Making the Forest Sector Transparent

Annual Transparency Report 2009
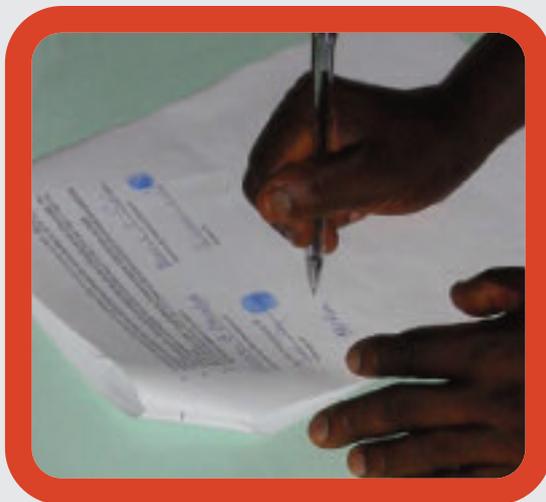
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Abbreviations

CED   Centre pour l'Environnement et le Développement (Cameroonian partner in *Making the Forest Sector Transparent*)

CFDC(s)   Community Forestry Development Committee(s), Liberia

CIFOR   Center for International Forestry Research

CIKOD   Centre for Indigenous Knowledge and Organisational Development (Ghanaian partner)

CITES   Convention on International Trade in Endangered Species

C-MRV   Measurement, reporting and verification of emissions reductions and carbon stored in forests

CONAFOR   Comisión Nacional Forestal (National Forest Council, Peru)

CSOs   Civil society organisations

DAR   Derecho Ambiente y Recursos Naturales (Peruvian partner)

DGFFS   Dirección General Forestal y de Fauna Silvestre (General office for forests and wildlife, Peru)

DFID   Department for International Development

EIA   Environmental Impact Assessment

EITI   Extractive Industries Transparency Initiative

EU   European Union

FDA   Forest Development Authority (Liberia)

FGI   Forest Governance and Integrity programme (Transparency International)

FLEGT   Forest Law Enforcement, Governance and Trade programme of the EU

FWG   Forest Watch Ghana

GFI   Governance of Forests Initiative (World Resources Institute)

IFM   Independent Forest Monitoring

IMF   International Monetary Fund

INRENA   Instituto de Recursos Naturales (former National Institute for Natural Resources, Peru)

LEITI   Liberia Extractive Industries Transparency Initiative

LFI   Liberian Forest Initiative

MDGs   Millennium Development Goals

MINFOF   Ministère des Forêts et de la Faune (Ministry of Forests and Wildlife, Cameroon)

NGO(s)   Non-governmental organisation(s)

NTFPs   Non-timber forest products

OASL   Office of the Administrator of Stool Lands (Ghana)

OBI   Open Budget Initiative

OSINFOR   Organismo Supervisor de los Recursos Forestales (Forestry supervisory agency, Peru)

PWYP   Publish What You Pay coalition

RTI   Right to information

SDI   Sustainable Development Institute (Liberian partner)

SRAs   Social Responsibility Agreements (in Ghana)

TI   Transparency International

TPA   Trade Promotion Agreement (normally referring to the trade promotion agreement between Peru and the US)

UN   United Nations

UNCAC   UN Convention Against Corruption

UNDP   UN Development Programme

UNECE   United Nations Economic Commission for Europe

UNFCCC   UN Framework Convention on Climate Change

UN-REDD   UN framework for Reducing Emissions from Deforestation and forest Degradation

US   United States (of America)

USAID   US Agency for International Development

VPA   Voluntary Partnership Agreement, a European Union bilateral timber trade agreement under the FLEGT initiative

WRI   World Resources Institute

Note to the reader

This report is based on research and assessments up to December 2009.

Finalisation of the text took place in July 2010.

Foreword

The value of forests

Forests are immensely important, both to the environment and to human societies. They are a central component of the natural resources that support life on earth, and we are coming to learn of the importance of their role in combating climate change. Millions of people are wholly or largely dependent on forest resources for their livelihoods. No-one is as dependent on these precious assets as the world's poorest and most vulnerable.

Although both the human and the natural worlds are highly dependent on the existence and survival of the world's forests, and despite widespread recognition of the immense importance of public forests, they have not been protected from aggressive destruction on an enormous scale.

Forest sector mismanagement

In many forest-rich but economically poor developing countries – where governance is often weak and problems of law enforcement and revenue distribution are systemic – corruption and poor law enforcement have been exploited by governments and unscrupulous big businesses in the pursuit of their own commercial interests. The forest sector is particularly prone to bad governance, and has suffered from years of poor management and a lack of accountability, because policy processes have been dominated by elite groups of powerful individuals or corporations looking to exploit the forests for their own gain. Under these circumstances, forest use is agreed behind closed doors and without the knowledge or consent of locals. Consultation processes, where they do exist, tend to take place between unequal partners – one informed, the other uninformed and with little capacity to negotiate. Resulting management of public forests fails to deliver according to public needs or pro-poor development goals, but rather facilitates unsustainable forest use and trade in illegal timber.

Problems of law enforcement and revenue redistribution are systemic. Forest-rich countries are deprived of valuable revenues from taxation, fees, and potential payments for avoiding deforestation because the demands of international markets promote mismanagement and subsequent unsustainable forest use and practices.

The dominance of policy processes by a narrow group of interests also means a lack of transparency. Too often, use of public forests is undemocratically agreed without the knowledge or consent of ordinary people, who find themselves locked out of discussions and consultation processes. The common needs of poorer, forest-dependent communities have been neglected in favour of the private needs of elites.

What to do about it

Solving the problem of forest sector mismanagement is not straightforward.

A key step towards improving forest sector policy and practice is to make forest sector governance more responsive and accountable. This means increasing transparency.

As identified in the UK Government's 2006 white paper, *Making Governance Work for the Poor*[1] – the impetus for the funding for *Making the Forest Sector Transparent* – transparency is key to the demand side of good governance. Strengthening the ability of ordinary people to access and analyse information will help to refocus forest policy on their needs.

Effective public participation in decision-making depends on the availability and accessibility of full, accurate, reliable and up-to-date information. Civil

society organisations can play a vital role in promoting and guaranteeing the access to information agenda, by creating space for public discussion and organising civil society action on a range of access-related issues.

Forest sector mismanagement is likely to gain more international relevance after the launch of UN-REDD, a collective term for a number of major initiatives by the World Bank, United Nations Framework Convention on Climate Change (UNFCCC) and other UN processes and agencies aimed at reducing emissions from deforestation and forest degradation (REDD). With these new approaches, it is highly likely that carbon will become at least as important a commodity as timber in the economics of forest management and exploitation. In the absence of robust mechanisms of good governance, transparency and accountability for carbon, anticipated huge increases in international transfers of funding for REDD schemes will be highly vulnerable to elite capture, just as industrial logging concessions are now. Unless civil society is able to put real pressure on governments to address these weaknesses, positive change is unlikely.

The UN-REDD programme is aimed at:

'…tipping the economic balance in favour of sustainable management of forests so that their formidable economic, environmental and social goods and services benefit countries, communities and forest users while also contributing to important reductions in greenhouse gas emissions.' – UNDP[2]

Global Witness

Global Witness has worked on forest governance and transparency since the organisation was founded 15 years ago. In 1995, our very first campaign closed the Thai-Cambodia border to the $20-million-per-month timber trade between the Khmer Rouge and Thai logging companies. Over the years, our hard-hitting investigations have had direct and major impacts: examples include IMF withdrawal from Cambodia in 1996 over corruption in the logging industry; the imposition of timber sanctions on Charles Taylor's Liberia in 2003; and the precedent-setting arrest of timber baron Gus Kouwenhoven in the Netherlands in 2005.

In the meantime, we have worked with local civil societies around the world as they operated, at great risk, under some of the world's most oppressive regimes. We have been able to publicise issues they could not risk publicising themselves, and we have helped create a new political space in which some of these organisations could operate. We have published over 30 comprehensive reports on the forest sectors in Burma, Cambodia, Cameroon, the Democratic Republic of Congo (DRC), Ghana, Honduras, Liberia, Madagascar, Nicaragua, and Vietnam[3].

In 1999, Global Witness pioneered Independent Forest Monitoring (IFM) – first in Cambodia, then in Cameroon, Honduras, DRC, and Nicaragua (where we are currently handing over an IFM initiative to local control). The IFM process puts the onus on governments to implement durable, systemic solutions to stop theft, fraud and corruption. Under IFM, we have produced over 150 case study reports of individual incidents of forest crime, each one validated by forest authorities in the relevant country[4]. Independent monitoring has subsequently been adopted by the Forest Law Enforcement, Governance and Trade (FLEGT) programme of the European Union (EU), as one of five mandatory components of any legality licensing system of the

kind to which countries such as Cameroon, Ghana, and the Republic of Congo are signing up[5].

Global Witness's work on international processes increased with the expectation that a REDD agreement would occur in the UN Climate Change negotiations in Copenhagen in December 2009. That work continues, with the aim of ensuring that governance of REDD activities and finance remains at the forefront of discussions, warning against such perverse outcomes as the continuation of subsidies to climate-unfriendly large-scale logging. In 2009 Global Witness published three important reports on the subject:

- *Building Confidence in REDD – Monitoring Beyond Carbon*[6]. This report informs the development of a monitoring system for REDD that goes beyond the measurement, reporting and verification of emissions reductions and carbon stored in forests (C-MRV). It identifies governance challenges and the risks presented to investment by weak governance and extensive illegality in REDD countries, and provides the rationale for a broad-based, robust monitoring system.

- *A Decade of Experience – Lessons Learned from Independent Forest Monitoring to Inform REDD*[7]. This report is the evidence base for the proposal

on the independent monitoring of REDD.

- *Vested Interests*[8]. This report documents how industrial logging in primary tropical forests under the guise of 'sustainable forest management' is in fact a major source of carbon emissions and a primary driver of deforestation.

In those countries where some form of legislation exists around the right to access information, civil society has been crucial in pressing for the enforcement of that right. The role of civil society in the Extractive Industries Transparency Initiative (EITI)[9], through the Publish What You Pay (PWYP)[10] coalition, of which Global Witness was a founder member, is a good example of this. Through PWYP, civil society groups in almost 70 countries were able to exert considerable pressure on authorities to conform to their governments' commitments to EITI, and to call for the disclosure of licensing arrangements and extractive industry contracts. In this case, the involvement of civil society was effective not just in raising transparency levels, but also in promoting discussion of data disclosure, and in building trust between stakeholders in a sector where relationships have historically been adversarial. This is a particularly relevant example to *Making the Forest Sector Transparent*, because the political economy of the extractive industries sector is very similar to that of the forest sector.
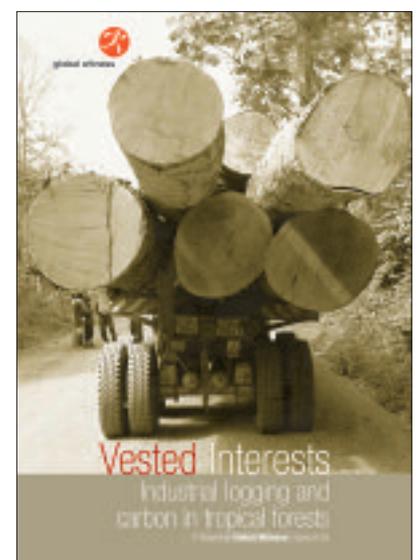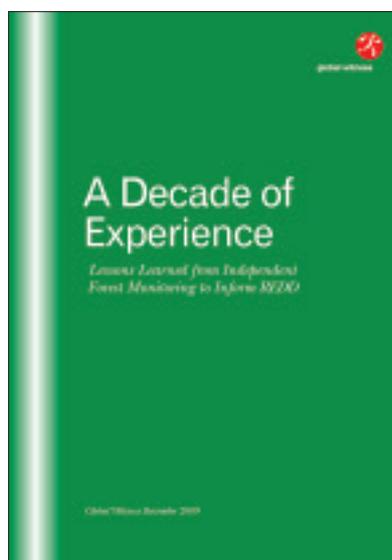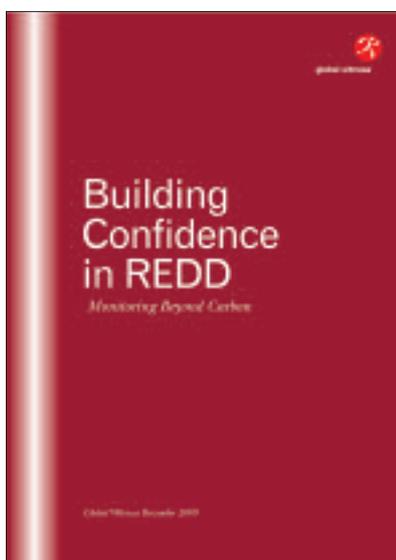
1. Introduction: *Making the Forest Sector Transparent*

Making the Forest Sector Transparent is a four-year project supporting civil society groups in forest-rich countries in engaging with policy makers and advocating for accountable forest sector governance. The project emerged from discussions with local non-governmental organisations (NGOs) in selected countries relating to the EU FLEGT process, and started in October 2008 with the main aim of making the management of the forest sector in these countries properly transparent. Of the four initial countries, three, in Africa, are engaged in FLEGT and one, in South America, has a Trade Promotion Agreement (TPA) with the US. The four countries and the local partners are as follows (see Annex 3 for details of each partner):

- Cameroon: Centre pour l'Environnement et le Développement (CED)

- Ghana: Centre for Indigenous Knowledge and Organisational Development (CIKOD)

- Liberia: Sustainable Development Institute (SDI)

- Peru: Derecho Ambiente y Recursos Naturales (DAR).

Making the Forest Sector Transparent takes a people-centred approach to assessing the level of public access to information. To facilitate such an approach to measuring transparency, the partners of this project entered into a participatory process to develop and pilot a transparency Report Card as an assessment tool.

While Report Cards are popular in other sectors, the use of a transparency Report Card for the forest sector is innovative. Using this methodology, *Making the Forest Sector Transparent* is able to assess the scale of the lack of transparency problem, assess the extent to which efforts to improve transparency in the forest sector are working, identify cases of good practice by some governments, and explore possibilities for the extension and replication of good practices.

Key project objectives

- Increased access to information on forest sector activities

- Effective advocacy for greater transparency and governance

- A resilient network of civil society organisations working on forest governance.

Through repeating the Report Card process annually, and expanding its use to more countries, *Making the Forest Sector Transparent* will lay global ground rules for a shift in power towards increased access to information, and towards decision-making for those whose lives depend most directly on forests.

Key for graphs

- Forest
- Non-Forest

The circle size represents the relative size of the project countries

Peru

Liberia

Ghana

Cameroon
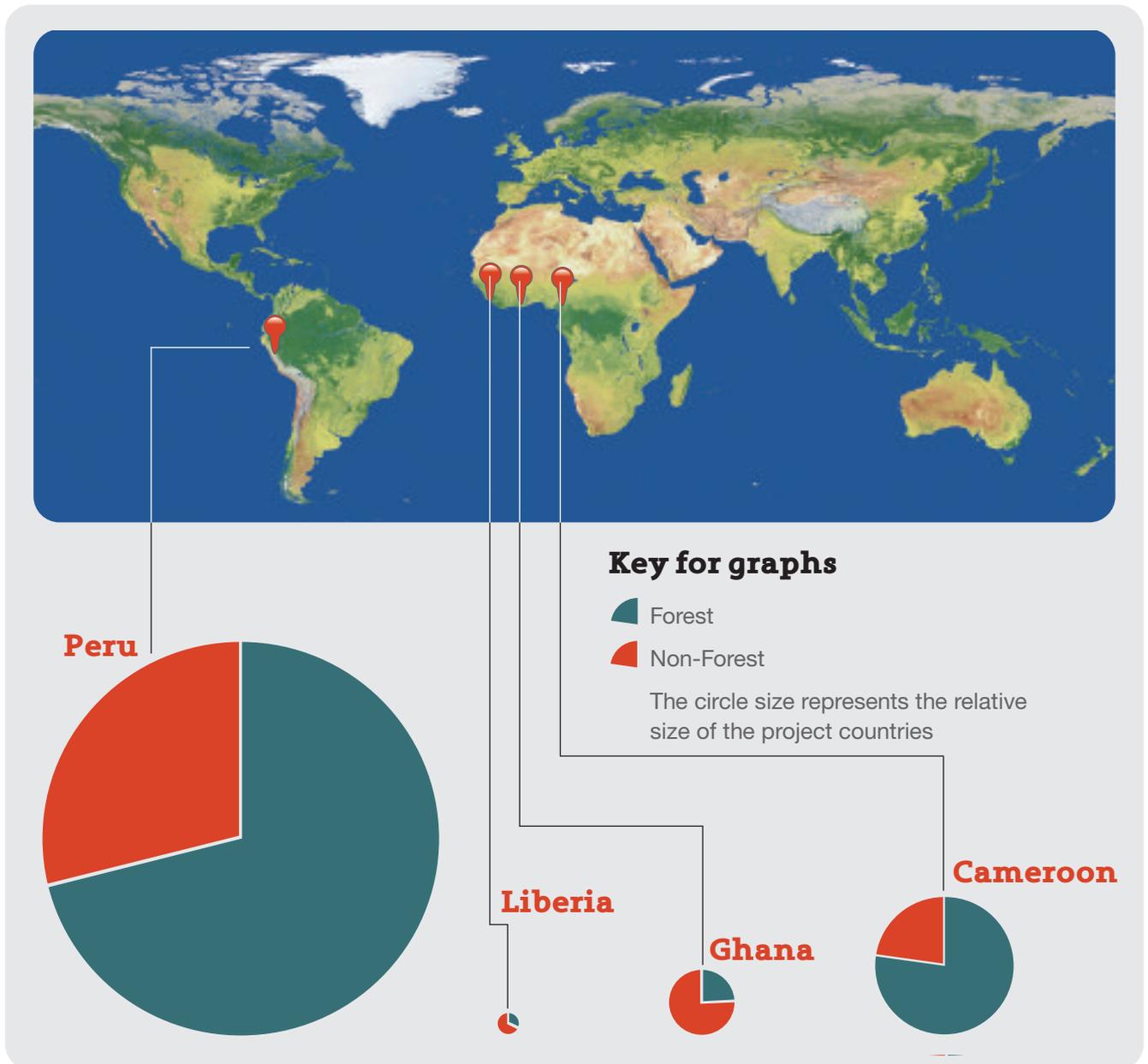
The structure of this report

This report starts with a background review of the links between transparency, accountability and governance, with a brief review of the literature from other sectors as well as the forest sector. This draws on work by the World Bank and others, touches on right to information (RTI) legislation, and concludes with a summary of other initiatives to monitor forest governance.

Chapter 3 then contains an explanation of the Report Card methodology behind the first year of

Making the Forest Sector Transparent, and is followed by four country chapters providing detailed methodology, findings, conclusions and recommendations for Cameroon, Ghana, Liberia and Peru respectively. Each of these sections was drafted by the relevant partner NGO.

The penultimate chapter brings these four cases together and provides an analysis of all the Report Card findings, and the final chapter offers conclusions and recommendations drawn from this overview.

Each chapter is preceded by a short chapter summary.

2. Why is transparency important to the forest sector?

Chapter summary

The concept of transparency is clearly central to *Making the Forest Sector Transparent*. This chapter sets out to define what we mean by 'transparency' and why it is desirable, then explores how it can be achieved and safeguarded, and outlines some of the more common obstacles to doing this. A specific discussion of transparency in the forest sector follows, supplemented by an examination of the role of civil society in ensuring that transparency, and some examples of civil society initiatives with this remit.

There is increasing recognition that three key pillars exist to sustainable development, effective transparency, and public participation in environmental governance. These are as follows:

- Public access to information on the environment

- Participation in related decision-making processes

- Public access to redress and remedy in the case of misguided policy and/or action.

2.1 Transparency and the right to information

2.1.1 What do we mean by transparency?

There is no commonly agreed definition of transparency, but there is a general consensus that it relates to the 'right to know' and public access to information, and there is growing international recognition of the importance of transparency for meaningful and effective democratic processes.

Transparency is inextricably linked to governance: although there is no coherent body of governance theory, descriptions of good governance processes tend to be broadly similar, describing a situation whereby the state and its institutions are not seen as the only relevant actors in the allocation of development priorities, and increasing relevance is given to the role of networks in the pursuit of common goals[11]. The state therefore becomes just one actor in the process of governance, alongside

civil society and the private sector; and for this to function, a degree of transparency – both in terms of information disclosure and access to decision-making – is required in order for the participants to be able to interact constructively.

Transparency is new neither as a term nor as a doctrine. The concept has been in currency as a way of conducting government and politics at least since the days of Rousseau, Bentham and the French revolutionaries[12]. Since the 1980s, the word 'transparency' has appeared in the litanies of institutional reform documents and mission statements of countries round the world. In addition to its popularity in the written output of governments and international bodies, it is also common in the jargon of contemporary business governance.

Most relevant literature has focused on the role of transparency in monetary policy-making, and it is only recently that more attention has been paid to so-called 'information asymmetries' in public policy

and its delivery, and the role transparency can play in improving efficiency in the provision of public services. Furthermore, there has been a significant gap between the extent of theoretical and conceptual contributions in this area, and the progress of measurement and empirics in the field of transparency – in contrast with other dimensions of governance, such as corruption, rule of law, regulatory frameworks, and so on, where a plethora of indices exists[13]. *Making the Forest Sector Transparent* seeks to help change this, through the contribution of Report Card methodology to the measurement of transparency.

In a broad sense, transparency is about: how much real access there is to information to which citizens are entitled; the scope, accuracy and timeliness of this information; and what citizens (as 'outsiders') can do if 'insiders' are not sufficiently forthcoming in providing such access. The One World Trust's *Global accountability report*[14] defines one of four dimensions* of accountability transparency as:

> *…the provision of accessible and timely information to stakeholders and the opening up of organisational procedures, structures, and processes to their assessments[15].*

A 2005 World Bank discussion paper attempted to remedy the lack of standards for measurement and empirical analysis of transparency by constructing a broad index of transparency, building on the notion of transparency as a mechanism to promote accountability. Considering that transparency assumes both the right and the capacity to articulate accountability demands, the indices comprise an aggregate transparency index with two sub-components: economic/institutional transparency, and political transparency. This index, elaborated in Box 1, demonstrates clearly how the way in which transparency is defined will determine what is taken into consideration for measurement purposes.

* The other three being participation, evaluation and complaint and response mechanisms.

Box 1: Transparency index indicators[17]

Political transparency indices	Economic/institutional transparency indices
• Transparency of political funding • Openness of the political systems • Freedom of the press	• Degree of accessibility • Usefulness of the information provided by public institutions • Economic transparency • e-government • Access to information laws • Transparency in the budget process • Transparency of policy • Transparency of the public sector

Transparency – in terms of both information disclosure/dissemination and access to decision-making – is therefore very important, as it enables civil society to:

• Hold government and/or key decision-makers to account

• Promote good governance

• Improve public policy and efficiency

• Combat corruption.

Excessive secrecy has a corrosive effect on virtually all aspects of society and governance, undermining the quality of public decision-making and preventing citizens from checking abuses of public power. This is as true in the forest sector as it is in any other sector of society.

2.1.2 The benefits of transparency

Democracy, accountability and participation

The essence of representative democracy is informed consent, which requires that information about government practices and policies be disclosed. In democracies, by definition, information about government belongs to the people, not to the government[18]. The public is only truly able to participate in the democratic process when they have information about the activities and policies of the

government, and when people can see what benefits and services they are entitled to, and whether they are receiving what should be expected[19] (see Box 2).

Transparency is closely related to accountability. Both dimensions of accountability, answerability and enforceability[†], require that there is transparency: in the absence of reliable and timely information, there is no basis for demanding answers or for enforcing sanctions[20]. Knowledge of what the state and other institutions do is fundamental to the power of people to hold them to account and improve the way in which they work. Absence of, or inaccessibility to, information often creates a sense of disempowerment, mistrust and frustration. On the other hand, access to relevant, up-to-date information can create the basis for natural exchange, allowing both officials and the public to assess decisions taken and policies implemented with greater effectiveness[21].

† Answerability refers to the obligation to explain and justify actions and enforceability refers to the ability to sanction if such conduct or explanations are found to be unsatisfactory.

On the other hand, absence of, or inaccessibility to, information often creates a sense of disempowerment, mistrust and frustration.

It is for these reasons that – for example – Article 19, an International Human Rights NGO, describes information as 'the oxygen of democracy', and the UNDP *Human Development Report 2020* describes informed debate as the 'lifeblood of democracies.'

Good governance

As previously outlined, transparency is also inextricably linked to governance. While governance theory does not provide a universal accepted definition of governance, one useful definition might be the following:

'…a way of implementing policies through cooperation whereby representatives of the government, market and civil society participate in mixed public and private

Box 2: Civil society and accountability

Civil society is increasingly called to play a role in ensuring accountability. Accountability can rarely be provided from above: more effective reforms will be those that connect to existing government and citizens' initiatives, and engage the private sector in a fuller debate about its responsibilities[22].

Voice and accountability have been part of the development discourse and donor programming since the 1990s, when development and aid paradigms started to shift towards the so-called 'new poverty agenda': international consensus was growing around a multidimensional understanding of poverty that recognised that a lack of power, voice and accountable institutions are equally part of the experience of poverty[23].

The growth of policy networks at local and international levels has complicated accountability structures. To compensate for the mounting inefficiency of traditional accountability mechanisms, more participation by citizens has been called for[24]. Such efforts to short-circuit the increasingly complex structures of accountability are usually referred to as *'social accountability'* processes. Social accountability relies on civic engagement, in which ordinary citizens and/or civil society organisations (CSOs) participate directly or indirectly in processes that exact accountability. It provides extra sets of checks and balances on the state in the public interest, exposing instances of corruption, negligence and oversight that traditional forms of accountability are unlikely to address[25].

networks.' – Study for the Netherlands Ministry of Agriculture, Nature and Food Quality[26]

Transparency is an important principle of good governance, since a degree of clarity and openness about how decisions are made can help to build the capacity of the poor and/or marginalised to play a role in policy formulation and implementation, and to influence those decisions that affect their lives. In this sense, transparency encourages decision- and policy-makers to exercise their power for the greater good (see Box 3).

Box 3: Governance and civil society

One characteristic of the end of the twentieth century has been the critical importance of NGOs and CSOs in the struggle for democracy. This has contributed to the expansion of the boundaries of discussions around governance, widening the range of alternative arrangements that can be considered when confronting problems not necessarily amenable to solution by government acting alone[27].

The role of civil society in improving governance and bringing about positive change is increasingly recognised. According to DFID[28]:

'…what makes the biggest difference to the quality of governance is active involvement by citizens… it's the only thing that can in the long run transform the quality of decision making in developing countries and the effectiveness of states'.

Pro-poor change is more likely if incentives rooted in local political systems and informal institutions favour state-civil society engagement. CSOs can complement, inform, influence or challenge the state – a role often referred to as the 'demand side of governance'. States that are able to recognise and partner with CSOs to improve governance are likely to benefit and increase their capacity in a number of areas[29]: CSOs can bring sectoral expertise and understanding of realities on the ground, and raise citizens' awareness about national policies and their rights and responsibilities. CSOs can also play a crucial role in strengthening state responsiveness, by identifying and amplifying the voices of marginalised citizens, and serving as channels through which citizens can demand social change.

Improving governance is considered to be at the heart of building an effective state, as it strengthens consensus among different groups in society about how the country's affairs are managed. It is meant to enable the state to become more stable, with more legitimacy and capabilities across regions and parts of society[30]. Democratic institutions and processes that give voice to the people and hold rulers accountable, as well as open competition for power, make politicians more likely to respond to the needs of ordinary people. According to UNDP[31], governance is central to the achievement of the Millennium Development Goals (MDGs) and valuable in its own right, as it can advance human development.

Evidence and empirical measures of institutional quality, governance and the investment climate have provided results showing that good governance has had a strong, positive impact on development, and in the fight against poverty[32]. States that respect civil liberties and are accountable to their citizens are more stable, and thus more likely to attract investment and generate long term economic growth[33].

Increased efficiency and effectiveness

Greater transparency can bring benefits to government itself, either directly or indirectly, and is therefore considered a key component of public policy and efficiency. A 2003 World Bank study[34] explored the link between information flows and governance or institutional quality in 169 countries; its empirical analysis shows that countries with better information flows are also characterised by better quality governance, according to a wide number of governance indicators – as indicated in Figure 1, below.

