



Joint Monitoring and Review Mechanism of the Ghana-EU FLEGT Voluntary Partnership Agreement

Aide Memoire

Technical Session of the Joint Monitoring and Review Mechanism
Accra, 17th July 2018

Introduction

1. A technical session of the Joint Monitoring and Review Mechanism¹ (JMRM) to facilitate the implementation of the Forest Law Enforcement Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) between Ghana and the European Union (EU) took place in Accra on 17th July, 2018. The session was co-Chaired by Ghana and the EU. The Ghana Delegation was led by Musah Abu-Juam, Technical Director at the Ministry for Lands and Natural Resources (MLNR). The EU Delegation was led by Benoist Bazin, Team Leader for Infrastructure and Sustainable Development at the EU Delegation to Ghana.
2. The Ghana team included representation from the MLNR, the Forestry Commission (FC), Civil Society and the Private Sector. The EU team included representation from the EU Delegation, European Commission, and the European Forest Institute (EFI) EU FLEGT Facility. A participant list is attached as Annex I to this aide memoire.
3. The session discussed progress on key aspects of the VPA implementation. The following sections provide a summary of the discussions and decisions in relation to each of the areas concerned.

VPA Annex changes

4. In early June 2018, Ghana made a written submission to the JMRM proposing a series of amendments to the VPA annexes. Although further amendments may be necessary to reflect the outcome of ongoing work on Ghana's protocols for dealing with imported timber, it was agreed that the EU would respond formally to accept Ghana's proposal. This response would enable work to begin on translating the text, with the understanding that any further amendments could be fed into the process once those discussions are concluded.

Import Protocols

5. During a presentation made by Ghana to the EU Competent Authorities (CAs) in April 2018 on the outcome of the shipment test for FLEGT licensing, clarification was sought as to how Ghana would ensure the legality of imported timber. It was subsequently

¹ The purpose of the JMRM is described in Article 19 of the VPA



agreed that a joint Ghana-EU working group be established to finalise draft protocols for dealing with imported timber and that this group should consider the following:

- Alignment in product scope between Annex I of the VPA and those products covered by the import protocols
 - The legal or administrative mandate of the Forestry Commission (FC) to carry out the necessary enforcement activities
 - The level of sanctions to be applied to those breaching any obligations imposed
 - The merits of an EUTR-type approach, rather than a border measure, to safeguard the integrity of exports
6. Following two meetings of this group and a series of written exchanges between the Parties, further work is required to conclude these discussions. Taking into consideration Ghana's concern that the Forestry Commission should not operate outside of its mandate and acknowledging the confidence that both Parties have in the robustness of Ghana's Legality Assurance System (GhLAS), it was agreed that the EU would consider an approach that is consistent with the requirements of the VPA and that would be acceptable to the EU so that this could form the basis for further discussion. Ghana requested that if possible, this input be provided to inform the next meeting of the multi-stakeholder implementation committee at the end of August 2018.

Conversion of extant leases

7. Negotiations between the Forestry Commission and the private sector on the formula and fees to be applied for the conversion of extant leases to Timber Utilisation Contracts (TUCs) under the provisions of LI 2254, were successfully concluded in May 2018. The next steps are to finalise the procedures and documentation required for managing the process for applying for conversion, and for these to receive the approval of the FC board at their next quarter's meeting, which is expected in early November 2018. The FC will be in a position to receive applications for conversion soon after.

Status of GhLAS roll out

8. The following updates were provided on various aspects of the GhLAS rollout:
- The historical data backlog of information that had been captured under the paper-based system but had not yet been uploaded on to the new system has now been cleared.
 - Due to delays in implementation, there is now a revised date for completion of this work estimated for the end of December 2018.
 - Although there have also been some delays in the work to upgrade the connectivity, the FC has been able to retain the outsourced server hosting and this, along with the

use of modems at the district level, the constraints to the operational functioning of the system have been minimised.

