



global witness

Independent Forest Monitoring (IFM): information on illegality



David Young, Global Witness
dyoung@globalwitness.org
www.globalwitness.org/projects
+44 20 7561 6392

What is IFM?

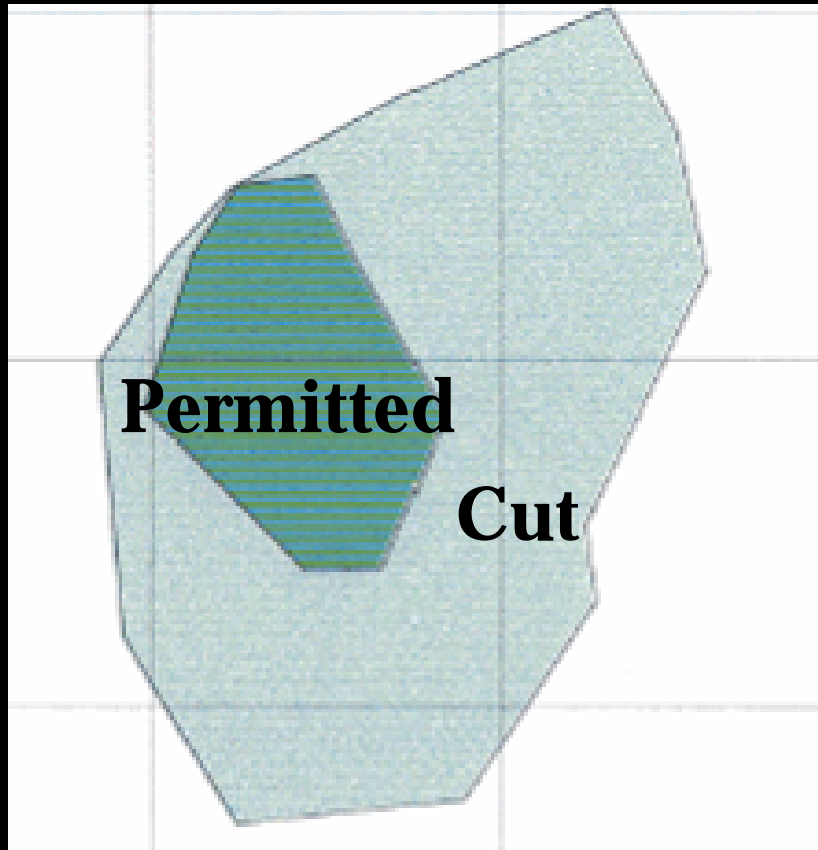
- an *independent third party* that
- by *agreement with state authorities*

provides

- an *assessment of legal compliance*
- *observation* of and *guidance* on official forest law enforcement systems