Figure 1: Transparency and government effectiveness[35]
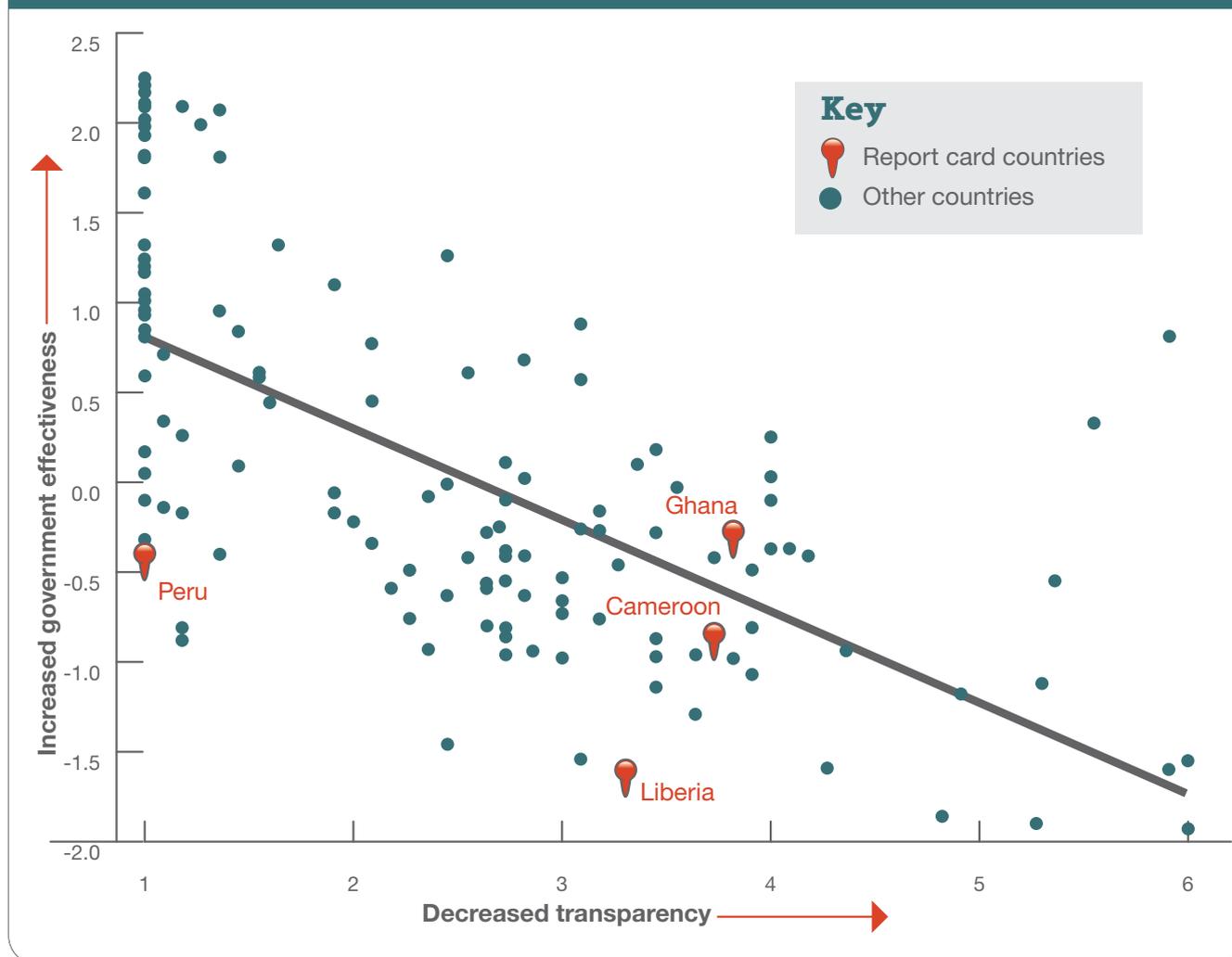
This and other studies have shown that in countries where information flows freely in both directions, the following benefits accrue:

- The knowledge that decisions and processes are open to public scrutiny can make government bodies work better, by imposing on them a constant discipline

- Government effectiveness is improved: even the most competent and honest decision-makers need feedback on how policies are working in practice

- Efficiency in the allocation of resources can also be improved: by ensuring that the benefits of growth are redistributed and not captured by the elite, transparency reforms can result in substantial net savings of public resources and improved socioeconomic and human development indicators.

A weapon against corruption

As noted in Transparency International's Global Corruption Report 2003 which took access to information as its theme, 'access to information to promote transparency [is] perhaps the most important weapon against corruption'[36].

Demands for greater transparency often accompany efforts to crack down on corruption and control its impact. Having access to information plays a key role in these efforts, for the following reasons:

- Free and guaranteed access to information enables citizens, the media and law enforcement agencies to use official records as a means by which to uncover cases of corruption and maladministration

- Increasing transparency increases the likelihood of detection of corrupt practices, and this can act as a deterrent to future corruption.

This principle finds formal expression in the 2005 UN Convention against Corruption (UNCAC)[37]. At time of writing, 140 countries have signed this Convention, and 95 have ratified it. UNCAC calls upon all States Parties to ensure general public transparency, openness in relation to civil servants and funding for electoral candidates, and transparency in public procurement and the management of public finances. Such measures aim to promote the prevention, detection and punishment of corruption.

UNCAC does not explicitly require states to ensure that companies disclose all payments to governments for access to resources, or for revenues themselves. Without this disclosure in full, it is difficult to ascertain whether revenues from natural resources are reaching government accounts. UNCAC also lacks an appropriate review mechanism, and the participation of civil society in implementing the Convention varies considerably between different governments. UNCAC therefore represents an example of a situation where governments claim they are tackling a governance issue, while in fact they are reviewing one another and keeping their reports secret, so that they cannot be held accountable to their citizens or the international community.

2.2 Features of the right to information

For transparency to be useful and for it to lead to accountability, some form of social contract is required. Right to information (RTI) laws are designed to provide this. Although RTI regimes in different countries vary, they bear a remarkable number of similarities. Article 19 has published a set of principles, entitled The Public's Right to Know: Freedom of Information Legislation[38], that sets out best practice standards on RTI legislation. These principles are based on international and regional law and standards, evolving state practice, and the general principles of law recognised by the community of nations.

A key underlying principle governing RTI is the principle of '*maximum disclosure*'. This principle involves the presumption that *all information held by public bodies should be subject to disclosure*, and that this may be overcome only where there is an overriding risk of harm to a legitimate public or private interest.

Other key standards for best practice include the stipulation that systems and processes should be established that give practical effect to RTI, and that public bodies should make all reasonable efforts to facilitate access to information (see Box 4). Furthermore, independent appeal systems should be put in place to prevent undue administrative discretion in interpreting exceptions to the right to access, as well as other aspects of the law.

Box 4: Principles of the right to information[39]

1. Maximum disclosure: all information held by public bodies should be subject to disclosure

2. Obligation to publish: public bodies should be under an obligation to publish key information proactively

3. Promotion of open government: openness is central to effective and appropriate governance

4. Limited scope of exceptions, narrowly drawn and subject to strict "harm" and "public interest" test

5. Processes to facilitate access rapidly and fairly, and an independent review of any refusals

6. Costs: individuals should not be deterred from making requests for information by excessive costs

7. Open meetings: meetings of public bodies should be open to the public

8. Disclosure takes precedence: laws which are inconsistent with RTI should be amended or repealed

9. Protection for whistleblowers: individuals who release information on wrongdoing must be protected.

In the vast majority of countries where legislation exists to guarantee access to information, civil society has been crucial in promoting and guaranteeing the access agenda, by creating space for public discussion and organising citizen action on a range of access-related issues. Successful civil society involvement has seen CSOs organising campaigns promoting the need for access to information even before legislation has been contemplated by the government. In such circumstances, CSOs can play a vital role in informing the public about what kind of law they should demand.

Once transparency laws are approved, civil society keeps pressing for effective enforcement of the rights enshrined in those laws[40], as in the earlier example of the Extractive Industries Transparency Initiative and the PWYP coalition (see the Foreword).

For more on civil society and accountability, see Box 2.

2.3 Some reasons why public authorities are not transparent

The right to information is most commonly associated with the right to request and receive information from public bodies; but most RTI laws also place an obligation on public bodies to publish information on a proactive and routine basis, even in the absence of a request. In addition, under these laws states typically have obligations to ensure that certain key categories of information are available[41].

However, holders of information often face incentives to keep information secret (see Box 5); and because information is related to power, reason only shapes part of the debate around how far disclosure should go, and when secrecy should be prioritised. The battle over the right to information also reflects deeper struggles over existing patterns of political and economic privileges[42].

Broadly speaking, transparency is valuable because it contributes to overcoming what social scientists call the 'agency problem' or 'principal-agent problem': basically, the problem of motivating one party to act on behalf of another.

In all governance situations, principals (such as citizens or shareholders) delegate responsibility to agents (such as governments or corporate boards) to make decisions on their behalf. Problems arise because the principals are never able to monitor their agents perfectly; so the agents may make misguided or self-serving decisions against the interests of the unknowing principals.

Two main motivations lie behind agents keeping others ignorant of their behaviour: one is that secrecy provides some insulation against being accused of making mistakes; the second is that secrecy allows insiders to exchange favourable policies for personal gain.

Part of the solution to this problem is to ensure the provision of appropriate incentives for agents to act in the way principals wish them to.

In the path to ensuring access to information, the enactment of an RTI law is only the beginning. The existence of a law does not guarantee that information is provided, or that it is reliable and relevant when it is provided.

Different factors might influence the effectiveness of access laws. For an RTI law to be of any use, there must be demand, and incentives, to implement it, and to change the internal cultures of public institutions[43]. Lack of political will, a tradition of secrecy, and low levels of administrative capacity can all hamper the effective implementation of access laws. These factors rarely change of their own accord: public awareness and action is required to drive change.

2.3.1 *Making the Forest Sector Transparent* and the right to information

RTI laws codify the state's duty to ensure the supply of information, establish proper record-keeping and archiving, and maintain clear processes whereby information is made available to the public. Records must be well managed (within the limit of a state's resources), in order to enable information to be found quickly, and to keep processing costs low. Furthermore, the quality and 'user friendliness' of the information available should be considered when it is released[44]. For this reason, the results for each country assessed in *Making the Forest Sector Transparent* describe the language, accuracy, timeliness and completeness of any information that is available to the public.

Access laws will be ineffective if citizens and NGOs lack the capacity to exercise their right to access, or the resources to pursue complex requests. Similarly, access laws will not be used if citizens are unable to recognise the potential benefits of the disclosure of certain information, or if they are incapable of acting on it after it is disclosed. Citizens who are unaware of their rights will not use them: it is therefore crucial that citizen training become an integral part of any effort to provide access to information. To this end, *Making the Forest Sector Transparent* will use the results from the Report Cards to support citizen actions.

As a further point, the implementation of access laws is most likely to be severely hindered if effective appeal mechanisms are absent by which citizens can assert claims if information requests are denied. The *Making the Forest Sector Transparent* Report Card includes an assessment of dispute-settlement mechanisms.

2.4 Transparency and environmental information: three pillars

Since the 1992 Rio Declaration on Environment and Development[45], there has been increasing recognition that there are three key pillars to sustainable development and effective public participation in environmental governance, which are as follows:

1. Public access to information on the environment

2. Public participation in related decision-making processes

3. Public access to redress and remedy in the case of misguided policy and/or action.

These three pillars are increasingly incorporated in regional agreements, national laws, and regulations worldwide promoting environmental transparency and participation (for example, those that define the work of environmental protection agencies in different countries).

In 1998, as a follow up to the Rio Declaration, member states of the United Nations Economic Commission for Europe (UNECE) and the EU signed the legally binding *Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters* (otherwise known as the Aarhus Convention)[46]. Thirty-nine countries of the European Community have signed the convention, which is also open to UN member states from outside the UNECE region. This is an important development, as it represents the first legally binding international instrument setting out clear standards on the right to information.

The Convention also stands on three pillars, deliberately replicating the three principles of transparency in environmental governance. The pillars depend on each other for their full implementation, and are as follows:

- Access to information.

- Public participation in decision-making. This relies on the two other pillars for its effectiveness: access to information, to ensure that the public can participate in an informed fashion; and access to justice, to ensure that participation happens in reality and not just on paper.

- Access to justice. This reinforces both previous pillars in domestic legal systems, and strengthens the enforcement of domestic environmental law.

In the first year of *Making the Forest Sector Transparent*, the focus was on the first pillar, through highlighting the level of information in the public domain. Future years are expected to build on this, and may increasingly focus on monitoring access to decision-making and to justice.

2.5 Transparency in the forest sector

In the forest sector, increased engagement by local forest-dependent communities in all three pillars of environmental governance should lead to an informed and open debate about the best use of forest resources, and a re-examination of the value of forests as a sustained resource.

Governance and transparency in the forest sector

The forest sector is a context that highlights several issues of governance and the importance of transparency, because of the way in which the fate of forests brings together and engages a broad range of interests and actors. Forest sector policy inspires much international debate, mainly because forests constitute a natural resource of huge universal importance, and yet are managed, in almost every case, as sovereign resources of a producer state or states. Corruption also has an important impact on forest governance, and is rife in the sector.

> Forest governance is about how decisions related to forests and forest-dependent people are made, who is responsible, how they exercise their authority and how they are held accountable. It encompasses decision-making processes and institutions at local, national, regional and global levels.
>
> – CIFOR[47]

Conventional wisdom has been that industrial, export-orientated logging can be a key economic driver that can kick-start the economies of forest-rich developing countries. However, in virtually every country in which this has been tried, illegal logging and corruption have triumphed over economic theory, resulting in revenue loss and environmental and social destruction.

Global Witness' partner NGOs in all countries of the first year of *Making the Forest Sector Transparent* identified this development model as a failure that needed to be challenged, and their engagement with the project is strongly based on the strategy that increased transparency, accountability and governance will lead to a more effective community-rights based approach to forest ownership and management.

Forests, poor governance and corruption

Different studies point to the fact that developing economies highly dependent on forest resources are characterised by poor quality governance, and are among the more corrupt countries in the world[48]. In a downward spiral, poor governance allows corruption, fraud and organised crime to flourish. This is exacerbated by the fact that timber resources are often of unusually high value in local economic terms, such that the benefits gained from transgressing the law may often be superior to any potential penalties incurred.

Figure 2 relates independently derived estimates of suspicious log supplies in selected countries to the Corruption Perception Index measures for those countries. The correlation between the two appears positive.

Corruption runs in many directions between various holders of authority: on the one hand, companies approach public officials to offer bribes for favourable treatment, or to get them to turn a blind eye to illegal practices; on the other, however, corrupt officials will demand favours from companies, for example by extorting money before they will perform a routine task. In the forest sector, therefore, corruption can be the 'price of entry' levied on companies for otherwise perfectly legal operations, and not just inducements to allow additional illicit activities.

One form of so-called *rent seeking* is where bureaucrats – often well aware that both the legal fiscal regime and the lack of state control over illegal operations mean that super-profits can be generated by the private sector – charge bribes for use of their discretionary powers. Other forms include, for example, officials using their influence to obtain concessions for themselves, their families (nepotism) or their associates (cronyism). Public officials may also use their position to control the

> *'According to the Transparency International Corruption Index, there are 14 forest-rich developing countries among the world's 20 most corrupt countries.' … '[We] found highly statistically significant positive correlation between corruption and deforestation for different periods and corruption indices across countries'*
>
> *– Cuneyt Koyuncu and Rasim Yilmaz, The Journal of Developing Ideas[49]*

distribution of forestry rents (a practice known as 'rent seizing') by writing regulations that favour their own or associates' companies. This can extend to a practice known as 'state capture', wherein non-state actors exert undue influence over lawmakers in order to obtain favourable policies and regulations.

The outcome of acceptance of practices like these is for officials to end up viewing themselves as accountable not to their constituencies, but to the cultivated patronage of powerful economic interests (see Box 6). In a vicious circle, this deterioration of the authority and capacity of the state is further exacerbated by the loss through corruption of forestry sector revenue from taxes and fees – funds that could have been used, among other things, to provide social services, thereby supporting the legitimacy of the state as protector of its people's welfare.

Illegal logging camp identified from an over-flight.

Figure 2: Corruption and illegal forest activities[50]
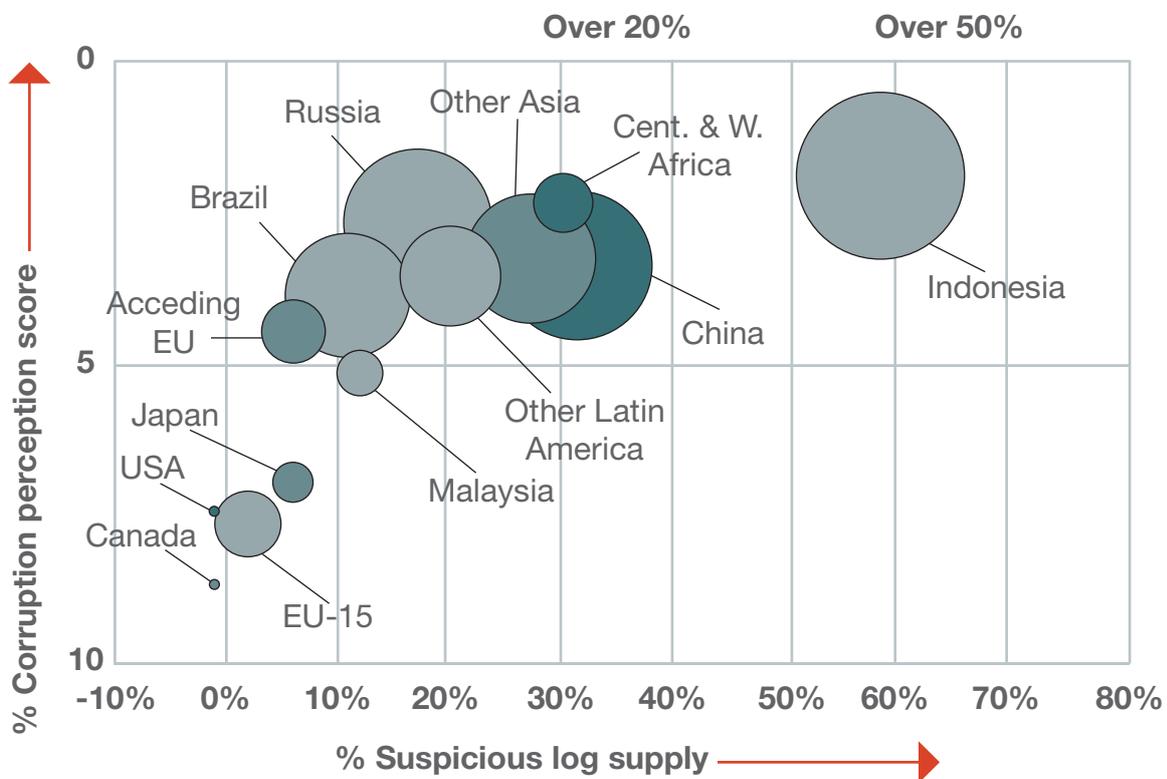
Size of bubbles represents volume of suspect roundwood, including imports.

Box 6: Kleptocracy in Cambodia[51]

Cambodia's forest sector provides a particularly vivid illustration of how the country's elite has looted a public asset. In the 1990s Cambodia's forests were described by the World Bank as the country's 'most developmentally important resource'. Today they are largely degraded.

Global Witness first began exposing illegal logging in Cambodia and its links with conflict, corruption and human rights abuses in 1995. Early work revealed how, in the last years of Cambodia's civil war, both the Khmer Rouge and the Phnom Penh government used logging to fund military campaigns and, conversely, used military campaigns as a pretext for further logging. Investigations revealed a cross-border timber trade with Thailand worth US$10-20 million per month. Following publication of these findings, the Thai border was closed to Cambodian timber – cutting off a critical source of military funding for the civil war.

This did not spell the end of illegal logging in Cambodia's forests however. In the mid-1990s, senior government ministers secretly awarded between 30 and 40 logging concessions to Cambodian and foreign-owned companies. Over seven million hectares of forest – or 39 per cent of Cambodia's land area – were signed away in these contracts on terms that greatly favoured the interests of the concessionaires. All the concessionaires proceeded to break the law or the terms of their contracts, or both, in order to reap fast profits. By the end of the decade, they were responsible for most of the illegal logging in Cambodia.

During this time, company staff committed serious human rights abuses against people living inside or adjacent to forest concessions.

These included denial of access to forest areas, intimidation, rape and, in at least one case, murder.

Eventually, pressure from international donors and NGOs led to the suspension of the 'concessionaire' logging system by the Cambodian government in 2002. Cambodia signed up to the East Asia Forest Law Enforcement and Governance initiative under which the government committed to "take immediate action to intensify national efforts, and to strengthen bilateral, regional and multilateral collaboration to address violations of forest law and forest crime, in particular illegal logging, associated illegal trade and corruption; and their negative effects on the rule of law".

However, even as senior ministers publicly committed to reform processes, Cambodia's shadow state has continued to generate money from the timber sector. Officials charged with implementing reforms have instead subverted them; with the result that illegal logging has continued in a variety of forms and is still causing severe damage to Cambodia's remaining forests, including three which might be commonplace elsewhere:

- Permits: In the aftermath of the suspension of logging concession operations, the issuing of permits and licences which were themselves illegal, or designed to provide a cover for illegal activities, increased and diversified.

- Plantations: Government-led 'economic land concessions', have allocated to favoured tycoons land which contains valuable forest. The forest is then completely cleared, nominally to make

way for plantations, and the timber is extracted and sold. Allocating economic land concessions on land that is forested contravenes Cambodia's 2001 Land Law, and many economic land concessions exceed the law's 10,000 ha limit for this type of concession.

- Annual coupes: smaller parcels of forest that firms log for just 12 months. In theory the forest authority could now split a concession-sized forest into 25 annual bidding coupes and allocate them all for logging simultaneously, thus greatly increasing the rate of destruction.

The same political elite who squandered the country's timber resources are now responsible for its mineral and petroleum wealth. Like high-value timber, these resources represent a one-off opportunity. Once they are exhausted, they are gone forever.

Since the suspension of the country's logging concessionaire system in 2002, focus has shifted to alternative sources of income generation through the exploitation of remaining state assets, including fisheries, land and mineral deposits. The rise of Cambodia's mining and oil sectors represents just one part of the diversification of natural resource exploitation in Cambodia.

An examination of Cambodia's business sector reveals that the country's beaches, casinos, forests, hotels, islands, land, national buildings and ports and are now predominantly controlled by a handful of government-affiliated tycoons, high-ranking police and military brass, or family members of senior political figures. Meanwhile, residents who have lived on the land are simply forced to leave, often with brutal evictions enforced by the police, military police and the armed forces.

2.6 Civil society, transparency, and the attempt to achieve good forest sector management

In a context afflicted by the serious failures identified in Box 6, transparency takes on even more importance, becoming central to the identification and addressing of those failures. On a practical level, therefore, the wide availability of accurate and current forest-related information is an essential element of good forest governance.

For example, gaps, biases and inconsistencies in the legal framework can be partly due to lack of public participation in the process of drafting laws. Forest management issues are complex, as they

involve many actors, with different rights and interests, and a sound policy framework should be responsive to the consequent wide range of public interests and demands. This can be achieved only through transparency and broad, inclusive consultation. The policies that result should reflect realities on the ground, and are more likely to be effective and enforceable.

Public participation in decision-making processes can help to improve the overall coherence of the policy framework, in turn increasing the legitimacy of public institutions; but effective public participation in decision-making depends on the availability and accessibility of full, accurate, reliable and up-to-date information. An uninformed public with imperfect understanding of the value and status of the forest,

and the threats to which it may be exposed, is unlikely to exert political pressure on elected leaders to force remedial actions by the state.

Access to information enables people to scrutinise the effectiveness of policy implementation and provide an extra set of checks and balances in the public interest, minimizing the undue influence of privileged groups, and curbing vulnerability to corruption. Forestry sector officers are often more likely to be transparent concerning technical aspects of forestry than they are to be open about their tendency not to release (or even fail to register) valuable information on land tenure and use; allocation of permits and user rights; logging operations; other extractive activities; and environmental services[‡]. The debate about information should go beyond the availability and accessibility of technical data. Furthermore, ensuring mandatory disclosure of forest sector documents of public interest enables people to contribute directly to law enforcement, by equipping them with a knowledge of – for instance – which forest operations in their local area might be legal, and who they can contact if they are not.

Transparency can contribute significantly to the effectiveness and efficiency of public policy. The knowledge that decisions and processes are open to scrutiny can make government bodies work better, prompting them to manage their information systems properly. Clear, enforceable, publicly-known service standards (for example, for registering, surveying, transferring land rights, awarding contracts, and so on) can help improve the predictability of processes and maximize their efficiency. To be effective, information systems must be accurate, comprehensive and accessible, and users must have adequate capacity to make use of the information and data therein.

CSOs can play a relevant role in promoting and guaranteeing the access to information agenda, as well as in maintaining pressure to enforce the right to information. They can help identify gaps in the transparency of forest laws and decision-making processes, and can use evidence of such gaps to advocate for further disclosure and public participation. They can also contribute to raising awareness among citizens about their rights, and building public capacity to monitor and address law compliance in the forest sector. CSOs also can invoke dispute settlement mechanisms in cases of denial of access to information. Such actions will also test the effectiveness of the dispute settlement mechanisms themselves.

While civil society can play a strong role in fighting corruption and improving forest sector management, its monitoring and advocacy activities might also be limited by lack of access to information; and unless civil society is able to put real pressure on governments to address weaknesses in the forest sector, positive change is unlikely.

Civil society actions should be aimed at influencing and pressing the state to fulfil its function. They should not be meant to substitute the role of the state. As *Making the Forest Sector Transparent* operates through well-established national NGOs, based in capital cities, it acknowledges the political reality that it might enjoy some privileged access to information. In this context, the project remains cautious not to assume the public position of information provider, and thereby to run the risk of allowing the state to absolve itself of its responsibilities to citizens. Such actions would be unsustainable, and would contribute little to monitoring the availability of information where it counts, for the good of those living alongside logging and other forest operations.

‡ Environmental services are the carbon sequestration and storage, biodiversity protection, watershed protection and landscape beauty values that a forest (or other ecosystem) provides. Identifying and pricing them lies at the core of systems of 'payments for environmental services', such as REDD. The *Making the Forest Sector Transparent* Report Card assesses transparency around environmental (e.g. carbon) and cultural (e.g. ecotourism) services.

2.7 Other initiatives on assessing forest governance and transparency

Making the Forest Sector Transparent is being implemented in the context of complementary efforts around the world, including international agreements, global initiatives, and governance assessments. A great deal of worldwide effort has gone into raising awareness of the need for good forest management and transparency in the forestry sector, among national governments of forest-rich countries, traders, the general public, and the international community. Some examples of other initiatives specifically aimed at assessing forest governance and transparency are listed in Box 7, and the first three of these are briefly described in a background document for this project, How do Report Cards help?[52].

Too few of these efforts, however, have prioritised direct work to strengthen civil society networks (of international, national and local NGOs and community groups), to build their capacity to identify issues from their own perspectives, and to advocate effectively for change.

Box 7: Other initiatives to assess forest governance and transparency

- Chatham House "has developed a set of indicators to measure the extent and effectiveness of the response to illegal logging across a range of countries (producer, consumer and processer), covering awareness of the issue, government policy development and implementation, private sector policy development and implementation, and what is known about the extent of illegal logging and associated trade. The project findings are aimed to assist policymakers and other stakeholders in developing the most effective responses to this issue"[53].

- The World Resources Institute Governance of Forests Initiative "is working to develop a framework of indicators for assessing and improving governance in the forest sector, as a precursor to determining whether markets can play a role in achieving emissions reductions from forests"[54].

- Transparency International's Forest Governance and Integrity Programme "tackles corruption as a primary driver of illegal logging and poor forest management. The Programme aims to address corruption at all stages in the timber production chain and examines how it facilitates the unsustainable harvesting, production, conversion, export, import and procurement of timber and wood products. The scope of the Programme takes in countries engaged in the supply side of the forest products trade as well as those on the demand side"[55].

- Following up on its 2009 report *Roots for Good Forest Outcomes*, the PROFOR programme hosted by the World Bank is developing a governance diagnostic tool which would help benchmark and pinpoint areas requiring reform. Together, these aim to provide "the framework for a comprehensive look at forest governance in terms of five building blocks and their principal components and subcomponents" and "establish a baseline for forest governance in specific countries, and help identify areas for reform in a non-prescriptive manner, building consensus among stakeholders"[56].

3. Methodology

Chapter summary

While the overall mission for *Making the Forest Sector Transparent* might be clear, a means is required of making sure the initiative has achieved what it set out to do – of codifying what making the forest sector more 'transparent' actually means in practice. The first part of this chapter – What are Report Cards and how do they help? – summarises some initial research into report cards. This is followed by a detailed description of the *Making the Forest sector Transparent* Report Card methodology.

The project emphasised a 'participatory action research' approach, whereby each country developed its own methodology while meeting the requirements of an agreed common set of transparency indicators. This common set consists of 70 indicators divided into 15 themes.

3.1 What are Report Cards and how do they help?

The terms 'Report Cards', 'score cards', 'fact sheets' and even 'reports' are often used interchangeably. This blurred distinction necessitates a clear definition of what a Report Card actually is, and how it differs from some of these other tools and concepts. A major benefit of Report Cards is their flexibility, and the consequent variety of subjects to which they can be applied.

Common features of Report Cards

Making the Forest Sector Transparent commissioned research into Report Card models used in other sectors. This has been published in 'How do report cards help?'[57]. This exercise provided a comparison of those features that are most commonly shared between the different models, and which are therefore important factors in distinguishing a Report Card from other assessment tools. Report Cards fall mainly into two categories: scoring (and ranking), and descriptive.

Scoring and ranking Report Cards

The main feature of scoring and ranking Report Cards is that they award scores to whatever they are reporting on, according to a standardised scale.

Scoring systems might include the following:

- A binary scoring system that allocates scores of 1 or 0, depending on whether a particular item or attribute is present or absent

- A scaled scoring system that allocates – for example – scores of 20%, 40%, etc.; or 0, ¼, 1 or 1¼

- A nominal scale in a set number of categories – for example, 'good', 'average' or 'poor', or a 'traffic light' system of green, yellow or red. Standardisation can be improved by providing an explanation of the nominal scale – for example, some guidance on what might be considered 'green,' 'yellow,' 'red,' and so on in the context of each question

- Ranking systems can be ordinal (1st, 2nd, 3rd), or be an interpretation of scores (9 or 10 out of 10 is first, 7 or 8 out of 10 is second, etc.)

Scores (but not rankings) can be aggregated into a single index and used to establish rankings according to performance. Broad comparisons can then be made between units of analysis[§] (see Figure 3 for an example of scoring and ranking from the Open Budget Initiative (OBI)).

§ A unit of analysis is a country, company, organisation etc.

Figure 3: The Open Budget Initiative ranks 94 countries for budget transparency, based on scores from 92 questions

Country	Score
United Kingdom	88
South Africa	87
France	87
New Zealand	86
United States	82
Norway	80
Sweden	78
Brazil	74
Slovenia	74
Poland	67
Peru	67
South Korea	66
Sri Lanka	64
Germany	64
Botswana	62
Czech Republic	62
Romania	62
Colombia	61
Papua New Guinea	61
India	60
Croatia	59
Russia	58
Kenya	58
Bulgaria	57
Argentina	56
Ukraine	55
Mexico	55
Macedonia	54
Indonesia	54
Georgia	53
Jordan	53
Uganda	51
Ghana	50
Philippines	48
Zambia	48
Namibia	46
Guatemala	46
Serbia	46
Costa Rica	45
Bosnia-Herzegovina	44
Nepal	43
Turke	43
Egypt	43
Bangladesh	42
Thailand	40
Ecuador	39
Pakistan	38
El Salvador	37
Albania	37
Azerbaijan	37
Mongolia	36
Tanzania	36
Venezuela	35
Malaysia	35
Kazakhstan	35
Trinidad and Tobago	33
Lebanon	32
Malawi	28
Morocco	28
Niger	26
Nigeria	19
Nicaragua	19
Burkina Faso	14
China	14
Fiji	13
Dominican Republic	12
Honduras	12
Cambodia	11
Yemen	10
Vietnam	10
Afghanistan	8
Kyrgyz Republic	8
Chad	8
Bolivia	7
Cameroon	5
Angola	4
Liberia	3
Senegal	3
Algeria	2
Rwanda	1
Saudi Arabia	1
Congo (Dem. Rep.)	1
Sao Tome	1
Sudan	0
Equatorial Guinea	0

Key

- Provide **Extensive** Information
- Provide **Significant** Information
- Provide **Some** Information
- Provide **Minimal** Information
- Provide **Scant** or **No** Information

Caution must always be applied: if the basis for the averaging is not clearly explained, the potential exists for results obtained through averaging scores to be misleading (see Box 8).

