

# Making the Forest Sector Transparent

## Annual Transparency Report 2011



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Global Witness investigates and campaigns to prevent natural resource-related conflict and corruption and associated environmental and human rights abuses.

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**Cover images:** Cover images: top right = Baka community in Cameroon. Photo: CED; bottom left = River in the Amazon region, Ecuador. Photo: Luis Fernando Jara, PROFAFOR; bottom right = Street theatre in Lima, Peru, highlighting need for forest sector transparency. Photo: DAR.

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Community group exercise as part of workshop in Guatemala. Photo Global Witness

# Abbreviations

CED	Centre pour l'Environnement et le Développement (Centre for Environment and Development), Cameroon partner	MINFOF	Ministère des Forêts et de la Faune (Ministry of Forests and Wildlife), Cameroon
CFDC(s)	Community Forestry Development Committee(s), Liberia	NGO(s)	Non-governmental organisation(s)
CIKOD	Centre for Indigenous Knowledge and Organisational Development, Ghana partner	NFRL	National Forestry Reform Law, Liberia
CRL	Community Rights Law, Liberia	OSINFOR	Organismo Supervisor de los Recursos Forestales (Forest Resources Supervisory Body), Peru
CSOs	Civil society organisation(s)	PINFOR	Programa de Incentivos Forestales (Forestry Incentives Programme), Guatemala
DAR	Derecho, Ambiente y Recursos Naturales (Law, Environment and Natural Resources), Peru partner	PINPEP	Programa de Incentivos Forestales para Poseedores de Pequeñas Extensiones de Tierra de Vocación Forestal o Agroforestal (Forestry Incentives Programme for Small Landowners for Forestry or Agroforestry Activities), Guatemala
DRC	Democratic Republic of Congo	PUP	Private Use Permit, Liberia
EU	European Union	REDD+	Reducing Emissions from Deforestation and Forest Degradation (the “+” refers to the role of conservation, sustainable management of forests and enhancement of forest carbon stocks)
FAO	Food and Agriculture Organisation of the United Nations	REM	Resource Extraction Monitoring, non-profit organisation appointed as IM in the DRC
FC	Forestry Commission, Ghana	R-PP	Readiness Preparation Proposals, submitted by countries to the World Bank for REDD+ programmes
FCPF	Forest Carbon Partnership Facility, World Bank	RRN	Réseau Ressources Naturelles (Natural Resources Network), the DRC partner
FDA	Forestry Development Authority, Liberia	SDI	Sustainable Development Institute, Liberia partner
FLEGT	Forest Law Enforcement, Governance and Trade, EU programme	SINAFOR	National System for Forest and Wildlife Management, Peru
FOI	Freedom of Information	UNFCCC	United Nations Framework Convention on Climate Change
FPIC	Free, Prior and Informed Consent	UN-REDD	United Nations Framework for REDD+
Grupo FARO	Fundación para el Avance de las Reformas y las Oportunidades (Foundation for the Advance of Reforms and Opportunities), Ecuador partner	VPA	Voluntary Partnership Agreement, a European Union bilateral timber trade agreement under the FLEGT initiative
ILO	International Labour Organisation		
I(F)M	Independent (Forest) Monitoring		
INAB	Instituto Nacional de Bosques (National Institute of Forests), Guatemala		
MAE	Ministerio del Ambiente (Ministry of Environment), Ecuador		
MARN	Ministerio del Ambiente y Recursos Naturales (Ministry of Environment and Natural Resources), Guatemala		
MECNT	Ministère de l'Environnement, Conservation de la Nature et Tourisme (Ministry for Environment, Nature Conservation and Tourism), DRC		

# Executive Summary

The Annual Transparency Report is published each year by Global Witness and a coalition of local NGOs in Cameroon, the Democratic Republic of Congo (DRC), Ecuador, Ghana, Guatemala, Liberia and Peru working together in the *Making the Forest Sector Transparent* programme. It assesses whether the right information is being made available to citizens to ensure that they have a say in how their forests are managed. The partners in *Making the Forest Sector Transparent* work with civil society groups to engage with policymakers and advocate for capable, responsive and accountable forest sector governance.

The 2011 report, available on [www.foresttransparency.info](http://www.foresttransparency.info), is the third in the series to monitor levels of access to information and decision-making on the forest sector in each country. It provides a frame of reference for examining whether initiatives like the European Union's Forest

Law Enforcement Governance and Trade (FLEGT) process and international Reducing Emissions from Deforestation and Forest Degradation (REDD+) efforts are shaping forest governance for the better. The report includes analysis of the ways in which forest authorities allocate and manage forest resources, whether forest-dependent peoples are able to participate meaningfully in decision-making, and how governments deal with the impacts of mining, agro-industry and other development projects on forests and communities. It finds that even though governments have made various commitments to improve forest sector transparency and governance, including better and earlier public consultation, public disclosure of key documents, and support for small landowners and rural communities, too few of these commitments are effective in practice, and not one forest authority is meeting all its obligations.

## Key lessons from the Annual Transparency Report 2011 include:

- Freedom of Information legislation and other commitments to public information, such as in Voluntary Partnership Agreements (VPAs), show promise but a coherent set of general and sector-specific measures is needed to improve public access to information.
- Efforts to reform forest sector governance are being undermined by forest authorities avoiding their duty to follow due processes and disseminate information. More support is necessary to improve authorities' capacity and enable independent monitors and civil society to hold them to account.
- There is growing acceptance of the need for participation and consent, but a clear legal mandate and procedures are necessary to ensure that all stakeholders, in particular forest-dependent peoples, can make a constructive input to forest sector decision-making.
- Varying forms of customary rights and community forest management are recognised, but greater commitment is necessary to make land tenure secure and strengthen the ability of forest-dependent peoples to protect their resources.
- Data on how fiscal regimes are working in practice are inadequate. Forest authorities, companies, local government and communities all need to become more transparent in how payments and incentives are distributed and invested in local projects.
- Commercial exploitation of forest land for mining, oil, agricultural plantations and other projects is frequently agreed by vested interests behind closed doors. Efforts to recognise the value of environmental services provided by forests are poorly coordinated and observed.

The 2011 report card consists of 20 indicators on key aspects of forest sector governance. A simple traffic-light system of ‘yes’ ‘partial’ or ‘no’ shows

whether a relevant law, policy or norm exists and information is publicly available.

## 2011 Report Card Indicators

	 Cameroon	 Ghana	 Liberia	 Peru	 Ecuador	 Guatemala	 DRC
Freedom of Information Legislation	●	●	●	●	●	●	●
National Forest Policy	●	●	●	●	●	●	●
Codified Forest Law and Supporting Norms	●	●	●	●	●	●	●
Signed International Agreements Related to Forest Products	●	●	●	●	●	●	●
Provisions for Transparency in Forest Laws and Norms	●	●	●	●	●	●	●
Legal Recognition of Customary Rights in Forest Laws and Norms	●	●	●	●	●	●	●
Legally Recognised Procedure for Consultation on New Forest Norms	●	●	●	●	●	●	●
Legal Recognition of the Right to Free Prior and Informed Consent	●	●	●	●	●	●	●
National Land Tenure Policy	●	●	●	●	●	●	●
Forest Ownership and Resource Use Maps	●	●	●	●	●	●	●
Regulated System of Permits for Commercial Logging Operations	●	●	●	●	●	●	●
Legal Requirement for Consultation before Commercial Logging Allocation	●	●	●	●	●	●	●
Verification Process (Due Diligence) on Eligibility of Commercial Operators	●	●	●	●	●	●	●
Forest Management Plans	●	●	●	●	●	●	●
Regulation of Environmental Services	●	●	●	●	●	●	●
Strategic Environmental Assessment	●	●	●	●	●	●	●
Independent Forest Monitoring	●	●	●	●	●	●	●
Fiscal Systems to Distribute Forestry Royalties or Incentives	●	●	●	●	●	●	●
Information on Forest Law Infractions	●	●	●	●	●	●	●
Annual Forest Authority Report	●	●	●	●	●	●	●

**Key:** ● Yes: the information exists and is available  
● No: the information does not exist or is not available

● Partial: the information is incomplete or only partially available  
● Not applicable to the country-specific context.

Although the indicators are not directly comparable due to the differing context in each country, they provide a snapshot of their strengths and weaknesses. More green lights relate to the existence of legal frameworks than to the availability of information on implementation. At a policy and planning level, of particular concern was the lack of any regulation of environmental services in five out of seven countries, and the lack of national tenure policies or strategic

environmental assessment processes in four out of the seven. Regarding implementation, key documents to support accountability in the sector, such as contract documents relating to timber rights permits and forest management plans, were only routinely available in a minority of countries. The absence of information on forest law infractions or any recognised independent monitoring was also notable in four out of seven countries.

Key developments in forest sector transparency and governance and governance in 2011 in each country are reported below. This table also highlights where advocacy work of the programme partners was

instrumental in promoting improvements. There are promising signs of progress, but in many cases it remains to be seen whether they are followed through and applied across the forest sector.

## Important Developments and Achievements in 2011

<p><b>Cameroon</b> Centre pour l'Environnement et le Développement (CED)</p> 	<p>The VPA was ratified in August 2011 and which includes a specific annex on public information. Pressure from CED and other civil society groups has ensured that the subsequent forest law reform process is consultative.</p> <p>There was some movement towards recognising the customary rights of forest peoples, for example CED helped Baka peoples' gain recognition of their rights in management plans for Boumba Bek and Nki national parks.</p> <p>'Small title' logging permits issued by the Ministry of Forests and Wildlife through discretionary, administrative processes were suspended, at least temporarily, after a series of exposés and lobbying by CED.</p>
<p><b>DRC</b> Réseau Ressources Naturelles (RRN)</p> 	<p>The review and conversion to a new logging permit system required companies to sign 'social agreements' with local communities. RRN coordinated work to embolden communities in Equateur and Bandundu to negotiate 15 agreements and gain fair compensation for use of their forests.</p> <p>While the moratorium on new logging concessions continued, it became apparent that artisanal logging permits intended for the local market were being exploited on an industrial scale. RRN's local member in North Kivu was instrumental in drafting a provincial edict on these permits.</p>
<p><b>Ecuador</b> Grupo FARO (Fundación para el Avance de las Reformas y las Oportunidades)</p> 	<p>The Ministry of Environment published a model of forest governance recognising the importance of transparency and monitoring, developed its system for forest administration further to support public access to information, and produced maps to assess deforestation.</p> <p>Grupo FARO used freedom of information requests to obtain lists of infractions, and worked with communities in Muisne and Pedernales to report and monitor infractions in local forests.</p>
<p><b>Ghana</b> Centre for Indigenous Knowledge and Organisational Development (CIKOD)</p> 	<p>The Forestry Commission released more accessible data on the disbursement of forestry royalties to traditional authorities and district assemblies.</p> <p>CIKOD initiated a Traditional Authorities Transparency and Accountability Charter to promote governance within community institutions.</p> <p>Implementation of the VPA was undermined by the Forestry Commission's continued use of 'salvage' permits without transparent processes, despite previous condemnation by civil society.</p>
<p><b>Guatemala</b> Asociación de Forestaría Comunitaria de Guatemala – Ut'z Che'</p> 	<p>A Forestry Incentives Programme was not delivering the total funding or supporting the most marginalised groups as prescribed by law. Following civil society lobbying, a new law was passed in December 2010 on incentives to small landowners, including those without secure land tenure.</p> <p>Ut'z Che' successfully lobbied for greater participation, in particular by indigenous and rural groups, in the REDD+ Readiness Preparation Proposal. It established a parallel process to reflect traditional methods of consultation, which sets a precedent for the development of new norms.</p>
<p><b>Liberia</b> Sustainable Development Institute (SDI)</p> 	<p>The VPA was initialled, which includes a specific annex on public information and commitments to support an Independent Auditor, community monitoring and infraction reporting.</p> <p>A National Benefit Sharing Trust Board was constituted with multi-stakeholder representation to oversee the distribution of forestry royalties.</p> <p>Following a series of information requests from SDI, it came to light that the Forestry Development Authority inappropriately granted Private Use Permits for logging rights in extensive areas of forest land.</p>
<p><b>Peru</b> Derecho Ambiente y Recursos Naturales (DAR)</p> 	<p>Two important laws were finally passed. The new Forest and Wildlife Law and Right to Prior Consultation of Indigenous or Native Peoples Law were established following a consultative process in which DAR played a major role in bringing all stakeholders to the table to negotiate.</p> <p>DAR released its third report on fulfilment of the Transparency and Access to Public Information Law by forest-related authorities. It conducted capacity-building work with San Martin Regional Forest Authority to improve its information management, which demonstrated the benefits of transparency and influenced other regions to also start improving their systems.</p>

# 1 Introduction: Making the Forest Sector Transparent 2011

Global Witness has run pioneering campaigns for 17 years to expose natural resource-related conflict and corruption and associated environmental and human rights abuses. Building on its 12 years of experience developing Independent Forest Monitoring (IFM) to assess forest law compliance, and following discussions with non-governmental organisations (NGOs) in several countries relating to the Forest Law Enforcement, Governance and Trade (FLEGT) programme of the European Union (EU), Global Witness launched the *Making the Forest Sector Transparent* programme in 2008. It is funded until March 2013 by the Governance and Transparency Fund of the Department for International Development in the United Kingdom.

*Making the Forest Sector Transparent* works through partnerships with civil society groups in forest-rich countries to engage with policymakers and advocate for capable, responsive and accountable forest sector governance.

This report summarises the findings from the 2011 Annual Forest Transparency Report Cards for the overall programme, which were produced using a common set of 20 indicators for each of the seven countries. This is the third annual report in the series on the programme, which builds on the 2009 and 2010 reports to assess changes in the forest sector over time. Report cards are popular tools for systematically collecting information on development issues, which *Making the Forest Sector Transparent* has adopted to foster a people-centred approach to assessing the levels of public access to information and decision-making relating to the forest sector.

The complete findings and analysis from the 2011 and previous report cards is available on the interactive website – [www.foresttransparency.info](http://www.foresttransparency.info) – where the data can be navigated by country to access full details of the relevant laws and norms that govern the forest sector and the information sources where key documents and data is publicly available. In addition to the common annual report cards prepared by all of the partners using the same methodology, the partners have also produced

country-specific reports using methodologies tailored to address the particular dynamics and issues that affect the forest sector in their country. Further details of this work can be accessed from the programme website and partner websites.

## Objectives of *Making the Forest Sector Transparent*

- Developing an innovative 'Forest Transparency Report Card' and an Annual Transparency Report to assess the level of information in the public domain. People need information about rights to access forests and benefit from their use, and about government policies, to have a say in management of forest resources.
- Strengthening civil society's capacity to effectively use information on forest activities to demand changes to forest management. People need to have the motivation and skills to convince governments to listen to and respond to their needs. Each partner has administered a mini-grants fund to support grassroots advocacy.
- Building an effective network to exchange experiences and coordinate activities. This strengthens civil society's response to the globalisation of the trade in forest products and services, and to forest initiatives such as Voluntary Partnership Agreements (VPAs) and Reducing Emissions from Deforestation and Forest Degradation (REDD+). Coalitions help to build advocacy work that can challenge the status quo.



Baka community in Cameroon. Photo: CED

The programme started work with local partners in four countries – Cameroon, Ghana, Liberia and Peru. A fifth partner from Ecuador joined in 2010 and a further two from the from the DRC and Guatemala joined in 2011. Each country partner is an established actor working on environmental resource issues, but its focus and relationship to forests and communities varies. In the case of the DRC, due to the size of the country and the range of issues affecting the forest sector, the partnership consists of four focal points with provincial organisations coordinated by a national network. The partners in the seven countries are as follows:

- Cameroon: Centre pour l'Environnement et le Développement (CED)
- DRC: National Coordination – Réseau Ressources Naturelles (RRN);
  - North Kivu Focal Point – Réseau pour la Conservation et la Réhabilitation des Ecosystèmes Forestiers
  - Orientale Focal Point – Organisation Concertée des Ecologistes et Amis de la Nature
  - Bandundu Focal Point: Conseil Régionale des Organisations Non Gouvernementales de Développement
  - Equateur Focal Point – Groupe d'Action pour Sauver l'Homme et son Environnement
- Ecuador: Grupo FARO – Fundación para el Avance de las Reformas y las Oportunidades
- Ghana: Centre for Indigenous Knowledge and Organisational Development (CIKOD)
- Guatemala: Asociación de Forestaría Comunitaria de Guatemala - Ut'z Che'
- Liberia: Sustainable Development Institute (SDI)
- Peru: Derecho, Ambiente y Recursos Naturales (DAR)

This report starts with a brief overview of the importance of transparency in the forest sector and the contexts in the seven countries. The report card methodology and the approaches taken by the partners to collecting the data are then discussed in Section 3. The previous Annual Transparency Reports in 2009 and 2010 should be consulted for



**Deforestation in the Amazon region, Ecuador. Photo: Luis Fernando Jara, PROFAFOR**

more detail on the different types of report cards and the links between transparency, accountability and governance in principle and in practice in the forest sector. Section 4 presents the 20 indicators from 2011 and then discusses the key findings from each country under six themes. Finally, the conclusions and recommendations are presented in Sections 5 and 6 respectively. The full indicator sets for the seven countries are presented in the appendices.

This report is based on the data collection and research carried out by the NGO partners up to December 2011. The full data from the 2011 common reports cards were released on [www.foresttransparency.info](http://www.foresttransparency.info) in February 2012 and the text for this report was finalised in July 2012. Of course changes occur in the forest sector all the time, so it is important to bear in mind that any report card presents a snapshot that will be overtaken by events. This assessment will be repeated again in 2012.

# 2 Transparency in the Forest Sector

## 2.1 Key Aspects of Transparency

The concept of transparency is central to *Making the Forest Sector Transparent*. Transparency is frequently promoted in current debates on economic, social and environmental issues as a way of improving public access to information and enhancing participation, in particular by marginalised groups, so that better decisions can be reached. Greater transparency is espoused for a number of reasons, of which common ones are that the public can then:

- Hold the government and key stakeholders to account for their decisions
- Promote good governance in the management of resources
- Improve public policy and efficiency to meet the needs of society
- Combat corruption linked to the exercise of privilege and power

The relevant actors are not just the state and its institutions, but also the private sector, civil society and any other groups involved in issues that affect the public. The level of transparency is determined by the scope, accuracy and timeliness of information that the public is entitled to receive, and by the degree of openness of the organisational procedures and processes that the public is able to access.

While the virtues of transparency are relatively easy to cite, they are more difficult to define in law and implement in practice. There are numerous reasons why transparency is resisted. On a fundamental level, it runs counter to how political and economic privilege has been exercised throughout history. Powerful vested interests often dominate governments and manipulate decisions in their favour. Various forms of corruption such as the exchange of bribes and favours, the exercise of discretionary powers, and the practices of cronyism and nepotism undermine transparency. In the face of such challenges, there need to be clear and consistent incentives to change the political and institutional culture. Demands from civil society are

important to drive forward this change, which in turn means that citizens need to be aware of their rights and organisations need to develop their capacity to support actions.

