



Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG) & Timber Legality Verification Systems within VPAs

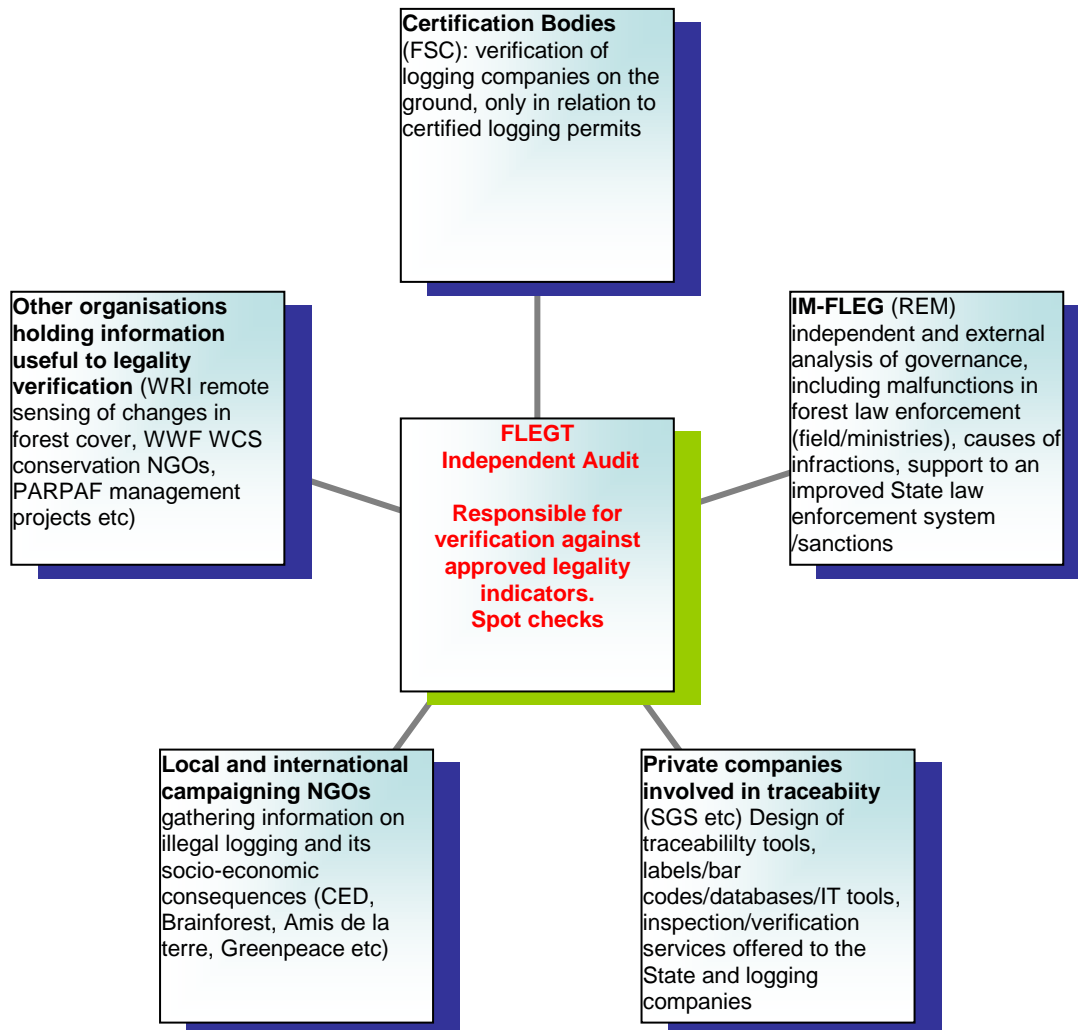
Independent Monitoring and Legality Verification

Independent monitoring is recognised as an essential part of a system that can lend credibility to timber legality verification (AFLEG Ministerial Conference in October 2003 and FLEGT information notes). The aim of this document is to incite debate on mechanisms for information exchange between the Independent Monitor and the FLEGT Audit.

There are various monitoring projects in existence that gather information on the legality of timber through, for example, traceability or certification systems, remote sensing, etc. These projects are different but complementary and should be able to provide information to an Audit body to be put in place to verify legality against identified indicators.

IM-FLEG is one such initiative, focusing on governance both at the level of forest law enforcement and in the detection and suppression of forest infractions. This will enhance the credibility of government-granted certificates of legality. The aim is to ensure that the information gathered by IM-FLEG is made available to governments before permits are allocated, so that corrective action can be taken, and to the auditing body before it undertakes its spot checks.