Scoring and ranking models typically use a combination of primary and secondary data – that is to say, data from both official sources (such as international organisations) and collected data.

In most scoring and ranking models, information on methodology is provided in an accompanying compilation or analysis report, or in an attached methodological paper. Such methodology makes scoring models very

Box 8: Aggregating scores through weighting and averaging

In a scoring and ranking Report Card model, any scoring implies some sort of weighting.

If, as a measurement of transparency, the public availability of 100 governmental documents is assessed, and 67 are found to be available, then it might be concluded that the government is 67% transparent; here, equal weight is given to each of the 100 documents.

For an extra level of sophistication, more complex weighting could be introduced – for example, by recognising in the scoring system that some documents are more relevant than others, and therefore deserve greater weighting than others. In this case, explanatory notes on the basis used for the weighting and averaging of the responses are extremely important, to help explain the methodology, and to enhance the credibility of the results.

transparent, and they need to be: they are ambitious in establishing comparisons, and can have a broad coverage; and rankings and aggregated indexes run the risk of turning into so-called 'black boxes'[58] if the components and calculations lying behind them are not adequately explained and made available.

Descriptive Report Cards

In contrast to the scoring and ranking approach, 'descriptive' Report Cards concern themselves not with allocating scores, but with direct reporting on data from indicators. Broadly speaking, they tend to be less interested in establishing generalised comparisons between units of analysis, and more concerned with providing accurate assessments of individual cases.

As with scoring and ranking models, descriptive Report Cards also combine primary and secondary data. However, since descriptive Report Cards rely on 'observable data,' and therefore need not justify the complex methodological choices involved in scoring and ranking, this can reduce their level of transparency. For this reason, describing and providing the rationale for criteria and indicators is advised: not only does this contribute to a better understanding of the findings, but it also gives increased credibility to the research.

Reliance on objective and/or perception-based data

Another feature of both types of Report Cards – scoring and ranking and descriptive – is that they can rely on either objective or perception-based data. For a full understanding of Report Card results to be possible, it needs to be made clear what types of data are used, and whether they are objective, or wholly or partly subjective, data (see Box 9 for examples of using subjective data).

Among the tools developed for use by civil society groups to help reform forest sector corruption is the Forest Sector Citizens Report Card introduced by Transparency International in 2005[59]. The purpose of this Report Card is to assess citizens' perception of the honesty, efficiency, and quality of government forest management services. This may also be broadened out to include perceptions of other government services provided to populations of forest-rich countries, and to collect information on how citizens use government services, and if/where there is demand for new services. The aim of publishing the results in a Report Card format is to raise awareness of government shortcomings, and to promote examples of good practice. By covering more than one service in its analysis, this approach invites comparisons and creates a competitive atmosphere for improvement. By collecting data through random and confidential surveys, it protects the identity of informants, and is supposed to encourage reporting of patterns of corruption.

Similarly, in the health sector, CARE developed a community scorecard[60] to help monitor the performance of health services in Malawi. As with a citizens Report Card,

CARE's community scorecard is intended as a tool with which to assess the social and public accountability and responsiveness of service providers, soliciting user perceptions of quality, efficiency and transparency. The main difference is that the emphasis in this case is less on the actual scorecard, and more on achieving an immediate response, and joint decision-making, from service providers. Additionally, the information is not collected via a survey questionnaire, but via focus group discussions. Each of the focus groups must brainstorm in order to develop performance criteria with which to evaluate the services under consideration; the facilitators list all issues mentioned, and assist the groups in organising them into measurable or observable performance indicators, with the number of final indicators not exceeding eight. The focus groups are then asked to give a relative score to each indicator (either through consensus, or through individual voting followed by group discussion). Scales of 1-5 or 1-100 are usually used for scoring, and reasons behind low and high scores are explained. The process is participatory, with community members tasked with compiling their own sets of suggestions for improvements, to be shared with service providers.

Powerful tools for making comparisons

A further advantage of Report Cards, and especially of scoring and ranking models, is that they can be powerful tools for making comparisons over time or across units of analysis, in that they allow the same assessment methods to be easily replicated. For example, the Forests Australia Report Card[61] tracks progress towards forest sustainability by documenting information every five years, against the same pre-set criteria and indicators of sustainable forest management.

Comparisons do not always need to be over time; Report Cards can be designed to allow for comparisons across a number of different organisations or other units of analysis at a given moment in time. The Open Budget Index is an example that allows for both approaches: it is designed in such a way as to allow not only for

cross-country comparisons (of overall performance as well as across specific budget issues) at any given moment; but also, as it is replicated every two years, comparisons over time in order to assess improvements.

It is important to consider that the choice of which type of model to use often entails a trade-off between the ability to draw comparisons and the specificity of the information provided. Scoring and ranking Report Cards tend to be more suited to establishing broader, more ambitious comparisons between units of analysis (e.g. quantitative summaries); whereas descriptive models are more qualitative in nature, and more suited to providing an accurate assessment of (and much more detailed information on) individual cases, rather than establishing straightforward comparisons, even when the same assessment method is reapplied.

The Open Budget Index provides an example of why these two models need not always be mutually exclusive, and why in certain circumstances it may be beneficial to combine elements of both. While at first sight the index appears to be based on a simple scoring exercise, researchers must also cite a source or reference when answering the questionnaire, in order to 'enhance the confidence of the media and other users in the results[62]'. This serves not only to increase the objectivity of the scores, but also to 'attract scrutiny and spur a global public debate[63]'.

Tools for policy change

The summarised format of Report Cards makes them particularly useful tools for informing decision-making processes and guiding advocacy efforts – for example, for those seeking policy change. Some Report Cards make this goal very explicit, describing themselves to the public as advocacy tools. The

OBI, for example, is explicitly intended to provoke public debate and link civil society efforts on budget transparency across countries; the final report describes improvements in a number of countries included in both the 2006 and 2008 surveys, and discusses how budget transparency can be improved quickly and with modest cost. Another example, Article 19's Checklist for the Implementation of the Declaration of Principles of Freedom of Expression in Africa[64], has been used for researching and writing shadow reports to be submitted to the African Commission on Human and Peoples' Rights, and for establishing areas of focus for freedom of expression campaigns and advocacy initiatives to influence policy or legislative reviews.

The advantage of Report Cards

In summary, some of the key advantages of Report Cards as assessment tools include the following:

- They often contain 'yes/no' questions, which, when applied to factual questions such as 'is this document in the public domain?', help to increase objectivity

- Data can be gathered and compiled quickly

- The use of a standardised format and sets of assessment indicators that are easily replicated makes Report Cards powerful tools for comparisons over time and/or across units of analysis

- Combinations of objective 'yes/no' data and more discursive analysis help identify priorities for follow-up work.

3.2 Applying Report Card methodology to forest transparency

While Report Cards are popular assessment tools, the use of such tools in the forest sector is a novel approach. The *Making the Forest Sector Transparent* Report Card is a product of a 'participatory action research' process involving Global Witness and the four other NGOs that were initial partners in the project. Alongside the research into the use of Report Cards in other sectors[65], project partners developed their own methodological ideas in response to local circumstances. The key outcomes of this preliminary work are outlined in Box 10.

The key aim of the *Making the Forest Sector Transparent* project is to improve forest sector policy and practice, through making forest sector governance more responsive and accountable. As discussed earlier in this report, this means increasing transparency; but, while those involved in the project were clear from the outset on the overall mission of the project (i.e. the purpose of measurement), defining and agreeing what would be measured, and how, was less straightforward.

A discussion of the conceptual and methodological issues associated with the measurement of 'transparency' as a concept was therefore essential for the development of the *Making the Forest Sector Transparent* Report Card.

Defining and measuring transparency

As outlined in Chapter 2, the concept of transparency is often very difficult to define and measure. Just as there is no commonly agreed definition of transparency, there is also no consensus on how it should be measured.

However, since transparency is seen as a mechanism for promoting accountability, a key way

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Box 10: How can Report Cards help in forest sector transparency?

How can Report Cards help?

- Report Cards can summarise the current situation of forest sector transparency in various countries

- A series of Report Cards on forest sector transparency constitute a report on progress toward achieving national commitments

- By replicating the same method of data collection over time, the Report Card becomes a useful tool for assessing change

- A series of Report Cards on forest sector transparency constitutes a report on progress on accountability in the sector

- On the basis of this data, recommendations can be made for key stakeholders to enhance forest sector transparency, and advocacy activities can be initiated.

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of measuring transparency in the forest sector is to measure the amount, scope, accessibility, quality, reliability, accuracy and timeliness of relevant information disclosed and/or made publicly available. Global Witness has previously used quantity, quality and credibility of information as measurements of transparency in its Independent Forest Monitoring initiatives[66].

When *Making the Forest Sector Transparent* originally developed the concept of a forest transparency Report Card as a means of measuring transparency and accountability and improving governance in the forest sector, it was considered vital that:

- The Report Card be built on a commonly-agreed understanding of transparency

- The relationship between transparency and accountability should be considered in its design.

It is clear that any measurement of transparency as a tool for accountability must go beyond a simple assessment of disclosure of information: transparency is not simply about how much access to internally-held information citizens have, but also, crucially, about the scope, accuracy and timeliness of this information. Furthermore, the information disclosed needs to be relevant for accountability

purposes. The importance of access to the right information, rather than just any information, is illustrated by the two case studies in Box 11.

Other key considerations when developing a Report Card

Report Cards are only useful as an assessment tool if designers are very clear about what it is they want to assess, and if the information that the cards collect is relevant and reliable. It is therefore crucial that, during the design stage, designers of the card pursue the following steps:

- Ensure there is a clear understanding of the purpose of the report card and how it will be used, and clearly define what will be assessed.

- Assess how many questions to include, taking into account the following: desired coverage; desired level of specificity; issues of feasibility, and availability of information; and the intended audience. A good mantra is 'don't ask a question if you are not going to make use of the answer.'

- Avoid obtaining subjective or non-comparable answers. This can be achieved either by (1) setting very specific 'yes/no' questions; or (2) establishing clear assessment criteria – for example, providing more specific options to clarify each 'yes/no' answer further, in the form of sub-questions (e.g. with answers 'a', 'b', 'c', 'd,' and so on).

- Clearly describe, and explain the rationale behind, the criteria and indicators used; this will give credence to the research as well as assist in explaining the findings.

Box 11: Transparency and accountability

"Opaque transparency" in Ghana

In Ghana, there is a relatively high level of transparency regarding the redistribution of forest taxation to communities, but no comparisons are made with the volume of timber extracted. Communities get paid, but they do not know exactly for what.

The Enron case

The famous fraud case in Enron went unnoticed in part because the company was meeting separate transparency obligations to tax authorities (very low profits, so no tax) and to the shareholders (very high profits, so big dividends).

Creative accounting meant there was nothing obviously incorrect about either set of figures, but for a long time, no-one looked at the two sets of figures side-by-side[67].

3.3 A forest transparency Report Card

In April 2009, a workshop was held during which each of Global Witness' four partners shared their ideas and presented their draft template of the transparency indicators to be used. The following issues were identified that would impact on Report Card methodology:

- In some countries, individuals or communities can own forests. In others, all forests are regarded as the patrimony of the nation, so ownership by the state or individuals is not possible

- In some countries, the prevailing notion is that information held by the public administration is, by rights, public. This weakens the argument for disclosure by private organisations or NGOs

- In most countries, access to information for rural communities was felt to be the priority; however, in Peru (which has more developed legislation on the right to information), the preference was to start by assessing the government's achievements in implementing legislated norms.

Given that *Making the Forest Sector Transparent* was only operating in four countries in the first year, and that the situation in each of these countries is very different, it was decided that it would be difficult and unhelpful to make like-for-like comparisons between countries. Thus, no attempt would be made to aggregate individual answers into an overall country score, or to rank countries subsequently in order of transparency. Instead, it was agreed that focus should be on asking objective 'yes/no'-type questions, supplemented by supporting evidence and comments. The main basis for collaboration between project countries would be through applying lessons learnt in one country to work in another.

It is important to point out that the *Making the Forest Sector Transparent* project is developing its

methodology collaboratively, on an ongoing basis. It was agreed in the 2009 workshop that each country team would continue to develop a Report Card methodology that matched their own situation, but that all teams would contribute towards a common data set (a concept elaborated schematically in Figure 4).

Figure 4: Representation of the relationship between individual country Report Cards and the common set of indicators
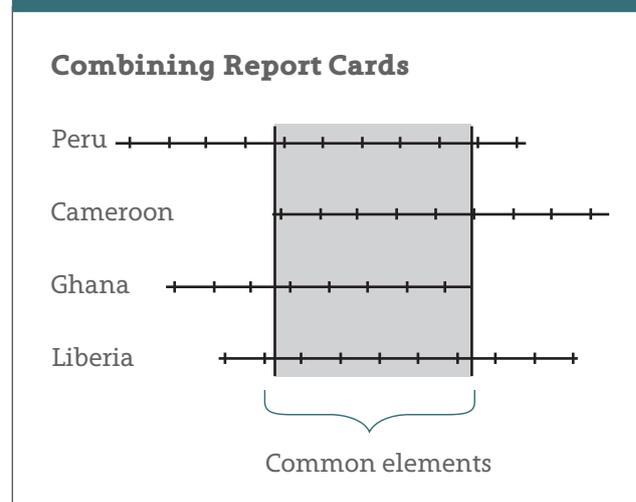
By the time the workshop began, some country teams had already substantially completed their sets of indicators, and so concentrated on expanding or adapting their work to include the common elements. Other teams preferred to take the common elements as their starting point.

The research approaches taken in individual countries fell into two categories:

- In Ghana and Liberia, assessing access to information from the point of view of ordinary people was a priority, and so an easy-to-use questionnaire approach was taken

- In Peru and Cameroon, the focus was on assessing government capability and responsiveness. In this case, undertaking desk-

based studies of 'the rules' versus 'the reality' seemed to be the most appropriate method of gathering the relevant information.

In year one of the project, experimentation in approach was encouraged, with the methodology expected to become more rigorous and easily replicable in subsequent years (and results more conclusive as a consequence).

More exhaustive detail on each country team's methodology and results can be found in the country-specific Chapters 4-7 of this report.

Structure of the Report Card common indicators

On the basis of preliminary work undertaken in each of the four pilot countries, 70 indicators were developed during the initial workshop, organised into the 15 themes laid out in Box 12. The full set of indicators for each of these themes is provided in Annex 1, along with a brief explanation of each.

Box 12: 15 themes for transparency indicators

1. **Transparency norms**: Do official mechanisms – policies, laws, regulations, decrees, procedures, international agreements, public statements of commitment, etc. – exist that permit public access to information? So does the law provide a legal obligation for public institutions to be transparent?

2. **Legal standing**: Do groups of ordinary citizens have collective legal standing? This indicator is not about transparency per se, but is required to understand the extent – if any – to which communities (or NGOs) have rights.

3. **Forest legal framework**: Is the legal framework for the forest sector available to the public?

4. **Transparent access to decision-making**: Are there legal mechanisms for civil society participation in public decision-making on issues relevant to the management of forest resources? If so, to what extent are these actually implemented?

5. **Tenure and land use**: Is most forest land under a clear ownership title, so that (theoretically) it is possible to point to any part of the country's forested land and establish clear ownership of that area?

6. **Allocation of permits / user rights**: Is the permit allocation process transparent? Allocation refers to all types of permit, including those for logging, conservation, ecotourism, conversion, environmental services, carbon, non-timber forest products (NTFPs), etc.

7. **Logging operations**: Once a logging permit or concession has been finalised and issued, are citizens informed about subsequent logging operations?

8. **Extraction of other forest products**: Are citizens informed about the extraction of other forest products? What rules apply to collection of NTFPs, and other tangible forest products, like wildlife?

9. **Environmental services**: Are citizens informed about permits for environmental services? Do the public know about any permits for water or carbon storage, biodiversity conservation, or other services provided by forests?

10. **Cultural services**: Are citizens informed about any permit system or regulations regarding 'cultural services' (tourism or ecotourism, shrines, sacred groves or other historic sites)? Do the public know about any specific permits for (eco)tourism, or other cultural services provided by forests?

11. **Extra-sectoral activities affecting forests**: Are decisions about extra-sectoral operations – such as mining, road building, large-scale agriculture, hydropower or other infrastructure projects – transparent? What transparency rules apply to these? Are there extra-sectoral threats to the forest? How?

12. **Tax collection and redistribution**: To what extent does the law provide for taxes, royalties, or any other benefits to be collected from permit holders and given to affected communities? Are any relevant existing laws or regulations implemented effectively?

13. **Forest law enforcement**: Are citizens encouraged to assist with law enforcement? For example, are there any formal or semi-formal ways for citizens to help forest law enforcement agents do their job?

14. **'Anti-transparency' norms**: Are there laws, procedures etc. that obstruct transparency? Do any caveats in the laws on public access to information (for example for reasons of commercial confidentiality or national security) significantly diminish the availability of information?

15. **Publications**: How proactive is the forest authority in publishing? What, if any, systems does it have in place for managing and providing information?

Being objective

Many citizen Report Cards use either a market-research methodology (e.g. based around standard questionnaires, formal stratified random sampling, etc.) or focus group discussions closer in form to other types of participatory research. Regardless of which of the two methods is used, Report Cards generally ask the question: 'is the service provider performing?' The difficulty with such an approach is that this is a subjective question: different people will interpret performance in different ways, and will have vastly different opinions. For the information to be relevant and reliable, it is necessary to have a means of 'averaging' the data (through sampling), or justifying it (through face-to-face focus group meetings between citizens and officials).

The transparency Report Card developed for *Making the Forest Sector Transparent* is different from other citizen Report Cards, in that it is based on objective 'yes-no' questions. This approach is intended to make gathering objective data via the cards much quicker and easier, in order to set them up as a starting point for other advocacy activities (including discussions with officials.)

The yes/no structure

In theory, each question for which a yes/no answer is required should be very straightforward. For example, the answer to the question 'Is this piece of information in the public domain?' would logically either be 'yes' or 'no'. However, caution must be applied: creating a Report Card is not as simple as handing out a questionnaire to local groups and asking them to complete it. Although this approach might help provide some answers, it would not provide a full picture. For example, looking at the question above, the mere presence of a document in the public domain does not mean that the document is used, followed, understood, complete, coherent, or written in an appropriate language.

Also, while the process of answering questions such as this is much simpler when referring to single documents that apply to a whole country (such as a national land-use map), it becomes more complicated at a more local level. For example, assuming a situation where a generic logging contract document exists that is available to all, but specific contracts are only made available to affected local stakeholders, it is not clear whether a document is in the public domain when Community A has been given a copy by the local forest office, but Community B has been denied it.

To help overcome such limitations and issues as these, it helps to adopt a range of complementary research techniques, including both community-based questionnaires and internet- or office-based research. Additionally, clarification can be given of how to choose between the 'yes' and 'no' options – as demonstrated in Box 13 using the example of the question outlined above.

Box 13: Guidance on yes/no interpretation for the Report Card

Is this information in the public domain?	
'Yes' – if there is <u>at least one instance of</u>:	**'No' – if, for example:**
• It can be found on a website • It can be found in a Forest Authority/other government publication, noticeboard, or statement in the newspaper • It has been obtained as a result of some public-interest group (i.e. NGO, community group) making a successful request for it.	• It cannot be found through any of the ways listed on the left • An individual citizen or NGO has the information, but they obtained it unofficially, e.g. through personal contacts that might be damaged if the way in which the information was obtained becomes public knowledge.

The qualifying comments

Even a simple 'yes/no' approach can lead to quite a detailed set of questions. The expectation at the beginning of the *Making the Forest Sector Transparent* initiative was that many, if not most, answers would be along the lines of 'yes... but', where the qualifying statements would represent a project partner's opinion – whether their own subjective opinion, or a more objective one based on the findings of community consultations, a survey or questionnaire.

Examples of such a dynamic might include:

- Q: 'Is there a national forest forum?'

  A: '*Yes*, laws provide for forums and procedures, *but* they don't function.'

- Q: 'Are the final permit/contract documents made public?'

A: '*Yes*, there is general information available, *but* there is not yet a central information system.'

- Q: 'Are requests for information responded to in a timely way?'

  A: '*No*, *but* there is no agreement on what a reasonable timeframe would be.'

To make this kind of response useful, project partners were required to provide evidence for their given 'yes' or 'no' answers. The question 'Do some forest communities condone illegality?' can only meaningfully be answered 'yes' if examples are provided, or 'no' if it can be demonstrated that any research undertaken has so far been inconclusive on this matter.

For each transparency indicator developed for the *Making the Forest Sector Transparent* Report Card, seven qualifying comments were considered, the full descriptions of which are set out in Box 14.

Low-tech operations in a remote area: legal or illegal?

Date	Date of publication. This is important in assessing timeliness, and identifying the most up-to-date version of regular publications.
Title	The title of the document. This helps identify the document, and reduces the risk of the 'wrong version' being reviewed.
Source	a. Organisation that owns or publishes the information b. Website address c. Any comment on dissemination to local levels As well as demonstrating whether or not the document is in the public domain, these questions help provide accountability for the document – who should we be talking to if we have concerns or feedback about the document?
Language	a. Is it in appropriate vernacular language(s)? b. Is it suitably jargon-free and readable by its target audience(s)?
Accuracy	a. Are there obvious errors? b. Are methodology, justification, calculations etc. provided in order to assess the accuracy of the information? c. Has there been any validation process?
Timeliness	a. Is the information up-to-date, published in a timely manner in respect of any relevant event or process? b. Where information is updated regularly (such as annual statistics), is it easy to make comparisons from one time to the next, or are there inconsistencies in compilation and presentation that prevent this?
Completeness	a. Does it cover all applicable geographical areas? b. Are there gaps, inconsistencies? c. Does it cover the whole picture or has partial information been given?

3.4 Country cases

Four pilot countries were selected for year one of *Making the Forest Sector Transparent*, with the intention of later expanding the project to a further four countries over the following two years. The original countries were selected on the basis that Global Witness already had strong working partnerships in each of them with key national NGOs working on forest governance. This meant that the development of the Report Card would be based on strong institutional foundations.

The state of the forest sector is very different in each of these countries. In Liberia, following 14 years of civil war, the forest sector has new forest laws and an industry eager to re-start. In 2006, an Executive Order[68] was brought into force to cancel all logging

concessions; since then, the first seven large new concessions have been allocated, through a flawed competitive process. However, the legislative status of customary lands remains unclear, and the forest authority struggles to meet its commitments to transparency and the rule of law.

Ghana, in contrast, has little left in the way of commercially viable natural forest. All forests are called 'Stool Lands'**, meaning they belong to traditional communities, but the state manages them on behalf of the people. Over the decades, this has resulted in a clear shift in power from communities to the state. Despite efforts to bring discipline and a competitive market for access to forest resources through reforms in the concession allocation system, the sector remains 'captured' by vested interests. More recently, a Voluntary Partnership Agreement (VPA) with the EU has provided opportunities to rectify this.

In contrast to Ghana and Liberia, Cameroon forest law operates under the francophone African tradition of administrative bureaucracy and legal systems. Since in the francophone system the legal concept of 'clan land' does not exist, all forest is owned by the state, in conflict with the customary tenure of generations of people who live in the forests. Forest law distinguishes between 'permanent production forests', the total area of which is never supposed to diminish, and 'non-permanent' (degraded) forests. It only provides for the establishment of community forests in degraded forest areas, on a temporary basis[69].

In Peru, the forest sector operates differently. The system is less concession-based than in Africa, with a far greater number and diversity of small permits. However, the country has recently seen major legislative changes in response to a TPA signed with the United States (US). While a Forest Annex to the

TPA was seen as a progressive step in many ways, the new forest law (and others) sidestepped normal consultation processes and significantly weakened environmental protections[70]. This resulted in violent conflict and the revocation of the 2008 forest law[71].

In addition to differences in how the forest sector is managed, there are also huge fundamental differences in terms of the size of the forest in each country, and the pressures upon it (Figure 5). For example, Cameroon has ten times the forest area of Liberia, and Peru 30 times as much; Liberia's annual GDP per capita is US$ 230, Peru's is US$ 4,400; and Ghana has 400 people per km^2 of forest, three times the figure for Liberia.

Pine bark beetle damage. Disease-control permits may be fraudulently used to cut healthy trees.

**Stool land in Ghana is land owned by the community (i.e., as ancestral or customary lands). According to the Ghanaian constitution, forests and other resources belong to the Stool, which represents the institution of chieftaincy.

Figure 5: Basic country statistics[72]

Cameroon

Vital statistics

People

52 per km² of forest

Corruption Perception Index

2.2 / 10

Income

GDP per capita is US$1,238

Ghana

Vital statistics

People

423 per km² of forest

Corruption Perception Index

3.9 / 10

Income

GDP per capita is US$690

Liberia

Vital statistics

People

120 per km² of forest

Corruption Perception Index

3.1 / 10

Income

GDP per capita is US$230

Peru

Vital statistics

People

32 per km² of forest

Corruption Perception Index

3.7 / 10

Income

GDP per capita is US$4,419

Cameroon

World Bank Governance Indicators

- Control of Corruption
- Rule of Law
- Regulatory Quality
- Government Effectiveness
- Political Stability
- Voice and Accountability

0 20 40 60 80 100

Ghana

World Bank Governance Indicators

- Control of Corruption
- Rule of Law
- Regulatory Quality
- Government Effectiveness
- Political Stability
- Voice and Accountability

0 20 40 60 80 100
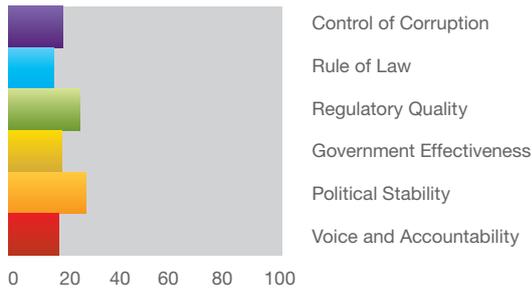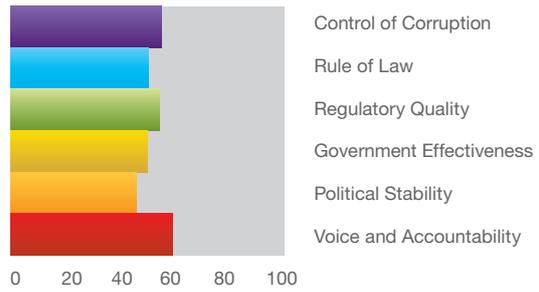
Liberia

World Bank Governance Indicators

- Control of Corruption
- Rule of Law
- Regulatory Quality
- Government Effectiveness
- Political Stability
- Voice and Accountability

0 20 40 60 80 100

Peru

World Bank Governance Indicators

- Control of Corruption
- Rule of Law
- Regulatory Quality
- Government Effectiveness
- Political Stability
- Voice and Accountability

0 20 40 60 80 100
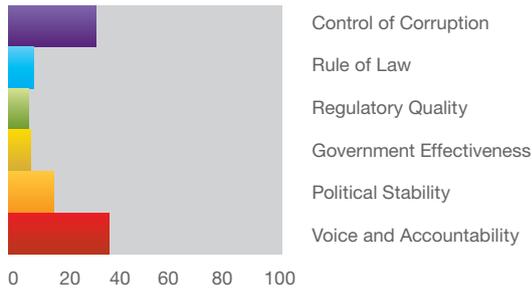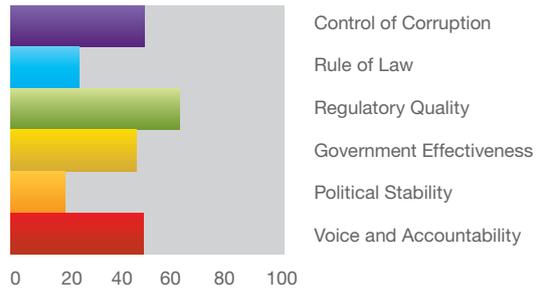
4. Cameroon

Chapter summary

In Cameroon, *Making the Forest Sector Transparent* is implemented by the Centre pour l'Environnement et le Développement (CED). More information about CED is provided in Annex 3. CED wanted to prioritise greater public participation in policy formulation, in particular concerning VPA and REDD initiatives. It was also the most recent NGO to join the project, and, as such, used the common set of indicators as a starting point. Its analysis is structured around questions such as 'what are the rules?', 'what are the limitations of these rules?' and 'what is the reality?' – a set of questions emphasising the fact that many good intentions on transparency fail to become reality. CED has published the Cameroon-specific Report Card on the *Making the Forest Sector Transparent* [website](#).

This country chapter – initially drafted by CED – outlines the methodology for Report Card development in Cameroon, then presents a summary of the project's findings. Report Card findings are then analysed, taking country context into account, and conclusions are presented.

A series of recommendations are offered, with the aim of increasing transparency in the Cameroonian forest sector.

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Global Witness
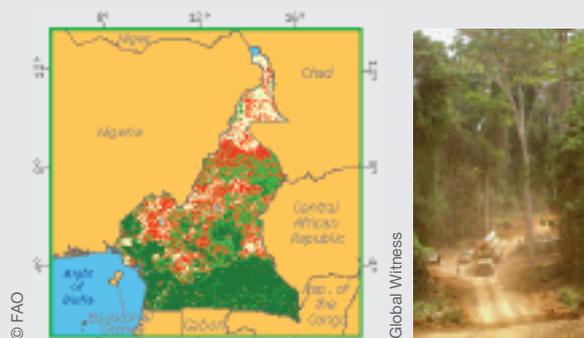
4.1 Methodology

Report Card template development

A decision was taken by the project steering committee in Cameroon to use the common set of indicators shared by all project partners.

