



**SADC REGIONAL FOREST LAW
ENFORCEMENT, GOVERNANCE AND TRADE
(FLEGT) PROGRAMME DOCUMENT**

FINAL DRAFT

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Abbreviations

AFF	African Forest Forum
AFLEG	Africa Forest Law Enforcement and Governance
AIMS	Agricultural Information Management System, FANR
ACP	African, Caribbean and Pacific
AU	African Union
CAADP	the Comprehensive African Agricultural Development Programme
CBFiM	Community Based Fire Management
CBNRM	Community Based Natural Resource Management
CF	Community Forestry
CITES	Convention on International Trade in Endangered Species
Dept	Department
EU	European Union
FAO	Food and Agriculture Organization of the United Nations
FANR	SADC Directorate: Food, Agriculture and Natural Resources
FLEGT	Forest Law Enforcement, Governance and Trade
HIV/AIDS	Human Immunodeficiency Virus / Acquired Immunodeficiency Syndrome
I&S	SADC Directorate: Infrastructure and Services
JFM	Joint Forest Management
JMRM	Joint Monitoring and Review Mechanism
LAS	Legality Assurance System
MDs	Millennium Development Goals
MS	Member State
NEPAD	New Partnership for African Development
NTFP	Non timber forest product
NWFP	Non Wood Forest product
PMU	Programme Management Unit
RISDP	SADC Regional Indicative Strategic Development Plan
SADC	Southern Africa Development Community
SFM	Sustainable forest management
SHD &SP	SADC Directorate: Social and Human Development, and Special Programmes
SME	Small Medium Enterprises
TIFI	SADC Directorate: Trade, Industry, Finance and Investment
UN	United Nations
VA	Vulnerability Assessment
VPA	Voluntary Partnership Agreement
WSSD	World Summit on Sustainable Development

Definition of terms

1. **Timber** is the wood of trees cut and prepared for use as building material
2. **Non-Wood Forest Products (NWFPs)** - FAO Definition, 1995: "NWFPs consist of goods of biological origin other than wood, as well as services, derived from forests and allied land uses." Three components of the term "non-wood forest products" are interpreted as follows:
 - **Non-wood:** The term NWFP excludes all woody raw materials. Consequently, timber, chips, charcoal and fuelwood, as well as small woods such as tools, household equipment and carvings, are excluded. Non-timber forest products (NTFPs), in contrast, generally include fuelwood and small woods; this is the main difference between NWFPs and NTFPs.
 - **Forest:** NWFPs should be derived from forests and similar land uses. FAO has elaborated definitions of "forest" and "other wooded land" in a working paper on terms and definitions for the Forest Resources Assessment 2000. Since plantations are included in the FAO definition of forest, NWFPs that are obtained from plantations, such as gum Arabic (*Acacia Senegal*) or rubber (*Hevea brasiliensis*), are thus included in the definition of NWFPs. Many NWFPs are derived from both natural forests and plantations.
 - **Products:** the term "product" corresponds to goods that are tangible and physical objects of biological origin such as plants, animals and their products. Forest services (e.g. ecotourism, grazing, bioprospecting) and forest benefits (e.g. soil conservation, soil fertility, watershed protection) are excluded. Services and benefits are even more difficult to assess and quantify than NWFPs and have therefore already been excluded from most publications dealing with NWFPs.
3. **Forest Products** is an inclusive term meaning both timber and non-timber forest products derived from forests

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Executive Summary

The activities currently implemented by forest services, agencies or departments in the SADC region are within the context of Forest Law Enforcement, Governance and Trade (FLEGT), that is, they embrace forest law enforcement; good forest governance; harvesting, processing, marketing and trade in forest products and services. However, there are a lot of shortcomings and other weaknesses associated with their implementation ranging from their low emphasis and incorporation in forestry and national plans; inadequacies in resources allocated to them; and malpractices in their implementation. Therefore, the proposed SADC FLEGT Initiative is aimed at strengthening the implementation of these FLEGT activities at national level and also at regional level by raising attention and resources due to them, as well as improving their coordination and sense of purpose.

The FLEGT Programme document described here is a first attempt in SADC to adopt a comprehensive programme to promote forest law enforcement, governance and trade in forest products (FLEGT) in the region, which is very much consistent with a number of articles in the SADC Protocol on Forestry which came into force in 2009 and the Forestry Strategy, 2010 – 2020. Both of these two key forestry documents have strongly called for the enhancement of sustainable harvesting and trade in forest products thus reducing the amount of trade in illegally harvested forest products. It is also argued, that FLEGT does not only help to reduce the illegal harvesting and trading of timber and to advance the sustainable management of forests, but can also boost trade and increase the economic contribution of forestry in the region through trade and improved resource governance, and also offers opportunities for climate change adaptation and mitigation.

In addition to containing illegal logging and trade, the FLEGT Programme will also address issues of “formalization” of informal trade in forest products. It must be noted that harvesting timber either legally or illegally contributes very little to deforestation in Africa. Agricultural activities explain about 80% of the deforestation. Therefore, the FLEGT Programme approach will need to also speak more about “formalizing and curbing illegal trade in forest products” to contribute to building up the formal private sector in forestry.

The overall goal of the regional FLEGT Programme is:

To ensure that forest products are harvested and traded with and within the SADC region and other countries based on a jointly agreed legal framework in line with the principles of sustainable forest management with the participation of all stakeholders including communities and with strong independent and transparent law enforcement agencies

The specific Programme objective is:

To harmonize FLEGT policy and regulatory framework within five years in order to enhance legal harvesting and trade in forest products for the sustained benefit of SADC Member States

The interpretation of the overall programme goal and Programme objective is reflected in 5 programme components which will be implemented over an initial 5-year period with the possibility of a follow up phase to fully roll-out the FLEGT Programme within SADC. The components are:

1. “Regional Legal Framework for implementation of policies and enforcement of laws in the context of FLEGT” whose objective is to review policies and laws at regional and national level to support FLEGT policies and objectives

The key activities are:

- Assessment of relevant policies and legislation and scope for their review to make them supportive of FLEGT principles, associated laws and procedures at both national and regional levels
- Develop a legality assurance system
- Develop a SADC regional binding agreement on jointly curbing illegal activities in forests and illegal trade in forest products
- Develop a Licensing Scheme for harvesting, movement of and trade in forest products, and Licensing Authority
- Develop guidelines for intra and inter sectoral coordination for FLEGT

2. “Strengthening national institutions and their regional linkages” whose objective is to strengthen regional and national institutions to support implementation of FLEGT activities

The key activity is to undertake a study on strengths, weaknesses and potential of relevant institutions to implement FLEGT at national and regional levels

3. “Monitoring compliance with principles, policies and regulations pertaining to FLEGT at national and Regional levels” whose objective is to monitor compliance with forestry laws along supply and value chains at national and regional levels

The key activities are:

- Development of an independent monitoring system
- develop a joint monitoring and review mechanism
- capacity building for independent monitors and JMRM

4. “Supportive measures to implement FLEGT and strengthen trade in sustainably produced forest products” whose objective is to put in place other measures to enable the implementation of FLEGT

The key activities are:

- Harmonization of public procurement policies
- identify supply and value chains in forest products
- promote community forestry
- develop incentives for private sector good practices

- prioritize climate change adaptation and mitigation measures for SFM
5. “Management of data and information on forest products under FLEGT” whose objective is to make available information needed to understand the management, utilization and trade in forest products in the region.

The key activities are:

- Development of a regional data base on (domestic and trans-boundary) timber production and trade
- facilitate the provision of technical and political support to the SADC FLEGT Programme
- develop a data base on non-timber forest products
- develop regional capacity for inventory and monitoring of forest resources
- establish a two way information management system between the Member States and SADC Secretariat that links to the regional information management system
- produce and disseminate client specific information products

Each of these components is described with regard to specific objectives, key results and actions, responsibilities at national and regional levels, as well as indicators of their achievement in time. Before proposed new structures / institutions are set up, it would be worthwhile to investigate if there is some existing national capacity that could easily be strengthened in place of new structures / institutions that might not be sustained after the end of the project. An indicative 5-year budget is estimated at US\$ 10,030,000 with a summary provided below.

Indicative Budget Summary of the SADC FLEGT Programme (000 ‘ US\$)	
Component	Component Total
Component 1: Regional Legal Framework for implementation of policies and enforcement of laws	2,620
Component 2: Strengthening national institutions and their regional linkages	100
Component 3: Monitoring compliance to FLEGT at national and regional levels	620
Component 4: Supportive measures to implement FLEGT and strengthen trade in sustainably produced forest products	3,110
Component 5: Management of data and information on forest products under FLEGT	1,630
PMU: Programme Coordination	1,950
Total 5 Year Budget	10,030

1. Background and Introduction

Illegal harvesting and trade in timber and a whole lot of other forest products have devastating impacts on forests and countries, including the extinction of the traded species, loss of biodiversity and habitats, emissions of green house gases, political instability as well as timber market distortions. Furthermore, such harvesting and trade is often without meaningful benefits to producers, particularly the rural poor that often participate in harvesting and both local and central government agencies that do not reap the revenues from such trade. Viewed in this context, illegal forest activities constitute a serious threat to sustainable development worldwide; and there is a great need, including in SADC Region, to promote and improve good forest governance in order to curb these illegal activities.

