



Liberia Capacity Building for Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG)

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This report provides a description of project activities, results and deliverable for the period starting June 2011 and ending March 2012.

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Abbreviations

CFDC	Community Forestry Development Committee
CSO	Civil Society Organization
EU	European Union
EPA	Environmental Protection Agency
FDA	Forestry Development Authority
FDA LED	Forestry Development Authority – Law Enforcement Division
IA	Independent Auditor
IM-FLEG	Independent Monitor of Forest Law Enforcement and Governance
LNP	Liberian National Police
LTA	Liberian Timber Association
LVA / LVD	Legality Verification Authority / Department
MoA	Ministry of Agriculture
MoF	Ministry of Finance
MoJ	Ministry of Justice
PPCC	Public Procurement and Concessions Commission
SGS	Société Générale de Surveillance
VPA	Voluntary Partnership Agreement

1 Executive Summary

The principal objectives this study were to introduce Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG) to key stakeholders, to explore its possible makeup in Liberia and to liaise with key stakeholders in the development of a common vision and roadmap for IM-FLEG in Liberia. This mission report includes results from the training workshops, the final restitution workshop, identified constraints, opportunities, stakeholder roles and responsibilities for an IM-FLEG in Liberia. The main findings during the course of the mission:

- **There is strong support for the introduction of an IM-FLEG amongst consulted stakeholders¹ above and beyond planned and existing monitoring mechanisms.** Little trust exists in the effective implementation of existing laws and regulations, and recent experience with Liberfor has led many to have low expectations of the monitoring mechanisms planned under the EU-Liberia Voluntary Partnership Agreement (VPA). These things are due in part to the regularity of illegalities associated with logging since operations restarted and also to overarching concerns regarding capacity, governance and transparency. They may also be due in part to misunderstandings and lack of clarity about the planned role and structure of the new FLEGT monitoring mechanisms, and how they differ to existing mechanisms (see section 2.1.2).
- **Low rates of logging activity could be seen as a window of opportunity for necessary civil society mechanisms to be strengthened through the already funded proposal.²** Liberia possesses an active and growing Civil Society Organization (CSO) base, increasingly active Community Forest Development Committees (CFDC) that form central components to nationwide monitoring. If the links between civil society monitoring and government law enforcement bodies could be strengthened, IM-FLEG may not be necessary.
- **Potential overlap with an Independent Auditor approach:** The manual of procedures to be developed for the Auditor needs to be defined. If the mandate given to the auditor is wide, then an IM-FLEG may not be necessary.
- **Capacity Building for Law Enforcement:** Care should be taken that the capacity for increasing the capacity of the services responsible for law enforcement is not neglected in favour of supporting monitoring by organisations that will not take legal action based on their findings.
- **Stakeholders were strong in the opinion that an IM-FLEG incorporates broader non-logging forest-related illegalities.** This was proposed by all stakeholder groups bar industry. There is increasing concern amongst, in particular, CSOs and CFDCs that a non-holistic approach to monitoring would be incomplete and that if non-logging sectors

¹ These included mainly FDA representatives, forest community representatives, and civil society organizations. There was one representative from the Ministry of Finance, one from the Liberian National Police, and one from Industry. Please see Annexes for more information.

² Improving forest governance through civil society monitoring. Submitted to Budget line: B2010-21.04.0100, Reference: EuropeAid/130683/L/ACT/LR, and approved for funding.

are overlooked, investment into ensuring sound logging and trade with Liberia may be undermined by other forest-related activities. Incorporating such areas within the mandate of an independent monitor would also help ensure there is sufficient added value to justify IM-FLEG implementation alongside the LVA, IA and civil society monitoring.

The funding of NGOs by the EC to implement a civil society based monitoring project is seen as a very positive step but again raises concerns over the capacity of the government to respond to information about illegalities.

The CSM project is not designed to help improve the skills of forest law enforcement officers, nor will it bolster the division within the FDA. There are broader and more fundamental apparent capacity constraints within the Division which will not be addressed by an IM-FLEG and need to be addressed if one is to be effective.

- **Consider supporting the establishment of a Liberian independent monitoring team:** A natural evolution from the above mentioned project would be a Liberian IM-FLEG with an agreement with the Liberian Government as with more conventional IM-FLEGs (including a Steering Committee, a Reading Committee that would involve the input and monitoring of national and international bodies).

2 Introduction

Liberia's forests sector became synonymous with conflict and structural violence in Liberia and its neighbouring countries in the 90s and the early 00s. This led the UN Security Council to impose sanctions on Liberian timber exports in 2003. Since then, reform of the forests sector has been at the centre of discussions on Liberia's forests to help ensure sustainable development for the state and its people. With significant challenges facing the implementation of the country's new laws and regulations, and with the recent agreement of the EU-Liberia VPA agreement, Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG) represents a possible path in moves toward an ultimately more transparent and contributory sector.

UN Security Council Sanctions were lifted in 2006 and new laws and regulations governing forests that have been introduced since reforms began include the National Forestry Reform Law of 2006 (NFRL), the Forestry Development Authority (FDA) Ten Core Regulations of 2007, a revised Code of Harvesting Practices, a 2009 Community Rights Law, among others. Liberia and the EU have also signed a Voluntary Partnership Agreement (VPA) that aims to ensure that no illegal timber leaves Liberia and enters the European market. As the VPA is grounded on Liberia's own legislation, it is expected that the Agreement will also strengthen the implementation of Liberia's laws and regulations and that no illegal timber will leave Liberia, regardless of destination.

While there have been many positive developments, there are also several significant challenges in the implementation of reform measures and these have been highlighted by both local civil society groups, local forest community representatives and also the UN Panel of Experts on Liberia.³ In particular, controversy has surrounded the Social Agreements signed by logging companies and local forest communities,⁴ concession allocation processes, the loopholes created by Private-Use Permits (PUPs), the potentially false representations of the social and economic potential of the forests sector. Many fear that existing issues of corruption, lack of transparency and access to information will stall progress made. Notably, many have expressed deep concern that efforts made to reform the logging industry could be undermined without a holistic approach to manage forest-related activities, including land-clearing for agriculture.⁵

³ See, for example, SDI, *Liberia: The Promise Betrayed* (2010) and UN Panel of Experts on Liberia, *Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 9 of Security Council resolution 1903* (2009).

⁴ Several CFDCs that the team spoke to complained in particular of the Social Agreements. In one case a Social Agreement was signed under duress and intimidation. In most disputed cases, complaints existed based on that the Social Agreements are not specific on, for example, time-lines and materials/quality of, for example, bridges and roads.

⁵ Almost all CSOs and CFDC representatives that the team spoke to mentioned this. In one case it was expressed that land clearing for agriculture has been going hand in hand with community displacement and that these practices were reminiscent of how the logging industry operated under former President Charles Taylor.

3 Activities, Results and Completed Deliverables

The sections below present the details of the activities realised under the project. In parallel to this however and in response to comments received on earlier drafts of the report, REM has also organised the production of a guide for independent monitoring translated from the French to English for use in Liberia. This guide is available on the REM website.⁶

3.1 Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG)

This section of the report presents IM-FLEG developed by REM in general and subsequently also the activities within the first 2 days of the workshops in Monrovia which developed understanding of the approach with the participants.

3.1.1 Overview of IM-FLEG

Independent Monitoring (IM) can be interpreted in several ways and this has led to considerable confusion amongst stakeholder groups involved in this project. The term has been used in the Liberian context to refer to Chain of Custody (CoCs) systems, to planned monitoring mechanisms as prescribed for under Voluntary Partnership Agreements (VPAs), and to informal ad-hoc monitoring by civil society organizations as described above. For purposes of clarity, and unless otherwise stated, all references to Independent Monitoring in this report will be in specific reference to Independent Monitoring of Forest Law Enforcement and Governance (IM-FLEG), which encompasses the monitoring, by an organization or consultancy, both of forest activities by the private sector and of law enforcement activities by government services. Within this definition monitoring activities are carried out in collaboration with government departments concerned and a formal agreement relating to access to information and the publication of resulting reports is established to ensure support ownership of the findings and results of project activities. **The Objective is to detect and report on illegalities, NOT to certify legality of selected wood.**

Typically, IM-FLEG represents a model of intervention in states that are stable but with poorly performing ministries or governments. The purpose of IM-FLEG is to assist the host-government in realizing its stated policy objectives for the forest sector. As such, an IM-FLEG operates with structural links to the government and requires close co-operation between the host-government, international donors and the Monitor. An IM-FLEG body should possess credibility and legitimacy among a broad range of stakeholders, in particular civil society.

In working closely with host-government agencies in the administration of forest related activities, an Independent Monitor documents the functioning of the host-government's own monitoring and control systems and transparently reports findings to interested parties. Reports highlight, for example, weak areas of existing monitoring systems and include recommendations on how to improve these. The Monitor also documents the forest activities of the private sector both independently and together with government forest officers and the police, to increase the availability of information and bring support to the government's own efforts to suppress illegal activity in the forest sector

⁶ www.rem.org.uk

3.1.2 Elements of an IM-FLEG project

Independent monitoring is recognised as an essential part of a system that can lend credibility to timber legality verification (AFLEG Ministerial Conference in October 2003 and FLEGT information notes).

There are various monitoring projects in existence in different countries in Africa that gather information on the legality of timber through, for example, traceability or certification systems, remote sensing, etc. These projects are different but complementary and should be able to provide information to an Audit body to be put in place to verify the functioning of the FLEGT system overall.

Firstly, the term ‘monitoring’ in relation to forest can lead to some confusion as it is used in a number of different ways. For example, there may be monitoring of:

- forest cover or logging tracks using remote sensing
- cross border trade
- timber permit allocations
- private sector forestry activity

Any kind of monitoring, observation or systems support should be able to provide information to the body responsible for issuing logging permits and to the FLEGT Auditor so that these licenses/permits command the necessary credibility, particularly in contexts of weak governance.

IM-FLEG is one such initiative, focusing on governance both at the level of forest law enforcement and in the detection and suppression of forest infractions. This will enhance the credibility of government-granted certificates of legality. The aim is to ensure that the information gathered by IM-FLEG is made available to governments before permits are allocated, so that corrective action can be taken, and to the auditing body before it undertakes its spot checks, e.g. see figure 1.



