Independent forest monitoring: a tool for social justice

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This Tool was prepared by David Young, who manages independent monitoring projects at Global Witness, a British based non-governmental organisation which focuses on the links between environmental and human rights.

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Abbreviations

AFLEG	Africa Forest Law Enforcement and Governance initiative
CCU	Central Control Unit of the forest ministry, Cameroon
CPF	Collaborative Partnership on Forests
DFID	Department for International Development, United Kingdom
EIA	Environmental Investigation Agency, a UK based NGO
ENA FLEG	Europe and North Asia Forest Law Enforcement and Governance initiative
EU FLEGT	European Union Forest Law Enforcement, Governance and Trade initiative
FCMRP	Forest Monitoring Crime Reporting Project, Cambodia
FLEG	Forest Law Enforcement and Governance
FSC	Forest Stewardship Council
ICRC	International Committee of the Red Cross
IFM	Independent Forest Monitoring
IO	Independent Observer
ITTO	International Tropical Timber Organisation
MAFF	Ministry of Agriculture, Forestry and Fisheries, Cambodia
MINEF	Ministry of Environment and Forests, Cameroon (replaced by MINFOF, the Ministry of Forests and Fauna, in December 2004)
MoE	Ministry of Environment, Cambodia
NFP	National Forest Programmes
NGO	Non-Governmental Organisation
OSO	Official Statement of Offence (*procès verbal* in Cameroon)
PSFE	Forest and Environment Sector Programme of MINEF, Cameroon
REM	Resource Extraction Monitoring, a UK based NGO
RGC	Royal Government of Cambodia
SAC	Structural Adjustment Credit
SFM	Sustainable Forest Management
SGS	Société Générale de Surveillance, a Swiss based consulting company
UNFF	United Nation Forum on Forests
VPA	Voluntary Partnership Agreements, part of the EU FLEGT action plan

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Introduction

This Power Tool describes the experience of independent forest monitoring (IFM) principally in Cameroon, but makes reference to other forest monitoring initiatives in Cambodia, Indonesia, and elsewhere. IFM is a relatively new approach, which deliberately operates at the sharp end of forest governance issues, so it is still very much at an experimental stage. This document is therefore less a recipe-book description of the tool and more a discussion on the approaches taken and lessons learned to date. Given the politically sensitive arena in which IFM operates, the paper explores how different approaches to the same IFM mandate might produce quite different outcomes. Even Part 1: "What is IFM?" demonstrates the variation in opinion on what IFM is by outlining different examples.

Many governments recognise that forestry has an important social and environmental role to play as well as an economic one, and therefore – at least on paper – have 'social justice' policies on sustainable forest management and equitable distribution of benefits from the nation's forests. However, implementation of these is often undermined by powerful timber barons who 'capture' the state, making the regulatory role one which facilitates and brokers illegal access to timber. As a result, these private sector elites, not government, start to effectively control policy implementation.

This Power Tool argues that any monitoring of the forest sector in this context needs to take account of the political realities. After the key players and essential components which should be common to any IFM project are introduced in Part 2, it encourages forest monitoring to go beyond a simple audit role to actively drive irreversible change that really will meet social justice policy objectives. Part 3 shows the importance of *how* IFM is carried out, not just *what* it is. It shows ways in which IFM need not stop at identifying weaknesses in the 'operating environment' of rules and procedures, but can play a constructive role in improving accountability and social justice. By working strategically in this way, IFM has the potential to make a significant contribution to shifting benefits from the illegal logger to the state and communities. Government, multilateral and bilateral donors and international policies purport to be in direct accordance with this; IFM highlights where actors' words and deeds are inconsistent.

Finally, Part 4 presents some of the pitfalls of such an assertive approach to IFM, but also notes the significant risks of not going this extra mile. A monitor which does not stand up itself will be providing a veneer of action against illegality, whilst in fact maintaining the status quo. Their integrity and independence will be weakened, undermining the expectations of other reform-minded individuals and organisations.

This tool is based on the work of Global Witness and draws on long experience of investigating the links between natural resource extraction, conflict and corruption. It was prepared by David Young, with assistance from Global Witness teams in Cambodia and Cameroon, Samuel Assembe, Laura Furones, Jon Buckrell, and Patrick Alley, who provided the cartoons. A *Guide to IFM*, which gives full details on both the establishment and running of an IFM project, will be available from Global Witness from mid-2005. Please contact David Young (dyoung@globalwitness.org) or visit www.globalwitness.org/projects for further information.

The context for IFM: Controlling illegality in the forest sector

The forest sector is particularly vulnerable to problems of poor governance. The low minimum level of investment that logging requires – a chainsaw and some transport – combined with the high value of the product, make the sector vulnerable to exploitation of both the resource and local populations who have few livelihood options. Petty corruption, fraud and organised crime flourish because of poor governance in a downward spiral of illegal logging and associated trade. Illegality in the sector has generated vast sums of money and has helped fuel long and bloody conflicts.

Even in countries that have good forest laws – often produced with the support of the donor community – the laws are often poorly implemented, and can be completely bypassed by powerful timber barons. Ultimately, the state is 'captured' by these barons, as the regulatory role is superseded by one which facilitates and brokers illegal access to timber. As a result, these private sector elites, not government, start to effectively control policy formulation.

The consequences of illegal logging are well known: unsustainable deforestation and resulting environmental damage, social disruption, and downward pressure on timber prices. One industry group recently estimated that, "*illegal material depresses world prices by 7% - 16% on average*".[1] There is little evidence of industrial logging activity contributing to poverty alleviation in developing countries while the links between the logging industry and abuses of civil rights are widely documented.

Forest certification and the Forest Law Enforcement & Governance initiatives (FLEG) are both initiatives to combat bad governance. Forest certification, based on voluntary participation by industry, seeks to encompass standards in environmental, labour, sustainable forest management, economic and legal aspects. Certifiers provide verification of compliance, and in turn are accredited by a standard-setting organisation such as the Forest Stewardship Council (FSC). Crucially, certification depends on industry's willingness to make the necessary investment, which in turn is dependent on a clear market advantage in doing so. Despite certification schemes being in existence for over ten years now, very little high value natural tropical forest has been certified, suggesting a need for a different, albeit interim, approach.

Inter-governmental initiatives which aim to tackle illegal logging include FLEG in Asia, Africa (AFLEG), Europe (EU FLEGT) and Europe and North Asia (ENA FLEG); formal decisions by the International Tropical Timber Organisation (ITTO); and the United Nations Forum on Forests (UNFF) and its associated Collaborative Partnership on Forests (CPF). In all there are at least ten multilateral or bilateral agreements that can be used to improve legal compliance.[2] One of the most promising is the EU Action Plan, due to come into effect in 2005, which will work through Voluntary Partnership Agreements (VPAs), supporting producer-country efforts through a scheme to license timber of legal origin.[3] However, such high-level discussions tend to be long political processes, and there are concerns already that some aspects of these processes will simply not deliver.

Thus, while certification schemes by industry suffer the drawback that they are voluntary and self-policing, inter-governmental agreements take time to negotiate and implement. In the meantime illegal loggers continue to operate with impunity. There is a growing need for more action: an effective tool to help demands for better forest governance.

IFM complements both the voluntary certification schemes and the regulatory processes in two ways: It aims to provide an interim solution by curtailing illegal activity relatively quickly, and it informs the development of long-term solutions by providing an in-depth understanding of the complex mechanisms of illegality.

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[1] American Forest and Paper Association, '"Illegal" Logging and Global Wood Markets: The Competitive Impacts on the U.S. Wood Products Industry'; 2004

[2] See www.illegal-logging.info/ for information on the range of international political processes aimed at improving forest law enforcement and governance.

[3] In contrast to forest certification, which aims to certify both sustainability and legality, the proposed EU licensing scheme seeks to certify legality alone.

Part 1: What is Independent Forest Monitoring?

Almost all the initiatives listed in the previous section make reference to 'independent monitoring' as one tool to improve governance in the sector. Independent Forest Monitoring (IFM) is the use of an independent third party, which, by agreement with the state authorities, provides observation of and guidance on official forest law enforcement systems. There are a number of points where such monitoring might occur, from the initial allocation of concessions, to the management of these concessions, or in the subsequent processing and trade in forest products. To date, the focus has been on observing official oversight and observing control of logging concessions, and suppression of illegal activity in protected areas or outside concessions.

The principal activity in IFM is field investigations by which an independent monitor observes and documents activity in the forest, legal and illegal, and through the trade. The monitor has a contractual relationship with a central government authority, but works with local officials, civil society and the private sector of timber-exporting countries by providing authoritative and objective information on forest operations, with a focus on illegal activity. Monitors believe that an increase in transparency and accountability will drive irreversible reform in the sector by pinpointing the fault-lines in good governance from the local to the ministry level and bringing these into the public domain for discussion and action.

IFM has parallels in election observer work and in the prison visits undertaken by the International Committee of the Red Cross (ICRC). As in these examples, a mixture of international and local expertise is deployed, and teams operate with the approval of, but are independent from, the host government. In all cases the mandate of the monitor is limited to being an observer. Responsibility for law enforcement remains with officials and governments.

The concept has been piloted in various forms in Cambodia, Cameroon and Indonesia, of which Cambodia best illustrates the range of monitoring styles.[4] This limited diversity of experience and the experimental nature of IFM make the term mean different things to different people. The spectrum of forest monitoring initiatives is described in the following country summaries, and in Table 1.

[4] Other forms of non-governmental involvement in forest monitoring also exist in Ecuador, Canada and the Philippines, for example. However, these are not considered similar enough to IFM to be the subject of this Power Tool.

Table 1: Forest monitoring initiatives

Description	IFM as an audit function	IFM as a driver for change	External monitoring
Example	Cambodia 2004 (SGS)	1. Cambodia 1999-2003 (Global Witness) 2. Cameroon 2000 to date (Global Witness)	1. Indonesia 1997 to date (EIA-Telapak) 2. Cambodia up to 1999 and from 2004 to date (Global Witness)
Official mandate	Yes, with the MAFF and the MoE	1. Yes, with the MAFF and the MoE 2. Yes, with the MINEF	None
Accountability	• Principal-agent conflict: reporting to an institution with both regulatory and management roles	1. Principal-agent conflict (as SGS) 2. Reports to the Reading Committee which acts as a buffer from vested interests	• No explicit accountability to host
Key characteristics	• As far as possible works only with information provided by the MAFF or MoE • Technocratic: mechanistic approach to official mandate • Access to official information; risk of self-censorship	• Undertakes both joint and independent field missions as appropriate • Advocacy: value-driven and strategic in its methods, but respects official mandate • Access to official information and freedom to publish provide significant source of credibility	• Operates entirely independently of the host government • Advocacy: value-driven and strategic in their methods, but largely self-mandated • No formal access to official information • Credibility built solely on reputation and track record

Cambodia

In 1999 an independent monitor was sought by the inter-governmental donor community to ensure that the relevant ministries complied with promised provisions regarding management of forests and the elimination of forest illegal activity.[5] This was part of a donor-funded Forest Crime Monitoring and Reporting Project (FCMRP), operating under the joint auspices of the Ministry of Agriculture, Forestry and Fisheries (MAFF) and the Ministry of Environment (MoE). Global Witness had already been reporting on illegal logging in Cambodia for four years, and was invited to apply for the post of Independent Monitor. Global Witness's work clearly laid out the mechanisms by which corruption is institutionalised in the sector, and in January 2002 a moratorium was imposed on commercial logging and transport, to be lifted only when sustainable forest management plans have been approved.