IFM as information: locations

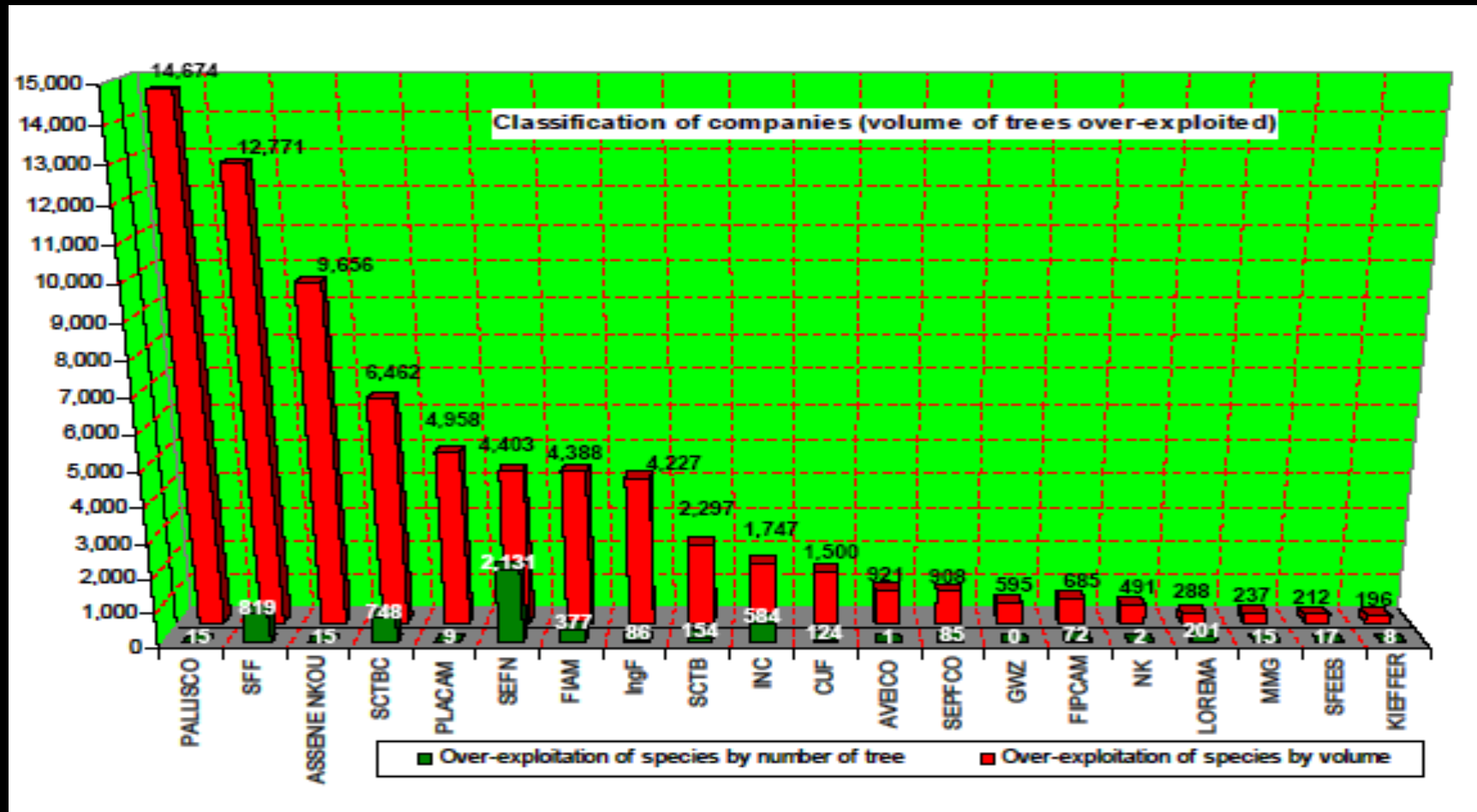
Right place, plus some



Wrong place, twice



IFM as information: quotas



IFM as information: legal cases

9 Jan 02	12 Aug 03	19 Apr 04	22 Oct 04
UNIPROVINCE		RAMA	
RAMA		BSC	BSC
BTA		South Forestry Company	South Forestry Company
STRAFOR/SEFN	STRAFOR/SEFN	SICC	SICC
	HFC	RAMA	RAMA
	ECIC	SIBT	SIBT
	ALPICAM	SOFHONY	SOFHONY
	WIJMA	YEE-LAY	YEE-LAY
	SEBAC	Tchuisse Mathieu	Tchuisse Mathieu
	EFOM	Tropical Wood	Tropical Wood
EFOM		ECIC	ECIC
BSC		SETBC	SETBC
CAMSAW		SFDL	SFDL
SICC	SICC	Mandari Marie France	Mandari Marie France
South Forestry Company	South Forestry Company	CAMSAW	CAMSAW
ECIC	ECIC	Filière Bois	Filière Bois
SOPHONY	SOPHONY	CFE	CFE
	BSC	Ets Nicole	Ets Nicole
	CAMSAW	Big Shop Company	Big Shop Company
	RAMA	SEIM	SEIM

Codification of infractions

Type of infraction (Cameroon)	%
No permit	26%
No boundary / stump / log marks	7%
Logging out of boundaries; unauthorised roads	23%
Exceeding permitted time period	2%
Abandoning logs	3%
Fake permit / log marks	9%
Cutting restricted species	2%
Cutting volume above quota (per species or in total)	5%
Cutting trees below minimum diameter	4%
Fraud / non-compliance use of documentation / permit	7%
Logging by non-authorized company, illegal sub-contract	2%
Special authorisations in violation of the law	2%
TOTAL (188 infractions in 168 Titles)	100%

Monitor's recommendations

	Description (Cameroon)	N°
Punitive actions	Calculate fines	4
	Summons	30
	Annulment	6
Investigative actions	Further investigation in forest (eg at year-end)	18
	Calculate damages	1
	Inventory seized timber	1
	Identify perpetrators	3
	Identify mal-administrators	7
	Examine transport documents / database	1
	Further investigation in the forest administration	2
Monitoring completion of legal documents	11	
Administrative actions	Disciplinary action	17
	Document processing by decentralised offices	2
	Education / training work with communities	4
	Clarify law / regulations / procedures	3
	Selling seized timber	3

Where is IFM appropriate?

