

Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG)

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IMFLEG definition



“Use of an independent third party that, by agreement with state authorities, provides and assessment of legal compliance, and observation of and guidance on official forest law enforcement systems”

A constructive and audit-style approach involving governments, the international donor community, the private sector and civil society.

How IMFLEG started



IMFLEG Cameroon

13 years – 7/18 million ha forests

IMFLEG Congo Brazzaville

7 years – 15/20 million ha

IMFLEG DRC (Congo Kinshasa)

4 years – 20/60 million ha

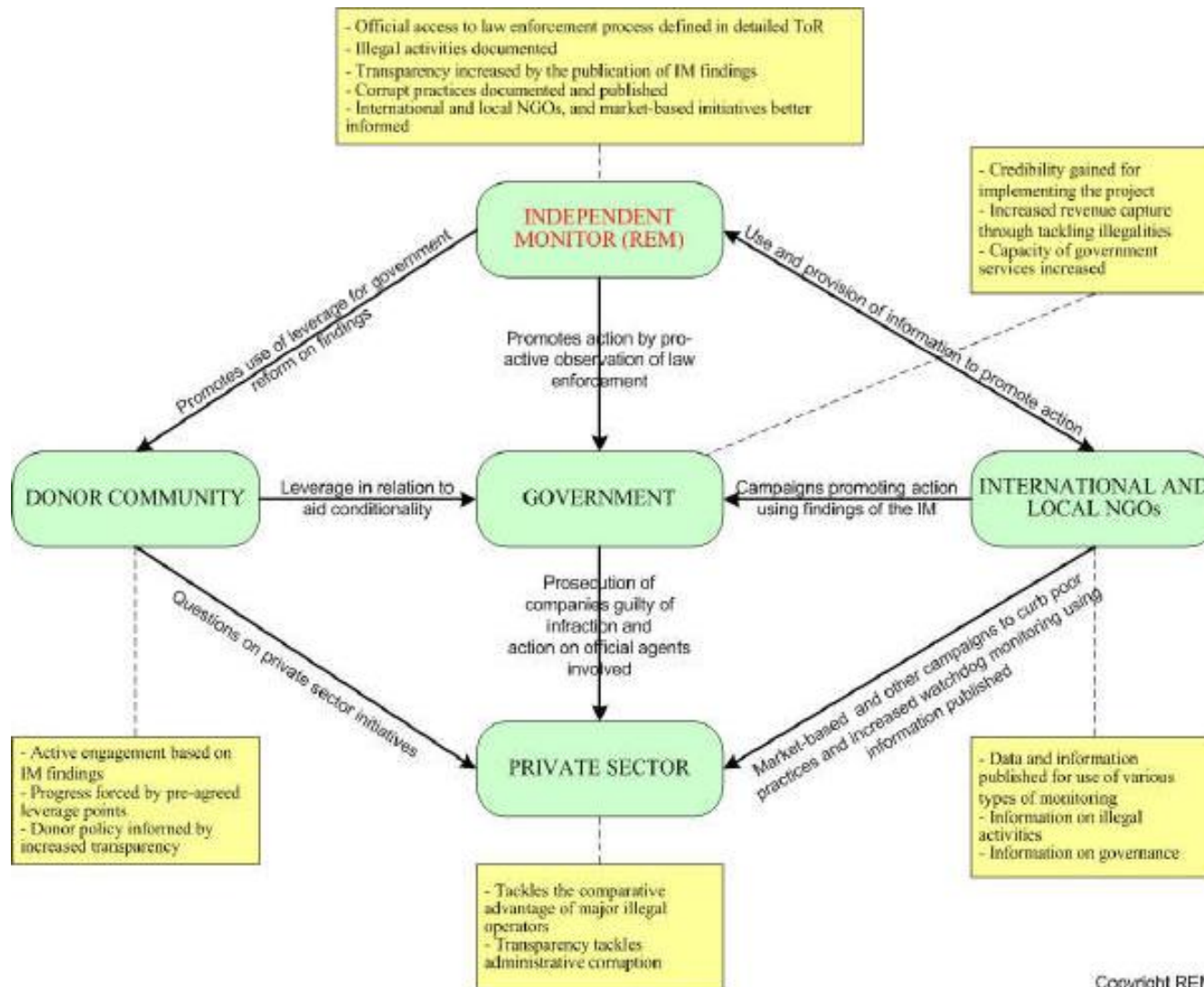
...Liberia, Gabon, CAR, Ivory Coast, Tanzania,
Sri Lanka