In 2003, following suspension of the FCMRP, including the departure of two expatriate FAO consultants from the project, and a breakdown of trust between Global Witness and MAFF, the latter broke off cooperation. This put the Royal Government of Cambodia (RGC) in breach of conditions on a World Bank Structural Adjustment Credit, so the contract was re-let to Société Générale de Surveillance (SGS).[6] A recent forest sector review contrasts the two contracts stating they were initially vested "*with responsibility for intelligence gathering and, more recently, with external procedural audit*".[7] While no longer having an official mandate to provide services to the RGC, Global Witness has continued to operate as an 'external monitor' in Cambodia, and still enjoys a good relationship with MoE.

[5] FAO-Global Witness, 'Terms of Agreement for an Independent Monitor in Cambodia'; November 1999

[6] See www.sgs.com/forestry_monitoring_programme for details of SGS's forestry work.

[7] Cambodia Donor Working Group on Natural Resource Management, 'Independent Forest Sector Review : The Forest Sector in Cambodia (Part I: Policy Choices, Issues and Options)', commissioned by the Joint Coordinating Committee, consisting of 6 ministries and 6 donors, 2004; www.cambodia-forest-sector.net

Cameroon

Within a year of the contract as an official monitor in Cambodia, Global Witness was invited to take on a similar role in Cameroon for the Ministry of Environment and Forests (MINEF). A full time project started in May 2001, following two short scoping missions in the previous year. It was designed to work alongside two other forms of monitoring: a local law and auditing company supervising concession allocations as Independent Observer of Auctions, and an international remote-sensing specialist NGO charged with digitalising MINEF maps and providing information on forest cover change, including suspicious logging activity. Important differences in the experience of this IFM from that in Cambodia include (a) a strategic decision to prioritise working alongside the official forest law enforcement agencies on a systematic series of 'joint field missions' and (b) a protocol which involves a reporting panel (MINEF dominated, but with donor representation) to validate the objectivity and technical competence of field mission reports prior to their publication. This panel, known as the Reading Committee, serves to buffer the monitor from vested interests, as any grievance following publication of a report should be directed at the committee, not the monitor. In mid-2004 the donors and MINEF agreed to a further three-year project phase, and a competitive tendering process was launched to secure a monitor for the next phase.

External monitoring

While not describing themselves as 'IFM', the Environmental Investigation Agency (EIA)-Telapak joint project in Indonesia and the ongoing Global Witness work in Cambodia are both examples of self-mandated or 'external' monitoring and reporting of forest crimes. To the extent that they are able to conduct their activities in the countries concerned, and are part-funded by international governmental donors, they also enjoy a degree of formal recognition. As an international-local NGO partnership, the EIA-Telapak project focuses on training local partners to carry out forest monitoring rather than the majority of monitoring being carried out by an international organisation. The aim is "*to equip groups working on forest issues with the skills and technology needed to campaign effectively for forest protection and the rights of indigenous communities [through providing] training in the use of cameras to document forest crimes along with the equipment necessary to do the job*".[8] EIA-Telapak have strategically focussed on logging activity in a particular national park which has high political significance. They are also operating in a context of increasing decentralisation of government, and have observed a tension in their inadvertent role of reporting to the central ministry where local officials lack the capacity or will to do so. Both EIA-Telapak's, and Global Witness's current work in Cambodia are in areas where all logging is illegal (national parks or under a national logging ban, respectively), which in one way makes their job easier: they do not need to make reference to timber permit documents or forest management plans to demonstrate illegality, as IFM undertaken in concessions must.

Who demands IFM? Who supplies it?

Demand for IFM might come from governments or citizens and donors who are concerned about illegal logging, but the purpose is broader: IFM creates a dynamic and a debate that stimulate information flows, and the political space created by IFM increases participation in issues related to forest sector governance. This paper argues that to be effective in situations where governance is poor, IFM needs to go beyond a simple audit role to actively support development of an operating environment that really will meet the policy objective of sustainable forest management. In this way IFM also has the potential to make a significant contribution to ensuring more equal sharing of the

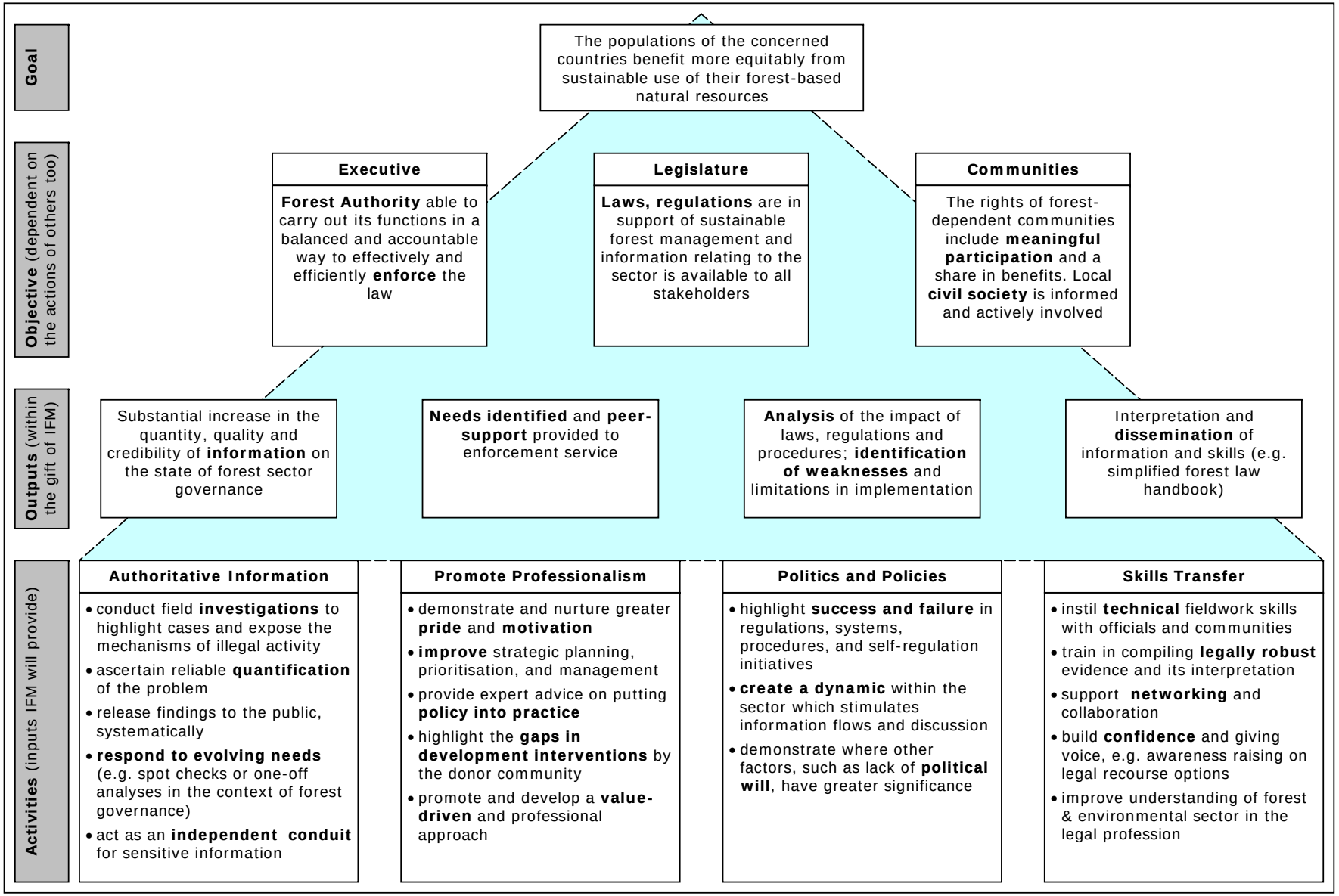
[8] www.eia-international.org. See also www.telapak.org.

benefits from any natural resources extraction by shifting benefits from the illegal logger to the state and communities. Government, multilateral and bilateral donors and international policies purport to be in direct accordance with this; IFM highlights where actors' words and deeds are inconsistent.

Monitors' principal tactic is to provide people with the power to change policies with incontrovertible evidence in a professional yet public way, so they are forced to acknowledge and respond. This makes it a challenging but potentially extremely effective tool in politically contentious arenas. The monitoring organisation's profile therefore makes a significant difference to their ability to meet this challenge, and is to some extent reflected in the key characteristics described in Table 1. The spectrum of providers so far includes not-for-profit organisations with an explicit advocacy role (Global Witness and EIA) and a for-profit organisation with no overt lobbyist role (SGS). Two other potential service provider profiles – a not-for-profit organisation with no advocacy role, and a private-sector lobbyist organisation – have yet to provide these services, although a new organisation, Resource Extraction Monitoring (REM), presents the former description.[9]

[9] For information on REM see www.rem.org.uk.

Figure 1: Conceptual Framework for Independent Forest Monitoring



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Part 2: Project Design: How can IFM remain independent yet be a driver for change?

This section describes the key structural components of an IFM project, including a conceptual framework, key players and the minimum requirements in a mandate. When taken together, these components add up to the official-yet-independent balance which makes IFM successful. It ends by summarising the ways in which this structure can drive change. Part 3 looks beyond the structure, describing how different approaches to an IFM mandate will significantly influence results.

A conceptual framework

IFM can only be a driver of change where the direction of such change is widely agreed. If IFM is to be a driver towards social justice, the direction of change must be in the direction of greater (i) sustainable forest management (SFM) and (ii) respect for the rights of forest-dependent communities and their socio-economic, cultural and ecological environments. Thus higher-level objectives and goals need to be shared and supported at the highest level in forest policies, National Forest Programmes (NFP) or the county's constitution. Without the clear political direction that such a set of baseline policies and enforcement institutions provides, IFM is unlikely to feel appropriate from the point of view of a monitor, and unlikely to be welcomed by the potential host.

Table 2: Alignment of objectives of IFM project in Cameroon with generalised framework

Cameroon 2002-2005	IFM Conceptual Framework
Overall objective: To provide support to the establishment of the principle of good governance in the forestry sector, in order to improve this sector's contribution to poverty alleviation through sustainable management of forest resources.	Goal: The populations of the countries concerned benefit equitably from sustainable use of their forest-based natural resources • *Objective*: Laws, regulations and procedures are in support of SFM • *Objective*: The rights of forest-dependent communities include meaningful participation and a share in benefits
1. To ensure the objectivity and transparency of monitoring operations undertaken by MINEF through the participation of an Independent Observer with international credibility, the reports and recommendations of which will be made public.	• *Output*: Substantial increase in the quantity, quality and credibility of information on the state of forest governance. • *Activities relating to*: Authoritative information
2. To strengthen the operational capacity of MINEF law enforcement services and, particularly, the Central Control Unit (CCU), through the application and improvement of procedures.	• *Output*: Needs identified and peer-support provided to enforcement service • *Activities relating to*: Promoting professionalism • *Activity*: Instil technical fieldwork skills among officials and communities
3. To analyse clarifications in control methods through the role of the different players in forest monitoring and the follow-up for a precise reference list of offences and sanctions, based on the legal and regulatory framework in force.	• *Output*: Interpretation and dissemination of information and skills (e.g. simplified forest law handbook) • *Output*: Analysis of the impact of laws, regulations and procedures; identification of weaknesses and limitations in implementation
4. To help monitor implementation of recommendations and decisions from the CCU's control missions undertaken with the assistance of the Independent Observer.	• *Objective*: Forest Authority able to carry out its functions in a balanced and accountable way to enforce the law effectively and efficiently • *Activity*: Conduct investigations to highlight cases and expose the mechanisms of illegal activity • *Activity*: Release findings to the public, systematically

A conceptual framework based on this premise is presented in Figure 1. It is important to note that IFM alone cannot be expected to achieve the high-level goals, so it needs to operate in a wider

arena of reform initiatives (discussed in Part 3). The key contribution IFM can then make is in seeking to improve the operating environment in which this shared goal is pursued: the **legislation**, its implementation by the **forest authority**, and the ability of **civil society** to hold both of these state powers to account. For reference, Table 2 compares the objectives of the IFM project in Cameroon (2002-5) to those of the conceptual framework.

