



**MANUAL FOR ASSESSING FOREST LAW ENFORCEMENT  
AND GOVERNANCE (FLEG) IMPLEMENTATION  
IN  
ASEAN MEMBER STATES**

**ASEAN SENIOR OFFICIALS ON FORESTRY  
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## ACRONYMS

AMAF	ASEAN Ministers on Agriculture and Forestry
ASEAN	Association of Southeast Asian Nations
ASOF	ASEAN Senior Officials on Forestry
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FLEG	Forest Law Enforcement and Governance
FLEGT	Forest Law Enforcement, Governance and Trade
PCF	Peer Consultation Framework
PROFOR	Program on Forests
REDD+	Reducing Emissions from Deforestation and Forest Degradation, Conservation of Forest Carbon Stocks, Sustainable Management of Forest, and Enhancement of Forest Carbon Stocks

# **MANUAL FOR ASSESSING FOREST LAW ENFORCEMENT AND GOVERNANCE (FLEG) IMPLEMENTATION IN ASEAN MEMBER STATES**

## **1.0 BACKGROUND**

1.1 Forest Law Enforcement and Governance (FLEG) has emerged as a major policy response by national governments and international organizations seeking to promote sustainable forest management (SFM) practices. It is also being promoted as a means to arrest forest loss and illegal forest activities, such as illegal forest harvesting; provide a more viable platform for SFM; capture loss forest revenues for the government and thus benefit the poor through higher government expenditure; and improved benefit sharing with communities, especially the indigenous peoples, forest dwellers and forest-dependent communities. In recent years, FLEG has also gained prominence as the role of forests in both mitigating and adapting to climate change is increasing being recognized.

1.2 In 2007, the issuance of the ASEAN Statement on Strengthening Forest Law Enforcement and Governance by the 29<sup>th</sup> Meeting of ASEAN Ministers on Agriculture and Forestry (AMAF) reaffirmed the region's commitment to improve FLEG implementation. The Statement also paved the way to take action to combat illegal logging and its associated trade issues in ASEAN in collaboration with regional partners and international organizations. In the same year, the adoption by the Heads of State/Government of ASEAN of the "ASEAN Declaration on Environmental Sustainability" at the 13<sup>th</sup> Summit held in Singapore also committed ASEAN Member States to (i) "strengthening law enforcement, promoting environmentally sustainable practices, as well as combating illegal logging and associated illegal trade", and (ii) "collectively work towards achieving an aspirational goal of significantly increasing the cumulative forest cover in ASEAN by at least 10 million hectares by 2020". ASEAN underscored the need to "strengthen efforts to combat illegal logging and its associated trade, forest fire and its resultant effects."

1.3 In addition, the adopted "Work Plan for Strengthening Forest Law Enforcement and Governance (FLEG) in ASEAN, 2008-2015", agreed by the 11<sup>th</sup> ASEAN Senior Officials on Forestry (ASOF) Meeting held in Kuala Lumpur, Malaysia, in August 2008 and endorsed by the 30<sup>th</sup> AMAF Meeting held in Hanoi, Vietnam in October the same year, included a component to develop a format for assessing FLEG implementation, amongst others, using the relevant elements of the "Monitoring, Assessment and Reporting Format for Sustainable Forest Management in ASEAN, 2007".

1.4 To reaffirm commitment on FLEG, the 38<sup>th</sup> AMAF adopted the Work Plan for Forest Law Enforcement and Governance in ASEAN (2016-2025). The overall goal and objective of FLEG implementation is the attainment of sustainable forest management for enhancing the international competitiveness of ASEAN's forestry products that meet international requirements and which is consistent with sustainable forest management practices, including conservation and protection, and contributes to the poverty reduction in the region.

1.4 Following the recommendation from 20<sup>th</sup> ASOF Meeting, the 39<sup>th</sup> AMAF agreed to consider the development of Manual for Assessing FLEG implementation in ASEAN Member States as one of key deliverables for ASEAN Cooperation in Food, Agriculture and Forestry for the year 2018. The effective implementation of FLEG will bring positive and sustainable development outcomes in the forest sector, such as efficiency in forest resource management, an increased contribution to economic development and environmental services, and the equitable distribution of benefits.

1.5 The implementation of FLEG be undertaken through national forest programs (NFPs), sub-national forest programs, and other integrated programs relevant to forests so as to avoid overlaps and duplication of efforts in trying to combat illegal activities in the forest sector.

## **2.0 SCOPE AND PURPOSE**

2.1 This “Manual for Assessing Forest Law Enforcement and Governance (FLEG) Implementation in ASEAN Member States” (Manual) is developed based on the nine thematic elements and 43 sub-elements as agreed by the 13<sup>th</sup> Meeting of ASOF in 2010, where all the thematic elements and sub-elements were adopted as criteria and indicators respectively. It also draws on several approaches currently used in major forest governance-related processes and initiatives, including the World Resources Institute’s Governance of Forest Initiatives; the Program on Forests (PROFOR) and the Food and Agriculture Organization (FAO) of the United Nations work on a framework for assessing and monitoring forest governance in 2011; the further work by PROFOR on assessing and monitoring forest governance in 2012; the ASEAN Criteria and Indicators for Sustainable Management of Tropical Forests, 2007; the Monitoring, Assessment and Reporting Format for Sustainable Forest Management in ASEAN, 2007; the ASEAN Peer Consultation Framework (PCF) Exercise in Forestry of the Philippines (Draft Questionnaire), 2008; and the ASEAN Criteria and Indicators for Legality of Timber, 2009.