Cambodia: a first experience



- ✘ IM in partnership with Government implemented with campaigning elements (Global Witness)
- ✘ A novel approach, negotiated with pressure from donors
- ✘ Difficulties, review of project and analysis of problems encountered
- ✘ Tensions led to end of contract and reflection on approach
- ✘ REM conclusion: IMFLEG and campaigning are complementary but must be carried out by separate organisations

IMFLEG approach



Cameroon IMFLEG



- ✘ IM partnership with government imposed by the donors (World Bank) then IMF and EU
- ✘ Scoping missions (Global Witness) including consultations with stakeholders and joint investigations by Global Witness and forest rangers
- ✘ Negotiations of ToR, funding contract locking Ministry of Forest, Finance and Global Witness and MoU
- ✘ Long term project Global Witness then REM
- ✘ From a difficult beginning to working together : evolution of the approach
- ✘ Role of CSOs (exclusion from government, but linked to IMFLEG)

Congo Brazzaville IMFLEG



- ✘ IM partnership requested by the Government. Wanted a participation of Civil Society => Large training component added managed by NGO Forests Monitor.
- ✘ 1 Scoping mission including consultations with stakeholders, legal analysis and joint investigations by REM and forest rangers
- ✘ Negotiations of ToR, funding contract locking Ministry of Forest, Finance/Forests Monitor and REM, MoU
- ✘ Long term project (3 year and budgets of several million pounds each)
- ✘ Evolution of the approach: participation to VPAs and handover to civil society (FLAG, CAGDF)

DRC IMFLEG



- ⌘ IM partnership requested by World Bank.
- ⌘ 2 Scoping mission (REM then GW) including meetings, legal analysis and consultation with CSOs
- ⌘ Negotiations of ToR, funding contract locking Ministry of Forests, REM and MoU.
- ⌘ Long term EU funded project (2 year and budgets of several million pounds)
- ⌘ Adaptation of the approach: very weak institutional framework (e.g. government ranger per diem paid by project) and handover to civil society (FLAG and OGF)

IMFLEG Teams



- .. Between 5 and 12 people for long term projects
 - ✘ Team leader, Lawyers, foresters, GIS technicians, plus administrative and logistical support staff. Experts not necessarily from CSOs or NGOs but engaged/proactive
 - ✘ Political space and staff nationality
- .. Offices in country + missions in the field
- .. Cost of project, logistics difficulties, rare staff expertise

