



# Community Guide

The Voluntary Partnership Agreement (VPA)

2013 Liberia



**NGO Coalition**  
of Liberia



**Civil Society**  
INDEPENDENT FOREST MONITORS



## Community Guide: The Voluntary Partnership Agreement (VPA)

2013 Liberia

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# 1 What is the Voluntary Partnership Agreement?



# 1

## What is the Voluntary Partnership Agreement?

The Voluntary Partnership Agreements (VPA) is an Agreement signed between the Liberian Government and the European Union. It aims to stop illegal logging in Liberia. It came into force on December 1st 2013.

Illegal logging is not good for communities or the citizens of Liberia. It stops communities from getting their rightful share of benefits from forests, and means that communities are not compensated for the loss of the forest in their areas. It also means that forests may be logged unsustainably, and not protected for our children's children. It also is bad for citizens, as companies that log illegally do not pay the correct taxes to national and local government. The government then has less money to provide healthcare, education and infrastructure to its people.

**Liberia has decided to sign the VPA voluntarily, but once the agreement is signed it becomes law that must be followed by both parties. Now the VPA is in force, any timber that leaves Liberia must be legal timber that has been checked by the authorities.** However, it will take small time to set up all the systems and make sure that everything is running smoothly. The EU is helping Liberia to set up the systems that are needed to make sure that all timber leaving Liberia is legal.

# 2

## Forests in Liberia





## 2

## Forests in Liberia

Liberia has a large forest resource, with almost half of the country being forested land. **Liberia contains the largest portion of all the rainforests left in West Africa.** Almost half of the Upper Guinean forest, which once covered a large part of West Africa, is found within Liberia's borders. The forest is very important traditionally, providing grounds for hunting, food, building materials and medicines. It provides clean water and fresh air and secures the livelihoods of those around it. Liberian forests are also spiritually important, and a key part of traditional Liberian culture. The forest also provides timber, which is very valuable on the world market. This timber can be sold for more than US\$180 per cubic meter, and sometimes is sold for more than US\$300 per cubic meter.

It is often the case that the countries that are very rich in natural resources are some of the poorest countries in the world, because these resources are not managed correctly and the citizens do not always benefit from their natural resources. When there is weak governance of valuable natural resources governments do not always receive the correct taxes from companies. This means that the government cannot provide facilities such as healthcare, education and roads for its people as they have just small money to build them. Although the country has valuable natural resources and great wealth people can still be without all that they need. This is called the 'Resource Curse'.

The Resource Curse can also cause conflict. During the Liberian civil conflict the forest was managed badly, and money from illegal timber was used to buy weapons and fund the conflict. The natural resources that should be a blessing for Liberia turned in to a curse for its people. It was for this reason that the UN Security Council put a ban on Liberian timber in 2003. This helped to put an end to the conflict.

From that time, Liberia has made some good efforts to make forest management and governance better. To make this happen the Liberian Government enacted a National Forestry Reform Law (NFRL) in 2006, and logging operations began again in 2008. There is also the Community Rights Law (CRL) with respect to Forest Lands of 2009. There is now a system to track timber and payments from timber companies called the Chain of Custody (CoC) system. It is managed by a Swiss company called Société Générale de Surveillance (SGS). The Liberian name for SGS is LiberTrace, and before that it was called LiberFor. SGS is working with the Forestry Development Authority (FDA), developing systems to manage the forests better. There is a push to make the forest sector more open, so that it is easy for people to know how much timber is leaving Liberia, and how much money is going to the government and communities from timber harvesting taking place.

# 3

## How does the VPA work?





# 3

## How does the VPA work?

### VPA objective

The main goal of the VPA is to make sure that the forests are managed well and looked after, so that they can continue to provide benefits to present and future generations. The VPA will make sure that all timber harvested in Liberia complies with all the Liberian laws, such as the NRFL (2006) and the CRL (2009). The VPA also lets other countries know that timber coming from Liberia is legal and does not affect Liberian people in a negative way. This means that there will be more demand for Liberian timber on the world market, as Liberian timber will have a good reputation. Because of the poor management of the forest and the unlawful activities in the past, Liberian timber never had a good image on the international markets, but the VPA will change this.