2.2 The purpose of the Manual is to provide a format to guide those responsible for compiling data on FLEG implementation. It contains instructions on how the required information should be assembled and presented.

2.3 In this regard, the approach and structure used in the Monitoring, Assessment and Reporting Format for Sustainable Forest Management in ASEAN, 2007, has been adopted as the standard format in preparing this Manual. First, there is a description of the indicator in italics. Second, instructions are given for compiling the required information. For some indicators, quantitative data are required and should be inserted in the table provided; while for others, a narrative description of the indicator is required<sup>1</sup>.

2.4 This format provides the framework that facilitates description, diagnosis, assessment and reporting on the state of FLEG implementation in ASEAN Member States, as well as progress, changes and trends in its implementation over time. It will also provide a systemic approach to identifying areas of strength and weakness, and devising and implementing suitable responses, including continuing adaptation and

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<sup>1</sup> As an example, please refer to Indicator 1.1: *Existence of national and sub-national legislative and regulatory frameworks that support FLEG implementation, including asset forfeiture laws and related regulations* under Criterion 1: Enabling Conditions on page 9 of the document.

learning to ensure progress. The information generated will help policy and decision-makers to communicate the status of FLEG implementation more effectively to the public. It will also assist in developing policies and strategies for effective FLEG implementation, in channelling additional efforts to where knowledge is still lacking and deficient, and in identifying those areas which are in special need of international assistance and co-operation.

2.5 At the ASEAN level, it could be used to undertake comparative assessments that could foster 'policy learning' among a range of stakeholders in the forest sector, including forest policy decision-makers, government agencies, non-governmental organizations (NGOs), the forest industry, forest-dependent communities and action-oriented researches on the most effective FLEG mechanisms. The learning process among ASEAN Member States could also nurture collective understanding and promote strategic, problem focused interventions. It will also contribute positively to a number of international initiatives that a number of ASEAN Member States are committed to, such as Reducing Emissions from Deforestation and Forest Degradation, Conservation of Forest Carbon Stocks, Sustainable Management of Forest, and Enhancement of Forest Carbon Stocks (REDD+); the European Union Forest Law Enforcement, Governance and Trade (EU FLEGT) Voluntary Partnership Agreement process; and the Forest Investment Program (FIP) of the World Bank.

### **3.0 APPLICATION**

3.1 The first time the information is compiled by any ASEAN Member State, it should form the baseline against which all later compilations may be assessed. Therefore, the first compilation should be supported by as much relevant documentation as possible, such as copies of laws and regulations. Later compilations only need to indicate changes. Ideally, the assessment of FLEG implementation should be undertaken through multi-stakeholder fora, such as those established in the context of national existing national and sub-national forest programs/reporting.

3.2 Given that ASEAN Member States are at varying level of socio-economic development, as well as the uniqueness of each country in terms of quantity, quality, and the diversity of forest resources, it is imperative that every effort should be made to complete all the tables and provide answers to all the questions as requested in this Manual. This may be difficult at first and some answers may be approximations or the requested information may be unavailable; but this, in itself, would indicate where deficiencies of information are needed to assess the state of FLEG implementation. However, it should progressively become easier to complete later compilations.

3.3 It is also important that comparable methods are used between one time of assessment and reporting and the next, and that there should be a means of estimating the reliability of the information given. Information should, therefore, be provided on the sources and quality of the data presented.

3.4 Those who compile the information are encouraged to add any additional information which they feel would give a more complete picture of the situation. They should also feel free to indicate any difficulties and constraints encountered in providing the information or ways in which the Manual could be improved. It is hoped that its use and further improvement will enhance common understanding of and communication

about good forest governance and effective forest law enforcement, leading to improvements that strengthen the practice of FLEG in ASEAN Member States.

3.5 As scientific and technical knowledge increases, there is a need to review and refine the criteria and indicators used for assessing FLEG implementation in order to reflect new understanding and concepts, as well as the capability to assess progress in implementing FLEG. This review and refinement of the criteria and indicators used to assess progress in FLEG implementation is also necessitated by the rapid socio-economic development of ASEAN Member States.

## 4.0 DEFINITIONS

The following are definitions of the technical terms and concepts used in this document. If the definitions currently used in any reporting ASEAN Member State differ from these, the country should provide references or quote its own definitions.

