

Liberia – EU FLEGT Voluntary Partnership Agreement
AIDE MEMOIRE
SEVENTH MEEETING OF THE JOINT IMPLEMENTATION
COMMITTEE
Monrovia, February 25-March 1, 2019

Introduction

1. The Seventh Joint Implementation Committee Meeting (JIC) to oversee the implementation of the FLEGT Voluntary Partnership Agreement (VPA) between Liberia and the European Union (EU), was held in Monrovia from February 25-March 1, 2019. The meeting was co-chaired by Hon. Harrison S. Karnwea, Sr., Chair of the Board of Directors of the Forestry Development Authority (FDA), Republic of Liberia, and Ambassador Hélène Cavé, Head of the EU Delegation to Liberia. A participant list is attached as Annex 1 of this Aide Memoire.
2. During the opening of the technical sessions, on February 25th, the EU acknowledged that this JIC is very critical, and welcomed representatives of the Government of Liberia (GOL), the private sector, civil society, communities and other stakeholders to the meeting. The EU representative Mr. Ivan Borisavljevic, Head of Resilience section at the EU Delegation, indicated that he is new to EU Delegation in Liberia, and looks forward to having a good working relationship with the Government of Liberia.
3. Hon. C. Mike Doryen, Managing Director of FDA welcomed, on behalf of GoL, the different stakeholders, EU, and DFID. He also called for deliberations at the JIC to be conducted with a spirit of mutual respect in order for the EU and Liberia to arrive at satisfactory outcomes.

Progress with the Timber Legality Assurance System (TLAS)

Overview since the last JIC and status of VPA implementation

4. The VPA Secretariat reminded the parties that the “Forward Planner” tool was developed to coordinate and track progress on all activities relating to VPA implementation. The Secretariat is responsible for capturing, through the Forward Planner, all implementation tasks carried out by Ministries, Agencies and other stakeholders. The Secretariat presented a status of activities since the last JIC in June 2018. The Secretariat then described the status of progress of the decisions taken at the last JIC. From the 14 decisions registered, 4 decisions were noted as completed, 9 in progress and 1 with no progress. According to the Forward Planner, the target timeframe for FLEGT licensing is 2020.
5. Following this presentation, the EU stressed the importance of maintaining the coordination between all Ministries and Agencies in the VPA implementation process. The EU further emphasized the need to use the Forward Planner to better understand and assess the gap between the expected situation and the actual situation. **The JIC agreed that further clarity is needed in the Forward Planner around what is meant by “in progress”. Reasons for potential delays need to be highlighted and target timeframes readjusted.**

Legality of Liberia's forest concessions (Principles 1 Legal existence and 2 Forest allocation)

6. The Ministry of Justice indicated that at the last JIC meeting in June 2018, the parties had asked that the Government of Liberia make a decision on how to proceed with the legality of current concessions, considering the missing documents around concession allocation. This is important to establish in working towards FLEGT Licensing, as concession legality is linked to Principles 1 (Legal Establishment) and 2 (Forest Allocation). The FDA previously wrote to the Ministry of Justice requesting an attestation from the Government on the legality of these contracts. **The Ministry of Justice informed the JIC that they are still conducting this review and will relay a decision to the FDA as soon as possible.**

7. A representative from the FDA presented on the status of the Concession Legality Review and discussed how conducting this review, will link to the work of the President's Special Committee to Review Concessions. FDA is already engaging with the Presidential Committee to offer its resources and to support the overall process. The recruitment process is ongoing and the expectation is that the LFSP selected firm will start its activity by the end of March. **FDA expressed its commitment to this process and confirmed that they will provide an update on the situation after the meeting in early March, between the LFSP and the Presidential Committee.** FDA highlighted that the Letter of Intent between Norway and the Government of Liberia is being implemented from 2015-2020, so this means that the concession review needs to occur promptly, while funds are still available.

8. The EU expressed its satisfaction to see that this process is finally moving forward but highlighted that it is important to learn from the mistakes of the past and to ensure that from now on, all new contracts including Community Forest Management Agreements (CFMA) be duly registered and that relevant documentation be well archived. FDA supported this view and indicated that during 2018 they uploaded a large volume of documents to the FDA website. This increased the volume of data on the FDA website, and this was one of the reasons that the website shut down.

Benefit Sharing Progress and Payments (Principle 3)

9. In response to the EU and Liberia's concern at the last JIC around the need for improved community project management and monitoring, the National Benefit Sharing Trust Board (NBSTB) provided an update on the recent audit of funds disbursed to communities. The NBSTB highlighted that an external firm has conducted an audit of the NBSTB's initial disbursement of USD 1 million, which was disbursed to respective Community Forestry Development Committees (CFDCs) between January 2016 and June 2017. The NBSTB highlighted that annual audits are a legal requirement, and that their official audit report will be released after FDA submits a letter to the audit firm, confirming that the disbursed amounts were indeed released from FDA to the NBSTB. **FDA indicated that this confirmation letter has already been drafted and will be finalized and submitted to the NBSTB's audit firm within the next week.** The NBSTB highlighted that the subsequent USD \$1.622 million released to communities for projects in 2016/2017, will also be audited after this first audit is completed.

10. The National Union of CFDCs (NUCFDC) presented two sustainably managed projects in Lofa county (a Market Hall and a Clinic), **which the JIC agreed to visit in late March.** The EU will try to include this visit to some of these projects into the EU Head of Cooperation Section field mission to South East in late March. The NUCFDC highlighted that the Union is thankful for the disbursements from the Government of Liberia thus far. However, since 2017, the GOL has not disbursed the legally required 30% land rental fee to the NBSTB. FDA confirmed that despite their efforts to lobby for these funds, there is currently no allotment in the larger government's 2018/19 budget to disburse funds to CFDCs via the NBSTB. The Ministry of Justice (MoJ) highlighted that although the disbursement of land rental fees is a legal requirement, the GOL currently has limited resources. MOJ highlighted that considering this, audit results should be made available as soon as possible, so that the larger Government understands how disbursed funds benefitted communities. This makes a strong case within the Government for future disbursements to be allocated for within the budget. The NMSMC decided to form a sub-committee, to hold cross government consultations however from all indication, this has not progressed under the NMSMC. **The JIC agreed that more discussion is needed and that a mechanism needs to be established to take this matter further.**

11. The NUCFDC highlighted that there are recognized capacity issues within some CFDCs that include: improper contracting, lack of financial capacity, insufficient analysis around project selection and limited project management skills. The NUCFDCs highlighted that despite these challenges, the capacity of the 23 CFDCs is being built gradually by various FLEGT support projects and CSOs.

12. The NBSTB also highlighted that the 5% allocated to the NBSTB for operations is not sufficient to monitor projects at the depth and frequency required. FDA expressed concerns that 5% of the disbursed amount was indeed quite enough for the NBSTB to conduct multiple monitoring exercises, and sees no reason why they cannot fully monitor. FDA expressed concern that 5% of the disbursed amounts was indeed not enough for the NBSTB to conduct multiple monitoring exercises. FDA also expressed gratitude for the projects executed so far and agreed that project selection is a clear challenge. FDA advised that the CFDCs should look at diversifying their governance bodies to make sure women, youth and other under-represented groups are well represented in the project selection processes.

13. The EU highlighted that Liberia's legal framework for sharing of benefits with logging affected communities is exemplary, and that the NUCFDCs, NBSTB, the Government and all stakeholders should work together towards effectively implementing this legal framework, so as to be an example of best practices for other countries.

Validation of Annual Operation Plans

14. The FDA provided an overview on forest management planning in Liberia explaining the 25-year Strategic Forest Management Plan, the 5-year Management Plan as well as the Annual Operation Plan (AOP) including the relationship between these documents.

15. AOP is reviewed based on a template derived from the FDA Forest Management Guidelines. The completeness of the plan is evaluated considering several factors as stipulated in the Code of Forest Harvesting Practices and cross-checking information with the Chain of Custody System and other information in LiberTrace. In the event of any shortcomings, AOPs must be corrected by the proponent (Contract holder). The FDA

Managing Director then approves the AOP, and thereafter a harvesting certificate is issued to the operator/company.

16. During the period 2018-2019, the FDA approved 6 AOPs and reviewed 7 Forest Management Plans for CFMAs. Commenting on the presentation, the FDA and the EU emphasized the importance of sustainable forest management and the need to ensure the long-term protection of Liberia's forest resources. Both the EU and FDA **stressed the need to reflect on the rationale and appropriateness of the difference in time periods that apply to concessions (25 years) in comparison to CFMAs (15 years). The future EU VPA support project will support this work.**

Status of Regulations and Procedures relevant to the Timber Legality Assurance System (TLAS)

17. The FDA provided an update on the status of regulations and procedures relevant to the implementation of the TLAS. The detailed list and status of the regulations is provided in Annex 2 of this Aide-memoire.

18. Liberia is in the process of reviewing the Timber Processing Regulation 112-08 to include the Code of Wood Processing Practices in Liberia which is yet to be developed. In addition, a Regulation to establish a Standard for Scaling and Grading of Timber and Forest Products in Liberia is being developed as outlined in the National Forestry Reform Law (NFRL) of 2006.

