Abstract

Since the G8 launched an action programme on forests in 1998, the issue of illegal logging and the role of timber consumers in world markets in making sure that traded timber comes from sustainable sources, have been attracting increasing attention. Several processes and initiatives were launched at global, regional and sub-regional level to foster international dialogue and cooperation to fight illegal logging and illegal timber trade, and to improve governance in the forest sector. These processes and initiatives include the World Bank supported FLEG processes and the EU’s FLEGT process. In Africa, cooperation in promoting forest law enforcement and governance, which is the focus of this overview, has developed as a result of these processes and initiatives. This cooperation led to the initiation of the AFLEG process in 2003, and to a dynamic in which the public sector, the civil society and the private sector are cooperating to enhance forest law enforcement and forest governance. This overview presents a summary of the progress made so far in this cooperation as well as the challenges, at regional level and in bilateral programs.

Background

One of the most important drivers of tropical deforestation is poor governance of the forest resources, which leads to illegal practices, including conversion of forests to agriculture land. In May 1998, the G8 launched an action programme on forests, which prioritizes the elimination of illegal logging and timber trade, and seeks to complement actions undertaken at the regional and international levels. Since then the issue of illegal logging and the role of timber consumers in world markets have been attracting a renewed attention. Several programs and initiatives were promoted at global, regional and sub-regional levels to foster international dialogue and cooperation to fight illegal logging and illegal timber trade, and to improve governance in the forest sector. They include the World Bank supported FLEG program, which emerged in 2001 as a first response by the international community to the issue of illegal activities in the forest sector, the EU’s FLEGT process, which materialized in 2003 by a Plan on Forest law enforcement, Governance and Trade that include support of and coordination with FLEG processes, the Asian Forest Partnership, the Congo Basin Forest Partnership, and the FAO and ITTO regional Forest Law enforcement and Governance related activities.

The Africa FLEG process (AFLEG) developed as one of the FLEG processes that are supported by the World Bank, the governments of the United Kingdom, the United States, and other partners. It aims at fostering international dialogue and cooperation to fight illegal logging and illegal timber trade, and at improving governance in the forest sector. It seeks to create the political “space” and technical means to address illegal logging and trade in illegal
timber and timber products. It is implemented by governments in partnership with major stakeholders from civil society and the private sector to catalyze joint action. It seeks alignment with existing sub-regional institutions and processes to ensure continuity, sustainability and mainstreaming into existing mechanisms and programs. This overview presents a summary of the progress made so far in this cooperation, at regional level and in bilateral programs.

In recognition of the increasing public concern with the social, economic and environmental consequences of illegal logging and related trade worldwide, the European Commission adopted the EU Forest Law Enforcement, Governance and Trade (FLEGT), which became the main coordinated mechanism by which EU member countries address forestry problems in timber producing developing countries. FLEGT came in support to FLEG process for which the European Commission committed itself to developing an action plan to combat illegal logging. In April 2002 it hosted an international workshop to discuss how the EU should combat illegal logging. At the WSSD in Johannesburg in the same year, the Commission expressed a commitment to combat illegal logging and the associated trade in illegally harvested timber.

AFLEG and FLEGT Processes: A Brief Overview

AFLEG

The 1st African Forest Law Enforcement and Governance (AFLEG) Ministerial Conference took place in Yaoundé, Cameroon, from October 13-16, 2003. It was co-hosted by the Government of Cameroon and the World Bank. The objectives of the conference were to share and explore ideas on forest governance, to consider priority issues including illegal forest exploitation and associated trade in Africa, and to identify ways in which various stakeholders can address these issues, including partnerships between producers and consumers, donors, civil society and the private sector. The Conference produced a Ministerial Declaration and an AFLEG Action Plan, emphasizing the need for institutional and policy reforms, capacity building, law enforcement and monitoring, wildlife resources, forest management practices, mobilization of financial resources for communities dependent on forest resources to reduce illegal activities, promotion of cooperation between law enforcement agencies within and among countries (creation of sub-regional taskforces), involvement of local communities in decision making, awareness raising regarding the impact of illegal logging and associated trade, and advancement of implementation of the AFLEG objectives within the New Partnership for Africa's Development (NEPAD) and other processes.

