



global witness

Making the Forest Sector Transparent

Annual Transparency Report

Country: Ecuador

Partner: Grupo FARO - Fundación para el Avance de las Reformas y las Oportunidades

Year: 2010

Language: English

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Making the Forest Sector Transparent

Making the Forest Sector Transparent is a four-year programme supporting civil society groups in forest-rich countries to advocate for greater transparency and good governance. An important part of the programme is the production of annual report cards by independent NGO partners to monitor the forest sector in their countries. The number of NGO partners has increased year-on-year, starting in Cameroon, Ghana, Liberia and Peru in 2009, to including Ecuador in 2010 and Guatemala and the Democratic Republic of Congo (DRC) in 2011.

The 2011 Report Card consists of 20 key indicators on important provisions of the legal and regulatory framework that applies to the forest sector governance. The partners collected data between July 2011 and August 2011. Each indicator includes an 'objective' assessment of whether clear provisions exist and information on them is publicly available, resulting in a 'yes', 'partial', or 'no' overall. This is combined with a more 'subjective' assessment of whether there is evidence of change in the last year (where a report card was produced in 2010) and analysis of whether the provision enables transparent access to information and/or decision-making. 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. The data presented on each indicator is organised as shown in the Table below.

Indicator assessment

Does it exist?	Is it available?	Indicator	
Yes – specific provision in current laws and norms that have been passed by state and applies to the forest sector	Yes – available to public from official sources (websites, publications, media)	Yes	
	Partial – some information provided but not complete (e.g. only parts of manuals)	Partial	
	No – although evidence that exists, it is not available (includes when only unofficial sources)	No	
Partial – process underway to develop it, but not yet established in law; or limited provision or relevance to forest sector	Partial – some information provided but not complete (e.g. only parts of manuals)	Yes	
	Partial – some information provided but not complete (e.g. only parts of manuals)	Partial	
	No – although evidence that exists, it is not available (includes when only unofficial sources)	No	
No – no current provision or plans to establish (even though needed)		No	
Not applicable - not relevant to the country-specific context		N/A	

Specific questions guided the determination of the existence and availability of the provisions for each indicator. In order to receive a 'yes', the provision needed to both exist in the legal and regulatory framework and information needs to be publicly available on it, whereas a 'partial' or 'no' indicator reflected that either one or the other criteria (or both) was partially or not met.

The change in the last year was assessed against the following scale:

-  Significantly Improved - major development such as new law or information system
-  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

Specific information was provided on the full titles of the applicable laws or other norms, the names of the authorities or institutions responsible for them, the dates when they were passed, and the website or other official sources where they can be accessed.

For further information please go to www.foresttransparency.info.

Is there a Freedom of Information Act?

Ecuador has the Organic Law of Transparency and Access to Public Information (LOTAIP), which was created in 2004 after an intense process through the Access Coalition (<http://www.coalicionaccess.org/>). LOTAIP is a legal instrument that guarantees the right to seek, know and receive information of concern to the public, and moreover enables establishing transparency and accountability regarding the management and performance of public institutions in Ecuador. Article 5 of LOTAIP states what public information is, and Article 7 is especially important in that it determines the minimum up-to-date information that State institutions must provide through their websites. LOTAIP also states (in Article 9) that the person responsible for the public entity shall be charged with ensuring access to the information of his or her agency, and must also receive and answer requests for information access in the mandatory period of ten days. This period may be extended for 5 more days only for reasons that are duly justified and notified to the requisitioner.

LOTAIP has served to facilitate public access to information in Ecuador; however, there is consensus among civil society organizations that the law should be improved, above all to include greater detail regarding the type and quality of minimum information that must be made available to the public.

Title:	Ley Orgánica de Transparencia y Acceso a la Información Pública [Organic Law of Transparency and Access to Public Information]
Date:	May 18, 2004
Source:	a. There is no official website for the Organic Law of Transparency and Access to Public Information (LOTAIP); nevertheless, the link to the digital document can be found on the websites of state institutions b. Source found at: http://www.ambiente.gob.ec/userfiles/5722/file/LEY%20ORGANICA%20DE%20TRANSPARENCIA%20Y%20ACCESO%20A.pdf R.O. N°337, Quito
Language:	a. Available in Spanish, the country's official language, but not in the official languages of intercultural relations (Kichwa and Shuar) b. Although the language used is simple, the sentences are formed in a complex manner, which makes the document difficult to understand c. People with low literacy may have difficulty interpreting the law
Completeness:	a. Covers all public institutions and private individuals that use public resources in the country

What other rules provide for transparency?

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

The Ecuadorian Constitution of 2008 deals with transparency issues in its Articles 100 and 120. In addition, Chapter 5 deals with the Transparency and Social Control Function. With special emphasis, Article 18 includes the right to “seek out, receive, exchange, produce and disseminate accurate, corroborated, timely, contextualized, pluralistic information without prior censorship regarding facts, events and processes of general interest and with subsequent responsibility.”

The Environmental Management Act states that the Ministry of the Environment (MAE) is in charge of gathering information of an environmental nature as a tool for planning, education and control. This legal instrument provides

that the institutions of the Decentralized Environmental Management System (SDGA) have the obligation to ensure access to information by natural and legal persons prior to decision-making on environmental protection issues by the public administration. (Article 12, subparagraph g).

Article 7 of the Organic Law of Transparency and Access to Public Information guarantees the dissemination of public information.

Policy 10.4 of the National Plan for Good Living 2009 – 2013 sets forth that it is state policy to ensure free access to timely public information.

Finally, Article 2, Volume Six of the Unified Text of Secondary Environmental Legislation provides that transparency is one of the principles governing the Single Environmental Management System.

Title:	<ul style="list-style-type: none">a. Constitución de la República del Ecuador [Constitution of the Republic of Ecuador]b. Ley Orgánica de Transparencia y Acceso a la Información Pública [Organic Law of Transparency and Access to Public Information]c. Ley de Gestión Ambiental (LGA) [Environmental Management Act]d. Plan Nacional del Buen Vivir 2009-2013 [National Plan for Good Living]e. Texto Unificado de Legislación Secundaria del Medio Ambiente [Unified Text of Secondary Environmental Legislation] (TULAS)
Date:	<ul style="list-style-type: none">a. October 20, 2008b. May 18, 2004c. September 10, 2004d. November 5, 2009 (date of approval)e. March 31, 2003
Source:	<ul style="list-style-type: none">a. National Assembly: www.asambleanacional.gov.ec/.../constitucion_de_bolsillo.pdf R.O. N°449 Quitob. http://www.ambiente.gob.ec/userfiles/5722/file/LEY%20ORGANICA%20DE%20TRANSPARENCIA%20Y%20ACCESO%20A.pdf R.O. N°337 Quitoc. http://www.ambiente.gob.ec/docs/LGA.pdf R.O. N°418, Quitod. http://www.senplades.gov.ec/web/18607/plan-nacional-para-el-buen-vivir R.O. N°144 Quitoe. http://www.ambiente.gob.ec/mapa.php R.O. N°2 Quito
Language:	<ul style="list-style-type: none">a. Available in Spanish and Kichwa; LGA and TULAS only in Spanishc. There are sections with technical language that might make understanding difficult for people with low literacy
Accuracy:	<ul style="list-style-type: none">c. The Constitution was ratified by Ecuadorians through the democratic process
Completeness:	<ul style="list-style-type: none">a. Nationwide coverage