IFM approaches these objectives through explicit observation of the forest law enforcement system. So the outputs from IFM focus on the issues of quality of **information** and its **dissemination**, **system analysis** and **needs identification**. However, the system itself may have numerous weaknesses: insufficient human or technical resources, conflicting laws or ambiguities, gaps and injustices in legislation. In order to determine what is illegal we first need to know what is legal, but there may be circumstances where there is no system for legality to be monitored effectively and objectively.

The activities in this framework are divided into four groups: authoritative information, promoting professionalism, policies and politics, and skills transfer. The way in which IFM can be genuinely independent yet advance real change is as much about *how* the activities are undertaken as *what* they are.

Establishing IFM: The key players

The unique strength of IFM resides in the dynamics of the monitor's relationships with various players in the forest sector. Such players can be divided into two groups. The first group, with whom the monitor has formal relationships, is the inner circle of the host government, local forest law enforcement agency, and donor community. The second group is a wider circle including local communities and civil society organisations, private sector logging operators, and international environmental and consumer communities. The relationship between the monitor and the latter group is an informal one, and can only be substantial once information gathered through IFM is made publicly available. Each of these circles of players are profiled below:

Host government

The process of project design, prior to the monitor being appointed, will influence the subsequent relationship between the monitor and the host, and care is needed to avoid setting the stage for mutual mistrust: "A*n evaluation of the FCMRP was carried out in 2002, and this noted that the project design was based on the assumption that the RGC [Royal Government of Cambodia] could not be trusted to handle forest crime information correctly*".[10]

In the context of current experience, the host authority has been a line ministry or forestry authority. IFM would however have more independence if it operated with a mandate from a wider interest group. This might also dissipate the kind of mistrust that can occur between just two parties. In Cambodia, there were two ministries involved, and competition between them that was not always positive. There was also a 'focal point' representative from the Council of Ministers. Other countries currently considering IFM may use some form of multi-sectoral commission or parliamentary committee as the host. Such an approach should drive change more efficiently as it strengthens the checks and balances inherent in a system of executive government and legislature. Alternatives that build on the concept of official yet independent status include forming partnerships with the local ombudsman or human rights commission, for example.

Local forest law enforcement agency

The principal counterparts for the monitor are the forestry officials tasked with inspecting and controlling logging, transport and other operations. Often these people have an authority beyond other forestry officials, which permits them to issue Statements of Offence or even arrest suspects in the same way that the police do. Typically they are in mobile teams, either a centrally based team or a number of decentralised units, depending on the scale of forestry operations and resources available. They need to have access to all the necessary maps, permit documents and contact details relating to the area they are inspecting, and require the skills to carry out thorough

[10] D. Brown et al, 'Review of Independent Monitoring', Forest Policy and Environment Group, ODI, commissioned by DFID; 2004; www.odifpeg.org.uk/publications/reports/IFM%20Paper/IFM%20Final.pdf

and diligent inspections. They are normally answerable to an inspector general who is a senior member of the forest authority, to keep the control function separate from the forest administration role. However, a lack of rigour about lines of reporting and separation of powers may make law enforcement officials prime targets for bribery.

Unlike a self-appointed watchdog organisation, the independent monitor is contractually obliged remain supportive of this forest law enforcement agency. Current examples are:

- *Cambodia*: provide the RGC and the public (a) an audit and monitoring mechanism to ensure compliance with established guidelines in eliminating forest illegal activities; (b) factual activity reviews of achievements by MoE and MAFF; and (c) documentation of achievements, weaknesses, constraints and/or instances of non-compliance.[11]
- *Cameroon*: ensure the objectivity and transparency of monitoring operations undertaken by MINEF; strengthen operational capacity through the application and improvement of procedures; clarify control methods; and monitor implementation of recommendations and decisions from the Central Control Unit (CCU) control missions.[12]

Donors

IFM in both Cambodia and Cameroon was instigated by donors and is tied to aid conditionalities. Brown et al (2004) report a key reason for the donors' interest in IFM in Cambodia: "*It was becoming untenable for the donors to provide funds to a government that was rapidly depleting one of its primary assets, without accruing any benefit to the wider population*".[13]

Development assistance is increasingly promoting recipient government ownership, through such mechanisms as direct budget support. As a result it is likely that IFM will have to operate in an environment in which donors are less willing to intervene as directly, for example through the use of aid conditionalities. Nonetheless, good governance and poverty reduction will remain dominant themes, and to this extent the donors speak for the needs of powerless local citizens. Where IFM projects exist, active donor engagement will be an important driver unless and until local governance structures, including an empowered civil society can effectively take over this role.

Local communities and civil society organisations

Local people are the biggest losers from illegal extraction of high value timber and stand to gain most from IFM. Even where illegal activity provides local employment and livelihood opportunities, this is typically in an exploitative arrangement with timber traders. Communities lack sufficient voice to press for reform. Relationships between communities, their representative organisations and the monitor are delicate for two reasons. First, host governments are likely to be sceptical of overt IFM involvement in civil society activism or advocacy, as they will argue that this undermines independence. By presenting itself as an effective conduit through which tip-offs – from anybody – can be reported and investigated, and by scrutinising community forestry titles and operations with equal professionalism and diligence as any other concession, the monitor can ameliorate this scepticism.

Second, civil society groups, by their very nature, are not homogenous and are rarely united or consistent. Again, a professional and fair approach will avoid accusations of taking sides with any faction. The political sensitivity required of a monitor will help them to spot when accusations are motivated by people with something to hide. It will also help them avoid being inadvertently drawn into partisan disputes. Actively pursuing constructive relationships with industry, government and different civil society interests will help diffuse tensions.

IFM should eventually be taken over by governance structures that involve an empowered civil society to a far greater extent than when the monitor started. Such structures will involve a robust law enforcement system in which the state, private sector and civil society will all have a role.

[11] FAO-Global Witness, 'Terms of Agreement for an Independent Monitor in Cambodia'; November 1999
[12] PSFE-Global Witness, 'Terms of reference for the transition phase of the project "Independent observer in support to control and monitoring of forestry-related offences'; May 2002
[13] D. Brown et al, 'Review of Independent Monitoring', Forest Policy and Environment Group, ODI, commissioned by DFID; 2004; www.odifpeg.org.uk/publications/reports/IFM%20Paper/IFM%20Final.pdf

These roles will vary from one situation to another, so building relationships with all these groups is an important requirement.

Logging operators

The aim of IFM is to eliminate illegal logging and related corrupt practices, not to eliminate companies operating within the law. The monitor and logging operators therefore need to maintain a professional respect and dialogue. Companies making proactive moves towards SFM and those with direct links to their markets (i.e. vertically integrated) are more likely to welcome IFM as a move towards the rule of law and a 'level playing field' for logging operations. Other, less progressive companies may consider the monitor an easy target among those working to suppress illegal activity, and propagate criticisms such as that the monitor is seeking to find and report only the negative. The reaction of loggers unwilling or unable to operate within the law may be to point the finger at the messenger – the international monitor for whom incorruptibility is a core value, but eviction is a real possibility. Such attitudes can be disarmed by maintaining a dialogue that seeks to understand the constraints, perceived or real, under which the industry is operating.

International environmental and consumer communities

Internationally, the concerns of consumer societies and environmental groups are major drivers for the notion of SFM and suppression of illegality in logging and trade. Consumers in the EU have been particularly sensitised to environmental issues, and the European Commission has formulated an EU Regulation to implement a voluntary timber import licensing scheme.[14] Once evidence gathered through IFM is in the public domain, a powerful feedback mechanism provides a deterrent to illegal operators. They are pressured both in producer countries by more effective law enforcement and in consumer countries by buyers being more questioning about the source of timber.

The mandate: Three red lines

The strength of IFM depends on its ability to investigate within politically sensitive situations and its commitment to adhere to agreed protocols. The mandate for IFM needs to be carefully negotiated with the host if monitoring is going to make an effective contribution to any coalition for change in the sector. Experience shows this mandate must as a minimum include three protocols which should be set out in detail in the Terms of Reference (ToR) of any contract. It is crucial that both contractual parties uphold these as they provide a basis for continuing both the commitment of the host and the credibility of the monitor:

1. **Access to information** while respecting its confidentiality. Official status should permit the monitor to have unrestricted access to official documents on timber rights. Without knowing what is legal, it cannot determine what is illegal, so cannot assess if enforcement agents are doing their job, including ensuring private and community forest managers are doing theirs. Such information might include: legal documents on titles and permits, letters, maps of valid and expired logging titles, production statistics, tax collection documents, and those relating to fines and records of progress of a legal case or court decisions.

   While privileged access to information does not give the monitor a licence to release documents to third parties, one objective of IFM is to demonstrate the *benefit* to forest law enforcement of placing this information in the public domain. As with all rules, if the public knows what they are they can play a role in enforcing them: "*Increasing openness can be a powerful tool in reducing the influence of special interests and improving government performance*".[15]

2. **Free movement**. The monitor must be able to visit any part of the forest or production facilities, at any time, to observe the activity of both the forest law enforcement agents and the concessionaires. Such field missions can take two forms: jointly with the forest law

[14] Commission of the European Communities, 'Communication from the Commission to the Council and the European Parliament: Forest Law Enforcement, Governance and Trade (FLEGT): Proposal for an EU Action Plan ((COM 2003) 251 Final)'; 2003; europa.eu.int/comm/development/body/theme/forest/initiative/docs/Doc1-FLEGT_en.pdf

[15] J. Stiglitz, 'Redefining the Role of the State. Presentation on the Tenth Anniversary of MITI Research Institute (Tokyo, Japan)', 17 March 1998; www.meti.go.jp/topic/mitilab/downloadfiles/m2012-1j.pdf

enforcement agency, or independently. Where the primary IFM activity is to observe the enforcement system, the monitor should work alongside this agency as far as possible. Officials can be expected to treat any evidence gathered in their absence as less authoritative. However, IFM can only drive change if it is able to confront complicity between officials and loggers, or cover-ups by officials. So there is a need to test for this through independent missions; they give a baseline from which joint missions can be interpreted.

Joint missions rely on the existence of some form of counterpart to the monitor's work. This may be a central enforcement team, as was considered in Cambodia and is currently in Cameroon. However, in Cambodia there was no basic will on the part of the forest authority to cooperate, and independent missions became the norm. In Cameroon, local government reform is providing a decentralised enforcement service, which means joint missions require liaison with a series of central, provincial and local officers. In larger countries, a central enforcement team may be altogether unworkable.

Although joint missions might be seen as compromising the independence of the monitor, they should not result in the monitor's co-option by the forest authority. The objective is a greater separation of powers between forest administration and law enforcement: "*Separation of the law enforcement functions of the forest service from the routine administration of forestry management is generally required for effective enforcement. In the US, for example, the US Forest Service Law Enforcement and Investigations Programme operates on a 'stovepipe' arrangement – enforcement operatives are directly attached to senior forest service management and bypass district and regional bureaucracies so as to more effectively address allegations of corruption and collusion of forestry service personnel*".[16] This is primarily a structural issue, so the monitor may have little power to reform the forest authority to this extent, but developing professionalism, skills and motivation will help to demonstrate the value of such a structure.