### VPA process

The discussions of the VPA involved many stakeholders: government officials, companies, community representatives and civil society. The discussions between Liberia and the EU took place in March 2009 and took over two years to reach end point. This multi-stakeholder process will continue whilst putting the VPA into action, to improve how the VPA works. The VPA will help Liberia to manage its forests better, by working with government agencies, communities and logging companies.

The EU and Liberia have now both ratified the VPA, and it came into force on December 1st 2013.

### What is legal timber?

The ‘Legality Definition’ was discussed by stakeholders, who decided what legal timber should mean in Liberia. If the company does not meet all of the 11 requirements, then the timber it produces will not be legal, and it will not be able to sell in Liberia or in any other country. The Legality Definition is based on 11 principles:

#### The 11 principles of legal timber

1. The company must meet the requirements to operate in Liberia.
2. The company must be awarded the contract in the correct way.
3. The company must provide social and financial benefits to communities.
4. The company must manage the forest well and not over-harvest.
5. The company must respect the environment.
6. The timber must be marked so it can be traced.
7. The timber must be processed in the correct way.
8. The rights of workers, and their health and safety must be respected.
9. The company must pay the correct taxes and fees to the authorities.
10. The timber must be exported, processed and sold in the correct way.
11. The company must allow others to know key information about its operations.

# 3

## How does the VPA work?

### The Legality Assurance System

The Legality Assurance System (LAS) is the system that is being put in place to make sure that all of the requirements for legal timber are met. It is the system that **verifies compliance with the Legality Definition** – this means that the Legality Assurance System will make sure that all timber in Liberia has been produced legally, in accordance with Liberian laws.

There also needs to be changes in certain laws, such as what to do with abandoned logs and the procedures for negotiating Social Agreements with communities. The VPA makes a commitment to make sure that these changes are made.

It will take time to make sure that all timber in Liberia is legal, so **support is being given to help the FDA develop its capacity to manage Liberia's forests well**. It is hoped that the first licenses for legal timber will be issued in 2014 – these are called FLEGT licenses. **FLEGT stands for: Forest Law Enforcement, Governance and Trade**. Once a company has a FLEGT license for a timber shipment, they are free to export the timber from Liberia. If the company does not comply with the Legality Definition it will not get a FLEGT license. This means that its timber cannot be sold in Liberia or in any other country, including China.

### The Joint Implementation Committee (JIC)

**The Joint Implementation Committee is made up of representatives from both the EU and Liberia**, to make sure that the VPA is being put into action correctly. The JIC meets twice a year. There is also a **'multi-stakeholder monitoring committee'** that will also check that the VPA is being put in to place correctly. The multi-stakeholder committee is made up of government representatives, civil society, communities and logging companies. It provides the space so that all stakeholders can participate in the VPA implementation process.

## 3

## How does the VPA work?



### Transparency and information sharing

Transparency means that the general public is able to find information on activities – such as government or businesses activities. This could be information about taxes, what the government is spending money on, the amount of timber harvested by a company or the profits a timber company makes from selling timber each year. **Good transparency means that it is more difficult for a company or government agency to carry out illegal activities**, and also allows other members of the public to make sure that forests are being managed correctly. **It allows citizens to hold governments and logging companies accountable.** There is a commitment in the VPA document to make sure that the public can easily find the information on the logging sector, and to make sure the logging sector is transparent. This is called the ‘Transparency Annex’.

**VPA Annex IX. Publicly available information:**

- The VPA and all its annexes
- Reports by the Joint Implementation Committee
- Reports by the Independent Auditor
- **Information on the management of the forestry sector** (legislation, policy and procedures, financial accounts, audit reports)
- **Information on forest resource allocation** (forest use licenses, contract agreements, Social Agreements, maps of forest concessions, information on ownership, bid documents, list of prohibited persons, list of pre-qualified companies, information relating to Forest Management Plans)
- **Information on forest resource production** (volumes and monetary values of harvested forest resources, volumes of timber available for harvest per concession, total annual production, annual volume of timber consumed by the domestic market)
- **Information on processing** (list of registered processing companies, production capacity by company, annual volume of logs processed domestically)
- **Information on forest fees and revenue** (amount of fees and taxes invoiced to each company, amount of fees and taxes paid by each company to the Government, amount of fees and taxes disbursed to the Community Forestry Development Funds, amount of money received and disbursed by the National Community Benefit Sharing Trust)
- **Information on law enforcement in concession areas** (charges of violations and convictions associated with a concession or its holders, details of invoices and payments made).