In order to reactivate the process, which was dormant for several months after the Ministerial Conference, IUCN, the Facilitating Agency of the Conference on Central African Moist Forest Ecosystems (CEFDHAC), organized with DFID in January 2005, a series of National awareness and consultation workshops in Libreville (Gabon), Yaoundé (Cameroon), Kinshasa (DRC), Brazzaville (Congo). These workshops paved the way for the Congo Basin-wide tripartite consultation meeting that took place in Brazzaville on January 29, 2005, with the aim of integrating the AFLEG issues into the agenda of the February 2005 Summit of the Central African Heads of State. The objective was to mobilize stakeholders at different levels in order to prepare action plans with concrete prioritised actions.
Taking into account the new developments, the Bank, in cooperation with the Government of Gabon and the Central Africa Forests Commission (COMIFAC), supported in July 2005 Intercooperation in organising a sub-regional meeting in Libreville, with the following objectives:

- To help change the fairly widely held perception that AFLEG is a top-down and a donor imposed effort;
- To adopt practical immediate and medium term actions at national and regional levels.

Six countries, which were present at the AFLEG Ministerial Conference, and are in COMIFAC, participated in this pilot sub-regional initiative to reactivate the AFLEG program, i.e.: Burundi, Cameroon, Central African Republic, Democratic Republic of Congo, Gabon, Republic of Congo. The meeting recommended the creation of a sub-regional taskforce within the CEFDHAC. A further workshop was organised in December 2005 by IUCN and the GTZ to review the initial terms of reference of the task force, develop a plan of action and secure the integration of the COMIFAC “plan de convergence” with the FLEG process. In November 2006, the first meeting of the taskforce took place in Bangui, CAR, on the initiative of the Executive Secretariat of COMIFAC to establish an AFLEG/FLEGT taskforce geared towards the development of an action plan for implementing the COMIFAC convergence plan. The outcome was an AFLEG/FLEGT Work Plan that includes the following elements (COMIFAC, 2006):

- Support to the Regional Network of Parliamentarians (REPAR) in the Congo Basin countries.
- Piloting third-party independent forest monitoring in Gabon and DRC.
- Support to local NGOs for monitoring social benefits related to the “social-benefits contracts” included in the concession contracts in several Congo Basin countries.

In January 2007, a Regional Workshop on Forest Law Enforcement in Central Africa took place in Libreville, Gabon. It was jointly organized by COMIFAC, FAO and ITTO and hosted by the Government of Gabon. The meeting was attended by more than 60 participants representing forestry and wildlife administrations, non-governmental organizations and the private forestry sector of the ten member countries of COMIFAC (Burundi, Cameroon, Central African Republic, Congo, Democratic Republic of Congo, Equatorial Guinea, Gabon, Rwanda, Sao Tomé & Príncipe, and Chad) as well as representatives of regional organizations and development partners. The objective of the workshop was to promote a multi-actor dialogue and the exchange of experiences among COMIFAC member countries on the best practices for improving law compliance in the forest sector. The main outcomes include a stronger ownership of the forest law enforcement process in the Central Africa sub-region, the deepening of the commitment of the public and private sectors and civil society to collaborate, the awareness of the need for concrete actions. Priority actions identified include revising and harmonizing national policies and legislation related to forests through the involvement of all stakeholders. It should be mentioned here that the WB has not yet supported similar AFLEG related activities in West Africa.

The European Union FLEGT

In recognition of the increasing public concern with the social, economic and environmental consequences of illegal logging and related trade worldwide, the European Commission
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To build on the commitment taken at the WSSD Summit, the Commission published in May 2003, the EU Action Plan for FLEGT (Commission of the European Communities, 2003). The Action Plan sets out a new approach to tackling illegal logging, which links the push for good governance in developing countries with the legal instruments and leverage offered by the EU’s own internal market. The core components of the Action Plan are support for improved governance in timber producing countries, and a licensing scheme to ensure only legal timber enters the EU. The licensing scheme is to be implemented on a voluntary but binding basis, through a series of partnerships with partner timber producing countries. The Commission proposes also action for cooperating with other major consumer markets, such as the US and Japan, to stop the trade in illegally harvested timber. The Plan sets out a range of proposals on issues that include:

- Development co-operation focused at addressing illegal logging in producer countries;
- Political measures to control the imports of illegally harvested timber into the EU;
- Public procurement that ensures procurement of legally sourced timber;
- Private sector initiatives;
- Financing and investments safeguards;
- Conflict timber.

The Plan also sets out a range of measures that include:

- Support for improved governance and capacity building in timber-producing countries;
- Development of Voluntary Partnership Agreements (VPA) with timber-producing countries to prevent illegally produced timber from entering the EU market;
- Efforts to reduce the EU’s consumption of illegally harvested timber and discourage investments by EU institutions that may encourage illegal logging.

