

Document based investigations

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Introduction

This document summarises experiences and best practices regarding document based independent forest monitoring (IFM) investigations. It draws upon lessons learned from past and current document based investigation (DBI) in the Congo Basin and West Africa.

Benefits of document based investigations

There are two main benefits:

1. Higher efficiency compared to field investigations; and
2. Increased likelihood that IM data will be applied to improving forest governance mechanisms like the European Union Timber Regulation (EUTR) and thus have a greater impact.

Efficiency

DBIs allow IFMs to cover more entities (companies, concessions, mills, etc.) at a much lower cost compared to field investigations because they don't require transport, lodging, per diem and other costs associated with field work. Theoretically, an IM can investigate an unlimited number of entities if the documents are available. However, it is worth noting that DBI efficiency decreases as time needed to obtain documents increases. If the IM has to pay multiple staff members to chase ministry officials for documents for months, the cost-benefit ratio may tip in the favor of field based investigations.

Impact

EUTR actors are likely to use DBI observations because EUTR risk assessment and mitigation are document based. DBI observations are easier to apply to due diligence and more difficult to ignore. EUTR actors have a tendency to dismiss many field based observations, such as photographs of unmarked stumps or testimony from local community members, on the grounds that such observations are difficult to verify. Of course, DBIs should complement rather than replace field investigations, which remain the only way to confirm the reality on the ground.

Best practices

Generally speaking, best DBI practices are the same as best field investigation practices: strategic planning, meticulous data collection, careful analysis to generate [actionable](#) information, and evidence-based reporting. The sections below summarise best practices for each step (so far):

1. Priority setting

2. Document acquisition
3. Document analysis

Reporting and diffusion best practices for DBI investigations are just like any other IFM report and are thus not covered in this document.

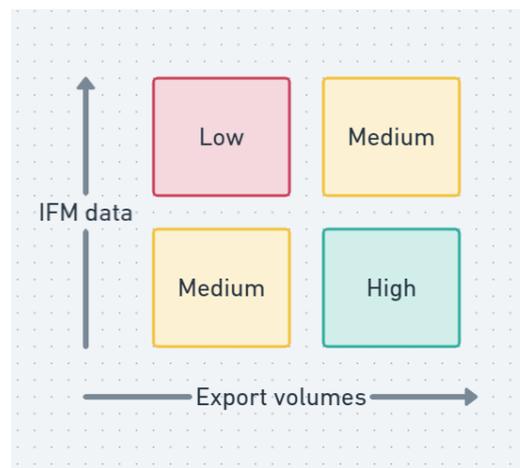
Priority setting

Collecting every legal document for every entity is not feasible. Therefore, the first step is to identify priority actors and documents for the DBI.

Identify target actors

The 'best' criteria to define target actors depends on the context so each IM will have their own approach. Regardless of the context, a simple matrix of two key criteria can help the priority setting process. For example, Figure 1 illustrates that companies with export high volumes that have not yet been investigated are the highest priority. Other criteria may include likelihood of operating with illicit documentation, field investigations costs (e.g. a distant and isolated logging area), or export destinations.

Figure 1: Example of a priority setting matrix to help select companies

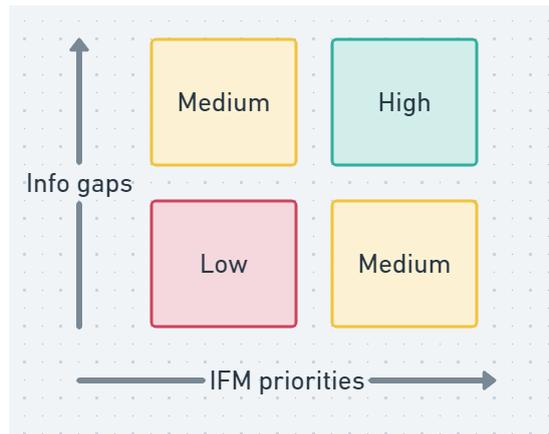


Identify priority documents.