Transparency is essential to the forest sector to ensure that dwindling resources are appropriately protected and used. Forests play an essential role in maintaining earth systems, supporting biodiversity and sustaining rural livelihoods, but deforestation has continued apace with rapid population growth, industrialisation and development, to the extent that it is estimated that only 31% of the world's land area is covered by forests, and of that only 36% are primary natural forests<sup>1</sup>. In response to these threats, various international, national and local initiatives are aimed at improving forest governance. This report focuses on the importance of transparency to six key aspects of forest governance.

### 1. Provisions for Access to Information

Some form of contract with society, mediated through various legal norms, is necessary to ensure that there is public access to information. The fundamental right to information is often recognised in the constitutions of countries, and Freedom of Information (FOI) legislation has been passed by a growing number of countries<sup>2</sup>. A key principle is 'maximum disclosure' – that is, the presumption that all information should be disclosed to the public as long as there is no overriding risk of harm to legitimate public or private interests<sup>3</sup>. Another important principle is the 'obligation to publish' information of public interest on a proactive and routine basis, even in the absence of a request<sup>4</sup>. Besides general FOI legislation that applies to all authorities, international agreements have developed specific provisions for public information on the forest sector. As part of the FLEGT process, VPAs with some countries have included commitments to transparency and annexes on what specific information will be published on forest allocation, timber production, trade and other activities. National laws and norms applied to the forest sector have also set out what information the authorities will regularly provide and how they

disseminate it through websites and other channels. They are often also required to publish annual reports on forest sector activities. In sum, general and forest-specific provisions are important to ensure that there is a binding obligation on authorities to publish information, instead of leaving it to their discretion and allowing a culture of secrecy to prevail. Independent monitors and arbitrators are often necessary to ensure that obligations are met and adjudicate on exceptions.

## **2. Forest Land Tenure and Resource Use Rights**

Land tenure and rights underpin how forests are managed and exploited. Overall, it is estimated that 80% of the world's forests are publicly owned and managed, but there has been an increase in the extent of ownership and management by communities, individuals and private companies, with community management especially prevalent in Latin America compared with other regions<sup>5</sup>. Many developing countries face land use conflicts linked to unclear and unfair tenure systems, in particular due to lack of recognition of customary and traditional rights practiced by rural communities and indigenous peoples. Complex and overlapping systems for securing rights also hamper development. Better information and fairer decision-making on land ownership, including clear maps to demarcate different areas and usage rights, are essential for reforming forest tenure systems and securing forest resource rights so that they support local peoples' livelihoods.

## **3. Forest Sector Legal Framework and Regulation**

The state is the main actor in controlling rights to use forest resources, ideally with an up to date national forest policy providing a common vision across stakeholders of the goals for managing the country's forests. Codified forest laws and supporting norms to implement them focus primarily on the management of timber production from different types of logging and the establishment of conservation areas to protect flora and fauna. Transparency is needed in how forest resource usage is allocated, monitored and

enforced, whether through long-term concessions for larger areas or shorter permits or licences for relatively smaller areas (although the distinction is often not clear). A legal agreement, whether it is some form of contract or licence, is typically required to regulate access, operational standards and total production (e.g. area and volume of permitted logging), even where the forested land is privately held. Forest laws, public procurement or commerce laws, and supporting norms may stipulate requirements for independent verification (due diligence) of any applicants for commercial operations prior to approval of an agreement. Operational forest management plans are needed to set out details such as the scale, volume and time-period of different activities, whether they are production or conservation. Monitoring and enforcement activities are necessary to prosecute infractions that breach the conditions of established laws, regulations, plans, contracts or licences. In order to be an effective deterrent and demonstrate that the law is being enforced appropriately, as well as to be transparent about incomes to authorities, data should be published on the number of offences prosecuted and the fines paid. Public information is essential to ensuring that these processes of forest allocation, timber production, harvesting, trade and enforcement are all carried out in line with legal requirements and in the interest of the population and environment. Independent Monitoring (IM) of official forest law, governance and enforcement systems, especially when led by local civil society groups with appropriate training and supported by formal protocols, can provide an additional check that the rules are being followed<sup>6</sup>.

## **4. Participation in Forest Sector Decision-Making**

In the past the state has tended to take a top-down approach to decision-making on forests, but there have been efforts to increase participation of civil society, local communities and indigenous peoples in the development of new norms and negotiation of initiatives such as the VPAs. Formal procedures for consultation are necessary to ensure that these processes are timely, consistent and inclusive of all affected groups, working to a set of ground rules that respect local practices for decision-making. When a forest is identified by the state or owner for

any sort of commercial operation, the forest law and supporting norms to implement it normally require that other affected or interested stakeholders are consulted on its allocation, for example to agree to terms and conditions applied to the resource use. The International Labour Organisation (ILO) convention 169 on indigenous and tribal peoples provides a framework for the right to consultation, but it has not been widely ratified by countries outside of Latin America<sup>7</sup>. Civil society organisations (CSOs) have also advocated for the right of communities, in particular indigenous peoples, to give or withhold their free, prior and informed consent (FPIC) over forest operations that affect them<sup>8</sup>. Clear binding measures to seek consent and resolve disputes need to be established in law and documented in practice.

### **5. Fiscal Regimes for Distributing Forestry Royalties or Incentives**

The fiscal systems relevant to the forest sector depend on the nature of the underlying tenure and resource use relationships. For some countries, it applies to collection of royalties paid by commercial operations for the use of larger concessions and their distribution to different stakeholder groups, such as municipalities and communities, according to established protocols. In others, typically where a state-regulated concession system does not predominate, it applies to the distribution of funding incentives to forest landowners to support forest management or conservation activities. Either way, disaggregated information should be regularly published to ensure that the collection, distribution and investment of funds are transparent to all stakeholders.

### **6. Strategic Environmental Assessment, Extra-Sectoral Activities and Emerging Issues**

Every country has a variety of plans and policies intended to guide sustainable development and use of natural resources. In the quest for economic growth, forests have faced a large number of demands from other sectors, ranging from the gradual claiming of land for smallholder agriculture

and other activities to larger-scale clearing of land by extractive industries such as mining and oil, agro-industrial plantations, and major infrastructure projects. In many countries, these pressures are resulting in deforestation, environmental degradation and human rights abuses. Strategic environmental assessment has been promoted as a formal, systematic and comprehensive process for evaluating the environmental effects of a policy, plan or programme and applying the findings in publicly accountable decision-making<sup>9</sup>. The importance of forests to sustaining key environmental services of carbon storage, water and biodiversity has also received greater international recognition, notably in the REDD+ initiatives. Although REDD+ Readiness Preparation Proposals (R-PPs), Forest Investment Programme (FIP) plans and UN-REDD strategies are being developed by participating countries, overall progress has been slow, and transparency is also needed to ensure that the benefits are equitably shared in the development of REDD+ projects and other initiatives that seek to value forests.

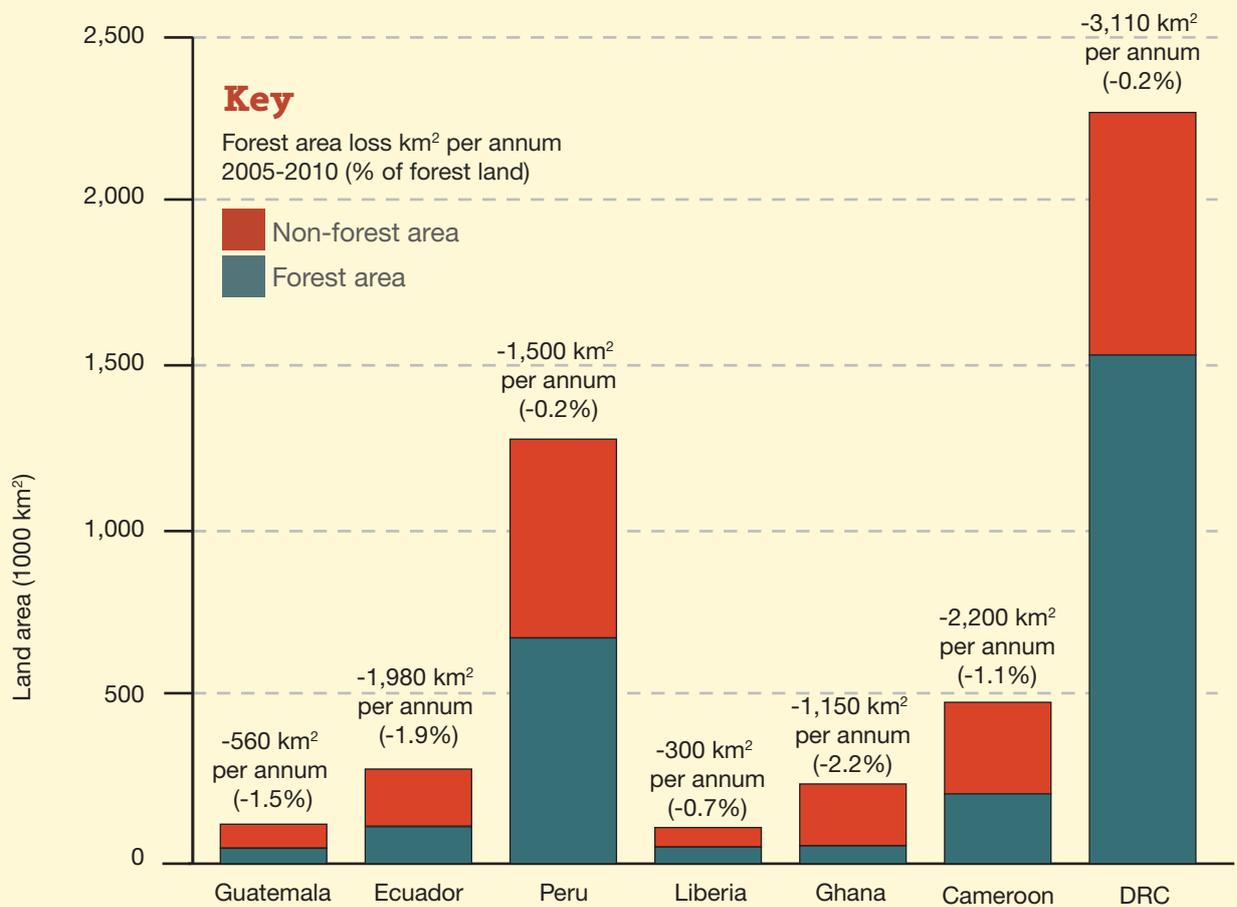
## **2.2 Forest Sector Context in Partner Countries**

The seven countries that *Making the Forest Sector Transparent* is focusing on – Cameroon, the DRC, Ecuador, Ghana, Guatemala, Liberia and Peru – are all developing countries with areas of richly diverse tropical forests. They differ considerably in their total forest land areas and deforestation rates. Selected summary statistics are presented in Figure 2.1, which are drawn from the Global Forest Resources Assessment 2010 produced by the Food and Agriculture Organisation<sup>10</sup>. Although measures are improving, the estimated rates of deforestation may not reflect actual levels since comprehensive, accurate data is lacking on illegal logging and forest degradation. These figures reveal that the DRC and Peru have the largest expanses of forest, but relatively low rates of deforestation. The country with the highest deforestation rate, Ghana, has proportionally the smallest remaining forest area of its total land area. The following short summaries of the country contexts also reveal marked differences in how forest land is owned and how forest resources are managed.

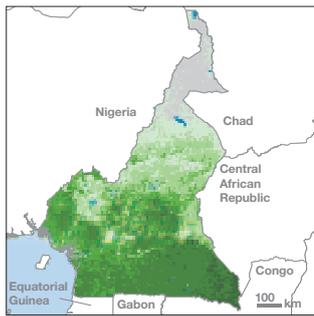
Figure 2.1: Key Forest Statistics by Country<sup>11</sup>



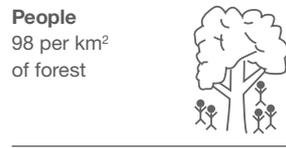
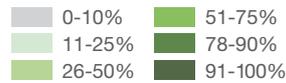
**Forest land area in 2010 and deforestation rate 2005-10 by country**



## Cameroon<sup>12</sup>



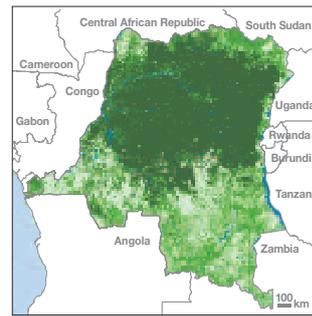
Map of estimated % forest cover



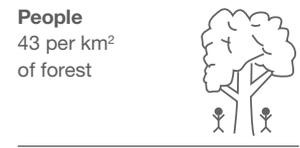
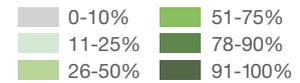
Cameroon has dense tropical forests, particularly in the south of the country.

Under the legal framework, forests are formally owned by the state and are divided into permanent and non-permanent areas. Timber exports have been supported through long-term concessions granted to companies. The Ministry of Forests and Wildlife (MINFOF) is responsible for managing the sector. The most significant recent development was the ratification on 9 August 2011 of the VPA with the EU, which includes an annex on information the authorities have to make public, and compels Cameroon to make a wholesale review of the forest law.

## The Democratic Republic of Congo



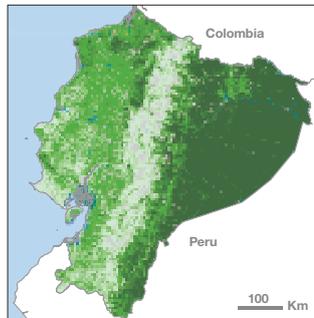
Map of estimated % forest cover



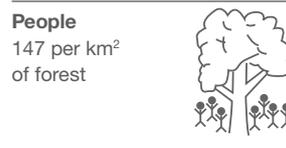
The DRC contains the second largest area of tropical forest in the world.

A new Forest Code was laid out in August 2002 and a moratorium on new concessions became official in 2005. Since then, there has been a process of review and conversion of old title deeds and signing of new concession contracts. The Ministry for Environment, Nature Conservation and Tourism (MECNT) is responsible for overall direction of the forest sector, with regional and district authorities managing activities. There have been initial discussions around negotiating a VPA with the EU. An R-PP for REDD+ was finalised in 2010 and implementation funds have started to be disbursed.

## Ecuador



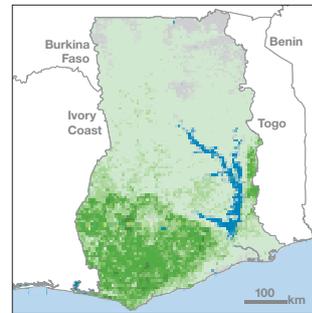
Map of estimated % forest cover



Ecuador has diverse tropical and temperate forests. Under the

Constitution, indigenous peoples legally own the land in their ancestral territories, including the majority of forested areas in the country apart from protected forests. Companies require licences to carry out logging. The Ministry of Environment (MAE) is the national authority directly responsible for the forest sector. Ecuador joined UN-REDD as a partner country in October 2009, and its national programme received a US\$4 million funding allocation in March 2011.

## Ghana



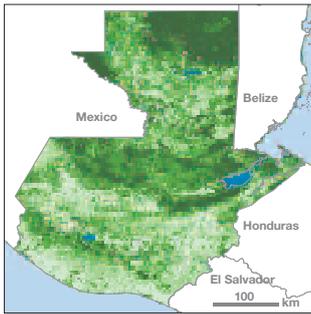
Map of estimated % forest cover



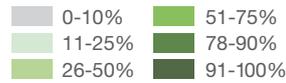
Ghana is a lowland country with a tropical forest zone in the south of the country, but

much of the forests have been destroyed or degraded. Forest reserves are formally gazetted and the Constitution recognises the custodianship of land by traditional authorities, however all resources in both reserves and off-reserves (including individual trees) are managed "in trust for the people" by the Forestry Commission (FC), a semi-autonomous body under the Ministry of Lands and Natural Resources. The Ghana-EU VPA was the first to be ratified in 2010. Ghana submitted a final R-PP in December 2010 and developed a FIP plan in 2011.

## Guatemala



Map of estimated % forest cover



People  
393 per km<sup>2</sup>  
of forest

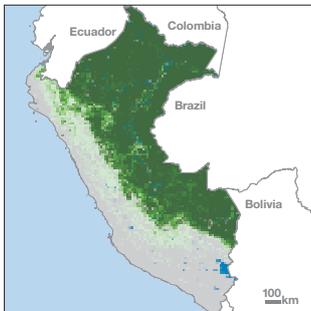


Income  
GDP (PPP) per capita \$4,769

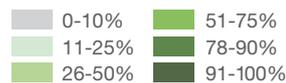


Guatemala has extensive and diverse forest systems. The country emerged from 36 years of devastating civil war in 1996. The forest law was approved that year, which also created the Forest Incentives Programme (PINFOR) to subsidise sustainable forest management. Apart from state protected areas, forested land is held in a mixture of communal, municipal and private ownership. The National Institute of Forests (INAB) is an autonomous state body with authority for regulating forestry activities in these areas. The Ministry of Environment and Natural Resources (MARN) plays the lead role nationally, including the development of the R-PP for REDD+.

## Peru



Map of estimated % forest cover



People  
43 per km<sup>2</sup>  
of forest

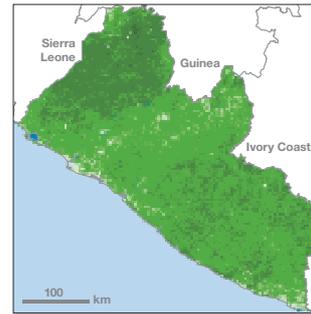


Income  
GDP (PPP) per capita \$9,499

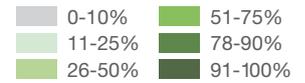


Peru has the fourth largest extent of tropical forests in the world. Under the Constitution, all forest land is controlled by the state and it grants resource use rights. Timber concessions in permanent forests were allocated between 2000 and 2005. Following a contentious review process, a new Forest and Wildlife Law was approved in 2011. New implementing regulations and institutional arrangements are being developed. Responsibility for many planning and regulatory functions, including those relating to forest activities, has shifted to regional governments. With regard to REDD+, the R-PP was finalised in March 2011.

## Liberia



Map of estimated % forest cover



People  
92 per km<sup>2</sup>  
of forest



Income  
GDP (PPP) per capita \$535



Liberia has valuable tropical, semi-deciduous and mangrove forests. The country is recovering from the civil war that ended in 2003. Conflict was fuelled by natural resources exploitation and led to timber export sanctions. A new legal framework for the forest sector was established and new concessions awarded in 2008/09. Although community land rights are recognised, the majority of forest resources are “held in trust” by the state. The Forestry Development Authority (FDA) is responsible for managing forest activities in the country. It is accountable to an independent board chaired by the Minister of Agriculture. The VPA with the EU was initialled in May 2011 following a year of negotiations and consultation. The REDD+ R-PP was prepared over 2011.



