

Civil society and Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG) in the Republic of Congo: progress, lessons learned and the way forward

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Participants of a workshop in Brazzaville, Republic of Congo (May 2009) where 21 representatives from 20 NGOs from CAR, Gabon, Republic of Congo, and Democratic Republic of Congo studied and practiced various IM-FLEG investigation and reporting techniques.



Acronyms

CED	Centre for Environment and Development (Cameroon)
DFID	UK Department for International Development
EU	European Union
FM	Forests Monitor
FPP	Forest Peoples Programme
IM-FLEG	Independent Monitoring of Forest Law Enforcement and Governance
IUCN-EGP	International Union for Conservation of Nature – Ecosystem Grants Programme
MEF	Ministry of Economy and Forestry (Congo)
PRCTG	Transparency and Governance Capacity Building Project
REM	Resource Extraction Monitoring
VPA	Voluntary Partnership Agreement

Introduction

Since January 2007, Forests Monitor, in close collaboration with Resource Extraction Monitoring (REM)¹ has been implementing the project *Capacity Building in the Congo Basin and implementation of Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG²) in the Republic of Congo*, which is funded by the European Commission, the World Bank (PRCTG), UK DFID and NC-IUCN-EGP. The overall objective of the project is to contribute to the implementation of good governance principles in forest activities and support the implementation of effective policies for sustainable development. This briefing note highlights project activities related to the role of civil society in IM-FLEG in the Congo Basin, with a focus on the Republic of Congo.

Since the first IM-FLEG project in the Congo Basin was launched in 2002 in Cameroon, implementation of IM-FLEG in the region has been led by international NGOs. However, increasing national civil society involvement in IM-FLEG would be advantageous for many reasons: national NGOs represent the best candidate for long-term and consistent monitoring; they have a vested interest in improving governance and; engaging local civil society in IM-FLEG will have broader governance implications by encouraging a culture of transparency and downward accountability.

Forests Monitor's mission is to catalyse and support the development of alternative forest management models and mechanisms through an open and transparent dialogue with concerned actors. This dialogue stems from the results of monitoring of corporate and commercial actors and the identification of weaknesses or failures of existing legal frameworks to achieve policy objectives. www.forestsmonitor.org

While there is little debate on whether or not civil society should be engaged in IM-FLEG many questions remain regarding the extent of such engagement. Should international organisations continue to lead IM-FLEG programs or should responsibility be shifted completely

to national NGOs? Considering capacity shortcomings and the high degree of government pressure on national/local NGOs in the region, we have to ask if it is reasonable to expect that a national NGO can manage an internationally credible IM-FLEG program? Does the very nature of IM-FLEG mandate international leadership? Would a mixed national-international implementation be a more viable option?

¹ Visit www.rem.org.uk for more information

² Independent monitoring is a systematic audit-style approach that promotes good governance of natural resources and compliance with laws, treaties, and contracts by identifying specific problems and developing tailored recommendations.

Only when a national civil society organisation is given the opportunity to implement IM-FLEG, can the above questions be answered. In Republic of Congo, FM is building the technical and institutional capacity of civil society representatives to establish an organisation capable of leading a credible IM-FLEG program with limited input from international organisations. In preparation of this potential lead, trainees have participated in all IM-FLEG activities carried out by international partner REM since the inception of the Republic of Congo project. The next sections summarise FM's efforts to engage national civil society in IM-FLEG, examines lessons learned and discusses the next steps.

What has been done so far to engage civil society in IM-FLEG in the Congo Basin?

External monitoring and VPA negotiations

To date, national civil society involvement in forest governance in the Congo Basin has mainly been in the context of external monitoring. Unlike the IM-FLEG approach developed by the REM team, external monitoring does not include the establishment of an official partnership via a signed agreement between the monitor and the government. Thus, an external monitor does not have the same level of access to forest concessions, checkpoints, processing units, documents and databases in order to conduct thorough investigations. An example of national civil society involvement in external monitoring is a programme implemented by the *Centre pour l'Environnement et le Développement* (CED), a Cameroonian NGO, and Forest Peoples Programme (FPP), a UK-based NGO. This programme involves working with indigenous forests communities in Cameroon who submit mapping information on industrial logging via GPS units to create reports and maps detailing where, when and who is conducting logging activities, both legal and illegal. In the Democratic Republic of Congo (DRC), *Réseau Ressources Naturelles* (RRN), an umbrella civil society organisation, has, since 2003, taken on the ambitious task of establishing a monitoring network in 11 provinces to collect and transfer information on illegal activities from village focal points all the way to the Ministry of Environment, Conservation of Nature, Water and Tourism. Other international organisations such as Greanpeace have also carried out investigations into the operations of specific logging companies and used the results to campaign against illegal logging and the international trade in illegal timber.