- All 32 priority forest management plans have now been completed. Work on an additional 10 is now ongoing, with seven of these being for plantation sites where harvesting of thinnings is underway.
- Although the issuance of mock licenses has been impacted by the work to clear backlog data, now that this has been resolved, it is expected that this milestone will be reached as soon as possible. It will be important that the final joint assessment of the system will be able to confirm both the ability for the system to issue these licenses and also that the timely close out of Corrective Action Requests is required to secure a license.
- The Timber Validation Committee (TVC) that has an oversight role for the functioning of the Timber Validation Department (TVD), had to be reconstituted as the tenure of the previous committee had expired. As many of these individuals are new to the TVC, there will be a need to provide a full induction. The committee is expected to be convened in August 2018 to commence the process of orientation. A list of the new members of the TVC is attached as an annex to this aide memoire.

FLEGT license shipment test

9. In preparation for a presentation of the findings of the shipment test for FLEGT licensing to EUTR Competent Authority (CA) representatives in Brussels in April 2018, Ghana prepared an action plan to address the eleven recommendations contained in the final report.
10. The recommendations can be categorised as follows: those that relate to the readiness of the system and its ability to issue licenses; those that relate to the format of the FLEGT license; and those that relate to the capacity of the private sector and staff of the Timber Industry Development Division to follow the appropriate procedures. The version of the action plan prepared in April and shared with the EFI, set out actions for each recommendation, with an expectation that many of these would have been completed by the end of July 2018.
11. To provide an update on the status of the action plan, Ghana advised that:
 - in relation to the first category, a significant challenge had been the backlog data that had not been uploaded onto the system at the time of the test and that this challenge had now been resolved.
 - With regards to the format of the license, although some recommendations are easy to address, others such as the requirement for a watermark on the license, will require work on the software platform for the system.

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- For the final category of recommendations, it has become apparent that it would be more effective to conduct some of the training for private sector and TIDD staff, once Ghana is close to licenses being received by the EU, to avoid the need to repeat training at a later date. In light of this, it was agreed that Ghana should prepare a revised version of the action plan with updated timelines to share with the EU.
- Other work in this final category on things such as a brochure to explain to the private sector on their obligations in relation to the licensing system, is already underway. EFI offered support in the finalisation of this material. EFI also offered to support the FC with the drafting of communication protocols for dealing with EU Competent Authorities.

12. As next steps:

- Ghana will revise the action plan to reflect the amended timelines and will share this with the EU and the EUTR Competent Authority representatives from Germany, the Netherlands, and Spain, before Friday, 20th July 2018.
- Ghana will share with EFI the draft of the brochure TIDD has developed so that they can provide comments and support to its finalisation.

Close out of the first joint assessment

13. The first joint assessment of the GhLAS was conducted in 2014 and concluded with 108 findings, of which 43 were negative (non-compliant with the criteria to assess the operational legality assurance system of Ghana as set out in Annex VII of the VPA). These 43 findings led to 57 recommendations from the assessment team, a number of which were considered to be priority actions necessary for FLEGT licensing. It has been agreed that to make efficient use of the assessment team's time, the Parties will need to review this close out report and reach agreement on both the response to these recommendations and the degree to which they have been addressed, prior to launching the joint assessment.
14. In preparation for this discussion, Ghana has prepared a close out report that sets out each of the recommendations, the extent to which they agree with the recommendation and where relevant, the action taken towards addressing the recommendation. This report was shared with the EU and the EU have committed to providing an initial response before the end of July. A first discussion on this report is anticipated in September 2018.

Joint Assessment

15. The process to contract consultants to carry out the final joint assessment of the GhLAS is complete and contracts have now been signed with the two individuals who will comprise the assessment team. The assessment process will follow an iterative approach, whereby there must be confidence that issues identified during one mission have been resolved before a subsequent mission is undertaken. It was emphasised that

each consultant only has 45 days in their contract. Consequently, there is a need to ensure that this contract is managed in an effective and efficient manner to ensure that the time available is adequate for the consultants to complete their work.

16. In addition to the requirement for the Parties to reach agreement on the close out of the first joint assessment, in the interests of facilitating an efficient assessment process, it was also acknowledged that there are a number of other issues such as the finalisation of a complaints mechanism, actions outstanding from the shipment test, and issues identified in the third report of the independent monitor, that it would be useful and/or necessary to have resolved prior to the mobilisation of the assessment team. EFI will provide a first draft of this list for further discussion before the end of July 2018.