Diagram showing additional information provided to the FLEGT Auditor by players involved in different kinds of monitoring, verification, etc.



Role of monitoring systems in legality verification

The term monitoring can lead to some confusion as it is used in a number of different ways. For example, there may be monitoring of:

- forest cover or logging tracks using remote sensing
- cross border trade
- timber permit allocations
- private sector forestry activity

Any kind of monitoring, observation or systems support should be able to provide information to the body responsible for issuing logging permits and to the FLEGT Auditor so that these permits command the necessary credibility, particularly in contexts of weak governance.

Independent Monitoring of Forest Law Enforcement and Governance, IM-FLEG

IM-FLEG provides systematic monitoring of the activities of the Ministry responsible for forests in the country in question; this is achieved via a permanent presence on the ground.

It provides:

- **Systematic in-field documentation** of forest infractions, on the basis of objective investigations conducted by the Independent Monitor jointly with government officials. The results are regularly validated by the Forests Ministry and published. IM-FLEG's Terms of Reference specify that field missions must be regularly conducted and must cover a representative proportion of different forest permits and different regions in the target countries. These missions enable the working methods of Ministry staff to be analysed by the Independent Monitor and supported whilst **reducing the risks of corruption and collusion** (mitigating the risk of a selective verification of some forest permits to the detriment of others, of a failure to record some infractions or to effectively undertake certain crosschecks, etc.).
- This information is supplemented with **documentary research** at the level of the ministries concerned (Finance, Forests, etc) and **follow-up to actions taken** (sanctions, etc). This enables a global analysis of the **recurrent causes of the infractions** (allocation method of a particular kind of permit open to fraud, systematic laundering of timber, etc.) and an analysis of the **follow-up provided by the State to infractions**. These analyses are very important as they are rarely anticipated in the State forest law enforcement and follow-up systems. For example, a build up of repeated infractions that are perceived as "minor" (e.g. badly kept field documents, in terms of failures to keep daily records or alterations made to these documents) may be concealing "major" trafficking (systematic under-declaration of volumes leading to significantly reduced payments of the taxes due on these volumes). Another example is an agreement to relocate a permit without putting it out to a new call for tenders, which may have significant financial advantages for the permit holder.
- Documentation, on a case by case basis, of the reasons behind the infractions makes it possible to identify when the private sector and/or forest administration is/are responsible for infractions or irregularities. Thematic analysis are published by the Independent Monitor providing information on the failings or weaknesses of legislation and practices that lead to the illegal trade in timber, along with trends in infractions, by kind of logging permit. **IM-FLEG enables aspects relating to a lack of the appropriate enforcement/training/strategic resources/tools to be distinguished from aspects relating to bad governance** (collusion, refusal to monitor, intentional bad enforcement or selective enforcement of procedures), and enables appropriate recommendations to be made.
- **IM-FLEG is involved in the implementation of solutions** by providing ad-hoc training during its constant interactions with Ministry staff and also formal training on research techniques, data crosschecking, etc. IM-FLEG also works with the government and donors to improve **elements of the enforcement strategy**,

incomplete legislation or legislation that may be open to misinterpretation when undertaking enforcement on the ground or follow-up to litigation. The mere presence of IM-FLEG during enforcement and litigation follow-up processes can enable bad practice to be prevented.

The core standards used by IM-FLEG in its analyses are based on national forest legislation and the existing administrative procedures of the Forests Ministry, which are often under development. This kind of monitoring should not be confused with the monitoring conducted by local and international campaigning NGOs without the agreement of the government. They gather information on illegal logging by means of one-off field trips conducted outside of the government systems. Missions of this kind rarely result in State action (official reports, seizures, etc.) due to the lack of a sworn officer at the time of noting the infraction. IM-FLEG also differs from the traceability tools that enable forest law enforcement to be strengthened, and which are often developed in association with private companies such as SGS and TECSULT, as IM-FLEG is located outside of the system. IM-FLEG's recommendations may however result in these private companies developing traceability tools. In addition, IM-FLEG can make recommendations to organisations responsible for traceability tools or certification, enabling them to improve their existing tools or tools that are under development.

Any legality verification system must therefore take not only private sector operations into account but also issues of governance if its credibility is to be ensured. IM-FLEG should be a tool that upholds rather than underpins the implementation of VPAs.

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