19. The EU has previously been requested to comment on the Regulations on Transit Timber and Imported Logs, Timber and Timber products. Liberia stressed that in absence of these regulations, Liberia is violating the NFRL. FDA urged the EU to prioritize this matter and to provide the necessary feedback. In response to this request, **the EU indicated that the review of the Transit and Imported Timber Regulations is one of the first tasks of the new EU VPA support project.**

20. In considering these draft regulations, the FDA stressed the importance of processing and value-adding within the sector and noted that consideration should be given to moving gradually towards 'zero round log export'. Such an objective can be implemented progressively with a percentage of all logs (i.e. 10%) to be processed in Liberia. Parallel consideration should be given to stimulating local economic growth and job creation from by-products/residue resulting from processing. The FDA stated that consideration could also be given to providing incentives for registered companies operating processing facilities. **The EU and DFID were asked to consider options supporting such initiatives.**

21. DFID cautioned against an outright log export ban noting that it has not always had the intended results in countries where such a ban has been implemented. DFID recommended that Liberia consider lessons learned from other countries, and thereafter Liberia can decide on the appropriate approach.

The Liberia Verification Department (LVD) and Upcoming Handover from SGS

22. The Legality Verification Department (LVD) at FDA provided an update on the status of its operations including the current financial mechanism and key challenges. SGS also provided a brief overview on progress made around their support to the Government, and key challenges. EFI also gave an update on the "Status of the Independent GOL-LVD

Readiness Assessment” conducted by the appointed consultants. The draft readiness assessment will be submitted to GOL in March.

Following the presentations, the FDA highlighted the need to maintain third-party monitoring and that urgent discussions were needed internally. The EU expressed its support for such discussions. **The FDA agreed to convene the relevant government agencies to reflect on the findings of the readiness assessment and to decide on next steps after the end of the SGS contract.**

23. At the time of this JIC, USD 570 000 has been approved by the FDA Board to cover the operations of the LVD for the period 1 October 2018 to 30 September 2019. A clear structure has been established within FDA to govern LVD expenditure. In terms of staffing, 59 staff members have been assigned to the LVD covering 4 regions. To date 12 staff members have been transferred from SGS to LVD. Current operational challenges relate to the delay in the signature of the Central Bank of Liberia on the transitory account, Memorandum of Understanding (MOU), which has made it difficult for LVD staff to undertake their field verifications. However, FDA indicated that they are in the process of securing funding from its central budget to overcome these temporary difficulties. The EU reinforced the importance of the LVD’s ability to operate in a financially independent way in order to maintain its integrity and credibility.

24. The LVD presented on the process and methodology followed in conducting its work and field verifications. The presentation included the process of scheduling and conducting LVD audits and collecting objective evidence to inform its findings. The presentation also extended to cover Corrective Action Request raised and the closure of such findings.

25. SGS provided the meeting with a brief update on the status of the LVD covering aspects such as institutional governance, organization and staff management, equipment, performance monitoring. In terms of challenges, SGS highlighted the need to establish a code of conduct and integrity protocol for LVD, the need for effective monitoring of field activities, as well as the need to ensure that a culture of timely equipment maintenance is fostered among LVD staff. SGS also mentioned that there is a lack of recognition of the LVD within the larger Government, as an entity entitled to request documentation from other Ministries, Agencies and Commissions. SGS was of the view that the LVD has sufficient capacity to independently run the department from July 2019 and that the Head Office can be taken over from March 2019. The FDA anticipates that this will be reflected in the upcoming independent readiness assessment report.

26. SGS also emphasized the importance of participation from all relevant Ministries, Agencies and Commissions in the legality matrix and verification system. There are coordination and communication challenges in this process. In order to advance with VPA implementation, engaging institutions such as the Environmental Protection Agency (EPA) and the Ministry of Labour (MoL) is necessary, in order to better understand what type of controls they do and how this could be better reflected in the legality matrix. **Both parties noted this concern and formally invite the EPA and the MoL to join the JIC and the Liberia Implementation Committee as a way to support increased engagement on their part.** The EU expressed interest in a deeper analysis of the difficulties expressed by SGS/LVD, since the presentation given anticipates obstacles for the LVD’s future work once SGS’ contract ends.

Liber Trace demonstration and sustainability scenario

27. The LVD gave a demonstration of LiberTrace and the range of the system's features. EFI presented a status update on the Liber Trace IT assessment. During that session, it was highlighted that the expected dates for LiberTrace handover of the servers are at the end of May and that SGS will provide IT support until the end of their contract. Preliminary results surrounding the LiberTrace, shows that the software is fit and ready for handover even though some aspects of the LiberTrace could be improved for efficiency purposes. The study also outlined potential solutions in terms of hosting and highlighted that a plan of implementation needs to be drafted and implemented. If an alternative hosting solution cannot be secured by handover, the study further recommended finding interim solutions. **The study will be submitted to the GOL and the EU in March and after review the GOL will decide on next steps.**

28. During the session on "Best and Worst case sustainability scenario - Liber Trace post-handover", presented by the Ministry of Finance and Development Planning (MFDP), it was highlighted that in order to ensure that LiberTrace is sustained after the SGS handover, it is important to look at multiple elements such as the institutional arrangements, plans and available technology. As exemplified by other management information services in the government, good practice for Liber Trace should focus on strengthening capacity and a cross-institutional approach to leverage expertise. It would not benefit the government to focus on short-term revenue generation or to experiment with alternative systems that have not been tested.

29. The representative from the MFDP also explained that it is always beneficial for such systems to be supported by a team of people engaged in different government institutions, including the FDA.

Forest Revenue Collection and FOB Pricing

30. The JIC participants were also informed on the current challenges faced by the GOL around 'Free on Board' / 'Freight on Board' pricing, its analysis and the validation of information. The FDA explained that by law the FDA is required to compile FOB market price estimation at the start of the logging season and to revise the list more frequently in response to the changing market. The FOB price list is based on the quality of logs and a reflection of the actual market of Liberia, relevant African markets and international markets.

31. There are, however, various factors to be considered in determining the FOB unit price including the specific features of Liberian forests, lesser used species, market, infrastructural challenges or transaction costs by companies. There is the need for FDA to consider and register to relevant market intelligence/information systems which could help inform the determination of the FOB price list. FDA was granted support by FAO FLEGT Programme but this was put on hold.

EU noted the reduced representation of the Private Sector in this conversation.

32. The LRA stressed that there was a need to have a more appropriate determination of the FOB unit prices that takes into account relevant factors and local conditions. **The LRA and FDA agreed to have a meeting to conclude on a strategy and identify the wider participation to be involved in the FOB prices determination. The FDA reinforced**

this point as well as the need to update it regularly as the list was not approved in two years, but has just been approved in December 2018. The FDA will circulate the recently approved list to relevant stakeholders.

33. LRA has collected USD 10.7 million in arrears from the USD 15.8 million total owed. LRA also explained that collected revenues for the forestry sector so far is USD 1.4 million, compared to the USD 3.4 million collected over the same period in 2017-18. The FDA highlighted that the LRA should include the relevant arrears into the revenue numbers for the respective period. The realization of FDA's revenue target of USD 9 million has been difficult. It is unclear whether tax credits/ benefits (i.e. roads rehabilitation) were taken into account. The FDA recognized the inconsistencies and called for the FDA and LRA teams to meet with a view of harmonizing the various inconsistencies and agree on tax breaks. In closing, **the FDA asked for a breakdown of the types, and periods in which arrears were collected. The EU asked that the breakdown be annexed to this Aide Memoire (Annex 3 of this Aide-memoire).**

34. Furthermore, the Forestry Industrial Development and Employment Regime Act (FIDERA) expires in 2020. **FDA and LRA agreed that there is a need to review the Act and decide whether there is a need for a repeal or an amendment.**

Opportunity costs of legality and the value of the forest sector

35. The EU explained that they recently received a formal request from the MFDP for a study on the economic value of the forest sector in Liberia. The requested study would assess potential revenues if legal compliance was systematic. Such study would help framing the VPA in a different light and putting a strong focus on its role in economic gains and increased revenue collection. EU confirmed that they are looking for funding resources to respond to MFDP request.

36. The FDA confirmed its interest in such a study and looking at best practices. The Liberian National Forest Inventory is in its last stages and could also inform this study.

Independent Audit

37. The National Authorizing Office (NAO) explained that the firm SOFRECO was awarded the contract for Independent Audit (IA) of the TLAS (March 2017-March 2020). The NAO is the contracting authority, with direct involvement of the EU and the FDA and the JIC acts as a steering committee. To date, the IA submitted its inception report and 1st and 2nd audit reports. It is currently working on the Audit 3 report and requested to launch its 4th Audit.

38. After decision taken at the 6th JIC, the Independent Audit Working Group (IAWG) was established. It works on the monitoring of the IA's program and audit frequencies, the review of the audit ToRs, draft reports and summary reports and the monitoring of recommendations and actions. It also has a responsibility to report and advise the JIC on the steering of the IA. The IAWG met several times and their review focused on the audit 2 report. FDA, LRA and external partners provided comments to the IA.

39. The Ministry of Justice presented the concerns that the IAWG raised in a letter addressed to the JIC regarding the pace of the IA and the utility of the work as it is currently proceeding. The IAWG recognized that there is a lot of valuable information in

the audit reports but the length and format is an obstacle. They also noted the lack of information on the follow-up of actions recommended in previous audit reports. The FDA also raised concerns at the language used in the audit report to ensure sufficient evidence is provided. FDA is already acting upon some of the issues raised by the IA.