Workshop with indigenous peoples organisations in Ucayali, Peru, on forest sector transparency. Photo: DAR

## 3 Report Card Methodology

### 3.1 Overall Approach

There are two types of report cards in the *Making the Forest Sector Transparent* programme. Firstly, common report cards consisting of a set of generic indicators on the forest sector have been applied by all the partners in the seven countries to provide a consistent frame of reference. These common report cards are the main focus of this report. Secondly, country-specific reports have been tailored by the partners to focus on particular issues and aspects of the forest sector in their country. Further details on them are provided in Section 3.3.

For the common report cards, a simple traffic-light system of 'yes' (green) 'partial' (yellow) or 'no' (red) indicators has been used to assess whether set criteria were met or not (in some cases, it could be determined that the indicator was 'not applicable' (blue)). The common indicators have evolved over the course of the programme. The 2011 report card included 20, listed in Table 3.1, which tested whether the necessary provisions in the legal framework exist in the public domain and whether important documents and data are made publicly available.

The partners initially collected data between July 2011 and August 2011 and then updated some details up until December 2011. Data collection was largely carried out through office-based research, for example by searching the websites of government institutions and other official sources of information, supplemented where appropriate by contacting key informants and requesting specific information from authorities.

Table 3.2 shows how the traffic lights were assessed using a combination of questions for whether the applicable law or norm exists and whether the information is publicly available. In short, for a 'yes' both criteria needed to be met, whereas a 'partial' or 'no' indicator reflected that either one or the other criteria (or both) was partially or not met. Specific questions guiding the assessment for each indicator are shown in Appendix A.

In addition to the traffic light, for those countries where a report card was completed in 2010 (Cameroon, Ecuador, Ghana, Liberia and Peru) the partners also assessed whether there was any evidence of change in 2011, using the following

Table 3.1: Common Indicators in the 2011 Report Card

- |  |   |
|--|---|
| 1. Freedom of Information Legislation                                | 11. Regulated System of Permits for Commercial Logging Operations               |
| 2. National Forest Policy  | 12. Legal Requirement for Consultation before Commercial Logging Allocation     |
| 3. Codified Forest Law and Supporting Norms                          | 13. Verification Process (Due Diligence) on Eligibility of Commercial Operators |
| 4. Signed International Agreements Related to Forest Products        | 14. Forest Management Plans   |
| 5. Provisions for Transparency in Forest Laws and Norms              | 15. Regulation of Environmental Services  |
| 6. Legal Recognition of Customary Rights in Forest Laws and Norms    | 16. Strategic Environmental Assessment  |
| 7. Legally Recognised Procedure for Consultation on New Forest Norms | 17. Independent Forest Monitoring   |
| 8. Legal Recognition of the Right to Free Prior and Informed Consent | 18. Fiscal Systems to Distribute Forestry Royalties or Incentives               |
| 9. National Land Tenure Policy                                       | 19. Information on Forest Law Infractions                                       |
| 10. Forest Ownership and Resource Use Maps                           | 20. Annual Forest Authority Report  |

scale ranging from a 'thumbs up' to a 'thumbs down'. This allowed for changes to be noted even though they may not have constituted a switch in traffic light (for example, the change may not have warranted a change from a 'partial' to a 'yes' but nonetheless there may have been some evidence of improvement).

- 👍 Significantly Improved – major development such as new law or information system that enables transparency
- 👉 Improved – steps forward such as initiatives with potential to improve transparency
- 👉 No Change – no evidence of major change in the conditions for transparency
- 👎 Worsened – steps backward such as activities taking place without transparent processes
- 👎 Significantly Worsened - major deterioration such as termination of laws or systems that provided for transparency

Further data, such as details of relevant laws and norms, and analysis of the opportunities for and barriers to transparency, were also produced by the partner on each of the indicators and can be accessed at [www.foresttransparency.info](http://www.foresttransparency.info).

### 3.2 Methodology Changes from 2010 and 2009

The 20 indicators in 2011 were considerably fewer than in 2010 and 2009, when there were 78 and 72 indicators respectively. In previous years, some partners had carried out large surveys with different stakeholders and others had submitted extensive information requests to authorities to gather data, but in some cases this had proven time-consuming to complete and contributed to inconsistencies. Following a mid-programme independent review, it was decided to simplify the number of common indicators and amend the guidance to clarify that only desk-based research was necessary to collect data. The aim of these revisions was to strengthen the production of a common report card highlighting key indicators and major changes in the forest sector, instead of repeating a comprehensive assessment of what information is available on many detailed aspects of the forest sector. The seven partners discussed which indicators were the most important ones to capture, and a synthesised set of 20 was then agreed with revised guidelines to support a more consistent assessment. These 20 indicators do not map directly on to equivalent ones from previous years, although many are closely linked. Although the approach taken in 2011 was

Table 3.2: Traffic Light Assessment

Does the law or norm exist?	Is the information publicly available?	Traffic Light
<b>Yes</b> – specific provision for requirement in current laws and norms passed by state and applicable to the forest sector	<b>Yes</b> – available to public from official sources (websites, publications, media)	Yes 🟢
	<b>Partial</b> – some information provided but not complete or fully accessible	Partial 🟡
	<b>No</b> – public information is not available (includes when only unofficial sources)	No 🔴
<b>Partial</b> – provision only in draft format or not yet fully implemented; or limited provision or relevance to forest sector	<b>Yes</b> – available to public from official sources (websites, publications, media)	Partial 🟡
	<b>Partial</b> – some information provided but not complete (e.g. only parts of manuals)	Partial 🟡
	<b>No</b> – public information is not available (includes when only unofficial sources)	No 🔴
<b>No</b> – no current provision in laws and norms		No 🔴
<b>Not applicable</b> – not relevant to the country-specific context		NA 🔵

geared towards achieving greater consistency across the partners, there were still differing assessments due to the country-specific context and the partners' perceptions of whether current norms and information met the criteria. Consequently, caution should be exercised in directly comparing the indicators between countries.

The 2011 report card maintained the original concept of a common report card which is produced by a time and cost efficient approach relative to the results that it yields. Further minor amendments are possible in 2012 to refine the report card as a tool for independent forest sector monitoring that could be adapted and applied by CSOs across the world.

### 3.3 Country-Specific Reports

The 2011 Report Card also made a clear distinction between the common indicators and the country-specific studies that partners conduct on particular issues relating to transparency in their forest sector. By simplifying the number of indicators and using desk-based research to collect data on them, the partners have then had greater flexibility and capacity to develop tools such as social audits and information needs surveys on specific aspects of the forest sector in their country. Over 2011 and into 2012, the partners have developed the following country-specific studies (see Table 3.3). Further information can be accessed from their respective websites.

**Table 3.3: Country-Specific Studies in 2011**

Cameroon	CED adapted the report card methodology in 2011 to focus on the allocation and management of agricultural plantations in the country. Data were collected through fieldwork focusing on several companies.
DRC	RRN and its regional partners focused on the negotiation of social clauses as part of the review and conversion of logging concessions. Document review and field investigations have provided data for analysis of community participation.
Ecuador	Grupo FARO has used a scoring matrix in 2010 and 2011 to analyse levels of compliance of public authorities with the requirements specified in the Transparency and Access to Public Information Law. The 2011 report was launched in March 2012 and can be accessed at <a href="http://www.grupofaro.org/content/informe-de-transparencia-forestal-2011">www.grupofaro.org/content/informe-de-transparencia-forestal-2011</a> .
Ghana	CIKOD combined resources with another programme to develop its survey of awareness and perceptions of governance of the forest sector amongst local communities and other stakeholders at the regional and district levels. This survey applied an expanded set of indicators based on the 2009 and 2010 report cards.
Guatemala	Ut'z Che' collected data through document review and field investigations on several important issues, including the impact of current forest regulations on traditional and customary forestry in indigenous areas and the equity of access to forestry incentives programmes.
Liberia	SDI developed a social audit methodology to assess the contribution of the forest sector to community development and poverty reduction in rural Liberia. This work has focused on the perspectives of Community Forestry Development Committees in forest regions.
Peru	DAR has used an annual scoring matrix since 2009 to analyse levels of compliance of national and regional public authorities responsible for the forest sector with the requirements specified in the Transparency and Access to Public Information Law. The 2011 report was launched in March 2012 and can be accessed at <a href="http://www.dar.org.pe/archivos/publicacion/61_itf_2012.pdf">http://www.dar.org.pe/archivos/publicacion/61_itf_2012.pdf</a> .

## 4 Analysis

The 2011 report card indicators for the seven countries are shown in Table 4.1 below. A short analysis of the findings for each indicator by country is included in Appendix B.

The partner in Ecuador decided that two indicators were not applicable to the forest sector there, since there is no state-regulated system for allocating timber resource rights, which are instead

treated as a private contract between land owners and companies.

Although the indicators are not directly comparable due to the differing context in each country, they provide a snapshot of their strengths and weaknesses. More green lights related to the existence of legal frameworks than to the availability of information on implementation. At a policy and

Table 4.1: 2011 Country Indicators

	 Cameroon	 Ghana	 Liberia	 Peru	 Ecuador	 Guatemala	 DRC
Freedom of Information Legislation	●	●	●	●	●	●	●
National Forest Policy	●	●	●	●	●	●	●
Codified Forest Law and Supporting Norms	●	●	●	●	●	●	●
Signed International Agreements Related to Forest Products	●	●	●	●	●	●	●
Provisions for Transparency in Forest Laws and Norms	●	●	●	●	●	●	●
Legal Recognition of Customary Rights in Forest Laws and Norms	●	●	●	●	●	●	●
Legally Recognised Procedure for Consultation on New Forest Norms	●	●	●	●	●	●	●
Legal Recognition of the Right to Free Prior and Informed Consent	●	●	●	●	●	●	●
National Land Tenure Policy	●	●	●	●	●	●	●
Forest Ownership and Resource Use Maps	●	●	●	●	●	●	●
Regulated System of Permits for Commercial Logging Operations	●	●	●	●	●	●	●
Legal Requirement for Consultation before Commercial Logging Allocation	●	●	●	●	●	●	●
Verification Process (Due Diligence) on Eligibility of Commercial Operators	●	●	●	●	●	●	●
Forest Management Plans	●	●	●	●	●	●	●
Regulation of Environmental Services	●	●	●	●	●	●	●
Strategic Environmental Assessment	●	●	●	●	●	●	●
Independent Forest Monitoring	●	●	●	●	●	●	●
Fiscal Systems to Distribute Forestry Royalties or Incentives	●	●	●	●	●	●	●
Information on Forest Law Infractions	●	●	●	●	●	●	●
Annual Forest Authority Report	●	●	●	●	●	●	●

**Key:** ● Yes: the information exists and is available      ● Partial: the information is incomplete or only partially available  
 ● No: the information does not exist or is not available      ● Not applicable to the country-specific context.

planning level, of particular concern were the lack of any regulation of environmental services in five out of seven countries, and the lack of national tenure policies or strategic environmental assessment processes in four out of the seven. Regarding implementation, key documents to support accountability in the sector, such as contract documents relating to timber rights permits and forest management plans, were only routinely available in a minority of countries. The absence of information on forest law infractions or any recognised independent monitoring was also notable in four out of seven countries.

For the five countries that had also been assessed in the Annual Transparency Report 2010, the partners identified where there had been an improvement or deterioration in forest sector transparency and governance. No change was reported in the majority of cases, but in each country several changes were

also recorded with the potential to improve the situation. It is important to highlight that they were generally not yet realised in practice – for example many related to new laws or plans that had not yet been implemented. Nonetheless, some major steps forward were recorded. Table 4.2 summarises these improvements.

Only one partner reported an indicator where the situation had got markedly worse in terms of a 'thumbs down', namely in Ghana where further granting of administrative salvage permits was exposed in 2011, despite civil society having previously condemned the lack of transparency in how large numbers of such permits were granted. Besides this example, the partners across the seven countries also highlighted many other issues of concern in their analysis. The following sections analyse the findings from the partners in relation to the six main themes discussed in Section 2.

**Table 4.2: Improvements in Forest Sector Governance since 2010**

Country	Change
<b>Cameroon</b>	<ul style="list-style-type: none"> <li>The VPA with the EU was ratified by Cameroon in August 2011 with an annex specifying forest sector information to be published.</li> <li>Measures were developed to clarify distribution and investment of royalties from logging operations to communities.</li> </ul>
<b>Ecuador</b>	<ul style="list-style-type: none"> <li>The Ministry of Environment published a model of forest governance recognising the importance of transparency and monitoring.</li> <li>The Ministry of Environment developed its forest administration system further to support public access to information.</li> <li>A resolution was issued by the Public Ombudsman on minimum information requirements for public institutions under the Transparency and Public Access to Information Law.</li> </ul>
<b>Ghana</b>	<ul style="list-style-type: none"> <li>A review of new forest policy progressed with civil society participation, so that approval is expected in 2012.</li> <li>More timely and accessible information was made available by the Forestry Commission on forestry royalties' distribution to traditional authorities and District Assemblies.</li> </ul>
<b>Liberia</b>	<ul style="list-style-type: none"> <li>The VPA with the EU was initialled in May 2011 with an annex on public information and commitments to support an Independent Auditor, community monitoring and infraction reporting.</li> <li>A new regulation on artisanal logging and chainsaw milling was approved.</li> <li>The National Benefit Sharing Trust Board was formally constituted with multi-stakeholder representation, including communities and civil society, and a regulation approved for managing the distribution of forestry fees and royalties to local communities.</li> </ul>
<b>Peru</b>	<ul style="list-style-type: none"> <li>The new Forest and Wildlife Law was passed. It recognises the rights of indigenous peoples and establishes a decentralised and integrated system of forest resource use permits.</li> <li>The Law of the Right to Prior Consultation of Indigenous or Native Peoples was passed, which enshrines ILO Convention 169.</li> <li>The National Environmental Plan was approved to provide a framework for land zoning regulations.</li> </ul>

## 4.1 Provisions for Access to Information

The right to information is generally recognised in constitutions, and four of the seven countries – Ecuador, Guatemala, Liberia and Peru – have passed specific FOI laws. In Cameroon, the DRC and Ghana, civil society has demanded that their governments also approve such laws, but this can be a slow process. For example, the Cabinet in Ghana originally approved a Right to Information bill in 2009, but its passage into law continued to be held up in 2011 by a review process in which ministers attempted to introduce restrictive clauses.

In the four countries with such laws, it has also taken time and political will to establish supporting norms to implement them and independent offices to oversee them. Ecuador and Peru have the longest-standing Transparency and Access to Public Information laws from 2004 and 2002 respectively, backed by Public Ombudsmen and recent decrees on minimum information standards, but forest-related authorities

have not fully complied with their obligations to publish all the required documents and data, nor have they responded to information requests in a timely fashion. Similarly, forest authorities in Guatemala have not submitted reports to the Ombudsman as required by the 2008 Access to Public Information Law there. It has been a gradual process to change the institutional culture in each country, as well as to develop greater understanding and demand from the population on their rights to information. At least there have been signs of improvement in the Latin American countries. The forest authorities in each of them took steps in 2011 towards setting up more integrated information management systems, and Peru and Ecuador have reinforced the general law by recognising transparency in policies or decrees related specifically to the environmental and forest sector. Work by the partners there also helped to promote greater compliance by authorities, for example in Peru the importance of transparency has been highlighted to regional governments as part of the process of decentralisation of forest governance (see Box 4.1).

### Box 4.1: Changing Attitudes to Forest Sector Transparency in Loreto Regional Authority

The Loreto Regional Forest Authority is responsible for managing an extensive area of Amazonian rainforest in Peru, but in 2010 DAR scored its level of compliance with the requirements of the Transparency and Access to Public Information Law at only 2%. This authority initially showed little interest in engaging with these concerns, but local demands and advocacy work by DAR successfully promoted their importance. In particular, DAR was able to demonstrate how its capacity-building work with the neighbouring San Martin Regional Authority had improved information systems and resulted in benefits to forest management by the authority itself as well as to public accountability. Loreto consequently also put more effort into improving its systems and achieved a score of 57% in the 2011 assessment. Furthermore, it expressed a willingness to work constructively with DAR. As responsibilities are being decentralised to the regions, this shift in attitude in favour of public information represents an opportunity for more effective forest management to develop.



Street theatre in Lima, Peru, highlighting the need for forest sector transparency. Photo: DAR

In comparison with the Latin American countries, there was less evidence to suggest that the FOI law passed in Liberia in 2010 had so far had much impact. The Information Commissioner was not appointed in 2011 and the authorities were not seen to be taking the necessary measures to implement the law. Although the Forest Development Authority in Liberia started to respond more positively to information requests, there were few tangible signs of the development of better systems for information management and dissemination in spite of funding from the World Bank having been dedicated towards this purpose.

Besides FOI laws, the need for transparency and access to forest sector information has been explicitly recognised in annexes on public information in the VPAs negotiated with the EU by Cameroon and Liberia. There is optimism in Cameroon in particular that this will serve as a catalyst for improvements in public information disclosure. Nonetheless, it remains to be seen whether impetus can be maintained in this direction. The first VPA with Ghana outlines many outputs that should be publicly available to allow implementation to be monitored, but so far there has been little evidence of improved forest information management systems.

Turning to actual information dissemination, a recurrent theme of the report cards has been that key documents on forests are not translated and/or summarised for a wider audience, in particular for forest communities and indigenous peoples who often do not have computers and find it difficult to access relevant information on their local forests. The partners in the African countries in particular have reported that information dissemination is often at the discretion of forest officials and limited by administrative barriers. The immense size and weak institutions in the DRC present a special challenge to information sharing. There were some examples in 2011 of NGOs and civil society making good efforts to provide accessible information to communities, including support from *Making the Forest Sector Transparent* to distribute important documents and summarise key data. Work by CIKOD in Ghana promoted the need for better information on forestry royalties' distribution, but it faced difficulties in convincing the FC to acknowledge its role as an intermediary in local dissemination (see Box 4.2).

#### Box 4.2: Challenges of Disseminating Public Information on Disbursement of Forest Royalties in Ghana

The Office of the Administration of Stool Lands and the Forestry Commission (FC) in Ghana produce six-monthly reports detailing the disbursement of forestry royalties made to each traditional authority and district assembly across the country. Following demands from civil society for greater transparency, the FC improved the publication of up-to-date reports as 'pdf' documents on its website. Through its work with traditional authorities, CIKOD had shown that key local leaders were often unaware of this important information, and it approached the FC about playing a role in printing and disseminating the reports more proactively. The FC's initial response to this proposal was supportive, but it then showed reluctance to acknowledge CIKOD's role and eventually decided that its online publication process was sufficient. This suggests that it was uncomfortable with a NGO acting as an intermediary in information dissemination. Although making the reports on royalties' disbursement available online is an advance, local people may not readily have access computers with an internet connection and consequently the information may not be well understood or used in decision-making.