# 3

## How does the VPA work?





# 3

## How does the VPA work?

### Independent monitoring

An 'Independent Auditor' will monitor the VPA to check if everything is being done correctly, and report on any problems. This will help to make the VPA function better.

In the VPA discussions Liberia and the EU saw the important role for **Civil Society to watchdog the forest area**. The agreement says civil society will contribute to the monitoring of the VPA, and that the Liberian government will make sure that the information is provided that will allow civil society to carry out this role properly. Civil society will focus on the impact of the VPA on communities, in terms of benefits and participation in making decisions about their forests.

### Helping Liberia to build capacity

In order to manage the forests correctly, the FDA, government agencies, logging companies, civil society and community-based organizations such as Community Forestry Development Committees will need to learn how to play their part effectively. The new systems being developed for the VPA will mean that all these stakeholders will need to develop their capacity so they can play their roles correctly. The VPA has committed to supporting all these stakeholders in building capacity.



## 4

# Questions about the VPA



# 4

## Questions about the VPA

### Why has Liberia signed the VPA?

The VPA helps Liberia to stop illegal logging, which means that the Government of Liberia can get more money from the taxes on logging, and that the communities are able to get more benefits when logging is carried out in their areas. Community rights will also be better protected, as the laws of Liberia will be strengthened. This will mean that there will be better consultation with communities before logging companies can enter community lands, and that communities will be able to participate more in forest management.

The VPA will also give Liberian timber a good image on the international market, allowing Liberia to generate money by managing its forests correctly. This will contribute towards development, whilst making sure that the forests are protected for Liberia's grandchildren.

### Which other countries have signed a VPA?

In Africa, Ghana, Cameroon, Congo and Central African Republic have also signed a VPA with the EU. Indonesia has also signed a VPA, and there are many other countries that are negotiating VPAs with the EU.

### Who negotiated the VPA in Liberia?

Negotiating the VPA in Liberia took 2 years to complete. Representatives from the Government of Liberia, communities, civil society, and logging companies were all part of the process, along with representatives from the European Union.

## 4

## Questions about the VPA



# 4

## Questions about the VPA

### Why does the EU want to make sure that the timber it buys is legal?

Consumers in Europe want to be sure that the timber products they buy are legal. People do not want to contribute to the negative consequences that illegal logging has in producer countries such as Liberia. For instance, during the civil war in Liberia, the money from illegal logging was used to buy weapons and fund the conflict. There is awareness in Europe that illegal logging is bad for the development of these countries, its people and its natural environment.

These beliefs are reflected in a new law called the **European Union Timber Regulation** –the EUTR. This law came into force in March 2013, and stops illegal timber from coming into the EU. If anyone is caught bringing illegal timber into the EU they will face jail and a large fine. If they buy timber from a country where there is a VPA, then they can be sure that the timber is legal and will not cause a problem for them.

### What happens if someone does not comply with the VPA?

If they do not comply with the VPA, this means they are breaking the laws of Liberia and will be dealt with by the Liberian authorities according to the Liberian laws. **If someone cannot prove that their timber is legal, they will not be able to get a license for their timber**, so they will not be able to sell the timber in Liberia or on the international market, including the Asian market.

### Does the VPA make sure that forests are managed sustainably?

**Sustainable Forest Management** is where the forests are managed well over many years, **making sure that our grandchildren, and our grandchildren's grandchildren have the same forest resources that have been so important to Liberian livelihoods, society and culture.** The VPA system makes sure that there is sustainable management of forests by setting out methods and regulations for sustainable forest management. These must be followed in order to get a license to sell the timber, so **all logging companies must follow these regulations if they want to make money.** These regulations include the '**Liberia Code of Harvesting Practices**', as well as regulations talking about environmental and social protection.