40. The IAWG recommended to the JIC that the IA completes Audit 3 and submits its report before any consideration can be given on the launch of Audit 4. It also recommended that NAO and EU review SOFRECO's contract with a view to revise the contract timeframe, actually extending the contract duration. The IAWG will also provide an official list of the comments for onwards submission to the IA.

Additional recommendations can be found in the IAWG letter addressed to the JIC (attached to the Aide-memoire as Annex 4).

41. All parties expressed their full support to this initiative and to the IAWG letter to the JIC.

The JIC endorsed the letter prepared by the IAWG for communication to the IA and confirms that the IA's request for the launch of Audit 4 is not accepted until adequate actions are put in place.

Transparency requirements under the VPA and current availability of information

42. The VPA Secretariat presented the transparency requirements in Annex IX of the VPA. The NUCFDC highlighted the specific information needs of communities. This includes data on the land rental fees collected and redistributed by central government, what has been redistributed by the NBSTB per area and per project, or on the cubic meter volume harvested, trucked and exported per company, per year and per area.

43. Both parties stressed the importance of transparency and availability of information within the forest sector. The FDA further committed to make disaggregated information available. The EU called all parties (FDA, NBSTB and others) for upgrading and maintaining transparency levels, as expressed in Principle 11 of the legality matrix and Annex IX of the VPA.

44. DFID suggested that in the interim period and until the FDA website is running again, the monthly Revenue and Market reports prepared by SGS/LVD be shared by email to the NMSMC members by the VPA Secretariat. **The JIC agreed to DFID's suggestion.**

Communication strategy for the JIC

45. EFI presented the draft "Communication strategy for the JIC of the Liberia-EU VPA" and the draft "JIC protocol for managing contentious issues". The purpose of these documents is to guide communication by the JIC. It was recommended that the implementation of the communication strategy be coordinated by the VPA Secretariat with the support of the Public Affairs Department of FDA and the EU Delegation. Additional guidance on content could be provided by specific "VPA focal points" in the FDA and EU Delegation.

46. FDA was of a strong view that the story of the Liberian VPA should be communicated both at the national and international levels and viewed this communication strategy as the beginning of this process. FDA and civil society also raised the importance of reaching out to communities and provide them with more information on the VPA. EU also pointed

that communication should proactively show the progress and broadcast more positive messages to illustrate progress done.

47. Both parties expressed their interest and **approval for the “Communication strategy for the JIC” and “JIC protocol for managing contentious issues”**. The JIC also **agreed that EFI will support the implementation of the Communication strategy with various communication tools and medium**.

The approved “Communication strategy for the JIC and the “JIC protocol for managing contentious issues” are attached to the Aide-memoire as Annex 5.

Community Forestry Management Agreements and the Timber Legality Assurance System

48. The FDA highlighted that the key challenge with incorporating Community Forestry into the VPA’s legality matrix, is that the current laws focus primarily on the steps in the award process. The draft “Compliance Procedures for the VPA legality matrix verifiers” incorporates the existing legal requirements for community forestry but further work is needed to ensure it is comprehensive. The MoJ clarified that even if the CFMAs are not included yet in the legality matrix, commercial timber coming from the CFMAs should still comply with the applicable laws.

49. This work will be implemented by the JIC Committee on the Inclusion of the CFMAs into the VPA’s legality matrix. The draft Terms of Reference were presented by the EU. The JIC approved **the ToRs and assigned individual members to the Committee**. **The JIC also agreed that the Committee will be dissolved once the intended objectives are achieved**. The ToRs and list of members are attached to Annex 6 of this Aide Memoire).

50. FDA indicated that good progress has been made in uploading CFMA allocation documents to the FDA website, although the size of the scanned documents for just 16 communities contributed to the crash of the FDA website. **FDA indicated that in the interim, community forest allocation documents can be accessed via the Liberia Forest Atlas website (<https://lbr.forest-atlas.org>) and is also available from FDA upon written request**.

51. MOJ highlighted that the FDA should ensure that the publication of documents are consistent with the existing laws and FDA should outline most specific parameters for public disclosure of information. Ideally some CFMA allocation documents should be uploaded while others may need to be made available upon request.

52. The FDA’s Community Forestry Working Group (CFWG) outlined its mandate and indicated that thus far the CFWG has reviewed 140 CFMA applications, and approved 122. Although the work plan of the CFWG has been developed, it has not been implemented due to low commitment from communities, limited funding, and limited input of member institutions on allocation documents.

53. The EU, SDI and FCI separately raised concern that the number of applications (122) approved by the CFWG seems to be very large considering 1) Liberia’s legal requirements around the allocation of forests for commercial use 2) the current reviewing capacity of the CFWG and 3) the current capacity of the communities themselves to manage a commercial community forest. MOJ also highlighted that the role of the CFWG in

approvals seems to be very early on in the application process, where their decisions are made without a lot of substantial information from the nine steps. The FDA indicated they are already looking at the balance of commercial community forest versus the amount of hectares legally available for commercial use. The type of uses for CFMAs are added into the total of each forest usage (Commercial, Conservation). This way FDA can ensure they strike a balance on the acceptance of commercial use CFMA application and other uses. The FDA stated that along with community forestry, there are currently 1.1 million hectares out of 2.5 Million hectare assigned for commercial forestry and there are 411,000 hectares assigned as conservation forestry. FDA is making efforts to increase conservation forestry to achieve 1.5 Million hectares as required by law.

54. NUCFMB outlined the status of the draft template for Commercial Use Contracts (CUC). A CUC is a contract between an authorized community that is interested in putting its forest to medium scale commercial use by partnering with a third party. The draft contract was submitted to FDA in September 2018 and the second official submission was made to FDA in mid- February, with amendments. **The FDA will review the updated draft in the coming weeks, and make additional amendments.**

Issues raised by stakeholders

55. The FDA explained that the revision of the Chainsaw Milling Regulation #115-11 is ongoing. Following the regional vetting, **FDA is now compiling the comments and intends to provide the revised Regulation for approval to the next FDA Board meeting.**

56. The CFDCs shared their concerns on the fact that payments to affected communities were performed in both US and Liberian dollars. The exchanged rate for Liberian dollars received is significantly lower. This has had a direct impact on the actual monetary value of the transfer of funding to these communities. **FDA acknowledged that had a similar issue with FDA staff payment, and commit to work with the CFDCs and the GOL to capture benefit sharing payments in US dollars.**

57. The FLEGT Facilitation office recommended that to ensure that the JIC is equipped to fulfil its mandate as a decision-making body, it is crucial that the other VPA governance structures such as the JIC-mandated working groups, the National Monthly Multi-Stakeholder Meeting and the Liberia Implementation Committee meet regularly and work together on the relevant technical issues.

Date of the next JIC meeting

The 8th meeting of the next formal JIC is scheduled for October. Liberia will take the lead in organizing the next meeting.

Signed: _____

Ambassador Hélène Cavé
EU Delegation to Liberia

Signed: _____

Hon. Harrison S. Karnwea Sr.
Chair of the FDA Board of Directors

Date: _____

1/3/2019

Date: _____

03-01-19

7th sitting of the JIC
February 25-March 1, 2019

List of Stakeholders and Participants

Participating Stakeholder Groups:

The Government of Liberia (GoL)

1. Forestry Development Authority (FDA)
2. Ministry of Agriculture (MoA)
3. Ministry of Finance & Development Planning (MFDP)
4. National Authorizing Office (NAO)/MFDP
5. Environmental Protection Agency (EPA)
6. Ministry of Justice (MoJ)
7. Liberia Revenue Authority (LRA)
8. Ministry of Commerce & Industry (MOCI)
9. National Bureau of Concessions (NBOC)
10. National Investment Concessions (NIC)

Private Sector

1. Liberia Timber Association (LibTA)
2. Heritage Partners & Associates (HPA), Inc.

Civil Society Organizations

1. NGO Coalition of Liberia
2. National Union of Community Forest Development Committee (NUCFDC)
3. National Union of Community Forest Management Body (NUCFMB)

International Partners

1. European Union
2. Department For International Development (DFID)
3. European Forestry Institute (EFI)
4. The Palladium Group

Support Team

1. VPA Secretariat/FDA
2. Société Générale de Surveillance (SGS)
3. FLEGT Facilitation

Observers

1. Swedish Embassy
2. World Bank
3. Food and Agriculture Organization (FAO)

Participants List:

European Union Team

- | | |
|----------------------------------|--------------------|
| 1. Ambassador Hélène Cavé | Head of Delegation |
| 2. Ambassador David Belgrove OBE | British Embassy |
| 3. Mr. Ivan BORISAVLJEVIC | EU Delegation |
| 4. Mr. David Palacios | EU Delegation |
| 5. Madam Marieke Wit | DFID |
| 6. Madam Muriel Treibich | EFI |
| 7. Mr. Morne van der Linde | EFI |
| 8. Madam Jennifer Bisping | EFI |

