

REGIONAL CONFERENCE

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EXPERIENCES FROM THE VPA PROCESS IN WEST AND CENTRAL AFRICAN COUNTRIES

Accra, 23 – 25 OCTOBER 2012



FOREST GOVERNANCE FORUM
STRENGTHENING AFRICAN FOREST GOVERNANCE



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EXECUTIVE SUMMARY

From 23 to 25 October, a Regional conference on the “Experiences from the Voluntary Partnership Agreement (VPA) process in West and Central African countries was held in Accra, Ghana with the objective of discussing the progress on VPA implementation, identifying the major opportunities, successes, challenges and/or constraints, path forward of the VPA process; and sharing experiences and lessons learned from the VPA process.

The Conference was attended by nearly 130 participants including representatives from 14 countries (Cameroon, Central African Republic, Côte d'Ivoire, Democratic Republic of Congo, Gabon, Ghana, Congo, Liberia, Guyana, Laos, Malaysia, Thailand, Vietnam and Indonesia). They represented various public and private institutions in their country. In addition, 13 international organizations including among others, the European Commission (EU), ClientEarth, Global Witness, GIZ¹, IUCN², and Rainforest Alliance were also represented.

The conference identified the challenges faced in the various west and central African countries in the implementation process of the VPA. These challenges include among others the lack of interest of public sector institutions; the difficult access to information; funding and its effectiveness; the smooth coordination among various stakeholders to ensure effective implementation of the VPA; capacity building of institutions and stakeholders to understand the VPA implementation process.

The following report provides a summary of the proceedings which centered around seven themes:

1. The Legality Assurance System
2. Participation in negotiation and implementation of VPA
3. FLEGT implementation approaches
4. Monitoring of forest governance
5. Communication on FLEGT/VPA process
6. Responding to the new European market requirements
7. Strengthening coordination and synergies between REDD+ , FLEGT in the context of national forest policy frameworks

These themes were extensively discussed by the participants who came up with recommendations which include among others:

- Empowering community groups to carry out monitoring and verification activities must be seen as a core priority by VPA countries;
- Use effective communication channels
- Both the EU Timber Regulation (EUTR) and VPAs need strong procedural frameworks
- New institutional processes must be in place, and the practical impact of rights, responsibilities and procedures must be clear
- Interim measures should be put in place for countries that will not be ready to implement the VPA in March 2013

¹ German Agency for International Cooperation

² International Union for Nature Conservation

I. Introduction

In 2003, the European Union (EU) adopted its Action Plan on Forest Law Enforcement, Governance and Trade (FLEGT) with the aim of halting illegal logging and promoting better governance. The main instrument for implementing the Action Plan is the negotiation and conclusion of Voluntary Partnership Agreements (VPAs) between the EU and a Partner Country. To date, in West and Central Africa, the EU has signed VPAs with 5 countries (Cameroon, Central African Republic, Ghana, Liberia and Republic of Congo), is negotiating with 2 countries (Democratic Republic of Congo and Gabon) and has introduced the VPA in Côte d'Ivoire. In addition to the VPAs, the EU recently adopted the EU Timber Regulation which prohibits the importation of illegal timber into the EU market as of 3 March 2013.

Within the framework of the VPA process, the conference brought stakeholders together to:

- Discuss progress on VPA implementation;
- Identify the major opportunities, successes, challenges and/or constraints, the way forward; and
- Share experiences and lessons learned from the VPA process.

1.1. Opening ceremony

1.1.1. FAO Representative, Mr. Foday Bojang, Regional Forester, FAO Regional Office for Africa

The FAO was represented by Mr. Bojang speaking on behalf of Mrs. Maria Helena Semedo, FAO Regional Representative for Africa.

Mrs. Semedo expressed her gratitude to the Ghana Forestry Commission, the EU and the ACP for organizing the conference and welcomed the participation of Guyana, Indonesia, Malaysia, Thailand, Vietnam and the Republic of Laos to share their rich experience with West and Central African countries with regard to the VPA.

The illegal trade in timber and timber products presented significant challenges for the economic, social and environmental development of timber-producing countries. The inability of those countries to suppress the illegal timber trade prompted the intervention of the European Union through the establishment of the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan which introduces tools such as the Voluntary Partnership Agreement to improve governance and law enforcement in the forest sector, alongside the forthcoming EU Timber Regulation.

The commitment of FAO to supporting the transparent negotiation, development and implementation of Voluntary Partnership Agreements was reiterated and appreciation was shown for the opportunity afforded by the EU to African countries to participate in the EU/ACP FLEGT programme. This will improve their understanding of the intricacies of the international trade in illegal timber for better control of the situation.

1.1.2. Ambassador of the European Union, His Excellency Claude Maerten, European Union Delegation in Ghana

This conference is an excellent opportunity for all stakeholders to share lessons learnt in implementing the VPA in their various countries. This would also be an opportunity to exchange views on successful

strategies adopted in some of the countries. Ghana was the first to negotiate the signing of the VPA and as such, has a lot to offer in terms of experience in the negotiation phase as well as the implementation phase.

The world economy is experiencing low GDP growth. However, Africa has shown signs of promising development. The challenges are tremendous and most of the countries represented have made laudable progress to facilitate the trade in legal timber. It is important that the FAO is present to support the efforts made by the EU in that respect. The VPA has great potential, as it can be replicated for other resources.

1.1.3. Ghana's Deputy Minister of Lands and Natural Resources, Honorable Kodjo Owusu Agyemang, Ministry of Lands and Natural Resources

Poor forest governance is the root cause of the degradation of forests around the world. VPAs represent the most practical partnership for protecting forests. We welcome all partners in the fight against the trade in illegal timber products. Negotiations towards Ghana's VPA showed that sectoral issues can be resolved among stakeholders and consensus reached. A similar multi-stakeholder arrangement would be vital for successful implementation of the VPA. There should be a shift towards integrated resource management and away from looking at forest products individually. Synergies between FLEGT and REDD+ should be strengthened. At domestic level, the Forestry Commission had been enabled by the Attorney-General to prosecute offenders directly and further legislation on local timber markets would soon be passed.

1.2. Context, objectives and expected outcomes, Robert Simpson, Programme Manager, FAO Rome

This presentation provided the context of the conference which is mainly to strengthen the community of practitioners stop the illegalities and loss of revenue experienced by countries due to the illegal trade of timber. Other reasons include a belief in sustainable forest management, an open space for stakeholder dialogue, the improvement of transparency of resource management and revenue sharing.

The objectives were defined as taking stock and reflecting on the successes, the way forward, the challenges and exchange of experiences, and exploring new opportunities.

The methodology for Day One is to build the 'Community of practitioners' (currently comprising 14 countries on four continents), reflect on global VPA issues and develop a compendium of lessons learned in the plenary sessions. Days Two and Three would involve experience sharing in thematic groups on more targeted issues, with reports to the plenary each day. There would also be a "share fair" as part of the networking. All this forms part of the larger lessons learned process, and making them available to practitioners in other sectors such as mining.

II. Session 1: Challenges and opportunities in the preparation, negotiation and implementation phase of a VPA

Moderated by Samuel Afari, Director General, Ghana Forestry Commission

2.1. Progress on VPA implementation, Carl Frosio, EU Delegation in Cameroon

VPA was defined as a legality verification and traceability system. The process and typology of the VPA and the countries where the VPA is being implemented, negotiated and introduced were also presented.

Ghana was the first country to ratify the agreement followed by Cameroon, Congo, Liberia and the Central African Republic. Details on VPA activities in those countries since the ratification were provided.

The challenges identified include:

- Slow implementation of the traceability pilot programme (Cameroon)
- Complexities in developing the Legal Assurance System (LAS)
- Over-reliance of VPA implementation on focal points
- Lack of interest of other public sector institutions
- Involvement of all stakeholders (CSOs, private sector, and local communities)
- Access to information

2.2. Country presentation in the preparation phase, Assi Akaffou Séka, Côte d'Ivoire

Côte d'Ivoire's (CI) VPA process is in the early stage, hence the need to take full advantage of the experience of countries such as Ghana to advance its progress towards the time it is able to sign a VPA.

A history of the preliminary arrangements towards the FLEGT provided ample details on the status of the process in the country.

The ongoing actions and outlook for the country include:

- Working sessions with the Ministry of Water and Forests and other stakeholders;
- Set up of a multi-stakeholder consultation platform;
- Set up of a multi-stakeholder technical committee for VPA negotiations;
- Identification of a CI sponsoring country for the VPA/FLEGT negotiations;
- Development of a guide on an agreed traceability chain and proposal for an approach to timber legality verification;
- Official request to the European Commission to open negotiations.

2.3. Country presentation in the negotiation phase, Yvonne Sansa, DRC

The Democratic Republic of Congo was presented as a giant in terms of tropical forest resources in Africa. The country takes very seriously the protection of its natural resources and has therefore engaged in the VPA process. It is currently in the negotiation phase.

Regarding the prevailing situation, 6 principles of legality were defined for industrial forest concessions and legal access rights.

The perspectives included the process of converting old forest titles, the revamping of forest zoning, further work with the industrial and artisanal sub-sectors, and strengthening verification procedures.