3. **Right to publish**. A clear part of IFM is to increase the quantity, quality and credibility of information on the forest sector in the public domain, as this provides a powerful lever against illegality and corruption. Cases of illegal activity, or of weaknesses in the control system or wider operating environment, are authoritatively documented and systematically published. Then the onus is on the forest authority to act, and not acting will further be noted and reported. Once exposed, public officials lose face and private loggers risk losing markets. IFM should result in the more effective use of stronger deterrents such as those of the criminal justice system.

   The monitor must thus have the right to publish its findings, but equally must exercise this right with professionalism and restraint. This right was included in the first IFM contract in Cambodia, although the protocol for implementing it was agreed only after 18 months, when relationships with one of the two host organisations were already deteriorating. It formalised the monitor's right both to produce field mission reports and to have access to those produced by the enforcement agents. An update of action taken following a field mission report was to be produced by officials every 30 days until the case was closed, after which the monitor "*may release the information with consultation with the concerned authority to the greater public*".[17] Crucially, the monitor also "*may disseminate findings at any given time there is non-compliance with the abovementioned protocols*".[18] The current Cambodia IFM agreement is based on this earlier protocol: "*[reports] can be released after being verified by the RGC's agencies. After 30 working days from submitting reports to these RGC Agencies the independent monitor has the right to release the reports regardless of verification*".[19]

   In Cameroon the reporting protocol was adapted from experience in Cambodia in an effort to increase local host ownership. This is done through the reporting panel, made up of enforcement and other officials from the forest ministry, donors, and the IFM project team,

[16] D. Brack et al, 'Controlling the International Trade in Illegally Logged Timber and Wood Products: A study prepared by RIIA for DFID'; 2002; www.illegal-logging.info/papers/1_ControllingTrade.pdf
[17] FCMRP, 'Reporting Protocols. Agreement between RGC, Global Witness, FAO/UNDP, Royal Danish Embassy and other donors committed to the Forest Crimes Monitoring and Reporting Project (Cambodia)'; 2001
[18] FCMRP, 'Reporting Protocols. Agreement between RGC, Global Witness, FAO/UNDP, Royal Danish Embassy and other donors committed to the Forest Crimes Monitoring and Reporting Project (Cambodia)'; 2001
[19] RGC-SGS, 'Contract Appendix A – Description of The Services'; 2003

under the chairmanship of the ministry. The committee's role is close to that of an academic peer review function, in front of whom the monitor must be able to justify the conclusions drawn from reported facts. The committee might recommend clarifications to field mission reports and expansion of the recommendations before adopting them for publication. A field mission report validated and adopted by the committee is commonly regarded as theirs (or perhaps more accurately, the ministry's), and carries greater authoritative weight – an important point for other organisations who use reports for their own advocacy work.[20]

There is a check against obfuscation rather than validation by the reporting panel, provided by a clause permitting the monitor to publish reports if the committee has failed to convene within 30 days of its summoning. This clause has never need to be invoked, however, as all 118 reports completed to date have been validated.

In countries where the command and control system of government as both regulator and manager exists, the role of a reporting panel is critical in acting as a buffer between investigations and vested interests. The reporting panel does not direct the monitor, as this would risk undermining its independent status. Discussion of detailed technical reports about infractions and the system of control contributes to raising awareness about the performance and the potential of law enforcement, capacity building, and ownership among the participants, including representatives of the host organisation. The field reports do not simply serve to tackle individual cases, the process also contributes to a long term impact on illegal logging through building a cycle of policy and procedural review and improvement.

If a monitor or any other party fails to respect reporting protocols and 'leaks' information this will poison the relationship with the host, enforcement agency and donors, and seriously undermine IFM.

Official yet independent: Driving change

For any set of rules, there will be a variety of ways in which they can be applied and the impact this can have will vary significantly. The ways in which different approaches to the same IFM mandate might drive change are discussed later in Part 3. However, IFM, regardless of the approach, should yield the following:

- Evidence based on official information, which cannot then be dismissed by the same officials. It is authoritative and compels enforcement action against those suspected of forest crimes.
- Firm evidence of the progress or otherwise of policy measures carried out by the government and donors, based on a series of field reports and an assessment of the extent to which the recommendations in each are acted upon.
- A boost to the morale and professionalism of officials, through peer-support and needs-identification. High quality evidence which is sufficiently robust to obtain convictions demonstrates the value of collecting such information diligently.
- Clarification of the separate roles of officials (with responsibility for law enforcement) and the monitor (who observe and advocate for improvements to a system) in order to maintain lines of accountability.
- A principle of shared responsibility in the reporting panel, providing a buffer from vested interests and therefore allowing a constructive approach towards increased transparency and accountability.
- Useful information for raising the profile of forestry on wider agendas on good governance, corruption and the equitable distribution of revenues. IFM can generate data on the actual and potential economic contribution the sector can make, and it can link reform in forestry to wider improvements in transparency and accountability. This helps integrate forestry into national development processes such as Poverty Reduction Strategies.

[20] Greenpeace, for example, has reported that reports, when approved by the ministry, make credible references in the European marketplace.

In conclusion, if the core policies of the state strive to achieve SFM and respect for forest-dependent communities, then IFM can help. Being independent means being demonstrably fair and independent from any and all pressures. It does not mean being un-biased: IFM is explicitly biased towards achieving these core policy goals. Different players interacting with the monitor may have different preconceptions about their motives. Some may think the monitor is too easily co-opted – and some powerful elements resistant to reform will want that. Others may regard the monitor as tree-huggers who fabricate evidence. The monitor achieves change through careful project design, then through managing relationships and maintaining professional integrity while disabusing others of their preconceptions.

Part 3: In what ways can IFM be used to raise accountability?

"Protected by powerful patrons, timber companies may evade national regulations with relative impunity. State forestry institutions may become in effect the clients of concession-holders in the ruling elite, exercising their powers as a form of private property rather than as a public service".[21]

On initial observation illegal activity may appear to be the fault of those acting in the forest but outside the law, yet they can do so only because the state is failing to implement its own policies for the common good. Often people who rule the sector got where they are in ways antithetical to good governance.

It is naïve to think that a moral interpretation of accountability will succeed; that society can move to a situation where rulers are inherently and unambiguously 'good'. The notion of being 'accountable to' someone or some group implies that people with power will acknowledge their responsibility to those who don't. In reality, this alone is often too much to hope for. For the powerless, accountability is about realising your rights and demanding them, rather than waiting for the powerful to share with you:

"Establishing entitlement to resources or services as a right, rather than as merely a policy objective which may or may not be changed in the future, improves the sustainability of [local people's] benefits".[22]

Thus, accountability derives from checks and balances in the system as a whole, and therefore hinges on the roles of all players. Only through the various actions of the majority will illegal activity, including corruption by the minority, be suppressed.

In an environment of systemic corruption such as that described in the quotation above, where checks and balances are non-existent or failing, any internal champions of reform will inevitably be constrained in what they can achieve. As others have suggested (for example see Box 1, based on the work of leading World Bank economists), 'indirect' approaches need to be found to further the accountability of forestry officials. IFM operates in parallel to the different institutions that are responsible for instilling good forest resource administration.

Box 1: Combating institutionalised corruption[23]

Accountability depends on both state institutions – auditors-general, the judiciary, the legislature – and non-state ones, such as the media and civil society organisations. Effective institutions of accountability are able to control abuses of power by public officials. But in highly corrupt countries there are glaring weaknesses in institutions of accountability. Furthermore, countries that are most in need of development assistance in support of anticorruption measures are also the countries least likely to ask for help to combat corruption. Where governance is weak and corruption deeply embedded, donors may therefore need to support, through both funding and active participation, an indirect approach. For example:

- **Service delivery monitoring**: Serious efforts by donors to hold governments to standards in delivery of services to its citizens.
- **Citizen empowerment**: Amplifying citizens' voice, including their right to have timely, complete, and accurate information about government operations.
- **Information dissemination**: Letting the sun shine on government operations. Information about how governments spend money and manage programmes, and about what these programmes deliver in services to people, is a key ingredient of accountability.
- **Economic policy**: Limiting the situations where officials might exercise unaccountable discretionary powers, introducing transparency and limiting public sector monopoly powers.
- **Involvement of other stakeholders**: When government commitment to fighting corruption is questionable, it is important to engage other local stakeholders in the fight against corruption.

[21] D. Brack et al, 'Controlling the International Trade in Illegally Logged Timber and Wood Products: A study prepared by RIIA for DFID'; 2002; www.illegal-logging.info/papers/1_ControllingTrade.pdf

[22] T. Conway et al, 'Rights and Livelihoods Approaches: Exploring Policy Dimensions', (ODI Natural Resource Perspectives No. 78); 2002; www.odi.org.uk/nrp/

[23] Adapted from A. Shah and M. Schacter, 'Combating Corruption: Look Before You Leap', in Finance & Development; December 2004; www.imf.org/external/pubs/ft/fandd/2004/12/pdf/shah.pdf.

IFM not only achieves many of the suggestions to improve accountability in Box 1, but has the potential to go further, towards social justice. The next sections describe how IFM can facilitate improvements in a system of accountability in the sector by working with each player: enforcement agents, the forest authority, the logging industry, civil society and donors. In each case, the core tenet of IFM continues to be to demand accountability by highlighting where the words and deeds of any actor are inconsistent, in ways which compel action by those responsible. In addition to the experiences gained over the years in Cambodia and Cameroon, a specific evaluation consultation was carried out in Cameroon for this review. A summary of the stakeholder perspectives collected is in Annex 1.

Accountability and the enforcement agency

The primary contribution made by any law enforcement agency to a system of accountability is to actively enforce the law. In the forest sector this means carrying out inspections and investigating allegations of illegal activity in the forest or sawmill. Following the introduction of a monitor, a first result is that the enforcement teams actually visit the forest, thereby demonstrating that field work is possible if there is the will to do so. Furthermore, the monitor's objectivity safeguards the accuracy of joint field missions. In Cameroon, the peer support function of the monitor has, over time, lead to a number of improvements in the regularity and quality of the public service provided by the enforcement agency, as noted in Box 2.

Box 2: Cameroon - Improvements in law enforcement procedures

- Enforcement agents acquire a professional conscience and carry out their duties with increased dignity and motivation. For example, on the discovery of forest crimes, the enforcement agents now follow the procedure to issue a Statement of Offence without persuasion from the monitor.
- Efficiency of control activities is strengthened as a result of more consistent application of legal and regulatory procedures. The transparency and efficiency introduced by IFM leads to faster delivery and higher quality of statements and reports. Bureaucratic processes are quicker, and state revenues are less often fraudulently diverted.
- Reports have a value, so are more likely to be acted upon. They follow a consistent style that makes sure key information is not omitted. By reporting findings to a reporting panel, the enforcement work is (a) made public and (b) followed up by legal action.
- A planned and systematic approach has been introduced to joint missions. A rolling quarterly programme of missions is aimed at ensuring full coverage of the concessions over time, eliminating accusations of unaccountable selectivity in pursuing illegal activity. Simply having a joint programme at all increases the frequency of field missions, by obtaining shared commitment to the programme from the planning stage onwards.
- A Case Tracking System has been designed capitalising on the professional experience, skills and knowledge of the monitor and others. It provides the enforcement agency with a central database of infractions noted and supervision of administrative and juridical follow-up. There are six-monthly ministerial statements which publicise progress.
- Technical support such as the use of GPS and digitised mapping systems helps identify discrepancies in mapping, for example where boundaries described in the title do not coincide with those in the public notice, where titles overlap, or where they are duplicated for different areas.