Criterion	An aspect of management that is considered important and by which Forest Law Enforcement and Governance may be assessed.
Encroachment	The act or action of using forest land contrary to the provisions provided for in forestry laws and regulations with regard to forest land uses. (Source: Manual for the Application of Criteria and Indicators for Sustainable Management of Natural Tropical Forests: Part A / National Indicators. ITTO Policy Development Series No.9, May 1999).
Forest type	A naturally occurring community of trees and associated plant species of definite botanical composition with uniform physiognomy (structure) and growing in uniform ecological conditions whose species composition remains relatively stable over time. (Source: Monitoring, Assessment and Reporting Format for Sustainable Forest Management in ASEAN, 2007).
Indicator	A quantitative, qualitative or descriptive attribute that, when measured or monitored periodically, indicates the direction of change in a criterion. (Source: Monitoring, Assessment and Reporting Format for Sustainable Forest Management in ASEAN, 2007).
Indigenous peoples	The existing descendants of the peoples who inhabited the present territory of a country wholly or partially at the time when persons of a different culture or ethnic origin arrived there from other parts of the world, overcame them and, by conquest, settlement, or other means reduced them to a non-dominant or colonial situation; who today live more in conformity with their particular social, economic and cultural customs and traditions than with the institutions of the

country of which they now form a part, under state structure which incorporates mainly the national, social and cultural characteristics of other segments of the population which are predominant. (Source: Working definition adopted by the UN Working Group on Indigenous Peoples. In: the FSC Principles and Criteria for Forest Stewardship, April 2004).

Red flag	An indicator or warning sign that should raise concern about the risk or possibility of theft or fraud. It does not definitively indicate theft, only that there is a significant possibility of a problem that merits investigation and follow-up.
Social fencing	An innovative and low-cost form of perimeter security and activity control. It uses local people as the eyes and ears of forest owners who voluntarily protect forests with no enforcement, but quickly passes the intelligence to forestry officials to follow up.
Stakeholders	Any individuals or groups who are directly or indirectly affected by, or interested in, a given resource and that have a stake in it. (Source: Monitoring, Assessment and Reporting Format for Sustainable Forest Management in ASEAN, 2007).
Target hardening	The most critical asset is protected by outer barriers of the protection system where each barrier must have a penetration time assigned to it so as to ensure that the response force is able to reach the critical asset before the perpetrator does. The more time required for the response force to reach the critical asset, the more barriers must be installed.
Tenure	Agreement(s) held by individuals or groups, recognized by legal statutes and/or customary practice, regarding the rights and duties of ownership, holding, access and/or usage of a particular land unit or the associated resources (such as individual trees, plant species, water or minerals) therein. (Source: Monitoring, Assessment and Reporting Format for Sustainable Forest Management in ASEAN, 2007).
Use rights	The rights to the use of forest resources as defined by local custom or agreements or prescribed by other entities holding access rights. These rights may restrict the use of particular resources to specific harvesting levels or specific extraction techniques. (Source: Monitoring, Assessment and Reporting Format for Sustainable Forest Management in ASEAN, 2007).



## 5.0 ASSESSMENT OF FLEG IMPLEMENTATION

### *Criterion 1: Enabling Conditions*

This criterion addresses the general institutional requirements that are necessary to ensure the implementation of forest law enforcement and good forest governance is both effective and efficient. It is concerned with the general legal, economic and institutional framework without which actions included under the other criteria will not succeed. Most of the related indicators cover the legal, policy and institutional frameworks and are mainly descriptive in nature. Taken together, the information gathered under this criterion indicates the extent of a country's political commitment to FLEG implementation.

#### **Indicator 1.1**

*Existence of national and sub-national legislative and regulatory frameworks that support FLEG implementation, including asset forfeiture laws and related regulations.*

- (i) Complete the information as required in Table 1.

**Table 1: Existence of National and Sub-national Legislative and Regulatory Frameworks that Support FLEG Implementation**

<i>Framework governing:</i>	<i>Laws (national and sub-national)</i>		<i>Regulations (national and sub-national)</i>	
	<i>Presence (√)</i>	<i>Absence (x)</i>	<i>Presence (√)</i>	<i>Absence (x)</i>
(a) classification and permanency of forest land				
(b) forest tenure and property rights in relation to forests				
(c) forest harvesting and operation				
(d) participation of local communities and other stakeholders in forest management and operation				
(e) control of illegal activities in forest land				
(f) control of forest management and operation				
(g) seizure and disposal of stolen assets <sup>2</sup>				
(h) public access to information about forestry				

<sup>2</sup> Assets could include logs, gates, vehicles, boats, harvesting equipment, surveillance systems, etc.

- (ii) List all relevant laws and regulations at national and sub-national levels.
- (iii) For each of the laws and regulations, give a brief description of any sections that are significant in relation to categories (a) through (h).
- (iv) List any significant gaps in the coverage of laws and regulations and indicate how it is proposed that these gaps will be filled.
- (v) List any significant changes that have been made to the laws and regulations listed in your last report and give the date of each change.

**Indicator 1.2**

*Existence of forest policies that address FLEG implementation.*

- (i) Complete the information as required in Table 2.

**Table 2: Existence of Forest Policies that Address FLEG Implementation**

<i>Forest policies addressing:</i>	<i>Presence (√)</i>	<i>Absence (x)</i>
(a) forest land use		
(b) timber harvesting		
(c) forest plantation development		
(d) forest industry development		
(e) timber trade		
(f) local communities and/or other stakeholders participation in forest management and/or operation		
(g) forest revenue collection, including other forest charges		

- (ii) List all relevant forest policies that address FLEG implementation.
- (iii) For each of the policies give a brief description of any sections that are significant in relation to categories (a) through (g).
- (iv) List any significant gaps in the coverage of policies and indicate how it is proposed that these gaps will be filled.
- (v) List any significant changes that have been made to the laws and regulations listed in your last report and give the date of each change.