While the efforts of NGOs to collate, analyse and disseminate information are useful in the short term, they are not sustainable or necessarily desirable in the long term because they could allow the state authorities to avoid their responsibilities for public information dissemination. A further example is that most of the forest authorities in the seven countries do not produce annual reports on activities in the sector, despite often being required by law to do so. The authorities in Peru and Guatemala produce statistical bulletins but only the MAE in Ecuador released an annual report in 2011. This reveals a lack of commitment to public information and deprives the public of the ability to hold the performance of their state forest authority to account.

## 4.2 Forest Land Tenure and Resource Use Rights

A complicated array of land ownership and resource use regimes apply across the seven countries, and insecure land tenure and conflicts are long-standing issues. Against this backdrop, it is not surprising that few advances in tenure and land use were evident in 2011. Most countries lacked a coordinated national land policy or consolidated land law to guide how they would address the issues, but at least in Ecuador there was some positive movement in terms of the land tenure law being reviewed and a bill being developed. In Liberia, the Land Commission also made some progress in 2011 and catalogued a growing number of disputes, but at the same time the government there undermined it by pressing ahead with new

major agriculture concessions on land with unclear tenure. Land disputes also continue unabated in Ghana, where there has been little sign of renewed impetus in the land review process.

In the four African countries and Peru, the state exercises de facto ownership of forests and controls resource usage. It has tended to be reluctant to recognise customary and traditional forest rights and resisted relinquishing control over forest resources, despite legal frameworks providing for this potential. A major advance in 2011 was that the new forest law in Peru recognises indigenous peoples' forest rights, but it is too early to judge its impact until it is implemented in regulations and exercised in practice. The lesson from Cameroon is that since the 1994 forest law and accompanying decree provided for community forests to be



Community Meeting in Saamang, Ghana. Photo: New Generation Concern

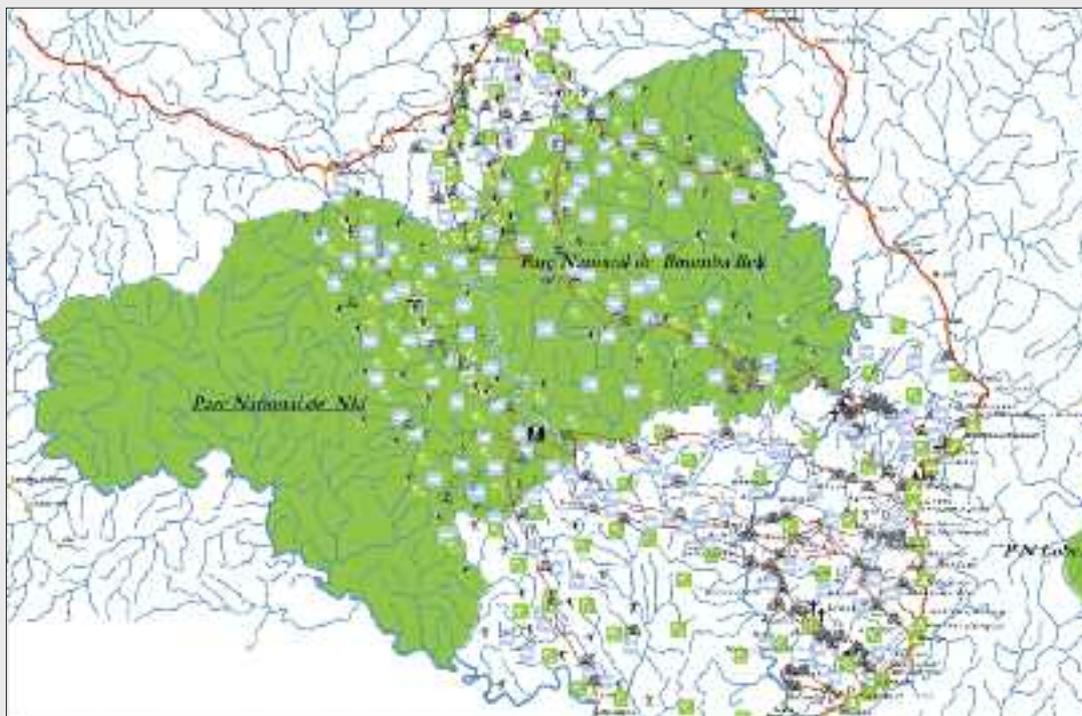
established, such initiatives have struggled to make a real impact due to opaque, complex, legalistic and expensive administrative processes. Customary rights have often been limited to basic personal use of resources, and even then at the discretion of authorities. Nonetheless work by NGOs including CED has helped to formalise such rights in some instances (see Box 4.3).

In Liberia, although the 2009 Community Rights Law (CRL) laid the foundation for customary land tenure even where communities do not hold official title, this has not been clearly supported in practice. On the contrary, in the absence of programmes to reorient the Forestry Development Authority towards empowering communities, there are worrying signs that it is taking control over key decisions on

### Box 4.3: Recognition and Protection of Ancestral Rights of the Baka People in the Management Plans for Boumba Bek and Nki National Parks

When the Boumba Bek and Nki National Parks in South East Cameroon were first enacted in 2005, under the law no human activity was permitted in the permanent forest estate within their boundaries. This raised the prospect of considerable restrictions on the customary rights of local Baka communities to access the forest and carry out their traditional practices. Furthermore, these communities initially had little information about the proposed parks and their representatives were restricted from participating in negotiations due to them lacking legal recognition as an association. A NGO consortium helped at various stages

of the process to inform local people on the plans, train community members in participatory mapping to document customary and traditional practices, and establish a new association called Buma'a Kpode to represent the Baka people. Consequently, they were able to articulate their rights more clearly and participate actively in the discussion, and as a result, these rights are protected in the management plans signed by decree by the Prime Minister in 2011. This has also set the ground for further work on co-management arrangements between the communities and the administration.



#### Legend:

- Villages
- + Cemeteries
- Potable Water Sources
- Cultural Sites
- Sacred Sites
- Hunting
- Fishing
- Non-Timber Forest Products
- Campsite
- Rivers
- Roads
- Paths
- Protected Area

Map of customary uses of forest land by indigenous Baka communities living in and around Boumba Bek and Nki national parks in South-East Cameroon. Map: CED in collaboration with the CEFAID and AAFEBEN

granting Private Use Permits (PUPs) for logging operations on land purportedly held by communities, and thereby seeding further confusion. In the DRC as well, there is little consistency and understanding in practice of the community rights set out in the Forest Code, nor are these rights supported by micro-zoning on land uses.

The situation of forest land tenure and resource use is markedly different in Ecuador and Guatemala, where indigenous peoples, rural communities and private individuals own substantial areas of forested land. In these contexts, the state plays an oversight role of resource management rather than directly controlling usage rights. There are some good examples of community forest management in these countries – in Guatemala an initiative between various government institutions, academic bodies and NGOs including Ut'z Che' has developed a website of communal lands to help promote transparency and coordinate information sharing. Nonetheless, insecure land title and rights remain a major problem in Ecuador and Guatemala as well and contribute to continued exploitation of the poor and destruction of forests.

Publishing maps with clear land title and forest use rights have the potential to improve accountability in all of the countries, but they are often not sufficiently detailed or comprehensive. Nonetheless, there have been some encouraging trends that continued to develop in 2011, including commencement of a mapping project in Ghana, NGO mapping of community rights in Cameroon and further releases of maps on forest resource use rights granted in Peru.

### **4.3 Forest Sector Legal Framework and Regulations**

In principle, national forest policies should guide how governments manage and develop the sector, but the report cards have found that such documents are often out-dated or had little influence on subsequent laws and regulations. For example, ten years after the forest policy was formulated in Guatemala, an evaluation by the National Forest Programme in 2011 showed that little or no progress has been made in key areas<sup>13</sup>. The most notable progress in 2011 was that Ecuador published a

'forest governance model' that recognised the importance of transparency and monitoring. A draft new forest policy in Ghana also included a commitment to transparency and public participation.

The main forest laws and regulations in the four African countries and Peru have been going through a review process in recent years, notably due to the advent of VPAs with the EU in Cameroon and Ghana, and a trade promotion agreement between the USA and Peru. The most significant progress in 2011 was the passing of a new Forest and Wildlife Law in Peru. An important step forward was also the formulation of a new regulation in Liberia for artisanal logging and chainsaw milling – the first attempt amongst the four African countries to regulate in support of the informal sector rather than to suppress it, and one which the other countries can learn from. While these advances are welcome, ultimately their effectiveness depends on how fully they are implemented. For example, the partner in Cameroon has reported that 75 measures envisioned in the forest law from 1994 have never had supporting instruments to enact them.

Analysis of the report cards also reveals that while countries may have passed laws and regulations that provide a potentially comprehensive framework for forest governance, such as in Guatemala and Liberia where new legal frameworks were introduced following the end of civil wars in which natural resources and land were a source of conflict, they are little more than paper exercises without adequate institutional capacity and resources to implement them. In all of the countries there are deficiencies in the capacity of the responsible forest authorities. Guatemala provides a striking example of where general public taxation and expenditure is markedly lower than in other comparable countries and translates into a very small and inadequate budget for forest authorities. The immense size and relative poverty of the DRC present particular challenges, which contribute to wide variation in how forestry laws and regulations are interpreted and implemented by different regions. Decentralisation processes in Peru also run the risk of a patchwork of varying regional capacities – work by *Making the Forest Sector Transparent* has helped to train regional authorities and civil society networks on these challenges.

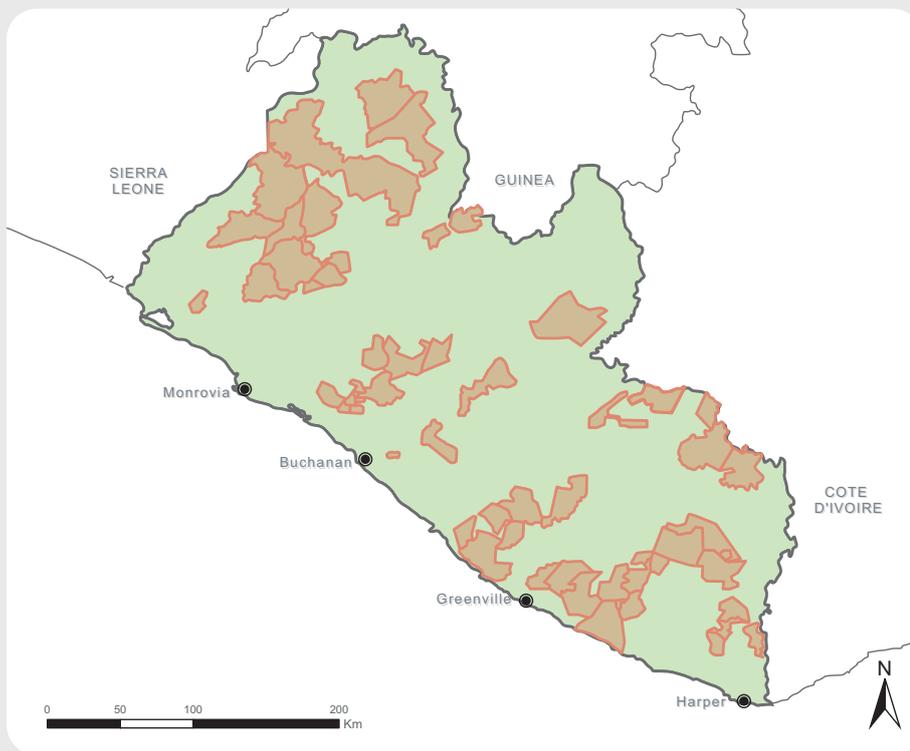
Of particular concern is the lack of implementation of ostensibly progressive laws and regulations on commercial forest resource uses (especially logging operations). The legal frameworks in most of the countries describe transparent allocation processes, often including that operators meet due diligence requirements and produce forest management plans with sufficient information on proposed activities, periods and locations. The report cards have found considerable evidence of failings in these processes, and little sign of improvement was evident in 2011. Key information such as contract or license documents, verification reports on the eligibility of applicants, and forest management plans with details of areas, volumes and periods of operations, were not proactively published in most countries, and obtaining them relied on the discretion of officials in response to information requests. In Ecuador and Guatemala, some such

documents could be obtained following information requests under their FOI laws, but their accessibility would improve further through routine publication.

In the African countries, while no new large forestry concessions were allocated in 2011, there are ongoing concerns about how lesser-known forestry permits are being granted by authorities and exploited by commercial interests in relative secrecy. In Ghana, the FC was found to have granted 'salvage permits' for logging operations in 2011 at the discretion of officials without any transparent auction and verification process, despite condemnation of this practice in 2010 by civil society. Similarly, the forestry authority in Liberia has been recalcitrant in providing any information to shed light on the number and size of PUPs granted in the last two years, as explained in Box 4.4.

#### Box 4.4: The Alarming Rise of Private Use Permits for Logging in Liberia

Following repeated requests for information from the FDA, it came to light in December 2011 that extensive areas of land had been granted at the authority's discretion for logging rights under PUPs, which was in violation of existing laws and contrary to standard allocation procedures that support transparent oversight. Several concerns were raised about these PUPs by the NGO Coalition of Liberia, including SDI<sup>14</sup>, such as that most of the operators are not pre-qualified as required by regulations, oversight of the operations is weak, the VPA legality definition is compromised, and no payment for use of the land is evident. The total area and status of most of the forest lands included in PUPs were also unclear, but overall some 690,509 hectares were identified by January 2012. The NGO Coalition of Liberia called for a halt to further allocation until an independent investigation is carried out.



Current estimate of extent of PUP coverage in Liberia produced by Global Witness, SDI and Save My Future.

These practices in Liberia and Ghana represented a severe risk to their VPAs with the EU, as they undermined the proposed improvements to law enforcement and locked in weak governance arrangements that do not accrue any benefits to the state or local people and open up more forests to the risk of illegal logging. More positively, in 2011 the Ministry of Forests and Wildlife in Cameroon finally suspended its practice of discretionary allocation of small titles, which had been associated with illegal logging, following campaigns by NGOs including CED.

In the case of the DRC, so-called artisanal logging permits have been exploited on a scale that was not

envisioned in law. The legal framework remains incomplete until implementing legislation can be passed. Furthermore the existing forest code is poorly understood, even by civil servants, and there are incompatibilities with other relevant laws such as those on land tenure.

Enforcement of forest law and regulations has been another common shortfall raised in prior report cards. It was found again in most countries in 2011 that regular information about infractions was generally not made publicly available. Only in Ecuador was it possible to obtain some information following a request for information (see Box 4.5).

#### Box 4.5: Obtaining Information on Forest Infractions in Ecuador

In 2011, Grupo FARO successfully obtained details of forest law infractions at the provincial level by sending a request for information under the Transparency and Access to Public Information Law. There is a lack of coordination and information sharing between authorities on forest infractions, making it difficult to readily access information from a central point, for example on the website of the MAE. In the absence of proactive publication, evidence has been found of cases where the same offenders have then been able to bid in auctions for confiscated material<sup>15</sup>. It has also

been found that many infractions uncovered by the police are not brought before the courts or receive sanctions<sup>16</sup>. Better access to information on offences and sanctions would help citizens to put pressure on the responsible authorities to enforce the law and bring cases to judicial authorities. Grupo FARO supported work with communities in the territories of Muisne and Pedernales to report and monitor infractions committed in mangrove and tropical forests in their areas, with the aim of improving the effectiveness of sanctions against offenders.



Forest in Napo, Ecuador. Photo: Juan Carlos Izurieta, Grupo FARO

Independent monitoring (IM) or auditing by third parties, and support for communities to monitor forestry activities in their areas, are being promoted as positive steps towards improving forest governance. Cameroon has a functioning IM, and the DRC signed an agreement in 2011 with an international NGO to fulfil this role, but in both countries there is a need for stronger mechanisms to oblige the authorities to publish their reports and act on their findings to ensure that their work has an impact. As part of the VPAs between the EU with Ghana and Liberia, there are also plans for IM and community-led monitoring to strengthen and give credibility to legality verification systems (Ghana invited tenders for an IM comprising of an international and local partnership in August 2011). Changes to the structure of forestry authorities in Peru may also support better enforcement of the new laws being introduced there.

#### 4.4 Participation in Forest Sector Governance

Since the *Making the Forest Sector Transparent* programme started in 2009, there has been an encouraging trend towards greater participation by civil society and communities in the development of new forest-related norms across the countries. This has successfully challenged some top-down approaches to forest sector governance, notably in the negotiation of VPAs in the African countries and

the development of a new forest law in Peru. Less encouragingly, consultation on REDD+ preparations has tended to run in parallel to the development of new forest norms and trade agreements, with little shared coordination and learning to ensure that they are well integrated.

Legally recognised procedures for consultation are important to ensure that there is a consistent and accessible framework for involving stakeholders in forest sector decision making, but they are lacking in most of the countries. Even where general procedures are established in principle, such as the tiers of Development Councils in Guatemala and the Citizens' Participation Council in Ecuador, it is doubtful whether forest community members are represented in such processes and they have an impact on forest sector decision-making. The most significant advance in 2011 was in Peru, where the Law on the Right to Prior Consultation of Indigenous or Native Peoples established a legal mandate requiring consultation on new norms. The fulfilment of this law is also stipulated in the new Forest and Wildlife law. This change in the legal framework represents an important opportunity to improve participation in forest sector decision-making in Peru (see Box 4.6).

Advances in participation in Cameroon, Liberia and Ghana were also consolidated in 2011. For example, the National Forest Forum in Cameroon adopted

#### Box 4.6: Consultation Law Advances the Rights of Indigenous People in Peru

The Law on the Right to Prior Consultation of Indigenous or Native Peoples in Peru passed in 2011 was the first in Latin America to enshrine this right on any legislative or administrative measure that could affect them. It establishes ILO Convention 169 in law, and represents a break with the past, notably the tragic events at Bagua in June 2009 when more than 30 people died during protests against a government decree that opened up forests inhabited by indigenous people to logging and biofuel plantations. DAR played an important role in supporting indigenous organisations to participate in the subsequent negotiations in 2010 and 2011 leading to the

law and its regulations. Although the process to draft the law was questioned because of limited information given beforehand and short time-scales to make inputs, it provided an invaluable experience for guiding how national and regional consultation should take place, such as representation at different levels, access to information, organisation of forums, and collection of inputs. It underlined the importance of allowing for active participation of all stakeholders with respect for different traditions, customs and languages. It is hoped that this will serve as a lesson on how to reach consensus on new forest-related norms.

statutes and other measures to define its role, and civil society organisations and indigenous peoples' networks were invited to join in the forest policy and law reform process. In Liberia, the Community Forest Development Committees (CFDCs) continued to develop greater recognition and coordination in 2011, including a clear role in supervising the use of the community revenue share, which provides an additional incentive for them to perform and be accountable. Notwithstanding these positive signs, there were also unresolved issues at the regional and local levels in most of the countries, in particular over how participation can become a consistent formal part of decision-making with clear practices in terms of representation, timeliness and influence, rather than a set of uncoordinated and irregular consultation events that limit the ability of civil society to participate constructively in decision-making. A common problem was the lack of integration between different forums, for example between ones instigated by civil society and others by the forest authorities, and the lack of information to judge representation and incorporation of community interests. There was also a trend in several countries for consultation on REDD+ to follow a parallel process instead of being

coordinated effectively with other processes that are shaping the forest sector.

