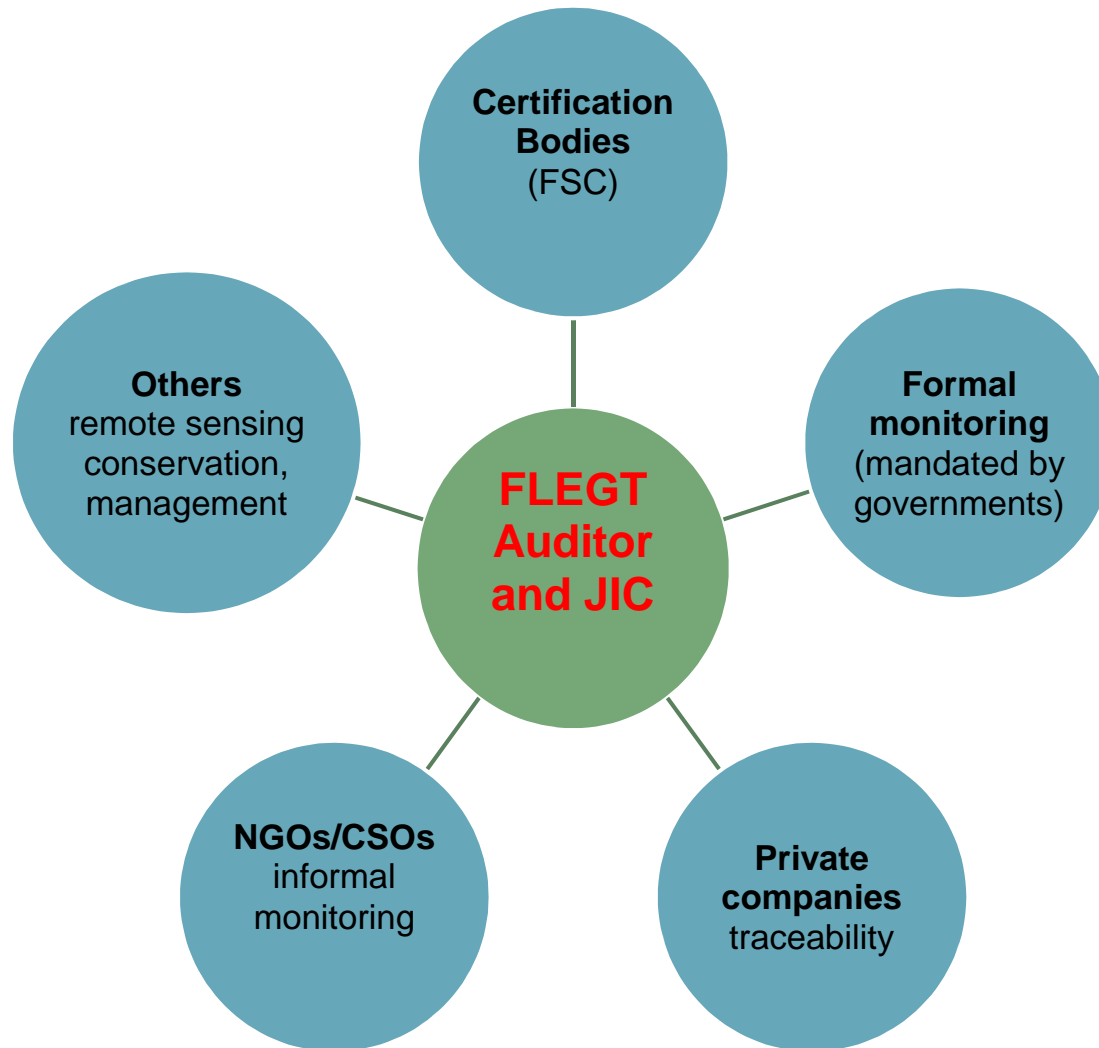


Forest Monitoring (informal monitoring and Formal monitoring)

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Types of monitoring



Informal monitoring



CED definition, guide to informal monitoring:

'accompanying forest administration and formal monitoring by participating as a proximity actor to forest monitoring by denouncing illegal practices'

Formal vs informal monitoring



Formal monitoring (formal agreement with government)	Informal monitoring (no agreement with government)
Access to documents, logging cics/sawmills (logging contracts, register of fines, exploitation and transport documents..)	Partial or difficult access to information (should be changed by VPAs) and logging cics/sawmills
Single conduit between stakeholders	Wide coverage and networks in forest
Monitoring of all types of infractions	Partial/funded led view of the sector
Good overview of systemic issues (illegalities, governance and forest law enforcement) and of all companies	In depth focus on issues affecting communities the most (social clauses, labour laws etc). Partial focus on cics.
Forest access (permanent mission order)	Access restricted in some areas
Publication process under protocole.. But	Ability to campaign
Findings validated => start of legal process	Findings rarely acted on by government
Freedom to disclose official information	Freedom to publish own reports
Brings actors together	Difficult or lack of coordination
Objectivity and harmonisation of data	Illegalities reports difficult to use administration

What can be monitored?