The collection and dissemination of reliable information on illegal logging is one common avenue of civil society engagement. Another is lobbying, particularly during the Voluntary Partnership Agreement (VPA) negotiations. The VPA is a legally binding bilateral agreement between the European Union (EU) and timber producing countries under a market based initiative called Forest Law Enforcement, Governance and Trade (FLEGT), which aims to combat illegal logging by allowing only legally sourced wood to enter the EU market. FERN, a European based NGO, has collaborated with Forests Monitor in Republic of Congo to ensure that Congolese civil society has a voice in the negotiation process. As a result, a civil society platform delivered multiple position statements on the VPA-FLEGT process to the government and international community. One position statement, delivered in February 2009, outlines specific text to be added to the VPA in order to increase recognition of customary rights systems of forest communities³. The VPA was signed by the Congolese government on May 9th. Fortunately, many of the recommendations from civil society were included in the signed VPA.

Forest Monitor's program to increase civil society involvement in IM-FLEG

In the Republic of Congo, FM's effort to promote civil society appropriation of IM-FLEG is based on building both technical and intuitional capacity. Our vision is that upon project closure, there is a civil society institution with the technical capacity, financial support and political leverage to implement an effective IM-FLEG program. To achieve this goal FM currently employs a 4 pronged approach:

³ The statements can be found on the FM website www.forestsmonitor.org

1. Strengthening technical capacity among a wide range of civil society members in the Congo Basin through national and regional workshops and the development of a comprehensive training manual (to be completed August 2009)
2. Building advanced capacity in IM-FLEG of 6 Congolese civil society representatives (The Shadow Team) and FM and REM staff from the region through on-the-job training
3. Strengthening technical capacity among civil society members from each of the forest provinces of Congo through national workshops and the development of pilot monitoring activities (monitoring of socio-economic issues and collection of information on illegal exploitation). Shadow team members play a leading role in the training of local NGOs.
4. Development of an organisation composed of Shadow Team members and other civil society representatives with the capacity to lead an IM-FLEG program
5. Development of a transition phase where FM and REM provide continued guidance but limited supervision to the newly created IM-FLEG organisation

To date, the majority of activities have been in Steps 1 and 2, which are discussed below in this section. Pending further funding, activities under steps 3 and 4 will be implemented over the next 2-3 years.

Raising awareness and strengthening technical capacity in the region – workshops and a training manual

Since January 2007, 2 national levels and 1 regional workshop have been organised by FM in Gabon, Central African Republic, and Congo. Additional workshops are planned to take place summer of 2009 in Congo and DRC. The goals of these workshops include: raising awareness among civil society on FLEGT and the VPA process; exploring and outlining ways civil society can get more involved in improving forest governance, particularly through IM-FLEG and VPA negotiations; and building technical capacity in designing and implementing IM-FLEG programs. The full workshop reports can be downloaded at www.forestsmonitor.org

In addition to the national and regional workshops, FM has recently launched a series of workshops with civil society representatives living in rural areas where industrial logging is taking place. These regional workshops will allow FM to gain a more in-depth understanding of challenges facing forest communities in the context of illegal logging, and build local capacity to contribute to IM-FLEG related activities, such as reporting on illegal logging activities.

In general, FM workshops have succeeded in raising awareness and knowledge of FLEGT among national NGOs, sparked civil society interest in taking a more active role in VPA negotiations, facilitated regional exchange on various governance and law enforcement issues, and increased technical capacity to carry out and report on investigative missions. In fact, two NGOs that participated in the workshop in Brazzaville – CEDEV and FGDH – have taken the initiative to begin designing IM-FLEG related projects. CEDEV has EC funding to launch a program focusing on civil society capacity building in IM-FLEG and FGDH has begun drafting a property rights based approach to strengthening forest community rights, an initiative that evolved from a discussion during an FM workshop.



Faustine Ngakosso, REM, trains CS representatives in how to inspect logging company documentation at the FM regional workshop in Brazzaville

Along with the progress gained from the workshops came more clarity regarding the obstacles to civil society engagement in IM-FLEG, particularly the fact that many participants are themselves reluctant to get involved. This reluctance stems partially from low confidence in their technical skills. Clearly, training provided in a workshop setting alone is insufficient to build the necessary technical capacity for IM-FLEG, which requires not only a range of technical skills (i.e. strategic planning, GPS use, calculating log/timber volumes, inspecting documents, objective reporting) but also skills that can only be acquired through

extensive field experience, such as, the ability to spot more complex scams and the political savvy to obtain information from individuals reluctant to cooperate. The Shadow Team programme, discussed in more detail below, addresses this by providing long-term experiential learning to 6 civil society representatives in Congo.