There are demands in several countries from indigenous people and local communities to have the right to FPIC to projects that affect them, but translation of this principle firstly into national laws and regulations and then into actual practices have been difficult due to the challenge it presents to state control. Although some countries recognise the principle of consent in parts of their legal frameworks and/or forest regulations, in practice there are often limited opportunities to exercise these rights. It is also debatable how far consent is actually enshrined in new laws such as the one passed in Peru on right to consultation, and until the law is tested by real-life cases it remains to be seen what impact it has on decision-making.

#### **4.5 Fiscal Regimes for Distributing Forestry Royalties or Incentives**

There are two main types of fiscal system, which can be broadly differentiated between the four African countries and Peru where the state controls virtually



Community in Equateur Province, the DRC, interviewed on their experience negotiating a social agreement with a logging company as part of the forest title conversion process. Photo: Global Witness

all forest resources and redistributes royalties and fees (such as land rentals) collected from companies holding forestry concessions, and Ecuador and Guatemala where communities and individuals own forest areas and the state administers schemes to incentivise particular land uses.

In countries where there are forestry royalty systems, although the authorities have clarified the proportions of royalties and fees collected that are intended to be distributed to different groups, such as district assemblies and local communities, common problems have been a lack of comprehensive, timely and well-disseminated information on the actual amounts due from companies, collected and redistributed by the state, and invested in community projects.

The most significant development in 2011 was the formal constitution and regulation for the National Benefit Sharing Trust Board in Liberia, which provides a framework with clear systems and representation, but substantial funds remain to be distributed despite a tracking system in place to monitor them. Lack of transparent decision-making within communities about where and how funds are used is another concern. In Cameroon there were some improvements in terms of establishment of community committees responsible for investments in local projects, and there was also ground-breaking recognition of Baka peoples' rights to a share of royalties, but these advances only applied in some areas of the country. In Ghana CIKOD is developing a transparency charter for traditional authorities to improve their accountability, and greater support is also needed in Liberia to ensure that Community Forest Development Committees are able to administer their funds properly.

Beside royalties' distribution, social responsibility agreements directly between companies and communities are also important in the African countries, but they are often subject to even less transparency in their negotiation and implementation. In Liberia attempts to get the authority to intercede in re-negotiating these agreements started to gain some movement in 2011. Efforts in the DRC by three of the four focal points have also concentrated on the negotiation of social clauses with logging companies holding concessions (see Box 4.7).

In Ecuador and Guatemala forestry programmes for landowners, including rural communities, are publicly funded by other state revenue. Information on the Socio-Bosque programme in Ecuador, which pays incentives to landowners to conserve forests on their land, was readily available to the public in 2011, but there were doubts over whether communities with insecure land title could access this programme. Although widely touted, the scale and finances of this programme may also limit its impact on forest conservation. In Guatemala, PINFOR is a more ambitious attempt to promote sustainable forest management and reforestation by making direct payments to landowners, but Ut'z Che' has documented several problems with its financing and distribution (see Box 4.8).

#### Box 4.7: Negotiation of Social Clauses in Logging Contracts in the DRC

The 2002 Forest Code in the DRC requires logging companies to sign social responsibility agreements with local and indigenous communities as a pre-condition for the granting of long-term concession contracts, which were in the process of being reviewed and converted in 2011. These 'social clauses' are intended to provide communities with services and infrastructure as recompense for exploitation of their forests, but in practice there have been long-standing concerns over how the agreements are negotiated without adequate representation of local people. The focal points in *Making the Forest Sector Transparent* have worked with communities in several territories in Equateur Province to strengthen their ability to negotiate with companies and hold them to account. For example, in one case the community refused to sign an agreement with a logging company when they became aware that it would not be beneficial to them. In another case, the community called for an amendment to an inadequate 'agreement' that had been signed by a police chief without the administrative right to do so. In a case in Bandandu Province, the focal point helped a community to force a subcontracted company to cease its logging activities due to the lack of an agreement.

#### Box 4.8: Distribution of Forestry Incentives in Guatemala

The Forest Law stipulates that the total funding of the PINFOR programme shall amount to 1% of the state income each year, and that 50% of this total shall be distributed to small landowners that present projects in areas of less than 15 hectares. The available data limit analysis of whether it is reaching the most marginalised rural landowners and communities, but it reveals apparent shortfalls. Firstly, published data showed that considerably less than 1% of total state income was allocated to the programme in 2011. Secondly, statistics from earlier years also revealed that even though over half of the projects were smaller than the threshold size, the funding allocated to them was substantially

less than 50% of the total. From the available information it was also impossible to determine whether the smaller projects were run by small landowners. Many rural people hold less than one hectare of land. Given this situation, the civil society organisations in the community forest sector, including Ut'z Che', campaigned for the approval of the PINPEP law in November 2010. This initiative is intended to increase the amounts allocated to small landowners, and will apply to people living on the land without a title deed, thus including the poorest and most marginalised groups. It was too early to analyse implementation of PINPEP for the 2011 Report Card, but further work should examine the distribution of forestry incentives.

#### 4.6 Strategic Development, Extra-Sectoral Activities and Emerging Issues

All of the countries have national plans that include references to the importance of sustaining environmental and natural resources, but the report cards have found that such intentions are generally not backed by the necessary political will and resources for them to shape development priorities in practice. In most of the countries, formal procedures for strategic environmental assessment are inconsistently applied, or side-lined in decision-making. The most positive signs in 2011 were from Peru, where the approval of the national environmental plan strengthened the assessment procedures already established through territorial planning guidelines and regulations for ecological and environmental zoning. Ecuador also issued further guidance on the formulation of public policies in 2011 and has an established national methodology for tracking and assessing impacts. These are positive signs, but as elsewhere, in Peru and Ecuador such procedures could still be sidelined in the push for short-term economic growth.

The report cards have found that in practice extra-sectoral activities such as mining, oil and gas, agricultural plantations and infrastructure projects

are often prioritised in favour of vested interests, even though they have negative impacts on forests and communities and their benefit to national economic growth in the longer term is also highly debatable. Contradictions between the legislation for different sectors, poor coordination between different arms of the government and predominance of macro-zoning of land uses over micro-zoning, compound the situation. For instance, in the DRC the law clearly indicates the primacy of oil and gas resources exploitation over forests, which is manifested in practice by examples such as prospecting being granted in a national park. Similarly, in Cameroon the Mining Code has opened up forested land to prospecting and exploitation, even where this overlaps with existing concessions and conservation areas, and has led ministers to set up a commission to address the growing problems of competing land uses. Another emerging issue in 2011 was the granting of large-scale concessions for agro-industrial activities, notably in Liberia where large-scale palm oil plantations will almost certainly reduce land available to subsistence farming and result in deforestation. The Latin American countries also face similar threats; for instance the partner in Guatemala reported that mining, energy and agro-industrial projects have received operating permits from the government even though they conflict with the principles of sustainable land management set out in government plans.

The predominance of decisions to convert forests to other land uses is likely to cause huge disruption to those who depend on them for everyday needs, and thus shift the burden of providing food, shelter, medicine, water supplies and many other necessities, to the state. This will happen not least through increased rural-urban migration, with consequent impacts on the consumption of concrete, steel, and other energy-intensive materials, as well as socio-political impacts. At the same time, the global value of forests is much discussed in international forums, but barely recognised in actual laws and regulations in the countries as yet. The development of forest-carbon schemes under REDD+ continues to have the potential to increase the value of intact forests over degraded or destroyed ones and during 2011 there were continuing preparations of varying quality in terms of transparent information sharing and decision-making. Several of the countries are part of the World Bank FCPF and/or FIP programmes for REDD+ or the UN-REDD programme, but despite detailed guidance on the safeguards to consider, governments have often paid inadequate attention to the needs and interests of indigenous peoples and other marginalised groups. Work by the Latin American partners in particular has helped to bring the issues to the forefront, for instance Grupo FARO successfully pressed the authority in Ecuador to open up a longer window of time for comment on the draft REDD+ strategy, and DAR has coordinated roundtables and other activities to engage indigenous peoples on REDD+. In Guatemala, Ut'z Che' played a key role in improving the R-PP drafting process (see Box 4.9), but concerns remain over how the underlying inequalities in land distribution and rights could distort REDD+.

In general, the arrangements for benefit sharing of environmental services from forests remain largely unresolved and new carbon projects in particular are developing in a policy vacuum. Anticipated reviews of forest laws and regulations in several countries will need to address these issues, but there is also potential for contradictions. For instance, the 2008 Constitution of Ecuador

establishes that environmental services are effectively owned by the state, which does not reflect that indigenous peoples own large areas of forests. When markets for environmental services develop, there is the risk that vested interests could once again prioritise short-term financial gains and neglect long-term environmental and social costs.

#### Box 4.9: Preparations for REDD+ in Guatemala

MARN has led the drafting of the R-PP for Guatemala, and as part of this process it initially decided to use an existing forum called the Forests, Biodiversity and Climate Change Group to consult civil society. However, it was noted that this forum included a limited set of representatives from civil society and indigenous peoples, which did not reflect the wider diversity of groups. Ut'z Che' successfully lobbied for much greater participation, in particular by indigenous and rural groups, and supported the establishment of a complementary parallel process that reflected more traditional methods of consultation in local communities. As a result, the R-PP is a far more inclusive and wide reaching document, which sets a precedent for the drafting of important international agreements in Guatemala. There are also opportunities to ensure that the proposed Climate Change Law serves as an instrument to benefit indigenous peoples with communal lands through payment for environmental services such as carbon sequestration. Notwithstanding these potential advances, there is still a lack of information about how REDD+ will be implemented. Given the high level of land inequality and history of marginalisation of indigenous peoples in Guatemala, there are suspicions that carbon payments could follow the familiar pattern of development in favour of the richest landowners.

## 5 Conclusions

The 2011 Report Card builds on the previous ones to reveal several trends and relationships in forest sector governance. The report cards have proven to be useful tools for NGOs and civil society to monitor the forest sector in their countries and advocate for changes to improve transparency, accountability and governance based on the findings. They have helped to identify positive steps taken to improve information sharing and participation in decision-making, but also revealed where weak frameworks and processes have allowed secrecy to prevail in the exploitation of forest and other resources by vested interests.

Broad comparisons can be made between the seven countries, which reveal the following key lessons:

- General FOI laws or forest-specific initiatives like information annexes in VPAs are useful legal frameworks for transparency and access to public information, but they are not enough on their own for changing institutional cultures towards proactively making information available. A coherent set of general and forest-specific measures that reinforce each other is needed to push forward change
- Stronger reforms are necessary to ensure that forest authorities have the capacity to manage the sector, and that independent monitors and civil society have the ability to hold them accountable when they do not fulfil their responsibilities. The effectiveness of promising international instruments like VPAs and forest law reforms in some countries will ultimately depend on well-resourced, integrated and decentralised implementation, but progress is undermined by forest authorities avoiding due processes, for example by over-use of discretionary allocation of logging and other permits.
- A clear legal mandate and process are necessary to recognise rights-holders and to support the participation of all stakeholders, in particular rural communities dependent on forests for their livelihoods, in transparent decision-making on new norms and activities that affect the sector. There are encouraging signs, but also still a lack of timely and adequate representation of key stakeholders at crucial stages of policy cycles.
- Getting state forest authorities to relinquish their hold over resources is difficult. There are signs of movement in some countries to recognise customary and traditional rights, but further advocacy and campaigning is necessary to sustain this trend. In shifting these boundaries, the experiences across the different countries need to be learnt from to ensure that communities themselves have the ability to manage forests sustainably and accountably.
- Measures to share the benefits of forest activities, such as the distribution of royalties from the logging industry and incentives from wider state budgets, need to be made more accountable and equitable. Better information is necessary to show what is collected, distributed and invested by different stakeholders, in particular so that the most marginalised groups can benefit. Traditional authorities and local committees also need support to become more representative and transparent in how they negotiate and develop projects using royalties or incentives.
- Little evidence is apparent of improved processes for strategic assessment of development priorities. A recurrent finding has been that the impact on forests and communities are all too often relegated to secondary importance when there is commercial interest in using land for mining, oil, agricultural plantations, or infrastructure. Lack of coordination between government bodies is a common problem, notably in the development of REDD+ initiatives.

The overall conclusion is that the governments of all seven countries need to be significantly more open in key areas to prevent under-valuing of potential natural resources wealth and inequitable sharing of the goods, services, and other benefits accruing from genuinely sustainable and accountable forest management. In less transparent scenarios, secretive deals and corrupt rent-seeking continue to thrive. For example, further information uncovered in 2011 showed that a range of logging permits in the African countries, such as PUPs in Liberia, smaller timber permits in Ghana and Cameroon, and artisanal logging permits in the DRC, continued to

be granted at the discretion of forest authorities. In the Latin American countries as well, there was little evidence that the forest authorities have adequate capacity to manage the sector and enforce laws. There is a worrying pattern of forest authorities not following the procedures set out in laws and regulations, and not sharing information if they can avoid it. Such practices are undermining the objectives of progressive initiatives like VPAs with the EU, and highlight the need for independent oversight. Another major threat is the allocation of large areas of land to agro-industrial plantations and other extractive activities without any transparent process for assessing their impact or complying with forest laws and regulations.

It is more encouraging to find that the partners reported several improvements in 2011, including new laws or initiatives that have the potential to realise greater transparency and better governance. Although many of these changes have not yet been fully implemented, they at least suggest that the direction is largely positive if slow. A more general conclusion that is emerging from the report cards is that well drawn up legal and regulatory frameworks

for forest governance are not sufficient just in themselves. In other words, a country may have a comprehensive framework on its statute books with the potential to enable transparent access to information and decision-making, but it is of little worth unless the measures are consistently implemented with adequate resources and integration. The partners in *Making the Forest Sector Transparent* are advocating for changes so that vested interests cannot continue to exploit forest resources to the detriment of the environment and rural livelihoods. Working with other NGOs, civil society organisations and community groups, the partners have contributed to coalition building and networks that are pressing for change. Where necessary, they have also played a role in information dissemination to improve transparency, but this doesn't mean that governments should abdicate their responsibilities. The partners have made constructive attempts to engage forest authorities in the seven countries, but the responses have varied from positive support to critical reactions. Learning from these experiences is helping to tailor campaigns and policy engagement so that key reforms can be taken forward.



Timber yard in Liberia. Photo: Global Witness

## 6 Recommendations

The main recommendations for *Making the Forest Sector Transparent* are drawn out in this section. They are presented as generic recommendations addressed to the main groups of stakeholders, but of course their relevance varies somewhat depending on the country-specific context. The recommendations prepared by the partners for their country are set out in their specific reports available on the programme website [www.foresttransparency.info](http://www.foresttransparency.info).

### ***Governments and their forest authorities and other state bodies responsible for natural resources should:***

- Prioritise the passage of FOI legislation where it does not currently exist, and establish rigorous, well resourced procedures – such as information management systems and independent commissioners – where it does to ensure that institutions meet their obligations under the law.
- Specify commitments to transparency and access to information in norms for the forest sector, including minimum information standards, and integrated information systems for producing and sharing data.
- Ensure that all new forest policies and laws are crafted through open and meaningful discussion with civil society, including indigenous and forest peoples.
- Develop further the forums and working groups from national to local levels that have been initiated for recent processes such as the VPAs, so that they are formally constituted and legally recognised parts of decision-making on forest-related issues.
- Systematically place in the public domain all contracts, agreements and other supplementary documents such as due diligence reports pertaining to concessions and permits that are allocated for forest operations.
- Provide forest management plans and other operational documents to the public, in particular so that local communities can access them, which allow them to know (i) the locations of logging or other operations at any particular time; (ii) the locations of areas where logging is not permitted, for conservation or cultural reasons, for example; (iii) quotas of the volume of timber to be extracted; and (iv) the actual volumes extracted.
- Revise forest management plans periodically in consultation with affected communities so that they recognise emerging threats to the forest, and potential harm to local livelihoods.
- Disseminate regular, comprehensive reports with information and data on forest activities, including lists of concessions and permits, allocation of revenues to different parties (including amounts distributed to the authority), and details of infractions and suspended or debarred operators.
- End the use of all of forms of unaccountable permit allocations, such as small title or salvage systems, unless they are structured in a way that minimises the impact on the environment and community, optimises the return to the state (or other owner) and are periodically subject to review with collective information provided to stakeholders and local people.
- Develop processes for strategic environmental assessment that inform stakeholders and the public on the different development options, and set out clear, consistent legal parameters for deciding on allocations to mining, oil, agro-industry and other sectors on forest land or neighbouring areas.
- Avoid committing public land and forests to concessions for ‘carbon storage’ until a regulatory framework has been established that clarifies the rights and benefit sharing arrangements of these initiatives.
- Pass legislation that recognises the right of free prior informed consent of citizens, in particular indigenous and forest peoples, regarding forest-related activities that affect them.
- Develop a long-term strategy for managing their resource base, prepared in an open and consultative way, which details a transparent

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

- Implement a process of land tenure regularisation that recognises customary rights and provides security for sustainable management by communities of all forest resources and environmental services.

***Civil society organisations and community groups should:***

- Develop activities for obtaining and summarising information on forest issues from central institutions and disseminating it to rural communities through more accessible media methods such as newspaper articles, radio programmes and summary leaflets.
- Support citizens to use FOI and other similar legislation to make information requests.
- Work across stakeholders to determine priority information needs so that coordinated demands for greater transparency can be made and information can be shared and used more constructively.

- Promote further transparency and accountability in non-state institutions, such as traditional authorities or community-based organisations, so that they are open and representative.
- Develop coalitions with wider NGOs and community-based organisations advocating on issues related to the environment, resources and land, including indigenous people associations, in order to coordinate campaigns for transparency and the right to information.

***Donors and the international community should:***

- Ensure that specific commitments to transparency form part of all future international agreements, including VPAs, REDD+ agreements and others.
- Maintain pressure on governments to meet obligations in international agreements, for example by providing a public-access web portal to forest management or chain of custody databases.