Figure 1 Investigations into the legality of operations in the Republic of Congo

In contrast to some of the above monitoring approaches, IM-FLEG provides systematic monitoring of the activities of the Ministry responsible for forests in the country in question i.e. it has a governance focus; this is achieved via a permanent presence in country.

Key elements of the IM FLEG are:

- **Systematic in-field documentation** of forest infractions, on the basis of objective investigations conducted by the Independent Monitor jointly with government officials. The results are regularly validated by the Forests Ministry and published. IM-FLEG’s Terms of Reference specify that field missions must be regularly conducted and must cover a representative proportion of different forest permits and different regions in the target countries. These missions enable the working methods of Ministry staff to be analysed by the Independent Monitor and supported whilst **reducing the risks of corruption and collusion** (mitigating the risk of a selective verification of some forest permits to the detriment of others, of a failure to record some infractions or to effectively undertake certain crosschecks, etc.).

Figure 2 Logging operation register, with no species recorded, important for taxation purposes

these volumes). Another example is an agreement to relocate a permit without putting it out to a new call for tenders, which may have significant financial advantages for the permit holder.

- Documentation, on a case by case basis, of the reasons behind the infractions makes it possible to identify when the private sector and/or forest administration is/are responsible for infractions or irregularities. Thematic analysis are published by the Independent Monitor providing information on the failings or weaknesses of legislation and practices that lead to the illegal trade in timber, along with trends in infractions, by kind of logging permit. **IM-FLEG enables aspects relating to a lack of the appropriate enforcement/training/strategic resources/tools to be distinguished from aspects relating to bad governance** (collusion, refusal to monitor, intentional bad enforcement or selective enforcement of procedures), and enables appropriate recommendations to be made. See figure 3 below representing the failure not of law enforcement but of the administrative system to collect fines imposed.

This information is supplemented with **documentary research** at the level of the ministries concerned (Finance, Forests, etc) and **follow-up to actions taken** (sanctions, etc). This enables a global analysis of the **recurrent causes of the infractions** (allocation method of a particular kind of permit open to fraud, systematic laundering of timber, etc.) and an analysis of the **follow-up provided by the State to infractions**. These analyses are very important as they are rarely anticipated in the State forest law enforcement and follow-up systems. For example, a build-up of repeated infractions that are perceived as "minor" (e.g. badly kept field documents, in terms of failures to keep daily records or alterations made to these documents, see figure 2) may be concealing "major" trafficking (systematic under-declaration of volumes leading to significantly reduced payments of the taxes due on

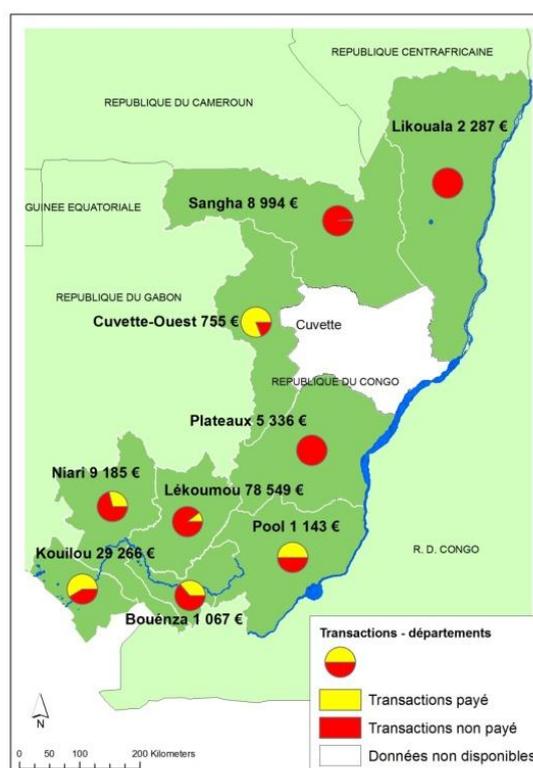


Figure 3 Map showing variations by department in the failure to collect fines imposed. Republic of Congo

- **IM-FLEG is involved in the implementation of solutions** by providing ad-hoc training during its constant interactions with Ministry staff and also formal training on research techniques, data crosschecking, etc. IM-FLEG also works with the government and donors to improve **elements of the enforcement strategy, incomplete legislation or legislation that may be open to misinterpretation** when undertaking enforcement on the ground or follow-up to litigation. The mere presence of IM-FLEG during enforcement and litigation follow-up processes can enable bad practice to be prevented.

The core **standards used by IM-FLEG** in its analyses are based on national forest legislation and the existing administrative procedures of the Forests Ministry, which are often under development. This kind of monitoring should not be confused with the monitoring conducted by local and international campaigning NGOs without the agreement of the government. They gather information on illegal logging by means of one-off field trips conducted outside of the government systems. Missions of this kind rarely result in State action (official reports, seizures, etc.) due to the lack of a sworn officer at the time of noting the infraction. They can also have specific focus (for example companies of specific nationality or areas of illegality linked to social clauses) without a holistic approach to all types of illegalities and perpetrators (non-payment of tax or certain companies can be overlooked), whereas IM-FLEG systematically looks at all types of illegalities and monitors all types of forest title holders. IM-FLEG also differs from the traceability tools that enable forest law enforcement to be strengthened, and which are often developed in association with private companies such as SGS and TECSULT, as IM-FLEG is located outside of the system. IM-FLEG's recommendations may however result in these private companies developing traceability tools. In addition, IM-FLEG can make recommendations to organisations responsible for traceability tools or certification, enabling them to improve their existing tools or tools that are under development.

Any legality verification system must therefore take not only private sector operations into account but also issues of governance if its credibility is to be ensured. IM-FLEG should be a tool that supports rather than underpins the implementation of VPAs.

3.1.3 Workshops: Introducing IM-FLEG and its possible application in Liberia

The workshop on Independent Monitoring was held over a three-day period. The first two days of the workshop were on the 6th and 7th of September and focused on introducing IM-FLEG and exploring its possible application in Liberia. To this end, Liberian laws and regulations governing forests were reviewed and this was also placed in context of the recently signed EU-Liberia VPA. Presented information was then applied in group-exercises and questions for consideration were drawn up. The final restitution workshop (see section 2.4) was held on the 13th of September and focused on presenting to participants the team's main findings from consultations held since the first workshop days.

Time dedicated to going over IM-FLEG and its differences to other forms of monitoring was greater than originally envisioned as there was much confusion on this issue among stakeholder groups. Also, there was initially clear hostility and arguments/allegations between civil society, forest communities, industry and the FDA. Several participants in side-meetings between sessions stated independently that the distrust between stakeholders would be a major challenge for an independent monitoring body.

The following were presented on **Day I** of the Workshop: *Presentation 1: Welcome; Context and Stakeholders, Objectives and Activities. Presentation 2: Illegal Logging Overview; Illegal logging & associated trade; Associated practice & effects. Presentation 3: Independent Monitoring Overview; Introduction to IM-FLEG; Experience from Cameroon; Examples of illegalities uncovered by IM-FLEG in Cameroon, Presentation 4: Liberia Forest Overview; Liberia forests history and current status; Case studies of recent illegalities; Review/findings of previous similar training from 2008. Presentation 5 by Mr Amos Kofa: Laws, Regulations and Application*⁷; Overview; Relevant Laws & Regulations; Relevant Institutions & responsibilities. Question & Answer.

The presentations are included as an electronic annex (Annex 5) to this report.

Day II was dedicated entirely to case studies and scenario exercises. Group work followed the following formula: participants were split into 4 groups; each one consisted of a mix of representatives from FDA, CFDC, NGO and other actors. The first exercise involved hypothetical scenarios – as questions were asked, more information was given. In the second session, groups were given 3 scenarios and were asked to prepare a presentation to the rest of the participants. Questions asked were: Would existing systems have prevented and/or detected the illegalities concerned? Would the new systems planned under the VPA (the LVA and IA) have prevented or detected the illegalities concerned? What added value or role could an IM-FLEG have played? What are some considerations for whether an IM-FLEG is needed? What are the considerations for how an IM-FLEG needs to be structured (mandate, scope, hosting etc.)? Definitions of each model were handed out and each group presented their findings/opinions to the rest of the participants. The models presented were essential those presented in section 2.1.2 and in section 2.2. below.

⁷ Despite repeated requests, sadly the presentation from Mr Kofa is not available.

3.2 Review of Ongoing and Pending Forest Law Enforcement and Governance Monitoring Mechanisms in Liberia

3.2.1 The FDA Law Enforcement Division

There are a number of monitoring approaches (see Box 1) but the LED is the government body which has responsibility for forest related law enforcement. It is the function of the LED to detect, (or be informed of) potentially illegal forest exploitation, investigate it and report on its findings. This includes starting criminal cases and registering them with the judicial system. The LED has a small central staff and relies on the support of the forest offices distributed around the country.

The Law Enforcement Division stated frankly that they do not have the capacity to oversee law enforcement. FDA LED appeared almost completely besieged by procedures and lack of access to information, the lack of resources and a lack of authority. They are also viewed largely as a body equivalent to internal affairs and this underpins the distrust within the FDA. Most of the issues identified in the Forests Monitor needs assessment of 2007⁸ have yet to be addressed (see Box 2). The LED does now have a single 4WD vehicle, but none of the digital cameras and only one of the GPS devices provided in 2008 are still in the Division's possession. Some staff still lack basic skills, and management has been weakened since 2008 with the passing of the Division's first head. The LED does not appear to be receiving the necessary support from other parts of the FDA, and its activities are hamstrung by a need to have every action agreed personally by the Managing Director – each purchase of fuel for the vehicle, for instance, has to be signed off. LED staff have difficulties accessing necessary information, and field officers are too fearful of causing problems with other parts of the Authority to do their jobs. If an IM-FLEG were to be introduced prematurely, it is possible that it would be doing the work of the Law Enforcement Division rather than monitoring it. This would have repercussions for an IM-FLEG's perceived impartiality and independence.

Box 1: Forest Governance Monitoring: Definitions

Independent Monitoring of Forest Law Enforcement Governance (IM-FLEG)

is the use of an independent third party that, by agreement with state authorities, provides ongoing assessment of legal compliance, and observation of and guidance on official forest law enforcement systems. It is normally operating continuously, with permanent in-country presence. The VPA does not require an IM-FLEG.

