

Making the Forest Sector Transparent

VPA Transparency Gap Assessment 2012



global witness

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The Voluntary Partnership Agreements (VPAs) between the European Union (EU) and timber-exporting countries present an important opportunity to improve transparency as part of the Forest Law Enforcement Governance and Trade (FLEGT) process, but it remains to be seen how effectively they are implemented.

As part of the *Making the Forest Sector Transparent* programme, local NGOs in Cameroon, Ghana and Liberia have carried out assessments of what information is currently available in the public domain to meet the requirements set out in their respective VPAs (Cameroon and Ghana ratified their agreements in 2011 and 2010 respectively, and Liberia is expected to do so in coming months). The assessments have been carried out by reviewing websites and other information sources of relevant authorities and organisations, and contacting key informants. The findings establish a baseline for monitoring progress and highlight where there are gaps in transparency.

Public information commitments in the VPAs

Cameroon: Annex VII on Published Information lists 75 types of data and reports in 10 categories to be published to enable monitoring of implementation of the agreement and strengthening of governance in the forest sector. It also commits the parties to make all information accessible in the event of a specific request by another stakeholder in the sector, and it specifies the methods and channels for publishing information, including official reports, websites, multi-stakeholder forums, public meetings and local media.

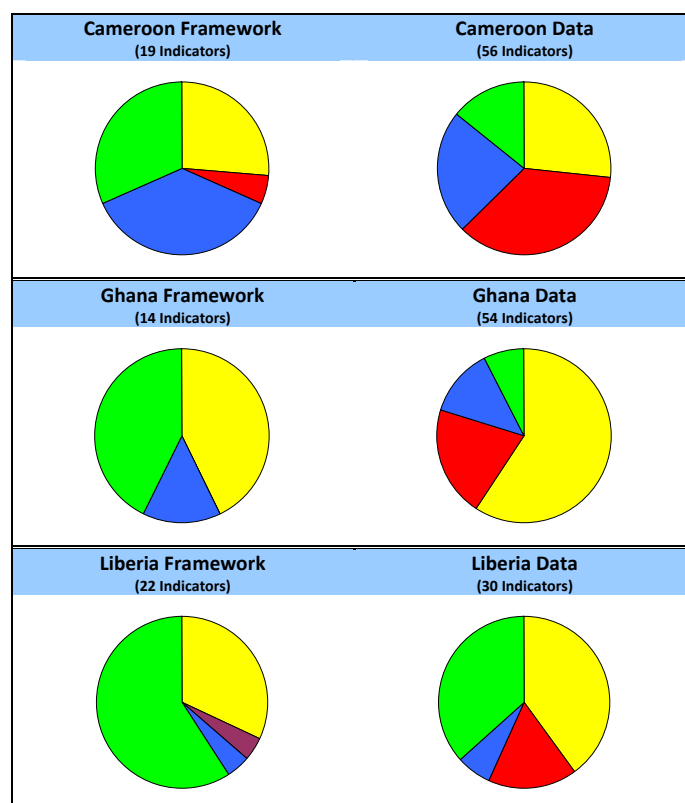
Ghana: There is no specific annex on public information, but transparency is highlighted in the implementation of the Legality Assurance System (LAS), which lists various documents and data as outputs that should be publicly available to support confidence and ensure accountability. The assessment identified 68 types of data and reports in 10 categories (seven LAS principles plus forest laws, LAS monitoring, and joint monitoring and institutional set up).

Liberia: Annex IX on Public Information and Transparency Measures describes categories of information that will be routinely published and other information available on request under the Freedom of Information (FOI) Act. The former six categories include 52 types of documents and data, which the agreement specifies will be provided by various means including websites, multi-stakeholder forums, public meetings, newsletters and local media. The 21 types of information to be made available on request have not

been assessed, since an Information Commissioner to oversee the FOI Act, as well as Information Centres operated by the Forest Development Authority (FDA), barely existed at the time of the assessment, but future work is planned to test this.