Accountability and the forest authority

In addition to observing the enforcement team's work to identify individual cases, the monitor observes the performance of other units within the forest authority and, as cases enter an administrative or legal sanction process, may also observe the judicial system. IFM gives a substantial boost to any latent internal aspirations for change in the forest authority to secure good governance. In support of this, the monitor is able to demonstrate sound methodologies, due diligence in reporting and a robust defence of the need to be transparent and accountable.

As a result, public accountability of the forest authority can be strengthened as sanctions conform to the law and follow-up actions, such as the rate of collection of fines, become more transparent. Consequently fraudulent or corrupt settlements of fines are reduced. In the stakeholder consultation in Cameroon, representatives of the forest authority were transparent about both progress by the enforcement agency on the larger, long-term concessions, and about remaining

areas of concern: cutting below diameter, illegal cutting at the artisanal level and fraudulent exploitation of community forests.

Investigations into the details of different mechanisms of illegality also demonstrate where the system – laws, regulations, procedures, data management, database design, or human interactions – is at fault, and provide guidance on how to fix it. For example, monitors have pointed out where discretionary powers are abused in the settlement of fines and the allocation of concessions or other permits. In Cameroon, the monitor has noted where companies already implicated in illegal activities have been allowed to bid in public auctions; where following public auction, the boundaries of parcels of standing timber have been altered, and where types of permit have been issued despite previous Ministerial Decisions that they should be suspended.[24]

In a command and control system, forest authorities have traditionally been accountable only upwards, to the government. Where IFM is able to take a broad view, to 'look outside the box', it can be effective in raising accountability in different line ministries or state institutions. Monitors can, for example:

- Engage the judiciary about the expediency of the legal process. As the system of law enforcement in the forest has weaknesses, so too is the legal system open to abuse and the progress of legal cases or court decisions should be observed.
- Ask the ministry of finance about forest revenue collection rates.
- Publicise where state-sponsored economic development initiatives are damaging to SFM (e.g. inward investment leading to sawmill overcapacity, agro-industry expansion on forest land, free ports constraining customs inspections of timber exports).
- Demonstrate where better control over forest concessions has had undesirable knock-on effects elsewhere, such as in Cambodia, where, following the logging moratorium, misuse of other concessions such as eco-tourism or agro-industry development have provided a cover for continued logging.

Accountability and civil society

In contrast to command and control, good governance provides for downward as well as upward accountability. The forest authority, as a public service, must show that it is performing in providing service to a range of 'customers', including forest dependent communities and private enterprise, among others. At the same time citizens and companies (a) have the right to know what the law is, where it should apply (geographically and procedurally) and who has discretionary or other power to apply it, and (b) have a responsibility to follow the law, so can expect enforcement action if they don't. IFM can make the following contributions:

- The independent status and credibility of the monitor make them a trusted depository for denouncements, tip-offs etc. Anybody can pass on information, and the monitor has a duty to follow it up without necessarily exposing the identity of its source. Like any other enforcement work, subsequent verification missions by the enforcement agency and the monitor contribute to the system of accountability. Until this system can operate without the presence of a monitor, such denouncements are less likely to be made or followed up.
- Each published field mission report informs and enables the public to hold others to account. Reports give the contact details for the responsible unit within the forest authority and the monitor, details of all infractions observed, and any constraints that may have affected full inspection. Reports note if a Statement of Offence was issued, together with other recommendations of the monitor.
- Publishing forest crime and other reports provides an opportunity for the media to pursue public interest stories further, for example by asking other protagonists for their point of view.
- Dissemination of information in a user-friendly form, as a handbook on the forest law, for example, enables people to know for themselves when the rules are broken. In addition,

[24] Observateur Indépendant de Marchés Publics, 'Inter-ministerial Commission for the Allocation of Sales of Standing Volumes and Special Products for the Fiscal Year 2003'; 2004

participation in workshops and on enforcement missions develops skills in identification and definition of illegal activities; content and elaboration of a petition or a report; and proposals and action plans.

- As well as a knowledge of the law, a thorough analysis, understanding, and dissemination of the way the judicial system works enables the monitor, civil society, and even state prosecutors to know the requirements for legally admissible evidence. It is important to know how courts will treat video, photographic or GPS data before making use of these methods.

In both Cameroon and Cambodia there has been a palpable improvement in the confidence with which people come forward to make demands of the forest authority, from pressing for criminal investigations to demanding the right to scrutinise forest management plans.

Under the umbrella term 'civil society' a diversity of roles and opinions is an important component in a system with built-in accountability. The immediate desires of local community-based organisations (or, for that matter, underpaid local officials) for a slice of the forest and its commercial wealth need to be balanced against the broader view, and skills in awareness-raising, environmental education and law, of national NGOs. IFM can break down a polarised debate where the state chooses to dismiss any community voice out of hand, while NGOs only denounce industry, not communities. Monitors strengthen citizens' rights and responsibilities by respecting community voices, following up all denouncements with equal diligence and neutrality, and by working with national-level NGOs to help build a broader picture of unsustainable, including illegal, activity and ways to address it.

Accountability and the logging industry

Trustworthy evidence, improved law enforcement activity, realistic calculation of damages and their payment can lead to successful prosecutions. Transparency in these processes will also lead to exposure of illegally acting and under-performing companies, and act as a powerful deterrent.

Industry representatives report a double impact of IFM: fear of poor publicity and a precursor to certification. The former is an effective deterrent for other companies: in the stakeholder consultation in Cameroon a representative commented that IFM helps them make lasting efforts to prevent illegal activities in order to avoid sanctions. Industry is also aware that IFM can provide an assurance that compliance with regulations will be rewarded as demands for bribes fall. They describe this as protecting themselves from the enforcement officials.

The consultation also showed that forest certification is a clear aspiration for some in the industry, and legal compliance is regarded as a first step in that direction. Progressive voices in industry commented that confirmation of their permits' validity, instigation of management plans, and increasing respect for the law from all sides resulted from increased scrutiny by the enforcement agency and monitor. Irrespective of when their forest concessions attain certification, these are significant indicators of improved accountability of industry.

In future, IFM projects will need to respond to increasing international market differentiation for demonstrably legal timber, such as that anticipated by work on Voluntary Partnership Agreements between producer countries and the EU. Producer country governments with an eye for maintaining export earnings may therefore more actively welcome IFM, and a number of industry representatives in Cameroon already assume IFM is a step in this direction. The appropriate, indeed essential, role for IFM is to monitor the service delivery of other agencies. Conflicts of

interest arise if monitoring work is combined with service delivery, for example in log-tracking or issuing certificates of legal origin. Preliminary EU FLEGT work in preparation for Voluntary Partnership Agreements has recognised that IFM can play an essential role in independent verification of the systems which generate any certificates, as any doubt about their authenticity will have dramatic consequences in the marketplace.

Accountability and the donor community

The dilemma of international donor agencies is that their attachment to an agenda of poverty alleviation does not always sit comfortably with their desire to increase recipient government ownership of the development process. This is particularly acute in those forestry sectors where the interest of those in power is primarily the expropriation and liquidation of the forest's wealth to generate private capital for investment elsewhere. Even in cases where revenues from natural resources are not being 'privatised' they will not necessarily be used for poverty alleviation.

The introduction of IFM in Cambodia and Cameroon as an emergency measure, brought in by donors where governance of the sector has completely broken down, makes it explicit that local civil society is insufficiently powerful to obtain reform of their own government without outside help.

Given this reality, IFM increases donor accountability in respect of their social justice and poverty alleviation rhetoric. IFM projects have shown where the donors need to act on behalf of the voiceless, in the face of vested interests. In stakeholder consultations in Cameroon, donors accept that citizens' improved access to and response from the forest authority came about partly because communities 'received a favourable echo' from donors.

Some of the ways in which the donors have met the challenge of the potential disjuncture between the social justice agenda and powerful vested interests in the context of IFM are:

- Continuing to support IFM's need for an official mandate, as this compels honest discussion of the issues during the project design negotiations with host governments.
- Pooling funding from multiple sources (such as through a trust fund). This demonstrates international support rather than reflecting one donor's agenda.
- Playing an active role, sustained over the full duration of the project, for example in the reporting panel and in periodic project reviews or crisis mitigation. It is disingenuous for donors to use pro-poor rhetoric, negotiate terms of reference, and fund IFM only to vanish when the findings of the monitor expose power structures that undermine good governance.
- By including IFM as part of a package of wider sector reforms including more explicit legislative reform, capacity building and material support carried out by other agencies alongside the monitor. This was the intention in both Cambodia and Cameroon (within the Forest and Environment Sector Programme, PSFE) but both these larger programmes suffered their own set-backs which had consequences for the isolation of the monitor.

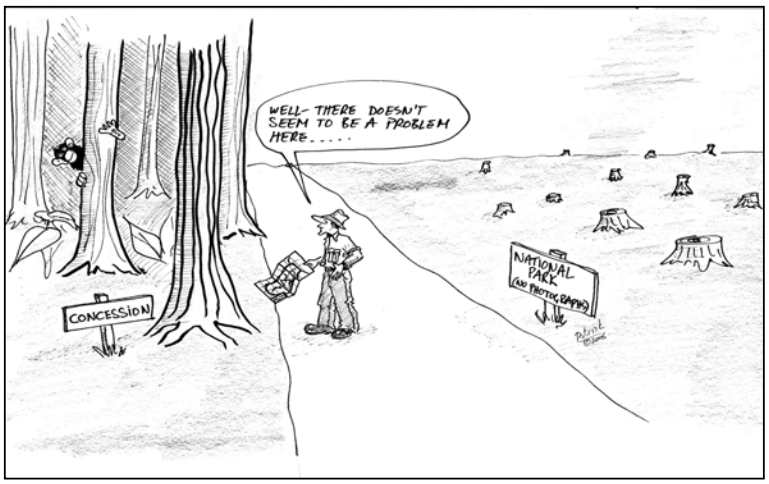
Implementation tactics: Can IFM go beyond 'mere' accountability 'all the way' to social justice?

IFM must be carried out in a way which builds trust and confidence with all stakeholders, including ministerial staff, private sector operators, donors and civil society. This involves managing relationships in a politically sophisticated way, as the monitor must use considerable diplomacy yet be proactive and determined in seeking and reporting the facts. While *activities* can and should be carried out in an objective and neutral way, the *strategic* role which makes IFM effective is brought into play in the selection and prioritisation of these activities, the way the outputs are used to create political space, and the willingness and determination with which the monitor broadens its mandate and investigates systemic corruption. The way in which an advocacy-orientated monitor brings each of these three strategies to bear on social justice is discussed in detail below.

Selection and prioritisation of activities

From a long list of concessions, which ones should be inspected first? Should efforts focus outside concessions, and in national parks, or on the sawmills and markets, for example? What if the state

enforcement agency wishes to concentrate on community forest titles, but the monitor doubts their motivations for doing this? Value judgements are an unavoidable part of crime detection work, likewise of independent monitoring. Whereas some service providers will give equal emphasis and a minimum focus on all activities – they'll tick the boxes – monitors with an understanding of advocacy will reserve the right to prioritise activities that will have the greatest impact on social justice. Some useful tactics to ensure selection and prioritisation remains transparent and justifiable are to:



- Undertake an analysis of the legislation so there is a clear understanding of what laws are being broken, and how to respond. In Cameroon this was combined with writing an easy-to-understand handbook on the forest law.
- Prioritise cases for investigation using a universal crime-investigation decision matrix, which encourages an explicit and transparent process, albeit a subjective one. A simplified example based on that used in Cambodia is in Table 3. As part of the reporting protocol discussed earlier, officials were expected to rate cases for prioritisation as part of their initial response to a crime report. Scoring can be done a number of ways, for example giving more weight to some decision-making criteria than others.

