

EUFLEGT.EFI.INT

THE FOREST LAW ENFORCEMENT
GOVERNANCE AND TRADE PORTAL
OF THE EUROPEAN FOREST INSTITUTE

WWW.EUFLEGT.EFI.INT

European Forest Institute

Voluntary Partnership Agreements

by Vincent van den Berk
European Forest Institute – FLEGT Asia
1 October 2010
Phnom Penh

A VPA is ...

A legally-binding agreement:

EU (all Member States) – partner country

Export License assures market of legality of timber product

Targets/objectives:

Work together to stop illegal logging

Strengthen governance & transparency

Improve control, track & verify legal compliance

Reform policy and law

Build capacity

Better capture revenues

Secure & improve market access

Key VPA elements

- Legality Definition
- Legality Assurance System that verifies compliance with legal definition
- Licensing of verified legal timber
- Independent Monitoring of LAS

EU has requirements set out in briefing notes

Legality → based on existing legal framework







LAS → evaluated against established criteria

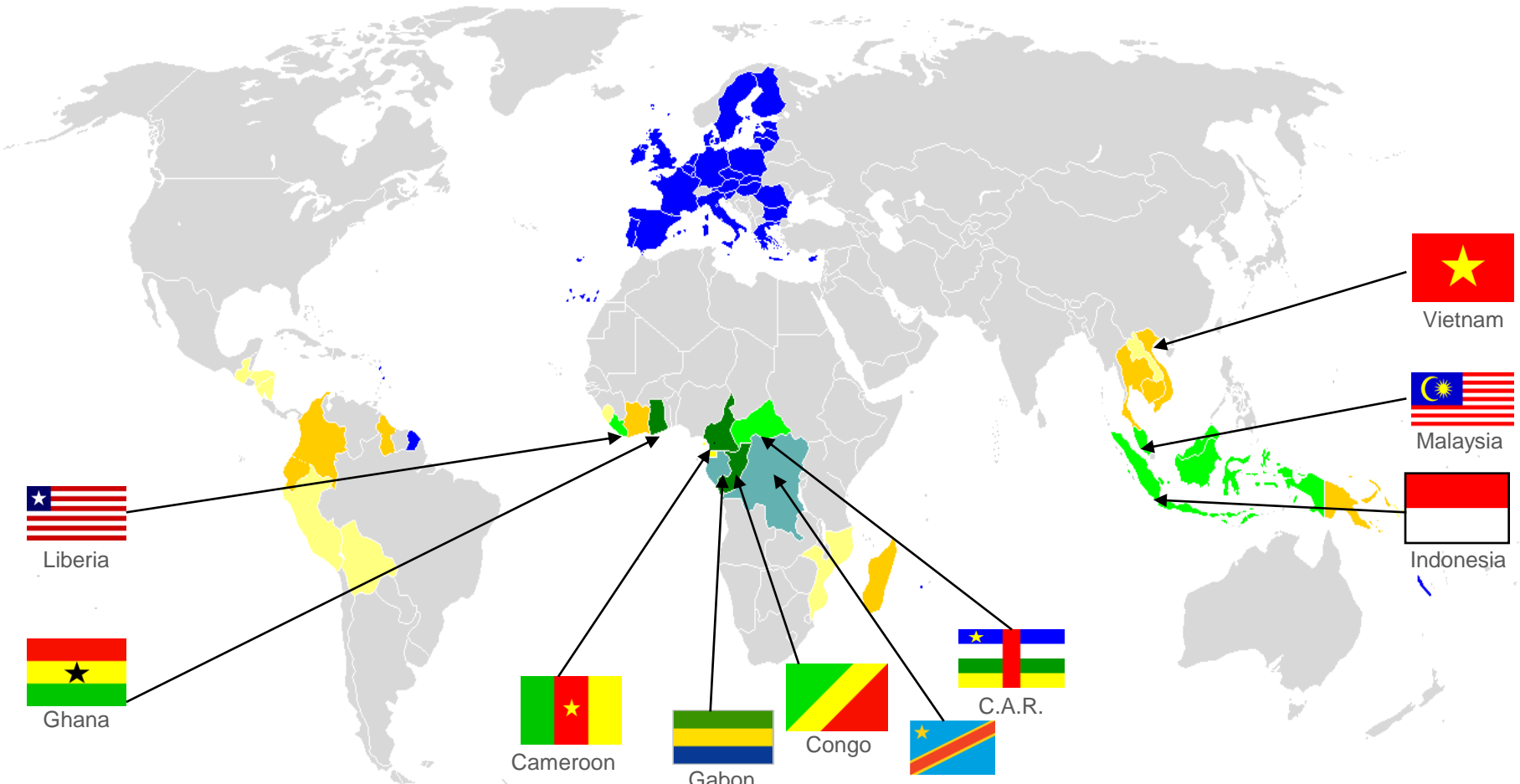
Multi-stakeholder process: ensure credibility nationally and internationally