Local Management Committee of Komanbi, DRC. Photo: Global Witness

# Appendix A: 2011 Report Card Indicators

The 20 indicators are listed below with a brief definition and the questions for assessing whether the requisite legal framework or information exists and is publicly available.

Indicator	Assessment Questions
Freedom of Information Legislation	Is there a Freedom of Information Act, which has been passed by the government and established in law? Is the Act publically available in full from official sources (websites and/or offices)?
National Forest Policy	Is there an explicit current document described as the national forest policy? Is the policy document publicly available from official sources (websites and/or offices)?
Codified Forest Law and Supporting Norms	Is there a codified forest law and lower level norms (regulations, procedures, decrees, technical directives etc) that make the forest laws operative? Are the law and supporting norms publicly available in full from official sources (websites and/or offices)?
Signed International Agreements Related to Forest Products	Has the country signed an international trade agreement that relates to forest products? Are the agreements, including official discussions on their content, publicly available from official sources (websites and/or offices)?
Provisions for Transparency in Forest Laws and Norms	Are there any forest-specific written laws and regulations that develop the right to access public information on the sector, for example a Service Charter? Are the provisions in laws and regulations available to the public through official websites and other sources?
Legal Recognition of Customary Rights in Forest Laws and Norms	Are customary and traditional rights recognised in codified forest law and norms? Are the provisions in the law and norms available in full to the public from official sources (websites and/or offices)?
Legally Recognised Procedure for Consultation on New Forest Norms	Are there any documented procedures (in the form of regulations, official guidance etc) that lay out the methodology for consultations with all stakeholders (civil society, businesses, indigenous peoples etc) that should take place regarding new forest-related policies, laws, regulations etc? Are reports from consultation processes publicly available?
Legal Recognition of the Right to Free Prior and Informed Consent	Is there any law that recognises the right to consent of indigenous peoples and communities on forest use? Is the law publicly available to the public from official sources (websites and/or offices)?
National Land Tenure Policy	Is there an explicit current document that sets out the national policy on land tenure, including forest tenure? Is the policy document publicly available in full from official sources (websites and/or offices)?
Forest Ownership and Resource Use Maps	Are there official national or sub-national maps showing either current forest ownership by title and/or areas of forest where concessions, permits and other authorisations have been granted? Are the maps publicly available in full from official sources (websites and/or offices)?
Regulated System of Permits for Commercial Logging Operations	Is there a formally regulated system of permits or licences for commercial logging operations? Are the contracts or licence documents for commercial logging publicly available?
Legal Requirement for Consultation before Commercial Logging Allocation	Is there a requirement in the forest law and norms for stakeholder consultation prior to the allocation of commercial logging permits? Are the relevant sections of the law and norms available in full to the public from official sources (websites and/or offices)?
Verification Process (Due Diligence) on Eligibility of Commercial Operators	Prior to the allocation of permits for logging or other extractive use (e.g. mining) of forest land, is there a formal process for independent "due diligence" checks to verify the eligibility, suitability and capability (technical and financial) of applicants? Are the findings and conclusions of the verification process made available to the public?
Forest Management Plans	Once a permit or concession has been issued, is there a formal requirement for forest management plans setting out locations, volumes and periods of operations to be completed? Are the forest management plans available to the public from official sources (websites and/or offices)?
Regulation of Environmental Services	Is there a formally agreed system for the regulation of environmental services, such as water, carbon and biodiversity, as it affects forests? Are the regulations for the system available to the public from official sources (websites and/or offices)?
Strategic Environmental Assessment	Is there a formal strategic process set out in policy to determine the priorities for land use between forests, mining, large-scale agriculture, infrastructure development and other demands? Is the policy publicly available in full from official sources (websites and/or offices)?
Independent Forest Monitoring	Is there an independent monitor, auditor, ombudsman or any other body with an officially recognised role to scrutinise forest governance and operations? Are reports by the independent body available to the public?
Fiscal Systems to Distribute Forestry Royalties or Incentives	Is there a regulated fiscal system to collect taxes and redistribute royalties from forest operations, or provide subsidies and funding to support forest operations? Are figures on the amounts collected and distributed available to the public from official sources?
Information on Forest Law Infractions	Is the Forest Authority obliged under the norms to collect information on any infractors of the forest law? Are lists of infractors available to the public from official sources?
Annual Forest Authority Report	Is there a requirement set out in the norms for the Forest Authority to produce an annual summary of its activities? Is the report available in full to the public from official sources (websites and/or offices)?

# Appendix B: Country-Specific Indicators 2011

## Cameroon Indicators 2011

<b>Indicator:</b> <span style="color: green;">●</span> Yes <span style="color: yellow;">●</span> Partial <span style="color: red;">●</span> No <span style="color: blue;">●</span> Not applicable			
<b>Change since 2010:</b> Significantly Improved  Improved  No Change  Worsened  Significantly Worsened			
Freedom of Information Legislation	<span style="color: yellow;">●</span>		The Constitution and some national laws recognise the general right to information but there is no specific Freedom of Information legislation to implement these principles despite civil society pressure on the government. With regard to the forest sector, however, the VPA has established a legal framework for improving access to information.
National Forest Policy	<span style="color: green;">●</span>		The national forest policy was published in 1993, which served as a foundation for the drafting of the subsequent forest law. It has not been updated since then, but will have to be revised to address the current challenges facing the forest sector such as the expansion of extractive industries and land concessions.
Codified Forest Law and Supporting Norms	<span style="color: green;">●</span>		The forest law was passed in 1994 and implementing regulations have been approved, but more than 75 guidelines for implementation of the law have never been passed. The law focused largely on logging, and gives less consideration to communities and the environment. The law is being reviewed as a consequence of commitments made in the VPA.
Signed International Agreements Related to Forest Products	<span style="color: green;">●</span>		The VPA was ratified by the European Union in January 2011 and the President of Cameroon in August 2011, which marked a significant turning point leading to implementation of the agreement. Beyond the internet, distribution of the agreement and its appendices has been limited, probably due to its size.
Provisions for Transparency in Forest Laws and Norms	<span style="color: green;">●</span>		The forest policy included provisions for transparency and participation. A major step forward is the information annex in the VPA, which specifies key information on forest law, management, production, trade, monitoring and enforcement that must be published. The major challenge remains in the most efficient way for publishing information in order to reach the communities.
Legal Recognition of Customary Rights in Forest Laws and Norms	<span style="color: yellow;">●</span>		Existing codified statutory law grants forested land to the State, with the exception of that held by private entities. It invalidates deeply rooted customary law and traditional property rights. Only basic community rights are recognised to remove forest resources for personal use, and even they can be suspended by MINFOF.
Legally Recognised Procedure for Consultation on New Forest Norms	<span style="color: red;">●</span>		There are no formal, documented or detailed procedures for consulting local communities and civil society organisations on the development of new norms. Consultation is often limited to selected stakeholders, but the current reform of forestry law has been more open with civil society networks invited to provide inputs into the process.
Legal Recognition of the Right to Free Prior and Informed Consent	<span style="color: red;">●</span>		Apart from the pre-emptive right valid only for sales of standing timber, there is no provision in the laws that recognizes the right of communities to give their consent to the use of forests. Under current law, forests belong to the State, and although initiatives such as communal and community forests have developed, the ownership and control of resources by authorities is deeply rooted.
National Land Tenure Policy	<span style="color: red;">●</span>		The definition of a clear national land tenure policy remains a major challenge. The only existing document is a zoning plan for Southern Cameroon forests, which is fairly inaccurate and out of date. It is hoped that the national land use process instituted by the law in May 2011 to lay down guidelines for territorial planning will be accelerated and conducted in a participatory manner.
Forest Ownership and Resource Use Maps	<span style="color: yellow;">●</span>		Generic maps are produced by the National Institute of Cartography, but they are not up to date and do not hold information on small logging titles. Forest maps produced by international NGOs are generally more current. Many participative maps are produced with communities, which provide evidence of conflicts between community rights and other uses of forest resources (logging, land concession, conservation, etc.), but these maps currently have no legal status.

## Cameroon Indicators 2011

**Indicator:** Yes Partial No Not applicable

**Change since 2010:** Significantly Improved Improved No Change Worsened Significantly Worsened

Regulated System of Permits for Commercial Logging Operations			Logging titles are allocated by auction processes (concessions and stumpage sales) or granted by mutual agreement (e.g. timber recovery authorisations), but permit documents are not systematically made available. The latter have been open to exploitation due to lack of transparency, but pressure led MINFOF to suspend these permits and pledge reforms. Despite this, MINFOF continued granting small permits by mutual agreement without complying with the new procedures.
Legal Requirement for Consultation before Commercial Logging Allocation			There is no legal obligation for consultation before issuing permits for commercial logging. A consultation process is required for forest gazetting, but the allocation process is controlled by MINFOF. There is an IM of the concessions allocation process, but its reports are not published, and have never served as grounds for cancellation of rights allocated.
Verification Process (Due Diligence) on Eligibility of Commercial Operators			An inter-ministerial committee, including the IM, checks the eligibility of logging permit applicants, but this process has its limitations. Application documents are often lacking, or false documents are produced. The IM reports are not made public. There is also no verification of small titles such as timber recovery authorisations and permits.
Forest Management Plans			Management plans for Forest Management Units, protected areas, community forests, communal forests and private forests are mandatory, but local communities rarely have access to them. The forest authorities have improved the uploading of plans on the internet, but they are still not made public systematically.
Regulation of Environmental Services			To date, there are no regulations for environmental services. It is hoped that the on-going review of the forest law will lead to the development of a system. The R-PP for the FCPF was being prepared in 2011, and it was too early to consider the possibility of carbon concessions.
Strategic Environmental Assessment			Priorities for land use are not determined according to a formal strategic process. The 2001 Mining Law established its pre-eminence, and CSO concerns about the impact of overlapping activities in forests have contributed to initiatives by members of parliament to see that the management of resources is better integrated.
Independent Forest Monitoring			There is a national forest control strategy, including an IM of logging operations and forest law offences. Its reports are published, but only after approval by the review committee of mainly forest authority representatives. Questions remain over the efficacy of the IM, and the uptake of its recommendations, despite claimed improvements in the relationship with MINFOF.
Fiscal Systems to Distribute Forestry Royalties or Incentives			A joint ministerial decree in 2010 set out the distribution system of forestry royalties, including guidelines on their use by municipalities and communities. Although this has led to improvements in some areas, local people still lack information to know if they are receiving what is due and to participate in the management of benefit sharing.
Information on Forest Law Infractions			MINFOF deals with cases of logging infractions and is meant to publish updated lists of the types of offences and fines every six months, but in practice this information is only made available irregularly. Offences committed by officials themselves are not made public.
Annual Forest Authority Report			Each department of MINFOF has to produce an annual report, which is then submitted to the minister, but these reports are not made public. This seems to be a closed internal process. It is important that it is opened up to the public.

## DRC Indicators 2011

**Indicator:** ● Yes ● Partial ● No ● Not applicable

Changes since 2010 not assessed, as this is the first report for the DRC.

Freedom of Information Legislation	●	Although the principle of access to information is mentioned in the Constitution, there is currently no specific FOI law and citizens are not able to access important information on the forest sector. Civil society has instigated the preparation of a draft FOI law, which has been submitted to the Senate and is waiting to be reviewed by an ad hoc commission.
National Forest Policy	●	The 'Priority Agenda' agenda drawn up by the World Bank in 2007 is used as a reference document, while the actual forest policy document is being drafted by MECNT. Stakeholders have participated in the drafting of the policy, but consultation has not reached forest areas and a draft document is not yet available to the public.
Codified Forest Law and Supporting Norms	●	There is a Forest Code and 37 regulatory measures out of the expected 45, as well as about twenty operational guides for forest management, but these norms have not been made available at provincial or local levels, even to civil servants, and they are not implemented consistently due to conflicting interests, limited capacity and insufficient financial resources.
Signed International Agreements Related to Forest Products	●	There are negotiations with the EU on a VPA, but this process has been slowed down by bureaucracy and postponement of working group meetings. Opportunities for civil society participation in the negotiations and drafting of the framework have also been limited and the public is inadequately informed on the process.
Provisions for Transparency in Forest Laws and Norms	●	The Forest Code does not include clear provisions for transparency and its procedures are insufficient for guaranteeing access to information. The law passed in 2011 on Fundamental Principles related to the Protection of the Environment recognises the right to information but it lacks regulatory measures to implement it.
Legal Recognition of Customary Rights in Forest Laws and Norms	●	The Forest Code recognises customary and traditional rights to use forests, but it also prioritises written law and establishes state ownership of forests. Most local people have little access to the legal texts or knowledge of their rights. If it was passed, the draft community forest decree would recognise the right of communities to request forest ownership from the state.
Legally Recognised Procedure for Consultation on New Forest Norms	●	Some legal texts set out consultation procedures, for example for allocating forest to different purposes, and consultation is increasingly a part of the elaboration of new norms. However, only limited stakeholders are usually included. Forest communities' points of view are hardly ever considered and they are not always given comprehensive information during consultations.
Legal Recognition of the Right to Free Prior and Informed Consent	●	FPIC is mentioned in the Forest Code and the law on the Fundamental Principles related to the Protection of the Environment, but it has not yet been implemented in regulations or communicated to communities, so they are not aware of their rights and are not able to give their consent in practice to forest activities.
National Land Tenure Policy	●	There is no national land policy. The land tenure code dates from 1973, and there are many inconsistencies and conflicts between it and other legislation (for example, relating to forests, oil and mining). A commission was set this year to review the code but its work has not been disseminated to the public.
Forest Ownership and Resource Use Maps	●	The available maps are very general and difficult to access by local communities. Only concession holders have maps showing their exact boundaries. Maps of artisanal logging permits are lacking. Civil society organisations have produced some maps with communities to identify their lands, but there are no maps detailing forest use and micro-zoning is considered to be too costly.

## DRC Indicators 2011

**Indicator:**  Yes  Partial  No  Not applicable

Changes since 2010 not assessed, as this is the first report for the DRC.

Regulated System of Permits for Commercial Logging Operations		The moratorium on new industrial logging concessions was upheld throughout 2011 while existing title conversion continued. There is a well-established system of different types of permits, but the conversion criteria have only partly been complied with. Despite a commitment by government to publish all contracts, it remains difficult to access logging permits from the authorities or permit-holders..
Legal Requirement for Consultation before Commercial Logging Allocation		There are no regulations requiring consultation as part of the allocation of logging permits. However, consultation does take place during the drawing up of management plans, and prospective concession-holders have to sign "social agreements" with affected local communities before contracts can be signed with the government.
Verification Process (Due Diligence) on Eligibility of Commercial Operators		An inter-ministerial commission published and disseminated in 2008 the results of the legal review on the conversion of former forest titles. Because of the moratorium on new logging allocations, new concessions cannot be granted. This is leading to an increase in artisanal logging, for which there is no due diligence process.
Forest Management Plans		Management plans provide information on valid logging periods, locations and volumes. Although the Forest Code states that they should be published, and plans are being drafted as part of title conversion, in practice they are often available only on request and local communities have not been able to access this information.
Regulation of Environmental Services		There is no regulation that applies to the environmental services of forests. The question of ownership of carbon has started to be discussed in the context of REDD+ processes, but the development of a law is still far off. The DRC has signed the Convention on Biodiversity, but there are no regulatory instruments for its application.
Strategic Environmental Assessment		Environmental assessment is rarely carried out, and the need for land use planning is widely recognised but such a process would involve various ministries and has not yet commenced. The REDD+ process also requires macro and micro zoning of forest capability, but little progress is currently being made.
Independent Forest Monitoring		In 2010 the government signed a partnership agreement with the NGO REM to play the role of IM. REM has led some missions to record violations of the Forest Code in the Equateur and Bandundu provinces. However, the review committee to approve publication of its reports has not yet been set up.
Fiscal Systems to Distribute Forestry Royalties or Incentives		The government started uploading quarterly reports in 2011 with a summary of net taxes collected from the mining, oil and forest sectors. The Forest Code requires that 40% of royalties are distributed to provinces, including 15% to territorial level bodies but information on these amounts is not published.
Information on Forest Law Infractions		MECNT is in charge of monitoring infractions and collecting related data. It has delegated law enforcement to the Department for Control and Verification, but due to the inadequate resourcing of the authorities, few checks has been carried out so far and, consequently, little information is available and few forest infractions are pursued by relevant services.
Annual Forest Authority Report		Forest authorities are very vague about the drafting and availability of annual reports on the forest sector. Even though the World Bank's 'Priority Agenda' requires regular publication of reports, no annual report has ever been produced. Civil society has also never requested such reports and there is no debate on this matter.

## Ecuador Indicators 2011

<b>Indicator:</b> <span style="color: green;">●</span> Yes <span style="color: yellow;">●</span> Partial <span style="color: red;">●</span> No <span style="color: blue;">●</span> Not applicable			
<b>Change since 2010:</b> Significantly Improved  Improved  No Change  Worsened  Significantly Worsened			
Freedom of Information Legislation	<span style="color: green;">●</span>		The Public Ombudsman specified minimum standards of information publication in 2011 related to the Transparency and Access to Public Information Law. This legal framework has facilitated access to information, but there is still a lack of political will and public demand to promote more open public bodies.
National Forest Policy	<span style="color: green;">●</span>		The Strategy for Sustainable Forest Development was designed in 2000 and updated in 2004, which orientates forest policy. The Sub-Secretary for Natural Heritage published a document in 2011 which explains and defines the model of forest governance and the MAE is developing a national forest policy.
Codified Forest Law and Supporting Norms	<span style="color: green;">●</span>		The forest law and norms are available through the webpage of the MAE, but local people are generally not aware of the regulations. The Forests and Conservation of Natural Areas and Wildlife Law is being updated. The 2008 Constitution set out new principles, which makes an Environmental Code necessary.
Signed International Agreements Related to Forest Products	<span style="color: green;">●</span>		Ecuador is a signatory of various international agreements related to forests. It pulled out of the negotiations for a trade agreement between Andean countries and the EU, but hopes to negotiate a separate agreement in 2012. It was unclear at the time of the report card whether this would refer to forest products or adopt standards for transparency.
Provisions for Transparency in Forest Laws and Norms	<span style="color: yellow;">●</span>		There are no forest laws or norms that point to transparency; however, the model of forest governance published in 2011 includes commitments to transparency and access to information. The MAE has been improving a Forest Administration and Monitoring System to generate national information on forest sector activities.
Legal Recognition of Customary Rights in Forest Laws and Norms	<span style="color: green;">●</span>		The 2008 Constitution, as well as the environmental and forest laws, recognises the rights of indigenous peoples and communities over their territories. The laws establish that indigenous peoples have priority in use of community lands and forest products, but the mechanisms for applying these laws are not clear.
Legally Recognised Procedure for Consultation on New Forest Norms	<span style="color: yellow;">●</span>		There is a Citizens' Participation Law and an autonomous Citizens' Participation Council, and the Environmental Management Law sets out principles for participation, but in practice it was difficult to find information on consultation processes in 2011.
Legal Recognition of the Right to Free Prior and Informed Consent	<span style="color: red;">●</span>		The 2008 Constitution guarantees the right to free prior informed consultation; however it does not require consent and there are no specific mechanisms in the regulations. The implementation of projects in indigenous areas has caused conflicts, and indigenous people have requested that obtaining their consent be made compulsory.
National Land Tenure Policy	<span style="color: yellow;">●</span>		Various laws and public bodies have had a direct or indirect relationship to forest tenure over the years, but there is no national land policy. The forest law guarantees the right of private ownership. A Land Law was being elaborated in 2011, which has the potential to develop a simpler process of land tenure regularisation.
Forest Ownership and Resource Use Maps	<span style="color: green;">●</span>		Maps of the National System of Protected Areas are available and some municipalities also have a land registry that approximates land tenure, however these registers are not very accurate. The MAE has made progress in mapping forest coverage and determining rates of deforestation, but some data was still missing.