Communications

17. There are two communication strategies of relevance to the VPA process in Ghana. The first is one that has been developed by the JMRM, which has two elements. The first element outlines the JMRM communication responsibilities (according to the VPA). It describes the tactics, activities and tools that support the JMRM in fulfilling its communication responsibilities. The second element outlines the communication opportunities for Ghana, the EU and their partners as Ghana moves towards FLEGT licensing. It describes milestones and possible communication activities that can take place around those.
18. The second is a national communication strategy for FLEGT licensing that is being developed with support from the Global Timber Forum. This strategy involves key stakeholder groups developing evidence and case studies around a set of agreed messages and communicating these through various media in the period just prior to and during the implementation of licensing.
19. For communications around the joint assessment it was agreed that EFI, as the contract manager for the work, would create a page on the FLEGT.org website, to provide factual information on the status of the assessment. EFI will also provide the Parties with a series of stock responses to potential questions on the assessment.
20. The VPA progress report for the period 2013-2017 has been finalised and is now with EFI for publication. It is expected that copies of the report will be available in August 2018.
21. As the achievements of the VPA are much broader than the issuance of FLEGT licenses, it was agreed that it would be useful for stakeholders to begin to develop 'impact stories' that can bring some of these achievements to life. EFI will also work to develop material of this nature and will ensure that any stories they develop, are first passed through the respective focal points for consultation.

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Date of the next JMRM

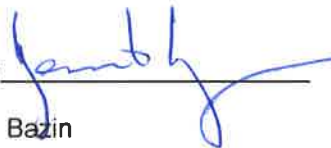
22. It was agreed to discuss an appropriate date for the next JMRM at the time of launching the final joint assessment.

Signed:  _____

Musah Abu-Juam

Ministry of Lands and Natural Resources

Date: 3/8/18

Signed:  _____

Benoist Bazin

EU Delegation to Ghana

Date: 27/7/2018

Annex I

Participant list for JMRRM Technical Session

Tuesday 16th July, 2018

Members of Ghana team	
Musa Abu-Juam	Technical Director, Ministry of Lands and Natural Resources (MLNR)
Chris Beeko	Director, Timber Validation Department (TVD), FC
Dr. Ben Nathan Donkor	Executive Director, Timber Industry Development Division, FC
Oppon Sasu	Executive Director, Forest Services Division, FC
Dr. Richard Gyimah	Timber Validation Department, Forestry Commission
Agyemang Koranteng Prempeh	TVD, FC
Akwasi Osei-Bonsu	Human Resources Department, FC
Boakye Acheampong	Legal Department, FC
Dennis Osei-Hwere	Legal Department, FC
Thabi Agarko	Ministry of Lands and Natural Resources
Benjamin E. Boateng	GRA-Customs Division
Alexander K. Dadzie	Timber Industry (Ghana Timber Association)
Albert Katako	Civil Society
Samuel Kwabena Nketiah	Civil Society
Members of EU team	
Benoist Bazin	Team Leader, Infrastructure and Sustainable Development Section, EU Delegation (EUD) to Ghana
Zoltan Agai	Head of Cooperation, EUD Ghana
Maria Pachta	European Commission, Brussels
Christopher Ackon	Programme Manager, EUD Ghana
Andrew Haywood	EFI EU FLEGT Facility technical expert
Others	
Clare Brogan	FLEGT Facilitator

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Annex II: MEMBERSHIP LIST FOR THE TIMBER VALIDATION COMMITTEE

No	Name of Member	Organization
1	Oscar Vulor	Legal Practitioner(Private)
2	John McDonald Allotey	Forestry Commission
3	Chris Beeko	Forestry Commission
4	Musah Abu-Juam	Ministry of Lands and Forestry
5	Alexander Dadzie	Timber Industry
6	Kofi Afreh Boakye	Civil Society (NGO)
7	Ena K. Blege	GRA-Customs Division
8	His. Lordship P. Baffoe-Bonnie	Judiciary
9	Mark Ofori Asante	Trades Union Congress
10	ACP. Francis Aboagye Nyarko	Ghana Police Service
11	Obrempong Nyanful Krampah	National House of Chiefs



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