Of these measures, the most instrumental element of the Action Plan is the VPAs. These are negotiated bilaterally between the European Community and interested timber-producing countries. Their aim is to ensure that only legally sourced timber products are imported into the EU from the partner timber-producing countries, under the conditions of the licensing system. At the same time, there is an attempt to exclude from the EU markets all the illegally logged and traded timber products. The licensing scheme was adopted by the Council Regulation in December 2005. In the VPA, the parties should outline key factors in implementing the licensing system. These may include:

- Laws and regulations to be considered in deciding the status of legality to be applied in awarding the license;
- The institutional arrangements behind the system;
• The degree of independent verification of legal behavior at every stage of the chain of custody of the products.

In addition, the EU also adopted a new timber licensing system that should allow identifying legally produced and legally imported forest products. Timber products imported from VPA partner producer country must possess a validly issued license of legality in order to be allowed access to the EU.

VPAs are currently under negotiation between the EU and interested timber-producing and -exporting countries. On the forefront of these countries as far as negotiations are concerned are Cameroon, Ghana, Indonesia and Malaysia. Indeed the European Commission has started formal negotiations on VPAs with Ghana and Cameroon, and substantial dialogue with Malaysia and Indonesia. Initial discussions have taken place with the Democratic Republic of Congo (RDC), Republic of Congo, and Gabon.

In December 2006, the EU published a consultation document exploring the options with regards to specific legislation to outlaw the import of illegal timber and wood products into the EU. This consultation closed in March 2007. The results of the consultation process as well as an impact assessment on the various legislative options will be published by the end of 2007.

The First Central African Forum on the FLEGT Process took place from 3 to 4 July 2007, in Brazzaville, Congo, with the following objectives:

- To inform stakeholders (administrations, NGO, private sector) about the FLEGT process;
- To share experiences gained by those countries that are already engaged in the FLEGT process;
- To identify next steps towards the development of VPAs.

About 100 government delegates attended the forum from COMIFAC member countries, representatives of international organizations, NGO and the private sector. The following points can be noted from the Forum:

- It was clear that Cameroon has made more progress than other central African countries. It has an adequate chain of custody system and it has developed a good access to information relating to national laws and regulations. The negotiation process of the VPA with the EU was expected to start in August 2007.
- Gabon, Congo, CAR have already shown their commitment to FLEGT process by sending letters of intent to the EU.
- DRC has not declared its commitment yet.

**Differences and Possible Synergies between AFLEG and FLEGT**

As already mentioned, AFLEG is one of the FLEG processes supported by WB and others with Governments and stakeholders. As the other FLEG processes, it covers both law compliance or legality and governance. Addressing legality implies to define what are illegal activities, to understand the root causes of illegality and the consequences. Dealing with forest governance means considering the set of rules and institutions that control and determine what happens to a nation’s forests and who gains and who gets hurt as a consequence. “Good” forest governance is governance that best meets, in a transparent,
equitable and sustainable way, the forest related needs and goals of the population of the country and its constituent parts. Forest governance is about who in government holds power, who is responsible and how accountable decision makers are to citizens and to each other. As such, both AFLEG and FLEGT consider the legality and governance dimensions.

The main difference is that FLEG processes are largely supply-side approaches to reduce illegal logging at source, while FLEGT Action Plan is both supply-side, by providing assistance to producer countries, and demand-side, by curtailting the trade of illegally logged timber to the EU. The FLEGT Action Plan sets out a new and innovative approach to tackling illegal logging, linking good governance in developing countries with the legal trade instruments and leverage offered by the EU’s internal market. The FLEGT focuses on using demand instruments mixed with activities in the exporting countries, to discourage exports of illegally sourced timber and favour legal ones. It is recognised that the FLEG program contributed to creating the enabling conditions for the EU initiative to materialize.

According to A. Contreras¹, there are also opportunities for taking advantages of synergies between FLEG and FLEGT. FLEG initiatives so far largely have focused on producer countries affected by illegal logging. The FLEG emphasis has thus been on strengthening governance on the supply side of logging and trade. The FLEGT Program emphasizes managing demand in the EU market, although it also considers actions in the exporter countries to improve the legal systems and the institutional capacity in order to satisfy the legality requirements of the European market. As FLEG will in the future more and more shift its focus toward greater efforts in individual countries, opportunities for better collaboration and synergies between both processes that embrace supply as well as demand might increase.

A proof of the better integration of AFLEG and FLEGT is the organisation of the sub regional workshop of the AFLEG/FLEGT Taskforce in Brazzaville, Congo from 5 - 10 July 2007, with the financial support of GTZ and French Cooperation. The workshop aimed at improving the understanding of AFLEG and FLEGT concepts among the members of the Central African AFLEG/FLEGT Task Force. During the five days of the workshop, the emphasis was put on the following:

- Information related to concepts and tools concerning AFLEG, FLEGT and Governance.
- The link between the COMIFAC Convergence Plan and AFLEG process.
- Reflection on an appropriate organizational learning process to be established in order to make operational the Sub regional Task Force.