Following the 2002 World Summit on Sustainable Development (WSSD), held in South Africa, the European Union (EU) prioritized the issue of illegally harvested timber brought into the EU, and as a result, developed the EU Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT), which is aimed at reducing the consumption of illegally harvested timber in the EU and ultimately in other major timber consumer markets elsewhere in the world. Africa through its various Regional Economic Commissions (RECs) is also involved in the FLEGT process. In 2003, thirty-two African countries, among them twelve (12) of the fifteen (15) SADC Member States declared, in the Africa Forest Law Enforcement and Governance (AFLEG) Ministerial Declaration, to work together to strengthen the institutional reforms in the forest sector already started by African countries, notably the development of good governance programmes and the strengthening of technical capacity of the forest sector. However, this work requires further development.

In the SADC region it is reported that a significant part of the timber trade arises from ad hoc, illegal logging and some timber products leave the region in an uncontrolled and unreported manner. This causes enormous damage to forest cover and threatens the livelihoods of the local people who depend on the forest resources. It also results in significant losses of revenue annually to national economies even though statistical data is not systematically collected.

In view of the above, the SADC Forestry Strategy (2010-2020), identified eight major challenges to sustainable forest management in the SADC region, and two of them are especially relevant to tackle the illegal harvesting and trade of forest products: (1) the weak management of commercial timber concessions and (2) inadequate formal trade in forest products between most Member States. The document further proposed one of the strategic elements or programme areas to be “Enhanced Trade in Forest Products” whose objective is to increase the volume of legal trade in forest products within and outside SADC and to reduce illegal and unreported logging and trade.

The SADC Region considers the improvement of forest law enforcement, governance and trade within and between SADC Member States as an important step towards the achievement of sustainable production and trade of timber and other forest products in the region, and ultimately to attain the policy goal of sustainable forest management in the region. This need was also emphasized by the SADC Technical Committee on Forestry, at

its meeting of May 2010 in Gaborone, Botswana which set up a Working Group on FLEGT to look into FLEGT issues in SADC; and later organized a regional FLEGT Workshop in South Africa in October 2011, which generally identified the key challenges to be overcome, and provided a background and justification on which this document is largely based.

2. Policy framework and justification for a SADC FLEGT Programme

2.1 SADC Treaty

The SADC Treaty of (1992) amply identified, among others, food security, sustainable utilisation of natural resources and effective protection of the environment as some of the key objectives of SADC to achieve in its quest for sustainable development and tacitly recognizes forests as a key natural resource and a major component of the environment, which should be managed for the benefit of SADC communities.

2.2 The SADC Regional Indicative Strategic Development Plan

The SADC Regional Indicative Strategic Development Plan (RISDP) was approved by the SADC Council of Ministers in August 2003 and launched in March 2004. Its *ultimate objective is to deepen the integration agenda of SADC with a view to accelerating poverty eradication and the attainment of other economic and non-economic development goals*. In that regard, it embraces the Millennium Development Goals (MDGs) and the New Partnership for African Development (NEPAD). The conservation, management and use of natural resources are listed in the Regional Indicative Strategic Development Plan (RISDP) as a major component to *Ensure Food Availability*, since forests provide a significant amount of non timber forest products (NTFPs) to many people in the region.

2.3 The Dar es Salaam Declaration on Agriculture and Food Security

The Extra-ordinary Summit on Agriculture and Food Security (2005) produced a short and a medium to long term Plan of Action in which forestry has a role to play in enhancing agricultural productivity, creating wealth to improve access to food and providing food and medicines which also mitigate impacts of HIV/AIDS. It has both short and long term activities of which short term activities (2005/2006) were expected to result in immediate relief to acute food insecurity, with a focus on providing key agricultural inputs to farmers, encouraging value addition, control of crop and livestock pests and diseases, increasing food production and improving water management and irrigation development. The long term plan of action was aligned to the RISDP, focusing particularly on sustainable utilisation of natural resources, reducing vulnerability to natural disasters, strengthening private sector participation in agricultural and rural development, increasing access of agricultural products into high value markets, strengthening human resource development, research and technology development and dissemination, mainstreaming gender and policies to combat HIV/AIDS in agriculture. The potential of forestry to contribute to all

these activities is huge. In a follow up to the Summit, the Executive Secretary of SADC visited Rome in November 2004 and sought assistance in a number of key areas, including the development of a comprehensive SADC Forestry Programme.

2.4 SADC FANR Business Plan

To make the RISDP operational, the SADC Secretariat developed 15-year business plans, of which the Food, Agriculture and Natural Resources (FANR) Directorate is a component and has articulated short term (1 year), medium term (5 years) and long term (15 years) perspectives. New and relevant activities are identified and incorporated in the FANR Business Plan when it is reviewed annually. The FANR Business Plan focuses on six intervention areas, including to “*Ensure Equitable and Sustainable use of the Environment and Natural Resources*”, aimed at achieving sustainable food security in the region. The contributions from the forest sector with respect to the provision of foods, other tradable commodities and ecosystem services are very well recognized in the business plan and this programme in itself is testimony to that fact.

2.5 Policies and Initiatives with direct links to SADC FLEGT

2.5.1 The AU / NEPAD and the CAADP

The Comprehensive Africa’s Agricultural Development Programme (CAADP) was articulated under NEPAD and the CAADP Process has four main ‘pillars’ namely 1) Sustainable Land and Water Management, 2) *Trade and Marketing Infra-structure*, 3) Food and Nutrition Security and 4) Agricultural Research and Technology Adoption. The most crucial target of CAADP is to achieve 6% annual growth in agricultural output. It is obvious that SADC FLEGT is consistent with Pillar 2, to the extent that FLEGT is implemented also as a trade promotion mechanism alongside the mitigation of illegal and unreported trade in forest products. FLEGT is also consistent with Pillars 1 and 3 on NTFPs.

2.5.2 The SADC Protocol on Wildlife Conservation and Law Enforcement (1999)

The protocol is linked quite strongly to all natural resource management programmes, including the Protocol on Forestry and the Forestry Strategy, since it supports the principles of sustainable use of natural resources such as wildlife and the rights of Member States to decide on such use. It also calls for cooperation and information sharing on management and control of illegal activities. In this respect, it has direct links to the Convention on International Trade in Endangered Species (CITES). Again the protocol is clearly consistent with SADC FLEGT.

2.5.3 The SADC Protocol on Forestry

The SADC Protocol on Forestry (2002), entered into force in 2009, provides a key and over-arching policy framework for collaborative approaches to the management of SADC's forest resources and within that, trade in their products thereof. The Protocol lays out a number of guiding principles on how Member States should cooperate to protect, manage and utilise their forests to meet both regional and national objectives. Its specific objectives are listed below and again the proposed SADC FLEGT Programme supports all the objectives:

- i. Promote the development, conservation and sustainable management and utilisation of all types of forests and trees
- ii. Promote trade in forest products throughout the Region, in order to alleviate poverty and generate economic opportunities for the peoples of the Region; and
- iii. Achieve effective protection of the environment, and safeguard the interests of both present and future generations

Furthermore Article 4 (d) of the protocol, which has listed its guiding principles, reinforces the spirit of FLEGT and calls upon Member States to:

- a) Cooperate in good faith
- b) Abide by the Charter of the UN, the principles of international law and reserving the right to use forest resources for a country's own socio-economic and environmental needs
- c) Uphold the principles of sustainable forest management
- d) Support sustainable use with appropriate policies and legislation
- e) Recognize their responsibility to protect, manage and where necessary, restore degraded forest ecosystems
- f) The use of the precautionary principle in the protection and management of forests, where there is insufficient scientific information, and
- g) Seek, reveal, anticipate and mitigate the forces of deforestation and degradation

It is also quite instructive that articles 11, 15 and 18 of the protocol also call for action and collaboration on issues of management and trade in forest products as follows:

Article 11 – Forest-Related Laws, -enables the protection of representative forest ecosystems in order to supply ecosystem and other services

Article 15 – Protection of Forests, - calls for member states to develop early warning systems and to protect forests against threats such as cross border forest resource exploitation, fires, pests and diseases and invasive alien species, and

Article 18 – Industry, Trade and Investment - promotes formation of national and regional timber and forest products associations, flow of investments and the participation of the private sector and communities in management and all forms of certification. It also seeks to discourage illegal and unsustainable cross border trade.