# 4

## Questions about the VPA

### What does the VPA say about the rights of communities that depend on forests?

There are many provisions in the National Forestry Reform Law of 2006, and the Community Rights Law of 2009 that protect community rights. Community rights are a very important aspect of the Legality Definition. Communities have:

- The right to Free, Prior and Informed Consent
- The right to identify forest rights and uses, for example areas used for hunting and traditional practices
- The right to benefit sharing.

The government of Liberia and logging companies must respect these rights, and respect the obligations that they have to affected communities. If these community rights are not respected then the timber will not be legal, and will not be able to be sold.

There are also areas of the VPA that must be reformed, so that the VPA has better benefits for communities. For example, the guidelines on negotiating Social Agreements with communities must be revised to ensure that communities get their fair share of benefits.

### Communities and the VPA

Principle 3 of the VPA states that a concession holder must comply with benefit sharing obligations and the obligations of its Social Agreement in order to meet the VPA requirements. This means that if a concession holder does not provide the expected benefits to communities then the authorities will not issue the Annual Harvesting Certificate that allows harvesting to take place. Their timber will not be able to be sold in Liberia or on the international market.

The Liberia VPA has a greater emphasis on the role of communities and community rights than many other VPAs in other countries. CFDCs can take the lead on community monitoring and they also need to have good working relationships with the FDA and civil society. Forest communities have expressed eagerness to monitor a wide range of forest governance issues including the concession boundary lines, timber harvest volumes, diameter cut limits, annual harvesting plans and Forest Management Plans. The Social Agreement guidelines are under revision and could consider including a role for community monitoring of concessions that can provide information to the FDA and civil society.

# 4

## Questions about the VPA



# 4

## Questions about the VPA

### How can we get involved with the VPA once it's in action?

There will be interaction with stakeholders through dialogues, consultations and trainings. The multi-stakeholder steering committee is an important way for stakeholders to get involved once the VPA is up and running. The activities of civil society and private sector to raise awareness and disseminate information about the VPA will make the public to be involved in the implementation processes. The project Sustainable Development Institute is implementing along with the NGO coalition is an example of encouraging involvement in the VPA even before it comes into action.

### How can we find out about the VPA?

The Joint Implementation Committee (JIC) will produce regular reports on the progress of the VPA, which will be available to the public. There is also a commitment to make sure that information on the VPA, timber harvesting, payments to governments, and the amount of timber exported to the EU is made available to the public. This transparency will help people to know about the progress of the VPA and how it is helping to stop illegal logging. The VPA Support Unit is the operational office, which will be opened to the public to provide up-to-date information about the VPA in addition to providing technical support to the implementation processes.





## Civil Society

INDEPENDENT FOREST MONITORS

The **Civil Society-Independent Forest Monitors (CS-IFM)** were established in 2012 and are an independent team monitoring and reporting on the forest sector in Liberia, focusing on community rights, benefit sharing and participation in forest governance. Each team member represents an organisation within the NGO Coalition of Liberia. The CS-IFM strive to provide high quality and reliable information to all forest sector stakeholders including government agencies, the private sector, civil society and the international community in order to inform decision-making, increase accountability and improve governance of Liberia's forest resources.



## NGO Coalition of Liberia

The **NGO Coalition of Liberia** was established in 2003 and is an umbrella group for Liberian civil society organisations working on natural resource management and community rights issues. Our aim is to facilitate Liberian NGOs to form a united voice, strengthening the role of communities and civil society actors in decision-making processes on natural resource management. Our key members include the Save My Future Foundation (SAMFU), the Foundation for Community Initiatives (FCI), the Sustainable Development Institute (SDI), Human Concern (HUCON), Institute for Research and Education and Development (IREDD), Forest Cry Liberia (FCL), Action Against Climate Change (AACC), the Association of Community Rights Defenders (ACCORD), the Environmental Relief and Development Research Organisation (ERADO) and the Liberia Centre for Environmental Research (LICER).

[www.sdiliberia.org](http://www.sdiliberia.org)