Field data exercise

Preparation of the Report Card for Cameroon was done in a three-phase process:

1. Information gathering

- *In the field*
  A field study was conducted to assess the availability of information at local level, what type of information was presented as needed, and the purpose for which it was presented. A team of consultants was hired to cover two regions: the East (Lomie, Bertoua and Yokadouma Districts) and the South (Djoum, Campo and Kribi Districts). These two regions represent a large proportion of the forest in Cameroon, and also reflect a representative diversity in the education level of community members living in the forest.

- *In Yaoundé*
  The team of experts working on the preparation of the Report Card tested formal access to information by requesting from the depositaries those reports and documents listed in the Report Card template. In addition, they checked websites for the availability and quality of information.

2. Analysis

Whereas the information-gathering sought to ascertain the existence of documents in the public domain, a subsequent analysis consisted of assessing accessibility for the targeted audience (i.e. language), accuracy, timeliness and completeness for each of the documents.

3. Finalisation of the Report Card

The Report Card results were discussed in a workshop by a group of six experts in various fields related to forest management. The final data was provided for the project's website, and was also used to write a transparency study specifically for Cameroon.

Limitations

- The method of assessment chosen for the Report Cards focuses on processes (e.g. allocation of concessions and annual permits, names of companies, locations, etc.), and not on specific cases. Discussion among the Cameroon project team suggested that it might be necessary to present a few case studies outlining both good and bad examples of implementation of citizens' rights to obtain knowledge.

- Due to time and resource constraints, it was not possible to conduct data collection at this stage in all the main forest locations in Cameroon. In order to allow comparisons within the country, it would have been useful to find out if there are major differences between the regions, and to involve NGOs working in all forest regions in the information-gathering process.

4.2 Data

Summary Report Card findings for Cameroon covering all 70 yes/no indicators are listed in Figure 6. In addition, to assist quick and accurate comparison between countries, data has been summarised by theme in Annex 2. For the full dataset to support all 70 indicators, please refer to the project website, www.foresttransparency.info/cameroon.

Afrormosia tree: this central African species is officially listed as endangered under CITES.

Figure 6: Cameroon summary findings 2009

Legend: ○ Not applicable ● No data ● Yes! ● Partial ● No

No.	Question	Rating
1.	**Do laws etc. exist that permit public access to information?**	
1.1	Is there a Freedom of Information Act?	Partial
1.2	What other rules provide for transparency?	Yes!
1.3	Are there any sector specific laws / rules / statements that provide for transparency?	Yes!
1.4	Is there any settlement process for disputes regarding transparency?	No
2.	**Do groups of ordinary citizens have collective legal standing?**	
2.1	Do communities have legal standing?	Yes!
2.2	Do NGOs have legal standing?	Partial
3.	**Is the forest legal framework available to the public?**	
3.1	Is there a national forest policy document? Is it available?	Yes!
3.2	Is the forest law available?	Yes!
3.3	Are all forest regulations, procedures, decrees, etc. available?	Yes!
3.4	Are forest-related policies, laws, agreements etc. public?	Yes!
3.5	Has the country signed up to international agreements?	Yes!
4.	**Does civil society have access to decision-making?**	
4.1	Is there a national forest forum?	No
4.2	Are there local forums?	No
4.3	Is there a procedure for consultation on new norms?	Partial
4.4	Is there an established list of stakeholders?	No
4.5	Are reports on consultation processes public?	No
5.	**Is most forest land under a clear ownership title?**	
5.1	Is there a published policy on forest tenure?	Yes!
5.2	Is there a public register of private forestland owners available to the public?	Not applicable
5.3	Is there a difference in law between ownership and use?	Yes!
5.4	Is the ownership of different forest products clear?	Yes!
5.5	Can you provide examples of forest tenure disputes?	No data
5.6	Is there a dispute-settlement process for tenure conflicts?	No
5.7	Are ownership and forest land use maps available?	Yes!
6.	**Is the permit allocation process transparent?**	
6.1	Do permits exist for all uses / services?	No
6.2	Is there any forest land unallocated to users?	Yes!
6.3	Is it clear how the decision to start a round of permit allocation is made?	Yes!
6.4	Is there a stakeholder consultation process prior to permit allocation?	No
6.5	Are the areas assigned for each round of permit allocation advertised?	Yes!
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	Yes!
6.7	Is the decision-making process transparent?	No

Figure 6: Cameroon summary findings 2009

No.	Question	Rating
6.8	Have there been efforts to reform the permit allocation system?	🟢
6.9	Are the final permit / contract documents made public?	🔴
6.10	Are any environmental / social impact assessments public?	🔴
7.	**Are citizens informed about logging operations?**	
7.1	Is information on logging locations given to the public?	🟡
7.2	Is there a stakeholder consultation process on individual logging locations?	🟢
7.3	Is information on logging volumes (quotas) public?	🔴
8.	**Are citizens informed about other extractive operations?**	
8.1	Is information on locations for other forest products given to the public?	🔴
8.2	Is there a stakeholder consultation process on non-timber permit locations?	🔴
8.3	Is information on permitted quotas of non-timber products made public?	🔴
9.	**Are citizens informed about permits for environmental services?**	
9.1	Is information on locations of environmental services given to the public?	🔴
9.2	Is there a stakeholder consultation process on environmental services locations?	🔴
9.3	Is information on quality / quantity of environmental services made public?	🔴
10.	**Are citizens informed about permits for (eco)tourism services?**	
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?	🔴
10.2	Is there a stakeholder consultation process on (eco)tourism locations?	🔴
10.3	Is information on quality / quantity of (eco)tourism made public?	🟡
11.	**Are decisions about extra-sectoral operations transparent?**	
11.1	Is there a strategic process to assess priorities between development options?	🔴
11.2	Is it clear who decides if / when to make decisions between development options?	🔴
11.3	Is there a stakeholder consultation process on decisions between different development options?	🔴
11.4	Is the final decision-making process on different development options transparent?	🟡
11.5	Is information on implementation of non-forest use / conversion given to the public?	🔴
12.	**Does the law provide benefit redistribution to communities?**	
12.1	Is there a system of tax / royalties redistribution?	🟢
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?	🔴
12.3	Is there a stakeholder consultation process regarding the use of community funds?	🔴
12.4	Are figures for collection and distribution published?	🟡
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?	🟢
12.6	In practice does the social obligations system meet any legal obligations?	🔴
12.7	Is there a stakeholder consultation process?	🔴
12.8	Is information on social obligations published?	🟢

13.	Are citizens encouraged to assist with law enforcement?	
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?	🔴
13.2	Are citizens actively participating in control operations?	🔴
13.3	Do (some) forest communities condone 'illegality'?	🟢
13.4	Is there an Independent Forest Monitor?	🟢
13.5	Does the government publish lists of infractors?	🟢
13.6	Does it publish lists of debarred / suspended operators?	🔴
14.	Are there laws, procedures etc. that obstruct transparency?	
14.1	Do parts of any law affecting forests limit transparency?	🔴
14.2	Do any extra-sectoral operations overrule forest laws?	🟢
14.3	Is it commonplace for authorities to ignore obligations?	🟢
14.4	Are there any reforms to improve transparency or reduce confidentiality?	🟢
15.	Is the forest authority proactive in publishing?	
15.1	Does the forest authority publish an Annual Report?	🔴
15.2	Does the forest authority have a central point of information?	🔴

4.3 Analysis

4.3.1 Country context

Cameroon is a Congo Basin country, with approximately one third of its territory covered by forest characterised by biological richness and diversity. It is estimated that around four million people depend directly on Cameroonian forests for habitat and for subsistence.

Forests also play an important role in the economic development of Cameroon, accounting for 6% of national GDP, and generating some US$ 100 million per year in logging taxes. Around 2.5 million cubic metres of timber are exported every year from Cameroon.

Cameroon's forests are managed by a variety of actors, guided by often-conflicting interests. These include:

- The State, with the forest administration (under MINFOF, the Ministry of Forests and Wildlife) regulating and controlling the technical aspects of all forest management activities, Ministry of Finances collecting royalties and taxes, and Ministry of Environment and Nature Protection, dealing with environmental aspects and the carbon potential of the forest. At least four more ministries are in charge of activities that directly affect the forests: the Ministry in charge of Mining, the Ministry in charge of Economic Development (coordinating the construction of large infrastructure projects), and the two Ministries in charge of Public Land and Agriculture respectively, both of which grant land concessions.

- The private sector, divided into logging companies (national, European and Asian), mining companies, and game hunters.

- Local communities, diverse in terms of culture, economic activity, use of forest resources, level of education, etc. All these elements have a direct impact on each community's ability to access information.

The forestry sector has been affected by the global economic crisis, which has led to some changes in the logging regime, especially in taxation. These include the reduction of the area tax by 50%, and a tax holiday granted by the Ministry of Finances to industrial loggers as a temporary measure to help the sector survive the crisis.

The final signing of a VPA between Cameroon and the EU, expected in early 2010, will lead to a new system of verification of legal compliance of logging operations. This new system is likely to provide space for communities and civil society in which to improve the monitoring of forest management, and emphasise respect for the rights of communities. There is growing interest on the part of the government in environmental services provided by the forests, especially in the context of future REDD mechanisms, as a way to contribute to fighting against climate change.

Information on all these changes and envisaged new forest uses needs to be widely disseminated.

4.3.2 Narrative analysis of the Report Card findings

Freedom of information, transparency and anti-transparency norms, and proactive publication

The right to seek, receive and impart information is recognised in the Cameroonian Constitution of 18 January 1996. This right is confirmed by the Law on Social Communication of 19 December 1990[73], and extends to all information produced by the government unless stated otherwise. Stated exceptions tend to be for public security reasons.

The full implementation of this right faces two major obstacles:

1. There is no legal guideline for its implementation, and certain key issues are not covered by the Constitution or by the law – for example, at whose cost information should be provided; whether there should be passive or active access to information; what sanctions are in place in case of violation of the right to information; and so on.

2. There is still a strong tradition of secrecy prevailing throughout the public administration in Cameroon, leading to poor dissemination of information, even when there are no explicit instructions from political authorities to repress that information.

Information in Cameroon

In the forest sector, available information can be classified in three major categories:

- Non-confidential information, for which lack of availability is due to lack of willingness on the part of the administration to provide access, or poor dissemination mechanisms

- Information in a grey area, in terms of confidentiality status: access is difficult, but not impossible

- Confidential information, with restricted access.

In addition, however, information in all of these categories is often poorly available due to the poor quality of archives.

It is important to note that there have been efforts by MINFOF to publish forest sector information over the past few years, including information for which publication is not formally requested by legislation. This includes lists of valid logging titles and annual logging permit areas, amounts of taxes paid by companies, and statistics of timber production and exports.

In its publication strategy, the Ministry gives a clear preference to active access to information. The main tools established are a website and a newsletter. In both cases, the dissemination of the information is, however, very restricted, and the mechanism tends to exclude rural communities. Furthermore, the information is not accurate enough to provide a basis for effective monitoring by citizens.

Forest legal framework

The principle legal documents forming the legal framework for the forest sector (forest policy paper, forest law, decrees on forest and wildlife management, etc.) exist in Cameroon, but some of the guidelines for the implementation of forest law are still absent, 15 years after its signature.

Information on permit allocation is available within MINFOF and, in some cases, in single local offices of the Ministry. It is the responsibility of the Ministry to ensure publication of legal documents, through publication in the official gazette; in addition, the Ministry also publishes legal documents on its own website, and that of the Prime Minister's office.

There are at least two main obstacles to active access to information as organised by MINFOF:

- There is no public information office in the Ministry (this applies also to other aspects of public administration in Cameroon)

- There is no satisfactory involvement of the local administrations in the dissemination of information, because their own access to information is also limited.

As they are not fully aware of the legal framework governing forests, communities cannot effectively take up the protection of their rights, or the monitoring of the compliance of other actors with their legal obligations.

Cameroon's legal framework on forests needs to be improved and amended, in terms of recognition of communities' rights, adjusting logging regulations and taxation, and incorporation of environmental services into forest management objectives.

Participation

There is no tradition of public participation in decision-making processes in Cameroon. The main elements of forest policy and legislation currently in force were prepared under the responsibility of the Ministry, with little involvement of communities and civil society. Improvements have been noted in recent years, and civil society representatives were involved in the negotiation of a VPA; in the wake of this agreement, space has been created to ensure the participation of civil society in the process for reforming the 1994 forest law[74].

No formal forum for dialogue exists between MINFOF and civil society, the responsibility for which is shared by both parties. Although an official Forest Forum[††] exists, it has not met for some time (a meeting is scheduled for the first quarter of 2010). Due to the speed of change in the forestry sector, frequent meetings of the forum are needed in order to allow for active participation of citizens in the debate on forest management.

Among the obstacles to the full participation of civil society in forest management are its own lack of organisation, and very poor communication among the various groups and forest communities.

Forests in the context of land tenure and land use

Little attention is paid to forest tenure in Cameroon's forest policy. The law distinguishes between land and resource ownership granted to the State (and, to a lesser extent, to some municipalities), and

†† A forest forum is a platform at which dialogue can take place between forest sector stakeholders, from local communities and the private and public sectors.

forest usage rights granted to communities[75]. The major distinction here is that products harvested under usage rights are for personal use only, and cannot be sold. Consequently, the legal definition and regulation of usage rights is contrary to traditional practices and laws.

Little information is provided to communities about the differences between statutory and customary laws, and about the extent of the rights of external actors in the forest sector.

These differences often result in conflicts between external beneficiaries of forest exploitation and local communities. A good example of such conflicts can be found in disagreements over the harvesting of certain tree species with both high commercial and traditional/cultural values. It is important to note that no clear mechanism exists for addressing these conflicts.

Extra-sectoral activities threatening the forest

For the past few years, Cameroon has been experiencing a boom in its extractive industries sector, with a total of more than 100 exploration permits granted, some in concessions located in the forest with a size comparable to the largest concessions for these minerals in the world. There is no coherence between forest and mining laws, a situation that is likely to result in severe future threats to the forest and communities' rights.

In addition, a great number of large infrastructure projects are planned that will affect the forests (large dams, a high-speed railway, and roads); and allocation of land – including forest land – for industrial farms and land concessions is increasing.

Coordination between the administrations in charge of forests, mining, public land and agriculture is still weak, resulting in conflicting decisions, but without any mechanism for addressing conflicts.

Despite the requirement to conduct environmental impact assessment (EIA) studies for all projects in all these sectors, the poor quality of the relevant regulations constitutes a serious limitation in the quality of the information provided by project sponsors, and also the quality of public participation in subsequent project design and implementation.

Some of the steps already taken in the field of transparency in the forest sector do not apply to the mining sector, such as publication of the list of granted permits, and provision of information on planned and ongoing activities. In some cases, the quality of the information provided by actors in the forest sector (e.g. forest management plans) is likely to be undermined by these extra-sectoral activities.

Fiscal regime, revenue collection and redistribution

Providing income to the state and to communities is one of the objectives of commercial activities in the forest sector. The taxation system on forest concessions provides for a stumpage fee and an annual area tax, to be shared between the state (50%), municipalities (40%), and communities (10%).

Information on the amount of the tax and on the respective shares of the effected municipalities is provided by the MINFOF through public communiqués in the main newspapers, but this information does not reach rural communities. Furthermore, there is little or no information available on the use of the share of revenue devoted to funding local development.

The taxation system has so far proven unable to comply with its objective of contributing to local development, essentially because the share devoted to municipalities and local communities is not always used for genuine development activities at grassroots level.

Environmental services, including carbon

The focus of the 1994 forest law is on forest products, and very little attention is paid to environmental services provided by the forest. The law does not contain any provision for the formal identification, protection and valuation of environmental services. Some forest locations are currently being explored for their potential for ecotourism, and communities are involved in the selection of locations, and in their management. Relevant permits are not granted by the state.

There is, however, growing interest from government, donors and NGOs in the issue of environmental services. This is likely to result in better recognition of the value of those services in the new forest law.

4.4 Conclusions

Despite the shortcomings in the quest for transparency in the forest sector in Cameroon, there are some signs of improvement, especially in terms of the existence of legal foundations for the endorsement of transparency rules in the Cameroonian Constitution, which recognises the right to information for the benefit of all citizens – recognition further confirmed by the 1990 Law on Social Communication[76]. In its appendices, the VPA also provides for information dissemination within the country, under the responsibility of the government, and reflect the consensus of various actors (government authorities and some companies in the private sector) on the need to disseminate information. The implementation of the VPA, including its appendices, will be monitored by its two signatories: the Government of Cameroon and the EU.

All this notwithstanding, there are clear challenges and obstacles ahead.

- The absence of a clear and effective mechanism for information dissemination constitutes a major obstacle to the implementation of the right to information. Even information classified as non-confidential by MINFOF is still not available, due to the lack of such a mechanism.

- Lack of coordination between and within ministries is problematic. The communication channels between the ministries responsible for forest management or activities affecting the forest sector (the ministries for mining, public land, agriculture, and economic development) are still very weak, and do not allow coordination of information flows for effective dissemination of the most extensive and accurate information possible.

- There is currently no shared platform for actors to address issues related to information dissemination. The appropriate solution could be a proposed consultative body, the Forest Forum, which will bring together various actors from the forest sector (public administrations, private sector, NGOs, communities, etc.) to discuss important issues related to the sector. This would be a forum for addressing issues related to access to information, including seeking redress in instances of denial or obstruction of rights.

- The absence of rules punishing obstruction of access to information by public officers is a key obstacle. The legal provisions governing access to information are still very weak, and this problem is greatly exacerbated by a lack of appropriate incentives and sanctions.

- The poor quality of MINFOF archives is a serious obstacle to the promotion of transparency in the forest sector.

4.5 Recommendations

To the Government of Cameroon

- Adopt a set of guidelines for the implementation of the constitutional and legal provisions instituting a right to information in Cameroon.

To the Cameroon Ministry of Forests and Wildlife

- Design, in collaboration with other actors of the forest sector, a strategy for effective dissemination of information. This strategy should involve the following steps:

  - Establishment of a list of existing documents, reports, and so on; their accessibility status (publicly available or confidential); their providers; and their location (e.g. Headquarters or regional offices of the Ministry, private companies, NGOs, etc.)

  - Publication of the process for accessing each of the documents

  - Establishment, and making public, of a complaints mechanism.

- Activate the Forest Forum as an active, permanent platform for actors and stakeholders of the forest sector, to discuss issues related to forest management, including access to information.

- Incorporate in the new forest law provisions aiming at securing robust transparency in forest management.

To civil society

- Contribute to the preparation of a set of proposals to be incorporated in the new forest law concerning the usage rights of communities and indigenous peoples, and their rights to participation in forest management planning, decision-making and implementation.

- Contribute to the preparation of a strategy for information dissemination.

To the international community

- Together with the Government of Cameroon, assess the quality of legal provisions and the implementation of the right to information in the forest sector, and prepare a joint plan of action for improving the situation, as part of the relevant appendix of the VPA and in future UN-REDD mechanisms.

The Central Control Unit inspect a timber yard in Cameroon.

5. Ghana

Chapter summary

In Ghana, *Making the Forest Sector Transparent* is implemented by the Centre for Indigenous Knowledge and Organisational Development (CIKOD), on behalf of the Forest Watch Ghana NGO coalition (FWG). More information about CIKOD is provided in Annex 3.

CIKOD have emphasised local transparency and accountability, advocating for local government and traditional authorities to disclose their use of revenue from timber royalties. In parts of two selected regions, questionnaire-based interviews were conducted with the forestry authorities, traditional authorities (chieftaincies), local government, timber companies and community members; over 300 interviews were carried out in total, combining yes/no information with ratings and perception questions. CIKOD has published the Ghana-specific Report Card on the *Making the Forest Sector Transparent* website.

This country chapter – initially drafted by CIKOD – outlines the methodology for Report Card development in Ghana, then presents a summary of the project's findings. Report Card findings are then analysed, taking country context into account, and conclusions are presented.

A series of recommendations are offered, with the aim of increasing transparency in the Ghanaian forest sector.

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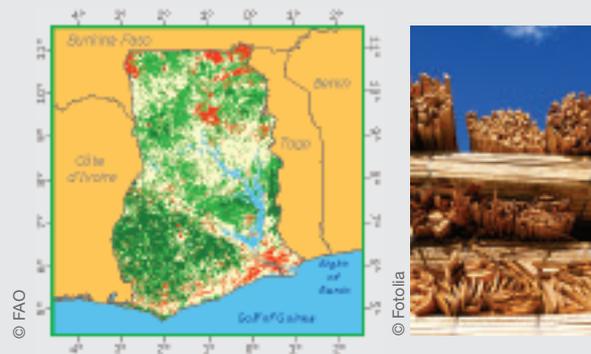
5.1 Methodology

Report Card template development

The Report Card design process was initiated in a consultative workshop with a number of NGOs that are members of Forest Watch Ghana, and which had experience with score card design and use, and considerable further experience in implementing local initiatives in forest communities. These NGOs were Conservation Foundation, PROMAG Network and Rural Environmental Care Association.

The workshop identified the main relevant issues and information needs, and these were enumerated and prioritised for the Report Card template. The template was then tested in two districts in the most forested parts of the country, Juaboso and Tarkwa-Nsuaem Districts in Western Region. Feedback from the field-testing was incorporated in a final template at a validation workshop.

A set of five final questionnaire templates was designed, with each relevant to a specific stakeholder group. Questionnaires typically contained over 100 questions, divided into sections on economic, institutional, socio-cultural, environmental, and legal/policy dimensions.

Where relevant, the questions provided for scored answers between 1 (very good) and 5 (very bad). Where relevant, the project's common set of indicators was included in the questionnaire to these stakeholder groups.

All stakeholder groups were sensitised to the purpose of the Report Card before information-gathering started in the field. Afterwards, interface meetings took place at which stakeholders validated their scores. This process provided an important opportunity for various stakeholders to engage constructively in a dialogue based on evidence; to propose recommendations to improve performance; and to ensure an operational link between information and action, through direct interaction between concerned stakeholders.

Field data collection

CIKOD and six local NGOs worked together to collect information from different sources within the different stakeholder groupings.
The organisations were:

- **Western Region**: Conservation Foundation, New Generation Concern, Rural Environmental Care Association

- **Brong Ahafo Region**: Abesim Youth and Afforestation Brigade, Mariajoe Socio-Dev and Sunyani Forest Forum.

Two approaches were taken. For the communities, a series of focus group discussions was held; for the others, individual key informants were interviewed. The stakeholders interviewed included the following:

- Forestry Commission at the national level (Operations Director and Director, Donor Relations) and regional level (Regional Manager and Manager, Timber Industry Development Divisions for the Brong Ahafo and Western Regions)

- Forestry Commission at the local level: District Managers, Range Supervisor and Customer Services Officer at district level

- Regional and District Directors of the Office of the Administrator of Stool Lands (OASL)‡‡

- Timber companies etc.: timber companies, timber loggers, chainsaw/domestic lumber operators, and the Wood Workers Association.

- District Assembly officials: Planning Officer, Finance Officer, Coordinating Director

- Traditional authorities and stool land owners: divisional/stool land owners, Odikros (local chiefs) and Queen Mothers§§

- Community stakeholders: women, men, youth, District Assembly members, Unit Committee members, and indigenous institutions.

In the community-level fieldwork, two communities were selected in each of the target districts (six Forest Districts in the two Regions), based on their proximity to a forest reserve, in order to catalogue the views of people based on different levels of interaction with the reserve.

The selection of respondents in each of the communities was structured into different focus groups (unit committees, women, men and youth), so that the views of the different social groupings would be reflected in the response. The questionnaires were completed through separate meetings with each of these groups.

‡‡ The Office of Administrator of Stool Lands is provided for in the Constitution of the Republic of Ghana, and is responsible for collection, supervision, and disbursement of all royalties or other payments to traditional authorities.
§§ Three tiers of chief exist in Ghana: Paramount, Divisional, and local. Some ethnic groups accept female chiefs, but generally the female equivalent of a chief is a Queen Mother; this is not a wife of the chief, but typically a mother or aunt.

Selection of timber firms was based on the locations of their offices: irrespective of operational sites, if their office was within the target districts, they were interviewed. Informal loggers (chain saw operators) were approached through their Association.

In all, a total of about 300 questionnaires was distributed. With the exception of the communities and the traditional authorities, where a meeting was convened for the administration of the questionnaire, all respondents were interviewed directly. However, a couple of the District Assembly officials asked that the questionnaire be left with them, because of their busy schedules. This process slowed the pace of the exercise, as several attempts to collect the questionnaires proved futile because of the officials' consistent absences from their offices.

The Ghana data that informs this report contains only the transparency indicators common to all countries. The full report on the Ghana forest sector transparency survey was published in June 2010.

Limitations

- One key methodological observation since analysis began is that the decentralised nature of the information-gathering process makes rigorous statistical analysis of otherwise good numerical (scoring) data unreliable. If statistical analysis is desired, there is a need to streamline and harmonise the questionnaire, and to consider expanding the number of communities where research is conducted.

- At the same time, it is important to allow for the flexibility of incorporating differences among varied stakeholders in the level of appreciation and understanding of forest sector operations.

5.2 Data

Summary Report Card findings for Ghana covering all 70 yes/no indicators are listed in Figure 7. In addition, to assist quick and accurate comparison between countries, data has been summarised by theme in Annex 2. For the full dataset to support all 70 indicators, please refer to the project website, www.foresttransparency.info/ghana.

Domestic demand in Ghana exceeds the annual allowable cut.

Figure 7: Ghana summary findings 2009

Not applicable   No data   Yes!   Partial   No

#	Question	Rating
1.	**Do laws etc. exist that permit public access to information?**	
1.1	Is there a Freedom of Information Act?	No
1.2	What other rules provide for transparency?	Yes!
1.3	Are there any sector specific laws / rules / statements that provide for transparency?	Yes!
1.4	Is there any settlement process for disputes regarding transparency?	No
2.	**Do groups of ordinary citizens have collective legal standing?**	
2.1	Do communities have legal standing?	Yes!
2.2	Do NGOs have legal standing?	Yes!
3.	**Is the forest legal framework available to the public?**	
3.1	Is there a national forest policy document? Is it available?	Yes!
3.2	Is the forest law available?	Yes!
3.3	Are all forest regulations, procedures, decrees, etc. available?	Partial
3.4	Are forest-related policies, laws, agreements etc. public?	Partial
3.5	Has the country signed up to international agreements?	Yes!
4.	**Does civil society have access to decision-making?**	
4.1	Is there a national forest forum?	Yes!
4.2	Are there local forums?	Yes!
4.3	Is there a procedure for consultation on new norms?	No
4.4	Is there an established list of stakeholders?	No
4.5	Are reports on consultation processes public?	No
5.	**Is most forest land under a clear ownership title?**	
5.1	Is there a published policy on forest tenure?	No
5.2	Is there a public register of private forestland owners available to the public?	No
5.3	Is there a difference in law between ownership and use?	Yes!
5.4	Is the ownership of different forest products clear?	Partial
5.5	Can you provide examples of forest tenure disputes?	Yes!
5.6	Is there a dispute-settlement process for tenure conflicts?	Yes!
5.7	Are ownership and forest land use maps available?	No
6.	**Is the permit allocation process transparent?**	
6.1	Do permits exist for all uses / services?	Partial
6.2	Is there any forest land unallocated to users?	Yes!
6.3	Is it clear how the decision to start a round of permit allocation is made?	Yes!
6.4	Is there a stakeholder consultation process prior to permit allocation?	Yes!
6.5	Are the areas assigned for each round of permit allocation advertised?	Partial
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	Yes!
6.7	Is the decision-making process transparent?	Yes!

Figure 7: Ghana summary findings 2009 (continued)

6.8	Have there been efforts to reform the permit allocation system?	🟢
6.9	Are the final permit / contract documents made public?	🔴
6.10	Are any environmental / social impact assessments public?	🟢
7.	**Are citizens informed about logging operations?**	
7.1	Is information on logging locations given to the public?	🟢
7.2	Is there a stakeholder consultation process on individual logging locations?	🟢
7.3	Is information on logging volumes (quotas) public?	🔴
8.	**Are citizens informed about other extractive operations?**	
8.1	Is information on locations for other forest products given to the public?	🔵
8.2	Is there a stakeholder consultation process on non-timber permit locations?	🔴
8.3	Is information on permitted quotas of non-timber products made public?	🔵
9.	**Are citizens informed about permits for environmental services?**	
9.1	Is information on locations of environmental services given to the public?	🔴
9.2	Is there a stakeholder consultation process on environmental services locations?	🔴
9.3	Is information on quality / quantity of environmental services made public?	🔴
10.	**Are citizens informed about permits for (eco)tourism services?**	
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?	🟡
10.2	Is there a stakeholder consultation process on (eco)tourism locations?	🔴
10.3	Is information on quality / quantity of (eco)tourism made public?	🔴
11.	**Are decisions about extra-sectoral operations transparent?**	
11.1	Is there a strategic process to assess priorities between development options?	🔴
11.2	Is it clear who decides if / when to make decisions between development options?	🔴
11.3	Is there a stakeholder consultation process on decisions between different development options?	🔴
11.4	Is the final decision-making process on different development options transparent?	🔴
11.5	Is information on implementation of non-forest use / conversion given to the public?	🔴
12.	**Does the law provide benefit redistribution to communities?**	
12.1	Is there a system of tax / royalties redistribution?	🟢
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?	🟡
12.3	Is there a stakeholder consultation process regarding the use of community funds?	🟡
12.4	Are figures for collection and distribution published?	🟢
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?	🟢
12.6	In practice does the social obligations system meet any legal obligations?	🟢
12.7	Is there a stakeholder consultation process?	🟢
12.8	Is information on social obligations published?	🔴

	Figure 7: Ghana summary findings 2009 (continued)	
13.	**Are citizens encouraged to assist with law enforcement?**	
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?	🟢
13.2	Are citizens actively participating in control operations?	🟡
13.3	Do (some) forest communities condone 'illegality'?	🟢
13.4	Is there an Independent Forest Monitor?	🔴
13.5	Does the government publish lists of infractors?	🔴
13.6	Does it publish lists of debarred / suspended operators?	🔴
14.	**Are there laws, procedures etc. that obstruct transparency?**	
14.1	Do parts of any law affecting forests limit transparency?	🟢
14.2	Do any extra-sectoral operations overrule forest laws?	🟢
14.3	Is it commonplace for authorities to ignore obligations?	🟢
14.4	Are there any reforms to improve transparency or reduce confidentiality?	🟢
15.	**Is the forest authority proactive in publishing?**	
15.1	Does the forest authority publish an Annual Report?	🟢
15.2	Does the forest authority have a central point of information?	🟢

5.3 Analysis

Transparency norms

The legal basis for access to information in Ghana is rooted in the Ghanaian Constitution, and it is expected that it will be strengthened significantly as a result of the Freedom of Information Bill approved by the Cabinet on 3 November 2009. Since 2003, a civil society coalition had been advocating for the passage of the bill, as well as seeking to enhance accountability and transparency in Government more widely. A Whistleblower Act already exists, passed by Parliament and given assent on 20 October 2006[77].