Complementing the workshops and Shadow Team programme, is the comprehensive IM-FLEG training manual that be completed August 2009 and made public on the FM website. The manual provides comprehensive and detailed guidance for the development and implementation of an IM-FLEG program. Its contents include: designing and IM-FLEG program; detailed instructions on how to plan and carry out investigative missions, including step-by-step procedures for measuring log/timber volumes and inspecting documentation; and guidance on producing quality mission and thematic reports. The goal of the manual is to provide a training resource to civil society organisations interested in IM-FLEG, but it can also be used to strengthen external monitoring programs and build capacity of government forestry agents.

Building advanced capacity in IM-FLEG of 6 Congolese civil society representatives (The Shadow Team) and FM and REM staff from the region through on-the-job training

The shadow team element of the IM-FLEG Congo project aims to establish a cohort of civil society representatives with the technical skills and political knowledge to design and implement a credible IM-FLEG program. The Shadow Team program provides 1 year of on-the-job training to 2 different groups of 3 civil society representatives (legal expert, forester and team leader), which are selected by FM through a competitive application process. The shadow teams participate in all of REM's IM-FLEG activities, ranging from field investigations to report writing. The first team completed their training in December 2008 and their overall capacity to systematically detect and report on poor governance and illegalities greatly improved over the period. FM and REM continue to collaborate with members of the first team on various project activities putting the skills they have acquired to good use.

The second shadow team joined the REM-FM team in January 2009 and will continue their training until December 2009. This team will go a step further than the first to plan, implement and report on investigative field missions with minimal supervision from FM and REM to 'test' their abilities in the field. FM and REM will continue to work with Shadow Team members in an effort to develop a local civil society institution with the capacity to take over IM-FLEG responsibilities.

Central to the FM-REM strategy to establish local expertise in IM-FLEG is building teams of project staff composed of individuals from the Congo Basin. Of the 13 employees in Republic of Congo, only 1 is not from the Congo Basin – the REM team leader is from Cameroon while other staff, including foresters, a legal expert, GIS technician, and logisticians/administrators are all Congolese, and most have previous experience working with national civil society organisations. Building this sort of senior expertise will prove invaluable for local appropriation of the IM-FLEG process.

Continued absence of civil society involvement in governance processes – technical capacity building is not enough

Initially, the FM focus to engage civil society was centred upon building the technical skills necessary to plan and conduct investigations and produce credible reports. While this remains a priority, it is clear that building technical capacity does not adequately address a number of other obstacles, such as:

1. *Fear of getting involved:* during workshops and discussions, many civil society representatives expressed reluctance to get involved in IM-FLEG because they fear the potential repercussions.
2. *Conflicting views and priorities among civil society:* increased civil society participation in Congo has been accompanied by a growing division between groups wishing to tackle strong issues (corruption, poor governance and illegalities in the forest sector), and those with closer ties to the

government, who direct their activities towards non controversial technical contributions in the forest sector such as timber traceability.

3. *Lack of demonstrated political will*: while there have been public statements by senior government officials in the region urging civil society involvement in IM-FLEG, governments have yet to put these words into action. A positive first step would be an open statement supporting the national civil society implementation of an IM-FLEG program, supported by the clear identification of focal points within the Ministry to receive information and liaise with participating groups/individuals.

Next steps – continued capacity building with focus on institutional development

To address such ‘non-technical’ challenges, FM is now focusing on building the institutional capacity of civil society. More specifically, we are working with current and former Shadow Team members and others to build an organisation with the skills and political know-how needed to establish an IM-FLEG program in collaboration with the Ministry of Economy and Forests (MEF) and European Commission in Brazzaville.

This institution building will require a transition period in which FM, REM and the new organisation co-implement an IM-FLEG program. This 2-3 year period will help us to answer an important question that was posed earlier in this briefing note: *Considering the technical and political realities, what is the possible role for civil society in IM-FLEG in the Republic of Congo?* Options include:

- An IM-FLEG program run solely by a national NGO with direct financial support from international donors
- A jointly managed program in which a national NGO leads the program but receives periodic guidance, performance audits, and continued capacity building from an international NGO (composed mainly of regional and local staff for example)
- A regional team approach where IM-FLEG in Congo is managed by a national NGO but falls under a regional umbrella offering a platform to share ideas/concerns, funding opportunities, and capacity building.

Deciding which one of these arrangements (or defining new ones) is best to achieve maximum national civil society involvement while maintaining a credible IM-FLEG program is a primary objective of the transition phase. During this next phase, civil society representatives will transition from trainees to leaders representing an unprecedented leap for civil society engagement in independent monitoring.