## Ecuador Indicators 2011

**Indicator:** Yes Partial No Not applicable

**Change since 2010:** Significantly Improved Improved No Change Worsened Significantly Worsened

Regulated System of Permits for Commercial Logging Operations			The majority of forested areas are owned by indigenous peoples or rural landowners, and forestry operations are treated as contracts between private entities, which mean that they should not necessarily be made public. This limits the availability of information on the extent of legal or illegal logging operations and consequent impacts on deforestation.
Legal Requirement for Consultation before Commercial Logging Allocation			The allocation of forestry operations originates from the right of the landowner to use, enjoy and dispose of the resources on their property, so there is no requirement that obliges the forest authority to consult other parties prior to the granting of these rights. If the forest is held by a community then it may carry out an internal consultation, but this is not a wider public process.
Verification Process (Due Diligence) on Eligibility of Commercial Operators			A ministerial agreement issued procedures for authorising licences for logging operators, which constitute a due diligence process. To grant a licence, the MAE requires complete applications, management plans, inspection reports and compliance certificates to grant a license. These licences are publicly available on request.
Forest Management Plans			The MAE has developed a Forest Administration and Monitoring System through which it monitors plans and licences and grants timber transportation guides. This system has improved access to information such as forest management plans made publicly available through information requests.
Regulation of Environmental Services			Article 74 of the 2008 Constitution states that "environmental services will not be subject to appropriation; their production, provision, uses and operation shall be regulated by the State". There are on-going discussions on the regulations necessary to implement this article.
Strategic Environmental Assessment			The National Planning Secretariat assesses the impact of programmes across state institutions, which includes objectives on environmental sustainability. It published a guide to formulating public policies in 2011. Unlike several extractive industries, the forest sector is not identified as a 'strategic sector' by the government, but is often impacted by them.
Independent Forest Monitoring			There is no organisation contracted in Ecuador to carry out IFM. However, the model of forest governance that the MAE is in the process of implementing recognises the importance of monitoring and evaluation of forest management.
Fiscal Systems to Distribute Forestry Royalties or Incentives			The Socio Bosque Programme provides financial incentives to rural communities and landowners to conserve their forests. Information on the amounts funded and distributed under this programme is publicly available from its website.
Information on Forest Law Infractions			Through an information request at a provincial level, a list of forest law offenders could be obtained. This information should be made available on the MAE website to support enforcement. Lack of information sharing between institutions also means that on occasion the actual offenders can bid in auctions of confiscated material.
Annual Forest Authority Report			The Transparency and Access to Public Information Law specifies that public bodies must present accountability mechanisms and deliver annual reports on their compliance with the law. The MAE publishes an annual report of activities, and reports are also published from the Forest Administration and Monitoring System.

## Ghana Indicators 2011

**Indicator:** Yes Partial No Not applicable

**Change since 2010:** Significantly Improved Improved No Change Worsened Significantly Worsened

Freedom of Information Legislation			The Right to Information Bill was tabled in Parliament in February 2010, but has not been signed into law despite pressure from a civil society coalition. A series of review meetings were held in 2011 and government members attempted to introduce restrictive clauses, which civil society organisations also criticised as attempts to limit information disclosure.
National Forest Policy			The 1994 Forest and Wildlife Policy is publicly available. It shaped operational forests laws but important principles have not been translated into law (notably on tree tenure). The policy was reviewed in 2011 but a draft was not made publicly available at the time of this report card.
Codified Forest Law and Supporting Norms			There is no single forest law but a range of legislation governs forestry, in particular timber production, whereas there are no laws on community forest management. The laws and norms have been summarised for wider dissemination. The VPA has triggered a two-stage revision, first to make the law FLEGT compliant, to be followed by a more substantive review.
Signed International Agreements Related to Forest Products			Ghana ratified a VPA with the EU in March 2010. Civil society was actively engaged in the negotiations and continues to be involved in the implementation of the agreement. The implementation process in general has been slow, and Ghana failed to meet its original December 2010 deadline.
Provisions for Transparency in Forest Laws and Norms			The FC New Service Charter in 2008 provides for customers' right to information, and requests for information have been met. However, in practice the FC is not adhering to its commitments in the charter. When it is passed into law, the Right to Information Bill will potentially compel the authorities to improve access to information.
Legal Recognition of Customary Rights in Forest Laws and Norms			The Constitution of Ghana recognises customary law as subordinate to codified laws. Some customary rules and traditions on land tenure and use, even where they are not documented, are respected by the authorities and timber operators and there are terms governing them in the regulations. Others, such as tree tenure, are not recognised.
Legally Recognised Procedure for Consultation on New Forest Norms			There is no legally enshrined procedure for consultation on new norms, and what constitutes consultation is often disputed. The authorities often only pass on information, whereas civil society and communities complain about the lack of opportunities to participate in decision-making.
Legal Recognition of the Right to Free Prior and Informed Consent			The Timber Resource Management Regulations set out procedures requiring written consent of the owners before an area is allocated. This generally applies in off-reserve areas but not within forest reserves. More broadly, there is no law that recognises the right to free prior informed consent.
National Land Tenure Policy			The ownership of forest reserves is clarified in the reservation gazette, but this status is usually not covered by a title (or documentation) but under customary and traditional norms. The lack of a clear policy on tenure contributes to land disputes across the country.
Forest Ownership and Resource Use Maps			There are no publicly available maps of ownership and forest resource uses, but there are maps for most of the reserves and stock surveys of the off-reserve areas allocated for logging. Localised disputes exist between different claimants with varying maps and unclear tenure arrangements.

## Ghana Indicators 2011

**Indicator:** Yes Partial No Not applicable

**Change since 2010:** Significantly Improved Improved No Change Worsened Significantly Worsened

Regulated System of Permits for Commercial Logging Operations			All timber contracts are supposed to be ratified by the Parliament and placed in the public domain, but it is difficult to assess their accessibility. FC officials exercise considerable discretion, and in 2011 salvage permits were granted without any transparent process despite prior condemnation of this practice by civil society.
Legal Requirement for Consultation before Commercial Logging Allocation			The regulations set out consultation processes prior to permit allocation. The stakeholders consulted are mainly limited to traditional authorities, District Assemblies and farmers. It is assumed that chiefs will have consulted their people. There is no wider public consultation on the allocation of forest land to resource use.
Verification Process (Due Diligence) on Eligibility of Commercial Operators			The Timber Rights Evaluation Committee has responsibility for validating bids for permits and the companies involved, but in practice the due processes have not been followed and only documents on the winners of bids are made publicly available.
Forest Management Plans			Operational forest management plans on logging activities are not produced in consultation with civil society or local communities and they are not in the public domain. Management plans are not required for other forest products and services.
Regulation of Environmental Services			The Environmental Protection Agency is working on plans for regulating environmental services, but no formal system has been proposed yet and there is little coordination between institutions responsible for different services. There is currently no clear basis for determining the ownership of carbon in forests.
Strategic Environmental Assessment			There is no transparent strategic process to assess priorities between development options and their environmental impacts. The same parent ministry is responsible for both forestry and mining, but permits for mining prospecting in forest reserves are sometimes granted against the better judgment of the FC.
Independent Forest Monitoring			There is currently no IM, but this role is set out as part of the implementation of the VPA with the EU. FC advertised for the position in 2011, even though key elements of the VPA that would provide the basis for monitoring are not yet operational. The results of the tendering process had not yet been released at the time of research.
Fiscal Systems to Distribute Forestry Royalties or Incentives			The collection and distribution of forestry royalties and revenue is defined in law, and the FC has improved its publication of information on its disbursement. District assemblies have not been able to show how they use the royalties they receive. Traditional authorities have been developing a charter to improve transparency in the use of their share.
Information on Forest Law Infractions			There is no official information on forest offenders apart from details that appear in newspapers of those that are arrested and/or prosecuted. Although information is provided on forestry revenues owed by contractors, they are not named and the FC seems reluctant to publish further details.
Annual Forest Authority Report			The FC is required to present an annual report to parliament. The last annual report was produced in 2006, but more recent reports from sub-divisions have been published.

## Guatemala Indicators 2011

**Indicator:** Yes Partial No Not applicable

Changes since 2010 not assessed, as this is the first report for Guatemala.

Freedom of Information Legislation		The Access to Public Information Law is available on various government websites. It establishes the transparency of public administration and the right to free access to public information, but there is a lack of compliance, resources, dissemination and knowledge of its obligations, including among forest authorities and municipalities.
National Forest Policy		The 2001 Forest Policy sets out the policy for the management of forest resources. The policy is available on the website of the INAB. An official evaluation in 2011 found that there had been little or no progress in many of the key aspects of forest production and conservation <sup>17</sup> .
Codified Forest Law and Supporting Norms		The Forest Law was passed in 1996 and its 2005 code regulates the sector. The laws and norms are available on official websites, but none have been translated into indigenous languages. Evidence suggests that the legislation is not being applied consistently and that the great majority of forest activities are carried out illegally <sup>18</sup> .
Signed International Agreements Related to Forest Products		Guatemala was a signatory of the Central American Free Trade Agreement with the USA in 2004. Central America has also negotiated an Association Agreement with the EU. There is little information on the participation of civil society in the process of negotiating agreements and regulating trade in forest products.
Provisions for Transparency in Forest Laws and Norms		The forest laws and norms do not make specific reference to access to public information, but the Access to Public Information Law is comprehensive. However, the forest authorities have not complied with their obligations under the Access to Public Information Law. A process has been established to centralise forest sector information, which should improve access to information.
Legal Recognition of Customary Rights in Forest Laws and Norms		Even though the Constitution and the 1996 Peace Accords oblige the state to recognise customary rights of indigenous peoples, and institutions have been established to do this, there have been many obstacles to these rights. There is also no specific recognition of customary rights in the forest laws and norms.
Legally Recognised Procedure for Consultation on New Forest Norms		The system of Development Councils provides a formal procedure for consultation at different levels, and the National Forest Agenda of the National Forest Programme sets out informal consultation methods and regional forums, but there is no formal national forest forum and information on the Councils and other forums is very limited.
Legal Recognition of the Right to Free Prior and Informed Consent		The right of consent of indigenous communities is recognised in law, but the procedures necessary to implement this right have not been developed. A controversial and legally problematic regulation was developed by the previous Government to implement ILO Convention 169, but was not consulted with indigenous peoples, so it lacks legitimacy.
National Land Tenure Policy		The Agrarian Policy 2009-2012 and the National Policy for Integrated Rural Development 2009-2015 set out land policy in the short term. The initiatives to date have done little to address the very high level of land inequality in the country <sup>19</sup> , which also underpins a lack of information on forest land tenure.
Forest Ownership and Resource Use Maps		There are no comprehensive maps of forest land tenure, but there are national maps of forest licences and forestry incentives. There are many land-related conflicts, which limits the creation of tenure maps. The Land Register is aiming to clarify land tenure nationally, but this process is expected to take more or less 15 years.

## Guatemala Indicators 2011

**Indicator:**  Yes  Partial  No  Not applicable

Changes since 2010 not assessed, as this is the first report for Guatemala.

Regulated System of Permits for Commercial Logging Operations		Forest law requires that forestry operators have a licence, but the documents are only made available to third parties on request from INAB. A study has found that forest institutions have little capacity to supervise forestry activities and that most forestry production is not incorporated into legal systems <sup>20</sup> .
Legal Requirement for Consultation before Commercial Logging Allocation		The regulations include basic requirements for public participation in all forestry activities, including prior to commercial logging as part of the required environmental impact assessment. In practice there is little evidence of this consultation, which is at the discretion of the MARN.
Verification Process (Due Diligence) on Eligibility of Commercial Operators		Forest law and regulations require a form of 'due diligence' process for timber production of over 100 m <sup>3</sup> per annum, in that a registered Forest Manager must draw up the forest management plan. A regulation stipulates the training of these managers and this process is the responsibility of a committee formed of university and INAB representatives.
Forest Management Plans		Regulations place requirements on the completion of forest management plans and annual operating plans, which contain detailed information on planned locations, volumes and durations of activities. Local communities may apply for a copy of a management plan from the corresponding regional office of INAB, but these are not available on the website.
Regulation of Environmental Services		There are some regulations relating to environmental services, such as one on biodiversity. A Climate Change bill has been initiated, which could support communities and landowners through payments for carbon sequestration, but land inequality issues still need to be resolved if poor indigenous communities are to benefit from this.
Strategic Environmental Assessment		There are various government policies and plans, but none constitutes a strategic environmental evaluation of the priorities between different uses of natural resources. Civil society has criticised the government for approving extractive industry activities contrary to planning principles and with a lack of coordination.
Independent Forest Monitoring		There is no dedicated independent forest monitor although a number of official and academic bodies have some form of monitoring function. Indigenous communities are not formally involved in forest monitoring, though there are examples of various indigenous community associations informally monitoring forest operations in different parts of the country.
Fiscal Systems to Distribute Forestry Royalties or Incentives		The taxation and redistribution system of INAB is regulated by law and information on the amounts is available. The law specifies that 50% of PINFOR should be directed to small landowners, but in practice this was not being met, which led to the PINPEP law being passed in 2010 to also support people without title deeds.
Information on Forest Law Infractions		The forest law and regulations include rules on the penalties for forest infractions. The Ministry of Interior publishes articles on forest infractions, but there is no specific section for this purpose, and the judiciary is notoriously inefficient on forest crime. Little information is available on this work from the Ministry, INAB or the judiciary.
Annual Forest Authority Report		The latest annual report of INAB about its overall activities was the Work Report and Statistical Bulletin for 2009. To date, the 2010 and 2011 reports have not been published, but CONAP has published a more recent report from 2010.

## Liberia Indicators 2011

**Indicator:** Yes Partial No Not applicable

**Change since 2010:** Significantly Improved Improved No Change Worsened Significantly Worsened

Freedom of Information Legislation			The Freedom of Information Act was signed into law in 2010 and is publicly available, but the Independent Information Commissioner was not appointed in 2011 and no information exists on whether public bodies have designated personnel responsible for implementing the law as required.
National Forest Policy			The 2006 National Forest Policy broadly aims to integrate and balance commercial, conservation and community forestry activities (the "3Cs"), but it is primarily focused on macro-economic benefits from the forestry sector. It does not address the significant impacts of extra-sectoral developments and emerging issues like REDD+.
Codified Forest Law and Supporting Norms			The NFRL was adopted in 2006 and Ten Core Regulations in 2007. These norms are publicly available. In 2011 the legal framework was enhanced by the approval of National Benefit Sharing Trust regulations and consultation to validate a regulation on chain saw milling.
Signed International Agreements Related to Forest Products			The VPA with the EU was initialled in May 2011, can be accessed but has not yet been uploaded on an official website. It includes a 'transparency annex' commitment to publish forest sector data. Implementation of the VPA provides an opportunity for broader reform to address problems such as illegal logging, but it will depend on technical and financial support.
Provisions for Transparency in Forest Laws and Norms			Sections of the NFRL, CRL and regulations provide for transparency and public access to a range of forest sector information. Even though it has responded more efficiently to information requests and received World Bank funding, the FDA has not yet set up systems to proactively make information available.
Legal Recognition of Customary Rights in Forest Laws and Norms			Although the Constitution and the CRL recognise customary land and rights, there are challenges in how the government supports local communities to exercise these rights. The FDA effectively controls community forestry rights, yet has endorsed the allocation of PUPs on community land without clear oversight of this process.
Legally Recognised Procedure for Consultation on New Forest Norms			The NFRL and regulation 101 (of 2007) set out procedures for public consultation, and these have been held on newly approved laws and regulations. However, no reports from consultation processes have been published and information sharing is limited. REDD+ consultation has not followed this but adopted a parallel process.
Legal Recognition of the Right to Free Prior and Informed Consent			Regulation 102 (of 2007) requires that in order to undertake commercial use on customary forest land, a CFDC must grant FPIC. The CRL defines customary land, which does not require registration under statutory entitlements, but the first forestry contracts were allocated in 2008/09 before FPIC could be exercised.
National Land Tenure Policy			There is no current national land tenure policy, but the Land Commission has been established to develop one. There are tensions between state ownership of natural resources and customary ownership of land. A moratorium on land concessions has been called for to avoid existing disputes being further complicated.
Forest Ownership and Resource Use Maps			The FDA has digitised maps for all contracted forestry areas and protected areas, but not all PUPs. They are theoretically available to the public on request; however this has proven difficult when tested, and there may be a charge to access them. There are no maps that show current forest ownership.

## Liberia Indicators 2011

**Indicator:** Yes Partial No Not applicable

**Change since 2010:** Significantly Improved Improved No Change Worsened Significantly Worsened

Regulated System of Permits for Commercial Logging Operations			The NFRL and the Public Procurement and Concession Act require transparent processes for allocating commercial forestry permits, including publication of the contracts, but not all of them have been proactively published. PUPs were issued in 2011 without any transparent process or information.
Legal Requirement for Consultation before Commercial Logging Allocation			Regulation 104 (of 2007) clearly states that the FDA shall consult affected communities before allocating an area for concessions, but the contracts agreed in 2008/09 did not meet this requirement and there are concerns over how PUPs have been granted without public scrutiny.
Verification Process (Due Diligence) on Eligibility of Commercial Operators			The NFRL includes verification processes on commercial forestry applicants, but the due diligence reports did not affect the awarding of contracts in 2008/09 to bidders lacking the requisite capabilities, and not all reports have been made publicly available. Implementation of the VPA is expected to cover verification of legality.
Forest Management Plans			The NFRL specifies that timber concession holders must have an approved forest management plan, but plans are not made publicly available. Local communities therefore do not have access to information on planned locations, volumes and durations of forestry operations.
Regulation of Environmental Services			There is no legislative framework covering environmental services and attempts to develop carbon projects are occurring in a policy vacuum. The National Climate Change Secretariat has been established but it has not yet initiated any discussion on policy or legislation for environmental services.
Strategic Environmental Assessment			A donor-driven assessment for the sector was conducted in 2008/09 <sup>21</sup> , but it has not affected the allocation of forestry or other activities that affect them. There is no strategic process for determining future priorities, so agro-industrial concessions have been granted with little apparent regard to their impact on forests and communities.
Independent Forest Monitoring			Regulation 108 (of 2007) on Chain of Custody states that the FDA shall develop a formal system of IFM. There has been little progress in establishing an official body with this role, but the VPA acknowledged civil society monitoring and includes provisions for a verification system and an Independent Auditor.
Fiscal Systems to Distribute Forestry Royalties or Incentives			The NFRL and CRL specify the community share of land rental fees and revenues from logging concessions. Information on payments and distribution is publicly available. Important steps forward in 2011 were the constitution of the National Benefit Sharing Trust and approval of benefit sharing regulations.
Information on Forest Law Infractions			There is no official or systematic publication on forest law enforcement, even though the NFRL requires that lists of infractors and progress on penalties is published. The UN Panel of Experts found in 2008 that the FDA and Ministry of Justice lack the capacity to oversee the sector <sup>22</sup> . The VPA is expected to improve law compliance.
Annual Forest Authority Report			Even though the NFRL, Section 20.1, sets out the requirement for an annual report, only a draft 2008 report is available on the FDA website and even this is only an incomplete summary. The lack of reports makes it difficult to evaluate the work of the FDA.