The Forestry Commission produced its first Service Charter in 2001, with the following intention:

…[to provide] a genuine way of making the needs and interests of the stakeholders we serve our priority, and of working towards a truly accountable and responsive Forestry Commission.'[78]

The Charter sets out the quality of service Ghanaians can expect, and coincided with some restructuring in the Commission that led to the creation of Customer Services Officers in each district with the role of providing a 'friendly face' to citizens. A new version of the Service Charter was issued in 2008 that has lost significant detail, and has yet to be translated into local languages, but which nonetheless provides for public right to information from the Commission.

Forest sector legal framework

Ghana's 1994 Forest and Wildlife Policy is generally regarded as an accurate statement of the shared aspirations of Ghanaians for the sector, and recognises the right of citizens' participation in forest resources management. However, in contrast to policies on industrial logging, this element has never been translated into law.

A number of parent and subsidiary pieces of legislation govern forestry in Ghana (all of which are

available on the Commission's website), and these focus on the 'timberisation' of the sector. Significantly, the Timber Resource Management Act (1997)[79] introduced competitive bidding for concessions, but has never been fully implemented, denying Ghanaians millions in lost revenue, and arguably making 90% of current timber production in the country contrary to due process in concession allocation.

In the field research for the Report Card, communities were emphatic that the allocation process is not transparent, as most permits are issued without a competitive process. Also, farmers are often ignored in the consultation process prior to allocating new logging concessions.

Currently there is a review process aimed at consolidating the laws as part of implementing a VPA with the EU.

Participation in policy-making

There is an emerging National Forest Forum in Ghana comprised of representation from regional and district forums. Two annual meetings of the National Forest Forum have taken place to date and a secretariat has been formed. Some 35 District Forums exist, and these are supported to varying degrees by the Forestry Commission and by NGOs.

A strong civil society coalition exists for forest issues: Forest Watch Ghana (FWG), established in 2004. FWG has grown from seven founder members to 35, although the degree of different members' participation in FWG's work is varied.

FWG has played an important role – and one acknowledged by all sides as highly successful – in local consultations for the VPA. In an effort to maintain the networks and opportunities for dialogue formed in this process, FWG developed a list of consultative groups that broadly involved larger CSOs.

The process of policy consultation is not, however, codified or embedded in government procedures, and therefore it remains completely informal.

Revenue and benefit transparency and redistribution

The formula for calculating the distribution of forestry royalties is laid out in the Ghanaian constitution as in Table 1.

There are two major issues with this. The first is that the Forestry Commission has sole power to determine the share it claims for its operating costs, and controversially this stands at 50%. This means in effect that the working redistribution formula is actually as per Table 2.

Table 1: Constitutional benefit share

District assembly	Stool Chief	Traditional authority
55%	25%	20%

Table 2: Actual benefit share

Forestry Commission	Office for the Administration of Stool Lands	Landowner's share, as in the constitution		
		District Assembly	Stool chief	Traditional authority
50%	5%	24.75%	11.25%	9%

The second issue is that information on the actual volumes of timber extracted (and therefore the necessary figures for the calculation of royalties to which these formulae are applied) is kept within the Commission. No one can independently verify the appropriate revenues due. The final redistribution figures are typically published one year in arrears on the Ghana Forestry Commission website[80].

Direct benefit sharing arrangements between communities and logging companies are in the form of Social Responsibility Agreements (SRAs), and according to the law, these should equate to 5% of the royalties due. These agreements typically follow consultation with at least the local chief (and often with the paramount chief as well) in deciding what the SRA should be used for. The consultations are held before the timber companies start operations, and are usually one-off events, so are rarely revised at any point during the 40-year duration of a concession.

Field interviews indicated that although some respondents are not aware of the specific legal obligations concerning SRAs, it was generally accepted that in practice legal timber operators do fulfil some social obligations to the communities in which they operate.

Environmental services

In general there is very little consideration for the environmental services provided by Ghanaian forests, in contrast to the justification for the original designation of forest reserves in the early part of the 20th century, which were as watershed protection areas, not to be logged.

More recently, several arguments have been made for the valuation of the environmental services function of the forest resources in Ghana, but these have barely moved beyond the level of discussions. Different institutions other than the Forestry Commission are responsible for different services provided by the forest, but there is no coordination of effort between these institutions.

With the emergence of REDD initiatives as an important climate change mitigation measure, as well as carbon trading, the right to carbon has come up for discussion within Ghanaian civil society; however, there is clearly no current basis in law for who actually owns the carbon in forest areas.

It was notable that some Forestry Commission personnel in the field expressed a lack of knowledge of international agreements and processes, and of the REDD initiatives in particular.

Kakum canopy walk is a key ecotourism attraction in Ghana.

5.4 Conclusions

In the fieldwork for Ghana, the response to the question 'Is most forest land under a clear ownership title?' for most respondents was 'No.'

The exception was one paramount chief, who was insistent that the land belongs to the living, dead and unborn, and that chiefs are the embodiment of these and therefore have *bona fide* ownership.

In general, there is a good framework for information flow within the forest sector in Ghana, but operationally it does not work efficiently or effectively. The following factors were identified as contributing to this.

Commitment of public officials

There is a general lack of leadership and commitment among public officials in Ghana to provide information to, or consult and actively engage with, forest fringe communities during decision-making processes. This attitude is general across all levels of society – through politicians, top public sector executives, senior and junior managers, and other officials. There is currently no law binding these actors to proper consultative processes, let alone a law on free prior informed consent.

This is even more evident within the Forestry Commission, where research for this Annual Transparency Report has revealed that internal communication within the Commission is as bad as that between the Commission and other stakeholders. Reflecting the dominance of the timber industry, the Commission does not show any real commitment to sharing information. Despite attempts at structural and cultural change in the authority over the last 15 years, staff at local level still keep and use information as a source of authority which must be jealously guarded.

Lack of a legal framework in which to exercise rights

The attitude of Forestry Commission staff is reinforced by the fact that no obligation to consult exists in law. Despite the honourable clauses in the constitution, forest users lack real rights to information, to provide feedback, to be consulted, and to participate actively in policy-making. Similarly, the elaboration of the Service Charter notwithstanding, there are no legal regulations identifying and governing the respective roles and responsibilities of citizens and government, through which institutions can be compelled to publish procedures compatible with legal regulations.

The lack of responsiveness to the needs of local people is reinforced by a lack of demand for disclosure and accountability from stakeholders. In particular, some 'absentee chiefs' have other private priorities, and do not always represent the interests of the communities that place them in their positions; and some Queen Mothers consider issues related to land and forests as 'no-go' areas, as these are traditionally the responsibility of Chiefs and landowners.

Modern local governance structures, such as the District Assemblies, also tend to disregard the forest as a long-term, multi-purpose source of security. On the contrary, the lack of advance information about how much sector revenue will be shared with them, and when it will come, works against any efforts to include forest management in local development planning.

Lack of a platform to seek redress

In general, there is no effective oversight authority to ensure that the Forestry Commission performs its functions. Indeed, the roles of a regulator (who makes the rules) and a manager (who follows the rules) are both the responsibility of the Commission. While researchers might describe this

as a conflict of interests, ordinary people have a more prosaic description:

> …it makes it a formidable organisation which we cannot fight against [81].

Recent reforms within the Commission are helping to consolidate structures such as Customer Services Units, which are supposed to fill the information gap and provide a platform for forest fringe communities to have better access to the Commission.

Nevertheless, these structures are only useful as far as the Commission is pressurised, by a demanding civil society and stakeholders, to operationalise them. Even those appointed as Customer Services Officers show very varied attitudes towards public service, either because they individually lack appropriate aptitude, or, as is often the case, because they are stuck within a 'timberised' power structure organised according to the old adage, 'he who pays the piper calls the tune'.

Communication channels weaken in rural areas

There are, in theory, communication channels between the Forestry Commission at the centre, and the Forest Services Division, the OASL, District Assemblies, traditional authorities, timber companies, and communities. Examples of meetings and correspondence can be found, but the Report Card questionnaire revealed that on the whole these are not effective. Communication between traditional authorities and community level stakeholders was particularly weak.

Research indicated that ordinary community members had almost no knowledge of forest sector issues, and so had not seen themselves as involved in policy implementation. Thus, they are not contributing to the sustainable and transparent management of forest resources.

The absence of input from Paramount Chiefs greatly affected the responses of traditional authorities, as the Odikros appear not to have direct contact with Forest Services Division staff and timber companies. As a result, their level of understanding of rights and responsibilities was low.

The Regional Assembly was generally knowledgeable on issues of revenue and corporate responsibility, but specific forest-sector policy issues appeared not to be a priority for them. In the capital city, the Forest Services Division and the OASL showed they were on top of their sector.

Presenting the report card findings to Sunyani Traditional Council, March 2010.

5.5 Recommendations

All stakeholders need better information, and support in how to use existing channels for the free flow of information (as well as future channels, given the anticipated effects of the imminent Freedom of Information Bill). Specific recommendations are listed below for the Forestry Commission, traditional authorities and CSOs.

To the Forestry Commission

The Commission must devise effective means of scaling the barrier of inadequate resources, and must intensify education and awareness campaigns in the communities in response to the 1994 Forest and Wildlife policy of collaborative forest management. It is not enough to be very knowledgeable in the sector when others with whom collaboration should be a priority have fallen far behind.

The Forestry Commission should:

- Involve the OASL, traditional authorities, and District Assemblies in the pricing and calculation of logging revenues, and present this information alongside the corresponding data on revenue sharing

- Provide clear, basic information on the two main permit systems (Timber Utilisation Permits and Timber Utilisation Contracts), so that civil society nationally can support efforts to ensure that these permits are always issued according to the rule of law

- Ensure community participation in the development of forest management plans; writing of the final plan in language that people can easily understand; and the provision of regular, comprehensible and complete information during the implementation of plans

- Enforce the law requiring timber companies to ensure that adequate compensation is given to farmers whose crops are destroyed during logging[82]

- Create functions at community level for issuing permits for extraction of non-timber forest products (NTFPs) for commercial purposes, to increase feasibility of non-destructive small enterprise development

In some countries it is illegal to export logs and as a minimum they must be sawn first.

- Provide clear, documented policy advice on the benefit-sharing arrangements for the Modified Taungya System***

- Ensure that those staff attending workshops on forest resource management issues share information with their colleagues in the office and subordinates in field offices

- Improve and regularise communication channels so as to intensify education on new initiatives such as VPA and REDD

- Improve communication between the Forest Services Division and other stakeholders.

To traditional authorities

The OASL should play its part (together with the Forestry Commission) in courting the interest, trust and collaboration of all other stakeholders to ensure sustainable management of resources. It is by these means that their efforts can achieve holistic, realistic and desirable results.

- Traditional authorities at all levels should develop, sign, and promote a transparency charter that indicates public commitment to good governance and transparency in their dealings

- The OASL should assist in the dissemination of the regular publication outlining Forestry Commission revenue sharing to District Assemblies, traditional authorities, communities, etc.

- Paramount chiefs should disclose the revenue received from the OASL/Forestry Commission to Divisional Chiefs and Queen Mothers, to enhance transparency

- Finance Committees of traditional councils should be reactivated to oversee the use and management of revenue received from the OASL/Forestry Commission

- Communications between traditional authorities and communities regarding forest sector issues should be improved.

To civil society and communities

Organised civil society should identify priority and realistic areas where transparency and communication can be improved through a few simple, collaborative steps, and then pursue these in order to boost momentum for more fundamental changes.

Specifically they should:

- Provide support to enable communities to be involved in the design of forest reserve management plans

- Lobby for increased support to forest forums, or other means for communities to interact regularly with the Forestry Commission, particularly on new initiatives or legislative changes in the forestry sector

- Make full use of these forest forums, through documenting action points and holding authorities and their own representatives to account for them

- Devise ways to tackle the issue of 'absentee chiefs,' and other situations whereby people do not represent the interests of the communities that place them in representative positions

- Support women to become more involved in decision-making processes on forest resource management issues, in particular through finding ways for more active engagement by role models (such as Queen Mothers)

- Make stronger demands on elected District Assembly members to take a proactive interest in resource management and exploitation, and not to simply sit back and wait for the money

- Prepare for the new Freedom of Information Bill by disseminating leaflets and holding sensitisation workshops on how citizens can make use of the expected legislation.

6. Liberia

Chapter summary

In Liberia, *Making the Forest Sector Transparent* is implemented by the Sustainable Development Institute (SDI). More information about SDI is provided in Annex 3. The project and Report Card focus particularly on strengthening governance within newly-established Community Forestry Development Committees (CFDCs). Given the focus on community level, the Report Card includes questions such as 'do you know the document exists?' and 'have you asked for it?' as well as the regular 'is it in the public domain?'. SDI has published the Liberia-specific Report Card on the *Making the Forest Sector Transparent* website.

This country chapter – initially drafted by SDI – outlines the methodology for Report Card development in Liberia, then presents a summary of the project's findings. Report Card findings are then analysed, taking country context into account, and conclusions are presented.

A series of recommendations are offered, with the aim of increasing transparency in the Liberian forest sector.

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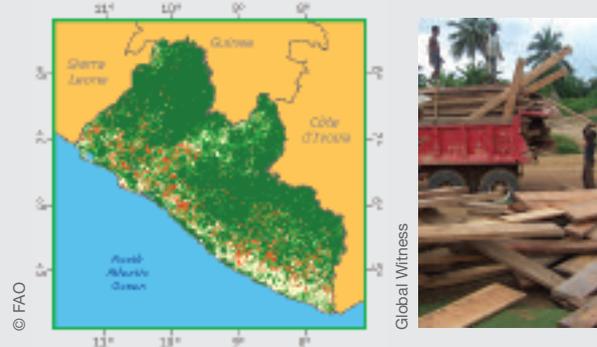
6.1 Methodology

Report Card template development

In March and April 2009, initial consultations on the Report Card were conducted in three Liberian counties: Grand Bassa, Rivercess and Montserrado. These consultations led to the development of a template for gathering and disseminating information on forest use and management in Liberia. The representative group of Liberian forest stakeholders involved in the consultation process included the following participants:

- The Forest Development Authority (FDA)

- The Liberian Forest Initiative (LFI), an informal donor coordination group including a Coordinator provided by one government donor organisation

- The NGO Coalition, a group of Liberian environmental and human rights NGOs

- Other CSOs

- Community Forest Development Committees (CFDCs), new groups established under the forest law to represent community interests with respect to the FDA and logging companies

- Community-based organisations.

The draft template was later validated with forest stakeholders, at a workshop in August 2009. Participants were invited from stakeholder groups working on forest governance, transparency and development issues. During the workshop, the Report Card template was presented to participants; the presentation emphasised the objectives of an annual assessment of the forest sector using a Report Card, and the need for broad

stakeholder involvement in the process. Based on comments and feedback from this workshop, a final questionnaire template was designed. The template contains questions organised under fifteen themes modelled on the common international template.

In addition to objective assessments of the existence in the public domain of the documents listed in the common template, the focus of the Liberia Report Card information-gathering exercise was finding out whether or not stakeholders 'believe information exists', whether they 'have requested [that information],' and whether they 'actually got it'.

Field data exercise

SDI administered the questionnaires to stakeholders in two separate meetings. The first information-gathering exercise was conducted during a workshop in August 2009, and the second the following month.

The first stage considered the first of the three questions outlined above, and was administered in a workshop attended by 58 participants. Respondents from civil society, including the FDA, NGOs and CFDCs, participated in the exercise, which was entitled 'Awareness/Knowledge'. Each attendee received a Report Card template comprising forest sector information questionnaires, with instructions to respond simply 'yes' or 'no' to the question 'do you believe the information exists?' At the end of each process, all data sheets were collected and compiled by SDI.

This first question sought to explore respondents' familiarity with, or awareness of the existence of, a specific set of forest sector information outlined in the Report Card template. The purpose of this exercise was to identify gaps in public knowledge about different forest-related information, key legal provisions in forest law and regulations, and related documents. During this process, respondents had the opportunity to state whether they believed in the

existence or non-existence of a particular document or information.

The second question, 'have you requested it?' aimed to establish whether stakeholders had taken any action to access forest-related information; the third, 'did you get it?', tried to establish the FDA's responses to the various requests made by the respondents. Both questions were administered at a separate meeting of 18 persons drawn from six CFDCs operating in River Cess, Grand Bassa and Gbarpolu Counties. The template was explained to all participants, and following this presentation each respondent received a set of questionnaires with the instruction to respond 'yes' or 'no' to the questions. 78 questionnaires in total were administered to civil society and CFDCs at this stage.

Limitations

- During the first round, it was noted that many of the questions relate to a scenario where logging activities are occurring; however, in Liberia, activities have not fully started in the logging sector, and as a result many of the questions cannot yet be answered this context.

- As a consequence of the point above, there appears to be limited stakeholder interest at this point in some of the information being gathered. In response, only CFDCs were invited to participate in the second set. CFDCs are legal representatives of affected communities in which logging activities will occur. They represent a group of key stakeholders that will be impacted most by logging operations (even before any other group), and so at this early stage of forestry activities CFDCs are far more active than other community bodies and members.

- The other issue of note is the confusion between the questions 'does it exist?' and 'do you believe it exists?' In some instances, some respondents claimed particular information existed, even though it did not. For example, there is as yet no

freedom of information act in Liberia; but 11 of the 58 respondents recorded the existence of a freedom of information act.

To address some of these shortcomings, the template will be evaluated and improved before the 2010 information-gathering exercise.

6.2 Data

Summary Report Card findings for Liberia, covering all 70 yes/no indicators are listed in Figure 8. In addition, to assist quick and accurate comparison between countries, data has been summarised by theme in Annex 2. For the full dataset to support all 70 indicators, please refer to the project website, www.foresttransparency.info/liberia.

Figure 8: Liberia summary findings 2009

● Not applicable   ● No data   ● Yes!   ● Partial   ● No

1.	Do laws etc. exist that permit public access to information?	
1.1	Is there a Freedom of Information Act?	● No
1.2	What other rules provide for transparency?	● Yes
1.3	Are there any sector specific laws / rules / statements that provide for transparency?	● Yes
1.4	Is there any settlement process for disputes regarding transparency?	● No
2.	Do groups of ordinary citizens have collective legal standing?	
2.1	Do communities have legal standing?	● Yes
2.2	Do NGOs have legal standing?	● Yes
3.	Is the forest legal framework available to the public?	
3.1	Is there a national forest policy document? Is it available?	● Yes
3.2	Is the forest law available?	● Yes
3.3	Are all forest regulations, procedures, decrees, etc. available?	● Yes
3.4	Are forest-related policies, laws, agreements etc. public?	● Yes
3.5	Has the country signed up to international agreements?	● Yes
4.	Does civil society have access to decision-making?	
4.1	Is there a national forest forum?	● No
4.2	Are there local forums?	● No
4.3	Is there a procedure for consultation on new norms?	● Yes
4.4	Is there an established list of stakeholders?	● No
4.5	Are reports on consultation processes public?	● Yes
5.	Is most forest land under a clear ownership title?	
5.1	Is there a published policy on forest tenure?	● No
5.2	Is there a public register of private forestland owners available to the public?	● No
5.3	Is there a difference in law between ownership and use?	● Yes
5.4	Is the ownership of different forest products clear?	● No
5.5	Can you provide examples of forest tenure disputes?	● Yes
5.6	Is there a dispute-settlement process for tenure conflicts?	● No
5.7	Are ownership and forest land use maps available?	● No

Figure 8: Liberia summary findings 2009 (continued)

6.	**Is the permit allocation process transparent?**	
6.1	Do permits exist for all uses / services?	🔴
6.2	Is there any forest land unallocated to users?	🟢
6.3	Is it clear how the decision to start a round of permit allocation is made?	🟡
6.4	Is there a stakeholder consultation process prior to permit allocation?	🟢
6.5	Are the areas assigned for each round of permit allocation advertised?	🟢
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	🟢
6.7	Is the decision-making process transparent?	🟢
6.8	Have there been efforts to reform the permit allocation system?	🔴
6.9	Are the final permit / contract documents made public?	🟢
6.10	Are any environmental / social impact assessments public?	🟢
7.	**Are citizens informed about logging operations?**	
7.1	Is information on logging locations given to the public?	🟢
7.2	Is there a stakeholder consultation process on individual logging locations?	🟢
7.3	Is information on logging volumes (quotas) public?	🟢
8.	**Are citizens informed about other extractive operations?**	
8.1	Is information on locations for other forest products given to the public?	🔴
8.2	Is there a stakeholder consultation process on non-timber permit locations?	🔴
8.3	Is information on permitted quotas of non-timber products made public?	🔴
9.	**Are citizens informed about permits for environmental services?**	
9.1	Is information on locations of environmental services given to the public?	🟢
9.2	Is there a stakeholder consultation process on environmental services locations?	🟢
9.3	Is information on quality / quantity of environmental services made public?	🟢
10.	**Are citizens informed about permits for (eco)tourism services?**	
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?	🔴
10.2	Is there a stakeholder consultation process on (eco)tourism locations?	🔴
10.3	Is information on quality / quantity of (eco)tourism made public?	🔴
11.	**Are decisions about extra-sectoral operations transparent?**	
11.1	Is there a strategic process to assess priorities between development options?	🔴
11.2	Is it clear who decides if / when to make decisions between development options?	🔴
11.3	Is there a stakeholder consultation process on decisions between different development options?	🔴
11.4	Is the final decision-making process on different development options transparent?	🔴
11.5	Is information on implementation of non-forest use / conversion given to the public?	🔴

12.	Does the law provide benefit redistribution to communities?	
12.1	Is there a system of tax / royalties redistribution?	🟢
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?	🔵
12.3	Is there a stakeholder consultation process regarding the use of community funds?	🟢
12.4	Are figures for collection and distribution published?	🟢
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?	🟢
12.6	In practice does the social obligations system meet any legal obligations?	🟢
12.7	Is there a stakeholder consultation process?	🟢
12.8	Is information on social obligations published?	🟡
13.	Are citizens encouraged to assist with law enforcement?	
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?	🔴
13.2	Are citizens actively participating in control operations?	🔴
13.3	Do (some) forest communities condone 'illegality'?	🟢
13.4	Is there an Independent Forest Monitor?	🔴
13.5	Does the government publish lists of infractors?	🔴
13.6	Does it publish lists of debarred / suspended operators?	🔴
14.	Are there laws, procedures etc. that obstruct transparency?	
14.1	Do parts of any law affecting forests limit transparency?	🟢
14.2	Do any extra-sectoral operations overrule forest laws?	🟡
14.3	Is it commonplace for authorities to ignore obligations?	🟢
14.4	Are there any reforms to improve transparency or reduce confidentiality?	🟢
15.	Is the forest authority proactive in publishing?	
15.1	Does the forest authority publish an Annual Report?	🟢
15.2	Does the forest authority have a central point of information?	🟢

6.3 Analysis

Liberia is at a critical juncture in its socio-political, economic and legal development. Expectations of the current administration in terms of reducing poverty and improving infrastructure are high.

The legal framework of the country's forest sector is progressive in some respects, but problematic in others: for example, while it provides for broad public access to information, benefit sharing with communities and increased transparency in forest management, at the same time the law focuses disproportionately on logging in comparison to other commercial uses.

The forest sector, if managed differently, could help the Liberian government achieve its development objectives in the medium and long-term. However, in Liberia currently, there is strong argument and lobbying in favour of the immediate, short-term, limited benefits that industrial logging could provide.

Suggestions for national dialogue on different

approaches to commercialising Liberia's forest have been ignored by the government in favour of large-scale logging based on the concession model – a model that has a poor track record both in Liberia and across Africa. Thirteen logging contracts have been issued in the last two years. The total area covered by these contracts is just over one million hectares, or a third of Liberia's total forest. More than one million hectares of forest land in varied condition has also been allocated for oil palm, rubber and other monoculture plantations. These estimates do not include areas targeted for carbon concessions.

Table 3 outlines the major logging companies and the contracted area of land that each company covers. The table does not include forest allocated to smaller logging operators or areas allocated to monoculture plantation.

Table 3: Major logging contracts in Liberia		
Company	Contract area (ha)	Contract valid until
Alpha Logging & Wood Processing	119,240	October 5, 2033
E J and J Investment Corporation	57,262	October 5, 2033
Liberia Tree & Trading Company	59,374	October 5, 2033
Geblo Logging Inc.	131,466	September 16, 2034
Atlantic Resources Ltd.	119,344	September 16, 2034
International Consultant Capital	266,910	September 16, 2034
Euro Liberia Logging	253,670	September 16, 2034
Total forest area under contract	1,007,266	

Narrative analysis of the Report Card findings

The majority of stakeholders interviewed during the information-gathering process demonstrated a worrying lack of knowledge and awareness about information relating to the extractive industries in general, and the forestry sector in particular.

This becomes even more alarming when one takes into account the fact that many of the respondents were from NGOs and community groups working on forestry, development, anti-corruption and transparency issues. For example, of 58 respondents asked whether a Freedom of Information Act exists, 35 either said they did not know, or incorrectly responded 'yes'. This response is of great concern, particularly in light of the fact that the Press Union and other civil society groups have been campaigning for the Liberian government to act on a draft freedom of information act presented to the national legislature in September 2008.

Additionally, 46 of the 58 respondents did not know that there are other laws in Liberia that provide for a degree of transparency and public access to information. For example, the Act establishing the Liberia Extractive Industries Transparency Initiative (LEITI), approved July 2009, provides for public access to information relating to the extractive industries, including forestry[83].

On many other issues, respondents demonstrated similar lack of awareness and information about forest-related information and issues; sadly, many of them profess to be working on the same issues that were being considered in the questionnaires.

Stakeholders have not taken full advantage of the progressive provisions in the forestry law, LEITI Act and forestry regulations to press for greater transparency and accountability in the forestry sector. The 2006 National Forestry Reform Law[84] gives the public broad rights and access to forest-

related information. This includes information related to all aspects of forest management and logging operations. The Regulation on Chain of Custody states that:

> …all information contained in the Chain of Custody database is a matter of public record and the Authority shall allow members of the public convenient means to search and review the information at Authority offices during normal business hours[85].

This notwithstanding, the majority of the respondents have neither made requests for information to the FDA, nor have they taken steps to access the documents available on the FDA website.

In spite of the strong transparency provisions in the forestry law and the LEITI Act, the FDA's performance on its reporting and other transparency obligations is poor. Research for the Report Card took into account whether or not a system was in place, and how efficiently the system is working. This shows that the FDA is preparing annual reports, but that some of the reports are incomplete, and accessibility remains a problem. For example, on the FDA's website, there are two annual reports for 2008: one was hosted on 11 February 2009, and the other hosted on 3 March 2009. One bears the title Draft Annual Report, and both are hosted under misleading headings.

More important, however, is the fact that the FDA currently lacks an efficient system for public access to information. For example, although the FDA operates a website, several important documents are not hosted on the agency site, and – as the example of the FDA Annual Report shows – the manner in which the documents are hosted creates additional difficulties for those searching the site for information. On a positive note,

however, all the documents in the forest sector legal framework – including forest policy, law, regulations and management strategy – are hosted on the FDA's website.

Contract and permit allocation processes remain shrouded in secrecy, and have been subjected to the most appalling abuse of 'anti-transparency norms' and caveats in order obstruct accountability. Critical documents relating to the permit process have not been released to the public by the FDA: for example, results of due diligence conducted on logging companies were not released to those that requested it, and four recent forest management contracts were ratified in special Executive Sessions at the Liberian Senate, where minutes and all records of discussions are classified, and accessing them is punishable by law. None of the 13 logging contracts issued by the government are hosted on the FDA's website, although all of them are supposedly public. Repeated requests for copies of the logging contracts have not received positive responses from the FDA.

Report Card research also identifies an additional factor impacting on forest sector transparency in Liberia: the absence of a formal platform or forest forum for stakeholders to discuss forest issues openly at national and local levels. As a result, the only medium of information exchange between stakeholders is that arranged by individual stakeholders. The FDA has also failed to establish a forest sector stakeholder list, as required by the forest regulations[86]. In its absence, there is no medium for the FDA to disseminate information to all stakeholders in real time and in a transparent manner. The FDA therefore arbitrarily decides to which stakeholder specific information should be provided, and at what frequency, regardless of when the requesting party wants to use the information in question.

6.4 Conclusions

The conclusions below are based on data gathered, an assessment of the existing situation in the Liberian forestry sector, and the conduct of stakeholders as regards issues of transparency and accountability.

- Liberian stakeholders have taken limited advantage of the progressive provisions in Liberian forestry law and regulations, and other laws including the LEITI Act and the Association Laws of Liberia, as regards transparency and access to information. There have been only a limited number of requests for information, particularly from CSOs, communities and their CFDCs.

- There is a low level of general awareness of the forestry legal framework in Liberia. The majority of respondents did not know whether forest policy, strategy, law and regulations were public, despite the fact that all of these documents are hosted on the FDA's website and some had been there for over two years at the time of the questionnaire. This is of concern because many respondents were from civil society groups, based in Monrovia, with access to the internet. A significant number of them work on environmental, governance and development issues.

- The Association Laws of Liberia give legal standing to any group of citizens that is organised and that has adopted Articles of Incorporation[87]. All non-profit organisations organised in a like manner also have legal standing. Once incorporated, all NGOs and community groups, such as CBOs and CFDCs, therefore have rights to sue and be sued, just as any 'legal person' would.