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

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

The Single Environmental Information System (SUIA) is still under development by the environmental authority. The SUIA will consolidate in one large system all documentary, statistical, geographic and registry information. This is stipulated in the Unified Text of Secondary Environmental Legislation in the Introductory Title, Volume I, Chapter I,

Article 7, where the mission of the Undersecretariat of Environmental Planning is described. This legal framework governs the MAE, which is the forestry authority.

Also being implemented (December 2010) is the MAE's Environmental Data Infrastructure (IDEA), defined as "the body of properly integrated policies, laws, standards, organizations, plans, programs, projects, and human, technological and financial resources to facilitate production, access and use of regional, national or local spatial information to support the social, economic and environmental development of the peoples" (CONAGE 2009). At the time of this monitoring initiative, IDEA provides access to a catalogue of georeferenced information and some thematic maps.

Title: Texto Unificado de Legislación Secundaria Medio Ambiental
[Unified Text of Secondary Environmental Legislation]

Date: March 31, 2003

Source:

- a. Lexis:
http://www.lexis.com.ec/LexisWeb/eSilecPro/System/_DocumentVisualizer/DocumentVisualizer.aspx?id=AMBIENTE-TEXTO_UNIFICADO_LEGISLACION_SECUNDARIA_MEDIO_AMBIENTE_PARTE_I&art=&index=14%20de%20planificaci%C3%B3n#Art_14 R.O. N°2 Quito
- b. Ministry of the Environment:
<http://www.ambiente.gov.ec/contenido.php?cd=2626>
- c. IDEA – Ministry of the Environment:
http://desa-idea.ambiente.gob.ec/geo_site/

Language:

- a. In Spanish
- b. Easy to understand, except for certain technical terms that may be hard for people with low literacy to grasp

Completeness: a. Applies nationwide

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

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

LOTAIP has clearly defined the process for cataloguing information "reserved" or "confidential" and the court process for litigating conflicts between transparency and confidentiality rules. Article 9 specifies the person officially responsible and the minimum time he/she has to respond to public information requests. Article 15 states that if an answer is not given, access to the information is denied, or incomplete access is provided, the petitioner has recourse to any administrative, judicial or constitutional actions he/she may deem appropriate, and may further request that the respective sanction be imposed upon the official in question. This mechanism, however, has not been effectively applied.

Title: Ley Orgánica de Transparencia y Acceso a la Información Pública
[Organic Law of Transparency and Access to Public Information]

Date: May 18, 2004

Source: a. Ministry of the Environment:

b. <http://www.ambiente.gob.ec/userfiles/5722/file/LEY%20ORGANICA%20DE%20TRANSPARENCIA%20Y%20ACCESO%20A.pdf> R.O. N°337 Quito

Language: a. In Spanish
b. Easy to understand, except for certain legal terms that may be hard to grasp for people with low literacy

Completeness: a. Applies nationwide

Do communities have legal standing?

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

Article 57 of the Constitution recognizes the rights of communities and indigenous peoples to conserve their lands, which are inalienable, exempt from seizure and indivisible. Article 60 recognizes that ancestral indigenous, Afro-Ecuadorian and Montubio peoples may establish territorial areas that are regulated by law. This article also recognizes communes that hold land collectively.

Title: Constitución de la República del Ecuador
[Constitution of the Republic of Ecuador]

Date: October 20, 2008

Source: a. National Assembly:
www.asambleanacional.gov.ec/.../constitucion_de_bolsillo.pdf R.O. N°449 Quito

Language: a. Available in Spanish and Kichwa
b. Most information regarding this subject is easy to understand
c. Some matters are technical and may make reading difficult (compensation, immunity from confiscation, common law issues, etc.)

Accuracy: a. The Constitution continually mentions the rights of communities, but never actually defines what the word "communities" refers to; this opens the door to false ideas and misunderstandings
c. This Constitution was ratified by Ecuadorians in democratic elections

Completeness: a. Covers communities and indigenous peoples throughout the country

Do NGOs have legal standing?

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

Article 96 of the Constitution recognizes all forms of social organization as an expression of popular sovereignty for developing self-determination processes and taking action concerning public decisions and policies and social control at all levels of government and at public and private entities that provide public services. Moreover, the Civil Code grants natural and legal persons the right to establish corporations and foundations and recognizes the power of the authority granting legal personality to dissolve them against the will of their members. Specifically, NGOs are recognized and regulated by the "Regulation for the Approval of Statutes, Reforms and Codifications, Liquidation and Dissolution, and Registration of Partners and Boards of Directors of the Organizations Set Forth in the Civil Code and Special Laws."

This regulation is based on the following legal framework:

- Decree 1389
- Decree 610
- Decree 982
- Decree 1671
- Decree 1678
- Resolution 18
- Ministerial Resolution 004
- Ministerial Resolution 001
- MCDS and SPPC Transfer Agreement
- Registration Period Extension Decree

Title: Normativa de las Organizaciones de la Sociedad Civil
[Regulatory Framework for Civil Society Organizations]

Date: Accessed: December 2010

Source: a. Registro Único de las Organizaciones de la Sociedad Civil [Single Register of Civil Society Organizations]:
http://www.sociedadcivil.gov.ec/index.php?option=com_content&view=article&id=151&Itemid=132 R.O. N°660 Quito

Language: a. In Spanish
b. May be difficult to understand for people who are unfamiliar with legal terminology

Completeness: a. Applies nationwide

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

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

There is a document titled "Estrategia para el Desarrollo Forestal Sustentable del Ecuador" [Strategy for Sustainable Forest Development in Ecuador] prepared in 2000, before the current Forestry Law (2004). This strategy outlines state policies and those of the forestry authority, which is the Ministry of the Environment. It incorporates climate change issues that were current when it was drawn up; for example, it mentions the need to integrate clean development mechanisms into forest strategy. However, it is out of date and is not in keeping with the mechanisms for a potential REDD+ process. It does not define ministry or government policy dealing with land use conflict issues such as mining or road infrastructure expansion.