¹ Forest Law Enforcement and Governance Program: review of implementation. August 10, 2007
Main Achievements

AFLEG

Awareness Raising, Knowledge Creation and Capacity Building

General concern about illegal activities in the forest sector has been raised in a lot of African countries with the organisation of the Ministerial Conference and with the declaration signed by the different countries. This could be considered as a first important political commitment and as a good basis for further action. It has paved the way for combating illegal logging and improving governance in the forest sector. Mobilisation has reached governments, international organizations, organizations of the civil society and the private sector, both in producing and consuming countries. As such it could be considered as a success, because today the issue of illegal logging has been brought in light and has become a subject of concern for producer as well as for consumer countries.

FLEG processes have also raised awareness amongst government officials and main stakeholders about the magnitude of the problem and the dire economic, social and environmental consequences it had for the countries. In October 2006, the first international Conference on the Sustainable Management of Central African Forest Ecosystems regrouped 400 African Parliamentarians and experts from governmental and non-governmental organizations in Yaoundé, Cameroon. It focused on good forest governance and poverty alleviation, and one of its objectives was further defining the role of the sub regional parliamentarians regarding SFM.

Through FLEG processes, a lot of information has been collected and disseminated, studies have been realised, figures have been produced and debate at regional and country level has started. There has been considerable improvement and transformation of the knowledge concerning the causes and the effects of illegal activities in the forest sector. It is generally recognised today that various actors and stakeholders are responsible for illegal activities and the complexity of this issue has been highlighted. The analytical work realised and the state of knowledge achieved are of valuable quality.

Through the different meetings, workshops, and forum and through the different working groups and task forces already mentioned above, the capacity of the stakeholders was enhanced.

Sub-regional Coordination and Cooperation

Since its inception, AFLEG put a priority on collaborating with other relevant regional and sub-regional processes and institutions. Mechanisms for consultation and coordination have been developed at international and regional levels. In addition to NEPAD, AFLEG established also links with the COMIFAC and the Congo Basin Forest Partnership (CBFP).

The first link was established with the Central Africa Forests Commission (COMIFAC), which was legally established in September 2004 in Libreville as the entity responsible for forests in the region. COMIFAC is the political and technical commission in charge of orienting, coordinating, monitoring and harmonizing different strategies and initiatives pertaining to the forest sector in the Congo Basin. It is therefore the sole decision-making body on the forests of the region. The members are Burundi, Central African Republic,
Cameroon, Congo, Chad, Democratic Republic of Congo, Equatorial Guinea, Gabon, Sao Tome & Principe, and Rwanda. The Commission has an Executive Secretariat, which coordinates the implementation of the Convergence Plan. The Commission has developed a common vision of forest governance in the Central Africa region and a technical action plan. It is plays a key role in the implementation of AFLEG Ministerial Declaration.

The Congo Basin Forest Partnership (CBFP) was launched at WSSD in 2002 with the aim of encouraging donors to commit resources in the management and conservation of the forests in Central Africa. CBFP consists of 29 members including three international organizations and ten non-governmental groups. It aims at improving communication among its members and coordinating investments to promote sustainable management of Congo Basin Forest ecosystems and their wildlife, ensure good governance, and raise the living standards of the people in the region. It works closely with COMIFAC.

At the Central African Heads of States Summit that created COMIFAC, a trilateral agreement or “TRIDOM Agreement” was signed between Cameroon, Gabon, and Congo to protect 14.6 million hectares of forests. Also signed at the Summit was a trilateral agreement between Cameroon, Central African Republic and the Republic of Congo concerning the Sangha Tri-National Conservation Area. Central Africa is perhaps offering a model in transboundary cooperation on how to reach across borders to enforce law when forests, wildlife, the livelihoods of local communities are threatened.

Initiatives at National Level

The Libreville Workshop in 2007 showed the advances made by many countries. These can be summarized as follows:

**Burundi**
- Creation of an environmental police in charge of law enforcement.
- Training of environmental police.

**Cameroon**
- Strengthening the Independent Monitoring
- Adoption and generalization of forest and wildlife control strategies
- Commitment to VPA negotiation in the framework of FLEGT;
- Creation of local committees to ensure local monitoring of forest law enforcement.

**Congo**
- Launching of Independent Monitoring activities.
- Setting up control strategies.
- Preparations to get into the FLEGT/VPA process.
- Organization in July 2006 of a forum on AFLEG/FLEGT, in collaboration with the EU.

