

Independent Forest Monitoring: a chance for improved governance in VPA countries?

Lessons learned from Cameroon, Ghana, Liberia, and the Republic of the Congo

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*Fern and its partners believe that if communities are given a voice to speak out and demand action from those who abuse their land rights, **change is possible**.*

Tackling Deforestation through linking Reducing Emissions for Deforestation and Degradation (REDD+), and Forest Law Enforcement Governance and Trade (FLEGT) (REDD+) was a three year project funded by the EU and implemented by Fern and its partners Civic Response (Ghana), FODER (Cameroon), AZUR Développement and Forum pour la Gouvernance et les Droits de l'Homme (FGDH, Congo), and Sustainable Development Institute (SDI, Liberia). The project focused on:

1. Putting National Civil Society monitoring systems in place to monitor FLEGT and key REDD+ safeguards and feed into national REDD+ and FLEGT information systems;
2. Ensuring that key REDD+ safeguards and FLEGT Legality Assurance Systems (LAS) governance principles are respected in practice;
3. Ensuring that implementation of FLEGT Voluntary Partnership Agreements (VPAs) informs national REDD+ strategies and vice versa; and
4. Ensuring that tenure rights are seen as critical to effective FLEGT VPA and REDD+ implementation.

The forest sector is particularly vulnerable to poor governance including corruption, fraud, and organised crime.¹ Illegality in the sector generates vast sums of money and has helped fuel long and bloody conflicts. Even in countries that have good forest laws, implementation is weak and can be bypassed by powerful corporate and political interests that facilitate illegal production of timber. The consequences of illegal logging are well known: rapid deforestation, social disruption and loss of tax revenues. Even when not illegal, there is little evidence that industrial logging helps to reduce poverty in timber producing countries. Links between the logging industry and human rights abuses are, however, widely documented.²

Community village in the Sangha region – Republic of Congo



How the project started

Since early 2000, Independent Forest Monitoring (IFM) has been championed by non-governmental organisations (NGOs) as a way to document illegalities and promote stronger law enforcement in the forest sector. When it works well, IFM is conducted by an independent third party who, in agreement with government authorities, observes



Civic Response training communities in Nkawie District, Ghana, on the content of their Social Responsibility Agreements with logging companies. Photo: Civic Response 2016

what is happening in the forest and provides guidance on whether illegal activities are taking place. Monitors can track everything from allocation of concessions, to management of concessions, to the trade of forest products. Most IFMs focus on monitoring what is happening in logging concessions and protected areas. International and local civil society organisations (CSO) have recently spearheaded efforts to monitor governance indicators such as respect for forest community rights, transparency and accountability.³

Fern's project "Tackling Deforestation through linking Reducing Emissions for Deforestation and Degradation (REDD+), and Forest Law Enforcement Governance and Trade (FLEGT)", helped develop innovative monitoring frameworks in Cameroon, Ghana, Liberia and the Republic of the Congo (Congo), four countries at different stages of implementing both a FLEGT Voluntary Partnership Agreement (VPA) with the EU, and a REDD+ programme. The monitoring work sought to enhance CSO advocacy to improve forest governance, fight deforestation, and clarify and strengthen land, tree and forest tenure for local people.

Highlights of the project included:

- Forest communities and indigenous people in the Sangha region (Congo) worked with local authorities to suspend illegal mining activities in forest areas.
- Governance campaigners in Yaoundé (Cameroon) overturned a decision to scrap communities' forest revenues.
- CSOs successfully advocated for a stronger tree tenure and benefit sharing policy in Ghana.
- In Liberia, communities successfully advocated to receive funds from logging they had been owed since 1998.

These varied stories of CSOs, communities, local authorities, and parliamentarians standing up for better governance have a common bond – they were supported by AZUR Développement, Civic Response, FGDH, FODER and SDI through engaging with political dialogues and monitoring of the legislation and practices that govern the forest sector.

Independent forest monitoring in context

Cameroon has been engaged in a VPA since 2007 and REDD+ since 2005. Lack of coordination between these two processes has hampered the effectiveness of policies and interventions to improve forest governance and reduce deforestation. Because CSO-led forest monitoring was quite new in the country, FODER consulted

with other CSOs to develop a system that would improve forest control and governance. Together they identified indicators to be monitored including access to information on REDD+, management of forest revenues, and logging companies' respect for their social obligations. Local communities agreed these were the most pressing issues.