Liberian Delegation

- | | |
|----------------------------------|---|
| 1. Hon. Harrison S. Karnwea, Sr. | Chairperson/FDA Board |
| 2. Hon. C. Mike Doryen | Managing Director/FDA |
| 3. Hon. Joseph J. Tally | Deputy Managing Director for Operations/FDA |
| 4. Hon. Kou Dorliae | Deputy Minister of Economic Affairs/ MoJ |
| 5. Hon. Thomas Doe Nah | Commissioner General/ LRA |
| 6. Hon. Randall Dobayou | DED/ EPA |
| 7. Hon. Ramses Kumbuyah | NBOC |
| 8. Hon. Ekema Witherspoon, Sr. | Liberia Timber Association (LibTA) |
| 9. Mr. Mlen-Too Wesley | Senior Policy Advisor/ MFDP |
| 10. Atty. Martus Bangalu | Deputy- NAO/MFDP |
| 11. Edward G. Wingbah | EPA |
| 12. Mr. Alex Wuo | MOCI |
| 13. Mr. Richard Hoff | NGO_ Coalition |
| 14. Mr. Peter D. Gbawoquiya | MOA |
| 15. Mr. Pewee S. Reed | Senior Economist & Policy Advisor /NIC |
| 16. Atty. Gertrude Nyaley | TM- Com. Dept. & Acting In-house lawyer/FDA |
| 17. Atty. Sagie F. Kamara, Sr. | HPA |
| 18. Cllr. Lucia Gbala | HPA |
| 19. Mr. Isaac S. Railey | TM, FDA |
| 20. Mr. Glenn H. Lee | NBOC |
| 21. Mr. Edward S. Kamara | FDA |
| 22. Mr. Alex S. Wuo | MOCI |
| 23. Mr. Jerry Yonmah | TM, FDA |
| 24. Mr. Saah A. David Jr. | LFSP Coordinator, RIU/ FDA |
| 25. Mr. Shelton Gonkerwon | FDA |
| 26. Mr. Samuel K.D. Kwennah | NGO Coalition |
| 27. Mr. Robert Wallace | FDA |
| 28. Mr. Isaac Kipi | FDA |
| 29. Mr. Richie Grear | FDA |
| 30. Mr. Lemuel Payedoo | NAO |
| 31. Mr. Augustine A. S. Teekloh | LRA |
| 32. Mr. Darlington Y. Talery | LRA |
| 33. Mr. Matthew Walley | CFDC |
| 34. Maxwell B. Dogba | LRA |
| 35. Madam Julie T. B. Weah | Foundation for Community Initiatives (FCI) |

36. Madam Nora Bowier	Sustainable Development Institute (SDI)
37. Mr. Vincent T. Doe	President, NUCFDC
38. Mr. J. Augustus Kwalah	NUCFDC
39. Mr. Andrew Zelemen	NUCFDC
40. Mr. Nobeh Jackson	Community Forestry Working Group (CFWG)
41. Mr. Edward Q. Teah	CFDC-Comm. Rep (Southern eastern Region)
42. St. Solomon S. Peters	CFDC- Comm. Rep. (Central Region)
43. Mr. Saye Thompson	President, NUCFMB
44. Mr. Isaac Saylay	NUCFMB
45. Madam Krubo M. Zaza	FDA
46. Cllr. Lucia Gbala	HPA
47. Atty. Saggie F. Kamara	HPA
48. Mr. Edward Gbatu	FDA
49. Mr. Joseph Duolopch	FDA
50. Mr. Rex Henry	FDA
51. Mr. Whymah M. Goyanvator	FDA
52. Mr. Musa O. Lymas	FDA
53. Madam Theresa Gbatu	FDA
54. Mr. Enerst J. Clark	MOA
55. Mr. Jessie Vannie	FDA
56. Mr. Joseph D. Kennedy	CSO
57. Princess Nyenpan	FDA

OBSERVERS

1. Mr. Peter Aldinger	Consultant /World Bank
2. Jonathan Wesley Roberts	FAO
3. Elina Hedman	Swedish Embassy
4. Vanpar Viiren	Swedish Embassy

SUPPORT PROJECTS

1. Mr. Fredric Teppe	SGS
2. Mr. Tahir Mahmoud	SGS
3. Mr. Richard Scotland	SGS
4. Mr. Simulu Kamara	TM, LVD/FDA
5. Mrs. Oona Burke-Johnson	Facilitator/FLEGT Facilitation
6. Mrs. Rose Blidi	Office Manager /FLEGT Facilitation
7. Mrs. Harnon W-Garbo	Coordinator-VPA Sec. /FDA
8. Madam Inez Hayes	Administrator-VPA Sec. /FDA

List and status of TLAS relevant Regulations and Procedures

1. The following regulations have been completed and are in operation:
 - a) Regulation on Abandoned Logs, Timber and Timber Products;
 - b) Regulation on Confiscated Logs, Timber and Timber Products; and the
 - c) Regulation on Third Party Access to Forest Resource Contract Areas.
2. Seven regulations have been drafted, regionally vetted and are awaiting board approval; these draft regulations include:
 - a) Regulation for Imported Logs, Timber and Timber Products;
 - b) Regulation on Transit Logs, Timber and Timber Products;
 - c) Private Use-Permit (PUP) Regulation;
 - d) Amendment to Regulation No. 109-07 on Penalties and Administrative Enforcement;
 - e) Regulation on the Revised Forest Sector Fiscal Policy;
 - f) Revised Chainsaw Milling Regulation 115-11; and the
 - g) Guideline/Manual and Procedure for Accessing Timber Resource Wastes/Residues;
3. Three regulations under review and intended for drafting
 - a) Amendment to Timber Processing Regulation 112-08
 - b) Regulation to establish Standard for Scaling and Grading of Timber and Forest Products in Liberia (NFRL 2006, Section 13.6
 - c) Code of Wood Processing Practices in Liberia

Arrears update from 2008-2015, as of 31 December 2018

(Note: Ebola period invoices have been removed, payment reported on the previous years)

	SUM OF AMOUNT PAID	SUM OF AMOUNT INVOICED	BALANCE DUE
Akewa Group of Companies	37.250,00	30.000,00	\$ (- 7.250,00)
Annual Contract Administration Fee	6.000,00	5.000,00	
Area Fee	31.250,00	25.000,00	
Alpha Logging & Wood Processing	1.893.600,00	1.799.100,00	\$ (-94.500,00)
Annual Contract Administration Fee	7.000,00	6.000,00	
Area Fee	1.886.600,00	1.793.100,00	
Atlantic Resources Limited	1.751.800,00	1.800.160,00	\$ 48.360,00
Annual Contract Administration Fee	10.000,00	10.000,00	
Area Fee	1.741.800,00	1.790.160,00	
Bargor & Bargor	38.000,00	51.750,00	\$ 13.750,00
Annual Contract Administration Fee	5.000,00	8.000,00	
Area Fee	33.000,00	43.750,00	
Bassa Logging and Timber Company	30.250,00	36.250,00	\$ 6.000,00
Annual Contract Administration Fee	4.000,00	5.000,00	

Area Fee	26.250,00	31.250,00	
Burglar Vincent Timber Company	72.442,09	94.250,00	\$ 21.807,91
Annual Contract Administration Fee	9.000,00	13.000,00	
Area Fee	63.442,09	81.250,00	
EJ&J Investment Corp	1.009.085,00	864.930,00	\$ (-144.155,00)
Annual Contract Administration Fee	7.000,00	6.000,00	
Area Fee	1.002.085,00	858.930,00	
Euro Liberia Logging	1.476.683,40	3.811.050,00	\$ 2.334.366,60
Annual Contract Administration Fee	6.000,00	6.000,00	
Area Fee	1.470.683,40	3.805.050,00	
Geblo Logging Inc.	658.497,50	1.978.990,00	\$ 1.320.492,50
Annual Contract Administration Fee	1.000,00	6.000,00	
Area Fee	657.497,50	1.972.990,00	
International Consultant Capital	2.607.353,22	4.009.650,00	\$ 1.402.296,78
Annual Contract Administration Fee	7.000,00	6.000,00	
Area Fee	2.600.353,22	4.003.650,00	
Liberia Hard Wood Corp	62.701,65	119.129,29	\$ 56.427,64

Annual Contract Administration Fee	5.000,00	7.000,00	
Area Fee	57.701,65	112.129,29	
Liberia Tree & Trading Company DORU	82.000,00	88.958,35	\$ 6.958,35
Annual Contract Administration Fee	4.000,00	3.000,00	
Area Fee	78.000,00	85.958,35	
Liberia Tree & Trading Company	784.947,98	896.610,00	\$ 111.662,02
Annual Contract Administration Fee	6.000,00	6.000,00	
Area Fee	778.947,98	890.610,00	
Liberia Tree & Trading Gbi	21.000,00	138.355,94	\$ 117.355,94
Annual Contract Administration Fee	2.000,00	4.000,00	
Area Fee	19.000,00	134.355,94	
Sun Yeun Corporation Limited	55.100,00	72.500,00	\$ 17.400,00
Annual Contract Administration Fee	6.000,00	10.000,00	
Area Fee	49.100,00	62.500,00	
Tarpeh Timber Company	46.750,00	50.750,00	\$ 4.000,00
Annual Contract Administration Fee	6.000,00	7.000,00	
Area Fee	40.750,00	43.750,00	

Thunder Bird International Liberia	7.250,00	21.750,00	\$ 14.500,00
Annual Contract Administration Fee	1.000,00	3.000,00	
Area Fee	6.250,00	18.750,00	
Grand Total	10.634.710,84	15.864.183,58	\$5.181.112,74

Independent Audit Working Group letter to the JIC on the status of the Independent Audit

February 20, 2019

The Joint Implementation Committee, Represented by:

The Forestry Development Authority
The Ministry of Finance and Development Planning
The National Authorizing Office
The Ministry of Justice
The Liberia Revenue Authority
The Ministry of Commerce and Industry
The National Investment Commission
The National Bureau of Concessions
NGO Coalition
National Union of Community Forest Development Committees
Liberia Timber Association
The European Union
The United Kingdom Department for International Development

Dear Joint Implementation Committee:

Pursuant to the Guidelines for the Independent Audit Working Group (IAWG), this letter seeks to advise the Joint Implementation Committee (JIC) on the status of the Independent Audit (IA) and recommendations for moving forward to ensure the remaining IAs are completed in accordance with the objectives and terms of reference previously set.