## Peru Indicators 2011

<b>Indicator:</b> <span style="color: green;">●</span> Yes <span style="color: yellow;">●</span> Partial <span style="color: red;">●</span> No <span style="color: blue;">●</span> Not applicable			
<b>Change since 2010:</b>  Significantly Improved  Improved  No Change  Worsened  Significantly Worsened			
Freedom of Information Legislation	<span style="color: green;">●</span>		The 2003 Transparency and Access to Public Information Law sets out obligations on public bodies, but the majority do not comply with even the minimum standards, and information provision is still insufficient and incomplete. Requests for information on the forest sector have been met, but not always in a timely fashion.
National Forest Policy	<span style="color: yellow;">●</span>		A third preliminary version of the National Forest Policy was updated in June 2010, but this document still has not been approved and therefore did not influence the forest law. The documents that make up the implicit policy of the forest sector are not readily accessible and are technically complex, which limits participation.
Codified Forest Law and Supporting Norms	<span style="color: green;">●</span>		A legal framework for the forest sector is provided by the 2000 Forest and Wildlife Law, which has been implemented through lower level regulations. A new Forest and Wildlife Law was approved in 2011, and will come into force once implementing regulations are completed. It is expected that they will relate to emerging issues such as forest ecosystem services.
Signed International Agreements Related to Forest Products	<span style="color: green;">●</span>		The Trade Promotion Agreement with the United States, which was approved in 2006, directly led to the updating of forest sector legislation. Its implementation involved an environmental consultative committee, including a civil society observer. A Trade Agreement with the EU was initialled in 2011 and it is expected to come into force in 2012.
Provisions for Transparency in Forest Laws and Norms	<span style="color: green;">●</span>		There are explicit provisions on transparency and access to information in the 2011 Forest and Wildlife Law and the National Anti-Corruption Plan for the Forest and Wildlife Sector. These measures are in the process of being implemented and are expected to improve compliance with the Transparency and Access to Public Information Law.
Legal Recognition of Customary Rights in Forest Laws and Norms	<span style="color: green;">●</span>		The 2011 Forest and Wildlife Law recognises the concept of indigenous peoples' forests and respects their traditional knowledge. The law is awaiting the completion of implementing regulations. It is publicly available, but has not been translated into community languages. Participation in the formulation of the law was also considered inadequate
Legally Recognised Procedure for Consultation on New Forest Norms	<span style="color: green;">●</span>		The Law on the Right to Prior Consultation of Indigenous or Native Peoples was approved in 2011. This right is also recognised in the new Forest and Wildlife Law. Although it was criticised, the consultation process on this law provides guidance and lessons on a framework for representation, timeliness and information sharing.
Legal Recognition of the Right to Free Prior and Informed Consent	<span style="color: green;">●</span>		The Law on the Right to Prior Consultation of Indigenous or Native Peoples officially conforms to ILO Convention 169 and ensures that there is consultation and a desire for consent following an inclusive decision-making process, but stops short of outright FPIC.
National Land Tenure Policy	<span style="color: red;">●</span>		There is no specific policy on land tenure. The Constitution states that natural resources are national assets and the state has sovereign power over them. Norms specify that there is no private ownership of forests, and frame the requirements for access to their use. National and regional planning processes are seek to formalise tenure arrangements.
Forest Ownership and Resource Use Maps	<span style="color: yellow;">●</span>		Maps currently provide information on the location of titles for forest use, but they do not identify the holders and types of use. The situation has improved due to the release of more technical maps covering where rights have been granted, but further detail is necessary to support public participation.

## Peru Indicators 2011

<b>Indicator:</b>  Yes  Partial  No  Not applicable			
<b>Change since 2010:</b>  Significantly Improved  Improved  No Change  Worsened  Significantly Worsened			
Regulated System of Permits for Commercial Logging Operations			There is a regulated system of forestry authorisations, permits and concessions. Access to these contracts/permits is only possible through specific information requests, and the rights holders are difficult to identify. The creation of an integrated National System for Forest and Wildlife Management (SINAFOR) is expected to improve access.
Legal Requirement for Consultation before Commercial Logging Allocation			When granting concessions or other forestry permits and authorisations, there is no requirement that obliges the forest authority to consult interested parties prior to the granting of these rights.
Verification Process (Due Diligence) on Eligibility of Commercial Operators			There is currently no process, nor is one planned by law, to verify the technical and financial capacity of bidders. It is only assessed whether the bidder meets the minimum conditions to enter into a contract with the State (for example, having a Tax Identification Number; authorised representatives; and a management plan).
Forest Management Plans			Even though each rights-holder of a forestry permit is required to produce a forest management plan, in general these plans are not carried out and if they are compiled then they are not available to the public. The new Forest and Wildlife Law sets out creation of SINAFOR, which is charged with making such plans available.
Regulation of Environmental Services			Although environmental services are addressed in general norms, there is no specific law that regulates them and projects may be developed inappropriately. The new Forest and Wildlife Law includes provision for a payment or compensation scheme for environmental services.
Strategic Environmental Assessment			The National Environmental Action Plan 2011-2021 was approved this year. It sets out specific actions and goals that strengthen strategic assessment through Territorial Planning and Ecological and Economic Zoning. Whilst this is in the process of being implemented it will take some time for it to become useful in influencing strategic land-use decisions.
Independent Forest Monitoring			The Public Ombudsman is an autonomous body that played an important role in pressing for updated forest legislation, and informed its subsequent content. This body and the Forest Resources Supervisory Body (OSINFOR) are attached to the state; there is no active advocacy within civil society for independent forest monitoring.
Fiscal Systems to Distribute Forestry Royalties or Incentives			The system of redistribution of forestry taxes and royalties to regional and local governments is found in the Canon Law and relies on the forest authorities communicating with the finance ministry. Only limited data on the amounts collected and distributed are available on official websites.
Information on Forest Law Infractions			Neither the forest authority nor OSINFOR publish information on forest law infractions and fines, in spite of regulatory instruments that stipulate their obligation to maintain registers with these details. This makes it difficult for citizens to identify individual offenders or gather prior information on companies signing contracts.
Annual Forest Authority Report			Even though the law requires the forest authority to disseminate an annual report of its activities, it has only presented a statistical yearbook to date, which is insufficient alone. The creation of SINAFOR following the new Forest and Wildlife Law could support the production of such reports.

# Appendix C: Project Partners



## Centre pour l'Environnement et le Développement, Cameroon

The Centre pour l'Environnement et le Développement (CED) advocates for a non-violent 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 indigenous peoples 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.

Secretary General: Samuel Nguiffo, Project Leaders: Patrice Kamkuimo and Jacques Waouo  
Centre pour l'Environnement et le Développement, BP 3430, Yaoundé, Cameroon [www.cedcameroun.org](http://www.cedcameroun.org)



## Réseau Ressources Naturelles, Democratic Republic of Congo

Réseau Ressources Naturelles (RRN) is a platform of 256 civil society organisations working in environmental and human rights in the DRC, which are present in the 11 provinces of the country. RRN was created in 2002 with the objective of promoting rational and sustainable use of natural resources in order for them to contribute to the economic, social and cultural development of local communities and indigenous people, while preserving ecosystems and biodiversity for future generations.

*Making the Forest Sector Transparent* started a partnership with RRN in March 2011, working with the National Coordination Office in Kinshasa and four Focal Points in North Kivu, Orientale, Bandundu, and Equateur provinces.

National Coordinator: Joseph Bobia Bonkaw, Project Coordinator: Vivianne Faïda.  
Réseau Ressources Naturelles, Avenue du Progres n°251, Kinshasa-Barumbu [www.rnrndc.org](http://www.rnrndc.org)

North Kivu Focal Point – Réseau pour la Conservation et la Réhabilitation des Ecosystèmes Forestiers  
Project Leader: Alphonse Muhindo

Orientale Focal Point – Organisation Concertée des Ecologistes et Amis de la Nature  
Project Leader: Cyrille Adebu

Bandundu Focal Point: Conseil Régionale des Organisations Non Gouvernementales de Développement  
Project Leader: Denis Impiti

Equateur Focal Point – Groupe d'Action pour Sauver l'Homme et son Environnement  
Project Leader: Julien Mathe



## Grupo FARO, Ecuador

Grupo FARO – the Foundation for the Advance of Reforms and Opportunities – is an Ecuadorean CSO founded in 2004 that focuses its work in undertaking independent investigations related to public policies and promoting active participation from civil society, the private sector and state institutions in the design, implementation and monitoring of local and national public policies. Its goal is to support the consolidation of a more efficient, equitable, inclusive and democratic Ecuadorean state. The work of Grupo FARO revolves around five fundamental topics: governance in the public sector, environment and society, growth and competitiveness, equity and social opportunities, and the information society.

Director, Environment and Society: Sigrid Vásquez, Coordinator: Mireya Villacís.  
Grupo FARO, Gregorio Bobadilla N38-88 y Granda Centeno, Quito, Ecuador [www.grupofaro.org](http://www.grupofaro.org)



## Centre for Indigenous Knowledge and Organisational Development, 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 CSOs 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.

Director: Bernard Guri, Project Leader: Wilberforce Laate.  
Centre for Indigenous Knowledge and Organisational Development, P.O. Box CT, 4131, Cantonments-Accra, Ghana, [www.cikod.org](http://www.cikod.org)



## Ut'z Che', Guatemala

The Guatemala Community Forestry Association Ut'z Che' was formed in 2006. It is a civil association which groups together and represents, at a national level, indigenous communities and local organisations devoted to the sustainable management of their natural resources, principally forests, forestry plantations and water sources. The General Assembly is made up of 34 organisations representing approximately 30,000 people, who have territorial jurisdiction over 73,690 hectares of land, with forest coverage of 23,096 hectares.

Ut'z Che' joined *Making the Forest Sector Transparent* in March 2011. Its primary objective is to represent the demands and interests of its member communities, in the different sectoral, professional and decision-making forums for the implementation of public policies related to: forest management, environmental management and rural development in general. Another fundamental part of its mission is to enhance the skills of affiliated communities, so as to help them conserve and sustainably manage their natural resources.

Executive Director: Victor López Illescas, Coordinator: Sergio Leopoldo Dionesio Dionesio.

Asociación de Forestería Comunitaria de Guatemala Ut'z Che', 6ta Calle 0-29 zona 3, Palin, Escuintla [www.utzchecomunitaria.org](http://www.utzchecomunitaria.org)

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## Sustainable Development Institute, 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, its founding director 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.

Coordinator: Jonathan Yiah.

Sustainable Development Institute, PO Box 5678, Duarzon Village, Robertsfield Highway, Monrovia, Liberia [www.sdiliberia.org](http://www.sdiliberia.org)

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## Derecho Ambiente y Recursos Naturales, Peru

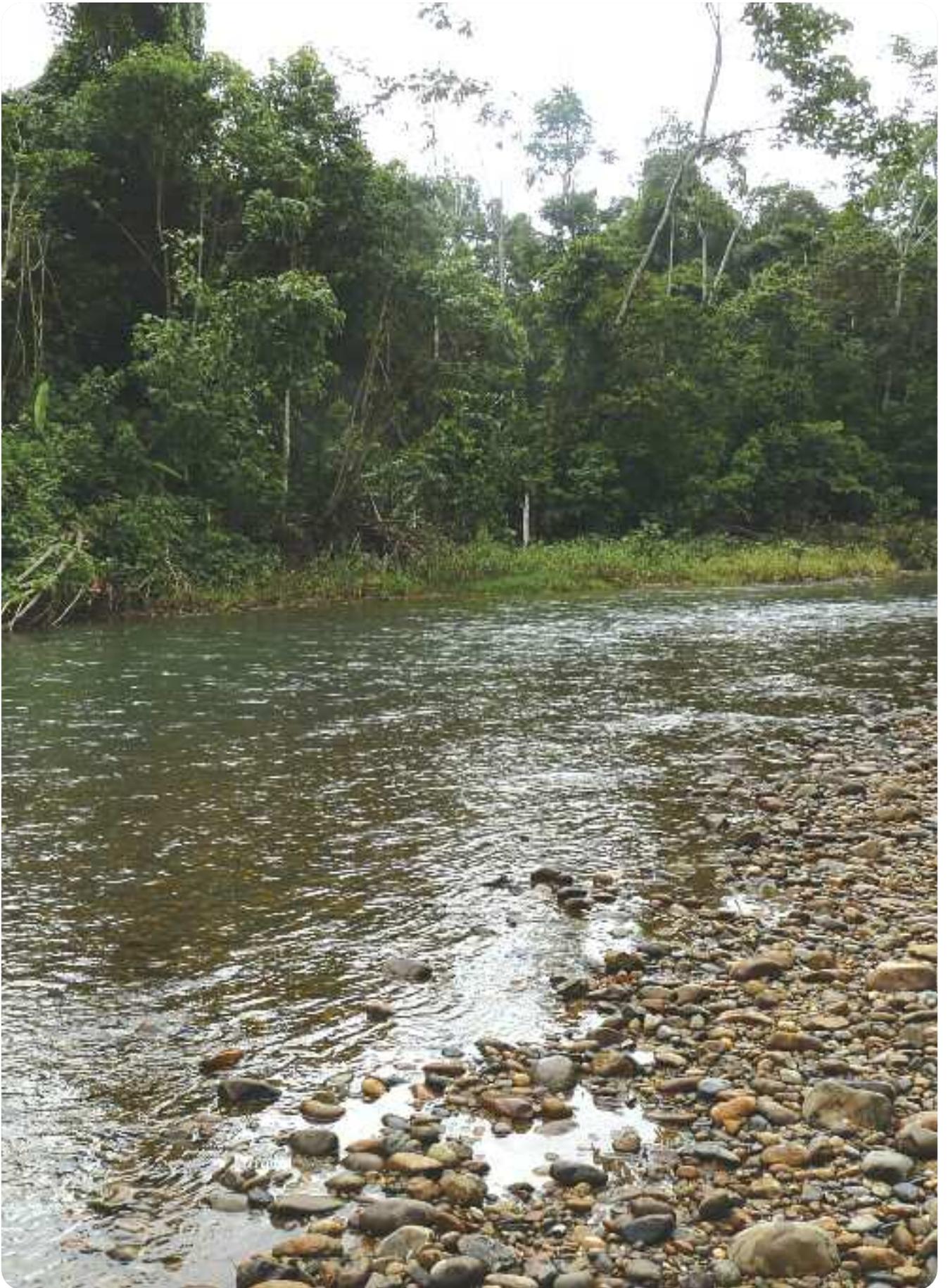
Derecho Ambiente y Recursos Naturales (DAR) is a CSO whose priority is to contribute to the sustainable development of Peru, through environmental management, conservation of areas of biological diversity, and improvement in the management of natural resources, by promoting and participating in development 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 Peru REDD+ roundtable, which involves representatives from the government, CSOs and the private sector, and as one of the elected NGO observers of the World Bank's Forest Carbon Partnership Facility.

President: Hugo Che Piu, Coordinator: Javier Martinez.

Derecho Ambiente y Recursos Naturales, Jr. Coronel Zegarra N°260, Jesús María, Lima, Peru [www.dar.org.pe](http://www.dar.org.pe)

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- 10 FAO (2010) *op. cit.*
- 11 All data drawn from FAO Global Forest Resources Assessment 2010, accessed at <http://www.fao.org/forestry/fra/fra2010/en/>.
- 12 Maps of estimated percentage forest cover are adapted from the FAO Global Forest Resources Assessment 2010 and derived from Global Land Cover Facility data of vegetation continuous fields. See Hansen, M.C., Stehman, S.V., Potapov, P.V. 2010. Quantification of global gross forest cover loss. *Proceedings of the National Academy of Sciences*, 107(19): 8650–8655 (available at <http://dx.doi.org/10.1073/pnas.0912668107>). The shades of green indicate forest cover (darker greens are denser forests). Grey areas indicate less than 10% cover down to completely bare land. Data on total population and GDP per capita in 2010 based on purchasing power parity (PPP) converted to international dollars are drawn from the World Bank data accessed at <http://data.worldbank.org>
- 13 Monterroso, O. (2011) *Evaluación de la Política Forestal de Guatemala a diez años de su implementación*. Consejo Nacional de Estándares de Manejo Forestal Sostenible para Guatemala, Programa Nacional Forestal, Instituto Nacional de Bosques y Organización de las Naciones Unidas para la Agricultura y la Alimentación
- 14 For further details, see the letter sent by the NGO Coalition of Liberia on 12 January 2012 to European Union and included in the SDI press release on 1 February 2012 “*New Logging Permits may undermine forestry reforms and lead to a return to illegal logging in Liberia*”. Available at [http://www.rightsandresources.org/documents/quarantined/files/turningpoint/SDI\\_Press%20Release%20+%20Letter%20to%20EU%20220112.pdf](http://www.rightsandresources.org/documents/quarantined/files/turningpoint/SDI_Press%20Release%20+%20Letter%20to%20EU%20220112.pdf)
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- 16 Ibid.
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- 20 Universidad Rafael Landívar, *op. cit.*
- 21 World Bank (2010) *Mainstreaming social and environmental considerations Into the Liberian national forestry reform process: a strategic environmental assessment for implementation of the 3cs of the forest reform law 2006*. The World Bank: New York
- 22 United Nations Security Council (2008) *Final report of the Panel of Experts on Liberia submitted pursuant to paragraph 9 of Security Council resolution 1903 (2009)* Letter dated 15 December 2010



Stream running through forest in the Napo region, Ecuador. Photo: Juan Carlos Izurieta, Grupo FARO



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