### Indicator 1.3

*Existence of forest governance framework that enhance FLEG implementation (participatory approach, transparency, accountability, public disclosure, and others).*

- (i) Complete the information as required in Table 3.

**Table 3: Existence of Forest Governance Framework that Enhance FLEG Implementation**

<i>Framework governing:</i>	<i>Presence (√)</i>	<i>Absence (x)</i>
(a) participatory approach adopted in formulating forest laws and regulations		
(b) transparency in allocating timber and non-timber forest products concessions, permits, licences and use rights		
(c) transparency in forest revenue collection, budgeting, expenditure, accounting and audit		
(d) accountability mechanisms for internal monitoring		
(e) governmental oversight mechanisms external to the forest agency for monitoring		
(f) transparency and accountability of private businesses, corporate entities, and civil society organizations operating in the forest sector		
(g) disclosures of key documents of public interest concerning the forest sector		
(h) others (please specify)		

- (ii) Provide a brief description of each of the categories (a) through (h) that enhances FLEG implementation.

### Indicator 1.4

*Existence and implementation of national and sub-national forest law enforcement strategy and programs, including security measures and equipment.*

- (i) Are national and sub-national forest law enforcement strategy and programs being formulated and implemented to strengthen FLEG implementation?
- (ii) If yes, give a short description of each strategy and program at the national and sub-national levels, and the main institution(s) responsible for its implementation.
- (iii) Provide a short description of the security measures (e.g. road design, physical access barriers, site plans, etc.) and equipment (e.g. wireless/video surveillance systems, closed-circuit television (CCTV), automatic cameras, radio frequency identification (RFID) systems, etc.) used to enhance FLEG implementation.

## Indicator 1.5

*Extent of resources available for implementing FLEG, especially trained personnel and financial resources.*

- (i) Complete the information as required in Table 4.

**Table 4: Number of Personnel Implementing and Supporting FLEG Implementation**

<i>Category of personnel</i>	<i>Number</i>	
	<i>Governmental</i>	<i>Non-governmental</i>
Forest law enforcement professionals (degree holders)		
Forest law enforcement technical personnel (diploma/certificate holders)		
Other professionals (degree holders) and technical personnel (diploma/certificate holders)		
Trained forest workers, full- and part-time		
Others (please specify)		
<b>Total</b>		

- (ii) Complete the information as required in Table 5.

**Table 5: Amount of funding for Implementing and Supporting FLEG Implementation**

<i>Source</i>	<i>Year<sup>3</sup></i>	<i>Funding (US\$'000)</i>	<i>Remarks</i>
Government sources - National government - Sub-national government			
International development partners - Grant - Loan			
Private sources - Domestic - Foreign			

- (iii) Provide the exchange rate if reported in national currency.  
(iv) Indicate if funding is annual or multi-year budget.

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<sup>3</sup> Latest available year.

**Indicator 1.6**

*Existence and implementation of human resource development (HRD) programs, such as forest crimes investigation training courses and in conducting prosecution in native and civil courts.*

- (i) Are human resource development (HRD) programs, such as forest crimes investigation training courses and in conducting prosecution in native and civil courts, being implemented?
- (ii) If yes, give a brief description of each of the HRD programs and the frequency the program is conducted.
- (iii) Is the effectiveness of the programs being evaluated and monitored?
- (iv) Indicate the institutions responsible.

**Indicator 1.7**

*Extent of institutional framework and intra- and inter-agency co-operation, including interdisciplinary co-ordination in addressing FLEG implementation.*

- (i) Complete the information as required in Table 6.

**Table 6: Institutions Responsible for FLEG Implementation**

<i>Name</i>	<i>Nature of responsibilities</i>	<i>Staff (number related to FLEG)</i>	<i>Contact (website/email)</i>
Primary ministry in charge			
Other institutions			

- (ii) Complete the information as required in Table 7.

**Table 7: Institutional Framework and Intra- and Inter-agency Co-ordination and Co-operation in Addressing FLEG Implementation**

<i>Framework governing:</i>	<i>Presence (√)</i>	<i>Absence (x)</i>
(a) co-ordination and co-operation between national and sub-national governments		
(b) co-ordination and co-operation within and among national agencies		
(c) co-ordination and co-operation of national law enforcement		

agencies, including police and customs at different levels and across agencies		
(d) co-ordination and co-operation between forest agencies with other government agencies (land, agriculture, minerals, transportation, environmental protection, finance, etc.)		

- (iii) Provide a brief description of each of the categories (a) through (d) that enhances FLEG implementation.
- (iv) Is their adequacy and effectiveness being monitored?
- (v) List constraints in implementation and any proposed improvements.

## Criterion 2: Prevention

Forest crime prevention is simply the disruption of the mechanism that causes crime. It is a pre-emptive approach that reduces the means, motive and opportunities for committing forest crime. It covers measures to reduce the reward and increase efforts, which include “target hardening” and access and exit control, directly raising the cost of committing forest crimes by making them physically more difficult, as well as increasing the risk that affect the potential criminal’s perception of the probability of being detected, apprehended and punished. Knowing *what* to protect and *who* to protect it from is the corner stone to preventing crime and protecting the forest assets.