As you know, the IAWG was created by the JIC, which has oversight over the conduct of the Independent Audits. The IAWG also acts as a steering committee for the Independent Audits. As it relates to the role of the JIC, the Terms of Reference for the IAs indicate that:

- Methodology and procedures for the independent audit of the Liberian VPA Independent Audit are approved by the JIC (Section 2.3);
- Independent Auditor to report findings and recommendations to the JIC (Section 4.2(i);
- After the inception phase, the independent auditor shall conduct a maximum of two audits per year according to a schedule agreed with the JIC (Section 4.2(2);
- The Scope of the consecutive audits should be based on the results of the previous audits and observed risks to optimize the use of resources;
- The JIC shall comment on all reports presented by the independent auditor; and
- The independent auditor is to prepare final reports which reflect the JIC's comments.

In fulfillment of its role, the IAWG has held several meetings in which previous audits and reports were reviewed, in particularly Audit 2. During its review, the IAWG made several comments, which were forwarded to the National Authorizing Office (NAO) for onward submission to the Independent Auditor. Specific comments on Audit 2 were submitted by the Forestry Development Authority (FDA) and the Liberia Revenue Authority (LRA). In addition to those comments, the IAWG made specific requests through the NAO that certain structural adjustments be made to the IAs in the future.

The Independent Auditor has now completed the Terms of References/Scope of Work (TOR/SOW) for Audit 4, and the IAWG was asked to review and approve the documents at its February 14, 2019 meeting. The consensus of the IAWG was that it was unable to review and approve the TOR/SOW because we have not had an opportunity to review and comment on Audit 3 as required by the IA Terms of Reference. Further, the IAWG expressed concern that the Independent Auditor could develop a TOR/SOW for Audit 4 when the Audit 3 report has not been completed / submitted.

The IAWG remains concerned regarding the pace of the IAs and the utility of the process as it is currently proceeding. The IAWG believes there is a need for the JIC to review this process to ensure the intended objectives are met.

In conclusion, the IAWG recommends that the JIC requires the following:

1. The Independent Auditor must submit a formal written response to the comments submitted by the IAWG as well as the comments provided by external partners on Audit 2.
2. The Independent Auditor must submit a formal written response to the position of the IAWG on the format of the IAs and how the Independent Auditor can adjust its reporting format to address the concerns of the IAWG.
3. The Independent Auditor must complete Audit 3 and provide a draft to the JIC for comments. The final Audit 3 Report must form the basis for the TOR/SOW for Audit 4.
4. The EU and NAO have agreed to review the SOFRECO contract and officially advise the IAWG on the contractual implications of an adjustment of audit timeframes.
5. The JIC should determine whether there is a need to amend the Independent Auditor's contract to allow additional time for the completion of the remaining audits.
6. The IA Working Group also agreed that the Ministry of Finance and Development Planning should designate a representative to sit on the IA Working Group.

Regarding Recommendation 1 above, the IAWG, in a separate communication will provide an official list of the comments submitted to the NAO for onward submission to the Independent Auditor.

Sincerely,

The JIC Independent Audit Working Group (IAWG):

The Forestry Development Authority
The European Union

The Liberia Revenue Authority
The Ministry of Justice
The National Authorizing Office

Observers / Technical Support to the IAWG:

The VPA Secretariat (FDA)
The FLEGT Facilitator
The European Forest Institute

Approved “Communication strategy for the JIC” and “JIC protocol for managing contentious issues

Communication strategy for the JIC of the Liberia-EU VPA

1. Introduction

Liberia is one of 15 tropical timber producing and processing countries formally engaged in the Voluntary Partnership Agreement (VPA) process under the EU FLEGT Action Plan. Liberia concluded a VPA with the EU in 2011. Following the ratification of the VPA by both parties in 2013, they established the Joint Implementation Committee (JIC) to facilitate the implementation, monitoring and review of the VPA. While Liberia has made important progress, implementation remains slower than anticipated. To address this, a forward planning tool was developed in 2016 to outline key milestones until FLEGT licensing and allow for the identification of more detailed short-term priorities.

While Liberia is implementing the VPA and making verification systematic, the government identifies weaknesses and non-compliances that they are addressing through the process. It exposes the reputation of the Liberian forestry sector and risks affecting perceptions of Liberian timber on the market. Both parties thus recognise that it is important to have a common understanding of the communication responsibilities of the JIC and to communicate proactively and transparently — and, if possible, with one voice — with domestic and international stakeholders about both progress and setbacks.

2. Situational analysis

Over the coming year or two, we anticipate that several factors will draw attention to the EU FLEGT Action Plan and the efforts of VPA countries to combat illegal logging and improve forest governance. These factors include:

- The experience of FLEGT-licensed timber from Indonesia arriving in the EU.
- Ghana likely being the second country overall and the first country in Africa to issue FLEGT licences in the near future.
- The possible ratification of several additional VPAs (two countries concluded negotiations in 2018).
- More scrutiny and sanctions by EU Member States under the EU Timber Regulation.

With Ghana being the first African country to issue FLEGT licences, other African VPA countries, in particular Liberia, given its difficult historical background and its related timber industry, will likely receive increased attention from stakeholders and the media. With increased attention come opportunities and risks.

This situation presents an opportunity to tell the story of the Liberia VPA and progress achieved at every milestone. When presented in an accurate and balanced way, the profound governance changes triggered by the VPA process – in Liberia and in other VPA countries – have the potential to resonate with buyers in the EU and other regions who seek to minimise business risks. This is particularly important for countries that are working towards issuing FLEGT-licensed timber, but whose Timber Legality Assurance Systems are not yet fully operational.

However, during implementation, VPA countries are also more exposed to criticism, as the governance challenges addressed through the VPA process cannot be tackled overnight. Identified gaps and weaknesses can easily be perceived as lack of progress. The VPA also increases transparency significantly. While this is a positive development, increased transparency can contribute to exposing problems, which need to be balanced with communication on progress made.

Therefore, both progress and setbacks need to be communicated in a coherent and transparent manner.

Some examples of recent commentary that illustrate how increased attention and more availability of information on Liberia and on the VPA can lead to more criticism from stakeholders:

- Global Witness' February 2017 report "[Holding the Line](#)"
- The related online petition by Rettet den Regenwald "[Keep Liberia's illegal timber out of the EU!](#)"
- Question from EU civil society on alleged illegalities of Liberian timber

3. Purpose and scope

The purpose of this communication strategy is to guide communication by the JIC. With this strategy, the JIC aims to:

- Define the external communication responsibilities that are essential to fulfilling the JIC's mandate according to the VPA
- Define the approach, principles, activities and tools to support the JIC as it fulfils its responsibilities.
- Define the internal communication approach that is essential to fulfilling the JIC's responsibilities.

The parties to the VPA conceive this strategy as a 'living document' to guide communication by the JIC and as a tool that can be reviewed and revised as needed throughout the duration of the VPA. The strategy's focus is on the communication responsibilities of the JIC. It does not address Liberia's and the EU's own communication responsibilities under the VPA and those of other stakeholders, but will reflect on these responsibilities in annex 2.

4. Audiences/stakeholders

This strategy focuses on reaching and engaging with audiences/stakeholders who have an interest in the decisions of the JIC and the progress and impact of the VPA, but go beyond the actors already involved in the VPA process. These could include stakeholders from Liberia, the EU, as well as at a regional and international level from all stakeholder groups (government, private sector, civil society, communities, and so on). There is a comprehensive list of stakeholders in annex 1 that shows how the JIC audiences can go beyond the stakeholders that are actively involved in the JIC. Future associated communication plans should be more specific about what communication tools and channels will be used for which target audience.

5. The JIC's communication responsibilities

The JIC is co-chaired by the EU Ambassador and the chair of the board of the Forestry Development Authority (FDA). It is composed of 13 members. The Liberian party is multi-stakeholder with several high-level representatives of the government, private sector, civil society and communities. A VPA Secretariat, supported by the Facilitator and the EU FLEGT Facility, contributes to the organisation and note taking of the JIC meeting. The JIC considers matters

relating to the effective implementation of the VPA, and when empowered by the VPA, it adopts decisions and recommendations by mutual agreement and consent. The table below sets out some of the JIC functions described in the VPA, which relate directly to communication or may have associated communication activities.

