

An Information Note on 'Independence'

Bruce Fraser

[The following Information Note was offered by Dr. Bruce Fraser, Chair of British Columbia's Forest Practices Board in Canada, following his participation in the International Workshop in Rome (2008). It relates particularly to the workshop theme: 'independent forest monitoring'.

Independence consists of the mandate to assemble competent staff without interference, to investigate freely, to have unfettered access to information and to have assured freedom to publish results without editorial interference. The exercise of independence is, however, much more complicated if the objective is to actually influence forest policy, enforcement activity, improvement of forest practices on the ground, adherence to legal requirements, verification of legality, sensitivity to indigenous people's needs, safety of workers, or assurance to external parties.

What appears to be needed to bolster the implementation of independent forest monitoring could include:

- A formal tie between the governance structure of the jurisdiction and the independent monitor so that there is a defined manner in which findings and subsequent advice is delivered to those with the power to act
- Legislation or a clear statement of intent as to what it is that the jurisdiction is trying to achieve and how they expect the monitoring process to contribute to that intent– in essence a mandate to pursue
- Legislation that empowers the independent monitor to conduct its business legally within the jurisdiction and provides indemnification and the protection of law for its practitioners
- Terms of reference for the conduct of investigations, the formulation of results and the publication of findings and advice should be explicit and codified into standard procedures that are mutually agreed upon by the monitor and the receiving authority – and where appropriate outside authorities with an interest in the outcomes, such as external NGO's, International Development Agencies, Marketing agencies...
- Published standards of monitoring practice to ensure that the monitor is taking an objective and unbiased approach to its duties and can be held accountable for its adherence to those standards
- A process of peer review for technical matters that ensures that investigative findings are methodologically and scientifically sound and supported by the evidence presented
- A means of consultation with civil authorities that are mandated to deal with the legal or illegal pursuit of forestry and its environmental or social management so that advice is likely to be seen to be feasible and useful in the context of real day-to-day concerns and capacities
- A means of assuring that relevant authorities, who are expected to respond to advice from the monitor, are not surprised by published results – so that they are informed of pending conclusions of investigations in time to consider how to address them but not to the extent that they suppress or alter the independent findings

- A “continuous improvement” approach to findings and advice rather than the finding of fault and identification of wrongdoers on the way to official sanctions

An external monitor, supported by one or more external parties, without formal acceptance of the local authority and without an agreed upon mandate that serves local interests effectively is likely to violate the above criteria or be seen to violate them by bringing an externally biased agenda to their work. If there is an ideological or other directional drive by the independent monitor, such as a requirement to conserve tropical forests, to conserve biodiversity, to better serve disenfranchised stakeholders or to the advantage of external markets, then those objectives need to be explicit from the beginning and accepted by the indigenous authority to avoid rejection of advice as being coercive rather than helpful.

Dr. Fraser can be contacted at: Bruce.Fraser@gov.bc.ca

The website of the British Columbia Forest Practices Board in Canada is: <http://www.fpb.gov.bc.ca/>