Civil Society spot-checks is an ad hoc series of monitoring activities usually without formal arrangement with government and donors (though VPA agreement does include mechanisms for its information to be fed into the system). They usually have specific rather than systematic focus on all forest illegalities and governance issues.

Legality Verification Authority (LVA) is a department within the FDA which will verify compliance with the legality definition under the VPA. It is like an expanded version of the CoC system, but covering other aspects of legality like EIAs, FMPs, etc. It will be run initially by an independent company, but seconded with FDA staff and be handed over to FDA after 5 years

Independent Auditor (IA) is independent of Liberia's regulatory bodies for the forestry sector, and required to be set up as part of the VPA. It will carry out a minimum of one audit a year, results of which will be published. It will look at whether the LVA is working properly, through field checks, investigations, interviews and the like. It will check how infractions are followed up, and also identify gaps and weaknesses in procedures.

⁸ See: http://www.forestsmoitor.org/en/liberia_forest_management

Box 2: Forests Monitor conducted a review of forest law enforcement capacity in Liberia in late 2007 and held a training workshop in April 2008. FM also provided some equipment to the FDA (GPS, digital cameras, tape measures)

SOME CONCLUSIONS FROM THE REVIEW AND WORKSHOP

1. Enforcement agents are fearful of consequences of enforcing strictly (personal security, job security)
2. Transparency requirements in FDA laws and regulations are unclear and dispersed
3. It is difficult for EPA and FDA field officers to gain access to relevant FDA documents
4. It is not clear how different parts of FDA with enforcement roles are supposed to work together
5. The parallel system of informal chainsaw logging risks undermining the CoC system for formal logging
6. There is insufficient capacity within the FDA to effectively enforce laws governing industrial logging – though there is enthusiasm among officers to learn
7. There are ambiguities in the NFRL law of 2006 which are likely to cause problems in future
8. The NFRL 2006 put communities at a disadvantage with regard to commercial logging

WERE THESE ISSUES ADDRESSED?

- The Community Rights Law and Chainsaw logging regulation passed since the workshop will hopefully address two of the concerns
- It does not appear that the remaining issues identified in 2008 have been addressed
- These ongoing problems are doubly troubling given that industrial logging has now re-started and given the problems that have since been encountered with law enforcement and governance

Source: www.forestsmonitor.org

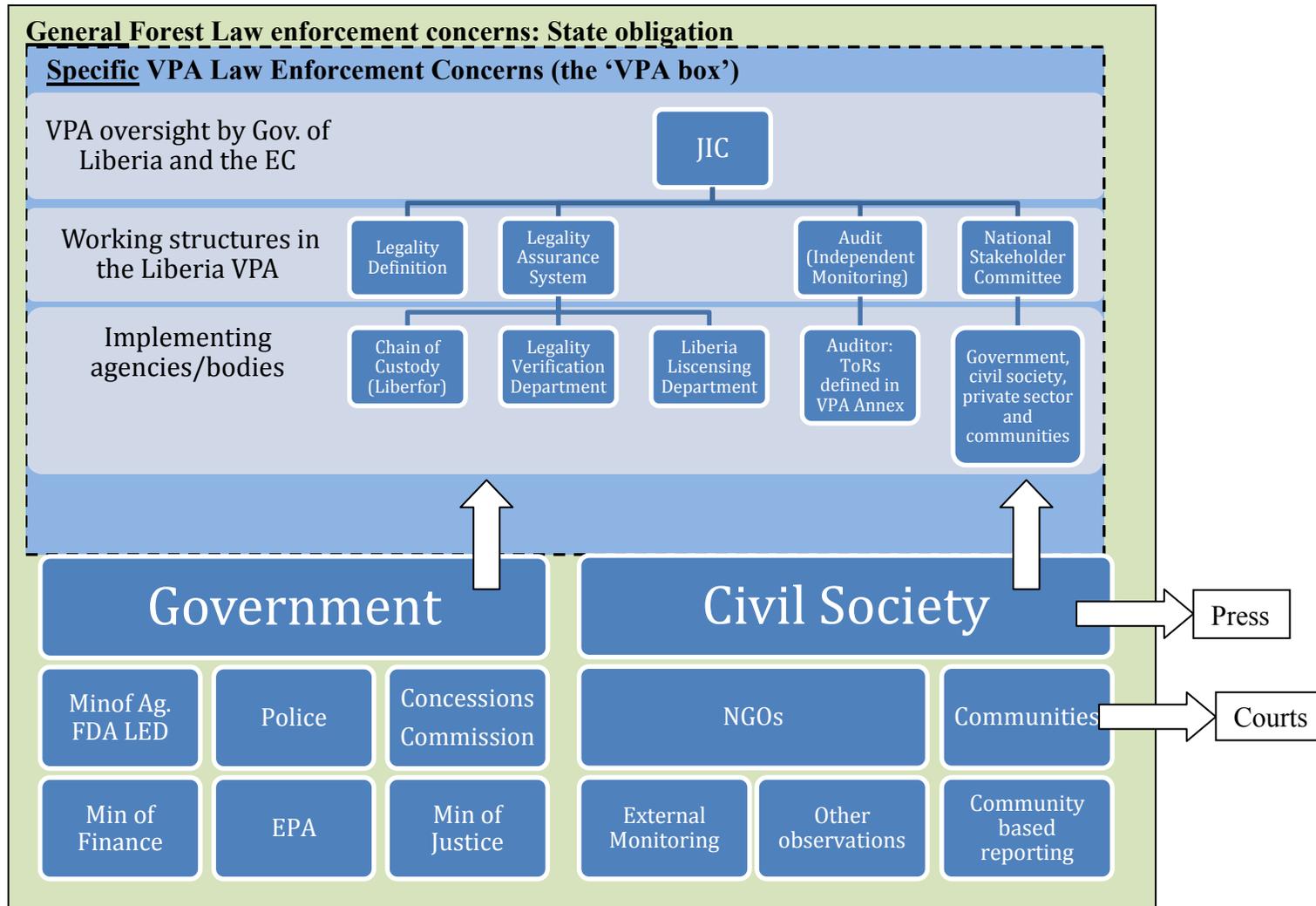
3.2.1.1 Implications of the VPA for the FDA Law Enforcement Division⁹

The objective of the VPA is to provide a legal framework aimed at ensuring that all timber imports into the Union from Liberia covered by this Agreement have been legally produced and, thereby, to promote trade in timber products.¹⁰ If we look at the figure 4 below, we can see that the structures proposed within the VPA are designed with this objective in mind. However these structures exist, or will be created, within the wider context of the government's obligation to enforce the forest related (and all other) laws. I.e. the VPA structures do not exist in a vacuum and consideration should be given to how the LAS components and others will interact with, and possibly replace, other elements outside of the 'VPA box'.

⁹ The VPA available on the website of the EU variously refers to the Law Enforcement Division, Law Enforcement Department and the Law Enforcement Unit, all within the FDA.

¹⁰ FLEGT Voluntary Partnership Agreement between Liberia and the European Union, Article 1

Figure 4 VPA Structures in the context of wider FLEG issues



3.2.1.2 The LED and the LVA

To answer the question of whether or not Liberia could benefit from the presence of an IM-FLEG type project or not, we need to identify the elements of the projects and where these might be covered by other activities or proposals/projects. Major parts of an IM-FLEG project (See section 3.1) *could* be incorporated into the operations of the LVA e.g. providing support and on the job training to law enforcement officials in the field. But the methodology and approach suggested in the language of the VPA implies that this will not be the case. As an overview of what is envisaged, Box 3 (below) presents a project to be implemented by LTS International to support the establishment of institutional structures for LAS implementation.

Box 3: Establishment of institutional structures for LAS implementation

According to the LTS website:

“The assignment aims to contribute to the implementation of the Liberia VPA with a specific focus on the LAS related measures in 2011-2012. The key objectives are, in cooperation with the Liberian stakeholders, to make necessary preparations for establishing and operating two new FDA units called Liberia Verification Department (LVD), that will be responsible for the legality verification functions and the COCS, and Liberia Licensing Department (LLD) that will issue FLEGT licenses to the export consignments; draft procedures and plan data management systems of the LAS; assist in integrating in the LAS all timber products identified in the VPA Annex I and timber sources as identified in the VPA Annex II; and support the relevant regulatory reforms. The expected outputs consist of descriptions of institutional structures of FDA and various elements of the LAS, draft procedures for an operational LAS, terms of references, tender documents, cost estimates, work plans, workshops and administrative progress reports. LTS experts will be working to ensure that there are a solid platform and state of preparedness for practical implementation of the LAS, in particular for an External Service Provider (ESP) that will be contracted on a BOT (Build, Operate and Transfer) basis to run the LVD on behalf of the FDA from 2013 onwards. It is expected that the LLD operations will be set up by (and within) the FDA with support of a technical advisor arranged through the ESP or another body. LTS will provide support for Liberian stakeholders to undertake the following activities:

- Establishment of institutional structures for LAS implementation;
- Legality verification;
- Development of a chain of custody system; and
- FLEGT Licensing

Source: LTS international. <http://ltsi.co.uk/content/view/250/77/>. Viewed on 24/4/2011

The project above is set against the background of the text of the VPA which is itself limiting in the extent to which assistance might be provided to the LED, and other government agencies involved in law enforcement.

Remaining inside the ‘VPA box’ for the time being, if we take the main principle of the LAS to be as stated that:

“all non-compliances detected will be referred to the relevant government agencies and dealt with in the manner described in legislation”¹¹

This implies that **neither the LAS nor its constituent parts will have any actual law enforcement function.**

Box 4 presents sections of the VPA annexes which support this conclusion in their frequent use of the word ‘consult’, which puts some considerable distance between the LVD and the LED, which remains firmly outside of the ‘VPA Box’.

Box 4 : Indicators in the VPA with direct implications for the LED

Indicator 2.6: In consultation with stakeholders and based on its socio-economic survey report, the FDA has prepared an integrated map showing the contract area and adjacent land areas such as other concessions, protected forest areas and private land.

The LVD should verify that these requirements were met checking the validity of the concession map with the FDA Research and Development Department and the Law Enforcement Department.