1	Art. 19	The JIC shall ensure its work is transparent and that information of its work and decisions is made available to the public.
2	Art. 19	The JIC shall publish an annual report. Details of the content of this report are given in Annex IX of the VPA.
3	Art. 20	The representatives of the parties responsible for official communications concerning implementation of this Agreement shall be: - For Liberia: The Minister of Agriculture¹ - For the European Union: The Head of the Delegation of the Union in Liberia The parties shall communicate to each other in a timely manner the information necessary for implementing this Agreement.
4	Art. 21	The publication of information is essential to improve governance and therefore provision of information to stakeholders shall be central for this Agreement. Information shall be regularly published to facilitate implementation and monitoring of systems, increase transparency, and thus improve stakeholder and consumer confidence as well as to ensure greater accountability of the parties. Details of the information to be published are set out in Annex IX.
5	Art. 21	Each party shall determine the most appropriate mechanism for publishing information. In particular, the parties shall endeavour to provide stakeholders in the forest sector with reliable and up-to-date information.
6	Art. 21	The terms of reference and procedures guiding the functioning of the JIC shall be published.
7	Art. 22	Neither party shall disclose to the public nor permit its authorities to disclose trade secrets or confidential commercial information under this Agreement.
8	Art. 24	The parties seek to resolve any dispute concerning application or interpretation of this Agreement through early consultation

The communication responsibilities associated with the above functions can be grouped according to the type of response they may require, as follows:

- a. Announcing proceedings
- b. Issuing routine reports
- c. Managing stakeholder relations
- d. Capturing and sharing evidence of JIC activities and VPA implementation progress as well as outcomes of the Independent audits.
- e. Managing communication responsibilities associated with disputes and other contentious issues under an established complaint mechanism.

A VPA Secretariat is responsible for following up, coordinating activities discussed in different meetings, and liaising with stakeholders. It is housed in the FDA and operational, but with limited staff and resources.

¹ For Liberia, the Minister of Agriculture was the chair of the FDA board. Now the two functions are separated. Although the VPA mentions the Minister of Agriculture, in practice it might be the chair of the board of FDA as it is now the person co-chairing the JIC.

The JIC currently communicates using the following activities and tools:

- Issuing aide memoires of its meetings
- Issuing press releases when it takes major steps and/or decisions
- Releasing briefings, reports and other public documents at <http://www.fda.gov.lr>
- Releasing an annual report

Annex VIII of the VPA also describes possible supporting measures to implement the VPA, which outline in more detail how communication can support VPA implementation. Not all of these measures are the sole responsibility of the JIC. In addition to communicating as the JIC, the EU and Liberia will need to communicate as individual entities about the VPA with their audiences and stakeholders. In addition, there are other important communicators who can support JIC communication activities. These include the EU FLEGT Facility, the FAO-EU FLEGT Programme, civil society and private sector actors, such as the Liberian NGO coalition, the Liberia Timber Association, the Community Forest Development Committees, amongst others. See the annex in this document for more information.

6. The JIC's communication approach

Goals

- Maintain the JIC's reputation as a credible and transparent mechanism.
- Comply with the terms of the VPA with regard to JIC communication and transparency.
- Inform stakeholders nationally and internationally about progress on forest governance and towards the issuance and operation of FLEGT licences.
- Foster positive change and reforms through active VPA communication
- Demonstrate the impact of the VPA on forest governance and broader development goals to increase domestic and international support for the process.

Principles

- Enhancing accuracy and coherence of message by:
 - JIC communicating, to the extent possible, with 'one voice', proactively and transparently with stakeholders, donors and news media.
 - JIC members adopting a 'no surprises' approach, whereby they share what they are communicating about the VPA beforehand, and afterward share any resulting news stories and feedback that should be considered jointly by the parties.
 - Communicating directly with stakeholders, rather than through interlocutors such as the news media, to enable stakeholders and their representatives to cascade information to their constituencies.
- Demonstrating accountability through consistent and timely release of: decisions; annual reports; and reports of the independent auditor, impact monitoring, and the Independent Market Monitor.
- Managing communication responsibilities associated with disputes and other contentious issues.

- Building confidence in the JIC by avoiding messages that may establish unrealistic deadlines and expectations and stimulate public speculation about when Liberia will issue FLEGT licences.

Activities

a. Announcing proceedings

- Continue to issue aide memoire.
- Continue to issue press release for the public record after each JIC meeting and other important milestones, without promotion and without speculating about the future.
- Continue to distribute aide memoire and press release via the websites of the FDA, the EU Delegation, the EU, the EU FLEGT Facility, FLEGT.org and Capacity4dev.eu.
- Develop a VPA Facebook presence to distribute all communication materials.
- Issue regular 'friendly' email to all relevant stakeholders and/or their representatives, both nationally and internationally, informing them directly about proceedings.

b. Issuing routine reports

- Continue to release annual report via the above websites, but in a timely manner.
- Release summary of the report of the independent auditor and the JIC's response via the above websites and the friendly email system.

c. Managing JIC stakeholder relations

- Continue to invite and share agenda and related information and documentation about the meetings.
- Continue to share information on progress, via the above activities.

d. Announcing major decisions that have high news value, such as the decision to set a date for the commencement of FLEGT licensing

- When there are major decisions to announce that have high news value, such as the future decision to set a date for the commencement of FLEGT licensing, develop and implement communication plans.
- Depending on the nature of the announcement, the plans could include media briefings, media training and training to assist speakers with messaging and managing media interviews.
- Maintain an up-to-date briefing for news media that can be adapted for use when announcing major decisions, including a 'Questions and Answers' document.

e. Managing communication responsibilities associated with disputes and contentious media issues

- Develop and use a simple protocol for managing contentious media issues.
- Draw on the briefing for news media, which includes questions and answers for responding to media inquiries.

- Develop and rely on a communication protocol that provides guidance on acknowledging receipt of complaints, indicating response processes and timelines (including referral to national complaint mechanisms), responding, recording feedback and archiving.

f. Capturing and sharing evidence of JIC activities, the VPA progress and lessons learned

- Regularly capture evidence of JIC activities and interactions with stakeholders (photos, documents, quotes and stories).
- Share evidence in annual reports, briefings, case studies, stories, videos and other communication tools on websites of the FDA, the EU Delegation, the EC, the EU FLEGT Facility, FLEGT.org and Capacity4dev.eu, and their social media channels, considering the supporting roles of other FLEGT actors (see annex).
- Profile Liberia's process and achievements in trade media in the EU and other markets.
- Use the milestones set by the JIC in the forward planner to identify appropriate opportunities to share these lessons learnt and achievements.
- Using this milestone-based approach, develop a communication plan to share the Liberia-EU VPA experience, updated regularly.

This activity is not the sole responsibility of the JIC, but it should take an active role in contributing to these efforts.

Tools

	Tool	Status
1	Improved JIC web presence	Under development
2	Aide memoire template	To be discussed with the JIC?
3	Stakeholder mailing list	To be developed
4	Branded friendly email template	To be developed
4	Branded press release template	To be developed
5	Annual report template	Done
6	VPA Facebook presence	To be developed
7	Media briefing and Q + A	Briefing done and regularly updated (on EU FLEGT Facility website) Q&A to be developed
8	Protocol for managing contentious media issues	Under development
9	Protocol for managing JIC-level complaints	To be developed
10	Tools to capture and share evidence of JIC activities, the VPA progress and lessons learned	To be developed in cooperation with other stakeholders

Implementation

The VPA Secretariat, located in the FDA, will coordinate the implementation of this strategy in collaboration with the communication officers in the EU Delegation and the FDA, and under the guidance of the two technical VPA focal points of the two parties. In the future, operational

responsibility could lie with a communication working group², with representatives of both parties. In the medium-term, the JIC and supporting FLEGT actors such as support projects, the EU FLEGT Facility and possible other partners, should have a conversation about what support maybe be needed to implement this strategy and the corresponding communication plans.

The EU FLEGT Facility stands ready to provide guidance and support in setting up most of the tools and drafting the communication plans, contentious media issues briefing, and many of the materials, with the aim to hand over this responsibility in the longer term. The EU FLEGT Facility can also help identify and mobilise support needed for implementation.

Monitoring and evaluation

The JIC will monitor and evaluate the implementation of this strategy, and review and revise the strategy as needed.

7. Internal JIC communication

The JIC's operating approach is very open and inclusive in the case of the Liberia-EU VPA. The Liberian party is not only represented by the government, it also includes many stakeholder representative from civil society, the private sector and forest communities. However, not all JIC members are able to attend every meeting and there is a lack of communication in between meetings. Therefore, setting up a process to improve internal JIC communication is as important as external communication.

In line with the principle and activities laid out in section 6, the JIC should agree to communicate proactively and transparently with its members, informing them on all relevant developments in a timely manner.

Activities:

Set up a process to:

- Inform all JIC members of all JIC and VPA-related developments and priorities, before other tools to inform the broader stakeholder community and the public are used.
- Develop, agree on and regularly update high level messages for JIC members to use when talking about the VPA in public
- Allow all JIC members to raise issues or share information with other JIC members, incl. what they are communicating about the VPA beforehand, and afterward share any resulting news stories and feedback that should be considered jointly by the parties (no-surprise approach)

Tools

	Tool	Status
1	Agreed process to follow for internal communication	To be developed
2	Internal JIC mailing list	To be developed
3	Restricted-access JIC web space for sharing information	To be developed

² Article 19 of the VPA states that the JIC shall, if necessary, establish working groups or subsidiary bodies for areas requiring specific expertise.

The VPA Secretariat should take the lead in establishing a process for internal communication. The EU FLEGT Facility can provide guidance and support in setting up the process and related tools.