### Indicator 2.1

*Existence and implementation of crime prevention strategies, such as those that increase perceived risks and efforts, and security risk management planning process, including assets identification.*

- (i) Are forest crime prevention strategies involving increase perceived risks and efforts to commit a crime (the probability of being detected, arrested and punished) being implemented (e.g. through conspicuous security patrols, surveillance systems, boundary marks, signage and notices, and high penalty *vis-à-vis* reward)?
- (ii) If yes, provide a short description of each of the strategies and programs, and the institution(s) responsible for its implementation.
- (iii) Is security risk management planning process involving the full range of the physical, biological, social, and commercial aspects of the forest being implemented<sup>4</sup>?
- (iv) If yes, provide a short description of the security risk management planning process, and the institution(s) responsible for its implementation.
- (v) Have the forest assets been identified in terms of their locations, values and vulnerabilities?
- (vi) If yes, describe the methods used to identify the forest assets.

### Indicator 2.2

*Existence and implementation of timber theft prevention plans at national, sub-national, administrative and local levels.*

- (i) Are timber theft prevention plans to prevent or mitigate illegal forest activities and violations before they could occur being implemented at the national, sub-national, administrative and local levels?

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<sup>4</sup> The process of identifying assets, tangible and intangible, that need to be protected and from whom, including the vulnerabilities of the assets and the consequences if they are stolen, as well as the counter-measures required to ensure their security. The task includes reviewing relevant material and sources that might provide information on timber theft and forest asset security. It also includes an on-site assessment of the forest area to determine the security situation, identify short-comings in protection measures, determine the needed level of asset protection, and recommend improvements.

- (ii) If yes, provide a short description of the timber theft prevention plans at the national, sub-national, administrative and local levels.
- (iii) List the institutions responsible.

**Indicator 2.3**

*Extent of knowledge in security management and crime prevention techniques.*

- (i) Complete the information as required in Table 8.

**Table: 8: Number of Personnel Trained in Security Management and Crime Prevention Techniques**

<i>Category of personnel</i>	<i>Security management</i>	<i>Crime prevention techniques</i>
Professionals (degree holders)		
Technical personnel (diploma/certificate holders)		
Forest workers, full- and part-time		
Others (please specify)		
<b>Total</b>		

- (ii) Describe the effectiveness in using knowledge in security management (e.g. controlling entrance to and exit from forest areas) and crime prevention techniques (e.g. advanced technologies such as CCTV and low cost “social fencing” technique) in combating forest crimes.
- (iii) Are improvements proposed and are there constraints to their introduction?

**Indicator 2.4**

*Extent of intelligence led-policing in combating forest crimes.*

- (i) Describe the extent of intelligence led-policing where violators are targeted through overt and covert means.
- (ii) Is the effectiveness of intelligence led-policing being monitored?
- (iii) List constraints in implementation and any proposed improvements.

**Indicator 2.5**

*Level of efficiency in imposing administrative and criminal penalties as deterrence to forest crimes.*

- (i) Describe the efficiency and effectiveness in imposing administrative and criminal penalties in combating forest crimes.



- (ii) Indicate the legal basis for imposing the administrative and criminal penalties.
- (iii) Describe shortcomings and proposals for improvement.

**Indicator 2.6**

*Existence and implementation of community awareness programs in forest crime prevention.*

- (i) Are there community awareness programs in forest crime prevention being implemented?
- (ii) If yes, list the type of community awareness programs and the institutions responsible for their implementation.
- (iii) Are they effective?
- (iv) Are there obstacles to their implementation and are improvements proposed?

### *Criterion 3: Detection*

This criterion covers how forest crime is detected which generally involves direct observation, for example, through patrols by forest enforcement officers, recognition of losses and the observation of discrepancies in records, statistics and transactions through comparison of inventories from time to time, and the use of technological advances in remote sensing and forest inventory. It includes the use of tracking and chain-of-custody techniques as they are able to contribute to the systematic generation of *exception reports* when values that should match do not reconcile which could serve as “red flags”. Knowing *where* to look and *what* to look for is of critical important in forest crime detection. However, detecting the crime is one thing, finding the violator is another, but both are equally important.

#### **Indicator 3.1**

*Extent of monitoring forest crime trends, including community reports and undertakes surprise checks and inspection based on the reliability of the information given.*

- (i) Describe the procedures used to monitor forest crime trends, including community reports, and any recent changes in the procedures.
- (ii) Are surprise checks and inspection being conducted?
- (iii) Is their effectiveness being monitored?
- (iv) Are records kept over time?

#### **Indicator 3.2**

*Existence and implementation of physical and technical surveillance, including aerial and timber tracking systems.*

- (i) Describe the type of system(s) and its (their) implementation.
- (ii) List the responsible parties for its (their) implementation.

#### **Indicator 3.3**

*Existence of intelligence sources and informant networks, including the mass media.*

- (i) Are intelligence sources and informant networks, including the mass media being used in detecting forest crimes?
- (ii) If yes, provide a short description of the methods used.
- (iii) Is their effectiveness being monitored?
- (iv) Are improvements proposed?