We recommend a two step process:

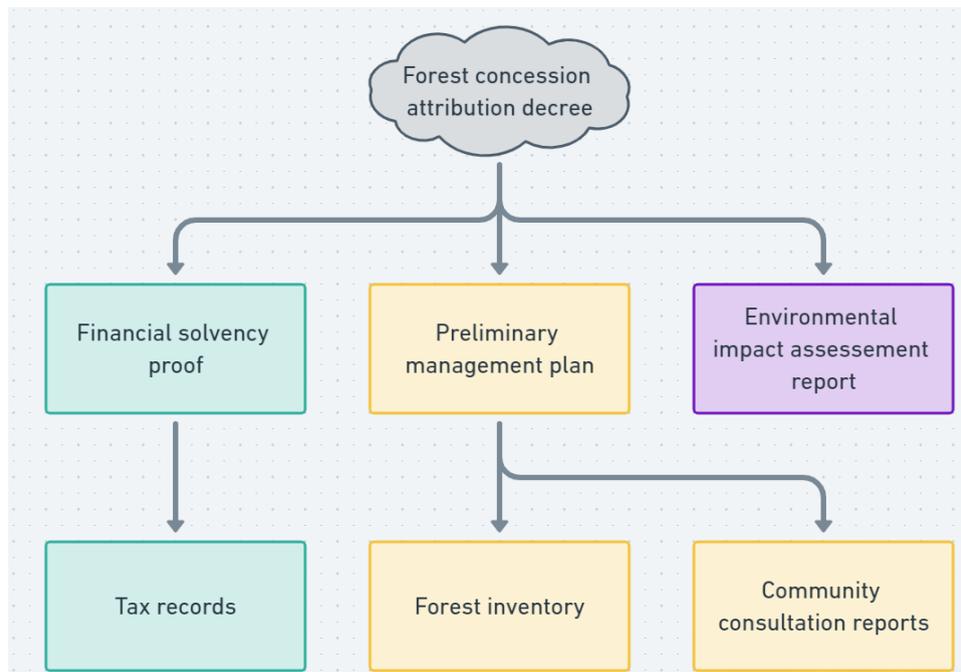
1. **Identify priority high level documents:** these are documents generally considered to be critical to assessing legality such as permits, licences and management plans. One way to identify high level priority documents is to compare information gaps to IFM priorities or capacities. For instance, if an IFM focuses on community rights and there are information gaps regarding the cahier de charge, then the cahier de charge would be a priority high level document.

Figure 2: Priority setting matrix to help select high level documents



2. **Identify the associated lower level documents:** highly level documents tend to be granted through a multi-step process involving multiple government institutions and stakeholder consultations. Therefore, a thorough evaluation of high level documents will require an analysis of the different lower-level documents. The number of lower level documents quickly adds up as illustrated in Figure 3 below.

Figure 3: hypothetical diagram of documents needed to evaluate the forest concession attribution decree



Obtain the documents

Obtaining documents will probably be the most time consuming part of the investigation. If efforts fail, it was still worthwhile because the inability of civil society to access documents, especially those that should be made public according to law, is in itself an important observation and worthy of a thematic report.

Limit the quantity of documents

Before requesting documents from governance sources, it is first necessary to verify that the quantity of documents is feasible considering time, budget and the nature of the IFM-government relationship. As figure 3 above illustrates, a thorough evaluation of one high level document can require a large number of lower level documents. For this reason, it is recommended that IFMs limit the number of high level documents and/or the number of target entities per investigation.

Be persistent and flexible

It is important to define the different types of 'access' to documents and be flexible. For instance, access can include:

1. Photocopying entire documents (the ideal scenario!)
2. Photocopying parts of documents
3. Co-reviewing documents with government officials
4. Performing a simple presence/absence test with officials without being able to carefully evaluate the documents

However 'access' is defined, it will likely require a diplomatic and persistent approach over the course of weeks or even months to access documents. As a reminder, transparency is a gradual process, so even small steps represent important progress.

Identify links to other programmes

Framing document requests in the context of national programmes like the VPA-FLEGT can greatly increase chances of accessing documents. This can include liaising with international donors to encourage them to support efforts to access documents.

Analyse the documents

Before analysing documents, it is important to define how the documents will be analysed. A simple way to do this is to make a list of criteria that define "validity" for the high level and all lower level documents. Criteria should include legal references to ensure that document analyses identify specific legality issues. Criteria can be displayed in a table, document or diagram as shown in Figure 5 below.

Figure 5: Sample of how document analysis criteria can be displayed in a diagram format.

