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FOREST LEGALITY WEEK

Forest Legality in the Congo Basin, *Part II*: Independent Monitoring—
What's Next?

Independent Monitoring—What's Next?

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PART 1 : WHAT IS INDEPENDENT FOREST MONITORING (IM) AND WHAT IS IT SUPPOSED TO ACHIEVE?

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How was IM born and what is the link to VPA implementation?



- Response to weak law enforcement + pressure from donors, INGOs and objectives expressed by Governments >> Innovative tripartite collaboration
- Original request from Cameroon government and DFID to GW, expanded to French, Dutch, German, Italian, WB, EU funding with REM as IM
- Cameroon – Mandate for in-country proactive but non-campaigning IM for forest infractions + law enforcement
- IM expansion in Congo Basin + West Africa
- Coevolution of IM and FLEGT-VPA: Technical input of IM in TLAS, IM formally included in VPA annexes

What is the IM mission?

- Highlight issues and weaknesses – Private sector and forest governance as well as law enforcement
- Propose recommendations to improve law enforcement
- Follow-up on measures taken by government
- Contribute to FLEGT implementation

How does IM work?

HOW MANDATED IM WORK



What is the difference between a mandated and a non-mandated IM?



Mandated:

- MoU with the ministry
- Easier access to information and forest concessions (written authorization and sometimes joint missions with the ministry)
- Reading committee approving the report before publication

Non-mandated (external)

- More flexibility
- No mandatory reading committee
- Collaboration with the ministry possible but less formal

How is in-country IM different to traditional Intl NGO work?

- Mandated + integrated in VPA-FLEGT process, work close to governments
- No lobby/campaigning, no undercover work, or high profile communication
- Continuous commitment in one country
- Provide data that Intl NGOs need
- Both serve a purpose and complement one another



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PART 2 : HOW DOES IM WORK IN REALITY? WHAT DO IM ACHIEVE?

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Who are the IM in the Congo Basin and what is their level of activity? What are the main trends? What is the funding?



		2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	
Cameroon	Mandated	Light Green														Dark Grey					
	Non Mandated	Light Green																			
Congo	Mandated	Dark Grey							Light Green												
	Non Mandated	Dark Grey																			
DRC	Mandated	Dark Grey								Light Green											
	Non Mandated	Dark Grey		Light Green																	
Gabon	Mandated	Dark Grey														Light Green					
	Non Mandated	Dark Grey																			
CAR	Mandated	Dark Grey																Light Green			
	Non Mandated	Dark Grey																			

Funding:
 Mainly short term, decreasing amounts, do not allow optimal deployment

Are IM recommendations usually taken into account by the ministry?



In general:

- Recommendations only taken into account on a case by case basis (even for mandated IM)
- Actions taken vary a lot according to the case
- When an infringement is confirmed by the national government inspectors, follow up to the infraction is managed at the level of the forest ministry (regular process)

Specific to Cameroon:

- In the registry of infringements, cases are transferred to the court (exception to the regular process) mostly when it is not possible to solve them at the ministry level
- Example of actions taken after IM reports: on 7 reports sent by FODER to the Ministry of Forests, 3 led to a mission from inspectors and sanctions for companies – another external IM report led to a \$13,100 fine for a company

Can you give us 2 examples of measures taken by the ministry as a result of your work?

- Boundaries of 2 forest concessions that were superposed were clarified by the Ministry
- Number of trees now included in the quarterly statements summarizing the volume of wood harvested by a company (article 41 of arrêté 084/CAB/MIN/ ECN-DD/CJ/00/RBM/2016 about conditions and rules for timber harvest).

What is the importers' use case for IM data?



To be considered in a risk assessment

- Prevalence of illegal harvesting
- Compliance with applicable legislation
- Risk at harvesting level
- Sanctions imposed on country & suppliers

**Which staff members carry out the due diligence?
Is IM data a resource currently used?**



EUTR manager

- Senior position
- Low availability on the matter
- Strong field experience

EUTR operator

- Educated but not in the field (sales, accounting,...)
- Little to no field experience
- Gathers information and conducts risk assessment

Limiting factors of IM work as part of due diligence process

- Technically challenging & time consuming
- Need for ready to use solution from operators
- Perceived as too close to NGO agenda
- Low visibility

What 3-5 things do you think IMs could improve?

- Collect data more applicable to improve enforcement on demand and supply side
- More technical work, less capacity training, workshops, etc.
- Strategy for accelerated replicability in other countries – Equivalent quality and number of targeted IM actions
- Increased connections with other stakeholders/tools - CITES, wildlife crimes, human rights
- Seek a stable funding model? Efficiency, focus and new funding options (tech and wider scope)



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PART 3 : UNDERSTANDING WHY IT IS NOT ALWAYS POSSIBLE TO ACHIEVE THE RESULTS : THE CHALLENGES

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Can you give us 5 examples of challenges you face in the DRC?

- General forest governance issue/corruption
- Lack of collaboration between the ministry in charge of the forests and the Ministry of Justice to ensure efficient implementation of penalties
- Very few magistrates know the forest law
- Lack of political will
- Indifference from the private sector



Can you give us 5 examples of challenges other IMs face in the region?

- Difficulties to access information from other services (finance, customs, harbors, etc.)
- Delays in publication (between 2 to 6 months)
- IM recommendations are still not taken into account enough
- Lack of sustainable funding
- Lack of political will to promote transparency and good governance
- Legitimacy of the IM activities questioned by private sector



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PART 4 : WHAT IS DONE TO TACKLE THESE CHALLENGES : WHAT WILL THE NEXT GENERATION OF IM LOOK LIKE?

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What measures are IMs taking in the region to tackle these challenges?

- Innovative tools for IMs (RTM, drones, mobile apps and other tools (Forest Watcher, FLEGTwatch, OTP, GLAD alerts, ...))
- Harmonization of methods (SNOIE)
- Implementation of a capacitation program for IM in the region (CV4C)
- Joint efforts of the IMs in the region to work as a platform to ensure quality and credibility of reports
- Adoption by IMs in the region of a definition and development of a set of principles for IM

Could you give us an idea about what new generation IM could look like in your opinion?



- Combined strategy: In-country IMs and a roaming ‘A-team’ of IM experts
- Timber: Explore links with emerging technologies – DNA, isotope testing, Blockchain (<https://gaiachain.io/>)
- Convergence of information and common tools: Illegal wildlife, human rights, laundering, weapons and crime – Big data, I2
- Sustainable funding model enabling solid input of IM data to enable comparison of producers by buyers

As one of the big NGO working in the area, what would be your vision of next generation IM? How could IM better complement your work?



- EIA’s priority: increase the productive nexus between IMs/EMs and demand-side users through more and better exchange of actionable information
- Three main areas of work involve support for:
 - Better demand-side oriented collection/presentation of information (content, language, evidence, meta information, contact point, etc.)
 - EM/IM monitoring “outside of the forest” (transport, export and trade)
 - EM/IM capacity to analyze key global/regional timber trade trends.
- Work on low hanging fruit such as the daily breach of log export bans (see recent EIA’s report: *Log Export Bans Matter*)



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CONCLUSION

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THANK YOU!

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