The constraints involved funding and its effectiveness, the integration of the artisanal sector, the harmonization of external funding procedures to facilitate the work of the technical commission.

The main perspectives in the sustainable management of DR Congo's forests involve:

- Improving forest governance to ensure timber traceability and reduce poverty
- Integrating all the issues related to strengthening forest governance.

2.4. Country presentation in the implementation phase, Charles Miller, Liberia

The country has concluded and signed the VPA in 2007 which is awaiting ratification by the government after its ratification by the EU. The ratification has been delayed due to an election process in 2011, new membership of the national assembly and a backlog of work.

The institutions to oversee VPA implementation include: the JIC (Joint Implementation Committee) which is not yet established and will comprise both the Government of Liberia (GoL) and the EU and will be responsible for overseeing the implementation of the VPA.

The institutions to coordinate VPA implementation are: the VPA Technical Secretariat and a VPA Support Unit for which terms of reference are being established in consultation with development partners.

Building the capacity of stakeholders is a challenge and the institutions identified for this exercise are the FDA, the Environmental Protection Agency (EPA), civil society, the timber industry, local communities and government agencies directly involved in implementing the LAS (Legality Assurance System).

The country is currently reviewing its overall VPA communications strategy to update it with the support of the EFI FLEGT Facility. To monitor the implementation of the VPA, a Multi-stakeholder Monitoring Committee will be put in place. Regulations are in draft and are being reviewed by stakeholders for harmonization to ensure the effective functioning of the LAS (confiscated timber, abandoned timber, transit timber, imported timber, third party access to concession areas).

The challenges include:

- Smooth coordination among various stakeholders to ensure effective implementation of the VPA
- Capacity building of institutions and stakeholders to understand the VPA implementation process
- Coordination is currently led by the VPA secretariat but by early 2013 it will be done by the VPA Support Unit.

The next steps

- Final ratification of the VPA by the Liberian Government
- Setting up the VPA Support unit

- Development of Liberia Verification Department and Liberia Licensing Department at the FDA
- Award of contracts of external service providers to administer the VPA Support Unit and the Liberia Verification Department.

Discussions

- Vietnam started negotiations with the EU in 2011. The fifth draft has been submitted to the EU and a meeting is planned in November in Brussels for their 3rd round negotiations with the EU. The impact on livelihoods is among the concerns Vietnam shares with African countries. The challenges include building government and private sector capacity through workshops. Vietnam appreciates the information from other countries on the preparation and negotiation phases because of the similarities and differences in experience.
- Regulations on confiscated illegal timber in Liberia are still in draft form and being reviewed. The current procedure involves due process to confirm illegality of confiscated timber then auctioning through the timber ministry, ensuring its proper entry into the custody chain alongside regularly imported timber with evidence of origin.
- There are no strategies or regulations in place in DR Congo to overcome the current challenges since the country is still in the negotiation phase. In Côte d'Ivoire, the Forest Code is being drawn up to address them. Rural people's rights must be respected since the forests belong to them. For this reason, local representatives are included in the negotiation processes of the Forestry Commission.
- Another challenge is the non-compliance with laws by the private sector.
- The VPA is somewhat one-sided and focuses on what African countries need to do to keep their part of the bargain. More emphasis should be put on the commitments that the EU should make in terms of capacity building and provision of additional resources.
- In Liberia the National Assembly is responsible for ratifying the VPA, which originates from the executive wing of government. A new reform process has been initiated and new regulations are being drafted for review. One initial task is to define violations (for example, regarding already harvested timber that has been confiscated). An effort is also being made to articulate the role of the National Shippers' Council in the VPA. SGS handles all logs to be prepared for shipment. The relations are cordial between stakeholders. Funding was being sought for the VPA Support Unit and the Terms of Reference were being finalized in continuing dialogue with the European Union.
- Local communities in DRC are actively involved at various levels including in the negotiations of the Forestry Commission to ensure that their rights are respected.
- There is need for countries involved in the VPA process to mainstream the synergies between REDD+ and FLEGT from the negotiation phase right through implementation.
- Cameroon is in a ratification and implementation phase, enlisting support and resources with about 20 projects in the pipeline. There is an ongoing five-year programme on local monitoring and control, and there is continuing reflection on domestic and international cooperation. This was vital because of the volume of confiscated timber, the amount that was "laundered" and the EU interest in avoiding any increase in the illegal traffic. In recognition of the importance of transparency, NGO and civil society assistance was being sought to improve the dissemination of monitoring information from the field.

III. Session 2: Private sector preparedness for EU Timber Regulation

Moderated by Alhassan Attah, Ghana Forestry Commission

3.1. Update on the EU Timber Regulation, David Sanmiguel, European Commission

The 'raison d'être' of the Timber Regulation – ending illegalities in the timber trade – was presented as complementary to the VPA in closing the European market to illegal timber. It was emphasised that as of March 2013, claiming ignorance of the illegality of a timber consignment would no longer be a valid excuse.

The obligations include the prohibition against placing illegally harvested timber or illegal timber products on the EU market. Buyers have to exercise due diligence and traceability applied for a five-year period. Illegal timber was defined as timber harvested in contravention of the applicable legislation in the country of origin.

Products covered by FLEGT and CITES licenses are considered to be have been legally harvested for the purposes of the EU Timber Regulation and will minimize import risk Third-party verification schemes would no longer constitute proof of legality.

3.2. Facilitating compliance with FLEGT and EUTR in Côte d'Ivoire, Ghana and Liberia, Glen Asomaning, WWF Ghana

The main challenges that emerged in facilitating compliance with FLEGT and EUTR in Côte d'Ivoire, Ghana and Liberia are the following:

- Draft legality guide with TRAFFIC format was ready in early project implementation
- TRAFFIC headings and numbering fell out with LAS of Liberia
 - There was concern it might confuse stakeholders if published
- The VPA processes in both Ghana and Liberia have progressed slower than expected
 - E.g. Ratification of Liberia's VPA even though expected in May is still outstanding
- The replacement of Côte d'Ivoire with SL derailed the process a bit
- Regional security concerns –due to recent border issues, cancellation of a planned lesson-learning visit by Ivorian officials to Ghana

The lessons learned are:

- Many timber exporters are eager to comply with the EUTR but have a lot of hope in the FLEGT processes (FLEGT seen as solution)
- Information is available to some timber exporters on FLEGT/EUTR but detailed knowledge of actual steps to take is still lacking
- Producers take comfort in availability of other markets (African and Far East markets)
 - Example: export statistics over the last 6 to 7 years for Ghana indicate a complete shift in direction of trade
 - There is still some anxiety. Industry in Côte d'Ivoire is spearheading the VPA process
 - Ghana – “I am wondering how I will export after March next year”. In Côte d'Ivoire, there is a rush for VLC audits)

- A call on all stakeholders (government, industry, civil society) to play their part in all countries to hasten VPA implementation in order for it to remain relevant and strengthen our efforts for better forest governance
- A call for stakeholders to possibly revisit the ideals of AFLEG to address concerns over intra-regional trade and its implications on forest governance

Discussions

- It is sometimes possible to negotiate a premium for legal timber. The main concern is to maintain market access.
- Private sector certificates are not sufficient as due diligence that will enable companies to sell their timber on the European market.
- The EU is ready to receive legal timber from March 2013. All its member countries are expected to enforce the regulations uniformly and do due diligence even if the timber is originating from a member country.
- The EU has sufficient experience in checking products originating from all over the world for compliance with established regulations and is ready to receive FLEGT licensed timber.
- Regarding the quality of legislation in timber exporting countries, it is the responsibility of buyers in Europe to do due diligence and minimize the risk of buying timber from high-risk producers.

IV. Session 3: Coordinating VPA implementation

Moderated by Bart Missinne, EU Delegation in Ghana

4.1. Coordination approaches, Rodrigue Ngonzo, FODER

FODER was presented as an organization that works towards a fairer society, without marginalization or discrimination, where natural resources are at the service of sustainable development.

'Coordination' was defined as 'guiding members' initiatives and interventions towards achieving a common goal as efficiently as possible by promoting interactions among the members of the group'. Good coordination is the key to success in the implementation of FLEGT-VPA's

The aspects to be coordinated include:

- Legal reforms
- Government policies (on forests, the environment, mines, agriculture, land use)
- The projects linked to the implementation of FLEGT-VPA's/local, national, regional and international
- Interventions by ministries directly concerned (forests, employment, environment, finance)
- Interventions of actors in the field

The various approaches used for coordination at local, national, regional, and global levels were also explained.

4.2. FAO FLEGT programme's role in project coordination, Marc Vandenhoute, FAO

Even though the VPA is a trade agreement that identifies needs, it is not a fully operational document and it is not a cooperation agreement – it does not have clearly identified funding sources, it does not have either a budget or annual action plans, and there are no focal points for implementation or results indicators. Yet, there is much work to be done on issues ranging from revision of the legal framework and independent auditing to impact monitoring and capacity building. There was adequate financing for 25 projects but there was a need to avoid projects in isolation, of variable quality and particularly those that end up as a waste of time and money.

It was vital, therefore, to anticipate required steps from negotiations to feasibility studies, identification of unmet needs, and financial resource mobilization. This phase of system development also included preparing a road map with clearly allocated responsibilities, and pilot projects with proper coordination as fundamental parts of VPA implementation.