2.5.4 The SADC Forestry Strategy (2010 – 2020)

The SADC Forestry Strategy; 2010 – 2020 identified inadequate formal or legal trade as a major challenge to economic growth associated with the forest sector in the SADC region and consequently identified and articulated enhanced trade and reduction in illegal trade as a strategic programme area in the strategy.

2.5.5 Why a regional FLEGT Programme?

The Comprehensive Africa Agriculture Development Programme (CAADP) Process under NEPAD, the SADC Protocols on Wildlife Law Enforcement and Forestry and most recently, the Forestry Strategy, have all clearly recognized the strategic and practical importance of multi-country efforts to boost intra-regional trade, and therefore form the basis for justification on a regional programme.

Furthermore, issues of trade involve a minimum of two countries and because a number of countries share borders with more than one country, the reduction of illegal activity are better handled by a neutral body, such as SADC which has both an economic and political mandate, and can play the role of a convener among states.

Issues of trade between SADC and other regions of countries, which may require collective bargaining or negotiations to safeguard both individual country and collective regional interests, are also better handled by a regional body, rather than countries operating unilaterally. Therefore, plans to open up borders and enable ‘free trade zones’ for all manner of commodities will call for quality standards that are better negotiated through a regional facility, which also shares information among countries.

3. Priority Areas for Regional Cooperation on FLEGT and proposed FLEGT Programme components

The SADC Regional Consultative Workshop identified eight areas to be covered in a regional FLEGT Programme, namely:

1. Forest policies and laws
2. Forest governance
3. Law enforcement
4. Sustainable forest products trade

5. Land use dynamics
6. Sustainable forest management (SFM)
7. Research and development
8. Community participation and incentives for SFM

The experiences of the Ghana-EU Voluntary Partnership Agreement (VPA), was also drawn upon in the development of this document. The VPA outlines the key components of a successful FLEGT programme both within and between cooperating countries. The above priority areas identified at the Regional Consultative workshop held in October 2011 have been built into the proposed priority components of a SADC Regional FLEGT Programme, which are:

1. Regional Legal Framework for implementation of policies and enforcement of laws in the context of FLEGT
2. Strengthening national institutions and their regional linkages
3. Monitoring compliance with principles, policies and regulations pertaining to FLEGT at National and Regional levels
4. Supportive measures to implement FLEGT and strengthen trade in sustainably produced forest products
5. Management of data and information on forest products under FLEGT

While the titles of the proposed programme components do not follow the titles of the eight (8) areas listed above, they are nonetheless incorporated under the components.

The components consist of objectives and actions required at both regional and national levels, which complement each other. It is stressed that collaboration among Member States will be essential and crucial for programme's success. The SADC Secretariat will not only be instrumental in driving coordination and supporting collaboration among Member States but also in assessing progress at the national and regional levels. While the SADC Secretariat will support Member States on developing a common set of policies, legislations and procedures, such as a regional definition of "Legality" (a regional Forest Product Legality Standard), Members States will review and harmonize their national policies, legislations and procedures to conform to the developed regional standards and guidelines. Thus, a strong role for both the SADC Secretariat and the Forest Authorities of Member States is envisaged.

4. A SADC FLEGT Programme

This section outlines key components of a Regional SADC FLEGT Programme. It has adopted some aspects in the Ghana-EU FLEGT-VPA and builds on the outcome of the Regional SADC Consultative Workshop on the Development of a Regional SADC FLEGT Program held in Johannesburg, South Africa in October 2011 as well as the background documents to the workshop.

Overall programme goal

To ensure that forest products are harvested and traded with and within the SADC region and other countries based on a jointly agreed legal framework in line with the principles of sustainable forest management with the participation of all stakeholders including communities and with strong independent and transparent law enforcement agencies

Programme objective

To harmonize FLEGT policy and regulatory framework within five years in order to enhance legal harvesting and trade in forest products for the sustained benefit of SADC Member States

Programme component objectives

The component objectives are:

- Reviewed policies and laws at regional and national level to support FLEGT policies and objectives
- Regional and national institutions in place to support implementation of FLEGT activities
- Compliance with forestry laws along value chains are monitored at national and regional levels
- Other measures to enable the implementation of FLEGT are in place
- Information needed to understand the management, utilization and trade in forest products in the region is made available

Programme results

The expected key programme results are:

- A SADC Legally Binding Agreement on jointly curbing illegal harvesting and trade of forest products is agreed and signed by all Member States
- Developed mechanism for strengthening national and regional institutions to deliver on FLEGT activities
- A system to monitor compliance with policies, objectives and regulations under FLEGT at regional and national levels developed
- Mechanisms developed for enhanced legal trade of sustainable forest products

- Established forestry information management system at regional, national and local levels

The programme components are presented and elaborated in the following sub-sections. Each component has an objective(s), result(s), and key activities. A Logical framework with expected results/ outcomes, key activities, indicators, institutional partners, assumptions, and responsible party(s) is also provided for each component, in Table 1, at the end of Section 4.

4.1 Component 1: Regional Legal Framework for the implementation of policies and enforcement of laws associated with FLEGT

The first component will focus on the establishment of a Regional Legal Agreement on FLEGT; a development that was envisaged in the SADC Forestry Strategy (2010-2020).

Objective: The objective of Component 1 is “Reviewed policies and laws at regional and national level to support FLEGT policies and objectives”

Results: The expected key result for Component 1 is a SADC Legally Binding Agreement on jointly curbing illegal harvesting and trade of forest products is agreed and signed by all Member States. The sub results for Component 1 will include:

- A review of relevant policies and legislation; governance and law enforcement; and legal standards to guide harvesting, and to facilitate effective both internal and cross-border movement and trade in forest products implemented
- A Licensing Scheme for harvesting and cross-border movement of and trade in forest products established
- Licensing Authority established
- A SADC regional Legally Binding Agreement on jointly curbing illegal activities in forests and illegal trade in forest products is agreed and signed by all Member States and its implementation process initiated
- Guidelines for intra and inter sectoral coordination for the implementation of this component developed

Activities: The key activities of Component 1 will include:

Assessment of relevant policies and legislation and the scope for their review to enhance national and regional level collaboration under FLEGT

To facilitate trade in legally produced forest products within and between Member States, Member States should define and agree on a standard definition of what constitutes “legally-produced forest product.” The definition of “legally-produced forest product” – the Legality Standard – sets out the policies, legislations and procedures that must be complied with for a forest product to be covered by a FLEGT License. Given the differences in forest policies and legislations between SADC Member States, the SADC region should develop a common or compatible set of policies, legislations and procedures

as regards (forest product) timber concessioning, harvesting, transportation, processing and trade. The standard should also clarify the documentation that must be issued to forest product traders, and define what taxes or levies must be paid to government or forest owners before a forest product can be harvested or concessions can be awarded. Member States will then review and harmonize their national forest policies, legislations and procedures with the Legality Standard. The SADC Secretariat will set up a Forest Product Legality Technical Committee comprising of representatives of all Member States and other interest groups, including timber associations, to develop the Legality Standard, including the institutional reforms needed to enhance forest governance. Member States will form technical committees to review and harmonize forest, trade and relevant policies, legislations and procedures to conform with and reflect the legality standard. The technical committee will among, other things, recommend:

- i. Documentation, including criteria and indicators, to serve as proof of compliance with the developed common policies, legislations and procedures
- ii. Review and harmonize national forest, trade and other relevant policies and legislations with the legality standard
- iii. Product scope, including timber and non-wood forest products
- iv. Institutional reforms for the operation of the legality assurance system

A legal consulting team could be hired to oversee the whole policy and legislation review process of all Member States and provide individual guidelines on how to review their respective legislations in order to be in line with other Member States, thus not making deep changes in the present legislation of each country, but at the same time being in line with the SADC Legally Binding Agreement. In each Member State, the forest authority could initiate the review process and coordinate with other relevant stakeholders, to develop proposals for submission to the national legislative authority. Lessons may be drawn from a Member State that has participated in the EU FLEGT VPA process and similar processes.

Develop a legality assurance system

To assure that forest products have been produced in accordance with the Legality Standard, Member States will institute a Legality Assurance System (LAS) for verification of legally produced timber. A forest product tracking system – the Legality Assurance System – will be developed to enable the establishment of a chain of custody system as well as the monitoring and reporting of compliance against the legality standard. A verification entity will be established in each Member State to perform the function of verification. A Technical Committee on LAS would advise on the structure of the verification entity and how it should be constituted. Verification of legality will involve reconciliation of data generated along the entire process chain of forest products for local trade and export to other Member and non-Member States. The entity will measure compliance of forest products to the national legality standard. In performing its function, the entity will work with the data based on submissions and approvals from the responsible regulatory

authority in the respective country. The entity will perform the role of verification and validation of processes at the critical control points of harvesting, transportation, processing and sale including export.

