Inclusive but not proactive invitations / outreach
   - Lack of interest
   - Lack of resources (financial or human) to attend multiple meetings & opportunity cost

3. Emphasis on early phases, and less on revisions to definition or reforms needed in later years (stakeholder meetings, funding from donors, etc)
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Inclusive Consultations for National Policy Reform

- Difference between consultations for limited geographic area impact (dam, FMP) versus a more vague national policy and national legislation
- What are contributing factors that lead to true multi-stakeholder participation?
  - Inclusive, outreach, resources, translations, ability to research gaps in knowledge
- Does everyone have to be there?
- What are the “hooks” to ensure participation?
  - For private sector
  - For non-forest sectors and actors that impact forests