The challenges of project coordination were noted, as the VPA Committee was liaising with government agencies, the private sector (including artisans and small and medium enterprises), national and international support structures and a range of civil society organizations.

FAO initiatives in coordination emphasize collaboration. Government approval is required for each project selected, and a project must play a clear role in terms of the VPA roadmap. FAO also encourages sharing of information and results and synergy with other initiatives. This involved coordination meetings for all FLEGT activities at the invitation of the European Union Delegation (EUD) and chaired by government representatives. The meetings focus on experience sharing on synergies and shortcomings and there is a dynamic that will provide Joint Monitoring Committees with more operational objectives. Collaboration with the EUD involves calls for proposals and participation in project selection and monitoring. Joint missions are organized with the European Forestry Institute, with a programme for joint publications and other communication activities.. Finally, FAO collaboration with governments begins with joint definition of priority themes and moves forward with support for coordination activities.

4.3. Principles, challenges and opportunities for improving FLEGT coordination in Ghana, Agyemang-Prempeh Koranteng, M-SIC

The presentation focused on the purpose and functions of the Multi-Stakeholder Implementation Committee, its principles and strategies (participation and engagement, inclusiveness, learning, societal gains, voices and votes) and its composition (relevant ministries, departments and agencies, timber industry, NGOs, MLFM and forest sector agencies).

The following challenges were identified in the political economy environment:

- *Technical challenges*: Development of LAS infrastructure, manuals of procedures, engagement of service providers, independent monitors, establishment of Timber Validation Contracts, VPA-related legal form issues, etc.
- *Adaptive challenges*: Recurring challenges include leadership (political will); resistance from middle managers and professional bureaucracy; citizens' demands for accountability; the problem of

collective action and the need to organize communities to be conscious of the gains they should expect and their ability to ensure sustainable change.

The way forward for more effective FLEGT implementation involves the following actions:

- **Research:-** improved understanding of the political and economic environment, linkage analysis (what will catch the attention of politicians and other stakeholders), relationship between policy makers, private interest groups and the media, etc.
- **Reason:-** Improved understanding of the “what is in it for me” question to give reason to why people should bother with FLEGT and so be able to transform bystanders into active supporters of the FLEGT process.
- **Reach:-** improved understanding of whom to reach with what message and where.
- **Resources:-** sustained, adequate timely availability of funds. “Budget for success – shortage of money is nearly always a recipe for failure”.
- **Record:-** keep record of what stakeholders say publicly about the FLEGT- both negative and positive.
- **Review:-** governance reforms are not one-shot deals but a continuing process that should be regularly monitored, assessed, and developed.

Discussions

- Local communities are not actually involved in the independent observation process. For example, in Ghana, civil society’s involvement at the deciding table usually covers issues of justice, equity and fairness. The presence of civil society does not mean that local communities are represented.
- Due to the counterproductive effect of the excessive workload on focal points, two specific structures exist for the implementation of VPA FLEGT. One in Congo (FLEGT Cell made up of up to 15 members with the objective of implementing the FLEGT calendar) and another one in CAR (a Permanent Technical Secretariat with the same objective)
- Local communities should feel valued, appreciated and empowered. They need to see the impact of their contribution to the process.
- There are various challenges facing the private sector in Ghana.
- Regarding coordination within the EU, 11 member states are implementing public procurement policies and more members are being encouraged to meet the challenge.

V. Session 4: Lessons learned and future impacts

Moderated by Isabelle Abouem, PSRF

5.1. Presentation of the study on success factors and challenges to implementing VPA in West and Central Africa, Emmanuel Heuse, EFI-FAO Consultant

The study aims to compile in a compendium document the lessons learned through FLEGT implementation, the success factors, opportunities to pursue, and recommendations for strategic modifications that would make VPA implementation more effective.

Target readers include the community of practice and wider audiences (researchers, aid agencies, local and external stakeholders), for a global vision of the process.

The study is based on the experiences of resource persons involved in VPAs in West and Central Africa over the last few years through meetings, field visits and interviews.

The report should be analytical but lively to read and should reflect the contribution of all stakeholders. The contents of the study include analysis of the FLEGT, its facilities and methodology, lessons learned by theme, transparency, and the Legality Assurance System.

The following themes will be discussed in the study:

- Theme 1: Stakeholder participation and capacity building (impact of the VPA process; does increased participation make any difference to forest governance? What should be improved?)
- Theme 2: Transparency and independent monitoring (impact of VPA process on transparency in the forestry sector; is more information accessible? Can it be discussed with the government?)
- Theme 3: Legality Assurance System (clear definition of legality; what does traceability mean? How well do stakeholders understand?)
- Theme 4: Domestic market (included in the VPA? Has VPA encouraged discussion of the domestic market)
- Theme 5: Communication (who needs more information about VPA and who has had good communication? What communication tools are most effective for informing stakeholders?)
-

All participants were urged to actively support and facilitate the study.

5.2. Introduction of VPA impact monitoring: objectives and methods, Jo Van Brusselen, EFI

The presentation explained the raison d'être of the VPA impact monitoring (VPAIM) as follows:

- It tracks progress
- Provides early warning
- Identifies problem areas
- Permits timely corrections and modifications

Countries should develop their own system of impact monitoring that should be cost-effective and credible. There will be a baseline study every 3-5 years. The presentation outlined the stages towards a VPAIM system.

The following nine impacts areas to be monitored were mentioned:

- Economic development
- Domestic market development
- Tenure and access
- Civil society effectiveness
- Institutional effectiveness
- Accountability and transparency
- Forest management
- Illegal logging
- Livelihoods and poverty

Discussions

- Regarding the place of the consumer in the study on success factors and challenges to implementing VPA in West and Central Africa, the study should not be limited to the three stakeholders mentioned. Consumers should be included in the interviews. Development agencies and NGO impact on the VPA could also be considered as themes to be included in the study.
- It was suggested that industries should be interviewed on their expectations and perceived challenges regarding the VPA process.
- Impact monitoring for the study will draw on data collection through independent market monitoring. Initiatives exist to collect data. When there is no data available for a particular indicator, a new methodology will be developed.
- The credibility of data provided in Africa is questionable so there is a need for a credible entity in charge of collecting reliable data
- Traceability could be improved in the course of achieving transparency through the VPA.
- While one suggestion was to speed up the FLEGT process in case of any disruption or decrease of EU funding in the coming years, another response was advice to pursue the process as planned and not to rush it.
- EU has guidelines on impact monitoring but since this is an agreement with the partner country, these guidelines cannot be imposed on countries.

VI. Theme 1: The Legality Assurance System

6.1. Introduction to the LAS (Legality Assurance System), Morne van der Linde, European Forest Institute (EFI)

This presentation set the context and touched on the following points, among others:

- Timber legality definition
- Supply chain control system
- Verification capacity/system
- Timber licensing

The interaction between the LAS elements was explained and following reflections were made:

Although there are no licenses yet, the VPA and LAS implementation have made a number of positive contributions including:

- Strengthening of consensus building and multi-stakeholder processes
- Strengthening of regulatory mechanisms and administrative processes
- Capacity building and legal reforms
- Improved cross-sectoral and interagency collaboration and coordination.

The following challenges were identified:

- How to deal with transit timber, timber imports, confiscated and other controversial sources in the context of LAS development;

- How to ensure that the impact of informal sector supply to the domestic market is responsibly managed and regulated;
- How to maintain private sector support throughout the negotiation and implementation process;
- What approach to verification is most effective (legality definition and wood tracking)?
- How to deal with complaints arising from our system?

6.2. LAS, Carlos Battaglini, European Union Delegation to Liberia

The presentation highlighted that remarkable improvements in forestry governance had been made in Liberia prior to the VPA negotiations. The implementation of the VPA will start in 2012 with a total budget of 17.7 million Euros for a duration of 5-7 years.

The following recommendations were made:

- PUPs regulation
- Ensure that the LAS is appropriate before making it operational
- Sound fiscal regime (community benefits should be ensured)
- National forestry law of every country is key

6.3. In search of a workable wood tracking system for Ghana's VPA, Richard Gyimah, Ghana Forestry Commission

A key component of the LAS is a chain of custody system driven by a Wood Tracking System (WTS) and Ghana has since 2009 planned a series of programmes including a pilot WTS aimed at developing systems to deploy the LAS.

The role of timber tracking technologies was defined to provide a means of modeling and recording the physical flows of timber products throughout the supply chain.

It was noted that the current timber tracking technologies vary in complexity, being governed by funding, project objectives and available technology.

A comparison was made of the strengths and weaknesses of the various labeling technologies.