Table 3: Investigation decision matrix

	Threat (how much damage if left to continue)	**Input** (time and money required to respond)	**Chance of success**	**Security** (risk to investigators)	**Score**
Case 1	high	low	high	low	1st priority
Case 2	low	high	low	high	3rd priority
Case 3	low	low	low	low	2nd priority

- Cover the forest area or concession and other titles in a systematic rather than in a responsive way. This approach was adopted in Cameroon in early 2003 following feedback that the monitor undertook too many independent missions, therefore chasing criminals rather than monitoring a system.
- Make reference to internationally accepted norms and agreements. In Indonesia, EIA-Telapak have prioritised investigations into the international trade in ramin, as this timber has some protection under CITES Appendix III, so needs to be accompanied by export permits or by certificates of origin. Drawing attention to a high profile species in this way is a mechanism for wider debate on illegal activity and ways to suppress it. The FLEG processes are also important in this regard as they provide an opportunity for monitors to refer to commitments made under joint ministerial statements from a group of countries.[25]

Using outputs to create political space

The published findings from IFM, both individual field mission reports and periodic summary reports, clearly give government, industry, international donors and civil society tools to assess the state of the forest sector. Both the process (site/case selection and prioritisation, joint versus independent missions, the reporting panel, publication) and the product (content of the reports) create a dynamic not previously present: people talk about the issues, and in particular, weaker

[25] See www.illegal-logging.info/ for information on the FLEG ministerial statements.

voices gain confidence. In Cameroon, NGOs and communities note that as their complaints and denunciations are increasingly listened to by the forest authority, they are further motivated to gather evidence and to hold the authority to account. So in a virtuous circle, efforts to tackle corruption give local people confidence to denounce more dishonest behaviour.

Similarly, as IFM leads to improvements, for example in increasing transparency or redressing weaknesses in systems and procedures, NGOs and citizens demand more. The stakeholder consultation indicated that, as a result of increased political space in Cameroon, NGOs are pressing for the full range of documents used in forest administration to be made accessible to civil society, and criticising arduous procedures and insufficient skilled personnel in MINEF. MINEF is more open to self-criticism too, acknowledging that some officials suffer from 'insignificant motivation'. Industry representatives commenting on operations in the forest authority said 'administrative pedantry persists'. Although these remarks might appear mild, the point is no-one spoke about these issues in the past. As one donor mentioned, without the monitor, it would have been difficult to alter the behaviour of actors in forestry.

Information itself has no power; power comes with the application of information. A monitor produces neutral information – factual evidence assessed objectively. But the monitor and others then use this information in influential ways. Maintaining the highest standards of objectivity, and respecting protocols, the monitor, like an election observer or ombudsman, ultimately has a responsibility to put evidence into the public domain.

Once in the public domain authoritative accounts produced by the monitor can be constructively used by a range of actors to advocate change. For example:

- In Cameroon, in 2002, DFID, the World Bank and the IMF commissioned a series of monitoring reports which estimated that some CFA 59.7 billion (US$9 million) is lost in tax unpaid from logging illegally. Tax forgone is not the only loss; the damages and interest paid if these cases were brought to court would amount to CFA 432 billion (US$621 million).[26] This work helped inform the Forest Revenue Enhancement Programme, which started in 2000, and aims to brings together MINEF and the Ministry of Finance and the Budget (MINFIB) for better collection of fiscal revenue generated by forestry activities.
- A Yaoundé-based environmental NGO, Centre pour l'Environnement et Développement (CED), regularly shares analysis provided by the monitor through its newsletter and other work. A recent issue used the monitor's findings to highlight strategies used to bypass the law: false declaration of the quantity of timber produced, logging unauthorised species, non-respect of quotas. It quoted the international forest economist Alain Karsenty as saying, "*If we want to manage forests in a sustainable way, those who are not able to respond to the economic, financial and forestry regulations should quit the sector*".[27]
- The monitor's work in Cambodia has substantively informed the first FLEG initiative and other international forest policy processes including the World Bank and Asia Development Bank policy reviews. Within Cambodia, NGO Forum submissions to the periodic donor-RGC Contact Group meetings have drawn extensively on the monitor's findings.

Broadening the mandate

While any diligent and professional organisation must be committed to fulfil their ToR, a social justice approach will be motivated to go further than this where doing so will help to meet the higher-level objectives (and as long as any such action did not undermine the same ToR). Areas which might not have been in the original ToR, but where the techniques of IFM have the potential to make a contribution include:

- **Increasing transparency around competitive concession auctions**, including both the pre-qualification and decision-making processes. This might also include observing compliance

[26] P. Auzel et al, 'Evolution of the exploitation of Cameroon's forests: national production, illegal exploitation, perspectives', English Summary; 2002; www.illegal-logging.info/Documents/DFID%20FMI%207%20Nov%202002.pdf

[27] *Journal Bubinga,* the e-newsletter of CED, 'Global Witness fiche les pilleurs de bois'; 10 August 2004; http://www.africa-environment.org/bubinga.php?subaction=showfull&id=1092135344&archive=&cnshow=news&start_from=&ucat=33&

with regulations immediately after the auction: meeting performance bond conditions, obtaining management plan approval, and undertaking community consultations.

- **Monitoring the administrative allocation of permits**. Where public auctions are not held, there is often a lack of transparency about the issuing of new permits. Proactive monitoring techniques can be deployed to improve official systems for making information publicly available, and to investigate expressions of concern from local communities, NGOs or the private sector. Such work may also lead to uncovering systematic exploitation of legal loopholes in the issuance of permits, which can then be closed by the appropriate legislative process.
- **Tracking legal cases**, through design and construction of Case Tracking Systems, either in collaboration with the enforcement agency, or independently and in parallel to maintain the integrity of the data. This is important where the list of cases of illegal activities is growing, but the public can see little in the way of action being taken against the perpetrators.
- **Adapting to new technologies**, such as log-tracking systems. The function of IFM is qualitatively different from that of audit, or log-tracking, and as these methods become more widespread monitoring will be able to provide independent verification, through ongoing field-based spot-checks, that such systems are robust and well-maintained.
- **Testing the integrity and value of forest sector management information systems** (MIS), for example, by improving systems of control over, and accountability for data and by increasing public access to digitised map data and concession ownership. Also by undertaking and publishing analyses of permitted annual coupe volumes compared to official harvest records and actual harvests.
- **Carrying out analyses of international trade** in order to identify possible cases of laundering or mislabelling of traded timber products, for further investigation. Similar work by ITTO on 2002 trade figures showed for example that Cameroon reported log exports to France of 11,000m^3 yet France reported imports from Cameroon of 36,000m^3.[28] These net figures were immediately contested, but do little on their own to clarify whether they result from poor data collection and quality, weak coordination between agencies, or illegal activity. IFM can help answer this, and identify the systemic weaknesses which produce these discrepancies.
- **Investigating environmental and social components of large-scale forest operations in management plans**. Concession agreements typically include community consultations and negotiate the services the logging company might make to the affected communities (road construction and maintenance, provision of schools and health centres etc). Independent monitoring of these agreements would strengthen the voice of communities who feel companies have not kept their side of the bargain. It would also help address the systemic problem that much of this provision happens only in the first few years – once the road or school is built questions remain about how they will be maintained for the 30-40 years of the concession.
- **Investigating impacts of the logging industry on the surrounding area**. Forest management regulations might cover environmental pollution aspects within the concession (treatment of oil and other waste, protection of water sources, density of logging roads etc), but they rarely consider the impact on (the hunting of) wildlife, or the reduced agricultural productivity and increased respiratory problems of communities affected by heavy lorries on dusty roads. Labour conditions and potential issues arising from bringing in migrant labour (downward pressure on wages, social disruption, health risks) are also areas where independent assessment might help facilitate negotiation and avoid conflict.
- **Assessing revenue transparency and benefit distribution**. Are the laws relating to distribution of benefits generally, and in particular back to the forest communities, being followed? What transparency is there around these processes to reassure people this is the case? In Ghana, for example, disbursements are beginning to be regularly published by the forest authority. One consequence of people knowing how much their community

[28] ITTO presentation given to CSAG-TAG joint workshop on illegal logging, Interlaken, Switzerland; July 2004

representatives have received in their name has been for people to demand better services from these representatives, thereby strengthening local democracy. The Extractive Industries Transparency Initiative (EITI) is an increasingly effective mechanism for revenue transparency, particularly in the oil sector, and a similar approach would be applicable to the forest sector.[29]

- **Developing performance management skills to monitor the implementation of service charters and performance contracts of a forest authority**. These will become increasingly relevant with the trend to separate powers by giving the forest authority a degree of autonomy from the state (Box 3). Service charters – a contract with the public – and performance contracts – an agreement with a board or with a ministry, are tools to make accountability more explicit and therefore monitorable. It is still early days for government agencies to shift to this from a command and control structure, and IFM can help provide the transitional stop-gap pressure to perform until local civil society is sufficiently empowered to do so.

Box 3: Forest law control in Ecuador
The Ministry of Environment (MoE) contracts out three services to private and civic groups. Each responsible for verification of the activities of the other:

- Vigilancia Verde, a coalition of five NGOs, police, armed forces and MoE control timber transport.
- SGS, appointed through competitive tender, provides administrative forest services.
- Regentes Forestales, independent professionals, monitor activities within the forest.

Political will and systemic corruption

Anecdotal evidence from all sides in the consultation in Cameroon suggests that a focus on enforcement in forest concessions has reduced demands for bribes – i.e. petty corruption in the field falls. But unless the wider operating environment is challenged and reformed, systemic corruption will always prevail. There is strong evidence in both Cameroon and Cambodia that although commercial logging concessions are controlled (or even suspended), high level officials continue to engage in rent-seeking practices, such as complicity in less formal, artisanal logging and use of 'fantasy' permits. IFM, including the donors who fund it, must acknowledge that governance problems are always bigger than concessions, and often bigger than the forest sector. A recent sector review in Cambodia notes, "*The report identifies concerns about the current governance structures… These are primarily questions of systems and structures, rather than capacity*".[30]

A social justice approach to IFM provides an effective instrument for gauging levels of both political will and capacity in the forest law enforcement system, as a case of suspected abuse of concessions such as eco-tourism or agro-industry development in protected areas in Cambodia demonstrates. The current official monitor, adopting an audit approach, reported "*In some regions protected areas are being converted to alternative land use at a considerable rate. [We have] no information regarding the legality of these conversions*".[31] In contrast, the external monitor with a social justice approach produced a 50 page report which detailed links between organised logging (all of which is illegal in a protected area) and over 30 senior individuals in government and the military.[32] Thus only the latter is sufficiently un-constrained to operate in a way which is more likely to result in action.

More broadly, action-oriented monitors are more likely to be prepared to work in countries with weaker laws and on politically contentious issues, and less likely to compromise on reporting findings that might 'rock the boat'.

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[29] See www.publishwhatyoupay.org for details on the EITI.
[30] Cambodia Donor Working Group on Natural Resource Management, 'Independent Forest Sector Review : The Forest Sector in Cambodia (Part I: Policy Choices, Issues and Options)', commissioned by the Joint Coordinating Committee, consisting of 6 ministries and 6 donors, 2004; www.cambodia-forest-sector.net
[31] SGS, 'Independent Monitor: Forest Crime Monitoring and Reporting: Third Quarter 2004 Report', prepared for the Forestry Administration, Ministry of Agriculture, Forestry & Fisheries, Royal Government of Cambodia; 7 October 2004
[32] Global Witness, 'Taking a Cut: Institutionalised Corruption and Illegal Logging in Cambodia's Aural Wildlife Sanctuary'; November 2004. This follows three other in-depth reports produced during the time when Global Witness was the official monitor in Cambodia: 'Deforestation without limits: How the Cambodian government failed to tackle the untouchables', July 2002; 'The Credibility Gap – and the Need to Bridge It: Increasing the pace of forestry reform', May 2001; and 'Chainsaws Speak Louder Than Words', May 2000. All reports are available from www.globalwitness.org

Part 4: What are the potential pitfalls of using IFM as a tool for social justice

Many of the pitfalls a monitor might face have been alluded to already. This section provides some more detail on these, both in terms of project design and different approaches to implementation. The section also describes some of the risks of not being mindful of social justice issues when carrying out IFM.