Title: Estrategia para el Desarrollo Forestal Sustentable del Ecuador
[Strategy for Sustainable Forest Development in Ecuador]

Date:	June 2000
Source:	a. Ministry of the Environment: b. http://www.ambiente.gob.ec/paginas_espanol/1quienes/docs/forestal.PDF
Language:	a. Available in Spanish b. Simple and easy to understand c. No technical terms are used
Accuracy:	a. Exact c. The Ministry reports that strategy was discussed in regional forums held throughout the country.
Timeliness:	a. Although REDD mechanisms are not specifically mentioned, Ecuador's competitiveness in the environmental services market is mentioned; point 5.2 specifically mentions the country's potential for carbon capture
Completeness:	a. Nationwide coverage b. The publication, however, lacks details on the dialogues themselves; that is, the information on conclusions and policies is complete, but not the process through which those results were arrived at.

Is the forest law available?

The current Forestry Law, promulgated in September 2004, is available through various means of public access, one of which is the State Forestry Authority (Ecuadorian Ministry of the Environment) portal, as provided in LOTAIP Article 7. This document urgently needs to be brought up to date, a task that the MAE temporarily undertook until mid-2010, when the process was stopped. An official, publicly accessible version of the forestry law draft was never published.

Title:	Codificación de the Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre [Codification of the Forestry and Natural Area and Wildlife Conservation Law]
Date:	September 10, 2004
Source:	a. Ecuadorian Ministry of the Environment: http://www.ambiente.gob.ec/userfiles/1/file/docs/leyforestal.pdf R.O N° 660, Quito
Language:	a. In Spanish c. The language used is simple and easy to understand.
Accuracy:	a. In Article 75 of the Ministry's version, there is a missing paragraph or sentence that prevents understanding this section; in Chapter 3 (Wild Flora and Fauna Conservation), the law refers to funding, when in fact there is a separate chapter that specifically seeks to explain funding mechanisms (which refers to Chapter 3); there are spelling errors in Article 97 and in the last section on technical definitions; the version for the private legal search engine does not have these errors b. NA

c. NA

Timeliness: a. It is not up to date, since it still refers to the former National Congress and to articles in the former Constitution; moreover, it says that the Ministry of the Environment is responsible for the National Reforestation Plan, when this is a task currently performed by the Ministry of Agriculture

Completeness: a. Applicable to all forested areas in the country (public and private).

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

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

Most of these documents are available on the Ministry of the Environment website; some are not true copies of the legal documents in the Official Gazette (see the comment to question 3.2). The Ministry's resolutions on forestry matters are also in PDF format; these documents are digital copies of the originals, but it is not possible to access them through the portal's search engine. To be able to find a resolution regarding any specific issue, you have to know beforehand the number of the resolution you are looking for.

It should be mentioned that there is variable access to working documents. For example, in discussions of the National Joint Plan for the National REDD Strategy, the draft documents were uploaded to Ministry blogs; weeks later, however, these documents were removed. It is important to highlight that these documents were drawn up jointly with civil society organizations and thus the different versions and final documents should remain freely accessible.

The necessary procedures for applying for logging licenses and mobilization permits for various forest products are also published, but they need a more user-friendly format for people with little education.

Title: a. Ministerio del Ambiente – Normativa Ambiental
[Ministry of the Environment – Environmental Rules and Regulations]
b. Ministerio del Ambiente – Normativa Forestal
[Ministry of the Environment – Forestry Rules and Regulations]

Date: Links verified December 20, 2010

Source: a. Normativa Ambiental [Environmental Rules and Regulations]:
Laws: <http://www.ambiente.gob.ec/contenido.php?cd=38>
Standards: <http://www.ambiente.gob.ec/contenido.php?cd=39>
Unified Text: <http://www.ambiente.gob.ec/contenido.php?cd=81>
<http://www.ambiente.gob.ec/contenido.php?cd=83>
<http://www.ambiente.gob.ec/contenido.php?cd=84>
<http://www.ambiente.gob.ec/contenido.php?cd=85>
<http://www.ambiente.gob.ec/contenido.php?cd=86>
<http://www.ambiente.gob.ec/contenido.php?cd=87>
<http://www.ambiente.gob.ec/contenido.php?cd=88>
<http://www.ambiente.gob.ec/contenido.php?cd=89>
Resolutions: <http://www.ambiente.gob.ec/contenido.php?cd=866>
b. Normativa Forestal [Forestry Rules and Regulations]:
<http://www.ambiente.gob.ec/contenido.php?cd=201>

Completeness: a. Nationwide coverage

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

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

There is a large amount of bibliographical material concerning environmental regulations available to the public on the Ministry of the Environment website. Nevertheless, to get more specific information, you need a specialized search engine that is not readily available to the public. As previously mentioned, some documents relating to the REDD process or for dissemination of forest use statistics were placed on the Ministry's website and later removed or relocated, hampering searches.

Title: Normativa Forestal
[Forestry Rules and Regulations]

Date: Links verified December 20, 2010

Source: a. Available on the Ministry of the Environment web page:
Normativa Forestal [Forestry Rules and Regulations]:
<http://www.ambiente.gob.ec/contenido.php?cd=201>

Language: a. In Spanish
b. Easy to understand
c. May contain certain technical terms that make it difficult for people with low literacy to understand

Has the country signed up to international agreements?

Which forest-related international agreements or processes has the country signed up to? (See www.foresttransparency.info/report-card/downloads/ for the list of agreements monitored.)

It is part of:

- United Nations Declaration on the Rights of Indigenous Peoples (signed)
- Kyoto Protocol (signed January 15, 1999, and ratified January 13, 2000)
- UN-REDD Program observer country
- Convention against Corruption (signed December 10, 2003, and ratified September 15, 2005)
- Convention on Biological Diversity (signed June 9, 1992, and ratified February 23, 1993)
- International Labour Organization (member since 1934; 35 conventions ratified– the last in 2000 – and another 46 possible ratifications)
- Convention on International Trade in Endangered Species of Wild Fauna and Flora (ratified February 11, 1975)
- United Nations Convention to Combat Desertification (signed January 19, 1995, and ratified September 6, 1995)
- Millennium Development Goals
- The Ramsar Convention on Wetlands (January 7, 1991)

It is not part of:

- World Bank Forest Carbon Partnership Facility
- Copenhagen Accord
- World Bank Forest Investment Program

Does customary / traditional forest law exist in this country?

Are there any customary and traditional forest rules in the country? If both customary and codified forest law exist, which one has predominated in the country and have there been efforts from the forestry administration to match both?