- .. Legal existence of forest title owner
- .. Access rights to forest resource
- .. Respect of workforce and labour laws (through work syndicates for timber processors)
- .. Respect of populations (usage rights, information, consultation, community conflicts)
- .. Respect of forest law (environment, management, exploitation and processing)
- .. Transport of timber, import, export, trading
- .. Payment of taxes

Detection of infractions and VPAs



PRI NCI PI	CATEGORY	INFRACTION	Environment	Local communities	Labour force	Tax income	Yellow line description (and risk of recurrence?)	document the case and compare to the yellow line)
Respect of workforce and populations rights								
	Labour	Recruitment and management of workers	1	2	3	1	Deliberate infraction	Check paperwork and
		Failure to register employees with social security	1	2	3	1	Deliberate infraction	Check paperwork and
	Populations	No consultation of local and indigenous communities	3	3	1	1	Ongoing or past conflict with populations	Evidence of conflict in
		No fulfillment of contractual obligations	2	3	1	1	Ongoing or past conflict with populations	Evidence of conflict in
		No mechanism to inform and deal with complaints	3	3	1	2	Ongoing or past conflict with populations	Evidence of conflict in
		No respect of customary and usage rights	3	3	1	1	Ongoing or past conflict with populations	Evidence of conflict in
		No repair of damage caused by exploitation	3	3	1	1	Significant damage such as flooding	Evidence of damage d
Respect of forest law (environment, management, exploitation and processing)								
	management/environment	Lack of approved management plan in place	3	2	1	2	Deadlines passed by significant margin	check progress of man
		Lack of respect of environmental standards	3	2	1	2	Evidence of significant damage	check evidence of infra
		Lack of respect of protection of fauna and flora	3	3	1	1	Evidence of large scale and systematic damage	check NGO of State rep
		Late request for Annual Cutting Permit	3	2	1	3	Evidence of overcutting and other illegal activities	check NGO of State rep
	Legality of exploitation	Lack of human and technical capacity	3	2	2	2	Collusion between officials and companies	evidence of technical s
		Lack of administrative signature on field notes	3	2	1	3	Recurrent lack of signature on field notes	evidence of illegalities
		Irregular sub-contracting/transfer of shares	3	3	2	1	Collusion between companies	Check whether the con
		Logging prior to allocation of the felling plan	3	3	1	2	Clear illegality with intent. Can be proven	check permit validity a
		Prior fines unpaid	2	2	1	3	Clear illegality with intent unless proven otherwise	Check evidence of pay
		lack of documents (no map etc)	3	3	1	3	Recurrent lack of documents and maps	Check amount of docu
	Breach of exploitation r	Non or bad marking of wood	3	2	1	3	If volumes > 50m ³ , shows deliberate intent	check marking
		No boundary marking in the field	2	2	1	2	If signs of overcutting timber, check	Check volumes felled v
		Cutting trees below the legal diameter	3	1	1	1	Recurrent infractions involving small diameter trees	check diameter and pr
		Felling outside boundaries of the forest	3	3	1	3	In case the clearing (a few meters wide)	Picture of the stamps (
		Felling outside boundaries of the annual cutting plan	3	2	1	3	If volumes > 50m ³ , shows deliberate intent	Evidence of logging ou
		Wood laundering (timber made to seem legal)	3	3	1	3	Deliberate intent usually hiding illegal origin	Check volumes declar
		Logging of unauthorised species or overcutting	3	1	1	3	If volumes > 50m ³ , shows deliberate intent	Check paperwork and
		abandonment of timber	3	1	1	3	If volumes > 50m ³ , shows deliberate intent	Check GPS and photo