The consultation exercise in Cameroon revealed criticisms from all sides: civil society felt the monitor was overly dependent on the forest authority, limiting autonomous mobility; industry felt IFM competes and overlaps with the enforcement agency, representing privatisation of control; the forest authority felt IFM directly collaborated with NGOs and communities; and no-one knew enough about what IFM is. Equal criticism from all sides is arguably an indicator that an IFM project is being effective.

Pitfalls in project design

IFM has been an emergency response to collapse in governance

The IFM projects in Cambodia and Cameroon were both donor initiatives in the face of a near complete collapse of governance in the sector, where the people with power were actively involved in systemic corruption. Neither project was an initiative of the host government, and therefore its relationship with the monitor could be expected to be strained from the start. Winning the trust of the host while being constructively critical of governance problems is never going to be easy, and is less easy the more inequities exist. If there is insufficient interest in reform from among those with power, then it will simply not be possible to garner their support for IFM, but as described above, there are still ways to operate which will create space for a dialogue that bolsters the reform voices. The ‘external monitor’ approach in Indonesia and currently in Cambodia did not come about as an explicit response to insufficient internal momentum for reform, but does provide a model for such situations. Such an approach helps to disarm an attitude of some potential host governments – that if they hired a monitor, they can just as easily fire them.

The capacity building conundrum

A conflict of interest may arise if the monitor is expected to provide support to the enforcement agency, as then in effect it would be monitoring the consequence of its own work. Thus, many activities in the ‘promoting professionalism’ box in the conceptual framework have in the past been carried out in an informal way, and have not included material inputs such as equipment, fuel, or salary supplements. As one respondent in Cameroon described, officials learn by copying the working methods of the monitor. A low key, ongoing approach, which is based on relationship building, peer support and respect for the separate roles, is perhaps more sustainable than conventional capacity building through short training courses with no scope for follow-up support. Working to build a trusting relationship between the monitor and its immediate contacts in the enforcement agency is a particularly sensitive issue. The monitor must leave any prejudices behind and avoid assuming incompetence or dishonesty in the enforcement agency from the start as such an attitude risks being a barrier to observing subsequent improvements.

Although the strategic placement of the monitor – official yet independent – might appear to span a gulf between a country’s host government and its citizens, capacity building in the traditional sense may be an inappropriate activity for IFM if it results in accusations of favouritism or partiality towards a particular group. Of particular concern is the fact that not-for-profit providers of IFM are seen by all sides, themselves included, as the natural partners of local NGOs and other civil society organisations, and trust between the monitor and their host will be weakened if this natural partnership is perceived as undermining their objectivity. This is perhaps a critical difference from some external monitoring, where capacity building of local NGOs is an explicit component, and they have complete freedom, short of committing libel, to publish. In Indonesia, the monitoring project focuses on equipping groups with skills to campaign and technology to collect robust evidence.

As the ‘skills transfer’ group of activities in the conceptual framework indicates, the contribution IFM can make to more formal training should not be completely dismissed. Balance can be maintained by offering such training equally to all appropriate stakeholders. Technical training in Geographic Information Systems (GIS) is a clear example where both state officials and NGO staff have participated. The reports from IFM also provide a talking point for networking and coalition building. Relationships should not get so close that reporting protocols are undermined. The slightest hint that some groups may have privileged access to information is very damaging to the credibility of the monitor.

Concerns over the capacity building function will inevitably limit the extent to which an externally led IFM project can empower civil society to eventually take on the role. By intention or force of circumstance, different approaches have been tried, and point to a need for complementary development interventions where IFM is part of a package. Unfortunately, as described earlier, this package, including material support for both Cambodia (FCMRP, with salaries for official inspectors) and Cameroon (PSFE, with further support to community forestry) failed to fully materialise, and where this happens, the monitor is left isolated and possibly blamed, in lieu of the donors and host government, for the failure to implement a wider programme.

A buffer from vested interests

There is consensus that a buffer, such as the Reading Committee in Cameroon, is an important ingredient. The Reading Committee came about in response to experience in Cambodia (where there was none) and has been maintained, despite other significant changes, in the design of the next (2005-8) phase in Cameroon. However, inadequate composition of the Reading Committee has proven to be a weakness. It is large, including many functionaries from the ministry, not representative (NGOs and industry do not have a place), and insufficiently consensual or constructive, with the danger that the chairperson dominates. Given its experimental nature there is a feeling that a less-than-perfect structure should remain for the time being until there is a commitment and unity of purpose sufficient to accommodate new elements.

The reporting panel, by validating each of the reports from IFM, is henceforth accountable for them. Heated debates can occur within the meetings, provided that the output is confirmed as a factual assessment of what was observed in the field. Any buffer mechanism must be supportive of the contribution IFM can make to reform, and it must facilitate constructive discussions and maintain cordial relationships, thus enhancing standards on all sides. Donor representation is particularly important for projects initiated by them, but individual representatives must remain consistent with the broader donor pro-poor policies. A group with balanced representation could also periodically assess the performance of the monitor.

However, given that in situations of poor forest governance the monitor is exposing weaknesses, participants in a reporting panel who are unable or unwilling to resolve major problems in the sector will tend to be defensive and blame the messenger/monitor. Building professionalism and keeping the focus on the issues and not the personalities is critically important, but takes time. It starts with project design, when the composition, chairmanship, minute-taking process and other aspects of a reporting panel is agreed.

Sensitive approaches to implementation

For any approach to IFM, sooner or later there will be occasions when the monitor will need to make careful decisions about the best course of action – release information while accepting it might be critical of the host, or bury its head in the sand. Pitfalls exist on both sides of this *arête*:

too quiet and the status quo will not change; too outspoken and the monitor risks being evicted. The need to work with considerable political and strategic sensitivity cannot be overstated. With each decision on what to investigate, how and when to publish, it is crucial to anticipate the reactions from those in power and think about how they could be garnered constructively to lead to real reform.

IFM perceived as overly negative

Like many reform initiatives, a counterpart relationship with the forest law enforcement agency does not always provide a comfortable position for either party. When the monitor challenges vested interests and the forest authority is under pressure from others, or has its own internal weaknesses, it is likely to attempt to undermine the credibility of the monitor. Box 4 shows some comments from different stakeholders to the consultation in Cameroon, which may be interpreted as indicators of such a backlash.

Box 4: Constructive criticism or backlash? Negative comments on IFM

– exceeds prescribed activities – relentless attempts to find faults and errors – sensationalist – in search of polemic – ignores socio-political realities – little respect for procedures and formalities – similar to police – want to trap suspects at all costs, even innocents – institutional duplication of forest authority's work – we are constantly suspected of cheating – assessment of infractions too vigorous –relations a more or less permanent state of conflict and reciprocal incomprehension –

Even short of such direct attacks, the monitor is portrayed as overly negative by exposing and therefore directly challenging the status quo. While successes as well as weaknesses should be recorded when observed, there are inherent limitations to this in a project design, which means the monitor's job is to report on the extent the state is able to deal with illegality: first the monitor can only ever say forest crimes were not observed, not that they do not exist; and second the deployment of IFM in an arena of very poor forest governance means that standard by which to judge success – i.e. more than just obeying the rules – is by definition very far from current practice. The monitor reports the facts, so can only report positive things about operators or enforcement action if there are positive things to observe.

However, a good dose of political intelligence is also required here, so that reports are seen as diligent, professional and constructive. Reporting the facts will be unpalatable to those who stand to lose from them; as a respondent to the stakeholder consultation in Cameroon said, only cheats fear for their investment. But little is gained of reports, either through being judgemental in their content or through not respecting agreed publishing protocols. There may be a temptation for an advocacy organisation, sympathetic to local people's concerns, to use emotive language and exaggerate. Monitors must avoid this style as it focuses criticism on their behaviour, and distracts attention from the core message of IFM. It is in the interest of the monitor to accept such constraints, and remain irreproachable.

A good example of the dilemma over how to present information is in the context of the severity of infractions. The monitor in Cameroon has been criticised by the logging industry that they are marked as law-breakers whether they have cut a couple more trees or a couple of hundred more trees. But it is not up to the monitor to decide the graveness of any infraction; that can only be done by the forest administration and the judiciary. The monitor's role is to note where the law has been broken and observe the enforcement agency's response to this fact.

Capacity, constraints and compromises

Given the resources of the monitor (and the enforcement agency) will never be sufficient to cover all suspected illegal activity promptly, the selection of cases to pursue obviously involves compromise. The effects of this may not always be clear. In Cameroon, a strategic decision was made in early 2003 to focus on the effectiveness of the enforcement agency over identifying individual illegal loggers, by pressing to implement a neglected clause in the ToR which describes a systematic approach of regular missions aiming to cover all concessions in due course:

"*a quarterly control mission programme designed jointly by the CCU and the Independent Observer … will cover the different provinces and logging titles, focusing particular attention on*

provinces and titles that have not been subject to sufficient control missions during the last CCU control mission schedule".[33]

While this has had a positive impact on the conscientiousness of the enforcement agency, it has brought about an apparent reduction in the number of infractions noted, as a systematic approach will cover a greater proportion of legal operations. So, although infractions appear to be decreasing as a consequence of IFM, this may actually have much more to do with detection rates. Until the new systematic survey approach has been running for some time, comparisons cannot be made. Although this decision may have inevitably meant reducing the time spent on reacting to denouncements, such 'verification' missions remain an important part of the work. The aim must be to strike a balance between the two approaches.

Success in improving compliance with the law by larger operators, with greater investment and a public profile to protect, leads to increasing informality of illegal operations – many more smaller scale operators who can move quickly in and out of different areas and so avoid detection. This change has been observed in both Cameroon and Cambodia, and the capacity of the monitor and enforcement services is strained by this increase in the number of potential locations to visit.

As described earlier, there may be imperative reasons to broaden the mandate and work on different subjects of investigation. An official monitor may be constrained by the mandate and may not have the flexibility to move on to new investigations without a renegotiation of the terms of reference, which may be impractical.

Risks of not using IFM as a tool for social justice

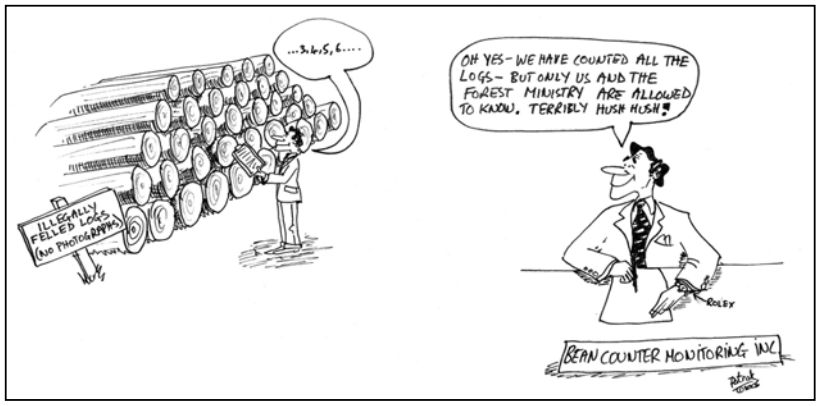
It is important to end with a consideration of the risks of *not* adopting a social justice approach to IFM, or of being successfully constrained by recalcitrant vested interests. Two likely outcomes have been observed.