There are forest management issues concerning traditional regulations in the specific cases of certain nationalities: CTSHA- Shuar Arutam Territorial Area, province of Morona Santiago; Cofán Bermejo Ecological Reserve, with the FEINCE- Indigenous Federation of the Cofán Nationality of Ecuador.

Article 57 of the Constitution of Ecuador (2008) guarantees the collective rights of indigenous peoples, which Article 84 of the same Constitution supports by ratifying that nothing shall threaten the rights recognized in the Constitution. Article 57, numeral 8, emphasizes that part of this respect for the rights of the indigenous peoples is the conservation and promotion of their biodiversity and natural environment management practices. The State shall establish and execute programs, with community participation, to ensure the sustainable conservation and use of biodiversity.

In addition, Article 1 of the Unified Text of Secondary Environmental Legislation (2003) ensures promotion of the participation of indigenous peoples in programs and projects that endeavor to institute proper environmental management. Article 7 of Title I, Chapter I, ensures indigenous participation in planning, executing and monitoring of forestry and conservation programs.

Title: Territorio, bosques y cultura en la Cordillera del Condor
[Territory, forests and culture in the Cordillera del Condor]

Date: 2010

Source: Fundación Natura [Natura Foundation]

Is there a national forest forum?

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

There are no such institutionalized consultation and dialogue mechanisms. Opportunities for participation in decision-making on forest use are informal and not stipulated in the current Forestry Law (2004). With an eye to generating greater participation and involvement of society, especially by indigenous nationalities and peoples who are in control of most of the native forests in Ecuador, participative forest dialogue processes have been carried out nationwide. These dialogues, however, are not legally/formally mandatory, thus they are situational and sporadic. The current National Forest Strategy (2000) began with a broad inter-sectoral dialogue process, but its legitimacy was cut short as the participatory processes were questioned by civil society participants (environmental NGOs through CEDENMA). The experience of these participatory processes shows that there is a need for participation to be formally recognized in building agreements for the forestry sector, and for these agreements to be legally binding.

Are there local forest forums?

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

In areas of high deforestation and forest exploitation, efforts have been made to develop pluralistic forums for discussion and participation. In Esmeraldas, for example, provincial agreements were promoted through efforts by civil society organizations and cooperation agencies. Currently, some projects conducted by the Spanish organization Solidaridad Internacional in its Proyecto Bosques and by The Nature Conservancy, Fundación Natura Inc., GIZ, and others, have dealt with local participation concerns by means of roundtable discussions. This mechanism is not institutionalized in the Ecuadorian Forestry Law and is thus not a requirement. Nevertheless, there is a very interesting opportunity with the change in the regulatory framework for decentralized autonomous governments (the provincial, canton and parish governments) instituted in the Organic Code of Territorial Development, Decentralization and Autonomies (COOTAD), in effect as of this year (2010). COOTAD opens the doors for local governments to become more involved in building forest use and conservation policies through social participation processes.

Is there an established, government-recognised list of stakeholders?

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

There is no list of official representatives for consultation processes regarding renewable resource extraction activities. The Constitution (2008), however, states in Article 100 that “Sessions of decentralized autonomous governments shall be public and at these sessions there will be an empty seat that shall be held by a representative of the citizens, depending on the topics to be dealt with, for the purpose of participating in their debate and decision-making.” This is an effort to legitimize civic participation in the formulation of public policies, but so far (2010), these principles and rights have not been implemented, and bodies of law are needed to regulate this participation. It should also be mentioned that the Ecuadorian Committee for the Defense of Nature and the Environment (CEDENMA) has participated and continues to participate in various spheres of environmental policy formulation and decision-making as a representative of civil society. Nevertheless, this line of action is somewhat problematic because CEDENMA is a network of member organizations, and therefore not necessarily representative of the citizenry. Nevertheless, experience in Ecuador suggests that an official list of designated spokespeople or representatives is not necessary and might even restrict participation by civil sectors.

Are reports on consultation processes public?

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

As previously explained, a consultation process with regard to forest extraction and use is nonexistent in Ecuador. These requirements and the publication of the respective documents, including the Environmental Impact Studies, should definitely be publicly accessible in cases related to subsoil resource extraction industries.

Is there any law recognising the right to free prior informed consultation?

Is there any law to implement the country's commitment to ILO Convention 169 on the right to consultation?

As previously explained, the Constitution of Ecuador recognizes the right of local communities, nationalities, Afro-Ecuadorian and indigenous peoples to be consulted on projects related to the use of non-renewable resources in their territories (Article 57, No. 7). Furthermore, the Constitution recognizes the rights of all Ecuadorians to be consulted (Article 61). This applies mainly in the area of mining and hydrocarbon extractive resources. We should highlight that there is NO provision made for prior informed consent, only for consultation.

Is there any law recognising the right to free prior informed consent?

Is there any law on the right to consultation which gives veto powers to communities and/or indigenous peoples?

La Constitution recognizes the rights of indigenous communities and peoples to be consulted respecting the development and/or extraction of non-renewable resources in their territories, but DOES NOT require their prior informed consent. This question is not addressed in the forestry sphere, either.

Is there a procedure for consultation on new norms?

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

Article 57, subparagraph 7, states the right of communities, peoples and nationalities to free and informed prior consultation within a reasonable period regarding non-renewable resource exploration, exploitation and marketing plans and programs on their lands that may affect them environmentally and culturally. It is important to note that decisions arising out of these consultations are not binding. In the case of a refusal on the part of the communities consulted, the same article states that "If the consent of the community consulted is not obtained, the dictates of the Constitution and the law shall be applied." Nevertheless, the manner in which these constitutional guidelines would be implemented is not regulated.

The consultation procedure is not required for the forestry sector or for afforestation since it is not envisaged in the legal framework. There have, however, been cases in which local communities have shown their opposition to extending forest crops, as in certain areas of Esmeraldas (i.e., canton Muisne, with eucalyptus planting). Still, since the Ministry of the Environment grants environmental licenses based solely on technical requirements, the opinion of the local populace has no real repercussion or impact on decision-making.

Is there a published policy on forest tenure?

Is there an explicit current document which defines or describes land and forest tenure policy? If so, has it been used to inform the forest law and other norms (or has it been produced after the forest law)? Is it

up-to-date or does it require revisions in the light of REDD, mining, tenure conflicts, or other threats and opportunities?

There are several bodies of law that deal directly or indirectly with forest tenure policy, such as the Agricultural Development Act (2004) and the Special Law for Adjudication of Barren Lands in the Amazon Region (1974). The National Institute of Agricultural Development (INDA), which traditionally handled these matters, has been abolished and in its place an undersecretariat of the Ministry (the Bureau of Lands) will handle the issue of land tenure, especially in rural areas. A land measure is currently under discussion.