Indicator 5.3: Contract or permit holder or timber processor has disposed of equipment, fuel, wood refuse and related waste arising from its operations in a lawful and environmentally appropriate manner

The LVD must consult with, and verify with the FDA Commercial Department and Law Enforcement Division. In addition the EPA Monitoring Department as well as the EPA Outstation & Inspectorate Department must be consulted.

Indicator 5.4 Contract holder has maintained a buffer between its harvesting operations and water courses, and has specifically not felled trees that could threaten the flow or stability of the water course(s)

The LVD must consult, and verify with the FDA Commercial Department and Law Enforcement Unit. In addition the EPA Monitoring Department as well as the Outstation & Inspectorate Department must be consulted.

Indicator 5.5 The Contract or permit holder has in place procedures (i) to ensure compliance with rules regarding wildlife conservation, and (ii) to avoid harvest or trade in endangered or threatened plants and animals species.

The LVD must consult, and verify with the FDA Commercial Department and Law Enforcement Division. In addition the EPA Monitoring Department as well as the EPA Outstation & Inspectorate Department must be consulted.

Indicator 8.6 The contract/permit holder or timber processor has observed legal requirements concerning housing and sanitation as well as operational hygiene and general workers safety pursuant to the code of harvesting practices and guidelines issued by the FDA

The LVD must verify that workers health, sanitation and shelter are properly addressed by the contract holder. This is to be done through consultation with the FDA and a review of the Compliance Audit Reports by the FDA Law Enforcement Unit.

¹¹ FLEGT Voluntary Partnership Agreement Between Liberia and the European Union. Briefing Note, May 2011. Para 15.

It is not clear from the documents available at this stage if the LVD will be doing any of its own field investigations, be they pro-active investigations looking for illegalities or more systems based spot checks more akin to a certification procedure.

If the conclusion is that the LVD will not be supporting law enforcement directly, even if only within the remit of the VPA, the task would seem to remain with the FDA Law Enforcement Division. Whether they are capable of fulfilling the role follows directly from that. The FLEGT briefing note of May 2011 referenced above, however, recognises that:

“A recent review of the capacity of government services, private sector operators and civil society to fulfill their regulatory and law enforcement functions points to a large gap between intended function and actual capacity.”

Furthermore:

“For the effective operation of the LAS core regulatory capacity must be build [sic] alongside upgrading systems to meet the requirements of international markets for legality assurance.”

Implying that building the capacity for national law enforcement should be a parallel activity to the implementation of the LAS. If this is not the case, **the LED will not be able to respond to data transferred to it by the LAS or be able to respond to information requests made to it.**

Figure 4 above also makes the point that the LED also has wider law enforcement obligations than just responding to possible infractions reported under the VPA. Furthermore, the capacity problem it is facing could be compounded if the already funded civil society monitoring project begins in earnest and produces significant, well documented cases of illegality, increasing demand for its services.

3.2.1.3 Possible Alternative arrangements for Forest Law Enforcement

A) Outsourcing Law enforcement

The Build, Operate, Transfer (BOT) approach being adopted for other components of the LAS, would not seem appropriate for the wider function of forest law enforcement obligations as the institutions are too numerous, complex and already in existence for the model to be applicable.

What might be considered however is breaking down the responsibility for undertaking different types of investigations and looking at the possibility of applying the BOT model to specific actions such as field investigation of alleged crimes and reporting them to other appropriate bodies. This similar to the functioning of an Independent Monitor, with the significant difference that the function of law enforcement remains with the state. I.e. the Monitor’s staff do not have the status or possibility to establish a statement of infraction or other legal document which might start a court case or any legal procedure against a defendant.

In the case of investigations and general law enforcement duties, there is great reluctance from police forces and governments in general to outsource the core functions of policing. One reason given is that any private company is obliged to and will automatically seek to maximise profit rather than to provide the service of protecting the public. Incentive measures may be devised to motivate the contractor, but there will still be a skewed interpretation of the incentive measures to undertake the activities which deliver greatest

returns under the contract rather than general investigations and enforcement actions for the public good. An example would be to target illegal logging by large companies where large fines could be anticipated rather than investigating small scale logging by chainsaw operators who are unlikely to be unable to pay any fines imposed.

What is more common is outsourcing support services to law enforcement agencies, such as data management, document processing, providing communications infrastructure, vehicle and other asset management services. This type of outsourcing could be something to consider in the Liberia context for forest Law enforcement, to provide a supportive shell for government employed, sworn agents to work within. This could include close management support by placing technical consultants with the agency concerned, should the government wish to hand over the management of such a unit. This would have the advantage of building on the existing structures and personnel already in place and avoid reinventing the wheel. Especially bearing in mind other projects that are interlaced with existing FDA structures.

This approach of providing support inside the FDA would constitute an increased degree of external involvement in the enforcement process compared with Independent Monitoring which aims to improve the quality of work undertaken by existing structures through monitoring and reporting.

B) Removing Forest Law Enforcement from the FDA

The above questions notwithstanding, there is a need to consider the current situation of the LED within the FDA. Given the FDA's other functions such as the allocation of permits etc, is the FDA the most appropriate institutional setting for forest law enforcement? The current arrangements are evidently creating conflict between Departments/Divisions within the FDA.

It has been clearly stated by individuals with the FDA that the LED is dysfunctional and is in a large part seen as an internal investigations division, requesting information and possibly producing reports concerning the bad practice within other departments. Clearly if there is an internal struggle for transparency and governance, the MD will be placed in a difficult position where there is open conflict between his staff. Based on past experience and observation it is clearly not the most effective working model, the LED frequently losing out to other more powerful departments (e.g. the commercial department) over access to resources and information.

It is not within this reports domain to identify if and how an institutional review of the LED would be undertaken. What is clear however is that IM-FLEG is an approach to improving governance and the functioning of the partner organization. If this organization is considered not fit for purpose, then implementing an IM-FLEG type project makes little sense.

This question is presented here as the consultations carried out during and after the field mission repeatedly identified the LED as having structural problems. **An alternative arrangement identified was placing responsibility for Forest law Enforcement with the EPA.** Considering a range of factors, including the EPAs current mandate and modus operandi, links with police and even presence in the VPA, **this proposal makes a great deal of sense from REM's perspective.**

3.2.1.4 Building Capacity for on the ground law enforcement

Looking at the functions of the LVD and other components of the LAS, together with the language of the VPA and annexes, it is clear that the proposed system will place considerable demands on the LED without explicitly increasing its capacity to respond to these demands. The May briefing note says that the LVD “will ensure that all legal requirements are fully complied with by contract holders prior to issuance of a FLEGT license.”¹²

It is encouraging to see that in Annex VII of the VPA, one of the milestones identified is : “Law enforcement capacity strengthened”, though this is not anticipated before 2013-2015. We hope that the needs assessments already carried out by EFI¹³ and others¹⁴ will shed additional light on the exact needs of the LED.

Looking further into the VPA however, it is not clear where the additional *on the ground* capacity may be created. In Annex 8, concerning supporting measures to the VPA, there is no mention of support for **on the ground law enforcement**. Neither:

- Section 3: Capacity building. (a) technical training for government agencies, in particular the FDA, the Environmental Protection Agency and Customs; et (f) increased capacity with the aid of technology, including provision of adequate equipment, software and communication equipment.
- Section 6: Strengthening Law Enforcement and The Regulatory Framework. The detail within this section deals only with the framework, despite the title.
- or Section 7: Monitoring the Domestic Timber Market. The detail refers again only to systems, in the absence of capacity to monitor/enforce them.

make any explicit reference to, or promote in any way, direct support to the LED or local field agents.

If no alternative institutional arrangement for forest law enforcement is proposed, it is strongly recommended that careful consideration be given to the capacity building of the LED. Especially as the department itself currently has a very low profile within the FDA and a very low level of resources to call upon for preparing proposals and collaborating with other external actors.

With this in mind, Sections 3(a) and 3(f) seem to be the only places within the VPA framework that the LED could call upon for support. **Before designing this support program, however, REM recommends that the institutional setting for the LED be reviewed.** It is recommended that any review address the following questions:

- 1) Is the LED fit for purpose?
- 2) Whether or not it can be made operational given the constraints placed upon it by its current institutional setting.
- 3) If the function of forest law enforcement were to be relocated outside of the FDA, where should it be located.

Based on discussions with a number of actors after the field work was undertaken, it is recommended that the LED and its function be transferred to the Environmental Protection Agency.

¹² FLEGT Voluntary Partnership Agreement Between Liberia and the European Union. Briefing Note, May 2011. Para 25.

¹³ Aide Memoire of the 5th Negotiation session between the Republic of Liberia and the EU. March 15-17th, 2011, para's 23 and 25

¹⁴ Aide Memoire of the 5th Negotiation session between the Republic of Liberia and the EU. March 15-17th, 2011. Para 24

3.2.2 Civil Society Monitoring (external monitoring)

Civil Society spot-checks is an ad hoc series of monitoring activities usually without formal arrangement with government and donors, though the VPA does include mechanisms for information resulting from such monitoring to be fed into the VPA system. A proposal for this type of monitoring has been submitted funded and the NGO SDI will lead on its implementation. REM calls this external monitoring, with engagement with the government coming through the media, publication of reports and meetings where the government is willing to engage on the issues raised.

This approach has been developed in Liberia and is now being implemented by the NGO SDI with funding from the European Commission. The main activities are:

- 1) Technical workshops for training local groups in monitoring techniques as well as providing a platform for discussion of forest governance issues.
- 2) Recruitment of the monitoring team.
- 3) Designing a monitoring framework in consultation with 'NGO coalition members'.
- 4) Subsequent training and field investigations on an ongoing basis.
- 5) Monitoring of Governance (including the Legality Assurance System, implementation of the VPA etc.) and of Law Enforcement.

The activities proposed in the project are very close to those that might be undertaken by a independent monitoring project implemented by REM with the significant difference being that this is what REM calls **external monitoring**. i.e. where there is no formal collaboration with the government or government agents in the field. In fact activity 3 in the proposal is explicit in that designing the monitoring framework is targeted exclusively at NGOs.

The above project was only brought to REM's attention late in the current study's development and after the field mission. The current report will therefore focus more specifically on the added value that might be brought by an independent monitor that operates in close collaboration with the government, over and above what is already envisaged in this civil society monitoring project.