Annex 1 of the Strategy:

Audiences/stakeholders

Liberia

- High level decision-makers from the Government of Liberia, including officials and ministers from key Liberian ministries such as finance and economic planning, forestry, trade, industry, environment, foreign affairs, and labour
- Government agencies involved in the design and implementation of procurement, import or export policies
- Government agencies involved in the design and the implementation national development strategies
- Timber trade associations
- Owners and executives of the forest and timber industry and ancillary industries
- Liberia Forestry Development Authority employees
- Liberian civil society organisations with an interest in forest governance and associated issues
- Regional and local government representatives
- Forest dependent communities
- Informal loggers and actors of the informal market
- Traditional Authorities and landowners

EU

- EU senior officials, decision-makers and parliamentarians in Brussels
- EU Member States
- EU Delegation and Member States embassies in Liberia
- Current and potential buyers of Liberia's timber products in Europe and other markets
- Timber trade associations
- EU organisation and stakeholders involved in risk assessment and due diligence on Liberian timber products
- Monitoring organisations
- European civil society organisations with an interest in forest governance and associated issues

Regional

- Economic, trade, finance, customs, enforcement and development organisations
- Possible regional timber trade associations and their members
- Stakeholders from other countries in the region likely to import from or export to Liberia

International

- Timber markets beyond the EU, including Australia, China, Japan, the Middle East, South Korea and the United States
- Other VPA countries

- Donors and development partners who are active or could be active in assisting Liberia in forest governance
- Timber trade federation, association and unions
- Investors looking at forest related investment in Liberia

Annex 2 of the strategy: Reflection on ways the EU, the Liberian government and other stakeholders can support and complement the JIC's communication activities

Annex VIII of the VPA describes possible supporting measures to implement the VPA, which outline in more detail how communication can support VPA implementation:

“Communication supports implementation of the VPA and is essential to redress the negative image of the sector given the difficult historical background of Liberia and its timber industry. The VPA is an opportunity to work towards transparency, accountability and legality. The value of communicating about the government efforts to improve governance in the forest sector cannot be overemphasised. The VPA will affect not only the administration, but also different stakeholder groups and the broader public and therefore requires a comprehensive communication strategy that will provide all the necessary information on the VPA, its impact and its benefits, not only in economic, but also environmental and social terms. Communication on action planned and achievements under the VPA will aim to:

- (a) encourage involvement and guarantee the coherence of actions by various stakeholders;
- (b) ensure public access to information to facilitate monitoring;
- (c) promote the image of Liberian timber on the international market;
- (d) secure public support for the action taken by Liberia to promote sustainable forest resource management and development of the communities that depend on it; and
- (e) promote the benefits of a VPA among the stakeholders and the wider public.

To this end, Liberia will support measures to ensure effective communication of the ambition and results of the VPA. Key measures may include:

- (a) preparing and implementing a communication strategy with the goal of raising public awareness via modern and traditional media to keep the public and the timber trade informed about implementation of the VPA and its impact and benefits;
- (b) identifying appropriate target groups and designing specific printed and electronic messages concerning the VPA for each target audiences with regular updates;
- (c) establishing an information exchange platform for consistent dissemination of information to domestic and international partners, including considering where it should be located in the overall implementing structure;
- (d) organising trade shows involving prospective trading partners to promote the benefits of FLEGT-licensed timber;
- (e) putting systems in place for the appropriate government authorities to publish information and to respond to requests for information under the Freedom of Information Act, as indicated in Annex IX.”

Some of these measures are covered by the JIC communication strategy, but not all of these measures are the sole responsibility of the JIC.

In addition to communicating as the JIC, the EU and Liberia will need to communicate as individual entities about the VPA with their audiences and stakeholders. There are also many other important communicators who can support JIC communication activities. These include civil society and private sector actors, such as the Liberian NGO coalition, the Liberia Timber

Association, the Community Forest Development Committees, and the EU FLEGT Facility and the FAO-EU FLEGT Programme, amongst others.

In particular, achieving the goal to demonstrate the impact of the VPA on forest governance and broader development goals to increase domestic and international support for the process cannot be the sole responsibility of the JIC. The communication plan proposed in the strategy should as much as possible include communication activities of other actors.

Developing a more comprehensive communication strategy as envisioned in the VPA annex could be desirable, but, given resources and capacity of the relevant actors, may not be realistic at the moment.

Below is a list of the different communication responsibilities of different actors. The list is not exhaustive.

EU:

- Communication to other EU bodies
- Communication within the EC (DEVCO C2 to other parts of DEVCO and relevant DGs)
- Communication to EU Member States and its relevant agencies (internationally and in Liberia)
- Communication to donors
- Communication to EU civil society
- Communication to EU private sector
- Communication to international partners

Chair of FDA Board/FDA:

- Communication to Liberia's political leadership
- Communication to other ministries
- Communication to Liberian parliamentarians
- Internal communication to FDA employees
- Communication to Liberian civil society
- Communication to the Liberian public
- Communication to donors

Other parts of the Liberian government:

- Communication to other ministries
- Communication the Liberian public
- Communication to donors

Liberian NGO coalition and/or Community Forest Development Committees

- Communication to the public
- Communication to forest communities
- Communication to other civil society sectors in Liberia
- Communication to international CSOs

Liberia Timber Association

- Communication to private sector in Liberia

- Communication to private sector outside of Liberia (the international market).

EU FLEGT Facility:

- Communication to the international FLEGT community

FAO-EU FLEGT Programme

- Communication to the international FLEGT community
- Communication to its Members States

Liberia-EU VPA JIC protocol for managing contentious media issues

1. Introduction

This document describes a protocol for the JIC to manage contentious media issues in relation to the Liberia-EU VPA. This protocol does not intend to serve the parties in their independent management of contentious media issues that relate only to their individual interests.

The purpose of the protocol is to guide the JIC in:

- Coordinating responses to media requests for interviews or information regarding contentious media issues
- Evaluating the risks and opportunities associated with anticipated or actual media coverage and taking appropriate action
- Managing controversial, negative or inaccurate media coverage that could have implications for the reputation of either party
- Increasing the coherence and accuracy of media coverage

By **contentious media issues**, we mean **both anticipated or actual media coverage** that points to weaknesses in the VPA and/or is controversial, negative or inaccurate with regards to the forest sector in Liberia. Anticipated media coverage could be issues raised by stakeholders (in reports, online petitions, or open letters) that may or not make it into the news media, but require a decision on if or how to react.

Examples of contentious media issues that could be of concern to the JIC and might involve a collaborative response are:

- An international or national NGO plans to release a report saying that Liberia's TLAS is not stopping corruption or that illegal sources of timber are entering the TLAS.
- An international, regional or national journalist asks for information or an interview based on rumour of illegal imports entering Liberia's FLEGT-licensed trade
- The draft report of the independent auditor found evidence that communities were not receiving their fair share of compensation
- An Africa/Europe TV broadcaster shows a documentary that contains inaccurate information
- An EU commissioner receives a request for an interview from The Economist regarding sanctions under the EUTR against a European company that involves products from Liberia

These kinds of issues, if not well considered and managed, could influence the reputation of the parties, the JIC, the FLEGT VPA and the (future) FLEGT licence. A simple protocol is an effective tool for managing contentious media issues.

Section 2 describes the protocol, and Section 3 describes support for protocol implementation offered by the EU FLEGT Facility.

2. Protocol for managing contentious media issues

The parties to the VPA should follow the protocol below when:

- a) The parties anticipate that there could be a contentious media issue that concerns the JIC
- b) The parties identify a controversial, negative or inaccurate report or petition that concerns the JIC
- c) There is a request from news media for information or interviews about a contentious media issue that concerns the JIC

Step	Action	Key actor(s)
1	Share the potential contentious media issue with the VPA focal points ³ and communication officers of the EU Del and FDA.	JIC members, EU FLEGT Facility or Facilitator
2	Notify the VPA focal points and communication officers of the EU Del and FDA when there is a request from news media for information or interviews about a contentious media issue.	Communication officers, EC, EU FLEGT Facility, JIC members or Facilitator
3	Determine whether more information is needed before decisions are made, and conduct research if needed.	EU Del and FDA communication officers
4	Jointly assess risks and opportunities and make recommendations.	EU Del and FDA communication officers
5	When action is or may be needed in the future, prepare and agree on a briefing document that may include messages.	EU Del and FDA communication officers
6	Notify those who need to know that there is a contentious media issue, such as EC, Minister and JIC members.	VPA focal points of the EU Del and FDA
7	Support recommended actions (if any), including development of plans for sensitive issues, messages and tools, if requested.	EU Del and FDA communication officers
8	Report on actions taken and results.	EU Del and FDA communication officers

There is a range of responses:

- Do nothing when a response is not warranted, as is often the case with inaccurate or negative media coverage.
- Notify the journalist or report or report author that there is an error.
- Take positive measures to provide accurate information for media about the issue.
- Demand a correction.

³ To be discussed who the (non-communication staff) VPA focal points inside the EU Del and FDA should be

- Ask for the opportunity to provide another point of view through a follow-up story, letter to the editor (or author of the report) or OP-ED.
- Request support from the media outlet's editorial board or highest authority.
- Pursue legal action.

In most cases it is better not to respond to stories because doing so usually generates further coverage of a negative issue, 'giving a story legs'.

When a decision is taken to address critical comments from stakeholders (whether through the media or directly):

- Welcome the criticism as a contribution to the common goal to improve the VPA process.
- Remain polite and constructive when responding, even if the critical comments seem to be inaccurate.

It is only in extreme cases, such as persistent slander, that legal action is advised.

In most cases, it is best to provide information requested by news media and to agree to be interviewed.