### **Indicator 3.4**

*Existence and nature of forest information disclosure practices related to combating forest crimes, including conflict of interest disclosure requirement.*

- (i) Describe the nature and procedures for forest information disclosure practices and the types of information made available to the public.
- (ii) Is conflict of interest disclosure requirement being implemented?
- (iii) Indicate the basis for forest information disclosure practices and the requirement for conflict of interest disclosure.

#### *Criterion 4: Suppression*

The suppression of forest crimes is often dealt with on a reactive basis. As such, this criterion addresses the need to have in place forest crime information management system to process, analyze and produce strategic intelligence for policy-makers and executives and tactical intelligence for immediate law enforcement. It includes procedures and protocols for co-operation among law enforcement personnel in suppressing forest crimes.

### **Indicator 4.1**

*Existence and implementation of forest crime information management system, including security planning and operation.*

- (i) Is forest crime information management system being implemented to strengthen FLEG implementation?
- (ii) If yes, give a brief description of the forest crime information management system and an assessment of its quality, adequacy and effectiveness, and indicate the institution(s) responsible for its implementation.
- (iii) Is security planning and operation through risk assessment (what need to be protected and from whom, including its consequences and counter-measures), and security survey (site visit, review of forest crime statistics and reports, etc.) being implemented?
- (iv) If yes, provide a short description of the security planning and operation, and indicate the institution(s) responsible for its implementation.

### **Indicator 4.2**

*Extent of access to records of criminal forest offences.*

- (i) Is there access to records of criminal forest offences by forest law enforcement personnel (offences reported, offenders detected/escaped, prosecutions, convictions)?
- (ii) If yes, give a brief description of the extent of their accessibility.
- (iii) List the institutions responsible.

### **Indicator 4.3**

*Extent and nature of co-operation and arrangement between the forestry and forestry related agencies, military, police and other law enforcement agencies in suppressing forest crimes.*

- (i) Are procedures for co-operation between the forestry and forestry related agencies, military, police and other law enforcement agencies being implemented? Are they formulated in the security plan and/or Memorandum of Understanding (MoU)?
- (ii) If yes, provide a brief description of the procedures and nature of the arrangement and co-operation.
- (iii) Are joint protocols that specify which personnel are responsible to do what, and identify actions to stop losses, and to collect and protect evidence critical in identifying the violator being implemented?
- (iv) If yes, give a brief description of each protocol and list the institutions responsible.
- (v) Are their effective?
- (vi) Are improvements proposed?

*Criterion 5: Investigation*

The effectiveness of law enforcement requires policy-makers to understand how law enforcement process works and what organizational infrastructure and capacities are needed to conduct successful investigation and prosecutions. The manner, skill and efforts with which forest crimes are investigated are a key determinant of success of crime suppression.

**Indicator 5.1**

*Existence and implementation of investigation planning and procedures, including interview and witness statements.*

- (i) Provide a short description of investigation planning and procedures being implemented in forest law enforcement.
- (ii) Provide a short description of the procedures used in conducting interview and recording of witness statements.
- (iii) List the institutions responsible for investigation planning, conducting interview and recording of witness statements.

**Indicator 5.2**

*Extent of legal knowledge and mentoring programs for forest law enforcement officers in the investigation of forest crimes.*

- (i) Complete the information as required in Table 9.

**Table 9: Number of Personnel Trained in Forest Crime Investigation**

<i>Category of forest law enforcement officers</i>	<i>Legal knowledge in forest crime investigation</i>
Professionals (degree holders)	
Technical personnel (diploma/certificate holders)	
Forest workers, full- and part-time	
Others (please specify)	
<b>Total</b>	

- (ii) Describe the effectiveness in using legal knowledge in investigating forest crimes and proposed improvements.
- (iii) Are mentoring programs for forest law enforcement officers being implemented?
- (iv) If yes, give a brief description of the programs, their quality and adequacy.
- (v) List the institutions responsible.
- (vi) Are records kept over time?

### **Indicator 5.3**

*Extent and nature on sharing of information through effective horizontal and vertical coordination among actors of the different sectors and between the different tiers of government.*

- (i) Describe the extent and nature on sharing of information between actors in the different sectors, but working at the same territorial level.
- (ii) Describe the extent and nature on sharing of information between actors operating in the same sector, but at different level.
- (iii) List the institutions responsible and improvements proposed.

### *Criterion 6: Prosecution*

This criterion involves the manner in which evidence required to prove a case is presented in court, the burden of proof required, that forest law enforcement authorities have a good understanding of the forest and forest-related laws, and how to build a strong case for successful prosecution as this will prevent forest crimes. This includes judges and prosecutors who are often not specialized in forestry and forest crimes, but which are obviously needed if criminal prosecutions are to be successful.

#### **Indicator 6.1**

*Completeness of chain of evidence and the continuity and custody of the evidence.*

- (i) Provide a short description of the procedures for maintaining the chain of evidence and the custody system to continuously protect evidentiary value that facilitates more detailed investigation and keeps the materials secure.
- (ii) Is their adequacy and effectiveness being monitored?
- (iii) List constraints in implementing the procedures and any proposed improvements.
- (iv) List the institutions responsible.

#### **Indicator 6.2**

*Level of quality and completeness of statements.*

- (i) Describe the procedures for ensuring the level of quality and completeness of statements recorded from witnesses, informants and suspects.
- (ii) Is their effectiveness being monitored?
- (iii) Are improvements proposed?
- (iv) List the institutions responsible.