**Gabon**
- Preparations to get into the FLEGT/VPA process.
- Strategy of forest and wildlife control.

**RDC**
- Commitment to forest reform thanks to the support provided by the WB and the EU.
- Adoption of a new forest law.
• Launching of a forest law enforcement and governance project, with funding from EU and execution by IUCN.
• Setting up of a national consultative group on forest law enforcement.
• Involvement of the Senate and the Parliament in anti-illegal logging processes.
• Training of journalists in law enforcement.

RCA
• Designation of a focal point AFLEG/FLEGT/FORCOMS.
• Involvement into the AFLEG/FLEGT process.

Rwanda
• Adoption of laws against illegal forest cutting.
• Setting of local committees for forest protection.

FAO and ITTO were requested to continue supporting countries in their efforts to strengthen capacities for forest policy and law enforcement, particularly in relation to the AFLEG/FLEGT processes and to support the translation, dissemination and extension of forest laws and regulations. The next steps include the establishment of national technical committees for the elaboration and validation of forest regulations in each country, the development of a road map for the AFLEG/FLEGT process and the adoption of an inter-state convention for forest control.

Advances Made through Bilateral Cooperation (FLEGT)

Cameroon

In December 2004, the 27 groups part of the EC Forest Platform Cameroon met to discuss their involvement in the FLEGT process. Through a letter to the European Commission in July 2007, the government of Cameroon noted its determination to start formal negotiations. To this letter followed an EU formal invitation to start the negotiations leading to the conclusion of a VPA. To this effect, both partners agreed on the organisation of an official ceremony on 28 September 2007. The ceremony was open to the participation of civil society. The first negotiation session then followed on 28-29 November 2007 in Yaoundé, capital of Cameroon. The following issues were on the agenda: 1) Global cooperation framework for the VPA; 2) Modalities of the negotiation; 3) Definition of legality; and 4) Roadmap.

Ghana

The process of negotiation between the EU and Ghana was formalised in December, 2006. Since then, two formal engagements between Ghana and the European Union have taken place. In addition to the formal sessions, a review session was held in September, 2007 to assess the progress of preparation towards concluding the process.

Republic of Congo

The government of the Republic of the Congo, also known as Congo-Brazzaville (or "Congo-Brazza") or the Congo, has contacted the European Commission to start VPA negotiations. Impressions are that formal negotiations could be launched during the second half of 2008.
Central African Republic

The government of the Central African Republic (CAR) requested in mid-2007 to start formal discussions with the European Union for developing a VPA. After a visit by EC official in late November 2007, there are indications that formal negotiations could start in September 2008.

Gabon

The government of Gabon has indicated that it wants to enter into formal negotiations with the European Union towards developing a VPA. Talks between the two governments are ongoing, and a national VPA workshop to define the road map for negotiations (and discuss a first draft of the FLEGT legality definition) is planned for March 2008. To prepare for that event and the forthcoming negotiation, the Gabonese government has set up a working group on FLEGT. Formal VPA negotiations are likely to start in the second half of 2008.

Liberia

On December 8 2006, the Government of Liberia, through the Forestry Development Authority (FDA), formally informed the European Commission's delegation in Monrovia of that Liberia is actively considering a VPA. The letter followed series of preliminary discussions on the EU FLEGT Action Plan and VPAs in Liberia, including a visit by Hugh Speechly of the UK Department for International Development (DFID) to Liberia in November 2006. The purpose of the mission was to hold series of meetings with stakeholder groups including government (the FDA and other line ministries), industry and civil society representatives, aimed at increasing awareness amongst these stakeholders on the key elements of the EU FLEGT Action Plan and VPAs.

Lessons Learnt from AFLEG

By the AFLEG Ministerial Declaration made in Yaoundé, Cameroon, in October 2003, several African Governments committed themselves to the elimination of illegal logging and associated corruption practices in the forest sector. Since then, some lessons learnt in the process leading to the Declaration and after its adoption can be summarized as follows:

1. It is necessary to encourage tripartite exchange by the inclusion of Governments, the private sector and the civil society at all stage of the consultation processes in order to avoid suspicion, particularly regarding the discussion of sensitive issues such as good environmental governance and illegal.
2. The AFLEG Ministerial Declaration, for not being binding, is considered a weak tool for the implementation of its goals.
3. The AFLEG Ministerial Declaration rightly underlines gaps in law forest law enforcement and governance, but does not sufficiently highlight the efforts and the progress that countries are making in the implementation of sustainable forest management policies.
4. Many stakeholders feel that there is lack of implementable action plans compared to the attention given to workshops and meetings with no connection to concrete actions under implementation.
5. In the eyes of the same stakeholders, there is insufficient articulation of different processes such as AFLEG, FLEGT and the Congo Basin Forest Partnership.
The Challenges Ahead

As already mentioned, FLEG processes as a whole could be considered as positive initiatives in general which raised awareness amongst people. The different Ministerial conferences in Asia, Africa and Eastern Europe have mobilized governments, international organizations, organizations of the civil society and the private sector, both in producing and consuming countries.

