

**AIDE MEMOIRE**  
**SECOND MEETING OF THE PRE-JOINT IMPLEMENTATION COMMITTEE**

**Monrovia, 06-07 December, 2012**

**Introduction**

1. The second pre-Joint Implementation Committee<sup>1</sup> (pre-JIC) to facilitate implementation of the FLEGT Voluntary Partnership Agreement (VPA) between Liberia and the EU, took place in Monrovia from 6 to 7 December 2012. The meeting was co-chaired by Honourable Florence Chenoweth, Minister of Agriculture, Republic of Liberia and Ambassador Attilio Pacifici, Head of Delegation, EU Delegation, Monrovia.
2. The Liberian team included representation from the Forestry Development Authority (FDA), Ministry of Finance, Ministry of Justice, Ministry of Commerce, VPA Secretariat, civil society and the private sector. The EU team included representation from the European Commission, EU Delegation, Member States and experts from the EU FLEGT Facility. A participant list is attached as an annex to this aide memoire.

**Ratification**

3. On the European Union side, the EU Parliament gave its consent to proceed with ratification of the VPA on 19<sup>th</sup> April 2012. After Parliamentary consent, the VPA was returned to the European Council for conclusion. Liberia was formally notified that the process had been concluded on 14<sup>th</sup> May 2012.
4. On the Liberian side, the VPA was submitted to the legislature for consideration in April 2012. VPA received its first reading on 17<sup>th</sup> April 2012 and was referred to the Agricultural Committee for further scrutiny. The ratification process had not been completed by the time the legislature went into recess in August 2012. Both parties emphasized the importance that the ratification process will be concluded in early 2013. Before the legislature reassembles in January 2013, FDA with support from other stakeholders will prepare briefing materials and actively engage with the Legislature's Agricultural Committees to inform them on the content of the VPA and on the importance of its early ratification.

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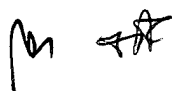
<sup>1</sup> Pre-JIC refers to the joint mechanism for dialogue and monitoring described in Article 19 (5) of the VPA foreseen for the period between its initialling and entry into force.

### **Institutional Arrangements**

5. The parties agreed that the first formal JIC meeting should take place soon after ratification by Liberia of the VPA, tentatively towards end of March 2013. It was agreed to draft rules of procedure of the JIC ahead of this meeting on the basis of the VPA and template provided by the EU. On the Liberian side the Liberia Implementation Committee (LIC) met once to prepare for the pre-JIC meeting.
6. A first draft of Terms of Reference for the National Multi-stakeholder Monitoring Committee (NMSMC), as described in the VPA, has been developed. Rules of procedure still need to be specified. The Terms of Reference will be finalized in consultation with concerned stakeholders by early 2013. There is a need to strengthen link between the NMSMC deliberations and the JIC's agenda.
7. Discussions were held on how FDA will ensure effective coordination with all ministries and agencies involved in the VPA implementation. FDA will take a lead in establishing a cross-department coordination mechanism which will be complete in the first quarter 2013.
8. The content of the UK and the EU joint program of support to VPA implementation, including terms of reference for the VPA Support Unit were finalized between DFID, EU and Government of Liberia through videoconference in May 2012. DFID will launch the tender by mid-December 2012. It is anticipated that contracting will be completed and the service provider for VPA Support Unit mobilized by the end of March 2013.
9. The VPA Secretariat will continue to coordinate VPA implementation activities until the VPA Support Unit is established.

### **Legality Assurance System Development**

10. In order to verify compliance with the legality definition and operate the Chain of Custody System (COCS), the Forestry Development Authority will establish a new department called the Liberia Verification Department (LVD). This department will be outsourced to an external service provider for the first five years. Terms of Reference for the outsourced LVD were finalized between DFID, the EU and the Government of Liberia by videoconference in May 2012. A tender process was launched in September through a DFID restricted tender process. A joint DFID-Government of Liberia evaluation of the tenders received was conducted in October but none of the submitted proposals met the minimum requirements. The tender is therefore being re-launched via a direct sourcing procedure with minimum of three invited companies. It is anticipated that contracting by DFID will be completed and the service provider mobilized by end of March 2013. This will require conclusion of a side agreement between the LVD service provider and the Government of Liberia.



11. The LVD will fully incorporate the current COCS ("LiberFor"), which has been in operation since 2008, and is enshrined in the National Forestry Reform Law (2006). To avoid any disruption to the provision of the COCS and to ensure effective handover, the Government of Liberia will extend the contract for the current Liberfor service provider for a maximum of 6 months (up to May 2013) or until the LVD service provider is operational.
12. FLEGT licensing will be carried out by a new department within FDA: the Liberia Licensing Department (LLD). Work to prepare functional specification for the LLD has been carried out in 2012 and will be submitted to the FDA Board for approval by February 2013. The LLD will be established within FDA in late 2013 and VPA Support Unit will provide capacity building support.
13. Technical assistance, provided by EFI since January 2012, has been developing draft legality verification and FLEGT licensing procedures that will form basis of the operations of the LVD and the LLD.
14. The Government of Liberia will use the results of the Institutional Review carried out in 2012 to establish a revised organizational chart that incorporates the requirements for the Legality Assurance System, including the LVD and LLD, by end of March 2013.
15. An Independent Auditor, to be funded by the European Development Fund (EDF), will be contracted in the course of 2013 by the National Authorizing Officer of the EDF through an international open tender. The process will be overseen jointly by EU Delegation and the Government of Liberia.