Tools to monitor effectively



- Understanding and using the laws (land, poaching, forest, justice). Vulgarisation
- Access to information. What is in the public domain, what does the law or VPA say? Knowledge of government (Forest, Finance etc) and procedures (FLE manuel etc)
- Training in detecting infractions (paperwork and practice vs law)
- Channels for dialogue with all stakeholders
- Objectively report infractions vs baseline (forms)

Extract from CED guide for Informal monitoring



Illegality indices (Suspicion of violation of the law)	Proofs of illegality (Serious violation of a legal or regulatory disposition)
<ul style="list-style-type: none"> - Exploitation of trees with small diameters - Detention of forest hammer by the logger - Timber from a questionable site are hammered - Logs buried in the site - Site not closed after exploitation - Evacuation of logs at night or by a much longer route that avoids moving in the villages - The title number used is different from that presented to the village during the briefing - The company has exploited trees near a water body (e.g. river, lake, river, stream, wetland) - The logging company or workers clean, wash machines or manipulate fuel or lubricants next to a water body 	<ul style="list-style-type: none"> - No briefing before exploitation - The operator does not have the authorisation or documentation (approval for the exploitation, location map, attestation of hard limits, minutes of briefing, the title used by the operator is not included in the annual list of titles that are valid, published by the Ministry of Forestry) - Non materialisation of limits - Unmarked stems, or having different marks while they are in the same exploitation site (e.g., number of title different, date and especially year of felling different) - Unmarked and un-hammered logs, or having different marks meanwhile they are in the same exploitation site (e.g., number of title different, date and especially year of felling different) - Transportation of logs (on the truck) unmarked and not hammered - Exploiting trees below their authorised diameters: Minimum Operating diameters (MFD-M) and/or Minimum Felling Diameters (MFD) - Ebony logging below its MFD (60 cm) - Workers are engaged in poaching - Company vehicles facilitate the practice of poaching (transport of bush meat)

Formal monitoring, Informal monitoring and VPAs



how Informal monitoring, formal monitoring and FLEGT Audit are formalized in VPAs as sources of information or active participants

- Links with FLEGT Auditor
- Links with governments and TLAS
- Links with JIC



See Annex I and II from *“A review of independent monitoring initiatives and lessons to learn”*, GW, 2013

Linking formal, Informal monitoring vs VPAs and EUTR



- Set up regional/international networks of Informal and formal monitoring with regular meetings and workplans. Encourage mix of Informal and formal monitoring
- Develop tools to harmonise actions and data on illegal logging (e.g. *guide to infractions*)
- Level the playing field so that companies from countries with lesser credible monitoring systems are not penalised by buyers (lesser risk)
- Learn from others' experience and apply actions as a result

TLAS, VPAs and EUTR



- .. Buyers under increasing pressure to prove legality of their sources (EUTR)
- .. VPAs with credible TLAS with adequate monitoring reassures buyers
- .. Transparency does not equate to commercial disadvantage (most countries have similar issues).
- .. Stepwise approach to improving forest sector better perceived than opacity

Towards Informal or formal monitoring



- Challenge of CSO involvement in VPA monitoring (access to information, financing, formal linkages with VPA structures etc) and VPA negotiations to palliate risks
- Establishing a strategy and approach to negotiate with governments, identifying common grounds
- Establishing a baseline for analysis (what to monitor when and who monitors). Define a methodology
- Finding a positive role for civil society to bring information to the JIC or Auditor etc



For discussion LIA, Informal and formal monitoring



- .. Formal monitoring can act as conduit between Informal monitoring, government, donors and private sector.
- .. Information which does not feed LIA, might feed in Formal monitoring
- .. Formal monitoring can be a support tool to : government by working alongside them/CSOs by sharing investigation and reporting techniques as well as general information
- .. CSOs can also feed info in parallel to the VPA (JIC, Auditor or TLAS)

Results of Informal and formal monitoring



- Supports better law enforcement
- Can enable action during processes to be measured by LIA. Provides government and cities with opportunities to adjust operations à constructive rather than critical approach
- Increase in multi-stakeholder collaboration (CSOs, NGOs, government ministries, international donors and private sector)
- Better regional and international coordination

Areas to reflect upon



This presentation aimed to share experience. VNGO to define strategy rather than copy Congolese or Cameroon experience, extract useful elements. VNGO to explore:

- Can LIA be linked to Informal or formal monitoring elements? Who does what and how.
- Negotiations and how work is institutionalised
Progress over a decade. From Informal to formal monitoring
- Activities required to include Informal or formal monitoring

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