The Ghana WTS pilot project was analysed and the following recommendations were made:

- Transaction time of the WTS needs to be reduced;
- Costs (investment and operational) of the WTS must remain competitive. An estimated cost of \$12 per cubic metre of wood tracked in Ghana's WTS pilot was extremely high and must be reduced to \$ 5 per m³ or less, which some studies have reported for developing countries. Hence:
 - Higher volumes should be tracked and the cost of financing WTS kept as low as possible;
- The merits of a full-fledged electronic tracking system are well established but several constraints identified during the pilot need to be addressed. Constraints include:
 - Weak infrastructure (e.g. roads, communication networks and internet connectivity);
 - Weak information technology literacy of most operators involved;
 - Weak government verification framework system;

- Initial high cost of financing tracking systems without guarantee of premium prices;
- Inherent challenges relating to compatibility with existing tracking systems;
- Inability of forestry and IT experts to work together to plan and implement WTS nationally.
- Conventional labeling technologies that make use of barcodes and allow manual interfaces (flexible system) for data capture and repatriation hold promise for Ghana's WTS (i.e. semi-electronic WTS).
- Lessons learnt from the WTS pilot phase should guide Ghana in the national WTS design, implementation strategy, coordination and governance.

6.4. Private sector motivation for, and perceived barriers to VPA implementation in Cameroon, Sophia Carodenuto, Unique

The presentation aimed at exploring and explaining private sector expectations and VPA impacts.

The objective of the VPA in Cameroon is socioeconomic development and governance reform.

The methodology used involved qualitative data collection, semi-structured interviews with private sector actors, recording and transcription of interviews, formation of actor groups, and data analysis.

The following issues were raised for discussion:

- Numerous contradictory statements and uncertainties make it difficult to compare results across actor groups;
- Who gains and who loses?
- Does VPA implementation risk causing concentration or fragmentation of the sector?

The way forward:

- Each actor group requires specific attention;
- Domestic market: it is important to have realistic implementation mechanisms;
- National-owned export: need capacity building and financial support;
- Internationally owned, non-FSC certified: ensure there is incentive to invest in SFM;
- FSC-certified: support smaller actors to meet legality requirements.

6.5. Thematic Groups (see conclusions of group sessions in Section XIII)

Sub-groups under the theme of the **Legality Assurance System** discussed the following topics:

- Approaches to/Mechanisms for verification of the definition of legality;
- Domestic market: integrating CSM and other similar approaches into the LAS;
- Appropriateness of tracking systems and challenges arising;
- Private sector support and involvement in LAS development.

VII. Theme 2: Participation mechanism in negotiation and implementation of VPA

This was seen as a crosscutting theme. It was stated that there had been under-representation of some stakeholders in VPA negotiations and implementation. These included local communities, chainsaw operators and district assemblies. There was a large degree of over-centralization of the process at national level and wide ignorance of the relevant issues at local level. A major consequence is that important stakeholders will not be able to contribute to the process. They will also not be willing to support an initiative that was drawn up without their participation.

- The way forward:
 - develop multi-stakeholder guidelines enabling groups to designate their own representatives;
 - ensure a steady flow of information;
 - practice transparency and increase their participation in and ownership of the process;
 - countries now in the negotiation process need to produce guidelines to build the capacity of stakeholders and enhance their participation.

Integrating communities in the VPA process would require well-structured actions that would increase their sense of ownership and responsibility. It was noted that communities have rich experience and knowledge to move the process forward.

The **challenges** include gaps in capacity and knowledge of how to participate in the process. This meant that elements of genuine involvement and community participation were missing. Another issue was that civil society organizations do not necessarily represent local community interests and concerns. Furthermore, communities have to be disaggregated so that particular attention can be paid to women, who are major players in forest sustainability.

Recommendations included:

- Empowering community groups to carry out monitoring and verification activities that must be seen as a core priority by VPA countries;
- FLEGT multi-stakeholder dialogue platforms must be established and strengthened at community level;
- It is important to build on existing structures for dialogue such as the forest forums and give them legal backing.
- There is urgent need for strong legislative intervention to improve security of land tenure and to establish a workable legislative framework to clarify responsibilities. Until these and other issues are resolved, community involvement will not attain the desired level.

Lessons

Civil society participation in the VPA process is valid and valuable for monitoring, once the CSOs understand the issues. The REDD+ and VPA processes have to be harmonized so that no conflicting messages are given to communities.

While some forest firms have heard about VPA and FLEGT processes, they do not understand them and have adopted a wait-and-see attitude. Some think they can survive without the EU market because of markets in the rest of Africa and in the Far East. Once they understand that the VPA has implications for

exports as well as the local market, then they want more information. Meanwhile some small-size loggers have said the VPA is being imposed on them and they felt no sense of participation. Other observations from the timber industry included the fear among those with few or no records that meeting the conditions for traceability would be an added cost in terms of having to hire staff and equipment to process data.

The informal sector was said to produce about 84% of domestic lumber and is a big employer. Operators in the sector felt the VPA was another diversionary tactic to justify the ban on the informal sector.

Proper engagement of the informal sector would require a common front to discuss all VPA issues. Informal operators would need capacity building as well as alternatives to illegal logging and milling and help to put legal lumber on domestic market.

Roundtables

Kwame Mensah (Western Region Development Network of NGOs) spoke on **the consequences of under-representation of subnational level stakeholders in VPA negotiation and implementation**. He noted that Ghana signed the VPA in on 3 September 2008 after nearly six years of negotiation. First legal export of timber has been postponed three times. There are even doubts as to when the legality assurance can be done.

While CSO participation has been praised, the presenter observed that local communities were left out of the VPA Multi-Stakeholder Implementation Committee (MSIC). This was because the government considered as stakeholders only those they deemed relevant for the timber export trade and capable of shaping the process.

The presentation noted the incorrect assumption that representatives of various interest groups report back adequately. A two-way flow of information was proposed. Timber companies were also encouraged to supply affordable legal lumber to the domestic market.

There was over-centralization of the VPA process at national level, meaning that major stakeholders (communities, District Assemblies, chainsaw operators, etc.) are unable to play a meaningful role. They in turn, would be unwilling to support an initiative that was discussed and agreed on without their participation. The way forward was to develop multi-stakeholder guidelines, ensuring a flow of information, insisting on transparency, and increasing their participation and ownership of process. There was also a need to build capacity among stakeholders.

Countries now in the negotiation phase were encouraged to look at the process, assess their current situation, and produce guidelines to enhance participation and reduce centralization. It was also important to look at community rights, land and tree tenure systems and what benefits could be derived from the VPA.

The presentation by Eric Lartey of Friends of the Earth on **How to integrate communities in the VPA process** noted that multi-stakeholder participation (including local communities) is a requirement for VPAs (under Article 16, EU/Gh VPA). Civil society organizations had agitated for such participation. The presenter said the technical requirements of VPAs should include well-structured and coordinated community-based actions. Forest communities should have a sense of ownership and responsibility in forest governance and their rich experience and knowledge could help to move the process forward.

Challenges included gaps in capacity among various stakeholders to participate fully in the VPA process. Elements of genuine involvement and community participation were missing and the Ghana forestry and wildlife policy paid lip service to community involvement, with vaguely defined roles in future implementation. Currently, there is little incentive for community participation in the process.

With a view to stronger outcomes, the presenter observed that CSOs do not necessarily represent the interests and concerns of local communities. Local groups should be empowered to carry out monitoring, verification and reporting activities and this must be seen as a core priority by VPA countries. Community participation could also include having a role in timber rights allocation and in harvesting procedures.

The FLEGT multi-stakeholder dialogue platforms must be established at community level while other dialogue structures such as the Forest Forums should be strengthened and given legal backing. While insecurity of tenure needs appropriate policy and strong legislation, the livelihood component and social safeguards should be effectively designed and implemented. There is also an urgent need for a legislative framework that can clarify responsibilities. Until all these issues are addressed, community involvement will be marginal.

Discussing **which roles for communities in the VPA process**, Alex Asare of RMSC said a wood tracking system had been operating on pilot sites in the Western and Ashanti regions for a year, with an emphasis on civil society participation. The achievements included awareness creation on forest law enforcement with widespread publicity and continuing work to develop a VPA process to integrate civil society in monitoring and validation. Among the challenges was strengthening stakeholder capacity to fully understand the VPA process, and integrating communities and civil society in that process. There had to be analysis of existing institutional structures along with sensitization and training (for example, improving ability to decide which trees to fell). Organizations needed empowerment and resourcing (with appropriate memoranda of understanding to be signed), they needed to expand their activities and strengthen feedback mechanisms.

Lessons included:

- the validity and value of civil society participation in monitoring, once they understand issues fully;
- the importance of devising an incentive scheme for stakeholders to stimulate commitment;
- the adoption of holistic approaches to ending unsustainable practices;
- the continuing issue of harmonizing REDD+ and VPA so that no conflicting messages go to the same community;
- Among the messages to highlight regarding the VPA process are the benefits that would accrue to the community, particularly through sustainable livelihoods.

One contributor noted that most small and medium timber firms had heard about VPA and FLEGT processes but did not understand them. They had adopted a wait-and-see attitude, and some thought that without the EU market they could still survive with markets in the rest of Africa and in the Far East. When they understood that the local market would be affected whether they export or not, then they wanted more information on VPA and FLEGT.

Small-scale loggers complained that they do not have concessions and that they had to go through cumbersome processes to get their logs. The VPA was trying to stop illegalities, but eradication would be

very difficult in their view. Loggers felt the VPA was being imposed on them and they had no ownership of VPA processes. Even though the Ghana Timber Millers Organization (GTMO) and the Ghana Timber Association (GTA) were involved at the negotiation stage, small-scale operators had no sense of participation or representation at meetings held in distant Accra.