The above actions can be taken jointly or individually, striving for coherence in message whenever possible to protect the credibility of the JIC. If the JIC cannot agree on a joint position to take, each party should keep the other party informed in advance of any action taken (in line with the JIC communication strategy).

3. Support from the EU FLEGT Facility for managing contentious media issues

The EU FLEGT Facility supports the EU and VPA countries with media relations. The Facility's communication team provides the following services:

- Monitoring news media (daily)
- Assessing news coverage (quarterly and in response to special initiatives)
- Developing content for the media (press releases, statements, backgrounders, Q&As, electronic press kits and more)
- Developing and implementing communication plans that involve media relations
- Providing training for speakers to engage with the media
- Training news media to cover FLEGT and VPAs

In addition to these ongoing activities, the communication team helps the EC and VPA countries to anticipate and manage contentious media issues. It provides this service within 24-hours of a request, and sometimes faster when a request is received to serve the EU's spokesperson, a Commissioner, a Minister or other senior official who must respond immediately to questions from the press. This service involves:

- Anticipating and identifying contentious media issues
- Researching issues, often with support from Facility experts
- Presenting options and recommending responses
- Writing key messages, statements, letters to editors and other materials
- Contacting media, organising interviews and offering content
- Monitoring and evaluating after the action

To request support, contact the Facility's focal point and these communication team members.

Caroline Hooper-Box

EU FLEGT Facility communication team leader

caroline.hooper-box@efi.int

+34 637 33 39 03

Mike Shanahan

Media expert

mike.shanahan@efi.int

+44 797 4560504

Terms of reference for the Committee on inclusion of CFMAs in the timber legality assurance system

Background

Under the Community Rights Law of 2009, communities are granted legal rights over the areas of forest resources they have traditionally used, once they have completed the relevant procedures⁴. Once all of the necessary requirements (8 first steps), the FDA and the community sign a Community Forest Management Agreements (CFMA). On this basis, the community can decide to sign an agreement with a third-party for the use of the authorized forest community's forest resources, for commercial or conservation purposes.

As of September 2018, 37 CFMAs have been approved, 101 CFMAs applications are pending or being processed for approval while only 5 CFMAs out of the 37 approved are producing timber for commercial purposes. Timbers coming from CFMAs for commercial purpose enter the chain of custody system and go through certain legal requirements and controls. Timber coming from CFMAs now represents 15-20% of Liberian Timber exports. It is also used on the domestic market.

At the time of the VPA's entry into force in 2013, the legal framework applicable to community forestry was not fully coherent yet and it had been anticipated that work will first need to be done around the promulgation of community forestry regulation to provide specific guidelines for community forest management. In February 2017, amendments to the Regulation to the Community Rights Law were approved.

Furthermore, the Liberia Land Rights Act was recently passed by the Liberian legislature and signed into law by the President. As this new law defines the different categories of land ownership and prescribed the means by which each of these categories may be acquired, used transferred and managed; it is likely it will have an impact on forest lands and the community forestry; whose regulations will need to be scrutinized so as to be coherent with this new piece of legislation

At the 6th JIC meeting of June 2018, parties highlighted that *"As foreseen in the VPA, Liberia and the EU agreed during the JIC to engage more actively and formally on integrating timber sourced from commercially-oriented CFMAs, into the timber legality assurance system. This integration will require a revision of the current legality matrix. The EU and Liberia agreed to move this process forward by forming a seven-member committee that will take the lead and report directly to the JIC on progress on this work. In order to support the collection of evidence that would better inform this process, the parties also agreed that this committee may engage in field monitoring on an ad hoc basis. In cases where field exercises are conducted, all members of the committee shall approve the results, reporting those results back to the JIC. The EU and Liberia will agree on the committee's terms of reference and scope of membership before the next JIC."*⁵

Together with the FDA, the VPASU worked in 2018 on identifying ways to integrate the requirements of community forestry in the legality matrix and developed draft compliance procedures on the process of CFMA allocation and broader compliance elements⁶.

Any revision of the legality matrix will need to go through a formal process between the EU and Liberia. However, the identification of the legality requirements and verification procedures

⁴ Under the Regulation to the Community Rights Law of 2009 and the nine-step process.

⁵ Aide-memoire of the 6th JIC meeting, paragraph 29

⁶ VPASU, "Compliance procedures for the VPA legality matrix verifiers", version 2.2. Currently being reviewed by FDA management, before formal adoption by FDA Board.

applicable to the CFMAs can already serve as a useful basis for enhancing control and monitoring of current activities.

Objective

The objective of this committee is to lead the work on “*integrating timber sourced from commercially-oriented CFMAs, into the timber legality assurance system*” to ensure that timber coming from CFMAs goes through the same type of legality checks than other sources of timber. This is in accordance with the VPA, which applies to all timber exported from Liberia and endeavors to apply to the domestic market too.

The committee will be responsible for identifying relevant elements of the legal framework applicable to CFMAs, gathering inputs from all stakeholders and prepare suggestions for revision of the legality matrix. Based on the existing state of government controls (chain of custody and legality verification) over timber coming from CFMAs, the committee will also prepare recommendations for increased compliance verification through the revision of the timber legality assurance system procedures.

The committee shall use as a basis for its work the existing material endorsed by or presented to FDA and the Government of Liberia, including the “*Nine steps Handbook: checklist for establishing a forest community*”⁷ or the “*Compliance procedures for the VPA Legality Matrix Verifiers*”⁸.

The outputs and recommendations of their work will feed into a subsequent broader multi-stakeholder process and bilateral negotiation over the formal modification of the VPA.

Tasks

- Based on existing reports on CFMAs and their legal compliance (application process, chain of custody compliance, FDA inspection reports, independent-forest monitoring reports), identify gaps and weaknesses around commercial timber sourced in CFMAs.
- Carry out field monitoring, on an *ad hoc* basis to collect evidence, increase understanding and better inform the inclusion of CFMAs into the timber legality assurance system. This could include at any time field observations on CFMAs operations; i.e. from the moment of application by the community to the point of CFMA allocation, and potential subsequent sub-contracting to a third party and commercial harvesting.
- Draw a comprehensive summary of the legal rules that apply to CFMAs (following the Legality Definition framework and its 10 Principles) and identify any potential gaps in the legal framework and opportunities for improvement.
- On the basis of the “Compliance procedures for the VPA Legality Matrix Verifiers”, other documents and Committee’s findings, identify possible amendments to the Legality definition and /or the timber legality assurance system procedures.
In addition to this, assess how the inclusion of CFMAs will require FDA to adapt/increase its operational capacities.
- Assess impact of the new Land Rights Act on CFMAs and in particular on CFMAs’ allocation and third-parties agreements.
- Prepare and propose draft amendments to the Legality definition.
- Prepare and propose draft amendments to any other VPA annexes if relevant.

Composition

The seven-member committee shall be composed of:

⁷ USAID, The “Nine Steps” Handbook, checklist for establishing a forest community

⁸ VPASU, “Compliance procedures for the VPA legality matrix verifiers”, version 2.2. Currently being reviewed by FDA management, before formal adoption by FDA Board

- 2 representatives of FDA
- 1 representative of the LTA
- 1 representative of NGO Coalition
- 1 representative of NUCFMB
- 1 representative of the EU
- 1 representative of an international donor or project involved in CFMA's issues

When relevant, the committee can request the support of relevant external parties to inform their work, including other government agencies such as the Ministry of Justice or the Liberia Land Authority, members of the FDA Board, members of the NMSMC, other groups such as the community forestry working group, civil society, technical assistance projects or outside legal expertise.

Organization

The members of the committee will elect its chair and co-chair during the first meeting. The chair and co-chair will be responsible for convening the meetings and reporting to the JIC and other multi-stakeholder structures. At the minimum, this committee shall formally meet monthly.

In its first meeting, the committee will prepare a provisional schedule of their activities and outputs. The committee will then share it with the JIC members for their information and monitoring.

The meetings of this committee will be hosted at the FLEGT facilitation office. Technical assistance (EU support) set to start Q1 of 2019 will provide additional general support to the work of this committee.

Timeline and Reporting

In line with the JIC decision of June 2018, the EU and Liberia will need to agree on Committee's terms of reference and scope of membership before the next JIC. Once this is agreed, this Committee can immediately start its work.

The Committee will be dissolved once the JIC considers it fulfilled its tasks.

The committee shall regularly report to the different multi-stakeholder structures on the progress of their work (NMSMC, technical JIC, LIC). The existence of this committee shall not limit the possibility of other stakeholders to raise similar issues at the NMSMC meetings or other multi-stakeholder meetings.

In case of field monitoring missions, the committee shall report to the JIC on the results. In case a member of the committee does not agree with the findings of the field mission, the committee will still report to the JIC but the member can also provide a dissenting opinion to the JIC.

The committee shall formally report to the JIC parties and the JIC on their findings and proposed amendments to the VPA. Parties shall then examine proposed changes and decide on their approval and integration in the VPA annexes and legality definition.

The JIC assigned the following members to this Committee:

1. Gray, Weedor – Forestry Development Authority (FDA)
2. Wallace, Robert – Forestry Development Authority (FDA)
3. Witherspoon, E. Ekema A. – Liberia Timber Association (LibTA)
4. Thompson, Saye – National Union of Community Forest Management Body (NUCFMB)
5. Lepol, Roland – International partners in Community Forest Management (LFSP)
6. Kennedy, Joseph – Non-governmental organization Coalition (NGO Coalition)
7. Palacios, David – (European Union)