Article 1 of the Codified Forestry Law deals with lands that are part of the State Forest Resources. Article 6 deals with protective forests and vegetation. Chapter 5 deals with privately owned forests and afforestation; and Title 2 deals with natural areas. The most important article in this body of law is Article 10, which provides that "The State guarantees the right to private ownership over privately held woodlands and forests, under the limitations established in the Constitution and the Law. With respect to natural forests on lands only suitable for forestry, the owner shall conserve them and manage them pursuant to the technical requirements established by the regulations of this Law."

In the Codified Law of Agricultural Development, Article 38 states that state lands managed by the Ministry of the Environment are not a part of INDA land resources.

It is possible that there is more information on this matter in the draft document of the new Forestry Law proposed; however, this document is not available to the public.

Title:

- a. Codificación de la Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre [Codification of the Forestry and Natural Area and Wildlife Conservation Law]
- b. Ley de Desarrollo Agrario [Agricultural Development Act]
- c. Ley Especial para Adjudicación de Tierras Baldías en la Amazonía [Special Law for Adjudication of Barren Lands in the Amazon Region]

Date:

- a. September 10, 2004
- b. April 16, 2004
- c. February 17, 1972

Source:

- a. Ecuadorian Ministry of the Environment: <http://www.ambiente.gob.ec/userfiles/1/file/docs/leyforestal.pdf>, R.O No 418, Quito
- b. <http://www.inda.gov.ec/DOCS/agrario.pdf>, R.O. No. 315, Quito
- c. http://www.lexis.com.ec/LexisWeb/eSilecPro/System/_DocumentVisualizer/DocumentVisualizer.aspx?id=AGROPEC-LEY_ESPECIAL_PARA_ADJUDICACION_DE_TIERRAS_BALDIAS_EN_LA_AMAZONÍA&art=&index%20tierras%20baldias%20Amazonía#Art_1, R.O. No. 2, Quito

Language:

- a. Available in Spanish

Accuracy:

- a. No

Timeliness:

- a. The information is not up to date; the Forestry Law says that the Ministry of the Environment is responsible for implementing the National Reforestation Plan, when actually this function was turned over to the Ministry of Agriculture.

Completeness:

- a. These laws cover the whole country.

Is there a register of private forestland owners? Is it accessible to the public?

Where private forestland ownership is possible within the Constitution and legal framework, can the ownership of each area of forest be publically accessed?

Private forest property is possible within the Ecuadorian legal framework. It is, in fact, the legal arrangement that characterizes most forest tenure and contractual relationships in the forest sector in Ecuador. Nevertheless, landholding in areas with forest cover is, in fact, not clearly established. There have been partial efforts to clarify land tenure in these areas, above all in areas considered to belong to indigenous nationalities and peoples. There is some discrepancy, as well, in the figures on state forest resources under state jurisdiction, making it difficult to differentiate between private lands and lands under state control.

- Title:** a. Bosques Protectores, Subsecretaría de Patrimonio Natural [Protective Forests, Undersecretariat of Natural Heritage]
- Date:** a. Link checked December 20, 2010
- Source:** a. <http://www.ambiente.gob.ec/contenido.php?cd=200>
- Language:** a. In Spanish
- Completeness:** a. The information is organized by provinces and comprises the entire country.
-

Is there a difference in law between ownership and use?

Does the law make a clear difference between owners and users of forests / forest products? If so, please explain it.

The Codified Forestry Law does not make clear the difference between owners and users of forests, but in some articles it is clear that the current framework contains contradictions and presents texts in which it would appear that the owners are not always the users. Articles 28 and 29, for example, refer to the use of state-owned permanent production forests by other agents. However, such delineated areas do not exist in fact. Moreover, item 11 of Article 261 of the present Constitution sets forth that the State shall have exclusive jurisdiction over mineral, oil and gas, water, biodiversity and forest resources. However, there is currently no legal framework for the forest sector that specifies, beyond a regulatory process for forest use, the explicit differences between forest owners and users. This sort of question is fundamental to private forest areas and to any number of plantations.

- Title:** a. Constitución de la República del Ecuador [Constitution of the Republic of Ecuador]
b. Codificación de the Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre [Codification of the Forestry and Natural Area and Wildlife Conservation Law]
- Date:** a. October 20, 2008
b. September 10, 2004
- Source:** a. National Assembly:
www.asambleanacional.gov.ec/.../constitucion_de_bolsillo.pdf R.O. N°449 Quito
b. Ecuadorian Ministry of the Environment:
<http://www.ambiente.gob.ec/userfiles/1/file/docs/leyforestal.pdf>, R.O No 418, Quito
- Language:**

- a. The Constitution is available in Spanish and Kichwa, while the law is only available in Spanish
- b. Most of the information regarding this subject is easy to understand
- c. Some matters are technical and may make reading difficult (compensation, immunity from confiscation, common law issues, etc.)

Accuracy:

- a. The Constitution continually mentions the rights of communities, but never actually defines what the word “communities” refers to; this opens the door to false ideas and misunderstandings
- c. This Constitution was ratified by Ecuadorians in democratic elections

Timeliness:

- a. The information is not up to date; the Forestry Law says that the Ministry of the Environment is responsible for implementing the National Reforestation Plan, when actually this function was turned over to the Ministry of Agriculture.

Completeness: a. Both laws have nationwide coverage.

Is the ownership of different forest products clear?

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

Some rights over the various forest products are codified and differentiated; natural and legal persons may apply for forest use permits issued by the State. Mining rights can only be issued by the State (the central government deals with the extraction of ore; local governments deal with non-metallic mining). Environmental service matters are regulated in the Constitution (2008), where it states that they shall not be appropriable but shall be under the exclusive jurisdiction of the state.

Timber

Constitution (Articles 400 and 408, ownership of biodiversity) and Forestry Law: In “State-owned Permanent Production Forests,” the Ministry of the Environment is responsible for issuing registration rights (Article 23). Use of private plantations and natural forests requires authorization from the Ministry of the Environment (Article 36).

NTFP

Constitution: Non-timber forest products are regulated by the State, since they are part of biodiversity (Articles 400 and 408). Forestry Law: Indigenous and Afro-Ecuadorian peoples have the exclusive use of NTFP in their territories (Article 39). Authorization from the Ministry of the Environment is necessary for commercial NTFP use (Article 41).

Wildlife

Constitution: The government exercises sovereignty over biodiversity (Article 400) and is the owner of biodiversity (Articles 400 and 408).

Water

Constitution: The State shall guarantee its conservation and the management and regulation of activities related to the resource (Article 411).