Ghana ratified its VPA in 2009. When Fern's project was launched in early 2014, however, independent forest monitoring had still not commenced. As a result of the project, local CSOs convinced the then Forest Minister to address governance issues including forest sector transparency, tree tenure, and benefit sharing arrangements in a way that worked for local communities. Using the VPA policy space, Civic Response monitored governance problems and improvements to find issues which needed policy attention, mobilised CSO support, and promoted effective pathways for reform.

In **Liberia**, the start of the project coincided with renewed momentum for the VPA (which has been ratified since 2013) to be implemented. Unfortunately, the Ebola outbreak which devastated the country and has been linked to deforestation, slowed down the monitoring work which effectively commenced in mid-2015. CSOs focused on monitoring Community Forest Management Agreements (CFMA) which they feared would replace Private Use Permits⁴ as a loophole for forest destruction to continue. CSOs used the Community Rights Law (which provided the legal basis for CFMAs) to expose critical loopholes that logging companies might exploit. They also revealed that the social agreements defining community benefits from logging operations were not being properly implemented. SDI's work thus focused on monitoring negotiations around social agreements and advocating for community rights and benefits to be recognised in REDD+ and VPA texts and implementation.

The **Republic of the Congo** launched the FLEGT and REDD+ processes in 2007 and 2008 respectively. Despite rapid 'technical' progress, the REDD+ programme failed to effectively build on, and strengthen the governance gains achieved with the VPA, and to stimulate much needed reforms. AZUR Développement and FGDH's work therefore focused on promoting linkages between the two processes. They set up a unique monitoring system of governance indicators derived from the FLEGT legality grid and REDD+ safeguards, which included Free, Prior and Informed Consent, benefit sharing, and redress mechanisms. The monitoring tool was specifically created to generate information to be used during engagements with VPA and REDD+ authorities. The tool was developed with support from Cercle d'Appui à la Gestion Durable des Forêts (CAGDF), Congo's independent forest monitor, and validated by the civil society platforms engaged in the VPA and REDD+ processes.

A closer look at what has been achieved

Restoring forest revenues for communities in Cameroon

FODER's monitoring work in Cameroon triggered significant improvements, ranging from increased access to information and stronger participation from local communities, to REDD+ negotiations which built on the VPA experience, and logging companies beginning to respect their social obligations to communities. A key outcome was the successful national campaign to restore community forest royalties to local communities – which had been cancelled by the government. Explanatory briefing notes, a position paper and a press kit were published and disseminated, and banners displayed in the capital Yaoundé to alert Members of Parliament and high level decision makers including the President. The campaign, which was supported by traditional community leaders, attracted significant media attention when over 6,000 people signed a petition for the restoration of the forest royalties. Ultimately, the campaign led to an increase of funding for 'communes' who will in turn distribute this funding to local communities. .

Halting forest loss in Congo

AZUR Développement and FGDH raised awareness about the obligation for forest operators' to share the benefits of logging. This empowered community leaders to demand and obtain an official investigation into a Chinese logging company that had failed to respect its obligations. The monitoring work sparked the interest of the Congolese public. A debate on reports from forest monitors was aired seven times on national TV, bringing first-hand information about the impact of illegal deforestation on local communities, and how poor governance hinders legal and policy reforms. Another major success was the

Minister of Mines' ground-breaking decision to suspend all mining permits in forested regions in December 2016. The decision followed AZUR Développement and FGDH reports showing that illegal gold mining was taking place in logging concessions, destroying vast forest areas, slashing local livelihoods, and forcing communities to relocate. Communities convinced local authorities to pressure the government to force illegal operators to end their conversion activities in areas known for their unique biodiversity. The work increased debates around forest governance and resulted in REDD+ authorities committing for the first time to build effective synergies with VPA stakeholders.

Moving on tenure reform and bringing forest transparency to a higher level in Ghana

The project helped shape tree tenure and benefit sharing reform in Ghana. By supporting information gathering, analysis and report writing, Civic Response was able to engage with around 40 districts in Ghana, and a wide range of stakeholders. Civic Response produced an assessment of the gaps in information about logging available to communities and civil society. This assessment increased civil society efforts to make transparency an obligation for the Forestry Commission, which led to the Commission agreeing to give the public access to aspects of the Ghana wood tracking system database. Transparency provisions in the draft Legislative Instrument to implement the VPA are now the best in the natural resources sector. Because communities were increasingly informed about their rights, several have demanded and received benefits from logging, while others have challenged their chiefs and forest managers about their lack of dues.