In view of what is presented in the previous sections, it appears that a lot of effort has been made and that many initiatives have been taken. At the international level, the World Bank, the EU, the FAO, the ITTO, as well as individual European countries have joined efforts to support the AFLEG process. The process has opened up a dialogue between governments, the private sector and the civil society. At sub-regional level, different structures have been put in place like COMIFAC, CBFP, FORCOMS, and actors at different levels have been involved (government, civil society, private sector, etc.). A task force has been created in 2006 and has prepared an AFLEG/FLEGT Work plan. Workshops have been organized and numerous initiatives have been taken at national level (Burundi, Cameroon, Congo, Gabon, DRC, RCA and Rwanda). Six countries have initiated negotiations or expressed their interest to start negotiations with the EU to reach a VPA.

But the impact of all these efforts seems still to be limited, if not insignificant. Improved forest law enforcement and governance is still weak. What are the principal reasons for such a poor performance? There are several reasons probably, and each country has its specific context and situation. But some of the reasons seem to be common to a majority of countries.

The Complexity of the Issues to be Addressed

One of the main reasons for mitigated success is probably the complexity of the issues to address. FLEG is not only about illegal logging and law enforcement. The root causes of illegal logging and poor law enforcement are to be found in the broader context of “Governance”. Tackling the causes would imply generally to bring changes at institutional, organisational and individual levels. Change is a complex process, which will need the long-term commitment of countries and donors alike, as well as strong political support at the highest level.

Raising awareness through international meetings, workshops and political declarations is one thing. But organizing workshops and formulating recommendations is not enough to bring changes and to make things move. Workshops have a limited scope. People make declarations, they take some commitments or they formulate recommendations, but without a clear roadmap and concrete results to achieve very little is happening.

Supporting reform process at the institutional, organisational and individual levels is quite another task. It’s a long-term process, which will need direct support at the country level. Illegal logging has to do with governance and combating illegal logging will need changes in depth, which will take time to achieve. Coordination with existing bilateral support or with other international initiatives at country level (like the nfp facility) is necessary in order to translate the political commitment into concrete measures and actions. The governance issue in the forest sector is very often related with lack of vision or policy for the sector, inadequate structures, lack of means and capacity, corruption, etc. Experience has shown that changes at this level are slow and that resistance to change can be very strong. So far the initiative taken
by the international initiatives didn’t achieve very much for creating the appropriate conditions for policy, legal and institutional reforms.

The definition of “illegality” itself is a matter of controversy between some NGOs, governments, the private sectors and analysts. Very often the tendency is to focus on illegal logging or illegal harvesting of timber. In the reality, illegal activities range from acts related to the establishment of rights to the land to corrupt activities to acquire forest concessions, and activities at all stages of forest management and the forest goods production chain, from the planning stages, to harvesting and transport of raw material and finished products, to financial management. The list of “violations” is long and it shows the complexity of addressing the problems. Definition of what is illegal may vary from one country to another and even within a country opinions may differ a lot.

**Risk of Undesirable Impacts**

Reforms, control of legality, improved law enforcement are all measures which could have negative or undesirable impacts on some sections of the population, and especially the poorest and the marginalised ones. Restricting access to international market to legal timber could penalize small and medium enterprises, which cannot comply easily with the requirements imposed by “legality” and all the more by certification schemes. And what can be said about certification, which is much more complicated to achieve?

Many people, including poor and unemployed, may derive an income from illegal forest activities. Most of the illegal timber is supplying the local market and meeting the national needs for energy (firewood) or construction. The informal sector, which can be seen as a consequence of low incomes and widespread poverty, is providing jobs for thousands of people along the whole chain of custody and illegal forest activities generate a lot of "informal" revenue. Any change aiming at reinforcing law enforcement or governance should pay greater attention to the informal sector in order to know with better the magnitude and distribution of benefits arising from this business, the human resources involved, the level of exploitation of natural resources required to support it, and the contribution to livelihoods and the economy at national, regional and local levels.