#### **Indicator 6.3**

*Extent of clarity and public awareness in penalties.*

- (i) Are penalties for committing forest crimes being freely disseminated to the public, especially indigenous peoples, forest dwellers and forest-dependent communities whose livelihoods are dependent on the goods and services provided by forests?
- (ii) If yes, provide a brief description of the mechanisms being implemented.
- (iii) Are they effective?
- (iv) Indicate the institutions responsible.

#### **Indicator 6.4**

*Level of knowledge of judges and prosecutors on forest and forest-related laws.*

- (i) Are judges and prosecutors being given special training in forest legislation, for example, through professional training programs, particularly those at the courts' level that deal with forest-related cases?
- (ii) If yes, give a brief description of the types of training provided and any proposed improvements.
- (iii) Are there any constraints to introducing improvements?

*Criterion 7: Recovery*

Forest law enforcement operations often lead to the seizure of stolen materials that have value for evidence and may be eventually suitable for sale or other disposition. The development of appropriate methods for dealing with seized materials, so as to make appropriate use in judicial proceedings and to ensure that disposal of seized materials do not in some way result in motivating future forest crimes.

#### **Indicator 7.1**

*Procedures for seizure and recovery of stolen assets.*

- (i) Describe the procedures used in the seizure and recovery of stolen assets.
- (ii) Is their effectiveness being monitored?
- (iii) Identify any constraints and proposals for improvement.
- (iv) Indicate the legal basis for seizure and recovery of stolen assets.

#### **Indicator 7.2**

*Procedures for disposal of recovered assets or proceeds.*

- (i) Describe the procedures used for disposal of recovered assets or proceeds.
- (ii) Is their effectiveness being monitored?
- (iii) Describe shortcomings and proposals for improvement.
- (iv) Indicate the legal basis for disposal of recovered assets or proceeds.



*Criterion 8: Forest Governance*

This criterion addresses compliance with all relevant forest laws and regulations governing social and environmental aspects of forest operations and the payment of all forest charges, disclosure of awards of harvesting rights, public consultation and effective communication, stakeholders' participation and resolution of conflicts between them, fair returns for use of forest lands, and respect of native and customary rights to forest lands. Forest governance can be best described as the ways and manner by which officials and institutions acquire and exercise authority in the management of forest resources.

**Indicator 8.1**

*Extent of compliance with all relevant forest laws and regulations governing social and environmental aspects, and payment of all statutory and administrative charges.*

- (i) Complete the information as required in Table 10.

**Table 10: Extent of Compliance of Relevant Forest Laws and Regulations**

<i>Forest laws and regulations governing:</i>	<i>Presence (√)</i>	<i>Absence (x)</i>
(a) legally prescribed fees, royalties, taxes, etc.		
(b) environmental impact assessment and mitigation measures		
(c) forest-related property rights, including rights to carbon		
(d) employee's and workers' occupational health and safety requirements		
(e) customary and traditional rights of indigenous peoples, forest-dependent communities, forest dwellers and local communities		

- (ii) List all relevant laws and regulations that are significant in relation to categories (a) through (e).
- (iii) Provide a brief description of the extent of compliance of each of the categories (a) through (e) that enhances FLEG implementation.
- (iv) List any significant changes that have been made to the laws and regulations listed in your last report and give the date of each change.

**Indicator 8.2**

*Extent of equitable treatment and participation of all relevant stakeholders in activities related to the use and management of forests, including public consultation when required.*

- (i) Describe the fora and processes of stakeholders' participation, indicating the parties involved and their level of involvement.

- (ii) Give a brief description of the mechanisms for public consultation<sup>5</sup> that are being implemented.
- (iii) Are any improvements proposed for strengthening stakeholders' participation and public consultation, and are there constraints for their introduction?

### **Indicator 8.3**

*Existence and implementation of mechanisms for effective communication and resolution of conflicts between stakeholders.*

- (i) List and give a brief description of any mechanisms used for effective communication and conflict resolution between stakeholders, including grievances.
- (ii) Are they effective?
- (iii) List constraints in implementation and any proposed improvements.
- (iv) Indicate the institutions responsible.

### **Indicator 8.4**

*Extent of ability of forest landowners or right-holders (government, private, community, etc.) to receive a fair return for the use of their forest lands.*

- (i) Are there mechanisms to enable forest landowners or right-holders to receive a fair return for the use of their forest lands?
- (ii) If yes, provide a brief description of the mechanisms that are being implemented.
- (iii) Is their effectiveness being monitored?
- (iv) Are improvements proposed?
- (v) List the institutions responsible.

### **Indicator 8.5**

*Level of appropriateness of forest governance from the perspective of stakeholders (matters of legitimacy).*

- (i) Assess the level of appropriateness of forest governance from the perspective of stakeholders (matters of legitimacy) based on:
  - (a) the principle of *inclusiveness* where all stakeholders have an opportunity to be heard or to influence government decisions that affect forest, and the ability to participate in policy deliberation and decision-making;
  - (b) the principle of *transparency* where information about forest and how it is governed is reasonably disclosed to the public where its attributes include comprehensiveness, timeliness, availability, and comprehensibility of information disclosed, especially harvesting operations in the forest sector; and

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<sup>5</sup> This is taken to include all interested parties, individuals, communities, organizations, etc.