Carbon

Environmental services are not subject to appropriation. The State shall regulate production and use (Article 74).

Minerals

Constitution: Non-renewable resources, minerals and oil are state property (Article 408). Law of Mines: Mines and deposits are state property (Article 16). The State shall delegate the exploration and exploitation of mines (Article 1).

Title: a. Constitución de la República del Ecuador [Constitution of Ecuador 2008]
b. Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre [Forestry and Natural Area and Wildlife Conservation Law]

Date: October 20, 2008 – Constitution of Ecuador
September 10, 2004 – Forestry Law

Source: a. National Assembly:
www.asambleanacional.gov.ec/.../constitucion_de_bolsillo.pdf
b. Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre [Forestry and Natural Area and Wildlife Conservation Law]:
<http://www.ambiente.gob.ec/userfiles/1/file/docs/leyforestal.pdf>

Language: a. The Constitution is available in Spanish and Kichwa
b. The Forestry Law is available in Spanish

Completeness: a. They apply nationwide.

Is there a dispute-settlement process for tenure conflicts?

Are there clear, documented, understood and accessible steps for resolving tenure conflicts?

There are documented land adjudication processes; moreover, in the case of land rights, resolution of tenure conflicts is traditionally under the jurisdiction of the judicial system or settled in entities such as Property Records Offices and the Bureau of Lands (Ex INDA). In specific cases, such as the right to the use of forests or forest products and (iii) the ways in which these rights are administered, no detailed information on such processes could be found.

Title: a. Ley de Desarrollo Agrario [Agricultural Development Act]
b. Ley Especial para Adjudicación de Tierras Baldías en la Amazonía [Special Law for Adjudication of Barren Lands in the Amazon Region]

Date: a. April 16, 2004
b. February 17, 1972

Source: a. <http://www.inda.gov.ec/DOCS/agrario.pdf>, R.O. No. 315, Quito
b. http://www.lexis.com.ec/LexisWeb/eSilecPro/System/_DocumentVisualizer/DocumentVisualizer.aspx?id=AGROPEC-LEY_ESPECIAL_PARA_ADJUDICACION_DE_TIERRAS_BALDIAS_EN_LA_AMAZONÍA&art=&index=%20tierras%20baldias%20Amazonía#Art_1, R.O. No. 2, Quito

Language: a. Available in Spanish

Completeness: a. These laws cover the whole country

Are ownership and forest land use maps available?

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

There are maps relating to the national forest estate and protective forests and vegetation. There is no information available on private forest owners. These maps are digitized and accessible to the public, or on request through the forestry authority's system of environmental indicators. The maps, however, may be classified as thematic rather than cadastral, since they have no counterpart at Property Records Offices, which are in charge of property deeds in the country.

- Title:**
- a. Sistema Único de Información Ambiental [Single Environmental Information System]
 - b. Infraestructura de Datos Espaciales Ambientales IDEA [Environmental Spatial Data Infrastructure]
- Date:** December 2010
- Source:**
- a. Ministry of the Environment:
<http://www.ambiente.gov.ec/contenido.php?cd=2626>
 - b. Infraestructura de Datos Espaciales Ambientales IDEA [Environmental Spatial Data Infrastructure]:
http://desa-idea.ambiente.gob.ec/geo_site/
- Language:**
- a. In Spanish
- Timeliness:**
- a. The information in the thematic maps on the IDEA website is dated this year, thus it is determined to be up to date
- Completeness:**
- a. Applies nationwide.
-

Do permits exist for all uses / services?

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

See the general comment for this section.

Is information on any forest land unallocated or not under any type of concession published?

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

No information is available concerning barren forest lands. Several studies indicate that although they are not recorded in any land registry, most forests in the country are already in the hands of a variety of players, both individual and communal.

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

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

See the general comment for this section.

Is there a stakeholder consultation process prior to permit allocation?

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

See the general comment for this section.

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

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

See the general comment for this section.

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

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

See the general comment for this section.

Is the final permit allocation decision-making process transparent?

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

See the general comment for this section.

Has the permit allocation system improved?

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

The forestry authority has included digitized processes to speed up and apparently better control issuance of timber mobilization permits for forest exploitation licenses in native forests. This information, which is called the Forestry Administration System (SAF), is centralized in the MAE and does not provide information for public access or use. The system is designed for access only by those who are directly involved in forest use, and an authority-provided password is required.

Are the final permit / contract documents made public?

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

Logging contracts between parties (for example, intermediaries and campesino landowners) have conventionally been treated as contracts between private parties, meaning they do not necessarily have to be made public. We requested information concerning logging permits or licenses, but were not granted access.

Are all forest operations required to carry out an EIA?

Some types of permit, for example small-scale or Community Forest logging activities might be exempted from submitting an EIA.

See the general comment for this section.

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

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

See the general comment for this section.

Is information on logging locations given to the public?

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

Article 94 of Volume III of the TULAS Forestry Regime states that the Forest Logging License must contain the location of the property among its details. That is, the information must be available, in theory. However, field experiences conducted by organizations like Solidaridad Internacional (2009) show that many of these records are not in keeping with the facts and require an intense effort to objectively identify the locations of forest exploitation. Moreover, the forestry authority is carrying out a forest statistics project with the International Tropical Timber Organization to obtain clear statistics on volumes of forest logging and now has timber flow information at the provincial level for the past two years. The forestry authority (MAE) is in the process of redesigning its system for issuance of licenses and mobilization permits, which in theory will enable provision of publicly accessible forest statistics.

- Title:**
- a. Realidad Forestal de Orellana
[The Real Situation of Forests in Orellana]
 - b. Establecimiento de un sistema Nacional de estadísticas forestales and comercialización de madera
[Establishment of a national system of forest and timber marketing statistics]
 - c. Texto Unificado de Legislación Secundaria del Medio Ambiente, Libro III
[Unified Text of Secondary Environmental Legislation, Volume III]
- Date:** 2009
- Source:**
- a. Proyecto Bosques. Realidad Forestal de Orellana [Forest Project. The Real Situation of Forests in Orellana], Solidaridad Internacional, Francisco de Orellana, 2009
 - b. Ministerio del Ambiente. Establecimiento de un sistema Nacional de estadísticas forestales y comercialización de madera [Ministry of the Environment. Establishment of a national system of forest and timber marketing statistics]:
<http://www.ambiente.gob.ec/userfiles/5722/file/Estadisticas%20Forestales.pdf>
 - c. <http://www.ambiente.gob.ec/contenido.php?cd=83>, R.O. No. 2, Quito
- Language:**
- a. Both documents are available in Spanish, as is the TULAS document
 - b. They may be hard for people with little education to understand because of technical terminology.
- Accuracy:**
- a. The Proyecto Bosques document provides clear methodology; moreover, it is based on information detailed therein and its contents are properly explained and substantiated.
- Completeness:**
- a. Proyecto Bosques is only implemented in the province of Orellana
-

Is there a stakeholder consultation process on individual logging locations?