So far, very limited work has been carried out in understanding the complex relationships between the different violations, the impacts on the various domains, and on the different stakeholders. If measures are taken without a good analysis and understanding of the local context, the risk is high that it will affect negatively the most vulnerable segment of the population.

The Rights and Resources Initiative (RRI) has been engaged in a body of work at the global, regional and national level on alternate tenure and enterprise models (ATEM) which aim to provide guidance and lessons for decision-makers engaged in forest tenure and governance reforms that strengthen tenure and access rights of local forest actors and level the playing field for small and medium forest enterprises, including community-based forest enterprises, so that these can be more competitive in the marketplace and better complement large

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2 National and International Policies to control illegal forest activities. CIFOR, 2003
industry including those managing public concessions and commercial plantations and related processing industries. Is this a possible alternative or solution to the problem? It is probably too early to answer the question, but studies are engaged in a few pilot countries and the first results will provide us with concrete elements for further analysis.

**Lack of Concrete Actions and Funds**

Funds and technical assistance should be available for the countries that need it in order to adopt FLEG strategies and Action Plans and to implement concrete actions. Once causes and consequences of illegal activities are known and understood, the FLEG process should identify strategies to combat them and propose measures to improve governance. The list of initiatives taken at country level as presented in point 3.3 might give the impression that substantial progress were made to reinforce governance in the forest sector and to tackle the root causes of illegal activities. And in fact some countries made genuine efforts to enhance the levels of forest governance. Cameroon is one of them. But despite years of efforts and numerous reforms, the first concrete results only materialized very recently. Today Cameroon has adopted a Forest and environment Sector Development Program supported by a consortium of donor funds as a comprehensive answer to the sector problem. Ghana has also multiplied efforts to address illegality in the forest sector and in this country also the main donors agreed to start a Sector Budget Support (SBS) covering forest, environment and mining. This support combined with the initiative of the country to sign a VPA with the EU is also bringing new hopes to reorganise the forest sector and to manage the forest in a sustainable way.

But this is far from being enough. New perspectives for supporting concrete actions must be explored. One of them is the initiative taken by the WB to produce guidelines for the preparation of FLEG national strategies. It has been limited so far to the ENAFLEG process and the initiative is still in its pilot phase. If successful, these guidelines could be applied with slight modifications to African countries.

On the other hand, the FLEGT process offers a chance for the countries, which have expressed their interest to enter a VPA, to improve governance in the forest sector or to address fundamental institutional reform process. Countries should take the initiative themselves or with the support of bilateral donors, to identify the root causes of illegal logging and to integrate actions to tackle them within their Forest National Master Plans. In the countries\(^3\), where the Forest Governance Learning Group is active, it could help to develop ideas on forest governance and to make them work for practical, just and sustainable forest use.

**Decentralised Forestry**

In most of the countries, the quality of decentralized governance in the forest sector appears to be strongly associated with, and dependent on the quality of governance of the whole government apparatus. This is also true for African countries. In countries where the state is weak, where a certain degree of political stability is absent, where institutions and legal frameworks are dysfunctional, and where corrupt abuse of public office is common, it is

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\(^3\) Niger, Ghana, Cameroon, Uganda, Malawi, Mozambique, South Africa
highly improbable that a satisfactory level of governance in the forest sector could be achieved.

Decentralisation is a gradual process. Coming from a point where only one actor was deciding everything and controlling the management of the resource to achieve a new situation where several actors at different levels (national, provincial, district and local) will find their place and will know what is their roles and responsibilities, implies a complex process of change (institutional, organisational and individual) for which many people are not really prepared. Three key broad factors internal to the sector appear to set the conditions for good decentralized forest governance, as earlier defined. These are as follows:

1. Effective and balanced distribution of responsibilities and authority among levels of government, respecting the subsidiarity principle, which means appropriate responsibilities and power for each level of government;
2. Adequate resources and institutional effectiveness at each level of government; and
3. Sufficient participation of civil society and the private sector at all levels of forest governance

Today, despite all the efforts made and the energy spent by different countries, the outcome is still quite limited. True decentralisation in forestry remains the exception. In most of the cases the forest are state owned and the Forest Departments continue to manage them in a very centralised ways. Some efforts of “deconcentration” have been undertaken, but decentralisation in the form of “devolution of power” is still the exception. Therefore FLEG processes should focus on promoting decentralised forestry and increased participation of different stakeholders in decision-making process at various levels.