3.2.2.1 Legality Verification Authority

The LVA will be the Legality Verification Department within the FDA which will verify compliance with the legality definition under the VPA. It is like an expanded version of the Chain of Custody (CoC) system, but covering other aspects of legality like EIAs, FMPs, etc. It will be run initially by an independent company, LTS International, but with seconded FDA staff and after a further 5 year tendered period - as yet unallocated - be handed over to FDA.

According to the LTS International website an announcement was made on the 5 January 2012 saying that LTS has been contracted by the European Forest Institute's (EFI) EU FLEGT Facility to contribute to the implementation of the Voluntary Partnership Agreement (VPA) in Liberia with a specific focus on the Legality Assurance Systems (LAS) related measures in 2012-2013. The key objectives are, in cooperation with the Liberian stakeholders, to make necessary preparations for establishing and operating two new Forestry Development Authority (FDA) units called Liberia Verification Department (LVD), that will be responsible for the legality verification functions and the COCS, and Liberia Licensing Department

(LLD) that will issue FLEGT licenses to the export consignments; draft procedures and plan data management systems of the LAS; assist in integrating in the LAS all timber products identified in the VPA Annex I and timber sources as identified in the VPA Annex II; and support the relevant regulatory reforms.

What is not clear from the information available is what the links and or possible overlaps between the two new institutions (LVD and LLD) and the existing LED are planned to be.

3.2.2.2 Independent Auditor plus an IM-FLEG?

The Independent Auditor is independent of Liberia's regulatory bodies for the forestry sector, and required to be set up as part of the VPA and the TOR for the Independent Auditor are included as an annex of the VPA. It will carry out a minimum of one audit a year, the results of which will be published. It will look at whether the LVA is working properly, through field checks, investigations, interviews and the like. It will check how infractions are followed up, and also identify gaps and weaknesses in procedures.

The introduction above sounds positive as a start but the potential overlap between the VPA IA and an IM-FLEG immediately raises the question of breadth of the auditor's mandate. IM-FLEG typically has a broad mandate as described above (see section 3.1) whereas the Auditor's mandate is restricted in a number of ways.

The first of these is in the information it may (or may not) have access to.

Through the VPA it is stated that information on law enforcement will be provided **only on concession areas**. As per Annex IX of the VPA:

- “1.6. Information on law enforcement **in concession areas** [emphasis added]
- (a) Penalties imposed and the list of those who actually paid and those who did not pay or complied;
 - (b) Annual volume of timber products sold at public auction and the monetary value of the sales.”

Which is almost repeated in:

- “2.5. Information on law enforcement **in concession areas** [emphasis added]
- (a) Charges of violations, arrests, settlements and convictions associated with the operations under the forest resources license as recorded by the FDA;
 - (b) Forest resources license fee invoices and payment information.”

While recognising that the VPA and annexes are a negotiated documents, it should be clearly understood that by adding the phrase, ‘*in concession areas*’, there is no commitment to publishing data on what happens vis a vis logging *outside* of those currently few and relatively small areas. Where small scale illegal logging is a major threat to forests and communities, and while generating what may be considerable cash incomes for those engaged, there is to be no anticipated transparency gains while this phrase remains unchallenged. This could include information on companies owning and operating concessions but logging illegally outside of those concessions.

The wording seems ambiguous, requiring clarification or acceptance that there will be only very limited information about the sector resulting from the VPA. If this is all that is required and all that is reported on under the VPA it should be relatively easy to keep a clean sheet.

I.e. public reports will focus on a small island of legally managed forest, while remaining silent on the issues to be addressed nationally.

In paragraph 6.1 (b) of Annex V (Functions of the Independent Audit: Terms of Reference) and elsewhere the identity of the government institutions responsible for law enforcement are only vaguely identified. We can assume that the structure concerned is the LED. In which case the auditor should anticipate the LED stating that it is not possible for it to do its job as it is not supplied with the information required by other departments within the FDA (and possibly elsewhere).

In the VPA the IA can be seen as the guardian of the systems credibility, as stated in the VPA, Section 2, Objective (b) “improve the credibility of the LAS established under the VPA”.

But to maintain this credibility will require the Auditor to engage in an evaluation of the wider setting of the LAS, i.e. law enforcement outside of the ‘VPA box’. This is especially the case if widespread illegality is being reported by civil society when the LAS is reporting that there are no problems within the monitored concession areas.

Meeting this object provides an excellent avenue to demonstrate this commitment, especially when tied with the auditors mandate under Section 3, which includes the tasks to:

- “(f) assess how reported infractions are addressed or not addressed by the relevant authorities;
- (g) evaluate the effectiveness of any measures taken to correct those weaknesses;”

The mandate to look at issues outside of the LAS seems strong; particularly if we follow the logic of previously listed tasks which focus the auditor on examination of the same issues *inside* the LAS.

Our reading of actions (f) and (g) may be over optimistic however as this logic does not seem to be supported by section 4 of the TOR which focuses exclusively on the LAS. Section 4 leaves little room for investigation or comment on the general state of forest law enforcement. The focus of the audit remains exclusively on the LAS for the remainder of the TORs.

It is our reading however that an opening for broadening the mandate of the Auditor remains if it is concluded that the meaning of the actions “f” and “g” give the auditor the possibility to look at law enforcement nationally. REM recommends that this question be considered in the discussions of the manual of procedures to be prepared under section 4.

The reply to this question of mandate is important in respect to determining if there is a need for an Independent Monitor in Liberia or not. If the auditor can look at the wider issues of law enforcement (outside of the LAS) and report on them then this will serve to fulfil a considerable part of an IM-FLEG mandate, provided it is also given the means to undertake a sufficient amount of investigations to ensure thorough detection of illegalities vs those reported by the government. An IM-FLEG will therefore likely not be required, though a review of the audit based approach is recommended after some years of operation.

3.3 Restitution Workshop: Opinions and feedback

Initially, it was envisioned that the Restitution Workshop would be split in two parts over the course of one day. The first part was set to be a presentation by the team to stakeholders of main findings and conclusions drawn from consultations held over the course of the mission. It was also expected that this part of the Restitution Workshop would include facilitated discussion to draw out opinions and feedback from stakeholders in order to establish a roadmap for IM-FLEG in Liberia. The second part of the day was going to be devoted to a more closed-session workshop whereby participants from key government ministries would engage in fine-tuning details around the IM-FLEG set-up in Liberia. However, due to the fact that there were only 16 participants at the Restitution Workshop, and that beyond one participant from the LNP, there were no government agencies outside the FDA present, this was not possible to the extent desired.

Instead, the team proceeded with planned presentation and discussion as envisioned for the first half of the day and compensated for the planned activities by continuing one-on-one consultations with key government agencies outside of the workshop format.

At the end of the half day of discussions, the group addressed the advantages and disadvantages of the different monitoring functions which are planned or proposed for Liberia's forest sector. The results of the discussion are included in Table 2 below.

Table 1: Advantages and disadvantages of different planned or proposed FLEG monitoring functions

	Advantages	Disadvantages
LVA	<ul style="list-style-type: none"> • Already agreed by government under VPA • Independently run for five years • Link to EU markets provides stick • Funding already committed 	<ul style="list-style-type: none"> • Closely linked to FDA • Will cease to be independent after 5 years • Focus is on verifying legality, not searching for and detecting illegality
Independent Audit	<ul style="list-style-type: none"> • Already agreed by government under VPA • Funding already committed • Fully independent 	<ul style="list-style-type: none"> • Only annual audits required – not continuous • No capacity building function • Largely a 'systems check' – not specifically searching for illegalities
Civil Society monitoring	<ul style="list-style-type: none"> • Complete freedom of action • Fully independent • Flexible • VPA provides route for information flow 	<ul style="list-style-type: none"> • No capacity building for FDA law enforcement officials • No formal mandate or formal relation with government agencies • No access to official information • Non-systematic focus on all types of illegalities and loggers
IM-FLEG	<ul style="list-style-type: none"> • Potentially broad scope and systematic focus on all types of illegalities and loggers • Focus on law enforcement • Continuous presence in country • Independent • Capacity-building function 	<ul style="list-style-type: none"> • Not yet agreed to by government • Funding not yet secured • No explicit markets link to provide leverage

Unfortunately, even in separate one-on-one meetings the team was not able to meet all necessary ministry officials in a way that would ensure cross-fertilization of ideas as had been envisioned for the Restitution Workshop. However, given the small number of participants during the Restitution Workshop, more time was made available for participants to again work in groups and to present and discuss their findings specifically on the makeup of an IM.

The consultations informed us that Liberia's forests sector has undergone substantial reform over recent years and while there has been recognition among most consulted stakeholder groups for the laws and regulations introduced, it has also been clear that, based on events in the sector, there is little faith in their implementation. Several stakeholders expressed that while much is still needed, a window of opportunity exists now to set holistic monitoring mechanisms in place to ensure that they are operational by the time activities increase. Also, there currently exists a local civil society base with good knowledge and capacity in forest-sector issues as well as a growing involvement amongst Community Forest Development Committees (CFDCs). These should however be supported and strengthened (see below).

Furthermore, almost all consulted stakeholders agreed by the end of the mission that an IM-FLEG would add value in the Liberian context.¹⁵ Though it is possible that some positive responses to the IM-FLEG were ill-informed in that they failed to fully take account of the new institutions planned under the VPA, the team went to some lengths to explain the planned LVA and IA functions, and during the workshop discussions of the advantages and disadvantages of various monitoring entities it became clear that there were some things which an IM-FLEG could add which neither an LVA, IA nor civil society monitoring could achieve. The key constraints of each of these other entities are that the **LVA would be focused on verifying legality, not exposing illegality, and would cease to be independent after 5 years**; the IA is only likely to visit once a year and also does not have a specific mandate to seek out evidence of illegalities; and civil society monitoring is hampered by a lack of a formalised mandate. None of the other entities would provide the capacity building and systems analysis for law enforcement that an IM could.

The consensus amongst otherwise often diverging interests of the consulted stakeholders suggests an opportunity to successfully introduce an IM-FLEG whereby stakeholders are both well briefed on the role of an IM-FLEG and agree on its roles.