Status quo

VPA phase	Nr of countries	Partner countries
Operational	0	
Implementation	3	Ghana, Congo (Brazzaville), Cameroon
Negotiation	7	Malaysia, Indonesia, CAR, Liberia, soon: DRC, Gabon, Vietnam
Information	20	Cambodia, China, Laos, Myanmar, Thailand PNG, Solomons, Timor Leste Cote d'Ivoire, Eq Guinea, Mozambique, Sierra Leone, Madagascar, Guyana, Ecuador, Honduras, Brazil, Bolivia, Columbia, Guatemala, Peru

Progress on FLEGT VPAs in other countries

-  FLEGT licenses (not yet)
-  System development
-  Formal negotiations
-  Moving to negotiations
-  Preparation, in-country consensus building
-  Introduction to VPAs



Questions to ask

- Is there general agreement on key governance challenges in the sector?
- Can each stakeholder group recognise an opportunity in the process to serve their own particular agenda?
- Is there a genuine commitment of all parties to the negotiation process?
- Is there genuine 'ownership' of the process?

Preparing for VPA negotiations

- Strong willingness of partner country to engage in VPA negotiations. Usually expressed by the Prime Minister.
- Identification of forest governance issues.
- Possible preparatory steps: stakeholder assessment, assessment of control strategies and systems,
- Preparation of a VPA road map building on national consensus, jointly with all involved stakeholder groups, showing major negotiation steps over time until signature.

Negotiations with the EU

- Constitute a negotiating team
- Define scope of the negotiations
- Agree a roadmap for the process
- Provide assurance of adequate consultations in-country
- There is no blueprint for how the process is managed
- The process respects the sovereignty of the partner country
- Commitment to multi-stakeholder engagement is essential

‘in-country’ negotiations

- Identify stakeholders
- Determine nature and composition of structures to prepare for negotiations (eg. Steering committees, secretariats, etc)
- Ensure “integrity” of consultation process
- Recognise the challenges of meaningful consultation processes (time and cost involved) and respond accordingly

Coordination

- EFI / donor programme coordination with other EU and EU Member State programmes, FAO NFP Facility, ITTO, World Bank, and others.
- Increasing coordination and linkages with REDD programmes.
- Partner country coordination

To ensure the VPA is well embedded in on-going / planned efforts

VPA structure

- A bilateral trade agreement between the partner country and the EU with about 30 paragraphs
- The annexes
 - List of products that require a FLEGT license,
 - Legality definition
 - TLAS (timber product legality assurance system)
 - Delivery conditions and specifications of FLEGT licenses,
 - TOR of the independent TLAS audit,
 - Implementation clendar,
 - Public information disclosure,
 - TOR of the Joint Implementation Committee (JIC),
 - Other relevant specifications

Negotiation principles

- Negotiation of the VPA components without pre-defined results.
- Requirement: the VPA has to result from an inclusive and open multi-stakeholder process, including concerned government agencies, concerned industries, civil society, e.g. labour unions,
- Expected result: signed VPA
- Duration: The time needed to agree on solid results (but consider the EU Illegal Timber Regulation)