The LAS should be a standard certification system for legally harvested forest products that is recognized by all SADC Member States and that can be traced by every Member State. It has to recognize and consider already existing minimum standards within Member States regarding forest management and forest products harvesting and trade. Furthermore, lessons could be drawn from a Member State where a national legality assurance system is under development or already developed.

Develop a SADC regional legally binding Agreement on jointly curbing illegal activities in forests and illegal trade in forest products

The rationale for the Binding Regional Agreement is to prevent illegality in forest activities and trade in illegally produced forest products. If only a few Member States implement this Agreement, illegal logging and trade in illegally produced forest products will simply shift to the non-cooperating Member States. All countries that have agreed to work together to reduce illegal harvesting and trade in forest products must enter into a Partnership Agreement, albeit voluntarily. SADC Member States are advised to sign a Binding Regional Agreement to implement FLEGT within and between Member States. The Agreement should also commit Member States to ensure that forest products procured from non-SADC countries have been produced in accordance with the country's forest laws and policies.

Develop a Licensing Scheme for harvesting, movement of and trade in forest products, and establish a Licensing Authority

Establishment of a Licensing Scheme for harvesting, movement of and trade in forest products and a Licensing Authority:

- i. To verify and attest that forest products traded within and between Member States and exported to non-Member States are legally produced
- ii. To implement a common procedure for issuing and or accepting licenses as agreed in the Licensing Scheme
- iii. To attest and verify that forest products destined for trade locally and between the country and other Member and non-Member States are in compliance with the Licensing Scheme

Over the years, there has been an outflow of illegal and un-reported forest products within and between SADC Member States, and from SADC Member States to other countries. The proposed FLEGT Licensing Scheme will verify and attest, by means of a FLEGT License, that forest products traded within and between SADC Member States and between SADC Member States and non-SADC countries are legally produced. The Scheme will also give individual Member States and SADC as a bloc the mandate to engage external markets to respect laws governing trade in forest products. It will give SADC the

mandate to negotiate with other countries and regional bodies on trade in legally produced forest products.

To facilitate transparency and fairness in the issuance and acceptance of FLEGT Licenses, SADC Member States will develop a common set of procedures for issuing and accepting a FLEGT license and its form, whether paper-based or electronic. The FLEGT license will indicate the name and contact details of the issuing authority, FLEGT license number, name of the importer (for products to be exported), date of issuance and expiry, product (ISO) code, means of transport, licensee, commercial description of the product, volume and weight of the product among others. The SADC Secretariat will set up a FLEGT License Technical Working Group to advise on the design of the FLEGT License, the specific information to be captured in the license, number of copies to be produced, period of validity, and steps to be taken when a licensee loses a FLEGT license. These and other issues to be captured in a FLEGT License will be elaborated in the TOR for the Working Group.

Once the licensing scheme is established, each SADC Member State will designate a Licensing Authority and communicate the contact details of this Authority to other Member States. The contact details of the Licensing Authority will also be made publicly available. The Secretariat will keep record of designated Licensing Authorities of all Member States. The Terms of Reference of the Licensing Authority will include the issuing of licenses, verification that forest products destined for trade locally or for export have been legally produced in accordance with the Licensing Scheme; as well as monitoring and reporting on the same. In addition, the Licensing Authority should develop a Forest product tracking system.

The Working Group will design the Licensing Scheme, which could be called “SADC Forest Products Licensing System”, and circulate to Member States for adoption.

Develop guidelines for intra and inter sectoral coordination of FLEGT

Effective implementation of forest law enforcement, governance and trade depends on the collaboration of other sectors and ministries, for example Ministries responsible for Environment and Natural Resources, Ministry of Agriculture, Ministry of Trade and Industry, as well as police, customs and other law enforcement agencies. In this regard there is need to establish guidelines for intra and inter sectoral coordination to enhance FLEGT implementation.

4.2 Component 2: Strengthening national institutions and their regional linkages

The second component focuses mainly on national actions and the linkages between national and regional issues and actions.

Objective: The objective is strengthened national and regional institutions in order to support the implementation of FLEGT activities

Results: The expected key result is a developed mechanism for strengthening national and regional institutions to deliver on FLEGT activities. More specifically, this mechanism will ensure that:

- Inter and intra sector coordination for FLEGT is established at national and regional levels
- Social safeguards and property rights are defined
- Stakeholder participation in FLEGT activities is enhanced

Activities: The key activity of this component is:

Undertake a study to identify strengths, weaknesses and potential of the relevant institutions to implement FLEGT activities at national and regional levels

To improve legal trade in forest products, cooperation between the national forest authority, industry and trade is necessary. Key sectors whose cooperation will be necessary at the national level include the national forest authority, the forest industry, the judiciary, the police, customs, Ministry of Trade and Industry, civil society and local communities. Inter-sector and inter-ministerial coordination and cooperation will not only be required within Member States but also between Member States. There will therefore be need to put in place mechanisms for coordination and cooperation between relevant national and regional bodies. In countries that have implemented FLEGT such as Ghana and Cameroon, cross-sector coordination for enhanced forest law enforcement, governance and trade has become a necessity especially as regards developing and implementing the Legality Assurance System and defining “Legal Forest Product”. It is therefore imperative that SADC Member States recognize that cross-sector and inter-ministerial coordination and cooperation is necessary to enhance forest law enforcement, governance and trade, and put in place intra- and inter-sector/ ministerial coordination and collaboration arrangements.

This is to ensure that the FLEGT Programme has built in social and environmental safeguards and does not cause and perpetuate any negative impacts on forest industry especially on small-scale wood processors and local communities.

FLEGT will require reforms in government and timber industry. In the short-term, it may negatively affect the timber industry, especially the chain sawyers and downstream wood processors. To minimize possible adverse impacts, Member States and the Secretariat will develop a better understanding of livelihoods of potentially affected indigenous and local communities as well as the timber industry, including those engaged in forestry illegal activities. In practice, this will mean studying the likely impacts of FLEGT on the industry and local communities and the environment, and initiating measures/ programs to mitigate any potential negative impacts. Therefore, the rights of all stakeholders including rural

communities participating in the use of forest resources must be considered in the design and implementation of programmes so that they are not unfairly deprived of their rights.

All relevant stakeholders from Government, private sector, civil society, NGOs, Academia as well as rural communities and their representatives must be considered in the implementation of FLEGT. Regional collaboration in this component could be achieved through the development of a legally binding regional protocol for the promotion, in all Member States, of the strengths identified in the study, while a capacity building programme could be developed to address the identified weaknesses.

SADC may consider one of two options for carrying out the study, depending on the costs for each option: (1) Engage a consultant for each Member State with guidelines to conduct the study and then consolidate the study results at SADC Secretariat level or (2) Engage a regional consultant that would carry out the study for submission to the Secretariat.

4.3 Component 3: Monitoring Compliance with policies, objectives and regulations under FLEGT at regional and national levels

In the implementation of FLEGT, there will be need to assure all stakeholders including the Forestry Authority, industry, the Joint Monitoring and Review Mechanism (JMRRM) and the SADC Secretariat that the national legality assurance system is functioning effectively and thereby ensure the credibility of FLEGT licenses and address emerging challenges such as disputes. Although it may seem that achievement of Component 3 may depend on the achievement of Component 1 first, it should be recognized that achievement of Component 1 is not a condition for achieving Component 3. Therefore, both Components 1 and 3 can run in parallel or concurrently, because Member States are at different rates of progress which calls for taking into consideration the prevailing constraints and status levels in each country while independently implementing Components 1 and 3.

Objective: The objective is compliance with forestry laws along value chains are monitored at national and regional levels.

Results: The expected key result is a system to monitor compliance with FLEGT policies, principles, procedures and regulations at regional and national levels is established. The sub results for Component 3 will include:

- An independent Monitoring System established
- A Joint Monitoring and Review Mechanism (JMRRM) established

Activities: The key activities of Component 3 will include:

Develop an independent monitoring system

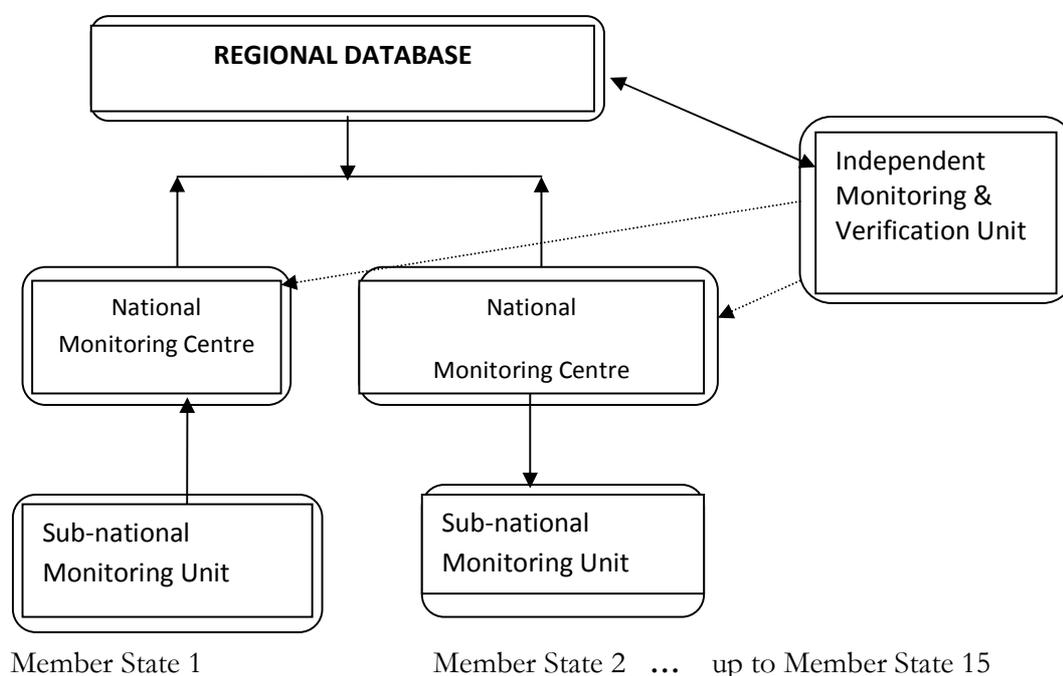


Figure 1: An independent monitoring system for SADC FLEGT

In the implementation of the LAS and FLEGT, it will be important to assess and determine whether the system is working as required and recommend any necessary improvements. This will require the services of an independent entity to monitor implementation of the LAS and recommend appropriate remedial measures as may be necessary. Each Member State will engage an Independent Monitor, in consultation with the SADC Secretariat, to monitor the implementation of procedures and control measures prescribed in the LAS. The Independent Monitor will conduct field investigations on the work of the national forest regulatory authority at all levels of forest, industry and supply chain including cross checks with Licensing Authorities and Independent Monitors of recipient Member States. The Secretariat will set up a working group – the Independent Monitoring Working Group – to advise on the formation and functions of the Independent Monitor including the competences of persons and or organizations to serve as Independent Monitors. The respective country Forestry Authority in consultation with the Secretariat will then establish their independent monitors.

Develop a joint monitoring and review mechanism

To assess progress made in the implementation of the Binding FLEGT Regional Agreement and address emerging issues, a Joint Monitoring Review Mechanism (JMRM) consisting of representatives from all Member States will be established. The JMRM will be

hosted by a Member State agreed upon by all SADC countries. The JMRRM will monitor and review progress in the development and implementation of the FLEGT Licensing Scheme at national level and cooperation between Member States. Specifically, the JMRRM will:

- i. Review progress made by Member States in the development of the FLEGT Licensing Scheme and the LAS
- ii. Recommend a date upon which the FLEGT licensing scheme should be fully operational
- iii. Review reports issued by the Independent Monitor and any complaints about the operation of the FLEGT licensing scheme
- iv. Monitor actions taken to address problems identified by the Independent Monitor
- v. Assess socio-economic and environmental impacts of FLEGT and address emerging issues
- vi. Address matters raised by Member States and resolve conflict
- vii. Recommend and support capacity building needs for implementation of the agreement
- viii. Review developments in public procurement policies to ensure they promote trade in legally produced forest products
- ix. Monitor and report on the market situation and commission studies as may be necessary
- x. Review and agree on annual reports on the progress of implementation

The JMRRM shall comprise of representatives of Member States and interest groups and the SADC Secretariat. A Technical Committee will be constituted to develop terms of reference for the JMRRM and recommend its constitution and mode of operation.

Capacity Building for Independent Monitors and JMRRM

Capacity building will be required for both the Independent Monitors and the JMRRM in order to enhance their effectiveness. Each Member State with its engaged Independent Monitor, in consultation with the SADC Secretariat, will recommend and support capacity building needs to monitor the implementation of procedures and control measures prescribed in the LAS. Training will be required on how to conduct field investigations on the work of the national forest regulatory authority at all levels of forest, industry and supply chain including cross checks with Licensing Authorities and Independent Monitors of recipient member countries.

The JMRRM will also recommend and support capacity building needs for implementation of the Binding FLEGT Regional Agreement; and the training would include how to assess progress made in the implementation of the Agreement as well as addressing emerging issues.

4.4 Component 4: Supportive measures to implement FLEGT and strengthen trade in sustainably produced forest products

Objective: The objective is strengthened legal trade in sustainable forest products

Results: The expected key result is mechanisms for enhanced legal trade of sustainable forest products are developed. The sub results for Component 4 will include:

- Guidelines on public procurement developed
- Supply chains for forest products identified
- Guidelines on community forestry developed
- Incentives for private sector good practices developed
- Prioritized mitigation and adaptation measures integrated into planning of SFM

Activities: The key activities of Component 4 will include:

Harmonize public procurement policies

Government / public procurement, involves the procurement of goods and services on behalf of a public authority, such as a government agency and accounts for a substantial part of the global economy.

In order to minimize and prevent illegality in public procurement of illegally produced forest products, it is necessary to review developments in government procurement policies to identify gaps; and develop standards and guidelines that facilitate formulation of harmonized procurement policies that promote government procurement of only legally produced forest products.

Describe supply and value chains in forest products

Like any other sector with tradable commodities, it is important to understand the issues and dynamics associated with value chains in the forest sector. This requires an understanding of the steps and processes involved in the production of goods and services from the forest sector and what interventions are required within the context of FLEGT. For example at the regeneration of a forest stand or plantation, failure to comply with legal regeneration standards by a concessionaire constitutes an illegality and would require strict supervision to ensure compliance with regeneration standards which is an early activity in the supply and value chain of commercial timber production. Knowledge of supply chains would assist in identifying sources of illegal forest practices in forest products harvesting and trade. With respect to non-timber forest products, a number of which have not been formally commercialized, understanding value chains is crucial since it can help to direct investments where they can make transformative changes in value-addition and income generation and also help local communities maximize their share of benefits arising through value addition.

Promote community forestry

Local communities, through community forestry, can play an important role in SFM. Community forestry involves the participation and collaboration of various stakeholders including communities, governments and non-government organizations (NGO's) in the management of forest resources. Community involvement should be promoted to enable local people to benefit from the management of forest resources along value chains. Among, others, communities can be involved in value addition to forest products, fire detection and suppression, forest data collection using simple techniques as well as detection of illegal forest harvesting practices. Lessons learned from previous forest projects should be applied to enhance community forestry. Regional guidelines are required to promote community participation in SFM.

Establish incentives for private sector good practices

Implementing FLEGT will, in the long-term, portend additional costs and work for governments and industry. As such it will be necessary to put in place measures to entice and encourage relevant national sectors, industry and local communities to implement FLEGT. A key incentive will be to guarantee compliant Member States and stakeholders of access to the huge market in the region. Part of this will also be to assure stakeholders and Member States that the Southern African Development Community will not allow trade in illegally produced forest products within its territory. Other measures will include:

- i. Encouraging formulation of public and private procurement policies and incentives that recognize efforts to ensure supply of only legally produced forest products
- ii. The promotion of FLEGT-licensed forest products within and between Member States, and in the region

Prioritization of climate change adaptation and mitigation measures for sustainable forest management

The FLEGT programme can contribute to climate change adaptation through reduced illegal activities to maintain forest cover which provides non-timber forest products for livelihood survival options for the rural poor and also provide ecological refuge to biological diversity. With regard to climate change mitigation, the maintenance of permanent forest cover is a mitigation mechanism for carbon sequestration.

When FLEGT is operational in the whole region, it would minimize “carbon leakage” which is the ‘export’ of an illegal activity to another location away from an area where a REDD or SFM project has prevented illegal activity.

Therefore, there is a need to conduct vulnerability assessments; studies on economics of ecosystems and biodiversity; as we all as identify priority climate change adaptation and mitigation options offered by forests to promote sustainable forest management for the benefit of the people.

4.5 Component 5: Management of data and information on forest products under FLEGT

Objective: The objective is enhanced information generation, collection and dissemination for better understanding of management, utilisation and trade in forest products in the region

Results: The expected key result is established forestry information management system at regional, national and local levels. The sub results for component 5 will include:

- A regional data base on trading in forest products established
- Established base line information on the extent of forest resources in Member States
- Increased awareness and political support for SFM in Member States

Activities: The key activities of component 5 will include:

Develop a regional data base on (domestic and trans-boundary) timber production and trade

The process of creating a FLEGT Programme will require strong policy advocacy. A kind of surveillance in the major points of exit for forest products will be needed to document the volume of material harvested, transported, processed and traded / exported before and after implementation of the licensing scheme. This will also provide information on the amount of revenues lost by governments through illegal and un-reported trade in forest products, and provide a strong background for convincing policy makers, government agencies and industry to cooperate in order to enhance forest law enforcement, and governance for the benefit of the region. It will also promote investment in forest product processing and trade. Some of the studies to be commissioned include:

1. Documentation of baselines on the level of trade in illegal and un-reported forest products, and quantification of revenues lost by governments and forest communities through illegal trade
2. How to enlist local communities, industry and the civil society to support FLEGT
3. Tax and transport related incentives for manufacture and trade (both internal and cross-border) in forest products
4. Credit schemes for SFM-based forest industries in SADC
5. Documentation of existing Non-Timber Forest Products (e.g. medicines, food supplements and others) with high economic potential for SADC
6. Forest production and climate change adaptation among the rural poor in SADC

The data base will be linked to the FANR Agricultural Information Management System (AIMS).