Traceability was very difficult to establish because most small operators did not keep records and the few who did had manual and haphazard one. They felt that traceability would mean hiring staff and equip to process their data, thereby adding cost to already expensive operations. Nevertheless, there was also the feeling that small firms should be incorporated in the VPA implementation process. More meetings should be decentralized – one meeting that was held in Kumasi in 2011 was very well attended and small and medium operators were able to voice their concerns.

From the perspective of informal sector lumber producers and sellers, the chainsaw business had been thriving until the ban, producing about 84% of domestic lumber and providing many jobs. The effects of the ban included, ironically, an increase in illegal felling and trading, with new actors bringing distortions in the lumber business, more accidents and more corruption.

Informal sector operators saw the VPA process as another diversionary tactic to justify the ban on their industry. It was said that Ghana was the only country that was including domestic market restructuring as part of its VPA. This would perpetually condemn the chainsaw subsector and informal sector and livelihoods, and the Forestry Commission was using VPA to cover up for its failures.

It was pointed out that for Ghana to export legal lumber, the Ghanaian market should also be supplied with legal lumber. There was a need for the VPA to be implemented properly, even if accompanied by some loss of livelihood.

For proper engagement, the informal sector needed a common front to sit on all VPA issues, nominate trusted leaders, and proceed in a structured way that enabled them to receive information on domestic and international VPA issues, hold discussions and send feedback to the appropriate agencies. There should be capacity building, assistance to informal operators to market legal lumber on the domestic market and alternatives to illegal logging and milling had to be identified.

Other comments noted that reforms were ongoing and that the VPA should not be looked at as a stand-alone process, that it could not cover every issue, but it could serve as a catalyst for broad progress in the sector. Participation was also characterized as a process, with capacity building continuing for each stakeholder group.

While small and medium formal enterprises felt secure to some extent, informal sector operators had been criminalized. They showed strong willingness to discuss and participate, but the formal sector had shown some reluctance. The question was how to engage and get appropriate levels of representation from the timber industry.

Presenters and commentators called for legal reform to promote community participation without including discriminatory provisions. For example, legislation for community forestry management committees stated that only one of the five members should be a woman. This was a reminder of the need to improve the approach to gender issues in the VPA process.

7.1. Thematic Groups work (see conclusions of group sessions in Section XIII)

Sub-groups under the theme of the *Participation mechanism in negotiation and implementation of VPA* discussed the following topics:

- Roles of communities in VPA negotiation and implementation
- Roles of legal SMEs and the informal/illegal timber sector
- How can the participatory FLEGT process be applied to other sector's processes?

VIII. Theme 3: FLEGT implementation approaches

8.1. Implementing VPAs: Outlining approaches to achieve coherence in VPA-related law reform, Feja Lesniewska, ClientEarth

The following elements for Law Reform Processes were identified:

- Define roles and responsibilities of stakeholders;
- Information – access to laws, drafts and interpretation of provisions;
- Coherence – across international, national and cross-sectoral reforms;
- Timing – realistic but flexible timelines;
- Support – in what form and by whom;
- Monitoring and control procedures.

Examples from Ghana and Congo Brazzaville to illustrate the passage from theory to practice:

- Stakeholder participation;
 - Access to information;
 - Coherence;
 - Timing;
 - Technical support;
 - Monitoring and control procedures.
-
- There are different implementation approaches across countries.
 - Some countries have a complete ban on chainsaw milling but others have no law and there is a lack of respect for law enforcement.
 - The private sector must be involved in negotiations and implementation.
 - Although the LAS is yet to result in licenses, areas of progress include a consensus being built through a multi-stakeholder process. Regulatory mechanisms and administrative processes are being strengthened, alongside capacity building and legal reform.
 - Cross-sectoral and inter-agency collaboration and coordination have also been enhanced.
 - The wood-tracking system is making a positive contribution, but challenges remain.
 - The private sector is usually involved in developing the LAS in most countries and awareness of LAS process is growing.

- It is important to spread the consultative net to include actors who do not fall into any identifiable group.
- Challenges facing the domestic market include imported timber, chainsaw operators, financing of systems, capacity building.
- There is consensus on the need for an appropriate country-specific tracking system.

The following recommendations were made:

- Establish a mechanism to monitor rules of engagement upon signature;
- Secure procedural rights;
- Provide supportive measures aside from law reforms;
- Mandatory periodic review of legality grid informed by independent monitor;
- Continuing multi-stakeholder dialogue.

8.2. Implementation of the Ghana-EU Voluntary Partnership Agreement: Some issues and early lessons, Chris Beeko, Forestry Commission of Ghana

Lessons learned from implementation of the Ghana-EU Voluntary Partnership Agreement include:

- Governance and the socio-political environment can be a success factor (depending on the speed with which deliverables are attained);
- Technical systems approach – complete re-engineering or tweaking of systems presents its own resource and time demands; this approach needs careful consideration;
- Choice of implementation – the project management or “mainstreaming” approach has consequences for success;
- Elements of good governance are contained in the processes rather than being deliverables in themselves; they can, however, get lost in the implementation process;
- Stakeholder activity can slow down in the implementation process as a consequence of the shift from consensus building to technical deliverables;
- Focus is required to sustain stakeholder activity.

The following **recommendations** were made:

- Concerted effort is needed to sustain the shift from government to governance;
- Successful delivery on the elements of the VPA requires consideration of the above key factors without which success will be elusive.

Discussions

- Ghana does not have a transparency clause in its VPA and this could present a challenge.
- The issue of how information is put at the disposal of the public, its accessibility and friendliness.
- In Malaysia, three other elements emerge regarding the LAS:
 - People will always try to cut corners.
 - Need to build the capacity to increase activities
 - The issue of coordination and internal auditing of the implementation of the LAS is an issue because of the various departments involved
- In Ghana internal audit is done on the LAS

8.3. Thematic Groups work (see conclusions of group sessions in Section XIII)

Sub-groups under the theme of **FLEGT implementation approaches** discussed the following topics:

- Identifying and addressing governance and socio-political challenges to VPA implementation;
- How do we ensure CSO participation and sustain the stakeholder processes between post-negotiation and pre-licensing processes – what are the rules of engagement?
- Defining best approaches to building CSO capacity to effectively engage in VPA law reform and policy processes.

Discussions:

- How was the participation of civil society (especially international NGOs) on platforms organized in the various countries? In DRC, national NGOs work in a participative manner and international NGOs are not involved in the process. National NGO participation is facilitated. In Cameroon, international NGOs provide support to national NGOs in terms of capacity building. However, during the negotiation and implementation process, national NGOs were the ones represented. In Ghana the IUCN designed rules of engagement for civil society in Ghana. At a point they had been appointed by the government to represent civil society. However, it was pointed out that using an international NGO to represent national interests could foster complications.
- Links should be forged between national and international NGOs to promote cooperation and support during VPA implementation.
- In Liberia, local NGOs are used for local interventions while international NGOs are used to provide support during implementation. However they were not involved in the negotiation phases.

IX. Theme 4: Monitoring of forest governance

Independent observation by civil society and communities has not succeeded in ending the profitability of illegal exploitation. Great environmental damage continues and the illegalities are often due to the incoherence of official structures. The IO-CSC methodology involves information, verification, and publication and advocacy. It holds sensitization meetings with local communities and provides practical training.

Challenges and perspectives include:

- access to information for transparent forest governance;
- training for effective use of legal, technical and advocacy tools;
- sustainability of financing and institutional strength.

Innovation was also cited as a positive factor for progress in terms of services, impact on other sectors such as mining, agriculture and fisheries; contribution to poverty reduction; and reliable and credible outcomes.

9.1. Why aren't governments more open? Civil society oversight tools to improve transparency and accountability in the forest sector, Jonathan Yian, SDI

Discussion of civil society oversight tools to improve transparency and accountability in the forest sector referred to the report cards in use in Cameroon, Ghana and Liberia and also civil society-led independent monitoring (in Cameroon and Liberia). Noting the VPA obligation to proactively publish certain information and documents, the session called on governments to take urgent steps to improve transparency as a basic gesture of commitment to the VPA process.

Bureaucrats were seen as reluctant to provide information because of a sense of limited authority on one hand and nervousness about unreliability of data on the other. VPA transparency gap analysis was identified as an important starting point, using framework indicators (such as legal documents, procedures or institutional set-ups) and information indicators (data and documents on forest activities such as permit allocations, lumber production, trade and management).

In Liberia, an NGO coalition was working a monitoring project with donor funding for the period from 2012 to 2014. This involved small teams seconded from NGOs that would investigate issues and reports of alleged illegal logging as they emerge. It would also conduct social audits to verify pertinent information (such as discrepancies in concession allocations). The results would be shared with the Joint Implementation Committee.

9.2. Independent observation by civil society and communities (IO-CSC): Concept, issues and challenges, Christiane Zébazé, FODER

The focus in Cameroon was on providing support to other NGOs. While there had been relatively little mention in VPA text of civil society monitoring, there was an officially recognized independent observer for forest operations in Cameroon. It was noted that community members crisscrossing the forest on a daily basis were in an excellent position to collect information to fight illegal logging. Community monitors could transmit information to NGOs by cell phone, leading to a quick response verification mission, and the forwarding of a report to the official independent observer.

