



Voluntary Partnership Agreements

Documenting Progress and Achievements

January 2015



Background

- **European Commission interest in capturing information on VPA processes to inform FLEGT review/evaluation**
- **To cover Negotiating and Implementing Countries**
- **Agreement on 'measures' that would be reported against**
- **EFI technical teams and FLEGT Facilitators worked together to complete country templates**
- **Database to be developed where information can be stored and interrogated**

Template Structure

- **'Measure' / Thematic Area**
- **Measure level summary, reflecting an assessment of the current state of progress in that area**
- **A series of indicators that relate to the measure and information provided for each on:**
 - **Commitment in the VPA**
 - **Tangible results**
 - **Subjective assessment of those results**
 - **Process through which those results were achieved**
 - **Internal notes**

Ten 'Measures'

1. Participatory national decision making (multi-stakeholder deliberative processes)

1. Establishment of multi-stakeholder structures to support VPA implementation
2. Representation of stakeholder voices
3. Functioning of participatory mechanisms

2. Legislative and Policy Reform as identified in VPA

1. Enabling FLEGT legislation
2. Broader legal reforms
3. Policy reforms

3. Timber Legality Assurance System

- 1. Legality Matrix**
- 2. Product Scope**
- 3. Approach for Imports**
- 4. Tracking and Control**
- 5. Legality Verification**
- 6. Mechanism for Transit Timber**
- 7. Independent Audit**
- 8. Licensing Procedures System**
- 9. Complaints Mechanism**
- 10. Joint Independent Evaluation of TLAS**
- 11. Independent Observation**
- 12. Law Enforcement and non-compliance**

4. Trade and FLEGT Licences

- 1. FLEGT licensing start**
- 2. FLEGT licenses issued**
- 3. EU Receipt of FLEGT Licenses**
- 4. Other Regional and Global Markets**
- 5. Tracking Domestic Trade**
- 6. Tracking Imports**

5. Domestic Market Measures

- 1. Policy (and law) reform to tackle illegality in the domestic market**
- 2. Structure and organisation of informal sector**
- 3. Legality verification applied to domestic**

6. Transparency Commitments

- 1. Transparency as per VPA annex**

7. Communication

- 1. Communication and Outreach**

8. Institutional strengthening and capacity building

- 1. Capacity to regulate and verify**
- 2. Capacity for law enforcement**
- 3. Capacity to license FLEGT or assure legal compliance established**
- 4. Capacity to self-organise and engage in implementation**
- 5. Capacity to comply and adapt business practices**
- 6. Capacity to monitor forest crimes**
- 7. Capacity to monitor impacts**
- 8. Cross Government coordination**

9. VPA monitoring structures and efforts

- 1. JIC functioning**
- 2. VPA impacts monitored**
- 3. Complaints and conflict resolution mechanisms functioning**
- 4. VPA annual reports published**

10. Broader governance reforms and knock-on efforts of the VPA into other sectors

- 1. Corruption: Actions to prevent and mitigate**
- 2. Broader land tenure reform**
- 3. EUTR measures**
- 4. FLEGT Lessons applied beyond the forest sector**
- 5. Other governance challenges addressed during VPA process**



Example from Ghana

Theme 1. Participatory Decision Making

Ghana VPA achievements - Cover Page

Stage	VPA Start	Date of Signature	Entry into force
Implementation	March 2007	29 November 2009	1 December 2009

1	Participatory decision making	Ghana's approach to multi-stakeholder engagement in VPA negotiations is widely acknowledged as having set the standard for other VPA partner countries that followed. Although the Government has maintained the inclusion of both civil society and the private sector in a national oversight committee for the implementation of the VPA and has also included these groups as members of the Ghanaian delegation at meetings of the Joint Monitoring and Review Mechanism (JMRRM - Ghana's JIC), the quality of the deliberative process appears to have declined during implementation.	Complete	1.1	Establishment
			In progress	1.2	Representation of stakeholder voices
			In progress	1.3	Functioning of participatory mechanisms
2	Legislative and policy reform as identified in VPA	Ghana's commitment to using verification of legality as a step towards sustainability meant that there was strong stakeholder support for widening the VPA scope to strengthen sector governance beyond putting systems in place to verify the legality of timber exports to the EU. While the reforms outlined in the VPA may be considered ambitious, the progress made with them indicates the Government's commitment to seeing them through.	Complete	2.1	Enabling FLEGT legislation
			In progress	2.2	Broader legal reforms
			In progress	2.3	Policy reforms
3	Timber legality assurance system	Following failure by the initial service provider to deliver a workable IT system to support the development of the Wood Tracking System, FC have made considerable progress since December 2012 with the development of the LAS, to the extent that the parties agreed to launch a joint assessment of the system in April 2014.	Complete	3.1	LEGALITY MATRIX
			Complete	3.2	PRODUCT SCOPE
			In progress	3.3	Approach for imports
			In progress	3.4	Tracking & control
			In progress	3.5	Legality verification
			In progress	3.6	Mechanism for transit timber
			In progress	3.7	Independent Audit
			In progress	3.8	Licensing procedures system
			Complete	3.9	Complaints mechanism

Not started In progress Complete Blocked

1. Participatory national decision making (*multi-stakeholder deliberations*)

Ghana's approach to multi-stakeholder engagement in VPA negotiations is widely acknowledged as having set the standard for other VPA partner countries that followed. Although the Government has maintained the inclusion of both civil society and the private sector in a national oversight committee for the implementation of the VPA and has also included these groups as members of the Ghanaian delegation at meetings of the Joint Monitoring and Review Mechanism (JMRRM – Ghana's JIC), the quality of the deliberative process appears to have declined during implementation.