- Liberian forestry law and regulations constantly refer to civil society and communities as key stakeholders. The regulations on Public Participation[88] and Chain of Custody[89] explicitly acknowledge communities and civil society as having rights to participate in forest-related decision-making, and to have access to forest sector information. These are progressive elements of the legal framework that are so far not being fully utilised to push for transparency and accountability in the forestry sector.

- The FDA has taken steps to fulfil its obligations under the law in terms of facilitating free public access to information. The Authority has a website, and hosts a number of critical documents that can be downloaded free of charge.

- The FDA has also responded positively to some requests for information.

- The FDA has also taken proactive steps to distribute copies of the forest policy, law and regulations to CFDCs and other stakeholders.

- Notwithstanding these achievements, the FDA is failing to fulfil its obligations to provide free public access to forest-related information in many critical respects. The Authority's response to requests for information has been selective, and in cases where it has refused to provide information, it has failed to provide an explanation of why it has done so.

- There is no system in place to provide for timely and efficient access to information held by the FDA. Currently, all requests for information go to the Managing Director, who has to review and approve or reject a particular request in person.

- The top-down approach to information management adopted by the Authority is not only ineffective and an impedance to public access to information, but it also violates the right of the public to information in a timely manner. Apart from information hosted on the website, stakeholders cannot access information at the FDA without top-level approval – even though the majority of the information held by the FDA (for example, signed and ratified logging contracts) is supposed to be in the public domain.

- The Liberian government's Senate Rules governing Executive Sessions constitute a major anti-transparency norm that needs to be addressed. Classifying records of these sessions, especially those in which forestry contracts are ratified, provides opportunities for illegalities in the contract allocation process. With no possibility of public access to minutes from these sessions, it is not possible to verify independently whether or not ratification is in accordance with law.

- Liberian civil society, including NGOs and CFDCs, has done little to raise its own level of awareness about the forestry sector legal framework. The forestry authorities and civil society are also doing little to prepare the public in general, and local populations in particular, for the full-scale resumption of logging in Liberia. As a result, there is limited public awareness about the forest sector legal framework, especially as it relates to access to information and opportunities for deepening reforms in the sector through active public engagement with government and the private sector.

- While the FDA may appear to be the responsible party, due to its failure to respond in a timely and consistent manner to the limited requests made thus far for information, it is fair also to apportion some of the blame for this to NGOs and CFDCs. Both groups have made little effort to inform themselves about the relevant laws and regulations, and therefore have limited capacity to transfer knowledge to other stakeholders.

- CFDCs have shown some particular interest in forest revenue – which may be because of their expectation of receiving the 30-55% of the land rental fees allotted to them in forestry law – and little interest in other information. Members of existing CFDCs constantly inquire whether production figures will be available to them, and some have taken steps to include publication of the figures in the Social Agreement documents that lay out the relationship between each logging company and the communities affected by its work (see Box 15).

- It can be expected, however, that once full-scale logging activities resume in Liberia, there will be an increase in the demand for information related to logging operations, and in particular for information about production, revenue and infractions. As interest in these issues increases, there will be compelling urgency to examine the timeliness, accessibility and quality of the information generated. Assessing these indicators will be a key component of the next Report Card.

- Given the expectations that currently exist within Liberia, especially in rural areas, it is important that the government, especially the FDA, takes extra steps to be more transparent and accountable to the public. This is key to securing public support for government actions to address violations of forestry law, and especially breaches of logging contracts by private companies.
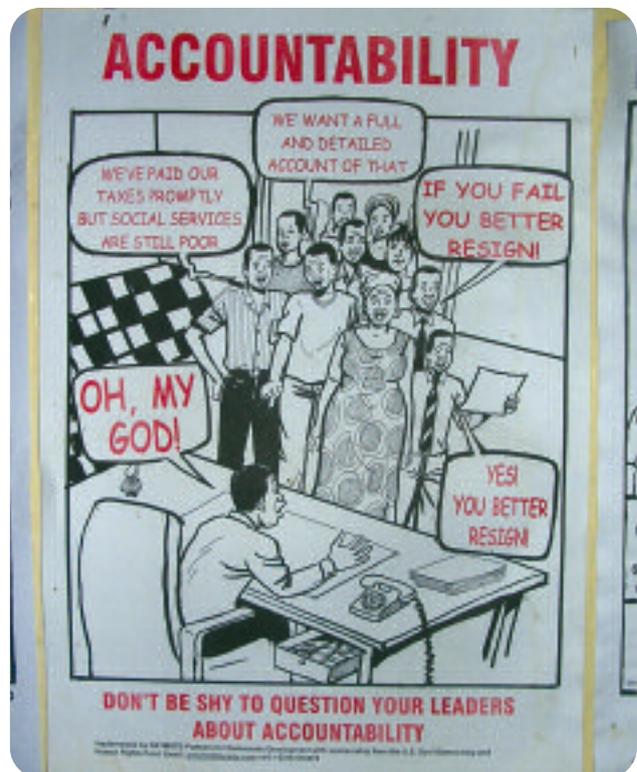
National Youth Movement for Transparent Elections Poster, Liberia.

Box 15: Significant change story: local communities in Liberia to receive 55% of forest revenues from large scale commercial logging

Liberia has recently emerged from a 14-year civil war linked to the bad management and governance of the country's natural resources and the neglect of rural communities[90]. During the conflict, Liberia's forests became a source of revenue for different factions, with utilisation of forest resources being highly extractive and exploitative. This situation led to UN timber sanctions in 2003, with the UN promising to lift sanctions only when the management of Liberia's forest resources contributed to development and a reduction in poverty.

In order to address this problem, in 2005 the Liberian government put together a committee comprising key actors in the sector, including the FDA, SDI, the World Bank, USAID and UN Civil Affairs. The process led to the enactment of a new forestry law in 2006, which set out principles to balance the interests of commercial enterprise, conservation and communities in the management of forest resources in Liberia[91].

Whilst the regulations to implement this law allocated 30% of revenue to local communities[92], the law itself did nothing to address the rights and responsibilities of forest-dependent peoples. Civil society advocated and secured a further provision within the forestry law that stipulated that within one year, a CRL would clearly lay out the rights and responsibilities of local communities in the management of forest land resources in Liberia.

The CRL remained controversial, and took a lot longer than one year to develop. As a result, at least two versions of this law were subsequently prepared: one that the FDA submitted, which was rejected by the legislature as insufficient; and another offered by civil society, following the rejection of the FDA version. This latter version set out to devolve management responsibilities of lucrative timber resources to local communities. It was discussed and adopted by the legislature with unprecedented speed in September 2008, but the President failed to sign it, and no further progress was made.

Considerable interest in the progress of the CRL remained with local communities, who also wanted to find a way to present their views to Government. In order to find a way forward, a round table on Community Rights and Forests was convened in Monrovia in January 2009, attended by representatives of local communities from eight forested counties and 12 members of the National Legislature.

During the round table meeting, local communities petitioned and secured commitment from members of the National Legislature that their concerns (including the desire that 65% of all revenue from forest resources would be passed to local communities) would be taken forward to the larger legislative body.

In October 2009, nine months after this meeting, the government enacted a third version of the CRL, which gives communities 55% of all revenues from large-scale commercial contracts signed between communities and a concessionaire, a provision that had not been present in either of the first two drafts of the law[93].

Liberians are now looking forward to the FDA's implementation of regulations for the new CRL law, to make it operational, and to guarantee local communities will receive their 55%.

SDI, Liberia, March 2010

6.5 Recommendations

The new environment in the forestry sector, supported by Liberia's reformed legal framework, represents a marked break with the past. Liberian stakeholders must take full advantage of the progressive provisions of their legal framework to push for good governance in the sector. The progressive vision established in law will only be as good as the implementation of the relevant laws and regulations allows. However, civil society lapses should not and cannot be used as an excuse for the FDA's failures to establish a functional and efficient system for accessing the information that it holds. Therefore, to achieve the objectives of increased transparency and public participation, and greater equity in benefit sharing, the FDA, civil society and the private sector all have diverse roles to play.

To the Forest Development Authority

- Demonstrate FDA commitment to transparency by fully meeting the Authority's obligations under the law.

- Establish a system for effective facilitation of free public access to information. This should include clear cataloguing of all forest-related information, to distinguish those that are required, by law, to be put in the public domain from those that are exempt by law. With this distinction, the legal justifications will be clear for partially or fully withholding certain information from the public. The FDA should then provide clear guidance on how information that it has partially withheld can be accessed by stakeholders with interest in that information.

- Put on the FDA website all the information considered cleared for the public domain, including contracts, justification documents, reports of the prequalification processes, and bid evaluation documents. For those that require redactions, a separate system for accessing should be listed on the website, and stakeholders should be informed about the process for accessing them at the Authority's offices.

- Catalogue and keep hard copies of all forest-related documents in FDA possession in the library at the FDA central office, to facilitate access for members of the public who do not have access to the internet. Similar arrangements should be put in place in all the FDA's regional offices throughout the country.

- The libraries should have a transparent and efficient system in place for accessing information, and the public should be fully aware of the procedural and cost implications of acquiring hard copies of information in the various libraries across the country.

To civil society and CFDCs

- Take steps to increase civil society awareness of the legal framework, especially more progressive provisions on transparency and public participation. Without increasing their own awareness, there is little chance that CSOs and CFDCs will be able to help the majority of the populations in rural areas in need of awareness of many of these issues.

- Begin to take advantage of civil society's legal standing to request information from the FDA. This should include requesting information linked to civil society's line of work, and the information needed to help transfer awareness to the public.

- Develop a system for sharing information and networking, to build capacity internally and take full advantage of the opportunities that currently exist to push for greater transparency and accountability in the sector.

To the Liberian legislature

- Address concerns about the ratification of forestry contracts in a manner that goes against the governance vision laid out in the forestry legal framework. Formulating forest-related laws and ratifying contracts behind closed doors raises doubts about the legislature's commitment to upholding the fundamental principles of transparency and accountability.

7. Peru

Chapter summary

In Peru, *Making the Forest Sector Transparent* is implemented by Derecho Ambiente y Recursos Naturales (DAR), or 'Environmental Rights and Natural Resources'. Full details of DAR are provided in Annex 3. DAR developed a sophisticated and extensive Report Card matrix, comprising five tables of data, to monitor the performance of 15 organisations and assess transparency norms, access to participation and information, and the implementation of the Forest Annex of the Peru-US trade promotion agreement (TPA). Data collection has been through a series of letters from the project partner to the relevant institutions. The letters and the Report Card highlight the steps each authority is taking to implement its legal obligations to provide information. DAR have developed a specific forest sector transparency website for Peru, which contains their country-specific Report Card.

This country chapter – initially drafted by DAR – outlines the methodology for Report Card development in Peru, then presents a summary of the project's findings. Report Card findings are then analysed, taking country context into account, and conclusions are presented.

A series of recommendations are offered, with the aim of increasing transparency in the Peruvian forest sector.
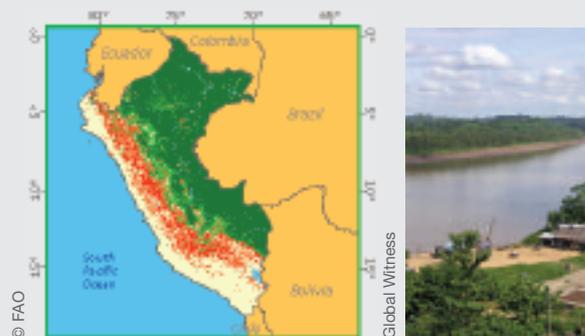
7.1 Methodology

In Peru, two main products have been developed within the framework of *Making the Forest Sector Transparent*: the Report Card at national level, and the report on Report Card commonalities. The latter identifies and analyses those indicators that are common to all *Making the Forest Sector Transparent* project countries.

The methodology followed in these two processes is outlined below.

Report Card template development (Peru Report Card)

DAR has produced a comprehensive Report Card Matrix for Peru. The first step of this process comprised the development of a conceptual framework covering the key issues of transparency and the right to information, governance and governability, and the subsequent analysis of these issues within the context of the forest sector. This in turn resulted in the development of criteria, indicators and specific matrices. This was followed by a workshop in which public institutions validated the transparency indicators.

A total of five reporting matrices were produced, each gathering data around five main topics:

- Compliance with the Law on Transparency and Access to Information of public institutions with competencies in the forest sector

- Compliance with the Law on Transparency and Access to Information of other public institutions

- Level of participation in the forest sector

- Availability of the relevant information for the management of forests

- Implementation of the Forest Annex of the Peru-US TPA.

The assessment of each of these issues is carried out in two main steps:

1. Monitoring the transparency sections of the websites of all the public institutions with competencies regarding forests, a total of 15 relevant official institutions

2. Submitting requests for information to these institutions. This is done through sending letters with the aim of assessing the level to which information is provided in a timely manner, as required by law.

Information gathering started in September 2009 and ran until December 2009, and the resultant information was then consolidated into a single document. The validation workshop report and all the letters sent to public institutions, and the relevant responses, are available on DAR's project website at www.dar.org.pe/.

Finally, in January 2010, and prior to its publication on the website, the Report Card was subject to a final review by DAR. This included the review of any information that required updating, methodological precision, and presentation of results.

Field data exercise (Report Card commonalities)

Data for the international common Report Card template was collected by DAR's forest team, and other DAR personnel. This process started with an analysis of the template, through discussion and assessment of the type of questions asked, the kind of information requested, and the location of this information. Two key stages were the focus at this point: firstly, the research aimed at gathering the information; and secondly, the consolidation of the subsequent information and its adaptation to meet the format of the template.

Information gathering was carried out on the second half of September 2009. This comprised several different approaches, depending on the type of information needed. For example, activities carried out as part of this process included extensive analysis of laws, reviews of transparency-related institutional websites, expert assessments, and consultations with government officials.

Finally, some of the information collected for the Peru Report Card was used to update the Report Card Commonalities.

7.2 Data

Summary Report Card findings for Peru covering all 70 yes/no indicators are listed in Figure 9. In addition, to assist quick and accurate comparison between countries, data has been summarised by theme in Annex 2. For the full dataset to support all 70 indicators, please refer to the project website, www.foresttransparency.info/peru.

Figure 7: Peru summary findings 2009

Legend: ○ Not applicable | ● No data | ● Yes! | ● Partial | ● No

#	Question	Rating
1.	**Do laws etc. exist that permit public access to information?**	
1.1	Is there a Freedom of Information Act?	Yes!
1.2	What other rules provide for transparency?	Yes!
1.3	Are there any sector specific laws / rules / statements that provide for transparency?	Yes!
1.4	Is there any settlement process for disputes regarding transparency?	Yes!
2.	**Do groups of ordinary citizens have collective legal standing?**	
2.1	Do communities have legal standing?	Yes!
2.2	Do NGOs have legal standing?	Yes!
3.	**Is the forest legal framework available to the public?**	
3.1	Is there a national forest policy document? Is it available?	Yes!
3.2	Is the forest law available?	Yes!
3.3	Are all forest regulations, procedures, decrees, etc. available?	Partial
3.4	Are forest-related policies, laws, agreements etc. public?	Yes!
3.5	Has the country signed up to international agreements?	Yes!
4.	**Does civil society have access to decision-making?**	
4.1	Is there a national forest forum?	Partial
4.2	Are there local forums?	Yes!
4.3	Is there a procedure for consultation on new norms?	Yes!
4.4	Is there an established list of stakeholders?	No
4.5	Are reports on consultation processes public?	No
5.	**Is most forest land under a clear ownership title?**	
5.1	Is there a published policy on forest tenure?	Yes!
5.2	Is there a public register of private forestland owners available to the public?	No
5.3	Is there a difference in law between ownership and use?	Yes!
5.4	Is the ownership of different forest products clear?	Yes!
5.5	Can you provide examples of forest tenure disputes?	Yes!
5.6	Is there a dispute-settlement process for tenure conflicts?	Yes!
5.7	Are ownership and forest land use maps available?	Yes!
6.	**Is the permit allocation process transparent?**	
6.1	Do permits exist for all uses / services?	Yes!
6.2	Is there any forest land unallocated to users?	Yes!
6.3	Is it clear how the decision to start a round of permit allocation is made?	Yes!
6.4	Is there a stakeholder consultation process prior to permit allocation?	No
6.5	Are the areas assigned for each round of permit allocation advertised?	Yes!
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	Yes!
6.7	Is the decision-making process transparent?	Yes!

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Figure 7: Peru summary findings 2009 (continued)

6.8	Have there been efforts to reform the permit allocation system?	🟢
6.9	Are the final permit / contract documents made public?	🟢
6.10	Are any environmental / social impact assessments public?	🔴
7.	**Are citizens informed about logging operations?**	
7.1	Is information on logging locations given to the public?	🔴
7.2	Is there a stakeholder consultation process on individual logging locations?	🔴
7.3	Is information on logging volumes (quotas) public?	🔴
8.	**Are citizens informed about other extractive operations?**	
8.1	Is information on locations for other forest products given to the public?	🔴
8.2	Is there a stakeholder consultation process on non-timber permit locations?	🔴
8.3	Is information on permitted quotas of non-timber products made public?	🔴
9.	**Are citizens informed about permits for environmental services?**	
9.1	Is information on locations of environmental services given to the public?	🟢
9.2	Is there a stakeholder consultation process on environmental services locations?	🟢
9.3	Is information on quality / quantity of environmental services made public?	🟢
10.	**Are citizens informed about permits for (eco)tourism services?**	
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?	🟢
10.2	Is there a stakeholder consultation process on (eco)tourism locations?	🔴
10.3	Is information on quality / quantity of (eco)tourism made public?	🔴
11.	**Are decisions about extra-sectoral operations transparent?**	
11.1	Is there a strategic process to assess priorities between development options?	🔴
11.2	Is it clear who decides if / when to make decisions between development options?	🔴
11.3	Is there a stakeholder consultation process on decisions between different development options?	🟢
11.4	Is the final decision-making process on different development options transparent?	🔵
11.5	Is information on implementation of non-forest use / conversion given to the public?	🔵
12.	**Does the law provide benefit redistribution to communities?**	
12.1	Is there a system of tax / royalties redistribution?	🟢
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?	🟢
12.3	Is there a stakeholder consultation process regarding the use of community funds?	🔴
12.4	Are figures for collection and distribution published?	🟢
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?	🟢
12.6	In practice does the social obligations system meet any legal obligations?	🟢
12.7	Is there a stakeholder consultation process?	🟢
12.8	Is information on social obligations published?	🟢

Figure 7: Peru summary findings 2009 (continued)

13.	Are citizens encouraged to assist with law enforcement?	
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?	🟢
13.2	Are citizens actively participating in control operations?	🟢
13.3	Do (some) forest communities condone 'illegality'?	🔴
13.4	Is there an Independent Forest Monitor?	🔴
13.5	Does the government publish lists of infractors?	🔴
13.6	Does it publish lists of debarred / suspended operators?	🔴
14.	Are there laws, procedures etc. that obstruct transparency?	
14.1	Do parts of any law affecting forests limit transparency?	🔴
14.2	Do any extra-sectoral operations overrule forest laws?	🟢
14.3	Is it commonplace for authorities to ignore obligations?	🔴
14.4	Are there any reforms to improve transparency or reduce confidentiality?	🔴
15.	Is the forest authority proactive in publishing?	
15.1	Does the forest authority publish an Annual Report?	🔴
15.2	Does the forest authority have a central point of information?	🟢

7.3 Analysis

The Peruvian forestry sector is currently undergoing a process of change: it is in the process of transition from a nationally-centralised model of forestry resource governance (established in the Forest and Wildlife Law of 2000[94]), to a new model in line with the decentralisation process that the state as a whole is currently undergoing, commitments under the TPA signed with the US, and agreements between the government and the associations representing the Indigenous Peoples of Amazonia.

Concepts such as ecosystems approaches, sustainability, multiculturalism, good governance, decentralisation, participation, transparency and accountability have become key drivers in debates arising from this process of change. Such changes are also evident in the legislation, and may come to represent significant change to the institutional model of the forest sector.

The abolition of the Instituto de Recursos Naturales (INRENA, the former national institute for natural resources), the creation of a new Ministry for the Environment, the resurgence of the Organismo Supervisor de los Recursos Forestales (OSINFOR, the forestry supervisory agency) and the transfer of power to the regional governments all mean that the institutional nature of the forest sector has to be re-thought in Peru, insofar as it was previously centred solely on the National Government, through the Ministry of Agriculture.

Likewise, Peru's indigenous peoples, after their protest actions in 2008 and 2009, have become key interlocutors when it comes to taking any policy decisions that may affect them. The existence of international free trade treaties covering forestry has led other sectors, such as the Ministry of Economy and the Ministry of Foreign Trade and Tourism, to take an interest in the forestry sector, and even to become active in promoting change in the sector. In this context, the Report Card offers an important opportunity to assess current conditions for transparency and participation in the sector.

Transparency and participation are key factors in the implementation of an effective system of good forest governance. This is not solely due to a

concern for equity and justice: genuine participation by civil society can improve the quality of the decision-making process, increase the legitimacy in the public eye of the decisions taken, and improve public perception of government action. Furthermore, if transparency and participation do not form part of the legislative process, there may be considerable subsequent costs in terms of time and resources, as can be seen by the repeal of Peruvian Forestry Laws (and the Columbian Forestry Law) on the grounds that they did not comply with the right to free, prior and informed consultation enjoyed under law by Indigenous Peoples.

Analysis of a number of aspects of transparency and participation assessed through the Report Card provides immediate insight into the current situation with respect to freedom of information, transparency and participation. It provides an account of the forest legal framework, the granting of forest concessions, and the creation of spaces for participation, among other issues. In this way, it allows stakeholders to identify areas where progress has been made, and also those where further work is needed to increase transparency and participation.

Peru has a legal framework for transparency and freedom of information that requires public institutions to take a series of measures to enable citizens to exercise their constitutional right to access information. At the same time, the Peruvian legal framework provides private individuals with the procedures they need to ensure that their rights to access information are honoured. In line with this, public institutions are required to provide websites where citizens can find information – particularly contractual and financial information – about public bodies. Notwithstanding these requirements, these websites frequently contain information that is incomplete, not fully up-to-date, or confused. Additionally, there are no defined provisions for ensuring fiscal accountability, nor are there systems for citizens' oversight and vigilance. Such processes would allow citizens to exercise efficient social control.

In general terms, while there is considerable progress in the legislative provisions relating to access to information in Peru, this is insufficient because it is not fully implemented – either because civil servants, officials and the citizens themselves are unaware of their rights, or because they choose not to exercise them.

From the second half of 2009, as a consequence of the tragic events that took place in Bagua in June of that year (see Box 16), both the decision-making processes and the definition of new forest policy and legislation have become more transparent and participatory than those implemented by the State in 2008, which were rejected by almost every actor in the forest sector, precisely on account of their lack of participation and transparency.

This change can be seen primarily in the establishment of a Round Table for the Integral Development of the Andean Peoples; a National Coordination Group for the Development of Amazonian Peoples; and the National Consultation, through the setting up of national and regional forums to put forward and debate proposals, on forest policy and the revision of the Forest and Wildlife Law.

In spite of the progress that has been made, there is still a need in Peru for independent and participatory monitoring of the implementation of the Forest Annex of the Peru-US TPA, and to ensure transparency in processes such as the establishment of a national quota for the export of mahogany (in compliance with the Convention on International Trade in Endangered Species, or CITES[95]).

The impact on the forest of industry in other sectors also remains a considerable challenge. Decisions relating to mining, hydrocarbons, agro-industry, and the building of roads and other types of infrastructure continue to be taken with no regard to the forest sector, despite the enormous impact these decisions have – with the result that there is

Box 16: Significant change story: the Devil's Bend

There is no change without advocacy

During 2006 and 2007, the President of Peru, Alan García, set out a governmental policy indicating the necessity of exploiting Peru's natural resources, especially those of Amazonia, to promote the growth of the country. This controversial political vision was nick-named 'the dog in the manger', as some felt the President was characterising those who objected to the policy as wanting to keep resources but not actually to use them.

In line with this policy, the 2009 Government approved 99 legislative decrees regulating use of land and resources, including land occupied by indigenous people of Amazonia, without participation or transparency. The reason given by the Government for bypassing the normal requirement for a consultative and deliberative legislative process was that new legislation was urgently required to comply with commitments under the Peru-US TPA. One of these decrees was a new Forest Law; another enabled the re-designation of land use categories in order – for example – to promote biofuels over the conservation of natural forests.

This caused a good deal of offence to indigenous people, civil society, academic organisations, regional industrialists and regional governments, who requested the repeal of these of decrees on the basis of multiple problems and the non-participatory process of their implementation.

The Government modified the decrees, correcting some problems, but not the most important. The indigenous peoples had also demanded, in addition, a process of free and informed consultation, in line with an International Labour Organisation convention that Peru had ratified in 1994 but had never implemented. Several official commissions were established to deal with the problem, but to little effect. As a result, indigenous peoples initiated a national strike in March 2009.

By June, after another snub wherein Congress refused to countermand the decrees, despite the recommendations of a Consultative Commission, the National Police decided to evict demonstrators at 'Devil's Bend,' near Bagua in the Amazonas Department, resulting in a ferocious confrontation that soon generated violence elsewhere. By the end of the day, more than 30 people were dead and a further 200 were wounded.

Responding to these tragic events, Congress decided to suspend, and later to countermand, the legislative decrees in question. Government established a National Group of Coordination for the Development of the Amazonian Peoples, a work group that included representation from several ministries, regional governments and indigenous peoples, with four parallel roundtable dialogues.

One such roundtable was mandated to consider alternative legislation to the repealed decrees, especially in relation to the forest law. The government responded by instituting national consultations to assess the forest policy, and to update the Forest and Wildlife Law.

In a sign that consultation processes, rather than executive decrees, will produce new laws that enjoy genuine legitimacy in the eyes of Peruvian citizens, by March 2010, the preliminary proposal for the revision of the National Policy and the Forest and Wildlife Law had received more than 200 contributions.

DAR, Peru, March 2010

little or no opportunity to anticipate their cumulative and combined effects.

With the abolition of INRENA and the transfer of its functions to the Dirección General Forestal y de Fauna Silvestre (DGFFS, General Office for Forest and Wildlife) and the regional governments, the important information that INRENA once made available to the public through its website has disappeared, and none of the current forest authorities have restored public access to the information for the benefit of the public. The information now missing includes the complete legal framework for the forests (and especially the minor regulations, which are frequently not published other than through the Internet); information on concessions granted (areas, concession holders, volumes, etc.); forest sector statistics; and so on. Thus, at time of writing, there is no complete compendium of forest legislation and regulations online, to the serious disadvantage of the public, and even of public servants themselves.

The Report Card exercise has also revealed an almost total lack of provision for participation, transparency and accountability in the processes of granting forest concessions. What is more, while there are a number of provisions allowing for a certain degree of transparency during the allocation process itself, once permits have been granted there is virtually no information available about what happens in the areas concerned, which effectively restricts the right of the public to monitor compliance with forest legislation and contracts.

The process of transition that the Peruvian forest sector is currently experiencing provides an ideal opportunity to implement provisions for participation in – and transparency of – the drawing up of a new forest policy and legislation. In addition, it gives stakeholders a chance, through these provisions, to institutionalise participation, transparency and fiscal accountability in a new context where decentralisation and the recognition

of multiculturalism are being introduced, and where private and public sector actors are demanding greater recognition of their central role in the good governance of an extremely complex forest sector.

7.4 Conclusions

Transparency and participation are key components of good forest governance: they improve the quality of decision-making processes, increase the legitimacy of those decisions in the public eye, and improve public perception of government action. Consequently, it is not sufficient for transparency and participation to apply only to political statements and the legal framework: they have to be implemented in the practices of private and public sector actors, through access to information, and effective participation and citizen oversight and vigilance.

The Report Card findings in Peru point to the following general conclusions:

- One positive outcome is the confirmation that a legal framework exists for the redistribution of funds arising from taxes, contributions and payments from the forest sector. This legal framework establishes the conditions and procedures for the redistribution of these funds to regional and local government in the areas where forest operations take place. Likewise, information on the monies distributed is freely available from the Ministry of Economy website, and the sums allocated to each locality are published in the official journal of government business.

- Another positive factor is that Peru enjoys a general legal framework that recognises and guarantees the rights to participation and transparency contained in (amongst other documents):
    - The Constitution[96]
    - The Law protecting the right to Citizen Participation and Control[97]

- The Law on Transparency and Access to Information[98]

- The Framework Law for the Modernization of State Governance[99]

- The General Environment Law[100]

- The Organic Law of the Executive Power[101]

- The environment sector Regulation on Transparency, access to Public Environment Information and Citizen Participation and Consultation in Environmental Affairs, ratified through Supreme Decree N° 002-2009-MINAM[102].

The existence of these documents means that the right to access information exists, and that any citizen can request information stored by public bodies without having to provide reasons for this request. Likewise, there are also provisions guaranteeing the exercise of these rights in general.

- Unfortunately, in the case of Peru, transparency and participation are mainly evident in legal frameworks and political statements, and not in measures that could be taken on an ongoing basis to facilitate those rights. While a legal framework for transparency, participation and access to general information does exist, there is no specific legal framework for transparency in the forest sector, nor indeed have any specific provisions been developed for this sector. As the Report Card shows, the rights to transparency, participation and access to information have not yet been embodied on issues such as fiscal accountability in clearly defined, specific provisions within the legal framework for the forests. Additionally, they have not been embodied in systems of citizen oversight and vigilance, or in monitoring of the processes of granting third-party rights to the use of forest resources, exploitation of forest resources and other wood products, and environmental and cultural services.

- There are no strategic decision-making processes in the various Peruvian sectors relating to forests. Thus each sector takes its own decisions, without considering the effects these may have on decisions taken by other sectors. Consequently, there is little or no coordination between the different sectors regarding the forest policies, plans, programmes and projects that each is pushing forward. This can have unforeseen and serious social, environmental and economic impacts, and may jeopardise the success of many conservation and sustainable development projects around forest resources.

- Perhaps one of the most striking conclusions is that the abolition of INRENA and the transfer of its functions to the DGFFS and the regional governments has for over a year (from late 2008 to early 2010) left actors in the sector without an internet site containing the most important information on forests. The lack of this crucial information leaves actors in the forest sector without a great deal of the information they need to be able to exercise their right of participation effectively.