Spectrum of governance situations	← "Failed states" →	← Poor governance →	← Good governance →
	Weak, anarchic states or undemocratic authoritarian ones; conflict or post-conflict state; or where territorial integrity is under threat.	Fragile democracy and weak/ambiguous laws undermined by widespread illegality, systemic corruption and state capture.	Rule of law prevails, so illegality limited to small minority of operators. Civil society informed, active and consensus-building.
Matching level of 'monitoring' intervention	← External monitoring →	← IFM →	← Audit →
Official mandate	No	Yes	Yes
Accountability	No explicit accountability to host	Reporting panel provides peer-review and acts as a buffer against vested interests	Rooted in straight-forwardness of task and common professional standards
Working relationship with host government	Entirely independent	Undertakes both joint and independent work as appropriate	Works only with information provided by host
Ethos	Value-driven, self-mandated	Value-driven and strategic in its methods, but respects official mandate	Technocratic, mechanistic approach to official mandate
Access to information	No formal access to official information	Contractual access to official information	Contractual access to official information
Basis of credibility	Reputation and track record	Reputation and track record, reinforced by regular, transparent peer-review of the quality of reports	Reputation and track record, and accreditation systems
Risks	Quality of information undermined if no peer-review	Conflict of interest if reporting to an institution with both regulatory and management roles	Risk of self-censorship if interests become those of the host

Lack of structures makes forest law enforcement impossible. International sanctions advised against timber trade.

Comments on the WP Paper

- Illegality increasingly derives from the illegitimate issuance of permits by those in authority
- IFM goes deeper than 'secondary sources'
- Qualitative information is important too:
 - One-off studies can describe systems of illegality and inform regulators
 - A Transparency Checklist?
- British Columbia's FPB a good model



Legal devastation?



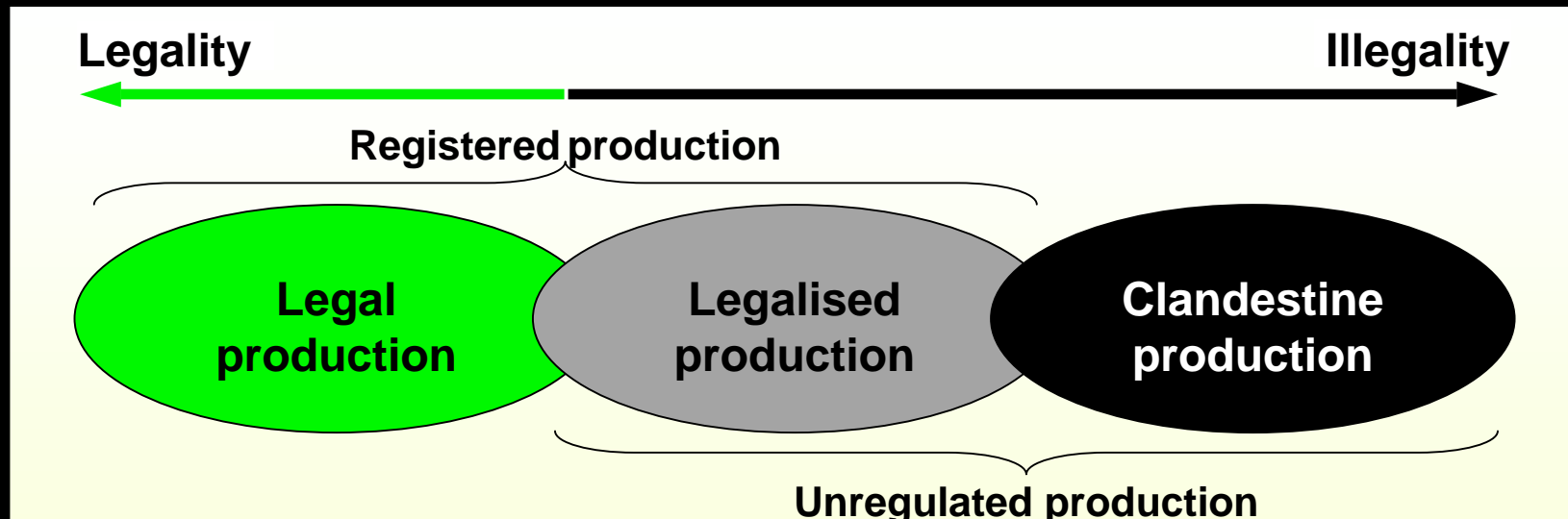
Illegal but sustainable?



Legitimately confiscated or illegally protected?



What is illegality?



- **Weaknesses in forest law**
- **Weaknesses in administration and control**
- **Poor capacity in forest management**
- **Weaknesses in legal and judicial processes**

Where is IFM needed?