Greenwash – institutionalising problems

Some in the host government in Cambodia, and to a lesser extent in Cameroon, who have been resistant to genuine reform have welcomed the presence of a monitor, only to make it extremely difficult for monitoring to operate. Such attempts at 'greenwash' aim to present a veneer of action against illegality, while in fact maintaining the status quo. The integrity and independence of a monitor who goes along with such an approach will be weakened, in turn undermining the expectations of other reform-minded individuals and organisations. Operators whose goal is minimum fulfilment of the terms of reference, rather than SFM and equitable benefit sharing, are more likely to suffer, consciously or otherwise, from this risk. Likewise, placing commercial interests above the need to be politically outspoken risks institutionalising problems by unquestioningly accepting the operating environment. Ultimately, a monitor contracted by a regime with no SFM or social policy objectives will be implicitly supporting this regime.

Bean-counting – long lists of infractors but no action

IFM can risk becoming an academic exercise: explaining what has happened after the damage is done. This is more likely where the monitor lacks the flexibility to prioritise its work on those cases of suspected illegality which will have the highest impact on the structures of power. In any event, the diligence required to produce accurate and objective reports means they



[33] PSFE-Global Witness, 'Terms of reference for the transition phase of the project "Independent observer in support to control and monitoring of forestry-related offences'; May 2002

can be repetitive and dry, or *froid*. This is regarded as a positive quality in some contexts, but when report after report tells the same story with no meaningful follow-up action by the forest authority, the monitor risks becoming both ineffective and de-motivated. There have been times in both Cameroon and Cambodia where this has happened. For example the monitor has been reasonably free to undertake field visits (albeit on their own rather than jointly with a willing enforcement agency) but obfuscation rules when it comes to tracking follow-up activity:

"In the few cases in which [the forest authority] took action, emphasis was placed on suppression. It appears that the authorities either lacked the intention or the ability to initiate a process that would bring the offenders to justice. Thus there is no strong, clear message sent by the government that could act as a deterrent to offenders".[34]

[34] P. Lyng, 'Report On Forest Crime Monitoring And Reporting Project', Field Document 8 (second annual report), prepared for the Ministry of Agriculture Forestry and Fisheries and Ministry of Environment, Kingdom of Cambodia, and FAO/UNDP; November 2001

Conclusions

Any proficient approach to IFM can increase transparency, demonstrate efficient working methods, and respond to civil society demands in the short term. The challenge for IFM for social justice is to take a strategic approach while remaining professional, respectful, and above all, politically sensitive.

IFM for social justice will not be content to point out where laws and regulations might be inadequate, breached, obsolete, or ignored. It will do so in a way that demands a response and presses for legislation to meet universal criteria of completeness, simplicity and fairness.

Such an approach to IFM also creates political space. When the monitor puts the case against injustices in an authoritative and convincing way, citizens gain confidence in speaking out and see real reform begin to happen – and so their confidence to make further demands grows.

Annex 1: Cameroon stakeholder perspectives on IFM project

	Cameroonian NGOs	MINEF	Logging Companies	Local communities	Donors	International NGOs
Formal knowledge of IFM function	Not adequate; have not informed themselves	Approximate; many not informed by colleagues	Claim not to know	Not aware; not informed		
Perception of role of IFM	Establishment of good governance; strengthening efficiency of MINEF	6/11: Similar to traditional functions of MINEF, competitor and institutional duplication 5/11: Can and does contribute to improvement of control and to application of legislation	4/7: cleaning up benefits of control, reducing bureaucracy and bribery demands 3/7: vague, overlapping of function traditionally carried out by MINEF	Participate in the re-establishment of our rights, which are constantly ridiculed by illegal logging		
Perception of activities of IFM	Precise implementation of its mandate in the field; transparency and respect of legislation; reduction in corruption. But over-dependent on MINEF with regard to field missions; this limits autonomous mobility.	Infractions reduced, operations transparent, sanctions imposed on those at fault, reduction in corruption. Permitted MINEF to improve control services. But exceeded prescribed activities; relentless attempts to find faults and errors committed by MINEF or industry; publication of reports without approval of minister.	4/7: First steps to label and certify forest products, so we are making efforts to adjust to legal requirements. 3/7: IO has substituted MINEF - privatisation of forestry control. 3/7: We do not receive a copy of reports.	Platform to allow our grievances and rights (regularly made a nonsense of by illegal exploitation) to be heard.	Cleaned up industry, contributed to installation of good governance, made MINEF officials apply legal and regulatory procedures, established transparency through reporting of infractions and actions taken by MINEF, consequently reduced corruption.	
Perception of working methods of IFM	Transparent and efficient; systematically verifies information; requests OSO and reports; uses modern technology; regularly publishes reports. But human resources insufficient; reports only reach us with difficulty.	8/11: debatable; sensationalist; in search of polemic; ignore socio-political realities. 3/11: use empirical methods; correct elaboration of OSO and reports; modern technologies; efficient and	IO helps us to permanently make efforts to avoid illegal activities and sanctions. But similar to police; want to trap suspects at all costs, even innocents; no relations of trust in the field; continuous			

	Cameroonian NGOs	MINEF	Logging Companies	Local communities	Donors	International NGOs
		transparent. 3/11: MINEF officials must copy work methods, so IO must build capacity of MINEF personnel.	protestations on some infractions; estimative nature of infractions.			
Changes in transparency observed	Control and follow-up now transparent; regular publication of OSO and reports incriminating infractors; diminution of corrupt acts between industry and MINEF.	Transparency in control and follow-up; OSO noting infractions are addressed jointly; sanctions conform with the law; fraudulent transactions no longer occur.	5/7: control and follow-up in transparent circumstances; conform with legal provisions; disappearance of under the table requests. 2/7: not transparent (but gave no reasons)		Control undertaken in a transparent manner; regularly receive reports from IO to this effect; tendency for corruption to lessen.	
Access to MINEF services	Access to MINEF has considerably developed; our petitions and denunciations reach the attention and the ear of MINEF. We attribute this change to the presence of the IO.	n/a	Access has always been easy	Services have significantly developed; complaints are increasingly dealt with, especially when the IO and donors also notified.		
Increase in denunciations	Remarkable increase, due to attention of IO and donors. In turn we are motivated by this.	Increase, due to direct collaboration between NGOs, communities and IO. But fair number denunciations without foundation after verification.	No increase. But illegal artisanal cutting has increased with complicity of MINEF and communities; NGOs only denounce industry, leaving aside illegal artisanal activities.		Increase because access and reception is now easy, and communities receive a favourable echo from IO and donors.	
Security of logging industry investments		Only cheats feared for their investments. Now secure because management plans established, valid titles, and increasingly comply	3/7: relative security because management plans established, valid titles, and increasing application of law. These are preliminary stages for			

	Cameroonian NGOs	MINEF	Logging Companies	Local communities	Donors	International NGOs
		with the law.	certification in overly demanding external markets. 4/7: no – huge publicity surrounding sanctions, so we are continuously suspected of wanting to cheat; assessment the infractions too rigorous; harsh fines; stops long-term investments.			
Respect for law	Majority of industry tend towards respecting and applying law; due to fear instilled by publication of IO reports. But MINEF violates legal provisions, delivers fantasy entitlements and supports illegal logging at artisanal level.	Industry increasingly adheres to the law due to fear instilled by the IO and professional conscience MINEF has acquired. But illegal acts – felling below regulation diameter, illegal artisanal felling, and fraudulent exploitation of community forests – persist.	Comply with the law to avoid negative publicity. But artisanal loggers prosper in illegality with MINEF backing.	Increasingly respect forestry legislation. But local illegal loggers are on the increase.		
MINEF efficiency	Slightly improvement in frequency of field missions and number of sanctions imposed on infractors. But procedure for field trips still arduous; number of personnel responsible for control is insufficient.	Become more efficient – evident from number of loggers sanctioned for delinquency, number of OSOs established, regular elaboration of various reports and reduction in delays in handling dossiers. But insufficiency in technical and logistical means; scarcity of adequate training; insignificant motivation; and lack of human resources	Only improvement comes in its use of modern techniques. Administrative pedantry persists.			

	Cameroonian NGOs	MINEF	Logging Companies	Local communities	Donors	International NGOs
Collaboration between actors	Improved, evidenced by attention MINEF and IO give to our petitions, invitations workshops and to accompany control teams. But climate of mistrust continues to prevail between NGOs and industry.	Fairly good. But we don't limit activities to sanctioning loggers; we dialogue with and even educate. Collaboration with IO characterised by tension due to little respect for procedures and administrative formalities in relation to publication of reports without authorisation.	Relations with MINEF are good. But relations with IO, local populations and NGOs remain more or less in a state of permanent conflict and reciprocal incomprehension.	Good collaboration between us, NGOs and IO. MINEF and industry continue to consider us as inferior actors so real dialogue does not yet exist.		
Reasons for changes observed	Presence joint action of the IO and donors; loggers are afraid that publication of IO reports will damage their image so loss of certain markets; MINEF less corrupt, because IO can denounce dishonest and careless behaviour; pressure from donors on MINEF.	Presence of the IO, which inspires fear. Certain amount of will / political impetus for internal change within MINEF.	4/7: the presence and the actions of the IO. This has a double impact: fear of poor publicity and precursor to certification. 3/7: not the result of the IO but a normal development due to collaboration of MINEF and loggers.	IO's interventions in our favour; always follow up our requests in a favourable way.	Without the IO, it would have been difficult to alter the behaviour of actors in forestry. Also due to internal dynamic within MINEF to secure good governance.	
Other impacts of IFM	Trained thanks to expertise of the IO, in identification and definition of illegal activities, content and elaboration of a petition or a report, and proposals for action.	Received material donations (GPS, computers) and support for the training of some personnel. But still insufficient.				
Contact with Independent Observer	We are entering a phase of informal collaboration in the transmission of information. But frequency of contact remains fairly weak, in spite of the fact that	Regular institutional collaboration. At the beginning strained and even conflicting, then calmed down with the change in the IO managerial staff.	Remain professional and fairly frequent. But relations are strained and conflicting as IO suspects cheating and delinquency.	Collaborative relationship. But contact is not continuous.	Continuous transmission of information; funding activities; other joint actions.	

	Cameroonian NGOs	MINEF	Logging Companies	Local communities	Donors	International NGOs
	relations are good.	Currently, relations have again become strained.				
Suggestions for improvement to the IO	Make the administrative documents used in forestry accessible to civil society. Make reports available to all actors in the forestry sector.	Contribute to training. Recognise socio-political realities of the country; respect the political leaders.	Make reports available to all actors in the forestry sector. Improve capacity to assess forestry infractions. Increase and strengthen its own human resources; improve mobility. Intensify fight against illegal artisanal logging.	Increase and strengthen its own human resources; improve mobility. Intensify fight against illegal artisanal logging. Support our actions in denouncing illegal activities. Reduce heavy dependence on central MINEF units, increasing involvement of provincial and departmental brigades.		

From consultation conducted by Samuel Assembe for Global Witness, November 2004.
Fractions indicate where a significant proportion of respondents gave conflicting views.
Empty cells in the grid indicate either where it was not felt appropriate to ask the question, or it was not possible to obtain a reply.
IO is Independent Observer
OSO is Official Statements of Offence, or *Procès Verbal*