- Since the time of the National Round Table for Dialogue and Consensus on Forests (which worked actively between 2001 and 2004, and provided political support for the implementation of the 2000 forest legislation), processes have not been seen for such intense political participation with national and regional forums for the political decision-making process, nor for the drafting of, and consultation around, legal provisions for the forest sector. It took the indigenous protests that culminated in the tragic events of Bagua in June 2009 to provide a wake-up call for the need to legitimise policy development in the eyes of key stakeholders. As a result, participatory processes for taking key decisions in the forest sector are now starting to appear.

7.5 Recommendations

From these conclusions and the Report Card analysis as a whole, the following recommendations can be made. These have the aim of ensuring genuine participation by civil society and transparency in the forest sector, which can in turn improve the quality of the decision-making process, increase the legitimacy in the public eye of the decisions thus taken, and improve public perception of government action.

DAR and other actors in Peru will focus their 2010 advocacy work on delivery of these recommendations.

To the forest authorities

• The processes of participation in defining issues for forest policy and legislation should be institutionalised in permanent provisions for the sector. These provisions should exist both nationally and regionally.

• Forest legislation must be developed that sets up specific and effective provisions for (a) participation and transparency in monitoring the granting of rights to use forest resources; (b) logging, and the exploitation of forest resources for other wood products; and (c) environmental and cultural services.

• Some of these provisions should also cover the fiscal accountability of national and regional forest authorities, as well as the establishment of independent systems of monitoring and citizen oversight and vigilance, with full participation of the actors in the sector.

• A clear and transparent procedure should be set up for strategic decision-making among those different sectors whose policies, plans and programmes have impacts on forest resources and ecosystems (such as, for example, the Strategic Environmental Assessment contained in Peruvian environmental legislation).

• The Ministry of Agriculture should urgently restore and update the key forest sector information that INRENA once provided online, including the full legal framework governing the sector, information on concessions granted (areas, concession holders, volumes, etc.), and statistics for the sector.

To Peruvian civil society working on forest issues

• Take advantage of, and participate actively in, the round tables, discussion groups, forums and other spaces for participation that have been set up to draw up Forest Policy and update the Forest Law.

• Ensure that permanent provisions are institutionalised to guarantee ongoing, transparent participation in the forest sector.

• Understand and use the general legal framework that recognises and guarantees rights to participation, transparency and access to public information; exercise these rights fully; and, where necessary, make use of the provisions that guarantee the exercise of these rights.

• With the aim of increasing transparency, organise at local level to promote independent forest monitoring and citizen oversight and vigilance concerning all processes and operations affecting the forest sector.

To the international community

• Collaborate with the Peruvian state and civil society on those initiatives designed to increase participation, transparency and access to information concerning the Peruvian forest sector, particularly in those areas where the Report Card study has drawn attention to the need for improvements.

8. Analysis of the four Report Cards together

Key findings

This chapter analyses the results of the Report Card project for all countries together, extrapolating from country information to draw conclusions for the forest sector generally. Thematic conclusions are drawn about shared barriers to transparency, potential future issues, and corrective approaches that countries might share.

The key findings of the Report Card 2009 can be summarised as follows.

- **Forest sector transparency is generally poor**. Only one country covered by the Report Card so far has a freedom of information law, and in two of the four countries covered, concession documents are not made public.

- **Key decisions are made in capital cities and administrative centres**, and only a limited amount of information reaches those most directly affected by forestry deals.

- **The greater economic and political power of mining authorities** compared to those overseeing forests is evident in the way contracts are allocated. None of the four countries have a strategic process for assessing priorities across different development options.

- **There is considerable divergence between substantive law and the recorded reality**: a plethora of decrees and regulations exist in all countries, resulting in a complex, multi-layered set of rules. Not all rights existing under law are reflected in reality.

- **Insecure land and forest tenure is a major issue** affecting those whose lives are linked to the forests.

- One further important emerging issue is the value of forests in the context of climate change mitigation. **Very little legal commitment exists regarding transparency of environmental services and carbon deals**, and often the rights surrounding these issues are disputed. This is an element of the forest sector that urgently needs greater transparency.

Transparency in general is increasingly recognised as an issue, and is discussed openly. There are elements of good practice in each country that could easily be replicated:

- **Bilateral negotiations, such as EU Voluntary Partnership Agreements, have been instrumental** in improving general access to information and decision-making; but these are one-off processes and do not imply a more general, sustainable shift towards more equitable decision-making.

- **A regular 'forest forum' for interaction between citizens and the state** – and not just discussions predicated on particular consultations or new laws – is of great and important value.

- **Recent revisions of forest laws have tended to include step changes towards transparency**, and a greater recognition of the role of civil society in holding duty-bearers to account. This is a commendable change, and is to be acknowledged and supported.

8.1 Analysis

Freedom of information, transparency and 'anti-transparency norms', and proactive publication

Whereas all countries covered to date by the Report Card have clear commitments to the right to information written into their constitutions, only one – Peru – has progressed as far as implementing this right through a Freedom of Information Act and associated regulations. Two other countries, Ghana and Liberia, have draft legislation, and expect it to be enacted in 2010. Civil society coalitions exist in both countries specifically to promote a Freedom of Information Act.

Even in the absence of legislation for transparency, efforts by forest authorities – often backed by donor-supported sector reform programmes – are noted. Such good intentions do indicate that transparency is increasingly recognised as an issue in these countries, and that – encouragingly – it is discussed openly by government.

Individual efforts to increase transparency

- The Ghana Forestry Commission's Service Charter sets out the quality of service Ghanaians can expect from the Commission[103]

- The National Forest Reform Law in Liberia provides for broad public access to information[104]

- The Ministry of Forestry and Wildlife in Cameroon maintains a comprehensive website and newsletter[105].

When it comes to implementation, however, greater challenges are faced. All four countries report a strong tradition of secrecy in public administration, leading to weak record-keeping and poor dissemination of information – especially to remote populations or in local languages. In addition, all of the countries report ineffective or non-existent information management systems.

As heard during fieldwork in Ghana, the adage that 'information is power' is true in practice – as it is reported that forestry staff often keep and use information as a source of authority that they guard jealously. Arguably, this goes some way towards explaining why there is rarely any clear instruction or pressure from legislators or political authorities to improve access to information in a practical sense.

Even in Peru, where the law provides that every public institution must have a website[106], the main website providing forest sector information disappeared when political reforms dissolved the institution responsible for the sector, and the new authorities instituted in its place have so far failed to replace it.

The 2009 Report Cards make little reference to the caveats or exclusions that are often used to justify restricting access to information, like 'commercial confidentialities' or 'national security'. However, this lack of reference is likely to reflect the fact that such large amounts of even the non-contentious public information still fail to be published. Future legislative and other improvements resulting in more *actual* access to information may result in such 'anti-transparency' caveats taking on greater significance.

Forest sector legal framework, allocation of permits, logging and other operations

All four countries have a forest law, and the law itself is publicly available in all of them.

Often these laws exist in many tiers – laws, decrees, legislative instruments, regulations, and so on – resulting, practically, in a complex, multi-layered set of rules. Despite this (and for different reasons in each case) none of the four countries was able to report the existence of a comprehensive set of norms.

How long?

- In Cameroon, some key guidelines for the implementation of the forestry law are still awaited, 15 years after its signature.

- Ghana is still awaiting legislation to implement the Community Forestry aspirations of the 1994 Forest and Wildlife Policy.

The most significant lapse of this type was in Peru, where new legislation, in the form of a Legislative Decree (not requiring the usual deliberations in Congress) was passed in June 2008, but then revoked a year later. The previous Forest and Wildlife Law (2000)[107] has been temporarily reinstated while a new law is drafted.

The ability to refer to the law and regulations in the places and situations where it might matter most – generally, among forest-dependent people whose lives are being affected by changes in the management and exploitation of the forest – is constrained by the weaknesses in public administration noted above, and most notably by the lack of accessible public information offices and the inability of officials in the field to disseminate information (often because they themselves are not given this information).

This is a particularly severe problem in the context of permit allocation. All project countries have reported a serious lack of transparency in the process of allocating forest permits, and often a failure to follow the rule of law regarding decisions to allocate forest land to logging companies. In Ghana and Cameroon, for example, the principle of small-scale permits is abused through the issuing of multiple permits to single operators, thus allowing large operators to log areas they are not legally entitled to exploit. In Liberia, seven new concessions have been issued despite operators failing to meet basic due diligence standards. The Peru analysis shows an almost complete lack of mechanisms for participation, transparency and accountability in the process of granting forest rights, and very little information is available on permit systems for NTFPs and environmental services. These examples reflect not only the commoditisation of timber, but the corresponding lack of policy attention given to small-scale enterprise development and sustainable local economies.

While it is important that a preponderance of rules or excessive bureaucracy should not present an overly heavy burden on small-scale operators, the absence of clear rights, rules and procedures leaves local officials and bigger companies able to wield significant, often excessive discretionary power. It also magnifies the complexity, and often the self-contradictory nature, of laws and power relations governing land and forest tenure.

In addition, looking to the future, it begs the question: 'who owns the carbon?'

Participation in policy-making, forest law enforcement and forest forums

Forest forums have existed in Ghana for some years, as a platform for regular exchange between stakeholders and the authorities. Recently, discussions have started in Liberia with the goal of replicating this.

Forest forums are important for two reasons. Firstly, very local and national issues can both be aired at

the appropriate forum, because they operate at many levels. Secondly, unlike many other consultative processes set up for particular purposes (for example, to discuss new legislation, or to input into a donor-driven programme), forest forums become embedded into the normal interaction between citizen and state.

In Peru, Ghana and Cameroon, examples do exist of how one-off participatory processes can also be effective. In Cameroon and Ghana, civil society representatives were involved in the negotiation of the VPA between the Government and the EU, and the space thus created is helping to ensure participation in subsequent legal reform. The example from Peru is perhaps the most significant change concerning participatory processes, following the crisis in mid-2009 where a demonstration stemming from a lack of consultation resulted in a number of deaths. As a result, a forest law regarded by the demonstrators as illegitimate, because its drafting lacked a participatory approach, was revoked.

Forests in the context of land tenure and land use

Forest tenure is one of the most complex areas assessed by the Report Card project, and generated the greatest amount of discussion amongst partners during the development of the Report Card common template. Ghana, for example, reports an estimated 166 laws affecting land tenure[108]. During data collection it was easy to identify many cases of conflict over tenure, but few clear mechanisms for access to justice to address these.

In all countries, *de facto* control over forests is exercised by the state, which administers user rights for different purposes. Fundamental disputes exist over the legitimacy of this control in each country, with Peru and Liberia offering the following two perspectives:

- In Peru, the consensus that all forest is the inalienable patrimony of the nation is challenged by some advocates for indigenous peoples seeking 'territorial rights'.

- In Liberia, some hinterland communities have documented, private, communal ownership of forest land, and this has not been respected by the forest authority.

While traditional practice and customary law are often contradicted by more recent laws asserting the dominance of the state, little information is shared with communities regarding the differences between the rights of different actors, and/or the extent of their rights. Confusion therefore reigns, providing many opportunities for buying off local elites or taking advantage of uninformed rural communities.

Fiscal regimes, revenue and redistribution

In all project countries, a legal basis exists locally for sharing up to half of all timber revenues. In Ghana, Cameroon and Liberia, this redistribution explicitly includes communities (whose share is between 10% and 55%), whereas in Peru the 50% share is to regional and local authorities, not communities *per se*.

Ghana and Cameroon both suffer from a lack of transparency around these payments, their timing and their purpose (there is no information on this issue for Peru or Liberia – in the case of the latter country, partly because logging operations have not yet started). Problems identified include the following:

- Information about payments only reaches as far as municipalities, and not further into rural areas. Thus, there is little opportunity for systematic monitoring of expenditure at community level

- What evidence there is suggests that money is not always used for genuine development activities at the grassroots level

- No parallel information on the volumes or values of timber extracted is made available, so it is not possible to reconcile sales with income

- There is no clarity on whether the system governing timber revenues is applicable to other non-timber products or services (for example, carbon).

Trade-offs and emerging issues

The emergence of carbon as a new and lucrative forest product, and one to which a clear price can be attached, has exposed the lack of a legal framework for the formal identification, protection and valuation of environmental services. In Liberia, cases of irregular payments in relation to carbon deals have come to light[109].

Particular weaknesses in access to information and decision-making were identified in all countries in relation to the way mining and oil contracts (and other extra-sectoral initiatives) are able to run roughshod, and in relative secrecy, over forest protection measures (this is a concern that may in future also apply to agro-industrial contracts). This balance of authority reflects the relatively weak level of economic and political power of national mining and forest authorities.

Carbon and mining represent two examples of areas where cross-institutional coordination and strategic planning are essential, but largely absent. Often, institutions other than the forest authority are responsible for different services provided by the forest, but there is no coordination of efforts between them. There are anecdotal reports that the appointment of environmental protection agencies (as opposed to forest authorities) as lead government departments for REDD negotiations is an attempt to share some of the anticipated REDD-related largesse with agencies that are otherwise poorly funded.

EIAs are a requirement for large-scale development (and, in some countries, logging concessions) but often, perhaps for reasons of political expediency, these are too narrowly framed, studying the impacts of a particular project but not seeking to identify whether extraction or conservation is the better option. As a result, there is no strategic process to evaluate trade-offs and apply relative priorities to the different development options in any of the four countries.

The demand for industrial plantations destroys primary forests.

9. Conclusions and recommendations

Chapter summary

This chapter presents the conclusions of the first annual report of the *Making the Forest Sector Transparent* project. There are still many barriers to transparency in the forest sector, but several potential opportunities for rectifying this do exist, and corrective measures can be adopted. Each project partner has identified priority areas for improvement in 2010 and beyond.

9.1 Overall conclusions

Information does not reach the people who need it

Field research conducted by country teams concluded that ordinary community members had almost no knowledge of forest sector issues beyond the immediate impact of those issues on their daily lives. As a result, these communities had not seen themselves as involved in policy development or implementation. The alarmingly low level of awareness they displayed concerning a number of critical issues in the forest sector indicated that they are denied any real opportunity to contribute to the sustainable and transparent management of forest resources.

All country research revealed a poor state of affairs within government authorities: common problems included ineffective communication; a lack of inter-ministerial coordination; and the dissemination to the public of inaccurate, poorly-managed and out-of-date information. Peru alone represents a potential exception to this situation, but this potential is undermined at the time of this report because the nature of the institutions governing the sector is in flux.

While these problems will be familiar to many, freedom of information legislation provides a legal foundation for two parts of the solution:

1. Strengthening the 'demand side of governance,' so that the public is informed about its rights, knows what it wants, and is empowered to demand it

2. Introducing effective sanctions for concealing information, and for access to justice for those who seek it.

Downward accountability?

The culture of secrecy pervasive in public administrations in all project countries is both longstanding and obstinate.

While the terms 'civil service' and 'public servant' imply that when authorities are confronted with the desires of logging companies, they should represent the interests of ordinary people, in reality the reverse appears more often to be the case.

There are many factors behind this lack of downward accountability, including the following:

- In situations where the forest authority is both regulator and manager of the forest sector, there is a conflict of interest, as managers are then accountable only to themselves

- Where forest authorities have been taken out of the traditional command and control structure at ministry level, and a board of directors or commissioners has been created, they often lack meaningful civil society representation

- Where such a board does not exist and the authority remains within the direct line-management of a ministry, there are few effective means for political authorities to apply pressure on a forest authority to achieve set performance goals

- Weak or non-existent platforms for civil society often mean that the demand for disclosure and accountability is incoherent and unstructured, a situation that is exacerbated in countries or contexts where there is no legislation ensuring freedom of information.

If communities are supported in their sense of ownership of the forest, they will be more willing to cooperate in law enforcement activity. Conversely, if they feel the forest has been taken from them, and that the government is collecting significant sums of money through various taxes, then the understandable conclusion is often that the government alone should take responsibility for enforcing the law – and, given the income collected from exploitation of the forest, that it should have sufficient resources to do so.

9.2 Opportunities

Institutional change

Institutional change can be a trigger for a shift away from a tradition of secrecy and towards a more participatory approach. The ongoing major institutional changes in Peru, for example, have been identified as an opportunity for civil society groups to engage with government. Some of these changes have come about through administrative decentralisation, which in principle brings decisions closer to people; however, this process can also create gaps and overlaps in responsibilities, and requires time and resources with which to educate new local administrators to their roles. In Peru, *Making the Forest Sector Transparent* is engaging on this through support to the newly-decentralised offices of the Ombudsman (Human Rights Commission).

Voluntary Partnership Agreements

VPAs, which aim to control legality in the timber trade in conjunction with the EU, appear to be an important opportunity for increased openness on the part of forest authorities. The experience from two VPA front-runners, Ghana and Cameroon, is largely positive for access to both information and participation, for the following reasons:

- VPA development has been through a consultative process, increasing the likelihood that all stakeholder groups will support the resulting agreement and its implementation

- The question 'what is legal timber?' has to be answered precisely, requiring a consensus-building approach. This has been one of the most deliberative stages of VPA development

- Consequently, VPAs engender a commitment to legislative reform that will provide an opportunity to address longstanding issues of community rights

- In some respects, NGO staff have proven themselves more knowledgeable regarding the forest sector than officials, and the VPA process has meant that this expertise has been recognised and properly used

- Appendices to the VPA explicitly provide for information dissemination, listing what documents should be publicly available

- Implementation of the VPA is overseen jointly by the country concerned and the EU, thus strengthening the effectiveness of performance monitoring and sanctions.

VPA negotiations in Liberia have now commenced, and a free trade agreement between Europe and Peru is expected to contain similar commitments.

Forest forum

Forest forums are a valuable platform. They may be called different things in different places (in Liberia the CFDCs perform this role; in Peru, it is the roundtable dialogues) but they all provide regular venues for interaction between citizens and the state on an ongoing basis, and not just accompanying a particular consultation or new law.

With the right kind of support, platforms that represent local civil society and give it a voice all have the potential to be models upholding and promoting best practice in transparency and accountability. They can set standards to be followed by the private sector, public officials, local government, and others.

Greater transparency on revenue distribution

Transparency initiatives on fiscal policy and practice are an 'easy win'. They fit well with broader governance reforms (such as the EITI) and open budgeting processes, and in all four project countries, some progress is already reported towards transparency of forest revenue redistribution.

In addition, because so many players are involved, transparency initiatives of this kind have the added benefit of setting up a system of checks and balances (for example, through the multi-stakeholder EITI steering committee in each country where it operates).

9.3 Emerging issues

In the forest sector there is a general tendency to focus on logging; however, other goods and services are subject to the same governance and transparency pressures – notably carbon, but also protected area designation, large-scale agricultural concessions, mining, and possibly ecotourism concessions. As a result, they require the same support in terms of information, understanding, preparedness, participation in the policy process, and monitoring of their implementation.

Although this is only the first year of a pilot methodology in four countries, the Report Card has already demonstrated value in providing a means to evaluate transparency and participation in the forest sector. These are key components in the effective management of the sector, not just for reasons of

fairness and justice, but because public participation can improve the quality of decision-making, thereby improving respect for the decisions made and improving people's perception of – and respect for – government actions. Conversely, as tragically demonstrated in Peru in 2009, avoiding transparency and ignoring efforts to participate can be extremely expensive in time, resources, and sometimes even lives.

9.4 Recommendations

The following recommendations signpost key strategies for improving access to information and decision-making in all countries, and are certain to be relevant to forest authorities, civil society, and donor communities beyond the four partner countries involved in this first forest sector transparency Report Card.

In addition, focussing on the four *Making the Forest Sector Transparent* countries to date, Table 4 outlines the key country-by-country priorities for 2010 to have emerged from the Report Card exercise.

To governments and their forest authorities

- Freedom of Information legislation should be enacted without delay. This, and any other new legislation, should be crafted through open debate and discussed and approved by country legislature.

- Policies and procedures should be drafted for the proactive dissemination of information to rural areas. These policies and procedures should be put together through a consultative process, so that they meet the real needs of target groups. Implementation should be equally consultative, and should include regular monitoring of performance.

- All countries should have a long-term strategy for managing their resource base, prepared in an open and consultative way, and detailing a

transparent decision-making process for deciding trade-offs between different extractive industries and forest-based land use.

- Customary rights over forest land should be respected, in a process of land tenure regularisation that provides security and encouragement for small-scale multi-purpose forest management, including, in particular, environmental services.

- Downward accountability must be made to work within forest authorities – for example, by appointing representatives of forest-dependent people to the governing boards of the relevant authorities. All interest groups should be adequately represented, and any conflict of interest between forest managers and forest regulators within the same institution should be eliminated.

- The new openness to consultation exhibited in the negotiation of VPAs should be maintained, and authorities should set and follow standards for consultation processes in all ongoing policy developments.

To civil society organisations and communities

- The findings of the Report Card should be used as a basis from which to develop strategies for obtaining increased access to information, starting with elements that are both important and achievable.

- Initial focus should be on realistic areas where transparency and communication can be improved through a few simple, collaborative steps, to boost momentum for more fundamental changes in the future.

- A study on forest forums – perhaps through a comparative study between countries – should

be undertaken in order to establish what works well and what can be improved. Those elements that can be improved should then be improved.

- Governance and representation within community groups, networks and coalitions should be improved so that representatives – especially those appointed through traditional systems of chieftaincy – can be held accountable.

- In the context of decentralisation, lobbying for greater openness in local government should be increased, acknowledging best practice and promoting it among other stakeholder groups, and in other locations.

To donors and the international community

- Through concrete support to parliamentarians and civil society groups, donors and other development partners in individual countries should encourage freedom of information legislation that meets international norms.

- International partners must avoid double standards, by ensuring that recognised protocols for access to information and decision-making processes in developed countries are applied to bilateral negotiations, and to other work in developing countries.

- Support should be provided to forest forums as regular opportunities for citizens to hold their government to account, not just as one-off consultations. Civil society representatives should have a 'seat at the table' on the governing boards of VPAs and similar bilateral and international agreements.

- Finally, international partners must respect, not undermine, local civil society's own mechanisms for organisation, networking, and coalition-building, and their choice of any representatives or spokespersons.

Table 4: Country-by-country priorities for 2010

Cameroon	Ghana	Liberia	Peru
To national / local governments, parliaments and legislatures			
• Sign the VPA • Amend the bill of the upcoming new forest law for the interest of constituencies and keep aside vested personal interests, party discipline and patronage • Adopt a set of guidelines for the implementation of the constitutional and legal provisions instituting a right of information in Cameroon	• District Assemblies should put more effort into issues of resource management and exploitation, and not just receive the royalties; show more interest in everything that brings development to local people • District Assemblies should label projects funded by natural resources royalties with the source of those funds	• Address concerns about the ratification of forestry contracts in a manner that goes against the governance vision laid out in the forestry legal framework	
To forest authorities			
• Adopt a set of comprehensive measures for forest governance for the forestry law reform (involving all the actors) • Adopt transparency mechanisms for improving access to information • Design, in collaboration with other actors of the forest sector, a strategy for effective dissemination of information, including (a) a list of documents, their confidentiality status and their providers and location; (b) publication of the process for accessing documents; and (c) publishing a complaint mechanism.	• Ensure community participation in the development of forest management plans; write the final plan in a language that people can easily understand; and provide regular information during the implementation of plans • Involve the Office of Administrator of Stool Lands, traditional authorities, and District Assemblies in the pricing and calculation of logging revenues, and present this information alongside the corresponding data on revenue sharing • Enforce the law on timber companies to ensure that adequate compensation is paid to farmers whose crops are destroyed during logging • Ensure those staff attending workshops on forest resource management issues share information with their subordinates and colleagues back in the office • Improve communication between the Forest Services Division and other stakeholders • Together with the Office of Administrator of Stool Lands, distribute copies of published timber royalties to key stakeholders (e.g. District Assemblies, traditional authorities, communities, etc.)	• Demonstrate commitment to transparency by fully meeting obligations under the law • Establish a system for effectively facilitating free public access to information, including (a) cataloguing information to distinguish that which is required by law to be put in the public domain and that which is exempt by law; (b) provide the legal justification for partially or fully withholding such information from the public; and (c) provide clear guidance on how information that is partially withheld can be accessed by stakeholders with an interest in it • Catalogue and keep hard copies of all documents in the library at the central office, to facilitate access for members of the public who do not have access to internet. Similar arrangements should be out in place in all regional offices across the country • The libraries should have a transparent and efficient system in place for accessing information. The public should be fully aware of the procedures and cost implications for acquiring hard copies of information in the various libraries across the country • Put on the website all the information considered cleared for the public domain, including contracts, justification documents, reports of the prequalification processes, and bid evaluation documents	• Create spaces for oversight of the implementation for the Peru-US TPA • Urgently restore and update the key information on the forest sector that INRENA previously provided online, including the full sectoral legal framework, information on concessions granted, statistics for the sector, etc. • Increase the information available concerning the forest sector – for example, recurrent information that is periodically asked for – and make this information freely and easily available

Table 4: Country-by-country priorities for 2010 (continued)

Cameroon	Ghana	Liberia	Peru
To civil society organisations, traditional authorities and communities			
• Contribute to the preparation of a set of proposals to be incorporated in the new forest law concerning communities' and indigenous peoples' usage rights and rights to participate in forest management planning, decision making and implementation	• Traditional authorities at all levels should develop, sign, and promote a transparency charter that indicates a public commitment to good governance and transparency in their dealings • Paramount Chiefs should disclose the revenue received from the Office of Administrator of Stool Lands / Forestry Commission to Divisional Chiefs, Queen Mothers, Odikros and community members • CSOs should support women to become more involved in decision making processes on forest resource management issues, in particular through finding ways for more active engagement by role models such as queen mothers • CSOs should make stronger demands on their elected District Assembly members to take a proactive interest in resource management and exploitation, and not simply sit back and wait for the money • CSOs should identify priority and realistic areas where transparency and communication can be improved through a few simple, collaborative steps, and then pursue these in order to boost momentum for more fundamental changes	• Civil society should begin to take advantage of its legal standing to request information from the FDA, both for itself and to transfer awareness of such rights to the public • Civil society should increase its own level of awareness about the legal framework, especially those progressive provisions on transparency and public participation • Develop a system for sharing information and networking to build capacity internally, and take full advantage of the opportunities that currently exist to push for greater transparency and accountability in the sector	• Take advantage of and participate actively in the round tables, discussion groups, forums and other spaces for participation which have been set up in order to draw up the Forest Policy and update the Forest Law, and ensure that basic, stable and permanent provisions are institutionalised to guarantee participation in the forest sector • Encourage government organisations and officials to develop to a culture of transparency and accountability
To donors and the international community			
			• Collaborate with the Peruvian State and civil society on those initiatives designed to increase participation, transparency and access to information, particularly in those areas where this study has drawn attention to the need for improvements

Annex 1 2009 Transparency indicators

1. Transparency norms

Do official mechanisms – policies, laws, regulations, decrees, procedures, international agreements, and public statements of commitment, etc. – exist that permit public access to information? So does the law provide a legal obligation on public institutions to be transparent?

1.1 Is there a Freedom of Information Act?

1.2 What other rules provide for transparency?

In addition to any specific freedom of information laws, are there references to transparency in the Constitution, general laws, regulations, decrees etc. that all public institutions must adhere to (the next indicator is specifically about the forest sector)?

1.3 Are there any sector specific laws / rules / statements that provide for transparency?

Are there any forest-specific written laws and regulations, key announcements or speeches that develop the right to access public information on the sector, for example a Service Charter?

1.4 Is there any settlement process for disputes regarding access to information?

Are there clear, documented, and understood steps for resolving conflicts between transparency and confidentiality norms, or where / when authorities fail or refuse to provide information? If so, is the dispute-settlement process not prohibitively costly, and therefore realistically accessible to most people?

2. Legal Standing

Do groups of ordinary citizens have collective legal standing? This indicator is not about transparency *per se*, but is required to understand the extent, if any, to which communities (or NGOs) have rights.

This question is not about transparency *per se*, but is included to understand the context of other questions.

2.1 Do communities have legal standing?

Does any part of the codified law recognise 'a community' as 'a legal person', for example able to hold property titles or sue and be sued?

2.2 Do NGOs have legal standing?

Does any part of the codified law recognise NGOs as 'a legal person', for example able to hold property titles or sue and be sued?

3. Forest Legal Framework

Is the forest legal framework available to the public?

3.1 Is there a national forest policy document? Is it available?

It there an explicit current document described as the national forest policy? If so, has it been used to inform the forest law and other norms (or has it been produced after the forest law)? Is it up-to-date or does it require revisions in the light of REDD, mining, or other threats and opportunities?

3.2 Is the forest law available?

3.3 Are all forest regulations, procedures, decrees, etc. available?

Are all lower level norms (regulations, procedures, decrees, technical directives etc) that make the forest laws operative available? (This indicator refers to rules directly related to forest operations. See next indicator for rules related to other operations affecting forests).

3.4 Are forest-related policies, laws, agreements etc. public?

Are all other significant regulations, procedures, decrees, technical directives etc. that affect forests available (for example norms related to carbon and REDD; agriculture and biofuels; conservation and national parks; roads, energy and other infrastructure)?

3.5 Has the country signed up to international agreements?

Which forest-related international agreements or processes has the country signed up to, for example EU Voluntary Partnership Agreement (VPA), free trade agreement, ITTO, CITES, UNFCCC, Convention on Biological Diversity (CBD), World Bank Forest Carbon Partnership Facility (FCPF), UN-REDD, etc.

4. Transparent access to decision-making

Are there legal mechanisms for civil society participation in public decision-making on issues relevant to the management of forest resources? If so, to what extent are these actually implemented?

4.1 Is there a national forest forum?

Is there any form of national level roundtable dialogue which meets annually (or more often) to allow citizens to raise issues of concern with the national forest authorities? If so, what is the status of any discussions or decisions made (are they documented; are they legally binding in any way)?

4.2 Are there local forest forums?

Are there any local roundtable dialogue forums which annually (or more often) allow citizens to raise issues of concern with the forest authorities? If so, what is the status of any discussions or decisions made (are they documented; are they legally binding in any way)?

4.3 Is there a procedure for consultation on new norms?

Are there any documented procedures (in the form of regulations, official guidance notes etc.) that lay out the methodology for consultations that should take place regarding new forest-related policies, laws, regulations etc?

4.4 Is there an established list of stakeholders?

Is there an official list of individual stakeholders or stakeholder types that the government is obliged to consult or to share information with?

4.5 Are reports on consultation processes public?

Does government publish the results of any forest-related consultation processes?