Strengthening forest livelihoods in Liberia

SDI facilitated a CSO proposal to revise the Liberian social agreement template to ensure that concessionaires respect communities' views during negotiations, while pushing for a more solid Community Rights Law. The revised law would guarantee that community tenure rights are not abused, and protect communities from land grabbing and associated loss of livelihoods. The government accepted the proposed revisions to the law in February 2017. A major victory for SDI was its effective support to the National Union of Community Forestry Development Committees to advocate for the transfer of community funds into National Benefit Sharing Trust accounts. SDI trained communities so they are able to access and manage the funds. As a result, three disbursements were made to the Trust accounts for a total of nearly two US\$ 2 million. Affected communities are using this to initiate local development projects including building schools and health clinics with 22 projects being funded to date.

Working at the national and EU level to keep forest governance on the agenda

The project used advocacy at the local, national, and EU level to improve forest governance. Activities included supporting civil society platform meetings in partner countries, organising coordination meetings and joint statements with international NGOs working in the same countries, stimulating active participation in the FLEGT Action Plan review, hosting the Community Rights Network and African Community Rights Network meetings with EU representatives in Brussels, and feeding into discussions about the Forest Carbon Partnership Fund.



Looking at a Jogbahn Clan Map, Liberia

Fern used information generated by Civic Response, FGDH, FODER and SDI, as well as cross country research to influence EU institutions and Member States' responses to governance challenges facing VPA countries. Fern's messages included keeping space open in VPA processes and allowing partners to do their work, which in turn strengthened EU momentum to develop a follow-up to the FLEGT Action Plan. Fern and its partners shaped many of the recommendations from the FLEGT review including the need to focus on governance reforms, support stronger law enforcement and engage in political dialogue at the highest level. In their Council Conclusions, EU policy makers and parliamentarians responded positively to Fern and its partners' demands for stronger implementation of FLEGT and the need for global action on deforestation.

Lessons learned and looking forward

One of the strengths of the project was the development of **'future proof' monitoring tools and guides** such as in Cameroon and Congo. These tools can be used to feed into national information systems, and complement the findings of government forest monitoring with the aim of improving companies' respect for forest legislation. **Improved capacity and involvement of local CSOs and CSO platforms** will strengthen their commitment to producing and using the results to improve forest governance beyond the project. The project's engagement with CSO platforms and other actors such as parliamentarians in Africa and the EU helped to amplify and strengthen its legitimacy, and to pave the way for future collaboration.

During the project, South-South exchanges enhanced regional learning and cooperation. Visits to and by **EU officials** provided an opportunity to appreciate the local context of VPA implementing countries. These visits were also useful to understand why illegal logging should be a priority for the EU, and how partners could engage with

EU country delegations and other donors. Additionally, **innovative cross-country analysis and reports** stimulated strategic thinking about linking FLEGT and REDD+, such as an academic study by the University of East Anglia on civil society participation in REDD+ and the VPA across the four project countries. A report on social obligations frameworks in the four countries, highlighted best practices that could be transferred between countries and revealed how little money trickles down to communities.

If VPA implementation is to achieve all it can, the EU must ensure that **independent forest monitoring continues to thrive** and that it feeds forest governance and climate debates at local, national, regional, and international levels. Independent Forest Monitoring helps improve forest governance, and needs to inform the work of **regional bodies** (such as ECOWAS and COMIFAC), **multi-stakeholder initiatives** such as the Congo Basin Forest Partnership and the Central Africa Forest Initiative, as well as reporting processes linked to Nationally Determined Contributions and Sustainable Development Goals. Efforts to reduce deforestation and increase sustainable development are complimentary, and so organisations working on these issues need to look for ways to work together.

- 1 Uncovering the Risks of Corruption in the Forestry Sector, Interpol, 2016
- 2 "Wild Money", The Human Rights Consequences of Illegal Logging and Corruption in Indonesia's Forestry Sector, Human Rights Watch, 2009
- 3 Duncan Brack and Claudine Leger, Exploring credibility gaps in Voluntary Partnership Agreements: A review of independent monitoring initiatives and lessons to learn, 2013
- 4 Private Use Permits are logging contracts. They cover almost 40 percent of Liberia's forests.

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