1.1 ESTABLISHMENT OF MULTI-STAKEHOLDER STRUCTURES TO SUPPORT VPA IMPLEMENTATION

Commitment in the VPA	<ul style="list-style-type: none"> • <i>Article 16 relates to 'Stakeholder involvement in the implementation of the VPA'. Para. 1 of this article states: "Ghana, where feasible, shall endeavour to encourage stakeholder consultation in the implementation of this agreement" and para 2 states commits Ghana to promoting "strategies, modalities and programmes in consultation with the relevant stakeholders in the implementation of this Agreement."</i> • <i>Annex V of the VPA makes reference to the establishment of a multi-stakeholder 'Timber Validation Council' (TVC) to ensure the credibility of Ghana's Legality Assurance System (LAS). This mechanism is reported on in greater detail in section 2.1 of this form</i>
Tangible or Objective Results	<ul style="list-style-type: none"> • The Multi-Stakeholder Implementation Committee (M-SIC) was established in 2010 to ensure continued oversight and monitoring of the implementation of the agreement. • The Government of Ghana has invited civil society and the private sector to have their representatives attend meetings of the JMRRM. This follows on from their decision to include representatives of both of these stakeholder groups as observers in the VPA negotiations.
Subjective interpretation of positive change or 'perception assessments	<ul style="list-style-type: none"> • Ghana's approach to preparing for VPA negotiations through the creation of a multi-stakeholder steering committee and their decision to invite representatives of both civil society and the private sector to join negotiation sessions as observers became the model for other countries to follow. • The significance of this inclusive approach to preparation and actual negotiations fundamentally changed the dynamic between civil society and Government and to a lesser extent between the private sector and civil society and resulted in a much more constructive mode of engagement between the parties than the generally antagonistic one that had preceded negotiations.
Process	<ul style="list-style-type: none"> • As the first country to conclude negotiations, there was no clear understanding on either the Ghana or EU side, as to how to sustain engagement of stakeholders post conclusion of negotiations. This was a lesson learned in Ghana that informed the decision to work with 'pre-JIC' meetings as a means of sustaining momentum while waiting for completion of the ratification process of the VPA. • In the establishment of this committee, it was really just a change of name from the committee that had operated during negotiations. Most of the representatives of the various stakeholder groups remained unchanged.
Internal	<ul style="list-style-type: none"> •

1.2 Representation	
Commitment:	As stated above, in Article 16 para. 1 above, the commitment on stakeholder engagement in the Ghana VPA appears weak. There is nothing explicit in the text of the VPA about which stakeholder interests should be represented in any multi-stakeholder VPA oversight mechanism.
Objective results:	<ul style="list-style-type: none"> Members of the M-SIC include representatives of the Ministry of Lands and Natural Resources (MNLR), the Forestry Commission, the Ministry of Finance and Economic Planning, customs, civil society and the private sector. Private sector and civil society representatives (two of each) on the M-SIC are elected representatives of their respective stakeholder groups.
Subjective assessment:	<ul style="list-style-type: none"> Although the M-SIC serves as a multi-stakeholder structure, the aide memoires of a number of JMRM meetings, suggest growing frustration that this committee is no longer functioning effectively as a forum for deliberation.
Process:	<ul style="list-style-type: none"> The membership of M-SIC is basically comprised of the same individuals who had previously been representing their constituent groups during negotiations. In recent years there has been a growing frustration within civil society in particular about the apparent decline of the deliberative process. This has manifested itself in discussions within this stakeholder group about how to strengthen their representation in such committees In response to the above frustrations, through a working group led by Client Earth, a paper on 'minimum standards for representation and participation' for anyone elected to represent the interests of civil society is currently (October 2014) being drawn up. Once finalised, it is expected that any elected representative of civil society will sign up to being accountable to adhering to these standards
1.3 Functioning	
Commitment:	There is nothing specific in the VPA about how the participatory mechanisms should function, however there is a commitment that the EU would hold regular consultations with stakeholders reflected in Article 16 para. 3, which states: "The Community will hold regular consultations with stakeholders on the implementation of this Agreement, taking into account its obligations under the 1998 Aarhus Convention on access to information, public participation and access to justice in environmental matters."
Objective results:	<ul style="list-style-type: none"> The M-SIC provides a platform for national decision-making on matters relating to the implementation of the VPA and reviews all decisions/national positions on a range of issues prior to them being discussed at the level of the JMRM. Further details on the role of this committee are contained in section 6 of the 2009-2010 Annual Report on the VPA. Although not stipulated in the agreement, it has become standard practice for meetings to be held between representatives of the JMRM and a wider group of stakeholders for an afternoon in advance of every formal meeting of the JMRM. Civil society has acknowledged the participatory manner in which the new Forest and Wildlife Policy was developed in 2012.
Subjective assessment:	<ul style="list-style-type: none"> Initially intended to meet on a monthly basis, more recently the M-SIC has only been meeting prior to each meeting of the JMRM, thereby reducing its ability to operate as an effective deliberative mechanism. The meetings with a wider group of civil society on the margins of the JMRM provide a

Not started	In progress	Complete	Blocked
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Next Steps

- **Complete 'phase one' of database development**
- **Agree scope of work for subsequent phases**
- **Clarify levels of access for various stakeholders – including public access**
- **Seek views of other stakeholders on the results achieved under various measures and determine how this will be captured in the database**
- **Update at FLEGT week**