

Voluntary Partnership Agreements: More than salving Europe's conscience

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Many believe that the EU Action Plan ought to be implemented through a stronger European legal instrument that bans the import of illegal timber and obliges producers to demonstrate legality. On the face of it this may appear a more robust option but when one looks closer, it comes with its own set of problems, above and beyond the often-cited issue of WTO compatibility. Such an EU legal instrument will only impact on a small proportion of illegally harvested timber and will do little to affect the supply to non-discerning and domestic markets. Moreover, in order to be workable, it will require a one-size-fits-all definition of legality, focused on the enforcement of existing laws. This could potentially deny producer-country civil society the opportunity to work with industry and government on reform of those elements of domestic legislation that reinforce archaic and inequitable concession allocation procedures and which criminalize the livelihood activities of the rural poor. One of the great prizes that FLEGT holds out – advancing the social justice agenda as it relates to the 84% of forest land that is publicly owned and administered – could be set back.

Notwithstanding legitimate concerns about the efficacy of voluntary instruments, we believe that Voluntary Partnership Agreements (VPAs) need to be given a chance to succeed as part of the package of measures included in the EU Action Plan and that there are a number of cases where soft law has been more effective than hard law in ensuring compliance. Some of the potential strengths of the VPAs are that:

- they are enforceable bilateral agreements between partner countries;
- they are country-specific which increases the likelihood of national stakeholder buy-in;
- the licensing systems which are a key component of VPAs have the potential to apply to all timber harvested – not just for export to discerning international markets;¹
- they avoid the risk of international trade disputes which could ultimately hold-up the implementation of action on illegal logging;
- their credibility depends on ensuring multi-stakeholder participation.

Ultimately, forest governance is a societal responsibility. It is important to ensure that producer-country civil society is not denied the opportunity to help shape governance-related issues in their own countries. Therefore, whatever the final modality of the EU's response to curbing the import of illegal timber, it will be critical to ensure it supports broader domestic efforts in producer countries to enhance equitable governance arrangements and move toward long-term sustainable production.



¹ Expanding licensing systems to include trade outside of the EU is necessary since 5–7% of globally harvested timber enters export markets and only a proportion of that goes directly or via re-export to Europe.