Six constraints to an IM-FLEG in Liberia are also the main justification for an IM-FLEG programme. However, many are significant and warrant careful consideration and would, during further exploration of the introduction of an IM-FLEG, benefit from proper address.

1. **Imbalance between the 3 Cs:** Central to this is the imbalance between the 3 Cs (Conservation, Commercial, and Community). The emphasis is much larger on the commercial aspects of forestry to the detriment of Community and Conservation issues.
2. **Distrust within and between stakeholders, which could hamper progress for an IM-FLEG.** This was present during the workshop days primarily by way of disagreements and arguments between stakeholders. During one-on-one meetings with stakeholders it was clear also that this distrust goes beyond simply industry/CSO tensions. One example of this is the distrust that exists within the FDA in particular

¹⁵ SGS was the only consulted stakeholder that believed that an IM-FLEG would be 'overkill'.

between the Law Enforcement Division and the Commercial Division. This, together with other issues such as capacity and logistics, has in the past hampered the FDA LED from being able to fully realize their mandate.

3. **Understanding of an IM-FLEG was initially very weak.** Confusion amongst stakeholder groups during the workshop days and also during consultation meetings was high. The confusions stems from mix-up with other forms of existing and planned monitoring, including independent ad-hoc monitoring by civil society groups, the current role of the SGS, the planned roles of the VPA Independent Auditor and the VPA Legality Verification Authority. Confusion amongst stakeholder groups was addressed, though some challenges may still remain with those not present at the workshop/consultation sessions. In particular, there was continued lack of clarity among stakeholders about the planned structure and function of the LVA and IA to be established under the FLEGT VPA; it was difficult for participants to have an informed view on the potential added value of an IM-FLEG in future without first being clear on the structure and function of the LVA and IA.
4. **Lack of FDA law enforcement capacity and authority should be strengthened prior to the introduction of an IM-FLEG.** Either the LED requires radical reform inside of the FDA or the responsibility for Forest Law Enforcement needs to be relocated (See section 3.2.1.3).
5. **Lack of transparency and access to information:** Through either lack of will or ability, there is little or no transparency in regards to information access. While SGS in Liberia has provided a regular stream of information by way of weekly emails to those interested in findings, this appears to be the only regular information flow. A prime example of this is that concession maps and concession agreements are not readily available to either community representatives, civil society organizations nor to the FDA Law Enforcement Division. With a mandate from a sufficiently high level, an IM could achieve progress in improving transparency.
6. **There is poor understanding of laws and regulations** across stakeholder groups, and while this was largely abated over the course of the mission, it was only done so with participants. It should be expected that confusion regarding an IM-FLEG as well as understandings of laws and regulations are widespread.

3.4 IM-FLEG Roadmap

Some major questions that fall outside of the scope of this study will need to be answered before a conclusive reply can be made about the need for an IM FLEG project in Liberia. The major questions are:

- 1) Should the IA look at and report on law enforcement generally outside of the concession areas?

This question could be addressed when concluding the procedures for the VPA IA. If the answer is yes and the IA is given a broad mandate then many of the roles of the IM could be covered, though perhaps less in-depth given the lesser presence on the field and timing of intervention envisaged for the IA. This is especially the case if a parallel capacity building program is put in place for the staff that will eventually take control of forest law enforcement (see question 2. below).

2) Should law enforcement remain within the FDA?

The answer to this question and the possible resulting rearrangement of responsibilities will provide the IM with a government partner, should an IM be required (See question 1 above).

Once these questions have been resolved, the problems of providing a functional partner for an IM-FLEG to work with will have been resolved and the need (vis a vis role of the IA) have been clarified. If it is concluded that an IM-FLEG is required, then the following discussion remains relevant.

The first steps in moving towards the installation of an IM-FLEG type project may be:

Milestone 1: Decision in principle by the Government to implement an IM-FLEG Type project and identify potential funders

Government and potential funding agencies to discuss the current report and other relevant input with a view to taking a definitive decision on the need for and will to implement an IM-FLEG type project in principal. This is however essentially a political process which has to be led by either party (Government or Donor(s)). After the initial consideration of this report and other input, there will have to be a process of discussion and coordination between the concerned government partners and potential project funders.

Feeding into this decision process should be considerations by the different parties:

The Government: does the government have the will at a sufficiently high level in to tackle corruption and bad private sector practice in a potentially important but still emerging sector? Remembering that the function of law enforcement rests with the state, different ministries may be implicated in the effective implementation of the project activities.

The level of internal coordination between Government departments/hierarchy at this stage is not known to REM: The FDA LED may need to coordinate with the Ministry of Agriculture FLEG, Section 3.2.1.3). The FDA may be the starting point for the negotiations and the taking of decision in principle to pursue the matter further. Higher level coordination may follow this decision and this should be a follow up action as below.

The Donor Community: Is the donor community willing and prepared to support project implementation through direct engagement in some project processes, including meetings and also to support parallel programs that may be needed, including government capacity building outside of existing programs, specifically targeted at law enforcement and which may include engagement with other ministries, such as the Ministry of Justice?

In identifying a funder for the project, consideration should be given to the nature of the implementing organisation. If for example the project is to be led by national Liberian CSOs then the contracting process and reporting procedures should be manageable by them. The budget available will determine the level of international support that can be provided to increase project management capacity as well as realising project activities where capacity is lacking locally. That this project is lead by Liberian institutions is a recommendation of this study and REM supports that position. International support may be required to get the ball rolling however.

Milestone 2: Further work to address capacity and structural constraints within the FDA Law Enforcement Division

As mentioned above, for IM-FLEG to be able to function and add value in the manner it should, actions first need to be taken to strengthen the FDA's Law Enforcement Division. It is outside the scope of this project to make a detailed assessment of the Division's problems or to suggest possible solutions, but many of the lessons from the Forests Monitor needs assessment of 2007 continue to exist. A first step would be to update that needs assessment and produce proposals for rapidly addressing the constraints which are identified. It should not be necessary for all of the constraints to have been successfully addressed before the process of implementing a Monitor is further progressed, but there should at least be a proper understanding of the constraints, and some clear solutions agreed which have political and donor support. Another option is that a rapid assessment be done to determine what options exist to strengthen the FDA LED and whether or not the LED would be best hosted outside the FDA. Implementation of the solutions can run in parallel to the establishment of the monitor.

Milestone 3: Definition of terms of reference and institutional setting

- 1) Agree a clear terms of reference for the Monitor, delimiting the scope of its operations, which laws will form the Monitor's point of reference and what type of infractions or crimes it will investigate and report on. A number of these issues were investigated during this mission and a draft terms of reference presented in Annex 4 may serve as a basis for any further discussion or negotiation. We recommend that CSOs participate in the negotiation of the ToRs together with relevant government departments, including the MoF, MoA, EPA, MIA, MoJ and others.

As mentioned in Annex 4, the institutional home of the Monitor within the government will need to be identified. This will inform which part of government signs the MOU between the implementing organisation and the government.

Milestone 4: Engagement of the recruitment process according to funding agency rules.

Once this process of the IM's mandate has been concluded and subsequent commitments have been made by identified donors, the contracting procedure can be engaged.

This could be through an open or restricted call for tender, approval of a project through a general funding round for forest/governance related programs or a direct negotiation with potential implementing organisations. Something that should be borne in mind here is the limited number of potential Liberian CSOs that have the capacity and determination to implement the project. The contracting process should not de facto exclude them from participating. The total budget available should also not preclude international and specialist¹⁶ assistance to these CSOs should that be required.

What will need to be considered is the proposed start date of any project and the timeframe for the delivery of funds and the relation of this to other ongoing activities.

¹⁶ FLAG, a new African organisation constituted of IM-FLEG experts who have implemented REM projects for the past 10 years, is currently being formed, with a planned mandate to support national development and implementation of IM-FLEG projects in Africa. Contact mail@rem.org.uk for more information.

4 Contribution to national FLEGT objectives

The project has contributed toward raising awareness and understanding of the various forms of monitoring, both within the IM-FLEG framework but also relates to monitoring mechanisms as prescribed for under the EU-Liberia Voluntary Partnership Agreement (VPA)

With the further discussion between the Government and donors around the draft terms of reference within the process of the proposed roadmap, greater clarity around the functioning of the different elements of the overall FLEGT program in Liberia should be achieved.

Stakeholders consulted were: the Forestry Development Authority (FDA), other government agencies and government ministries, Non-Governmental Organizations, and forest community representatives.

5 Description of lessons learned

The forests sector in Liberia, although having undergone significant reform, is still burdened by issues of illegality and poor governance. There is great hope that the VPA will help allay these issues by strengthening existing national laws and regulations, yet donor coordination to increase capacity for implementation of laws is direly needed.

Coordination with the local partner, the FDA Law Enforcement Division was constrained due primarily to lack of capacity. For example, while approved by the FDA prior to finalization, all workshop preparation was done by REM as were consultation notes. Logistics, such as venue hire, catering was organized by the FDA. Invitations, outlined as responsibilities of the FDA, were not followed up by the FDA LED. This point goes to underline the need for capacity reinforcement as the statutory functions of law enforcement remain the responsibility of the LED and there is a significant program surrounding the issues it has to address but actual capacity within the department has not increased. Discussions with LED officials also revealed broader structural, resource and capacity constraints.

Concerning the project structure itself, more time in planning the mission would have been beneficial. Although this may not have changed the conflicting schedules of participants as regards other resources-related workshops, it may have allowed more time for coordination for the FDA LED.

Despite previous work in Liberia by a number of international organizations, the concept of an IM-FLEG was relatively new for many stakeholders and uncertainty around its role may have contributed to the poor turn out by industry representatives. The mission has helped increase knowledge of this, though more introduction pre-mission to the various stakeholders may have allayed mistrust and increased participation.

The project also exposed some interesting issues about how IM-FLEG might work alongside the new structures being established in many countries under EU FLEGT VPA agreements. In the past, IM-FLEG has normally operated in a different environment, and in all countries where it is currently implemented, IM-FLEG is being adapted to run alongside VPA-mandated functions and add value while ensuring no duplication of function. The lessons learned here in this regard may be of some value in other countries currently in the process of implementing VPAs.

6 Visibility actions

Given the short duration of the project and the single nature of the project outputs, visibility actions were not a major part of the program of work. Throughout the in country work, during workshops and presentations the source of funds and links with EC work programs was made clear to participants.