IFM is most applicable where

- the forest resource has an *international value* (economic, social & environmental)
- *illegality is significant*
- *political will* for reform is *low*

but where

- there is some sort of *system to monitor*
- & *calls for reform* come from citizens, officials and donors

Approach of IFM

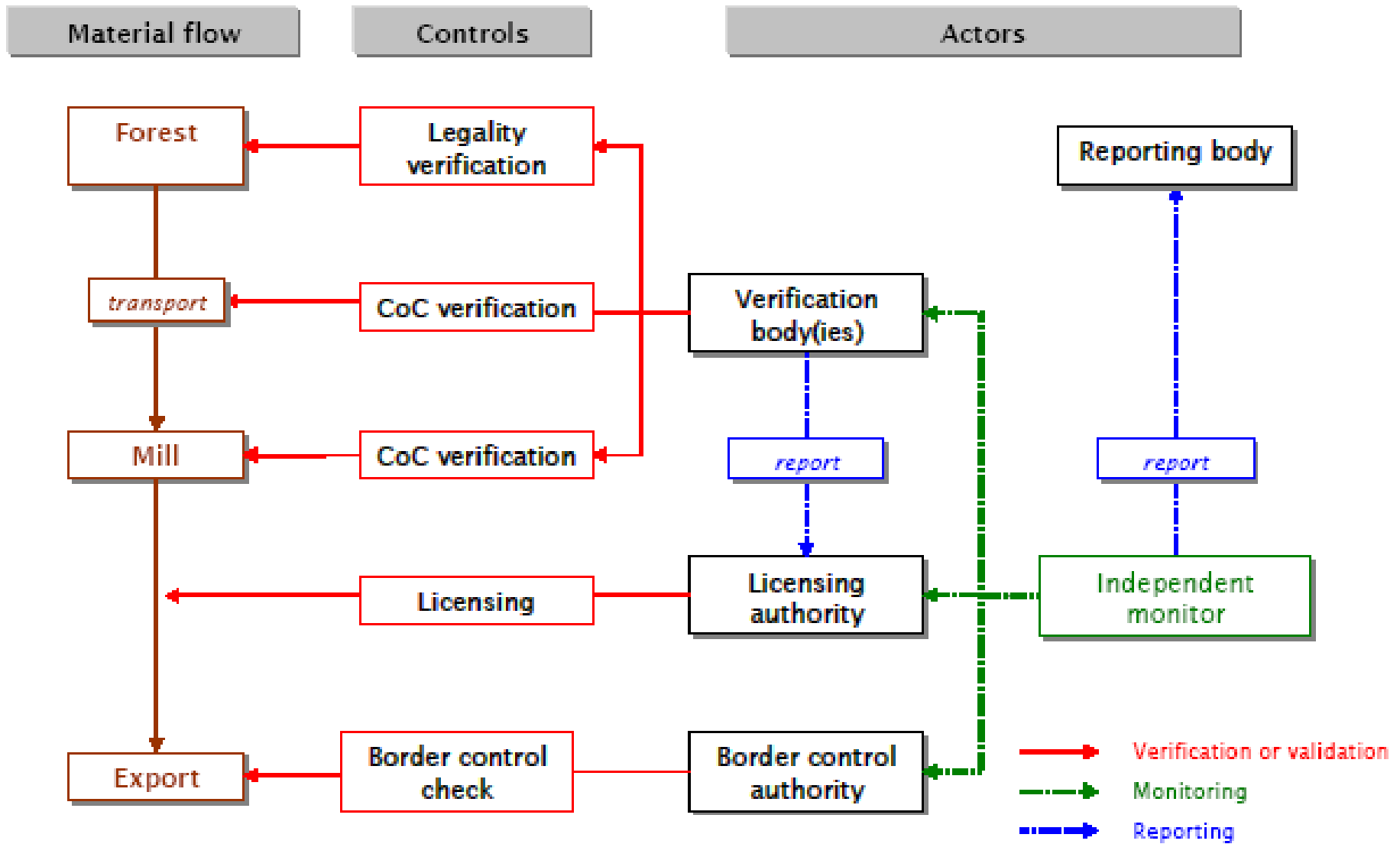
- Trusted, independent conduit for sensitive information
- Investigative, enquiring, probing
- Professional, respecting protocols
- Value driven: “The populations of the concerned countries **benefit more equitably** from **sustainable use** of their forest-based natural resources”

Hosts

- Forest authority / commission / dept
- Forest ministry
- Other ministries (environment, finance...)
- Legislature (parliamentary / senate ctte)
- Multi-stakeholder commission
- Human rights commission / ombudsman

Role is to facilitate access to information, validate and 'own' reports, and act upon recommendations

Diagram of legality assurance system



Transparency Checklist?

- Laws, decrees, regulations, procedures
- Title-holders (subcontractors), FMPs, S/EIAs,
- Forest zoning maps, concessions, protected areas, community forests etc
- Inventories, annual quotas and production data
- Sawmills / processing locations
- Register of violations, case tracking system