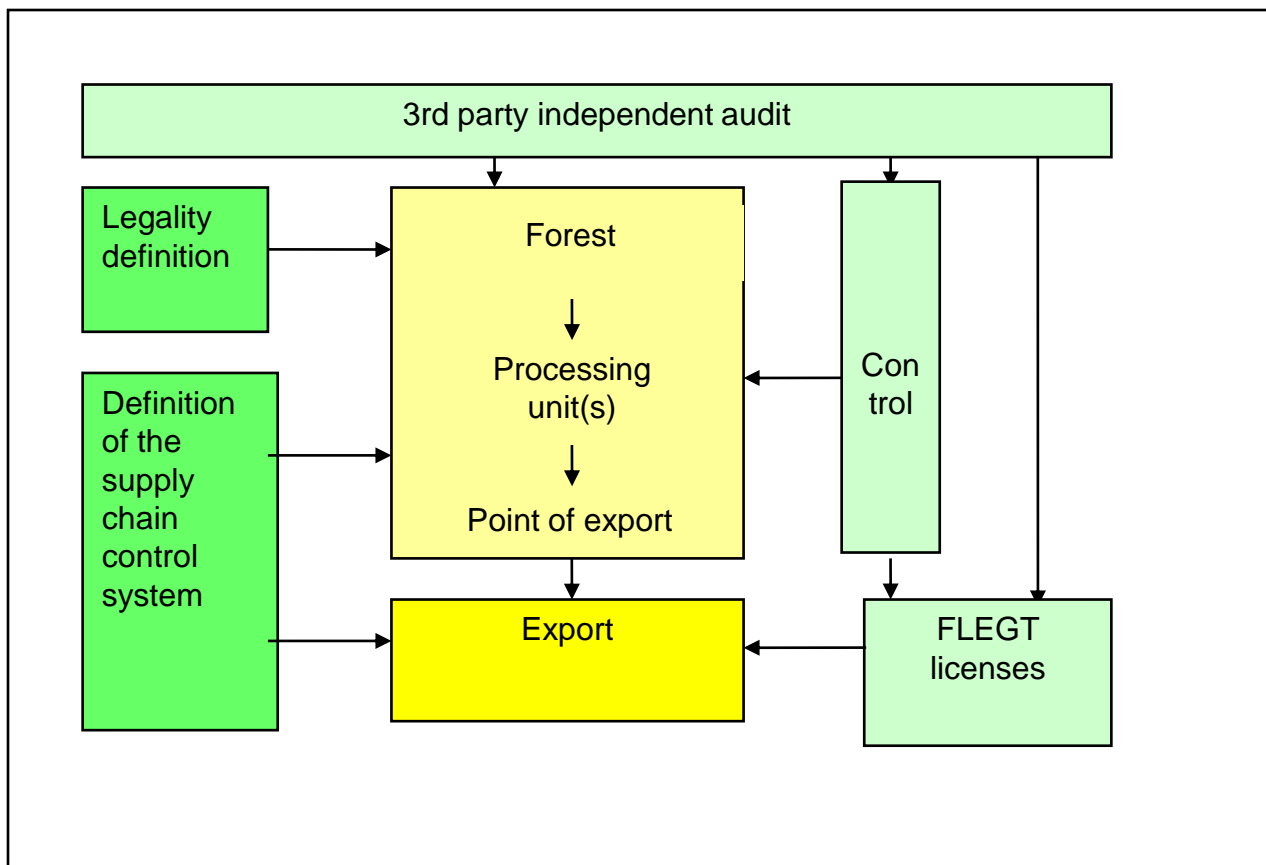
Negotiation process

- One negotiator per negotiating party,
- One stakeholder committee to accompany the process
- Work by
 - exchange of documents
 - discussions by email and video-conferences (technical sessions)
 - formal face-to-face negotiations in partner country and Brussels.

Process

- Proposals by Cambodia (i) on the legality definition, (ii) on the legality verification system including import procedures, (iii) on other related issues.
- Evaluation of proposals: Field test of the legality definition, evaluation of the TLAS proposal, ...
- FLEGT Asia support

TLAS



EUFLEGT.EFI.INT

THE FOREST LAW ENFORCEMENT
GOVERNANCE AND TRADE TEAM
OF THE EUROPEAN FOREST INSTITUTE

Contact Us

EUROPEAN FOREST INSTITUTE

FLEGT Asia Regional Office

c/o Embassy of Finland

5th Floor, Wisma Chinese Chamber

258, Jalan Ampang

50450 Kuala Lumpur, Malaysia

Telephone: +603-42511886

Facsimile: +603-42511245

URL: www.euflegt.efi.int