When the final report for the project is approved, it will be uploaded to the REM website bearing the required logos and credits. An email notification of the reports availability will be sent to REM's network of contacts notifying them of the availability of the report and the main conclusions.

Given the technical nature of the report, no press coverage of the issues addressed is anticipated.

7 Actions not completed and reason for non-completion.

While understanding of the approach and the concept of independent monitoring was built across a range of actors, it was not possible to build a consensus of the need or design of any future independent monitoring projects. Some of the partners (notably the private sector) objected outright to any form of monitoring, objecting that it was difficult for them to follow rules which were not at all clear. This was anticipated and collaboration with the Private sector is usually built gradually through the implementation itself of IM-FLEG programs¹⁷.

More progress was made with representatives of different government departments who were initially afraid of stigmatisation of the government. Once the approach was explained more clearly however there was a willingness to move forwards.

Attendance of the workshops was lower than expected (see Annex 3: Workshop Participants List, page 36). Of an expected 30 participants there were never more than 23 and during the restitution workshop, there were only 16 participants. Only one industry representative and only two representatives from government agencies were present outside the FDA. One was from the Liberian National Police (LNP) and one from the Ministry of Finance Large Tax Division. FDA, NGO, and CFDCs were well represented.

Reasons given for the poor turnout included: 1) conflicting forests-related workshops held on same days, 2) no invitation follow-up, 3) venue location. The latter was only presented by one representative as a problem. Those present were largely interested and engaged and the team was able in part to make up for the poor attendance by holding numerous consultation sessions from the 8th to the 12th of September (See Annex).

The order in which the work was completed left a logic problem in that the roadmap could only be constructed after further consultation with some partners after the mission. The Roadmap was therefore not subject to review in-country.

¹⁷ In DRC, strong concerns were initially raised over potential duplication of work between IM-FLEG and SGS work by Government and Private Sector. Meetings were organised during project implementation and both actions now undertake complementary work which have strengthened both the IM-FLEG and SGS previewed outputs.

8 Conclusions

The introduction of an IM-FLEG at this juncture, when law enforcement systems currently do not exist could prove a significant constraint to the effective functioning of an IM and limit its value added. An IM could however help to put these systems in place depending on the details of the mandate and project structure¹⁸. To function however, an IM-FLEG needs a viable partner with whom to work. It is REM's view that the FDA LED is dysfunctional and that the responsibility for forest law enforcement and the human and financial resources dedicated to it be transferred to the EPA.

Many local civil society organizations and participants largely agreed and were supportive of an IM-FLEG being introduced to Liberia as soon as possible. The workshops and consultation sessions supported training on IM-FLEG and led to broad stakeholder agreement on its potential to add value in Liberia. As outlined above and in annexes below, a long-term vision for an IM-FLEG was also identified. The approach supported would be that if implemented, the approach should be gradually transferred to a local actor (NGO, CSO).

One of the major questions raised was whether or not an IM-FLEG would incorporate monitoring of non-logging forests related activity, with close consultation with all stakeholder groups.

Several initiatives are under way both through the VPA including the development of an Independent Auditor approach the potential for overlap of roles should be looked at carefully by first defining the rules for the IA. A broad interpretation of the role of the IA could reduce the need for an IM. In either case, an institutional review of the FDA LED needs to be undertaken to identify the main working partner for each and then what additional support needs to be provided to make law enforcement functional. It should be remembered that An independent auditor's report which looks **only at concession areas** and reports that there are no or few legality problems, published against a backdrop of civil society press releases about a burgeoning parallel market in illegal timber, will undermine credibility of the VPA process.

If an IM is required, the draft TOR (see annex 4) could be used as a basis for the negotiations/discussions with the relevant parties. It is suggested that an organization or individual with experience in independent monitoring be included in the negotiations to provide as a technical support given the complex nature of the model proposed and the diverse range of issues to be addressed.

Finally, in considering the recommendations below, it is suggested that the reader keeps in mind the question, 'who is going to write the statement of infraction?' When the monitoring mechanisms start to produce information, it is all destined to end up on the desk of the LED, which has no capacity to process it, investigate in the field, write their own legal report and submit it to the judicial procedure.

¹⁸ In the Republic of Congo and Democratic Republic of Congo, REM as IM-FLEG wrote draft law enforcement procedures manual and other technical tools in direct support of weak enforcement agencies

9 Recommendations

A number of the recommendations below are interdependent, they should be considered together as part of a process.

1. The Government of Liberia should undertake the relevant evaluations according to their own procedures to see if they agree or not with REM's conclusions that the FDA, and specifically the LED, is not fit for purpose.
2. Once the above has been concluded, a capacity building programme should be devised to support the organisation responsible for the task. An independent observer could take on some role within that programme, helping to establish working mechanisms and best practice. Additional capacity building should be considered outside of any IM-FLEG project.
3. Rapid progress should be made on the clarification of the mandate of the IA, in order to determine if the role will be wide ranging or limited to the infractions detected only in concession areas. This decision will reflect upon the credibility of the VPA licensing system overall.
4. If, after resolving the questions above, it is decided that an IM-FLEG type project is required, the government and the donors move quickly to discussing the mechanics of funding and putting in place a project. This includes identifying the funding mechanism (and with it the funding rules – call for tender etc) and refining the eventual ToR under which any project will operate.
5. A capacity building program for forest law enforcement be constructed, including Foresters (FDA or EPA), police, selected judges and other officials.

10 Annexes

Annex 1: Mission Schedule

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday
						4
						-Arrival-
5	6	7	8	9	10	11
10am-12: FDA (MD, LED, Comm Div., Cons Div., Conc., Div) 2pm Mr Dominic Sam (FAO rep) & James Murombedzi (UNDP) 3pm Mr Amos Kofa (VPA office)	Workshop Day I	Workshop Day II	9am NGO Coalition James Grear (HUCI) Kingsley, Desmond Graybo (Eradro), Roland, Andrew Tokpa (SAMFU) 1pm Jomaxim Jolo, Large Tax Division, Min. Finance. 2pm Kula Jackson (NGO Coalition) 3pm Steve Joe (CFDC) 5pm FDA field officer.	11am Ivan Miur (SGS) 12 Mr John Deah (LTA) 2pm FDA (FDA cncl'd – VC in hospital)	10am Nora Bowier (SDI) 12pm Silas Siakor (SDI)	11am Alfred Brownell (Green Advocates)
12	13	14				
10am William Page, Justina Marhsall (CFDC) 12pm Amos Kofa (VPA O) 2pm Elfreida Tamba (MoF) 4pm Dan Whyner (USAID)	Restitution Workshop (halfday) 5pm Decontee Sackie-King (Customs&Excise) 6pm Deputy Minister of Agriculture (cancelled)	9am Nat Blama (EPA) 10am Carlos Battaglini (EU) 12am FAO (FAO cnld) 2pm Alfred Brownell (Green Advocates) PM meeting w FDA cancelled. -Departure-				

Annex 2: Agenda for IM-FLEG Workshop

Monrovia: 6th - 7th & 13th September, 2011
 Trainers: Alice Blondel (AB), Sam Lawson (SL)

DRAFT AGENDA

Content	Persons	Dur.
DAY ONE: IM-FLEG Overview		
Registration 8:30		
Session 1, 9:00: WORKSHOP OVERVIEW		Chair: ALICE
<u>Presentation 1: Introduction</u>	AB	1hr
<ul style="list-style-type: none"> - Introduction - Goal & Outline of Workshop & Day 1 Agenda - Participants' Introduction - Questionnaire completion & collection 		
<i>BREAK 10:00 – 10:30</i>		
Session 2, 10:30am: ILLEGAL LOGGING & IFM		
<u>Presentation 2: Illegal Logging Overview</u>	SL	30m
<ul style="list-style-type: none"> - Illegal logging & associated trade - Associated practice & effects - Question & Answer 		
<u>Presentation 3: Independent Monitoring Overview</u>		1hr
<ul style="list-style-type: none"> - Introduction to IM-FLEG - Experience from Cameroon - Examples of illegalities uncovered by IM-FLEG in Cameroon 		
<u>Presentation 4: Liberia forests history and current status</u>		20m
<ul style="list-style-type: none"> - Case studies of recent illegalities - Review/findings of previous similar training from 2008 		
<i>LUNCH 12:30 – 1:30</i>		
Session 3, 2:00: LAWS, REGULATIONS & APPLICATION		
<u>Presentation 5: Laws, Regulations and Application</u>	Amos Kofa, VPA office	1.5hr
<ul style="list-style-type: none"> - Overview - Relevant Laws & Regulations - Relevant Institutions & responsibilities - Question & Answer 		
<i>BREAK 3:00 – 3:30</i>		
<u>Session 2 Cont'd, Laws, Regulations and Application</u>	Amos Kofa	1hr
<u>Presentation 6: 4 – 5 Facilitated Discussion</u>	G. Jasper Cumme h, III	1.5h
<ul style="list-style-type: none"> - Participants' experiences & discussion - Discussion of best practice, strengths, weaknesses etc - Summary 		
Session 4, 5:00: WRAP UP		10m
<ul style="list-style-type: none"> - Summary of day and intro to next 	AB	

DAY TWO: INDEPENDENT MONITORING IN LIBERIA – EXERCISES & DISCUSSION		
Session 1, 9:00: DAY 2 OVERVIEW	SAM	
<u>Presentation 7: EXERCISE PRESENTATION</u>	SL	30m
- Review of day 1 & intro to day 2 - <i>Scenario Exercises – Group Work</i> - Question & Answer		
Session 2, 9:30: SCENARIO EXERCISES	SI/AB	1hr
<i>BREAK 10:30-11:00</i>		
Session 2 (cont'd, Scenario Exercises – Group Work)		1.5h
<i>LUNCH 12:30 – 1:30</i>		
Session 2 (cont'd, Scenario Exercises – Group Work)		1.5h
<i>BREAK 3:00 – 3:30</i>		
Session 3, 3:30: SCENARIO PRESENTATION & DISCUSSION	SL	
<u>Presentation 8: Presentation & Facilitated Discussion</u>		1.5h
- Group presentations & discussion		
Session 4, 5:00: WRAP UP	10m	
- Summary of day and intro to day 3 - Questions hand-out for day 3		