Assessment indicators of current information

Each type of data or document was assessed using a yes/partial/no 'traffic light' indicator to show whether public information is available. They are broadly divided into Framework indicators, which relate to legal documents, procedures or institutional set-ups for governing the forest sector that need to be published when they are agreed; and Data indicators, which relate to data and documents on forest activities (such as allocation, production, trade and management) that need to be regularly published over time. The pie charts below show the split of traffic lights for each of the three countries.



Key:

- Green: Yes: the information exists and is published
- Yellow: Partial: the information is incomplete or only available on request
- Red: No: the information does not exist or is not available
- Blue: Not applicable because the VPA not yet implemented

Although the context and the status of VPA implementation differ in each country, there are some common observations. As it stands, none of the three countries are meeting their commitments to public information and transparency; major reforms will be necessary to implement the VPAs and improve forest governance.

Findings from the assessments

The initial findings reveal some major deficiencies in current public information, as follows.

Cameroon: Most information is only partially available or not available at all to the public. For forest allocation, information is available on Forest Management Unit concessions, but not on 'small title' permits. Little or none of the specified information on production, pre-emptive rights, processing and export is publicly available. Although some forest management documents are public, access to key ones such as annual operating plans, social agreement terms and conditions, and environmental impact assessments is limited. There are also gaps in information on payment of taxes and fines.

Ghana: Feedback from key informants suggests that the majority of information is available on request but it is not proactively disseminated; therefore it is assessed as 'partial'. This includes reports related to allocation of timber rights, plans related to production from reserve, off-reserve and plantation areas, stock surveys related to timber harvesting, and fiscal obligations of logging companies and vendors. Little information is available on official websites (but the Forestry Commission plans to re-design its website), and whether information is provided following a written request may depend on the authority. A fee also needs to be paid for some items.

Liberia: Documents on Forest Management Contracts and Timber Sales Permits are published, but information is lacking on Private Use Permits (PUPs). Social agreements between communities and permit holders are also not routinely published. Regarding production and revenues, although details are included in the updates from the chain of custody system, this information is not systematically organised to show volumes and values in total or by species and license. Finally, with regard to forest law enforcement, the evidence suggests that information does not exist on what penalties are imposed and the volumes of confiscated timber sold.

Prospects for improving transparency to support the VPAs

The VPA annexes with Cameroon and Liberia place a new, binding obligation on authorities to publish key information. This is a welcome advance in Cameroon in particular, where there was limited recognition of transparency in existing legislation. Nonetheless, the lesson from Liberia is that it may be difficult to maintain

momentum – for instance neither the obligations to transparency in the 2006 National Forest Reform Law nor in the 2010 FOI Act have been fully met. Implementation of the VPA will rely on EU support to keep it on track, and on active civil society to both demand information and to make use of it. In the case of Ghana, the lack of any freedom of information legislation or VPA annex means the obligation on the authorities to publish forest sector information is more diffuse. Although the Forestry Commission may make information available on request, this still leaves information sharing at its discretion. There is a need to develop broad stakeholder agreement in Ghana on exactly what forest sector data and documents should be routinely published in Ghana, notwithstanding any progress on a FOI Act.

Across all three countries, the gap assessments have shown that current forest sector information dissemination is failing to meet good governance commitments. Many documents and data could be published immediately without waiting for VPA implementation. Not only are local communities often unable to access key data and documents, there are also signs that authorities are reluctant to provide timely information, for example they have delayed providing details while continuing to use discretionary powers to allocate permits that risk undermining the VPAs.

Key recommendations from the assessments are that government units need to be made responsible for organising information, improving the quality of statistics, and developing centralised information management systems with web portals for publishing data and documents. It is also crucial that appropriate channels and methods of information dissemination are used. Data dumped on a website is not useable; instead information needs to be appropriately summarised and circulated in local meetings and media for people to be able to participate in decision-making. Whilst this depends on the technical and human resource capacity of forest authorities, NGOs also need to consider their role in collating, interpreting and disseminating complex information without replacing the role of the state. There is unmet potential for VPA implementation to provide much greater support to the complementary roles of NGOs and government if the benefits of transparency to forest sector governance are to become a reality.