- (c) the principle of *accountability* where there is clarity about the role of institutions in decision-making and the need for them, including forest officials, to fully explain and justify their actions to the stakeholders.
- (ii) Describe the results of the assessment and the procedures available for reporting.
- (iii) List the institution(s) responsible for undertaking the assessment and reporting the results.

#### **Indicator 8.6**

*Extent of respect and protection of native and customary rights in accordance with existing legislation and regulations.*

- (i) Identify and list the native and customary rights under existing legislation and regulations.
- (ii) Provide a brief description of the extent to which native and customary rights are respected and protected.
- (iii) List any significant gaps in the coverage of laws and regulations and indicate how it is proposed that these gaps will be filled.
- (iv) List any significant changes that have been made to the laws and regulations listed in your last report and give the date of each change.
- (v) Indicate the institutions responsible.

#### **Indicator 8.7**

*Extent of public disclosure of award of timber harvesting rights.*

- (i) Describe the procedures being implemented for public disclosure of award of timber harvesting rights.
- (ii) Are improvements proposed and are there constraints to their introduction?
- (iii) Indicate the institution(s) responsible.
- (iv) Are records kept over time?

*Criterion 9: Monitoring and Reporting*

Transparent monitoring and reporting systems are key components of any compliance or regulatory regime. They are essential to determine whether the objectives of FLEG implementation are being achieved. Providing transparent reports on monitoring enforcement activities will provide an effective communication channel to garner support from the community, NGOs and the media in forest law enforcement. Analyzing the information monitored will contribute to improvement of FLEG implementation. They are also key components in timber certification systems and are increasingly important for securing access to environmentally sensitive markets that demand timber and timber products to be sourced legally and under sustainable forest management practices.

**Indicator 9.1**

*Availability of records of successful prosecutions and failed prosecutions.*

- (i) Complete the information as required in Table 11.

**Table 11: Number of Successful and Failed Prosecutions**

<i>Types of forest offences</i>	<i>Successful prosecutions</i>	<i>Failed prosecutions</i>
(a) encroachment		
(b) agriculture		
(c) roads		
(d) mining		
(e) dams		
(f) fire		
(g) shifting cultivation		
(h) illegal exploitation		
(i) hunting		
(j) poaching		
(k) grazing		
(l) others (please specify)		

- (ii) Indicate reference year.  
(iii) Have such records/data been reported and used? Have they proved useful?  
(iv) Indicate sources used.

## Indicator 9.2

*Availability of records of asset forfeiture and disposal of asset or proceeds.*

- (i) Complete the information as required in Table 12.

**Table 12: Value of Assets Forfeited and Disposed**

	<i>Assets forfeited (US\$'000)</i>	<i>Assets/proceeds disposed (US\$'000)</i>
Reference year (please specify)		
Reference year minus one year		
Reference year minus two years		
Reference year minus three years		
Reference year minus four years		
Reference year minus five years		

- (ii) Provide the exchange rate if reported in national currency.  
(iii) Have such records/data been reported and used? Have they proved useful?  
(iv) Indicate sources used.

## Indicator 9.3

*Availability of records of locations and type of forest crimes committed.*

- (i) Are historical records available about the locations and type of forest crimes committed? Describe the type of records.  
(ii) Do archives of the records/data exist and are they accessible for forest crime prevention, detection, suppression, investigation, and prosecution?  
(iii) Have such records/data been reported and used? Have they proved useful?

## Indicator 9.4

*Availability of records of all forest crimes detected and/or reported, including police reports, incident reports, etc.*

- (i) Are historical records available on all forest crimes detected and/or reported, including police reports, incident reports, etc? Describe the type of records.  
(ii) Do archives of the records/data exist and are they accessible for forest crime prevention, detection, suppression, investigation, and prosecution?  
(iii) Have such records/data been reported and used? Have they proved useful?

### Indicator 9.5

*Availability of records of payment of all administrative and statutory charges.*

- (i) Complete the information as required in Table 13.

**Table 13: Amount of Administrative and Statutory Charges Collected**

	<i>Administrative and statutory charges collected (US\$'000)</i>
Reference year (please specify)	
Reference year minus one year	
Reference year minus two years	
Reference year minus three years	
Reference year minus four years	
Reference year minus five years	

- (ii) Provide the exchange rate if reported in national currency.  
(iii) Have such records/data been reported and used? Have they proved useful?  
(iv) Indicate sources used.

### Indicator 9.6

*Availability of records of production, consumption and trade flows in timber and timber products.*

- (i) Are historical records of production, consumption and trade flows in timber and timber products available? Describe the type of records.  
(ii) Do archives of the records/data exist and are they accessible for forest crime prevention, detection, suppression, investigation, and prosecution?  
(iii) Have such records/data been reported and used? Have they proved useful?

### Indicator 9.7

*Availability of records of extent of forest lands by forest types and functional use management classes.*

- (i) Are historical records about the forest lands classified by forest types and functional use management classes available? Describe the type of records.  
(ii) Do archives of the records/data exist and are they accessible for forest crime prevention, detection, suppression, investigation, and prosecution?  
(iii) Have such records/data been reported and used? Have they proved useful?