Recommendations included:

- regular conduct of VPA transparency assessments;
- clarification of the terminology of independent monitoring;
- recognition of the legitimacy of local civil society-led independent monitoring; and
- capacity building for more effective monitoring.

It was hoped that stronger civil society interventions would assist governments to live up to their pledges.

9.3. Sub-groups discussions: (see conclusions of group sessions in Section XIII)

Sub-groups under the theme of the **Monitoring of forest governance** discussed the following topics:

- Independent monitoring – citizen engagement in the forefront of VPA implementation; post-project operational approaches;

- Translating transparency into accountability – experiences and lessons learned on how VPA commitments to increase transparency may impact positively on forest governance;
- Experiences of monitoring forest governance more broadly: what is working and where are the challenges.

X. Theme 5: Communication on FLEGT/VPA process

Three initiatives presented their experience reaching out to hard-to-reach groups. One offered an excellent example of moving a project from dissemination and awareness raising to creative collaboration and engagement. Consult the video [here](#) of a collaboration between a Cameroon popular singer and Baka musicians. The project implementer, Fondation Camerounaise Terre Vivante, brought messages to a well-known Cameroon recording artist who worked with the Baka community on shaping and delivering the messages through song.

Another innovative presentation highlighted a successful study tour that brought key stakeholders from China to forest producing countries in Africa, in an initial attempt to reach out to some essential stakeholders that will affect the success of VPAs long term. Conclusions are included below.

10.1. Music, a tool for sensitization and information on FLEGT-VPA: example of the CD “Our voice matter”, Mama Mouamfon, FCTV

This presentation aimed to explain how music could serve as an awareness, information and advocacy tool to sensitize communities on FLEGT-VPA. Its borderless and universal nature made it an invaluable vehicle for carrying important messages.

A participatory process is used to develop musical themes and compose the songs created by the communities. For example, the song ‘Ebandolo No. 2’ calls for improved management of the Annual Forest levy and its reassessment.

10.2. Community participation: the role of community radio, Ernest Asare Abeney, Working Group on Forest Certification

The presentation described the role of community radio in the framework of the VPA FLEGT Action Plan which calls for sensitization and awareness creation on forest governance. The mode of information dissemination to non-state actors such as forest communities has not sufficiently increased knowledge about FLEGT at community level. Community radio has been found to be an effective tool for disseminating information on VPA to forest communities.

The main challenge that emerged was the lack of resources to sustain environmental outreach programmes.

To overcome this challenge, it was recommended that the Forestry Commission engage civil society organizations for community sensitization on VPA and provide support to those organizations to enhance programmes.

10.3. Engaging key stakeholders: promoting China's engagement, Wale Adeleke, IUCN

Even though the VPA is an agreement between timber-producing countries and the EU, there is a need to include all stakeholders. In that respect, China is one of the major buyers of logs originating from Africa.

The presentation detailed the importance of the flow of tropical logs, tropical sawn wood, and tropical plywood in 2010 from and to China, underlying the relevance of including this country in the process.

Approaches to tackling illegal logging were proposed and the following recommendations were made to:

- **Highlight why it is important for stakeholder engagement;**
- Institute reliable operating structures and process management;
- Importance of practicing transparency;
- Use effective communication channels;
- **Develop a focus on interests, not on positions or personalities;**
- Be responsive to all concerns;
- Make use of existing networks;
- Allow for process adjustments.

Discussions

- Apart from music, drama has been successfully used in Côte d'Ivoire in association with films, documentaries and plays to raise awareness;
- Music has not yet been used in Ghana as a tool to communicate messages on the VPA;
- The last album produced cost FCFA 8 million, or \$16,000. The ideal length for an effective recording is 3 minutes;
- The original targets were the decision makers and later included the wider community. The CDs are often played in drinking bars, on buses, etc;
- At the end of each broadcast (in Ghana), listeners have the opportunity to ask questions;
- Social responsibilities required of logging companies are among the subjects discussed on community radio;
- Need to involve all the stakeholders including China. The success of VPA depends on other stakeholders (such as China) buying into the process, therefore there is a need to reach out to them to sensitize them on the VPA process;
- In Ghana, EU supported the establishment of community radio stations. Even though 12 have been established, only two of them have been assigned a frequency.

10.4. Sub-groups discussions: (see conclusions of group sessions in Section XIII)

Sub-groups under the theme **Communication on FLEGT/VPA process** discussed the following topics:

- Using communication to reach all stakeholders;
- Measuring success: what results are we aiming for, and how do we measure what we achieve?
- Strengthening internal communication within each stakeholder sector – good coordination practices in platforms, working groups, etc.

XI. Theme 6: Responding to the new European market requirements

11.1. Considerations for VPA implementation: Observations from an EU Timber Regulation Perspective, Emily Unwin, ClientEarth

Implementation of both the EUTR and the VPA needs to be done coherently and they should inform each other. Key issues are the legality of the timber harvest, voluntary certification, and the roles of public authorities, the private sector and civil society.

Key elements of the EUTR include the fact that a VPA certificate is recognized as valid for EUTR.

In assessing risks and indicators of compliance, the EUTR demands specific information on timber provenance and more information where the risks of illegal logging are greater. The VPA must be clear about what information is needed for going through LAS, and the consequences of the absence of valid information.

Existing voluntary certification schemes are partially useful. For example, EUTR recognizes such schemes as a tool but not as an automatic indicator of legality. The legal responsibility for compliance lies with the operator, who must assess the relevance of voluntary certification. Such certification must meet four criteria (as a minimum threshold):

- The certification system must be a publicly available process;
- There should be field checks every 12 months;
- There should be a process to identify and track the timber; and
- There should be a way of stopping illegal timber from getting certification.

With regard to VPAs, current certification schemes may be incorporated into the LAS process but must follow clear criteria for how the decision to incorporate a scheme is taken.

Role of public authorities:

This involves ensuring that both EUTR and VPAs are properly implemented and enforced.

Issues arising include:

- The scope and targeting of penalty regimes;
- The manner and openness of how compliance checks are to be carried out and the information made publicly available;
- Clear lines of communication need to be developed between public officials from the different countries, and information must be made accessible;
- Responsibility must be assigned for particular tasks; and
- Government departments must have the requisite powers and resources to fulfill their role.
- There must be clear definition of who is being regulated, their obligations must be clarified and information provided them to facilitate compliance.

Role of civil society:

CSOs must understand the opportunities created by each law and how to use them.

They must clarify their role in support of enforcement and pathways to the information that needs to be communicated – for example, who to complain to and what form the evidence should take.

CSOs must have clear and sufficiently detailed criteria and indicators of compliance so that they can perform their watchdog role.

Recommendations:

Both EUTR and VPAs need strong procedural frameworks, they have some overlap in focus, processes and stakeholders.

Before either takes effect, new institutional processes must be in place, and the practical impact of rights, responsibilities and procedures must be clear.

11.2. FLEGT and certification: issues and expectations, Jerome Laporte, Pallisco

FSC certification arose after the bad press concerning over-exploitation of tropical forests and NGO campaigns for a boycott of tropical wood.

The principles of FSC (eg. respect for all national laws and taxes) converge with those of FLEGT. They are based on national legislation and meet the relevant criteria with regard to fiscal and administrative obligations.

Differences between the two include the clear responsibilities through the FSC in terms of the legal, social and environmental domains, but they both imply assurance of fulfillment of expected regulations.

Conditions for wood with FSC include:

- Preservation and management of flora and fauna;
- Sustainable forest practices including low-impact exploitation and proper disposal of waste.

Also required at the economic level is:

- The provision of jobs and training opportunities; and
- Upgrading of hygiene.

At the social level, there must be:

- Good housing for timber workers;
- Improvement to their education, health and working conditions;
- Fulfillment of other corporate social responsibilities required of timber companies.

The value of FSC for consumers is the annual checks to ensure proper certification of origin and less pressure on forests. For industry, the benefits include a stronger production base for big investment,

access to new markets, and an excellent public image. For countries, the benefits include an excellent public image and assurance of annual revenue from legal timber.

11.3. Sub-group discussions: (see conclusions of group sessions in Section XIII)

Sub-groups under the theme *Responding to the new European market requirements* discussed the following topics:

- March 2013: what is changing?
- VPA and forest certification: complementary tools?

XII. Theme 7: Strengthening coordination and synergies between REDD+ and FLEGT in the context of national forest policy frameworks

12.1. Liberia – case study, David Saah, Consultant

The presentation provided a background of the situation in Liberia, a country that contains half of the forests in West Africa. In June 2012, a major conference was organized to take stock of recent developments in the sector after the lifting of the sanctions – the aim was to identify success factors and problems for the development of a national roadmap for the forestry sector. This national roadmap captured the issue of REDD and FLEGT and how REDD can learn from VPA experiences.