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

No. Despite the fact that the Constitution recognizes the right to consultation and that Article 20 of Volume VI, Chapter III of TULAS guarantees citizen participation – both with regard to public information and to opinion gathering – consultation has been implemented strictly on matters of non-renewable resources. Specialists in environmental law indicate that application of consultation exclusively in matters of non-renewables is not supported in the legislation and is primarily due to the public's lack of information regarding their right to consultation in any process that might affect the environment. Nevertheless, and although consultations might be established, it is worth remembering that they are not constitutionally binding. In other words, if the populace consulted does not want the activity, the State will not necessarily accept that judgment.

Is information on permitted logging volumes (quotas) public?

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

The information concerning this matter is in a report published by the Ministry of the Environment with the title "Aprovechamiento de los Recursos Forestales del Ecuador 2007-2009" [Use of Forest Resources in Ecuador 2007-2009]. However, there is no assurance that this type of information gathering and publication will be done regularly. The information currently published by the forestry authority regarding the production levels of legal logging operations is, furthermore, classified by province and not by other, more useful territorial divisions such as cantons or parishes.

The Central Bank website publishes export volumes according to the various wood products. The information search is complicated, however, and the source of these figures is not identified.

Title:

- a. Aprovechamiento de los Recursos Forestales del Ecuador 2007-2009 [Use of Forest Resources in Ecuador]
- b. Sección Comercial del Banco Central del Ecuador [Commercial Section of the Central Bank of Ecuador]

Date:

- a. 2010
- b. Continuously updated.

Source:

- a. Ministry of the Environment:
<http://www.ambiente.gob.ec/userfiles/5722/file/PDFforestal.pdf>
- b. Central Bank of Ecuador:
http://www.portal.bce.fin.ec/vto_bueno/ComercioExterior.jsp

Language:

- a. In Spanish
- b. Most of the information regarding this subject is easy to understand
- c. Some topics are technical and may be difficult to read

Accuracy:

- a. There are no obvious errors or inadequacies
- b. The information provided is supported by the respective calculations
- c. NA

Timeliness: a. The information was submitted this year.

Completeness: a. Covers the whole country
b. Not apparently
c. Complete charts are provided in each case.

Are the forest management plans (for logging) public?

According to Article 29 of Volume VI "De Calidad Ambiental" [Environmental Quality], Title I of TULAS, the record of environmental file cards and licenses granted by the environmental authorities is public and anyone may, at his/her own cost, access the information contained in any of the technical studies used as a basis for issuing the environmental license. We requested the management plans directly from the forestry authority, but the information was not forthcoming.

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

Are local people informed of where permits holders for non-timber forest products, or wildlife hunting, will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if permit holders are legally in that location?

Searching with the applied methodology has up to now not produced results on areas of non-timber forest product exploitation, but we found requirements as to mobilization permit issuance for such products. It is thus feasible that this information exists in the forestry authority's regional offices. In addition, there is basic information on export volumes of forest products in the Central Bank's databases, but the types of forest products exported are not specified.

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

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the extraction of non-timber forest products at the local level, for example as part of developing a forest management plan?

Besides the constitutional provisions (Article 398) stating that there must be consultation procedures in any activity affecting the environment, Article 20 of Volume VI of TULAS guarantees civic participation and opinion gathering. However, the existence of a participatory process of consultation for non-timber product exploitation permits is impractical because most of the country's forests are in private hands; i.e., the owners (individuals or communities) are not required to conduct consultation processes.

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

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

The information on specific amounts of products extracted from an area is not available on the forestry authority's portal. Moreover, there is basic information on forest product export volumes in the Central Bank's databases, but the types of forest products exported are not specified.

Title:	a. Sección Comercial del Banco Central del Ecuador [Commercial Section of the Central Bank of Ecuador] b. Aprovechamiento de los Recursos Forestales del Ecuador 2007-2009 [Use of Forest Resources in Ecuador]
Date:	a. September 2010 b. 2010
Source:	a. Central Bank of Ecuador (BCE): http://www.portal.bce.fin.ec/vto_bueno/ComercioExterior.jsp b. Ministry of the Environment: http://www.ambiente.gob.ec/userfiles/5722/file/PDFforestal.pdf
Language:	a. In Spanish
Accuracy:	a. Highly credible statistical information (BCE) b. The information provided is supported by the respective calculations
Timeliness:	a. Up to date (BCE) b. Facilitates comparisons in different periods of time (BCE) c. The information provided in the Development Report is up to date, but does not allow making comparisons because there are no subsequent publications
Completeness:	a. These are national statistics

Are the forest management plans (for other forest products) public?

Article 100 of Volume III of the Forestry Regime, Title VIII, states that exploitation of non-timber forest products shall depend on a license based on a development plan. There is, however, no online record of such plans, and although we requested this information directly, it was not forthcoming.

Title:	Texto Unificado de Legislación Secundaria, Medio Ambiente, Parte I [Unified Text of Secondary Legislation, Environment, Part I]
Date:	March 31, 2003

- Source: a. Libro III del Régimen Forestal, TITULO VIII “De la Producción y Aprovechamientos Forestales” [Volume III of the Forestry Regime, TITLE VIII “Forest Production and Exploitation”]:
http://www.ambiente.gob.ec/docs/libroIII_TVIII.pdf R.O No 2, Quito
- Language: a. In Spanish
b. Generally easy to understand, but may be difficult for people with little education
- Completeness: a. Applies nationwide
-

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

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

See the general comment for this section. However, given that the current legal system is not finished with this matter, the mechanisms or details of environmental service permit issuance are not defined.

Is there a stakeholder consultation process on environmental services locations?

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the environmental services permits at the local level, for example as part of developing a forest management plan?

No. There is currently no consultation process on the areas of environmental services, but the legal framework is under development. It is possible, then, that consultation will eventually be included as a necessary process.

Is information on the quality / quantity of environmental services made public?

Once all preparations and permits are completed and a provision of environmental services contract starts, can local people find out about the size / value / or limits on these services?

The environmental authority intends to build a Single System of Environmental Indicators whose features will include environmental quality status reports concerning various areas that will eventually involve environmental services. Furthermore, the forestry authority is working on the preparation and formulation phases of the regulatory framework in order to gain access to the REDD/REDD+ mechanisms. Part of this process includes an inventory of carbon stocks and the monitoring strategy that will eventually be mounted will also provide information on the proportions and value of those services.