IMFLEG by International NGOs National NGOs



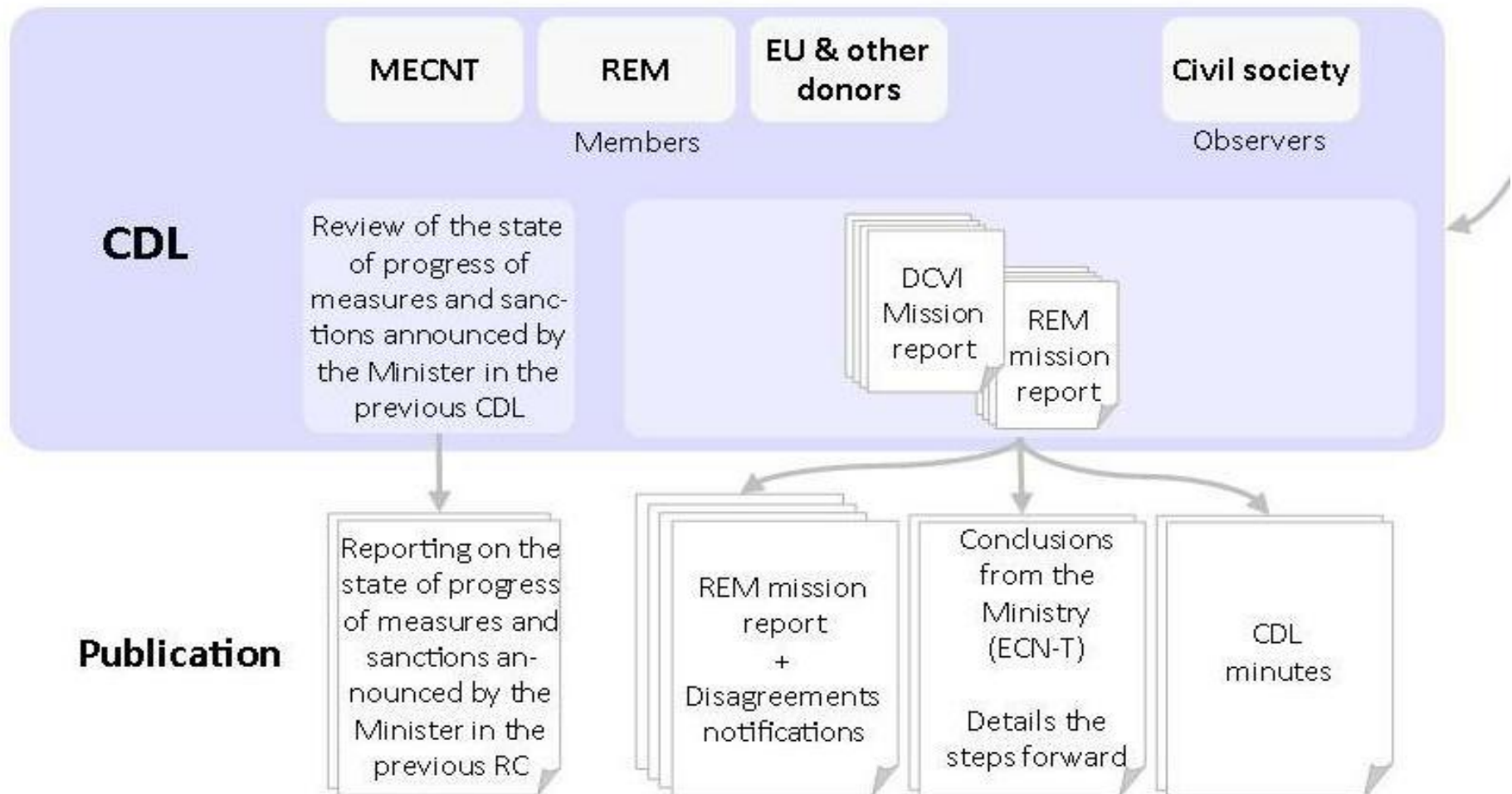
- .. International presence due to political pressure on CSOs and need for international credibility (International lead)
- but need for local expertise (national staffing)
- .. REM team 80% national (in country) 20% international (HQ plus in country team leader).
- .. Gradual mixing of nationalities over the years => DRC team leader in Cameroon, Cameroonian team leaders in RoC
- .. Handover process to CSOs over the years successful in 2013