The key messages and lessons learned in the Liberian context include:

- The threat of political influence, the lack of political will and appropriate funding affect the workings of the overall platform;
- Insufficient expertise and inappropriate training, burdensome bureaucracy and a lack of awareness among stakeholders hinder development of the processes;
- There is a lack of flexibility regarding timelines for funding and implementation;
- Difficulty in identifying and recruiting suitable, local implementing and support NGOs;
- There is a need to further flesh out the definitions and roles of the different fora in the VPA process, ideally in the form of a communication strategy. Indeed, the design of a good communication strategy is very important but has proven to be very difficult. In Liberia, both REDD+ and FLEGT have communication strategies but the development of one, joint national strategy should be considered, this would reduce the risk of mixed messages and confusion on grass-root level.
- Outsourcing of the wood tracking system creates immediate credibility;
- Multi-stakeholder consultations are vital for the success of the processes;
- International initiatives provide additional financing for consultations and should consider developing shared platforms for such consultations;
- There is a clear need to harmonise REDD and FLEGT, especially databases and monitoring architecture, and there will be the need to exchange lessons learned. For data harmonisation, we should analyse how data collected from VPA can be used by REDD. If REDD and VPA separately collect data, harmonisation may not be easy; some discrepancies may also occur.

12.2. Ghana – Case study, Emmanuel Marfo, FORIG

This presentation brought to the fore the areas in which REDD+ learned from the VPA process:

- Stakeholder consultation processes and institutional arrangement;
- Piloting of models.

The Forestry Commission's capacity for knowledge management is low, and both initiatives suffer from low levels of stakeholder awareness.

The challenges experienced in building synergies and cooperation include:

- Both processes run in parallel and are strongly attached to departments, communication and cooperation between programmes does not seem to be strong;
- Institutional supervision and coordination is weak.

The Way forward

There is a need to:

- Streamline and institutionalise stakeholder consultation platforms;
- Hold without delay national discussions including on how to move towards democratic representation (responsiveness and accountability);
- Strengthen the existing working groups, committees and platforms for improved communication and coordination between initiatives and ensure that they deliver on their mandate.
- Identify crosscutting issues and common projects and actions so as to reduce lags in implementation;
- Carry out institutional reforms to end the culture of programme isolation with the Forestry Commission;
- Establish formal technical and financial audits;
- Move beyond M-SIC to a more independent body;
- Formalise regular donor meetings and encourage the development of minutes and records. This also ensures new appointees can know and build their knowledge on the current activities in the sector.
- Institute periodic, joint briefing sessions for officers in particular ministries serving on sector programmes.

XIII. Presentation of results of the 7 themes

13.1. Theme 1: The Legality Assurance System

Current state of affairs

Legality Assurance System:

- **Some differences in implementation approaches** in VPA partner countries; **different stages of implementation.**

- **Primary aim** to ensure that the LAS (combination of systems, structures, and procedures as well as interrelationship shared) provides reliable and credible means to ensure wood production and export complies with national laws.

Wood Tracking System:

Different approaches are currently being followed in all VPA countries with similar objectives: **maintaining the integrity of supply chain controls** and ensuring that no unverified / illegal timber enters the supply chain – mixed experiences shared.

Domestic Market:

- Different approaches ranging from a **complete ban on chainsaw milling (CSM)** to regulating it through **legislation**.
- **Gap in legal framework** governing domestic markets generally accompanied by a lack of **respect** for legal framework and poor **enforcement**.

Private sector

- Limited involvement from private sector in both negotiation and implementation of LAS.

What is currently working?

Legality Assurance System:

- Although **no licenses** yet, **positive contributions** include:
 1. **consensus building**;
 2. **multi-stakeholder processes**;
 3. strengthening **regulatory mechanisms** and **administrative processes**;
 4. **capacity building** and **legal reforms**; as well as
 5. enhanced cross-sectoral and interagency **collaboration and coordination**.

Wood Tracking System:

Various isolated positive contributions identified, but there are many current challenges.

Private sector:

- Private sector involved in development of LAS in most cases.
- Private sector aware of LAS development process in many instances.
- There is a need for a larger spread of the “consultative net” to include actors who do not fall in any identifiable group.

Domestic Market:

- Although some positive inroads have been made, this remains a critical aspect with many challenges that need to be addressed.

Challenges

Legality Assurance System:

- Dealing with a range of contemporary aspects arising: i.e. imported timber, CSM as supply to domestic market, financing of systems, capacity building, etc.

Wood Tracking System:

- Appropriate country-specific tracking system that also reflects industry needs;
- Appropriateness of level of field verification (balance);
- Capacity building for public, private sector and civil society;
- Maintaining financing (both development and sustainability);
- Hardware and software challenges;
- Continued involvement (in negotiation and implementation phases) of key players.
-

Private sector involvement:

- Capacity to participate and implement the LAS;
- Costs of implementing the LAS;
- Ability to access information/ level of information available;
- Clear expectations communicated to private sector;
- Political will / government commitment to involve and/or integrate private sector in the process.

Domestic markets

Formalisation of domestic timber sector could directly and indirectly reduce employment if the tax regime and regulations were to be enforced too strictly.

Recommendations

Legality Assurance System:

- Work towards country-specific solutions that are reasonable, practical and implementable.

Wood Tracking System:

- Country specific and involve relevant stakeholders (private sector needs);
- Specific consideration must be given to a range of aspects including the appropriateness of :
 1. Approach (electronic, semi-electronic, manual, or combination);
 2. Technology, hardware used and compatibility and integration with other systems;
 3. Cost-effective and efficient systems (reduction of costs/transaction time);
 4. Capacity building is vital.

Private sector:

- Strategic and systematic intervention required focussing on identified challenges.

Domestic market

- Local context has to be taken into account;
- Research needed to understand the size of the problem and the realities of market dynamics;
- Need to holistically involve all stakeholders;
- Institutional mechanisms to be adjusted so that access to resources is better managed;
- Lack of respect for the law should be combated with better enforcement;
- Get communities more involved.

13.2. Theme 2: Participation mechanism in negotiation and implementation of VPA

What is working

- VPAs have delivered more participation than many other processes, civil society engagement in negotiation in particular;
- When communities and civil society have engaged in monitoring and verification, illegality has been reduced;
- Most effective to start with what is there and then build upon that;
- Increased openness to participation on the part of some governments and institutions;
- Informal sector willingness to participate;
- Opportunity to address various needs (policy reform, trade, participation);
- Not time bound.

Key challenges

- Representation;
- Little trickle down of information;
- Dangers of control of political space by elites;
- Limited participation of key stakeholders, industry;
- Informal sector is technically illegal in most countries – how to engage them?
- Mere presence in meetings does not imply participation;
- Managing perceptions;
- Moving from negotiation to final agreement to implementation;
- Capacity;
- Lack of learning from processes and experiences.

Next steps

- Guidelines that explain good participation;
- Government should consider budgeting for participation so that funding is no longer a reason for non-participation;
- Incentives for communities/SMFEs to participate;
- Structured engagement process that includes a feedback mechanism;
- Clarify ambiguities in laws and regulations;
- Create working groups – for the formal and informal sector – to address the challenges for both;
- Establish grievance or conflict management mechanisms;
- Linkages to promote wider consultation.

Hot issues

- Land tenure: range of systems from government land ownership, (Côte d'Ivoire, Congo Basin countries), to mixed systems (Ghana), to community ownership and control (Guyana);
- Agriculture and mining are key sectors that should be learning from FLEGT;
- Participation is a process, not a one-off event;
- Costs of ensuring participation;
- Behind the informal sector are powerful and influential people (politicians, judges and magistrates, soldiers, police) who manipulate the system.

13.3. Theme 3: FLEGT Implementation approaches

The main **issues** tackled under this theme were:

- i. Approaches to achieving coherence in VPA-related law reform;
- ii. Implementation (Ghana): issues and early lessons.

The nature of implementation is different: less focus on consensus building, more about information flow and feedback. However, most principles that worked in the negotiation phase can apply to implementation.

What is working

- Civil society is providing inputs to law and policy reform processes;
- In many countries, transparency in law reform processes is improving;
- Organised law reform think tank gp – Cameroon;
- Coalition of CSOs maintain their “space” in the policy making sphere.

Participation examined

- Rules of engagement during negotiations were not adhered to in implementation: e.g. letting CSOs identify their own representatives;
- Lack of clear role for civil society in implementation: need some re-designation of roles;
- Disunity in civil society about how to engage with implementation;
- Perhaps governments see engagement with civil society as “done” (completed successfully) once the negotiation phase is over;
 - Decisions made for non-state actors in some instances such as selection of representatives (DRC, Cameroon).

The governance environment: Key factors:

- Political will;
- Buy-in of stakeholders – ownership of the process;
- Corruption and accountability;
- Institutions and structures still forming;
- Financing and budget allocation;
- Weakness of national and regional economies; fragile and post-conflict context;
- Coordination and information sharing;
- Capacity building;
- Law reform, law enforcement.