Facilitate provision of technical and political support to SADC FLEGT Programme

Successful implementation of FLEGT calls for technical and political support. Therefore, there is need to collect data and information on the negative impacts of illegal forest products trade and the positive impacts of legal forest products and how it can enhance economic development of SADC countries. The information could be packaged and presented to decision-makers to solicit for their support to FLEGT implementation.

Develop a data base on non-timber forest products

The SADC Region has a history of commercialization of non-timber forest products. Examples such as Devil's Claw, Marula Oil, Jams, Baobab Juice, the Hoodia plant and gums from Commiphora and medicinal plants have demonstrated the economic potential of non-timber forest products.

With the recent incorporation of the Democratic Republic of Congo (DRC) into SADC, it is highly likely that a whole lot of products that have not found their way into commercial markets can do so. This rich potential should be exploited and a starting point will be a documentation of current and potential non-timber forest products from countries such as Angola and the DRC who historically have had limited trade linkages with the rest of SADC. South Africa for example has a comprehensive list and database on trade in medicinal plants, the structure of which can be adopted for a regional one.

Develop regional capacity for climate sensitive inventory and monitoring of forest resources

Though this is more directly related to mainstream forest management than to the reduction of illegal activities in the forest sector, a successful FLEGT programme should ideally be supported by robust climate sensitive resource assessments and monitoring systems and practices within participating Member States.

Establish a two way information management system between Member States and SADC Secretariat that links to the regional information management system

The database will be constructed both at the national and regional levels. Under FLEGT, SADC will have a strong motive to ensure that data bases on all forest products at both national and regional levels have a common architecture that enables links and flow of information and data between them. A national operator should be able to upload information into a SADC controlled database following a regionally agreed protocol and likewise a regional database operator.

Produce and disseminate client specific information products

Once a regional database has been established and populated with data on various products, the database can be structured in a way that enables the extraction of client specific information. Examples of product groups could be; gums & resins, oil nuts, medicinal plants, jams and juices. The data base should include clauses of confidentiality to protect Member States markets.

Table 1: Logical framework for the SADC FLEGT Programme

Item	Indicators	Institutional Partners	Assumptions	Responsible stakeholders in Member States	Responsible / Contributing SADC Secretariat Directorate
<p><u>Overall Programme Goal:</u></p> <p>To ensure that forest products are harvested and traded with and within the SADC region and other countries based on a jointly agreed legal framework in line with the principles of sustainable forest management with the participation of all stakeholders including communities and with strong <u>independent</u> and transparent law enforcement agencies</p>		SADC Secretariat, MSs, and stakeholders	MSs politically and financially support FLEGT implementation	Ministry for Forestry	FANR
<p><u>Programme Objective:</u></p> <p>To harmonize FLEGT policy and regulatory framework within five years in order to enhance legal harvesting and trade in forest products for the sustained benefit of SADC Member States</p>	<p>Policy and regulatory framework developed</p> <p>xx% increase, from baseline, of legally harvested forest products</p> <p>xx% increase, from baseline, of forest products legally traded in SADC region</p>	SADC Secretariat, MSs, and stakeholders	MSs politically and financially support FLEGT implementation	Ministry for Forestry	FANR
<p><u>Component 1 key result:</u></p> <p>A SADC Legally Binding Agreement to jointly curb illegal harvesting and trade of forest products is agreed and signed by all Member States</p>	<p>High level Ministerial and Presidential meetings held</p> <p>A binding agreement signed by all Member States</p>	SADC Secretariat, MSs, and stakeholders (Private Sector, NGOs, Civil Society etc.)	MSs politically support policy & law reforms to implement FLEGT		

Key activities					
1.1 Assessment of relevant policies and legislation and the scope of their harmonization at national and regional level	Assessment reports	SADC Secretariat & MSs (Forestry, Trade and Custom institutions; consultants)	Availability of local consultants and funds	Ministries for Agriculture, Forestry, Environment	FANR/ TIFI
1.2 Develop a legality assurance system	SADC Forest Legality Technical Committee constituted Wood Tracking System - or Legality Assurance System (LAS) developed and circulated to Member States LAS system adopted by Member States	SADC Secretariat & MSs (Standards bureau; State law office, consultants)	Political will	Ministries for Trade, Commerce, Industry, Forestry, Environment, Justice	FANR/ TIFI
1.3 Develop a SADC regional Legally Binding Agreement on jointly curbing illegal activities in forests and illegal trade in forest products	Draft agreement developed and signed	SADC Secretariat & MSs (State law office; consultants; Ministry of Foreign Affairs)	MSs politically committed to sign the Agreement	Head of State	FANR
1.4 Develop a Licensing Scheme for harvesting, movement of and trade in forest products and Licensing Authority	FLEGT License Working Group constituted and its sittings started Set of procedures for issuing (accepting) FLEGT License and for validating uncertain licenses drafted FLEG licensing scheme adopted FLEGT licensing authority designated and functioning in each Member State	SADC Secretariat & MSs (Standards bureau; State law office; consultants)	Political will	Ministries for Trade, Commerce, Industry, Forestry, Environment, Justice	FANR/ TIFI
1.5 Develop guidelines for intra and inter sectoral coordination of FLEGT	Approved Regional FLEGT guidelines for intra and inter sectoral	SADC Secretariat & MSs (State law office;	Member States politically	Head of State	FANR

	<p>coordination</p> <p>Reports of guidelines incorporated into national programmes and strategies</p>	consultants; Ministry of Foreign Affairs)	committed to sign guidelines Agreement		
1.6 Regional meetings on FLEGT agreement and licensing	Records of meetings	SADC Secretariat & MSs (Forestry, Trade and Customs institutions; facilitators)	Availability of local consultants and funds	Ministries for Agriculture, Forestry, Environment	FANR/ TIFI
<p><u>Component 2 key result:</u></p> <p>Developed mechanism for strengthening national and regional institutions to deliver on FLEGT activities</p>	<p>SADC Secretariat has inter-state mechanism (FLEGT Steering Committee) in place</p> <p>Established mechanisms for strengthening national and regional institutions and their linkages</p>	SADC Secretariat, MSs, and stakeholders (Private Sector, NGOs, Civil Society etc.)	Interest of Member States to advance FLEGT implementation	Police, Customs, Revenue Dept; Ministries for Environment, Agriculture, Forestry, Trade, Local Govt, and Land.	FANR; I&S; SHD&SP; TIFI
2.1 Undertake a study to identify strengths, weaknesses and potential of relevant institutions to implement FLEGT activities at national and regional levels	Reports of studies undertaken	SADC Secretariat & MSs	Good cooperation from MSs	Forestry Authority	FANR
<p><u>Component 3 key result:</u></p> <p>A system to monitor compliance with policies, objectives and regulations under FLEGT at regional and national levels established</p>	<p>Established monitoring system</p> <p>Reports of Working Group and Technical Committee on independent monitoring</p> <p>Reports and decisions of the JMRM meetings</p>	SADC Secretariat & MSs (Forestry and Trade institutions), Private Sector; NGOs; Civil Society; Academia; Development Partners; Media	<p>MSs commitment and funding contributions to independent monitor</p> <p>Political will and stability</p> <p>Non Govt</p>	Forestry, Environmental Conservation, Trade and Judiciary Academia Media Forestry	FANR SHD&SP TIFI I&S

			stakeholders are willing to participate Fair stakeholders representation is respected	Research Institutions	
3.1 Develop an independent monitoring system	Working Group on Independent Monitoring formed and functional Developed ToR (constitution, functions and competences) of persons and / or organizations to serve as Independent Monitors Appointed Independent Monitors in Member States In-country reports on functioning of Independent Monitors	SADC Secretariat & Member States	Political will Commitment of MSs	Forestry Depts	FANR
3.2 Develop a joint monitoring and review mechanism (JMRM)	ToR for the JMRM developed and shared among all Member States Established JMRM	SADC Secretariat & Member States	Commitment of MSs	Forestry Depts	FANR
3.3 Capacity building for Independent Monitors and JMRM	Curricula developed Number of Courses conducted	Independent Monitors; JMRM; Academia	Commitment of MSs	Forestry Depts; Academia	FANR
<u>Component 4 key result</u> Mechanisms for enhanced legal trade of sustainable forest products are developed.	Developed mechanisms for ensuring legal trade Harmonized standards for licensing procedures	SADC Secretariat & Member States	Commitment of MSs Existing mechanisms in place in MSs	Forestry Dept; Private sector; Civil Society; NGO; Academia	FANR
4.1 Harmonize public procurement	Guidelines on public procurement	Member States	Political will	Forestry Dept;	FANR