5. Tenure and land use

Is most forest land under a clear ownership title, so that (theoretically) it is possible to point to any part of the country's forested land and there is a clear ownership of that location?

5.1 Is there a published policy on forest tenure?

It there an explicit current document which defines or describes land and forest tenure policy? If so, has it been used to inform the forest law and other norms (or has it been produced after the forest law)? Is it up-to-date or does it require revisions in the light of REDD, mining, tenure conflicts, or other threats and opportunities?

5.2 Is there a register of private forest land owners? Is it accessible to the public?

Where private forest land ownership is possible within the Constitution and legal framework, can the ownership of each area of forest be publicly accessed? (This indicator relates to outright ownership; indicator 5.5 and indicator groups 7-10 relate to concessions and other permits for use of the forest).

5.3 Is there a difference in law between ownership and use?

Does the law make a clear difference between owners and users of forests / forest products?

5.4 Is the ownership of different forest products clear?

Is it codified and understood who has rights to timber, minerals, NTFPs, wildlife, water, carbon etc.? Are all these types of product available to all, or is there some form of differentiation (for example, private forest owners can issue the right to log, but only the state can issue the right to mine; or only the state can issue the right to log, but local communities who own the land can issue the right to collect NTFPs).

5.5 Can you provide examples of forest tenure disputes?

What information can you provide on the extent of disputes over either (i) the right to land, (ii) the right to forest use or products, or (iii) the ways in which these rights are administered?

5.6 Is there a dispute-settlement process for tenure conflicts?

Are there clear, documented, understood and accessible steps for resolving the types of conflicts identified in indicator 5.5?

5.7 Are ownership and forest land use maps available?

It is possible, at national or sub-national level, to view or obtain maps indicating forest ownership and current permit-holders for different forest use? So, for example, it is possible to calculate what proportion of forest land has documented title, or what proportion is under logging concessions? Are such maps digitised?

6. Allocation of permits / user rights

Is the permit allocation process transparent? Allocation refers to all types of permit including those for logging, conservation, ecotourism, conversion, environmental services, carbon, NTFPs, etc.

6.1 Do permits exist for all uses / services?

In addition to logging permits, are there any permits for conservation activities, environmental services (e.g. water conservation, or carbon storage), or eco-tourism services provided by forests?

6.2 Is there any forest land unallocated to users?

Is there a 'pool' of forest, owned by the state or others, for which permits or user-rights are potentially available?

6.3 Is it clear how the decision to start a round of permit allocation is made?

The first step in the allocation of permits is to decide where: Are there clear, documented, and understood steps for deciding to allocate permits, for example when to allocate which parts of the state forest to logging, mining, carbon, ecotourism or other concessions?

6.4 Is there a stakeholder consultation process prior to permit allocation?

At the time an area of forest is identified for allocation to any sort of concessionaire, are stakeholders (other than the forest owner) consulted, for example on any conditions to be attached to the permit?

6.5 Are the areas assigned for each round of permit allocation advertised?

When an area of forest is identified for allocation to any sort of concessionaire, is this publicly advertised so that the opportunity for new permits / user rights is open to anyone?

6.6 Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?

Prior to the final allocation of any area of state forest to logging, mining, carbon, ecotourism or other concessions, are there 'due diligence' checks on the eligibility, suitability, or (technical and/or financial) capability of applicants, and is this analysis made public?

6.7 Is the final permit allocation decision-making process transparent?

Is the final decision to allocate any permit made in a way that allows citizens to assure themselves that the correct process has been followed? – Is the process documented and published?

6.8 Have there been efforts to reform the permit allocation system?

Have there been recent attempts to make improvements to the permit allocation system? Have there been recent changes to the system to accommodate 'newer' forms of permits such as conservation, carbon storage, or ecotourism? Were these successful?

6.9 Are the final permit / contract documents made public?

Are all contracts / concession agreements / permits in the public domain? If so, which law or regulation specifies that they should be? Are they entirely in the public domain or are certain 'commercially confidential' clauses hidden?

6.10 Are any environmental / social impact assessments for forest operations available to the public?

Where an EIA or similar is a requirement for any concession, is it published? Is there any public consultation during the EIA, or any public presentation of the conclusions and recommendations?

7. Logging operations

Once a logging permit or concession has been finalised and issued, are citizens informed about subsequent logging operations?

7.1 Is information on logging locations given to the public?

Are local people informed of where permit holders will be / are operating, so that they are aware operations should be happening in their area, and have the opportunity to know if loggers are legally in that location?

7.2 Is there a stakeholder consultation process on individual logging locations?

In addition to any consultation on the general location, timing and allocations of logging concessions (these are covered in indicator group 6), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of logging at the local level, for example as part of developing a forest management plan?

7.3 Is information on permitted logging volumes (quotas) public?

Once all preparations and forest management plans are completed and logging operations start, can local people find out how much timber is permitted to be extracted (for example on an annual basis from a specific area)?

8. Extraction of other forest products

Are citizens informed about the extraction of other forest products? What rules apply to collection of NTFPs and other tangible forest products, like wildlife hunting? (NTFPs are covered in indicator groups 9 to 12).

8.1 Is information on locations for other forest products given to the public?

Are local people informed of where permit holders for NTFPs, or wildlife hunting, will be / are operating, so that they are aware operations should be happening in their area, and have the opportunity to know if permit holders are legally in that location?

8.2 Is there a stakeholder consultation process on non-timber permit locations?

In addition to any consultation on the general location, timing and allocations of permits (these are covered in indicator group 6), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the extraction of NTFPs at the local level, for example as part of developing a forest management plan?

8.3 Is information on permitted quotas of non-timber products made public?

Once all preparations and permits are completed and extraction of NTFPs starts, can local people find out how much of a product (for example, wildlife) is permitted to be extracted (for example on an annual basis from a specific area)?

9. Environmental services

Are citizens informed about permits for environmental services? Do the public know about any permits for water or carbon storage, biodiversity conservation or other services provided by forests?

9.1 Is information on locations of environmental services permits given to the public?

Are local people informed of where permit holders for environmental services, will be / are operating, so that they are aware operations should be happening in their area, and have the opportunity to know if permit holders are legally in that location?

9.2 Is there a stakeholder consultation process on environmental services locations?

In addition to any consultation on the general location, timing and allocations of permits (these are covered in indicator group 6), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the environmental services permits at the local level, for example as part of developing a forest management plan?

9.3 Is information on the quality / quantity of environmental services made public?

Once all preparations and permits are completed and a provision of environmental services contract starts, can local people find out about the size / value / or limits of these services?

10. Cultural services

The existence of any permit or concession system for 'cultural services' (tourism or ecotourism, shrines, sacred groves or other historic sites) provided by forests in your country was covered in Indicator 6.1. Are citizens informed about any permit system or regulations regarding these services? Do the public know about any specific permits for (eco)tourism or other cultural services provided by forests?

10.1 Is information on locations of (eco)tourism or other cultural services permits given to the public?

Are local people informed of where permit holders for tourism, ecotourism, or other cultural services, will be / are operating, so that they are aware operations should be happening in their area, and have the opportunity to know if permit holders are legally in that location?

10.2 Is there a stakeholder consultation process on (eco)tourism locations?

In addition to any consultation on the general location, timing and allocations of permits (these are covered in indicator group 6), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the tourism or ecotourism concessions at the local level, for example as part of developing a forest management plan?

10.3 Is information on the quality / quantity of (eco)tourism services made public?

Once all preparations and permits are completed and a provision of tourism or ecotourism services contract starts, can local people find out about the size / value / or limits of these services?

11. Extra-sectoral activities affecting forests

Are decisions about extra-sectoral operations such as mining, road building, large-scale agriculture, hydropower or other infrastructure transparent? What transparency rules apply to these? Are there extra-sectoral threats to the forest? How?

11.1 Is there a strategic process to assessing priorities between development options?

Is there a Strategic Environmental Assessment to identify and resolve conflicting land uses between forests, mining, large-scale agriculture and infrastructure development? Does the National Forest Policy document seek to address this? Do any policy documents from the other sectors?

11.2 Is it clear who decides if / when to make decisions between development options?

Are there clear, documented, and understood steps for making decisions over the use or conversion of forest lands for other purposes such as mining, large-scale agriculture or infrastructure development?

11.3 Is there a stakeholder consultation process on decisions between different development options?

At the time an area of forest is identified for allocation to any sort of non-forest purpose, are stakeholders consulted, for example on any conditions or mitigation commitments?

11.4 Is the final decision-making process on different development options transparent?

Is the final decision to allocate any forest to non-forest use made in a way that allows citizens to assure themselves that the correct process has been followed? – is the process documented and published?

11.5 Is information on implementation of non-forest use / conversion given to the public?

Once the final decision has been made, are local people informed of where mining, large-scale agriculture or infrastructure development in forests will be / is occurring, so that they are aware operations should be happening in their area, and have the opportunity to know if operations are legally in that location?

12. Fiscal regime: tax collection and redistribution

To what extent does the law provide for taxes, royalties, or any other benefits to be collected from permit holders and given to affected communities? Are any laws or regulations regarding this implemented effectively?

12.1 Is there a system of tax / royalties redistribution?
Does the law provide for a portion of the taxes or royalties collected from permit holders to be redistributed to affected communities?

12.2 Is the system of tax / royalties redistribution effective in meeting any legal obligations?
Does any tax / royalties redistribution system work in practice?

12.3 Is there a stakeholder consultation process regarding the use of community funds?
Are stakeholders aware of the tax redistribution system, and are they given a chance to influence the use of any funds dedicated for their use?

12.4 Are figures for collection and distribution published?
Does the relevant authority regularly publish the taxes collected from each forest area and the amount redistributed to those communities entitled to receive a share? If so, how often do they publish this information?

12.5 Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?
In addition to taxes, are there any obligations for permit holders to provide benefits to affected communities, in cash or in kind?

12.6 In practice does the social obligations system meet any legal obligations?
Does the social obligations system work in practice?

12.7 Is there a stakeholder consultation process?
Are stakeholders aware of the social obligation system and are they given a chance to influence the projects or use of any funds provided directly to them by the concessionaire?

12.8 Is information on social obligations published?
Is the social obligation agreement publicly available? Are there regular reports on its implementation? If so, who is responsible for producing these?

13. Forest law enforcement

Are citizens encouraged to assist with law enforcement? For example, are there any formal or semi-formal ways for citizens to help forest law enforcement agents do their job?

13.1 Are there opportunities for citizens to discuss law enforcement issues as they arise?
Do any forest forums (see indicator group 4) include representatives from the police or judiciary, for example? Or are there other formal mechanisms to discuss law enforcement issues with officials from other (non-forest) agencies?

13.2 Are citizens actively participating in control operations?
Is there any form of joint operations including citizens and forest law enforcement (e.g 'vigilancia verde' or forest monitoring)?

13.3 Do (some) forest communities condone 'illegality'?
Do any communities regard some laws as inequitable, and so argue that they are justified in supporting, or participating in, illegal activities?

13.4 Is there an Independent Forest Monitor?
Is there any organisation contracted to conduct Independent Forest Monitoring (IFM) to monitor forest governance and operations? For how long has this existed? What, if any, benefits does this bring?

13.5 Does the government publish lists of infractors?
Does any authority regularly publish a list of infractors of the forest law? Is it obliged to do so under any law or other norm? Does such a list show the progress of each case through the legal system, and the amount of any fines paid?

13.6 Does the government publish lists of debarred / suspended operators?
Does any authority regularly publish a list of individuals or companies barred or temporarily suspended from holding forest-related permits (perhaps as a penalty for a previous infraction)? Is it obliged to do so under any law or other norm?

14. 'Anti-transparency' norms

Are there laws, procedures etc. that obstruct transparency? Do any caveats in the laws on public access to information (for example for reasons of commercial confidentiality or national security) significantly diminish the availability of information?

14.1 Do parts of any law affecting forests limit transparency?
Are there caveats or exclusions to transparency laws, for example 'commercial confidentialities' or 'national security'? What exactly do they exclude?

14.2 Do any extra-sectoral operations overrule forest laws?
Do mining, road building, large-scale agriculture, hydropower or other infrastructure development have automatic veto over forest laws, thereby eliminating transparent access to decision-making?

14.3 Is it commonplace for authorities to ignore obligations?

Has it become normal operating procedure for any public institution to avoid obligations to be transparent? If so, please give examples.

14.4 Are there any reforms to improve transparency or reduce confidentiality?

In particular, are there any 'quick wins' – issues where transparency could be improved and no significant vested interests are against this?

15. Publications

How proactive is the forest authority in publishing? What, if any, systems does it have in place for managing and providing information?

15.1 Does the forest authority publish an Annual Report?

Is there an annual summary of activity by the forest authority and others they regulate? If so, how long after the year-end is it published? How comprehensive is it? Is it debated, for example by a 'forestry commission board' or by the legislature?

15.2 Does the forest authority have a central point of information?

Is there a person or office advertised and functioning as the source of public information? Is there any written statement (for example a regulation) about its roles and responsibilities? Is it committed to responding to enquiries with a certain amount of time?

Annex 2 Country data 2009, by theme

Themes	Cameroon	Ghana	Liberia	Peru
1. Transparency norms	There is a clear legal obligation to provide access to information to citizens. The 1996 Constitution refers to the African Charter of Human and Peoples' Rights, stating that 'everyone has the right to information'. But there is no mechanism for ensuring effective implementation, by clarifying the obligations of government officials in this regard. Download	The Constitution of Ghana guarantees the right to information to all citizens. A Freedom of Information Bill has just been approved by the Cabinet, but is yet to be laid in Parliament and is not public yet. Download	A draft Freedom of Information Act has been presented to the Legislature in 2008, but has not yet been enacted into law. As far as forests are concerned, the Liberia Extractive Industries Transparency Initiative Act (July 2009) provides for public access to information relating to extractive industries including forests. The National Forestry Reform law 2006 also provides for broad public access to information. Download	As a right recognised in Article 2 Numeral 5 of the Political Constitution of Peru, transparency is regulated by different Laws and Supreme Decrees, such as the Transparency and Access to Public Information Law approved by Law No.27806. Download
2. Legal standing	Communities have legal standing, but limited to two conditions: on land rights issues, in case they have a collective land title; and on other issues, if they are registered as a legal entity. NGOs also have standing formally, recognised by the 1996 law governing Environmental Management, but the Decree organising the implementation of this right has never been published. So the legal recognition exists, but cannot be enjoyed by civil society organisations. Download	NGOs are recognised as legitimate organisations. The Constitution of Ghana guarantees the basic freedoms of association and allows for different constellations of groupings. However, the definition of a 'community' is not very clear. Download	The Associations Law of Liberia gives not-for-profit corporations legal standing. The National Forestry Reform Law, FDA Regulations and the Community Rights Law specifically acknowledge and address communities and civil society organisations as stakeholders and rights holders. This is in addition to their rights as citizens and members of the public with rights to information related to forestry. Download	Article 76 of the Civil Code, approved with Legislative Decree No.295 and amending norms, provides for legal standing as long as citizens comply with the requirements for being recognised as legal persons according to any of the non-profit organisation forms (association, foundation and committee). Download
3. Forest legal framework	The legal and policy framework exists, but present three major weaknesses in term of organisation of access to information: not all the guidelines for its implementation have been passed by the government; most documents only exist in French, not in English; and the volume and complexity of the documents make it difficult for community members to understand the legal regime of the forest, even if they do gain access to them. Download	Ghana's forest sector has an elaborate superstructure of constitutional rights, seemingly progressive policies, comprehensive laws, well-developed institutions, and a cadre of well trained professional foresters. The workings of the sector are, however, determined largely by the substructure of exploitative and repressive relations between the corporate timber industry and the state on the one hand, and forest-dependant communities and the public on the other. These relations, established under colonial rule, remain intact throughout the natural resource sector 50 years after independence. Download	Executive Order No. 1 (2006) mandated forestry reform to include the formulation of new forest policies, laws, and regulations. The order makes several references to transparency, accountability and public access to information, thus laying out a vision for transparent and accountable management of Liberia's forests. Download	The forest legal framework is not accessible in its entirety on the official website of the Ministry of Agriculture. For instance, the Law on Forests and Wildlife, approved by Law N° 27308, cannot be found, and nor can its Regulation. However, laws of lower level issued since 2008 can be found. Download

Themes	Cameroon	Ghana	Liberia	Peru
4. Transparent access to decision-making	There is no tradition of civil society participation in decision-making on issues relevant to the management of forests. But there have been efforts by the Ministry to involve CSOs in government-run processes (revision of the Manual of Procedures for Community Forestry, negotiation of the VPA, ongoing revision of the forestry law). Two challenges remain: the poor organisation of civil society; and the lack of any mechanism for organising citizens' participation in decision-making processes **Download**	There are at least 35 District Forums facilitated by the Forestry Commission and NGOs. While leading the consultation process on the VPA, Forest Watch Ghana developed a list of consultative groups. But the process is not yet formalised and is not embedded in the government. **Download**	There is a plan to set up a National Forest Programme that would organise and facilitate stakeholder forums on Forests. FDA Regulation 101-07 on Public Participation provides for public involvement in forest-related policy and rule-making processes. It also requires the FDA to establish a Forest Management Stakeholder List of individuals, groups and institutions interested in forest management. **Download**	Law No.26300, 'Law on the Right of Citizens Participation and Control' (2001), regulates mechanisms and procedures for civil society participation in public decision-making. A normative framework on participation specifically related to the forest sector does not exist. **Download**
5. Tenure and land use	All forest lands are under clear legal ownership: they are either state property, or property of the municipality, acquired through a devolution process from the State. This legal regime is, however, contested by communities, which claim ownership on all the forest land and resources in the country. **Download**	The question of forest tenure and ownership, though not under intense debate currently, is a subject recognised by the government and all stakeholders as important to deal with as quickly as possible. There is a programme to document and streamline land ownership and improve documentation, but it does not deal with a fundamental issue of ownership, custodianship, and usufruct rights. **Download**	There remains considerable confusion over ownership of forest land; a private versus public forest land debate continues. A significant percentage of forest land in Liberia is under title and could be clearly identified. But the situation with forest land held under customary arrangement is less clear. **Download**	Lands available for titling are still under a process of physical-legal review clearing the property in line with Articles 70 and 88 of the Constitution. This includes the lands of Native and Peasant Communities, as well as rural properties occupied by settlers, which also states that forest lands cannot be sold. The Body for the Formalisation of Informal Property – COFOPRI, a decentralised public body within the Housing Sector, is in charge of the programme of formalisation of property at national level. The functions of COFOPRI are currently being transferred to regional governments. **Download**

Mahogany is illegally cut in protected areas in Peru and then floated in rafts to the furniture factories.

Themes	Cameroon	Ghana	Liberia	Peru
6. Allocation of permits / user rights	Improved transparency in permit allocation was one of the objectives of the 1994 forestry law, providing for an open bidding process for the allocation of logging permits. The first rounds of allocation proved weak, with some companies receiving permits without deserving them. Small logging titles – a major source of controversy because of their contribution to illegal logging – will now be granted by a commission of representatives of various ministries. Some rights allocated outside a public and transparent system include those for commercial use of NTFPs and wildlife, and land concessions leading to conversion of forest. In these cases information is only made available when the deal is concluded. So far, there is no regulation organising access to ecotourism or environmental services (including carbon). Download	There is a process defined in law for the allocation of timber permits, but this is hardly followed. Where there is a competitive bidding process, it is open to the public; but responses from the survey suggest that the allocation process is not transparent. The final contracts are ratified by Parliament, but the contract document is usually not available to the general public. Download	The forestry law and regulations and the Public Procurement and Concession Act require transparent processes for allocating forest use permits. All the major permits require competitive bidding and the selected areas are subject to a public consultation prior to confirmation. Download	Since 2005, no new concession allocation process has been launched until the decentralisation process is complete. During the period 2000-2005 the granting of forest rights was carried out according to Article 10 of the Forests and Wildlife Law, approved by Law No.27308, as well as in Articles 55 and 106 of its Regulations. Download
7. Logging operations	Information on logging locations is usually published in a public notice, but not always at local level. Though resident populations are not consulted as regards the location of logging titles, they may have an influence on its boundaries. Management plans are not made available to communities or citizens. Download	Location and size of logging areas are usually published in newspapers, but not in the case of administrative allocation. Download	All logging contracts and information on logging volumes are available to the public. Download	No information is given to the public. Download
8. Extraction of other forest products	The lack of enforcement texts is an issue for the management of NTFPs. The matter relating to wildlife is slightly different, since professional hunting areas are well defined and made public. Download	Information on location of NTFPs is very limited, as the most recent Forestry Commission inventory is 2002. Permits for some NTFPs exist, but for other NTFPs and environmental services there is no clarity on the permit regime. Download	No information on locations for other forest products is given to the public. No stakeholder consultation process is in place. Download	The rules for the use of other forest products are set in the Regulation of the Law of Forest and Wildlife, approved by Supreme Decree No. 014-2001-AG. Download

Themes	Cameroon	Ghana	Liberia	Peru
9. Environmental services	Permits for environmental services do not yet exist in Cameroon. **Download**	No information is available in the public domain on the availability and allocation of environmental services. **Download**	The forestry and environmental laws do not specifically address permits related to environmental services. In fact, the terminology 'environmental services' is not used anywhere in either law. Comments in this section relate to general EIA requirements and processes. **Download**	There is no regulation in this regard. Currently, there are two Law Projects on this issue, awaiting debate in Congress: one proposes a Law of Promotion and Compensation for Environmental Services; the other proposes a Law on Environmental Services. **Download**
10. Cultural services	Permits for tourism/ecotourism are granted by the Ministry of Tourism. Neighbouring communities are informed after the permit allocation. **Download**	In general there is very little information on cultural services in forest areas. Some available maps provide information on some well-known cultural sites in forest areas and, together with the Ghana Tourist Board, the Wildlife Division of the Forestry Commission has developed maps and information brochures on the locations of various cultural sites. However, there is a complete dearth of information on what the processes are in assessing and developing the potential of these sites. **Download**	While forest-related information, with limited exceptions, takes the form of public documents, laws and regulations do not specifically address these types of permits. **Download**	The granting and the location of conservation or ecotourism concessions are published in the official journal of government business. **Download**
11. Extra-sectoral activities affecting forests	In most cases, decisions about the allocation of mining and land concessions are not transparent; they are not made public before the final decision. Information about the planning of large infrastructure is often publicly known, but not the detailed plans. All projects require an EIA prior to the beginning of their activities, except for mining operations, where the EIA is due after the exploration phase, and before the beginning of exploitation. All such operations are likely to contribute to the destruction of the forest, not least because they are not likely to comply with forest management plans (where applicable), and will lead to clear cutting. **Download**	Such is the non-transparency of the process of extra-sectoral decision-making that even though the same parent ministry is responsible for both forestry and mining, permits are sometimes given for mining prospecting in forest reserves against the judgment of the Forestry Commission. Respondents agreed that there are extra-sectoral activities threatening to the forest. Mining, farming, bush/wildfire, sand winning, and stone quarrying were some of the examples given. **Download**	The Government of Liberia has issued several large-scale mining and monoculture agricultural concessions. Some of these concessions are situated or in close proximity to areas considered significant for biodiversity conservation. The large-scale agricultural concessions in particular will intensify conversion of natural forests and deforestation. **Download**	Decisions about extra-sectoral operations are not transparent. There are extra-sectoral threats to the forest as long as the legal dispositions give priority to the development of extractive activities of other sectors, to the detriment of the adequate management of forest resources. **Download**

Themes	Cameroon	Ghana	Liberia	Peru
12. Fiscal regime: tax collection and redistribution	The Forest and Finance Laws provide for taxes, royalties, or other benefits to be collected from permit holders and given to neighbouring communities. Communities are also entitled to the annual forest royalties assessed on the basis of the surface area; the rate is fixed by the Finance Law. In addition, communities are entitled to 'cahier des charges', a contribution to social amenities from the logging companies. The regulation on this contribution has never been passed but in practice, permit holders pay $2 per cubic meter of harvested timber. **Download**	The distribution of land revenues, including forest revenues, is enshrined in the 1992 Constitution. However civil society and traditional authorities often challenge the position of the Forestry Commission on what actually constitutes revenue. The figures for collection and distribution are published in some detail, but usually late. Social responsibility agreements are included by law in the allocation of timber resources to timber companies, and the law provides for the signing of social responsibility agreements between forest fringe communities and timber firms. **Download**	The National Forestry Reform Law provides for the redistribution of Land Rental Fees. Affected Communities are entitled to 30% of the total Land Rental Fees collected from logging companies. **Download**	There are a series of economic incentives for the development of forest activities: the percentage reduction of the right to use set by the Forests and Wildlife Law, approved by Law No.27308 (2000) and amendments; and the tax benefits set by the Law for Investment Promotion in the Amazon, approved by Law No.27037 (1998) and emendations. **Download**
13. Forest law enforcement	Citizens are encouraged to denounce illegal activities in the forest sector. Information concerning illegal practices is to be provided to the prosecutor. In the case of activities in the forest sector, information is to be provided to officials in MINFOF. There is no formal procedure for denunciation, and communities refer to cases where denunciation did not lead to any formal investigation or sanction. There has been an Independent Forest Monitor since 2003. **Download**	The general democratic environment in the country provides useful opportunities to talk about all issues, including forests. Citizens do not usually actively participate in control operations. However, in many places there are community resource management groups that undertake supportive activities such as patrols. **Download**	There are no opportunities for citizens to discuss law enforcement issues when they arise, nor they are actively participating in control operations. Regulation 108-07 on Chain of Custody provides for Independent Forest Monitoring. **Download**	Citizens are partially encouraged to assist with law enforcement. The state has issued laws that contribute to the enforcement of the Forests and Wildlife Law, and created the National Forest Council (CONAFOR). However, CONAFOR has not been implemented, nor can citizens exercise their citizenship (i.e. the right to make requests and demand state accountability). **Download**
14. 'Anti-transparency' norms	Generally speaking, there is a lack of transparency standards. Where some do exist, they have no enforcement order, and this gap in the law stops them from being implemented. This has been the case, for instance, with the implementation of article 66 of the Constitution, which compels people with a position to publish a list of their assets publicly: this has been inadequately enforced. **Download**	The oath of secrecy required of public officials, as contained in art. 286 (6j) and 286 (7) of the 1992 Constitution, has quite often been used by public officials as a way to limit transparency. **Download**	Laws and rules include some caveats that allow for 'closed door' sessions, and for companies to request government to treat certain information as confidential. These caveats have been used in the forest sector too. Moreover, the FDA has been selective in responding to requests for information. **Download**	Access to information is a fundamental right recognised in the constitution, as well as in various norms that develop its content – like the jurisprudence of the Judicial Power and the Constitutional Tribunal. Because of the above, a law that prevents transparency would be unconstitutional. **Download**

Themes	Cameroon	Ghana	Liberia	Peru
15. Publications	MINFOF publishes some information on a regular basis (information on the activities of the Ministry, statistics, lists of pending cases of law violations, etc.). It has no system in place for disseminating information or responding to requests about access to information. Download	The Forestry Commission has elaborated several services in its Service Charter, which identifies publication of materials and reports as a key tool for communication with the public. Performance monitoring on these services is not, however, within the capacity of the forest fringe communities. Several characteristics of FC operations point to the non-fulfilment of the tenets of the Service Charter. Download	The FDA did distribute a set of documents to the CFDCs. The set contained one copy each of the law, policy and regulations. Download	Though the Transparency and Access to Public Information Law obliges the Forest Authority to publish the information related to the sector, as of October 2009 it had not complied with this requirement. Download

Traditional two-man saws have yet to be replaced by chainsaws in some parts of Central Africa.

Annex 3 *Making the Forest Sector Transparent* project partners

Cameroon

The Centre pour l'Environnement et le Développement (CED) advocates for a non-violent transformation approach to conflicts relating to access and usage of space and resources. The organisations' mission is to contribute to the protection of the rights, interests, culture and aspirations of local communities and natives of the forests of Central Africa, through the promotion of environmental justice and the sustainable management of natural resources in the region. CED was established in 1994 in reaction to a significant increase in industrial logging and the expansion of illegal forestry activity.

Making the Forest Sector Transparent is supporting CED and others in pressing for greater participation in policy formulation, in particular concerning the VPA and REDD, and for transparency regarding: the allocation of forest titles/permits; production, processing and exportation; management plans; environmental impacts; service charters; forest royalties; legality assurance systems; and sanctions, litigation and out-of-court settlements.

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Ghana

The Centre for Indigenous Knowledge and Organisational Development (CIKOD) is a non-governmental organisation based in Ghana. Its main mission is to develop methodologies for the strengthening of traditional authorities and civil society organisations to facilitate sustainable grassroots organisational development that gives voice to the poor and vulnerable rural families.

CIKOD leads *Making the Forest Sector Transparent* on behalf of the Forest Watch coalition. They are pressing government to strengthen community tenure, management and enterprise development as agreed in the VPA, and to enact a revised forest and wildlife law to this effect. Emphasising the need for a change from the past, they also advocate for legal sanctions in forest laws to be enforced and publicised, and for local government to disclose their use of revenue from timber royalties.

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Liberia

The Sustainable Development Institute (SDI) is a Liberian NGO, founded in 2002, that is working to transform and improve natural resource-related decision-making processes in the country. The SDI focuses on resource governance, corruption, community benefits and public participation; in 2006, it received the Goldman Environmental Prize for outstanding environmental achievements in Africa. The SDI actively participates in national and international discussions on forests and climate change. Besides forestry, the SDI plays an active role in the 'Mine Watch Initiative,' which enhances public understanding of social, environmental and development issues associated with mining.

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Peru

Derecho Ambiente y Recursos Naturales (DAR) is a young civil society organisation, the priority of which is to contribute to the sustainable development of Peru, through environmental management, conservation of areas of biological diversity, and improvement in the management of natural resources, by promoting and participating in development initiatives related to social responsibility in the public and private sectors.

DAR has capitalised on the opportunity presented by *Making the Forest Sector Transparent* to strengthen its forest-related work: to this effect, it has created a multidisciplinary team fully devoted to the issue. The nature of the team and of the work itself, especially the focus on transparency, has positioned DAR in a unique position within the Peruvian NGO sector. DAR's credibility amongst organisations focusing on forest-related issues is illustrated by its appointment as the coordinator of the recently created Peru REDD roundtable, which involves representatives from the government, civil society organisations and the private sector.

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