Recommendations:

- Identify roles and responsibilities with rules of procedures that can be used to hold stakeholders to account;
- Clear “rules of engagement” between civil society and government are very important throughout;
- Need to maintain inclusive platforms and continuous access to information; these must be very open and properly resourced;
- All are involved: civil society must be proactive; the government must continue to engage with civil society; EU should continue to encourage this;
- We must always remember we are in partnership: we meet to work together, not to be enemies;
- Transparency in the law reform process even where this is very technical;
- Need a minimum standard for who has to be consulted;
- Government to initiate capacity building for CSO advocacy to promote the law reform process;
- Feedback between government and CSOs must be timely and consistent;

- Effective communication;
- People/institutions to maintain momentum: dedicated personnel or services for the process; FLEGT champions in institutions;
- Aid coordination to fight corruption;
- Realistic time-frames and timetables: do not force things.

13.4. Theme 4: Monitoring of forest governance

What is working

- VPA transparency articles/annexes provide opportunity for civil society monitoring
- Ghana, Cameroon, Liberia have report cards looking at performance relative to commitments to transparency made in VPAs.
- The ability of civil society to engage in forest governance monitoring has greatly increased through the VPA process, e.g. independent forest monitoring (Liberia, Cameroon, Republic of Congo).
- Partnerships between local and international NGOs:
 - Liberia: Sustainable Development Institute and Global Witness on advocacy; Central African Republic: FERN and local NGOs.
- Improved information-sharing triggers good governance practices:
 - Ghana Forestry Commission website now contains a lot of information.

Good governance indicator: participation

- Space for participation; capacity developed for participation (e.g. CAR, RoC, Cameroon).

Challenges

Access to information

- In Ghana, for example information on timber royalties is published regularly but is not widely disseminated.
- Civil society is not one entity; many different interests are represented. How well are constituencies represented?
- Language is an issue: in Liberia, for example, there is demand, particularly in rural areas, for key documents to be translated into local languages and into Liberian English.
- Infrastructural challenges: e.g. lack of access to the internet in remote areas.
- Pressure from official quarters not to publish data:
 - e.g. Central African Republic pressure from local political level in some cases.

Hot issue

How do we secure funding for independent monitoring and other forest governance initiatives beyond their project funding?

Recommendations

- Secure funding for forest governance monitoring
 - e.g. by guaranteeing a state budget line, requires good CS links with the government;
- Civil society recommendations should be tied around key outputs for donor support;
- Civil society organisations to build coalitions, networks and partnerships;

- Develop training programmes for independent monitoring;
- Independent monitoring methodology should be harmonised;
- Build on community platforms and cooperate with the media for better dissemination of information;
- Essential to look at other sectors that influence forestry and to improve coordination.

13.5. Theme 5: Communication on FLEGT/VPA process

What is working

- Involvement of national radios
 - In CAR, national radio has a focal point on FLEGT;
 - National television and public radio is used in Ghana to communicate messages on FLEGT;
- The government makes its laws and regulations available online;
 - CAR is part of a global, legal information online network with 76,000 users.
- Development of communication strategy
 - Ghana had a successful communications strategy for the negotiation phase.
- Existence of networks of organizations for disseminating information:
 - Forest Watch Ghana, Gabon environmental platform.
- Involvement of large-scale logging enterprises.
- Use of adapted means of communication
 - Brochures (and their translation into local languages)
 - Radios
 - Theatre
 - Music.
- Organizing stakeholder workshops.
- Persuaded the government to include chainsaw millers in discussions.
- CSOs proactively involved themselves in stakeholder discussions.
- Systems for engagement, in some countries.
- Use of websites to share information, in some countries
- Some countries also have collaboration and they can work further to better identify stakeholders
- Network mailing lists.
- EU continues to support stakeholders to carry out communications

Challenges

- Lack of ICT capacity in civil society (connectivity, internet access, ease of communication).
- Lack of finance and logistics.
- Some countries have not yet developed a communication framework.
- Inadequate recognition of some stakeholders, no community representation in Steering Committee.
- Lack of information loops – some are disseminating, but others are communicating back. No good feedback system.
- Legal information is normally made public but technical information is held within the departments. Some decrees are still not shared because of a lack of political will. We use our connections to access that information.
- No clear identification of what needs to be communicated from the outset, and actors' roles are not well understood.
- Information is not being shaped for the target audiences.

- Lack of budget in Ghana to support implementation of the agreed communications strategy.
- Lack of reporting back of information from meetings; a person attends representing a group but goes back as an individual and does not report back adequately.
- No clear method of reaching small-scale enterprises, especially since the major private sector players are not present here.
- VPA relevant documents are difficult to find.
- Information is not available within the informal private sector.
- Some stakeholders are not ready to share information with other stakeholders

The way forward

Internal

- During implementation of the VPA, each country would benefit from a mechanism so that each sectors reports back to its constituencies, especially the private sector.
- Regular meeting within each sector are recommended, and use existing communication networks with proven report back practices.
- Coordination during implementation is aided by establishing Interministerial dialogue
- Local politicians should be involved at local level.
- Donors should continue to build CSO capacity for using communication tools, and better access to information from the government

External

- We can be clear about exactly what information is to be made public. Determine which information should be public and which should not be
- Use media and community radio, etc. to get information out.
- Define the monitoring framework first, so that communications can disseminate accurately about monitoring.
- Increase awareness-raising at the grass roots.
- Need clear messages on forest governance with no jargon
- Make sure beneficiaries have learned by paraphrasing what they know. Learn from the communities how they are expressing what they know about FLEGT, and build it back into your plans.
- Learn from the misunderstood messages.

Hot issues

- Involvement of civil society is not guaranteed in VPA implementation.
- Transparency is not guaranteed although the VPA is signed and an Annexe exists.

13.6. Theme 6: Responding to the new European market requirements

Subgroup 2: VPA and forest certification: complementary tools?

What is working

- There is certainly complementarity between the two instruments.

- The FSC goes even further than legal requirements in some countries but it is not sufficient for basic sustainability of the sector in producer countries. The VPA covers this ground and strengthens the national promotion of sustainability that the FSC encourages at local level.
- Harmonization of VPA and FSC can help strengthen the forest sector in producer countries. This is a strong argument for imposing the FLEGT LAS for all wood species and all export markets of a given producer country. Each country has a choice as to whether or not (according to competitive advantage and economic efficiency) it imposes the same SVL on everybody and requires a single FLEGT license for all its export markets (EU, US, Japan, Australia, etc).

What is not working / Challenges

- The major issue raised by the private sector is how to reconcile the two systems of traceability, and to integrate FSC traceability in the tracing system that will be established in the VPA.
- A specific problem is the fact that FLEGT licenses will apply to each cargo in the VPA tracing system, which is not the case for FSC tracking.
- The major issue for producer countries is whether or not making certification the authorized method of managing risk in the EUTR framework will lead to trade distortion by putting the emphasis on the private sector and reducing the authority of producer countries.
- The consensus was that EUTR certification should not become the *de facto* norm in future. Producer countries are concerned that they will lose out if the administrative reforms implicit in the VPA process do not materialize and if the EUTR becomes permanent.
- With the EUTR, responsibility for forest governance is partly transferred from producer country governments to private sector operators in Europe – the latter will be sanctioned if they do not perform due diligence rather than the producer countries.
- However, once the VPA is signed, FLEGT licensed wood will be automatically recognized as legal and private operators in Europe will no longer have a say. Producer countries will then regain full control because they will be able to use a legitimate and functional system of legality assurance that is recognized as such by European partners.
- Is it an encouraging prospect for African producers that the EUTR and the VPA are coming, the United States has the Lacey Act, and Japan and Australia are developing their own regulations? Is it feasible in economic terms? Depending on their export markets, producers and public officials would have to apply different norms and procedures.

Way forward

Certification is a private instrument that can be adapted to a regulatory framework such as the EUTR, but can also be applied to new markets (such as those for carbon and REDD+ in Guyana).

13.7. Theme 7: Strengthening coordination and synergies between REDD+ and FLEGT in the context of national forest policy frameworks

Need for coordination

FLEGT/VPA and REDD+ are two separate international initiatives designed separately with no apparent synergies anticipated from scratch. However, the two initiatives have overlapping objectives of improving forest sector governance, improved forest management, livelihoods and poverty alleviation. They both target essentially the same sector and deal with the same stakeholders, though to varying degrees; they also rely heavily on similar processes, i.e. stakeholder consultation and participation; they both use fairly similar institutional structures and baseline data. A better integration of the two processes into the national planning processes could therefore ensure that national stakeholders have opportunity to participate in the process, and that activities contribute to good forest governance in a coherent manner; these processes will then build synergies within country and avoid overlaps or duplication of activities.

Challenges

- Conflicting views about level of coordination in the different countries;
- Governance study in Ghana demonstrated that FLEGT/VPA process provided some lessons for REDD; but the level of coordination between the two is still weak.
- Each country is unique
- Weak donor coordination.

National Coordination level

- Each mechanism is about broader issues: REDD+ is climate change, FLEGT is forest governance;
- Horizontal intersectoral coordination required;
-

Opportunities and areas for coordination

- Stakeholder engagement
- Baseline data collection
- Forest Policy and Law Reform;
- Strengthening existing institutions as opposed to creating new ones;

XV. Closing ceremony

Robert Simpson made a wrap-up presentation of the 3-day conference.

During the closing addresses given by Messrs. Bart Missinne, Chris Beeko and Joachim Kondi, it was acknowledged that even though there has been significant progress towards the implementation of the VPAs, there remains a lot to be done.