policies	developed Developed and harmonized procurement policies that promote government procurement of only legally produced forest products		Commitment of MSs Existing mechanisms in place in MSs	Private sector; Civil Society; NGOs; Academia	
4.2 Describe supply and value chains in forest products	Studies on value and supply chains undertaken Critical interventions along supply and value and chains for selected products suggested and described	SADC Secretariat & Member States (Private Sector, NGOs, Civil Society)	Harvesting systems for non-timber forest products exist in MSs	Ministry for Forests; Private sector; Civil Society; NGOs; Academia	FANR
4.3 Promote community forestry	Testing on CF models in the context of FLEGT Reports of community participation in forest management	Member States, CBOs, NGOs, Private Sector	Political will Community Forestry practices exist in MSs MS has existing Models for JFM, CBFiM and CBNRM	Ministry for Forests; Private sector; Civil Society; NGOs; Academia	FANR
4.4 Establish incentives for private sector good practices	Regional guidelines for incentives developed Incentives for private sector established to produce and trade in legally harvested forest products developed	SADC Secretariat & Member States; Private Sector	MSs support Forest Certification Incentives	Ministry for Forests; Private sector; Civil Society; NGOs; Academia	FANR
4.5 Prioritize climate change adaptation and mitigation measures for sustainable forest management	Studies on vulnerability assessments (VA) conducted Studies on economics of ecosystems	SADC Secretariat & Member States	Political will Commitment of	Ministry for Forests; Private sector; Civil	FANR

	and biodiversity undertaken Identified adaptation options in forests Prioritized adaptation measures integrated into planning of sustainable forest management		MSs	Society; NGOs; Academia	
<u>Component 5 key result</u> Established forestry information management system at regional, national and local levels	Forestry information management system established Databases, baseline information and reports	SADC Secretariat & Member States; Private Sector, CBOs, Civil Society			
5.1 Develop a regional data base on (domestic and trans-boundary) timber production and trade	Timber trade data base	SADC Secretariat & Member States, Private Sector	Easy flow of information within and among MSs	Forestry Depts; Ministries for Environment, National Statistics Bureau; Research Institutions; Institutions of Higher Learning	FANR / TIFI
5.2 Facilitate provision of technical and political support to SADC FLEGT Programme	Reports of undertaken studies to document extent of trade in timber revenues lost Reports of information on impacts of illegal trade to the economy provided to decision-makers	Forestry Depts, Customs, Trade and Industry; Private Sector; Central Statistics; Parliament	MSs political commitment to policy and legislative reforms	Forestry Depts; Customs; Trade and Industry; Private Sector; Central Statistics; Parliament	FANR / SADC Organ on Defense and Politics
5.3 Develop a data base on non-timber forest products	Non timber forest products trade data base	Communities; Forestry Dept; Trade and Industry; SMEs; Ministries or Depts of Environment,	Willingness of relevant stakeholders to participate and share accurate	Forestry Dept; Trade and Industry; Ministries for Environment,	FANR

		Tourism and Natural Resources; Private Sector; National Statistics Bureau; NGOs	information	Tourism and Natural Resources	
5.4 Develop regional capacity for climate sensitive inventory and monitoring of forest resources	Decentralized forest inventory unit Number of climate sensitive forest inventories undertaken in Member States	SADC Secretariat, MSs (Forestry Depts; Research Institutions; Institutions of Higher Learning; Ministries or Depts of Environment, National Statistics Bureau)	MSs political commitment to carry out inventories MSs committed to fund inventories	Forestry Depts, Research Institutions, Institutions of Higher Learning, Ministries or Depts for Environment, National Statistics Bureau	FANR / SADC Climate Change Centre
5.5 Establish a two way information management system between the Member States and SADC Secretariat that links to the regional information management system	Up to date national and regional databases Periodic regional validation reports	SADC Secretariat, Member States	Collaboration between MSs and SADC Secretariat	Member States	FANR
5.6 Produce and disseminate client specific information products	Packages of client specific information	SADC Secretariat, Member States	Willingness to share information between Clients, MSs & SADC Secretariat	MSs & Clients	FANR / SADC Public Relations Unit

4.6 Program implementation

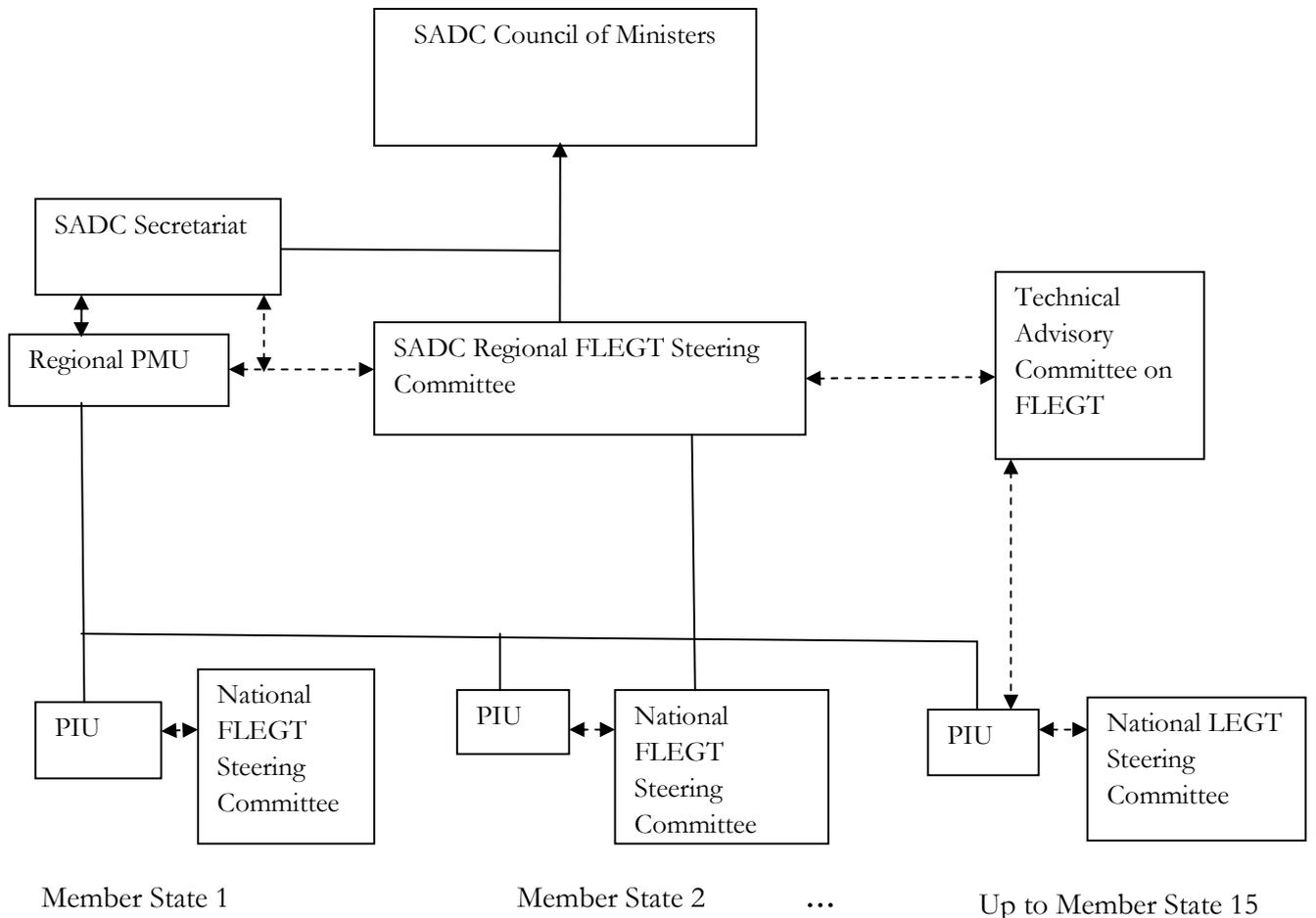


Figure 2: Implementation structure of SADC FLEGT Programme

The SADC Secretariat, the regional PMU and SADC Regional FLEGT Steering Committee will be responsible for the management of the Programme and report to the SADC Council of Ministers. Within SADC Secretariat, the FANR will be in charge and responsible for organizing all high-level inter-ministerial meetings and preparations for SADC Council of Ministers meetings, as well as preparation of all the necessary FLEGT reports for these meetings. FANR will constitute a Regional Steering Community (RSC) to guide implementation of the Programme at the regional level and provide oversight.