Core tasks of the IMFLEG

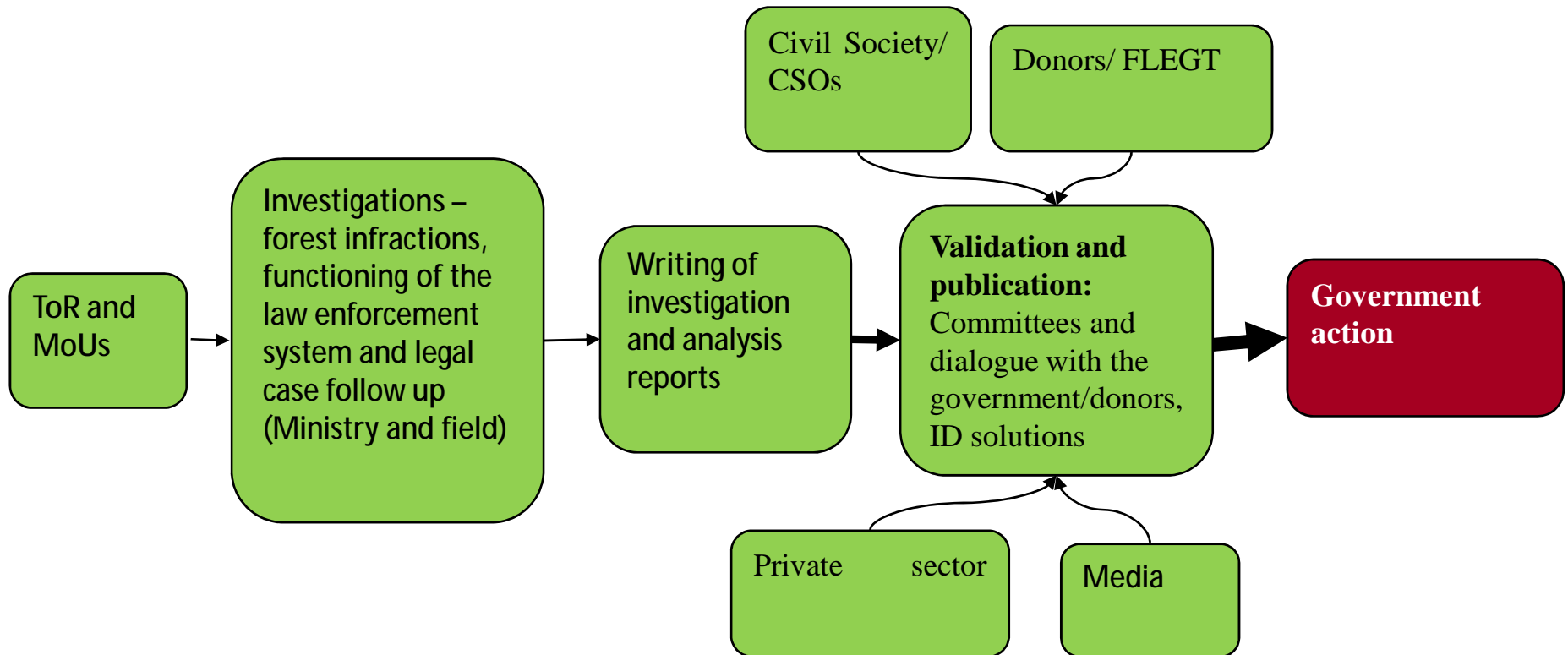


- .. **Infractions and their detection with forest officials**
 - ✘ Systematic joint field investigations (all titles, all infractions), data analysis and document checks
 - ✘ Identification of systemic issues/causes of infractions
- .. **Law Enforcement**
 - ✘ Examine systems of law enforcement and functionality
- .. **Governance**
 - ✘ Practice versus procedure
- .. **Joint implementation of solutions**
- .. **Design and use of practical law enforcement tools such as manuals, legal toolkits etc.**

A key tool: reading committees



IMFLEG steps



Other tasks: training



- Training by doing of the IM shadow teams (CSOs)
- National workshops with regional local partners in Gabon, CAR, DRC, Ivory Coast etc. to present IMFLEG and FLEGT
 - ⊗ Practical training
 - ⊗ Test investigations
 - ⊗ Feedback
 - ⊗ Coordination
- Government
 - ⊗ Cross checking of data, major vs. minor infractions etc.

Other tasks : supporting VPAs



- .. participation to the TLAS set-up in formal collaboration with the government
- .. Diffusing information about FLEGT during missions
- .. Harmonising information gathered by CSOs
- .. Supporting a comprehensive Legality Definition , help define verifiers taking account of financial, environmental, labour impact and forest dependent communities (e.g. damage or conflict)

Negotiation : IMFLEG Benefits



- ✧ Acts as an in-between linking CSOs and the government, identifying common needs and goals in a constructive and objective manner
- ✧ Support to CSOs (regular dialogue, training in gathering objective information, acting as central hub receiving information from NGOs etc.)
- ✧ Structuring information (harmonisation of objective and credible data), informing IM-FLEGT monitoring mechanisms
- ✧ Providing strength and credibility to TLAS and to forest sector, thus enabling continuation of timber exports in accordance with international processes

