

VPA information for due diligence and enforcement

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Role of the FLEGT Facility

Provide support for the EU and partner countries in all VPA phases

- Information and briefings
- Technical guidance and support
- Help to prioritise & structure work; support agenda setting /meetings
- Encourage dialogue around key issues
- Sharing of knowledge (studies) and lessons
- Communication advice and support
- Gap filling

Scope of the presentation

- How does a VPA support law enforcement (and could support due diligence)?
- Data and analysis produced by the Facility
- Data and analysis produced by the VPA
- How a VPA process changes the context of doing business for companies?

How does a VPA support law enforcement (and could support due diligence)?



A VPA clarifies legal
requirements and supply
chain control

Clarifies documentation required for legal compliance

VPA legality definition annex

- Up-to-date legal references signposts required documentation regarding forest management units, supply chains and/or suppliers, which can help to understand:
 - where to find templates
 - what the document is required to contain
 - who prepares, checks or approves the document
- Potentially, the period of validity, means of demonstrating validity (e.g. any requirement for stamp and signature)

Provides information to better understand supply chain control

VPA TLAS annex, related documents and studies

- Description of existing supply chain controls in timber legality assurance system (TLAS) annex
- VPA implementation documents (documents of procedures, field tests...)
- Published studies on supply chain control produced to inform the VPA process
- Public summaries of independent assessments
- Where they exist, reports of independent observers

...and commits the national government to make forest sector information publicly available

Lists forest sector information to be put in the public domain

VPA Transparency annex

- National stakeholders identify information to be made public and how it will be made available (website, on request)
- Content varies between VPAs. It can include:
 - Legal information
 - Information on production
 - Information on allocation of titles, operation permits...
 - Information on management
 - Information on TLAS monitoring
 - Information on processing
 - Information on exports
 - Financial information
- Often not the key priority, so slow to implement

VPA websites host information

Country	Link and status
Cameroon	http://apvcameroun.cm/ (French) Hosted 80% of documents in transparency annex in mid-2016. Out of service in late 2016. Currently online but with broken links.
CAR	http://apvrca.org/index.php (French)
Ghana	http://www.fcghana.org/vpa/ (English) No dedicated transparency annex. Work in progress.
Indonesia	http://silk.dephut.go.id/index.php/info/svlk (English and Bahasa)
Liberia	http://www.fda.gov.lr/vpa-flegt/old-documents/ (English)
RoC	http://www.apvflegtcongo.info/index.php (French) Out of service for part of 2016. Currently hosts legal information.
Vietnam	http://tongcuclamnghiep.gov.vn/ (Vietnamese)

Clarity on legal obligations and
supply chain functioning
exists for each VPA

Other data (e.g. studies,
independent audits...) and
public information differs
between countries

Behind the FLEGT license

Indonesia example

- Functioning supply chain control
- National controls (and independent audits - CABs)
- JIC: addressing new challenges, oversight
- Monitoring tools
 - Impact monitoring
 - Independent market monitoring
 - Independent audit (in Indonesia, periodic evaluation)
 - Independent observation by civil society (as part of VPA or not)
- Transparency measures
- Managing complaints

Data and analysis produced by the FLEGT Facility

in support to country processes

General information

Information produced	Status
Timber trade flows (and control) studies	Public
Baselines studies: overview of forest governance, markets and trade	Public
Domestic markets studies	Public
Imported timber and customs studies	Public
Case studies (e.g. China's hongmu furniture industry)	Public
Country market analysis	Public
Dedicated studies (SMEs, domestic market...)	Most public

Data and analysis produced by the VPA

Pre-negotiations and negotiations

Information produced	Status
Joint ex-ante assessments	tbd*
Aide-memoires of negotiation sessions	tbd*
Baseline data (for impact monitoring)	Public
Draft annexes (Guyana)	tbd*
Initiated VPA (Vietnam)	Public

* To be decided by the Parties if the documents are public or not.

VPA implementation

Information produced	Status
VPA Annual reports	Public
Minutes of VPA JIC meetings	Public
VPA independent audits	Not public
Public summaries of VPA independent audits	Public
VPA impact monitoring reports	Public

- Transparency commitments must be implemented

How a VPA process
changes the context of
doing business for
companies?

Clarity of their legal obligations

- The VPA provides a clear legal framework that cannot be contested

Understanding of risks

- Companies operating in country receive all information produced (public and not) and benefit from technical support, which they can use to strengthen due diligence systems

Behavioral change

- Companies understand risks and there is change in attitudes within the sector (joint declarations, SME clusters, etc.)

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