At the national level, a National Steering Committee (NSC) will be formed to guide implementation of the National Program. The NSC will be responsible for nominating representatives to the suggested regional working groups, technical committees and organs. They will convene inter-ministerial and inter-sector coordination committees and facilitate

their functions. The NSC will be assisted by a Programme Implementation Unit (PIU), which will be hosted within the agency in charge of forestry.

The TORs of the Technical Advisory Committee will include providing professional expertise on various technical aspects when necessary at Regional Level.

Selected members of Timber Associations will be part of the National FLEGT Committee, the Regional FLEGT Committee as well as the Technical Advisory Committee.

4.6.1 Organization

Member States through the SADC Council of Ministers will be overall responsible for the Regional Programme. At the regional level, a dedicated Programme Management Unit (PMU), in collaboration with and under supervision of the FANR and Regional FLEGT Steering Committee, will be responsible for coordination, planning and day-to-day management of the Programme. The PMU will consist of the following staff:

1. Programme Coordinator
2. Technical Advisor
3. Information Management officer
4. Finance Officer
5. Support staff (Secretary / Driver)

The PMU will liaise and coordinate with the Programme Implementation Unit, national forest authorities and other implementing partners in Member States, including the specific institutions, which the SADC Secretariat and Member States would appoint to deliver on specified aspects of the Programme.

SADC Secretariat may appoint institutions within SADC as ‘hubs’ for certain components/aspects of the Regional Programme, particularly development of common policies, legislations and procedures – the Legality Standard – and the legality assurance system.

At the national level, the (National) Programme will be planned and coordinated by a Programme Implementation Unit. The PIU will be hosted by the Forestry Authority, which will also act as the lead implementing agency. The PIU will liaise and coordinate with all relevant national authorities, and other institutions as may be formed or advised by the Forest Authority, and the NSC. The PIU will be headed by a Senior Forest Officer, and will be responsible for planning and day-to-day management of the National Programme.

4.6.2 Location of PMU

The PMU will be hosted by a Member State selected and agreed upon by all SADC countries.

4.6.3 Governance

At the regional level, the Programme will be governed by the Regional Steering Committee (RSC), which will be composed of individuals nominated by Member States and representatives of relevant interest groups (Civil Society Organisations, Private Sector Organisations and community representatives). The Regional Steering Committee will be chaired by one of the Member States. The Chair will rotate every year for the full duration of the Programme. The RSC will discuss and approve the budgets, work plans, reports and appointments made under the SADC FLEGT Programme. The SADC Secretariat will consult with the Regional Steering Committee in appointing members of the PMU.

The Regional Steering Committee (RSC), in collaboration with the PIU, will guide the implementation of the Regional Programme, in collaboration with the SADC Secretariat. To achieve the programme objectives, the Regional Steering Committee will:

1. Designate and support certain specialized and relevant institutions to provide technical training and capacity building to Member States on such matters as legislative and governance reforms and multi-stakeholder consultation processes
2. Constitute the technical committees and working groups to advise on the range of issues identified in the components
3. Coordinate with Member States through the NSC, PIU and relevant forest authorities
4. Employ the services of short- and medium-term consultants to help deliver on specific aspects of the Programme at the regional level
5. Undertake any other tasks that may arise in due course

At the national level, the Programme will be governed by a National Steering Committee (NSC), which will be composed of representatives of relevant ministries and government agencies, civil society, industry and local community organizations/ groups. The Chief Executive of the authority in charge of forestry will chair the National Steering Committee. The NSC will discuss and approve the budgets, work plans, reports and appointments made under the National Programme. The National Steering Committee will:

1. Designate and support certain specialized and relevant institutions to provide technical training and capacity building to the relevant national authority on such matters as policy, legislative and governance reforms and multi-stakeholder consultation processes
2. Constitute technical committees and working groups to advise on the range of issues identified in the Programme at the national level
3. Coordinate with NSC in other Member States, the RSC and other organs of the SADC Secretariat

4. Commission the various studies identified in the Programme components and employ the services of short-term consultants to deliver on specific aspects of the National Programme
5. Undertake any other tasks that may arise in due course

4.6.4 Role of the SADC Secretariat

The role of SADC Secretariat will include resource mobilization for programme implementation as well as a convener of meetings for Member States to govern the implementation of the Regional Programme and to facilitate the flow for both regional and national actions, to coordinate programme monitoring, reporting and auditing of financial statements. In the long term the Secretariat will also facilitate the creation of a data base of trade statistics to be shared with Member States.

4.6.5 Role of Member States

Member States constitute the governing and decision making bodies of SADC in conjunction with the Secretariat, which is managed by appointments from among the Member States. Member States will be overall responsible for the FLEGT Programme and create the necessary policy and legislative environment within their respective countries to enable implementation of the Program at the national and regional level. Specifically, Member States will create the necessary in-country FLEGT structures and nominate their nationals to serve in the RSC and appoint technically qualified persons to serve in the regional technical committees and working groups. They will also:

1. Appoint Designated National Licensing Authority, NSC, and set up the PIU.
2. Set up inter-ministerial/ sector committees
3. Create expert working groups to deliver on specific aspects of the programme at national level

Member States shall notify one another through the Secretariat and the JMRRM when they consider that they have put in place the necessary preparations for the FLEGT Licensing Scheme to be fully operational. The Secretariat and the JMRRM shall commission an independent assessment of the scheme using agreed criteria to determine the legality assurance underpinning the FLEGT Licensing Scheme as agreed by Member States. On the basis of the recommendations of the Secretariat and the JMRRM, Member States shall agree and confirm in writing the date for which the FLEGT Licensing Scheme shall become operational. Member States shall also be responsible for establishing networks between the institutions and capacitating institutions involved in the FLEGT process.

4.6.6 Stakeholder involvement

All Member States shall encourage stakeholder consultation in the development of a FLEGT licensing scheme and legality assurance system as outlined in Component 1. The

Southern African Development Community, through the Secretariat, will hold regular consultations with stakeholders on the development and implementation of the FLEGT licensing scheme and the legality assurance system.

4.6.7 Indicative Budget

Table 2 below, shows the total indicative budget, estimated at approximately US\$10,030,000 over a 5-year period.

4.6.8 Source of funding

The FLEGT Programme will be funded through contributions from Member States as well as support from international cooperation partners (ICPs). SADC Secretariat will lead resource mobilization efforts for the FLEGT Programme from ICPs. Member States will lead mobilization of resources from their national budgets as well as seek assistance from bilateral development partners and pool the funds into a FLEGT Fund.

Table 2: Indicative budget for the SADC FLEGT Programme

Component	Key Actions	Budget (US\$ 000)
Component 1: Regional Legal Framework for implementation of policies and enforcement of laws	1.1. Assessment of countries policies and legislation	150
	1.2. Develop and publicize a legality assurance system	400
	1.3. Develop a legally binding agreement	400
	1.4. Develop a licensing scheme and associated training	750
	1.5. Guidelines for intra and inter-sector coordination on FLEGT	500
	1.6. Regional Meeting on FLEGT agreement and licensing	420
Component 2: Strengthening national institutions and their regional linkages	2.1 Study on the strengths, weaknesses and potential of relevant institutions to implement FLEGT activities at both national and regional levels	100
Component 3: Monitoring compliance to FLEGT at national and regional levels	3.1 Develop independent monitoring working group	300
	3.2 Develop a joint monitoring and review mechanism	220
	3.3 Capacity building for Independent Monitors and JMRRM	100
Component 4: Supportive measures to implement FLEGT and strengthen trade in sustainably produced forest products	4.1 Harmonize public procurement policies	360
	4.2 Describe supply and value chains	300
	4.3 Promotion of community forestry	1,600
	4.4 Establish incentives for private sector good practices	550
	4.5 Prioritize climate change adaptation and mitigation measures for SFM	300
Component 5: Management of data and information on forest products under FLEGT	5.1 Develop and populate a regional database on timber products and a similar one on non-timber forest products	500
	5.2 Improve capacity for inventory and monitoring	1,000
	5.3 Develop a 2-way communication system between Member States and SADC Secretariat	80
	5.4 Produce and distribute client specific information	50
PMU: Programme Coordination	6.1 Programme Coordinator, Technical Advisor, Finance Officer, Support staff (Secretary / Driver)	900
	6.2. SADC FLEGT Meetings	350
	6.2 Programme Coordination Costs	700
Total 5 Year Budget		10,030

5. References

- 1) Africa forest law enforcement and governance (AFLEG), Ministerial declaration, Yaoundé, Cameroon October 16, 2003
- 2) Forest law enforcement, governance and trade (FLEGT). Proposal for an EU Action Plan. Com (2003) 252
- 3) SADC Forestry Strategy 2012
- 4) SADC Protocol on Forestry 2002
- 5) SADC Regional Workshop Report on FLEGT 2011