#### **Progress in the development of new regulations**

16. The FDA noted that the Community Rights Law regulations and the Chainsaw regulation have been approved by the FDA Board.
17. Drafts for a further five regulations foreseen in the VPA (on confiscated timber, abandoned timber, timber in transit, imported timber and third party access in concession areas) have been further developed through stakeholder consultation and expert input. These drafts will undergo further rounds of stakeholder consultation and the regulations are expected to be approved by the FDA Board by September 2013.
18. During 2012, a requirement was identified for the development of regulations on Private Use Permits (PUPs). A multi-stakeholder committee was established to produce draft regulations. A first draft has been developed and a process of wider stakeholder consultation will begin in early 2013. It is expected that the regulation will be submitted to the FDA Board for approval by September 2013.

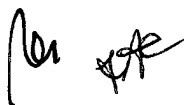
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### **Communications and access to information**

19. During 2012, communications activities have focused on raising awareness about the VPA amongst members of the Legislature to support the ratification process. These activities are continuing in order to ensure that Legislators have all necessary information to proceed with ratification of the VPA. Exchanges between Liberian legislators and the members of the European parliamentarians will also be encouraged.
20. Additional communications activities have been carried out to inform the private sector about the EU Timber Regulation, which comes into application on 3<sup>rd</sup> March 2013.
21. The FDA has a number of ongoing initiatives to facilitate access to information in the forestry sector. The FDA website is currently being rebuilt and will provide a platform for dissemination of information, including the information listed in Annex IX of the VPA. The revised website is expected to be completed by March 2013. The current VPA website will be merged into that website in early 2013.
22. Access to information is also being increased through the FDA "Info Shop", which was established in early 2012 and is currently being hosted at FFI offices. The FDA expects to have completed renovation of its buildings by March 2013, at which time the Info Shop will be moved into the FDA.
23. Stakeholders emphasized the importance of easy access to information for implementation of the VPA. This includes both electronic information – for example, through websites – and also the availability of hard copies of documents that should be readily available for consultation where Internet access is limited. The importance of using radio as the most effective means of mass information distribution was also emphasized.

### **Civil society monitoring and community outreach**

24. A number of projects funded by the EU and member states are ongoing to build the capacity of NGOs and communities to conduct independent forest monitoring. Other projects are working with communities to build understanding of the VPA and of Liberian forestry law. The importance of encouraging all concerned organizations to participate in the stakeholder dialogue and share information concerning their activities in a way that supports the VPA was emphasized.
25. The parties agreed the importance of promoting continued stakeholder engagement in the VPA. The EU Delegation noted that further funds will be made available for these activities in 2013, including calls for proposals that will be launched by the EU Delegation and the EU-FAO FLEGT Facility.



### Other Issues relevant to the VPA

26. Private Use Permits: As reported at the first pre-JIC meeting in March 2012, the FDA Board requested the General Auditing Commission (GAC) to conduct an audit of the process for issuing of Private Use Permits (PUPs) in response to a number of concerns raised by national and international observers. This audit has now been completed and the report submitted to the Executive Mansion and Legislature, and will be made public shortly. In addition, in response to continuing concern, the President established a Special Independent Investigative Body, which includes EU and US observers, to review all allegations. This Body is expected to conclude its report by mid-December 2012. There are currently moratoriums on issuing any new PUPs and on the operations of all but the four that were operational as of February 2012.
27. Benefit sharing with communities: To address the problems voiced by the civil society regarding the distribution of community benefits, an interagency committee consisting of Ministry of Finance and FDA will be set up before the end of January 2013. Civil society recommended that the Chair of Benefit Sharing Trust Board be contacted.
28. Bid premium: Continued uncertainty over payment of bid premiums for Forest Management Contracts and Timber Sales Contracts remains an issue. The Economic Management Team, chaired by the President of Liberia, in consideration of finding a solution to this issue.
29. Large agricultural schemes: The moratorium on agricultural concessions requiring large land areas, except where food security is priority remains in place. Regarding overlap of concessions (forestry, agriculture, mining, etc.) a stakeholder meeting will be convened in January 2013.
30. Capacity building and training opportunities: Liberia underlined that current capacity is insufficient to implement the VPA and the crucial need to develop people's skills. Scholarships available for forestry are not being taken up. There is a need for a balance of skills so that planning and implementing alternative forest uses is possible. Qualified Liberians should be taken up by VPA implementation structures.
31. Progress report for 2012: 2012 workplan was reviewed to assess progress and up-dated version is attached. Based on this VPA Secretariat will prepare a narrative progress report draft by early January 2013. The EU will then provide its input in order to finalize the report in February 2013.

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**Workplan and Next Steps**

32. The attached 2013 work plan was discussed and approved. Activities not completed in 2012 were carried over to this new work plan.

**Date of next (pre-)JIC**

33. Pending ratification of the VPA, the first JIC meeting is tentatively scheduled for March 2013.

Signed: Florence A. Chenoweth  
Hon. Florence Chenoweth  
Minister of Agriculture

Signed: Attilio Pacifici  
Ambassador Attilio Pacifici

Date: 7 December 2012

Date: 7. XII. 2012