IMFLEG outputs

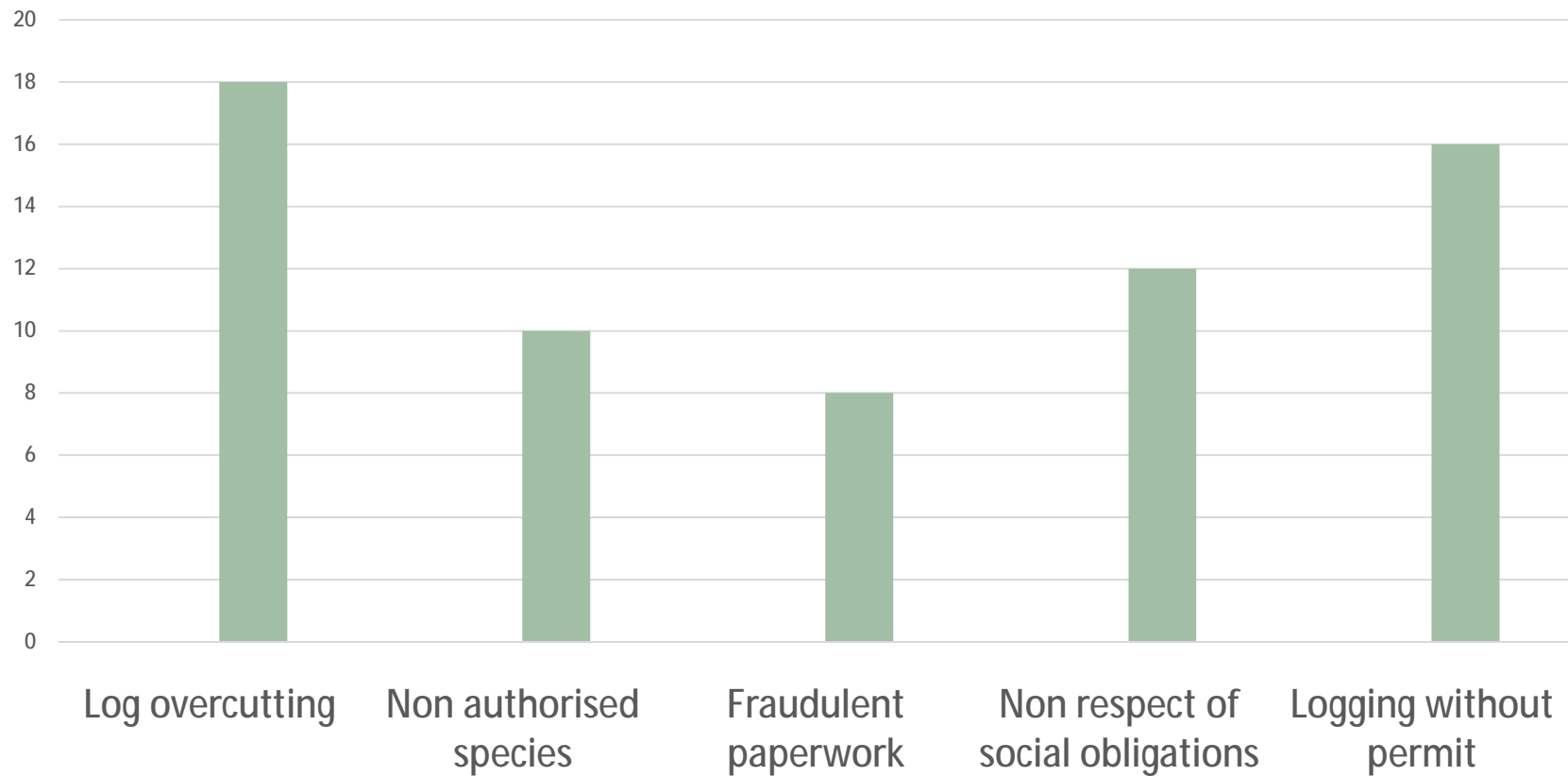


- .. Hundreds of field investigation reports – infractions/law enforcement.
- .. Database and typology of infractions
- .. Increase in official fines
- .. Over thirty thematic reports concerning failures/weaknesses in forest law enforcement - also strong points
- .. IM and law enforcement manuals, legal tools
- .. Legality definition contribution (verifiers)

E.g.: typology of infractions



2013 RoC



Example of infractions



- Non-payment of tax (2-3 million USD)
- Overcutting (several hundred million hectares)
- Logging without valid permit (hundreds of titles)
- Non respect of social clauses (village disputes)



Law enforcement problems



- .. Subjectivity due to absence of norms for control and sanctions
- .. Sanctions applied insufficient to deter illegalities
- .. No calculation method for damages
- .. Poor interpretation of legal dispositions
- .. Legal framework imprecise
- .. Lack of means and pressure on officers

Conclusions



- .. Better dialogue between CSOs and governments
- .. More credible and objective information available on infractions, towards more structure and harmonisation for VPAs
- .. Stronger government law enforcement units
- .. Some improvement in law enforcement systems and law revision
- .. CSO have solid basis to participate in IM

Thank you!



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