DAY THREE: RESTITUTION & ROADMAP DEVELOPMENT – half day w. f. meetings		
Session 1, 9:00: DAY THREE OVERVIEW	CHAIR: ALICE	
<u>Presentation 9: RECAP</u>	AB	20
- Review of day 1,2 & intro to day 3 - Main findings		
Session 2, 9:30: DISCUSSION		
<u>Presentation 10: discussion</u>	SL	1h
- Facilitated discussion on answers to Questions from Day II		
<i>BREAK 10:30 – 11:00</i>		
Session 2 (cont'd, Discussion)		1h
<u>Presentation 11: Review</u>		20m
Session 3, 12:00: WRAP UP	30m	
- Workshop end - Questionnaire hand out and completion	AB	
Est. end 12:30		

Annex 3: Workshop Participants List

6, 7, and 13 September, 2011

6 September 2011			7 September 2011			13 September 2011		
	Name	Affiliation		Name	Affiliation		Name	Affiliation
1	Anthony Koffa	FDA	1	Anthony Koffa	FDA	1	Albert Brewer	FDA
2	Jomaxim Jolo	MoF	2	Jomaxim Jolo	MoF	2	Sando B. Grant	FDA
3	Kula L. Jackson	NGO CfL	3	Kula L. Jackson	NGO CfL	3	Steven Joe	CFDC
4	Jestina Marshall	CFDC/FMC A	4	Jestina Marshall	CFDC/FMC A	4	Desmond Graybo	NGO Coalition
5	Leo B. Cole	FDA	5	Sando Grant	FDA Buchanan	5	James Z Gear	
6	Jerry Youmah	FDA	6	Leo B. Coli	FDA	6	Victoria Cole	FDA
7	William Page	CFDC	7	Jerry G Youmah	FDA	7	Robert Chilar	FDA
8	Steven Joe	CFDC/FMC C	8	William V. Page	CFDC	8	Duwana Kingsley	Hucon
9	Adala Gotomo	FDA	9	Steven T. Joe	CFDC/FMC-C	9	Anthony Koffa,	FDA
10	Karmon Kpinkpin	FDA	10	Adala M Gotomo	FDA	10	Roland P. Harris	FCI
11	Victoria Cole	FDA	11	Karmon G Kpinkpin	FDA	11	Karmon G. KpinKpin	FDA
12	Albert D. Brewer	FDA	12	Victoria Cole	FDA	12	Jestina Marshall	CFDC
13	Robert Chilav	FDA	13	Albert D. Brewer	FDA	13	Mai E. Saryeh	LDI
14	Mai E. Saryeh	LDI	14	Mai E Saryeh	LDI	14	Jerry Yonmah	FDA
15	Nora Bowier	SDI	15	Johnny Z. Duaryemah	LNP	15	Johnny Z. Duaryeh	LNP
16	Jerry Kenekene	CFDC-FMC A	16	Desmond S. Graybo	ERADRO	16	Andrew S. Tokpa	Samfu
17	Doris Wologbo	CFDC-FMC K	17	Andrew Tokpa	SAMFU	17	Nora Bowier	SDI
18	C.I Johnny Duaryemeh	LNP	18	Roland Harris	FCI	18	William Page	CFDC
19	Desmond Graybo	ERADRO	19	Robert Chilar	FDA			
20	Duwana Kingsley		20	Duwana Kingsley	Hucon			
21	James Z. Gear	HUCI	21	James Gear	HUCI			
22	Andrew Tokpa	Samfu	22	Nora Bowier	SDI			
23	Rolan P. Harris	FCI						

Annex 4: Considerations for a Terms of Reference (ToR) for a IM-FLEG in Liberia

The following are considerations that came out of the workshop and consultation discussions regarding the Terms of Reference (ToR) for an IM-FLEG in Liberia.

Participants largely agreed that **an IM-FLEG in Liberia be:**

- 1) based on long-term goals of sustainable development
- 2) ensure balanced approach to interests of 3 Cs (Conservation, Commercial and Community),
- 3) ensure Impartiality, Transparency, Independence,
- 4) free from tampering and intimidation, and
- 5) matched by a parallel capacity-building mechanisms and a clear exit-strategy.

Participants also largely agreed that the **IM-FLEG should focus on:**

- 1) the allocation of forest permits,
- 2) management of harvesting process,
- 3) the processing and trade of forest products,
- 4) the collection and distribution of relevant taxes, and
- 5) additional non-timber related forest illegalities and NTFPs.

Increasingly over the course of the mission, it became clear that most stakeholders considered a logging-only approach could prove insufficient in holistically addressing issues.

Successful advancement of an IM-FLEG in Liberia however will require agreement with all three major parties: The Government, the donor community and the independent monitor itself. For Independent Monitoring as envisaged by REM to work, it is a tripartite agreement which classically allocates responsibilities to each party. Increased transparency is required from the government at many levels as well as an active participation to collaborate from the officers and civil servants of the ministries concerned. From the donor community, a financial commitment is required but if an IM is put in place and reports only to a government that has no political will to reform its, reports will do little more than gather dust. The Monitor may need support from a range of donors to realize its mandate. The Monitor should be faithful to its mandate and defend it where necessary.

Institutional setting

While participants initially presented that an IM-FLEG should be hosted by the Ministry of Agriculture, it was eventually agreed that an IM-FLEG would be best hosted outside the Ministry of Agriculture and instead with the Ministry of Finance. Thinking presented around this was that this would add to the IM's autonomy. The IM-FLEG would operate with the FDA (or other organisation responsible for forest law enforcement), which exists under the MoA umbrella, but with official agreement with both the Ministry of Finance and Agriculture.

It is important to consider where the Monitor may be housed physically (inside or outside of government buildings) and where it receive its legitimacy to access the information it will

require to do its job. If the MOU to which a TOR are annexed is signed by the Ministry of Finance, formal collaboration from the MoA should be assured. This discussion should again be supported by the contents of this report and its Annexes and include CSOs.

Donor agencies would also make up part of the Reading Committee and Steering Committee (see below).

The private sector

Although there are several points of interaction with the private sector, it does not have a direct role to play in the institutional structure of an IM-FLEG. There should, however be continuous contact with representatives of the private sector – both individual companies as well as through the Liberian Timber Association (LTA). The private sector plays a key part in information of activities of government agencies and other actors and could provide invaluable insight into developing problem areas and issues faced.

Civil society

An IM-FLEG does not always have fixed links with civil society¹⁹. However there would need to be constant and close contact with CSOs and community representatives in one way or another. Also, many participants felt strongly that, for an IM-FLEG to add value, several prerequisites regarding CSOs and community representatives would exist – most important of which would be that the IM-FLEG, if managed by an international actor, would have to ensure from the onset that its involvement not be long-term but rather that the aim be to ensure that local-capacity be enhanced in a way that the IM-FLEG role could be taken over by a local actor after 3 years of operation. Stakeholders felt that this should be in some way formalized as opposed to simply something that would happen by virtue of an IM-FLEG being present²⁰.

In light of this, there is room for consideration of the introduction of a model similar to the set up of the IM-FLEG in the Republic of Congo. The IM-FLEG there has been run by REM in parallel to a project focusing specifically on capacity building in IM by Forests Monitor.²¹ It was suggested that this be done with 2 or 3 smaller local CSOs that would eventually take over the IM-FLEG role.²² This would be in parallel also to existing or planned projects by more established local CSOs such as the Sustainable Development Institute (SDI) and Green Advocates.

For a clear separation of roles, it is suggested that there is a clear separation between capacity building and training and the organization that fulfills the function of the Independent Monitor.

An IM-FLEG Reading Committee would be established in order to review the results of field investigations. It should be situated within the host-Ministry and should provide a forum in which to examine and review the findings and recommendations of the Independent

¹⁹ In the Republic of Congo, extensive training of 9 local CSOs and 5 regional CSOs by the IM-FLEG in monitoring and formal commissioning of investigations by those CSOs were made by the IM-FLEG and CSOs participate in reading committees, whereas in Cameroon, due to Government refusal to involve CSOs in IM-FLEG, links have remained informal.

²⁰ A handover strategy to a national CSO was implemented over 6 years by the IM-FLEG in the Republic of Congo, with a handover planned in 2013 with continued support from international NGOs in consideration of remaining capacity issues.

²¹ See: http://www.forestmonitor.org/en/capacity_building_congo_ii

²² Mr Silas Siakor of SDI suggested Forest Cry Liberia, made up of ex-foresters and with understanding of the sector, and Action Against Climate Change in Liberia (AACCL) as two possible partners in this area.

Monitor's field mission reports and to agree on their subsequent publication. The Reading Committee should include the actors mentioned in 3.2 Government Partners and also donor agencies.

An IM-FLEG A Steering Committee would also be established and would involve the host ministries mentioned 3.2 Government Partners, as well as concerned donors, the Independent Monitor, CSOs and CFDCs. The Steering Committee would meet every 6 months and would review and respond to the observations and recommendations made by the Independent Monitor. The Steering Committee would also review the changes in indicators at each meeting. The Steering Committee would also serve a function within conflict resolution and would, as necessary, mediate relationships over substantive issues between the Independent Monitor and the main implementing partner should they arise.

Exit Strategy

The exit strategy for an IM-FLEG has a number of elements that are embedded in the ongoing implementation. Firstly, there is an assumption that throughout IM-FLEG activities, there exists an automatic passing of skills approach to monitoring from the Monitor to the FDA and other actors that the Monitor has regular contact with. Secondly, the recommendations of the Monitor should be geared to creating stronger and better functioning systems within government.

5. Time Frame

More exploration is needed to map how and IM-FLEG would operate in Liberia, this should include exploration of the points raised by participants including remit, partners and also careful consideration of at which point systems may be adequate to justify the introduction of an IM-FLEG.

Once started, and as was reflected in discussions with stakeholders during workshops and meetings, Liberia would benefit from an Independent Monitor being in place for a period of three years. The three-year period would include a start-up and wrap-up phase for international support. With an effective exit strategy clear from the start, a three year involvement, although optimistic, with sufficient political will could help ensure that local capacity within local CSOs and CFDCs could continue the functions of an Independent Monitor, in partnership with different ministries.

Annex 5: Workshop presentations – See ppt. files.