

COMMENTARY NOTE

on future opportunities in line with
the fight against illegal logging and
deforestation





INTRODUCTION

In order to sustain efforts to be made in addressing the issue of illegal forest logging, the European Commission, in May 2003, developed an action plan (AP) on Forest Law Enforcement, Governance and Trade (FLEGT). The Plan acknowledges that this is a serious issue and that the European Union (UE) should find appropriate solutions and consider that strengthening law enforcement without changing unfair laws may worsen the living conditions of the poorest. Adopted in October 2003 by the European Council, The FLEGT-AP builds on two main instruments, namely the FLEGT Voluntary Partnership Agreement (FLEGT-VPA) and the European Union Timber Regulation (EUTR). The first instrument is concluded with timber-producing and voluntary countries with the aim to providing a legal framework which ensures that all importations within the European Union from countries producing timber and by-products were legally produced or purchased. The second instrument is adopted to ensure that the wood found on its market is legal; so, on 20 October 2010, the EU established Regulation No. 995/2010 laying down obligations for operators who bring in timber and by-products on the market for the first time, as well as obligations for traders.

In its Position Note of January 2017 on the renewal of FLEGT-VPA between Cameroon and the EU, the Forest and communities Plateform (Cameroon) mentioned the achievements made in governance through FLEGT-VPA. These achievements which yet show the relevance of the VPA as a tool for improving forest governance seem not to be a priority in Cameroon given that to date no FLEGT licence is issued to confirm the legal origin of the wood exported to the European Union. However, could this be enough to terminate the Agreement (FLEGT-xit), or to consider alternative options (FLEGT version 2.0)? What could be the risks in engaging in such options? Reflexions and suggestions made in this document are a contribution of Forêts et Développement Rural (FODER), a Cameroon civil society organisation engaged in FLEGT since the VPA negotiation between Cameroon and EU, to future practical measures to fight against illegal logging and deforestation.



A. CONCERNING THE THEMES SELECTED FOR THE WORK PLAN

The draft of this action plan includes some observations and recommendations from the civil society resulting from the evaluation of the FLEGT Action Plan. Some proposed actions are in line with the proposals of the civil society, notably:

- Linking certificates of legality with EUTR;
- Carrying on legal reforms in the forest sector;
- Promoting the involvement of forest stakeholders in forest management;
- Promoting transparency;
- Sharing benefits from forest activities;
- Building capacities of the civil society and the administration in the implementation of reforms related to the improvement of forest governance and the fight against corruption in the sector



B. CONCERNING THE REVIEW OF VOLUNTARY PARTNERSHIP AGREEMENTS (VPA) NEGOTIATIONS

1. *Defining progress indicators*

The absence of operational tracking systems and the absence of FLEGT licences which would enable the sales of wood in most VPA countries are often put forward as indicators of the inefficiency of the FLEGT Action Plan, including its component Wood Provision. Yet, the Action Plan builds on three pillars, namely: 1) law enforcement, 2) governance and 3) trade. The evaluation of the Action Plan shows that FLEGT has made progress in transparency, involvement and accountability of stakeholders. These elements which are critical governance parameters seem not to be considered enough what suggests that emphasis is laid on trade.

It is necessary to design progress indicators for each FLEGT pillar to assess the progress made. This will help mobilise and promote greater commitment from stakeholders or to take timely corrective actions. This will also contribute to a holistic FLEGT implementation. In addition to this, given that political will is often put forward to justify delays in FLEGT implementation or negotiations, the EU and its partners should identify and put in place promotion mechanisms for greater political commitment in the fight against illegal logging and deforestation within producer countries, mostly those in partnership with the EU.



2. Drawing lessons from delays in issuing FLEGT licences

The issuance of FLEGT licences depend on the implementation of the wood tracking system (WTS); two (2) of the six (6) elements contained in the Legality Assurance System (LAS) in Cameroon. However, most of the projects for developing tracking information system have had little success, thus affecting progress towards the issuance of FLEGT authorizations. It is necessary to identify the real causes of failures to better address, prevent and anticipate them within the contributions brought to the implementation of WTS in VPA countries. It is also important to consider the fact that responsibilities are often shared among Cameroon, the European Union and the provider in charge of developing WTS.

Some causes of delay in issuing licences are attributed to the 'inoperative' nature of some verifiers in the legality grids. For this reason, suggestions are made that the legality grids should be reviewed. One should not only draw lessons from this shortcoming, but also ensure that during the review of existing VPAs or the negotiation of new ones they should not reduce the standards of the legality grids nor remove their essence. In addition, one should create or promote links between FLEGT certificates of legality and the implementation of the EUTR, as this is the case with the private certificate systems. This could help fight illegality in the forest sector and develop a wood tracking system.

Moreover, the institutional mechanism for the implementation of the VPA in some cases would be ineffective because it does not maximise on the ownership and coordination around VPAs by all the sectors or stakeholders yet concerned by these Agreements. So is the case for the exclusion of the civil society from the Joint Monitoring Committees or the positioning of the Joint Council at the same level as the administration in charge of supervising the FLEGT VPA. It will be wise to review the institutional mechanism for the implementation of VPAs so as to position the Joint Council above the sector administration supervising the FLEGT in the signatory countries in order to ensure better coordination between the sectors and a stronger political leadership of the government hierarchy.

Likewise, with regards to enhancing participation started and promoted by the FLEGT, non institutional stakeholders (civil society and private sector) should be admitted within the Joint Monitoring Committee on the implementation of the FLEGT VPA.

C. CONCERNING EU FLEGT ALTERNATIVE COMMITMENTS

The draft working plan for 2017-2020 defines areas of action which comprises, among others, alternative options to a FLEGT commitment. It is necessary, in determining these alternatives, to choose those who could bring optimum efficiency in the fight against illegal logging and deforestation, the European Union being viewed as the leader globally. To this effect, a thorough analysis of the risks and the feasibility of options selected will be carried out. A case-by-case and mostly participative approach should be prioritized so as to include not only the peculiarities of the institutional and governance contexts, but also significant progress and (ongoing) initiatives regarding the improvement of governance. The European Union should then make sure to avoid giving priority to approaches which could be risky and result in more inertia and inefficiency.

The challenge would be to include discussions and actions on sustainable forest management and illegal logging in partnership, cooperation or free trade agreements between the EU and timber-producing countries. This option for instance includes the risk in addressing the issues of sustainable forest management and fight against logging, and the illegal forest conversion in the frameworks or processes conducted by administrations whose priority is not managing forests or protecting the environment; what could then lead to perverse effects. Difficulties in the coordination, distribution of sector administrations, and cumbersome administrative procedures could be bottlenecks in achieving the targeted goals.

The conclusion made from the evaluation of FLEGT Action Plan that the VPA may no more be a relevant tool to address the challenges of forest governance in all countries, requires a thorough analysis for those countries which have already signed VPAs, and where these VPAs are in the implementation stages even though at different levels of progress

Moreover, if the vision of FLEGT alternative commitments for the countries which have not yet signed VPAs is a good option; for VPA countries, the various forms of actions planned to support FLEGT objectives set forth under these alternative commitments should be used to reinforce the implementation of VPAs as well as the achievement of FLEGT objectives in countries like Cameroon, the Central African Republic and the Republic of Congo in Central Africa (See. Line 1.1b of Appendix I of the work plan 2017 - 2020).



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