Decentralisation will not solve all the problems related to the forest sector and approaches need to be adapted to regional and local contexts. There are different ways of doing things. To bring changes one should not wait for a clean and effective legal system to be in place; forest will have disappeared long before. The tenure issue (including aspects of clarity and stability) is probably one of the most crucial and it will require special attention. According to A. Karsenty, there is a room and a need for diversification of forest tenure models, which might be seen as complementary rather, at least for the foreseeable future, than alternatives competing with the current system. Second by importance is “capacity building”, which needs to take place at all levels, but with a special focus on weak sections. It should bring progressive changes in attitude and behaviour of people as well as in institutional norms. A broad range of innovations already exists on the ground and could serve as models for further progress.

\[\text{4 Redistribution of decision-making authority and financial and management responsibility among levels of the central government}\]

\[\text{5 Transfer of specific decision-making powers from one level of government to another, or transfer of decision-making powers by the government to entities of the civil society.}\]
Low Level of Coordination between the Different Actors

Another reason of slow progress is the low level of (and even sometimes the lack of) coordination between the main international agencies involved in the process. So far, concrete results in individual countries have been obtained by bilateral aid and support. Progresses were made with regard to “legality”, mainly in the frame of the FLEGT initiative launched by the EU. AFLEG, leaded by the WB, should increase and reinforce the collaboration with other multilateral and bilateral agencies active in the forest sector and should look for synergies.

As already mentioned the AFLEG could benefit from experiences and ideas developed by the FGLG where it is active. The AFLEG should also seek collaboration with the ITTO and the FAO, which have both started initiatives to address illegal activities. It is worth indicating that the Netherlands has recently signed of a $3 million contribution agreement with the ITTO to support a program on tropical forest law enforcement and trade (TFLET). The program, which will also be supported by other donors to make up its total budget of $4.3 million, seeks to: enhance civil society’s capacity to contribute to forest law enforcement; enhance the capacity of small- and medium-sized enterprises to produce and trade timber from legal and sustainable sources; support and increase international trade in legally/sustainably produced tropical timber; and to enable local forest-dependent communities to sustainably manage their forests in order to alleviate poverty.

FAO with the National Forest Programme Facility (Facility) is also strongly embedded in many African the countries (41 in total) through its focal points. NFPs provide a global framework to address forestry issues within the context of sustainable development. The Facility is a funding mechanism and information unit created in response to recent intergovernmental meetings, which recognized the essential role of NFPs in addressing forest sector issues. Again, the ALEG could establish links and mechanisms of collaboration with the facility on governance and law enforcement issues.

Conclusion

Since the late 1990s, there is a new spirit of international cooperation in combating forest crimes, and a shift considering illegal logging and related timber trade as international issues. The FLEG and FLEGT processes raised the profile of illegal logging both in Asia and in the rest of the World, and the international concern over illegal logging and the associated trade in illegal timber has grown fast. The overall outcome is that many countries have been engaged in one or more forest law enforcement and governance processes, committing them to cooperating for improvements in forest law enforcement and governance. At a regional level in Africa, countries have defined or are defining priority issues and actions in forest law enforcement and governance in the framework of the implementation of the AFLEG Ministerial Declaration. Governments, the private sector, the civil society and international organizations are collaborating to target the improvement of governance in the forest sector and the promotion of SFM. In particular the COMIFAC and the CBFP in Central Africa have been active in setting the agenda in improved forest governance with a focus on SFM.

Overall the achievements resulting from cooperation and exchange at regional level and through bilateral cooperation in the framework of the AFLEG, FLEG and the CBFP are as follows:
- Increased awareness of causes and impacts of forest crime
- Established a shared sense of responsibility among both producer and consumer countries
- Provided understanding of the distinct roles of various stakeholders
- Identification of priority actions
- Facilitated exchange of experiences and best practices among countries
- Established basic data on forest crime as basis for multi-stakeholder discussions and as means for establishing baselines to monitor progress
- Established networks of information sharing
- Influenced the incorporation of illegal logging and forest crime into several regional processes.

With regard to bilateral cooperation, the EU FLEGT has demonstrated a potential to promote the development of operational regional and national forest law enforcement mechanisms. Clear examples for this are the bilateral agreement on VPAs in preparation in Cameroon and Ghana. Bilateral approaches, such as the VPAs under FLEGT, are promising as far as concrete results are concerned in the fight against illegal logging. Their negotiations are bringing together all interested parties in producer and consumer countries for developing solutions and promoting responsible forest management. There is clearly an interest of many countries in the AFLEG and FLEGT processes as well as in forest partnership and programmes relating to forest law enforcement. However the AFLEG process needs to be revitalized to maintain this interest. More resources should be allocated in national analytical work in order to determine priority actions at policy and enforcement levels. More support should also be given to regional workshops to allow the dissemination of experiences and FLEG technologies.

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