Title: Sistema Único de Información Ambiental – SUIA
[Single Environmental Information System]

Date: The PDF is not dated; last access was December 20, 2010

Source: Ministry of the Environment:
[http://www.ambiente.gob.ec/userfiles/63/file/SUIA\(revisado\).pdf](http://www.ambiente.gob.ec/userfiles/63/file/SUIA(revisado).pdf)

Language: a. In Spanish
b. Simple and easy to understand

Completeness: a. The information system will have nationwide coverage

Are the management plans for environmental services public?

The legislation and regulatory framework for nationwide environmental service management is currently in development; however, information searches and requests did not turn up environmental service management plans.

Is information on locations of (eco)tourism or other cultural services permits given to the public?

Are local people informed of where permits holders for tourism, ecotourism, or other cultural services, will be / are operating, so that they are aware operations should be happening in their area, and to give them the opportunity to know if permit holders are legally in that location?

These operations are recorded in Protected Areas and the environmental authority maintains a publicly accessible record of accredited operators per protected area on its website, but without a more detailed territorial classification. The Ministry of Tourism also has a register of operators, but also fails to provide the required information (there is no information on eco-tourism location and resources).

Title: Cuadro de empresas autorizadas para operar turísticamente en Áreas Protegidas del SNAP
[Chart of companies authorized to conduct tourist operations in SNAP Protected Areas]

Date: 2010

Source: a. Ministry of the Environment:
<http://www.ambiente.gob.ec/userfiles/51/file/turismo/Patentes.pdf>

Language: a. In Spanish

Completeness: a. Applies to tourist operations inside Protected Areas

Is there a stakeholder consultation process on (eco)tourism locations?

In addition to any consultation on the general location, timing and allocations of permits (these were covered in the previous 'permits' Theme), are stakeholders subsequently given a chance to comment on the location / impact / mitigation of the tourism or ecotourism concessions at the local level, for example as part of developing a forest management plan?

Legally, this is supported by Articles 28 and 29 of the Environmental Management Act and Article 20 of the Single Environmental Management System in Volume VI of TULAS. In addition, there is information concerning this in the General Regulations to the Law of Tourism, but no local level consultation is specified.

Is information on the quality / quantity of (eco)tourism services made public?

Once all preparations and permits are completed and a provision of tourism or ecotourism services contract starts, can local people find out about the size / value / or limits on these services?

Publicly accessible records of the Ministry of Tourism only provide information on tourism facilities, without explicitly indicating the quality of eco-tourism services.

Title:	Sistema Automático de Registro Catastral Turístico [Automatic System of Cadastral Tour Operation Registry]
Date:	2009
Source:	a. Ministry of Tourism: http://www.turismo.gob.ec/index.php?option=com_content&task=view&id=692&Itemid=133
Language:	a. In Spanish
Completeness:	a. Applies nationwide, but the provinces of Santa Elena and Santo Domingo de los Tsáchilas are still being included.

Are the management plans for (eco)toursim services public?

Article 4 of the Special Regulations on Tourism in Protected Areas stipulates that a study and an environmental management plan are required for implementing a construction project or establishing infrastructure for tourism purposes.

Article 27 of the aforementioned law states that for such a plan to be approved, all SNAP stakeholders must participate in drawing it up and the competent authority must authorize it.

In addition, subparagraph b. of Article 37 of the Tourism Regulations states that tour operation depends on the fulfillment of all formalities and procedures set forth in this special regulation and in the management plan.

Title:	Reglamento Especial de Turismo en Áreas Protegidas [Special Regulations for Tourism in Protected Areas]
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Date: September 5, 2002

Source: a. Ministry of the Environment:
<http://www.ambiente.gob.ec/userfiles/51/file/turismo/Reglamento%20Especial%20de%20Turismo%20en%20Areas%20Naturales%20Protegidas.pdf> R.O. No. 656, Quito

Language: a. In Spanish
b. Easy to understand, but legal terms may be hard to grasp for people with little education

Completeness: a. Applies to all Protected Areas

Is there a strategic process to assess priorities between development options?

Is there a Strategic Environmental Assessment to identify and resolve conflicting land uses between forests, mining, large-scale agriculture and infrastructure development? Does the National Forest Policy document seek to address this? Do any policy documents from the other sectors?

On its website, the National Office of Planning and Development (SENPLADES) makes available to the public a document intended to inform about and facilitate understanding of the institution's prioritization procedure for public investment projects. Moreover, SENPLADES has designed an approach to monitoring and assessing the impact of state programs and projects to determine the impact of public investment on the quality of life of the populace. In complementary fashion, the institution's objective #4 states that it endeavors to "Ensure the rights of nature and promote a sound and sustainable environment." The analysis performed within the context of this objective takes the issue of land-use changes into account. Moreover, an entity called the National Pre-investment Institute was created to support national development by encouraging and facilitating pre-investment processes and studies in strategic sectors in accordance with the National Development Plan.

Title: a. Metodologías de Priorización de Proyectos de Inversión Pública
[Methodologies for Prioritization of Public Investment Projects]
b. Metodologías de Evaluación de Impacto
[Methodologies for Impact Evaluation]

Date: a. June 2009
b. The document's date of publication is missing

Source: a. http://www.senplades.gov.ec/c/document_library/get_file?uuid=49e6798c-1474-4aac-b34c-3ff596090cec&groupId=18607
b. http://www.senplades.gov.ec/c/document_library/get_file?uuid=8e397b7a-2c6f-4949-9a2d-70c40726b335&...

Language: a. Available in Spanish

Is it clear who decides if / when to make decisions between development options?

Are there clear, documented, and understood steps for making decisions over the use or conversion of forest lands for other purposes such as mining, large-scale agriculture or infrastructure development?

There are certain freely accessible documents associated with project prioritization on the SENPLADES website, but there is nothing specifically written about forestland use or conversion. Project prioritization, according to this document, is based on the parameters of job creation, regional equity and systemic productivity.

- Title:**
- a. Metodologías de Priorización de Proyectos de Inversión Pública
[Methodologies for Prioritization of Public Investment Projects]
 - b. El Proceso de Priorización de Proyectos de Inversión Pública
[The Process of Prioritizing Public Investment Projects]
- Date:**
- a. June 2009
 - b. The document has no date de publication
- Source:**
- a. http://www.senplades.gov.ec/c/document_library/get_file?uuid=49e6798c-1474-4aac-b34c-3ff596090cec&groupId=18607
 - b. http://www.senplades.gov.ec/c/document_library/get_file?uuid=41a9f6a9-dfb1-47f9-a4bd-9410906d1845&groupId=18607
- Language:**
- a. Available in Spanish
-

Is there a stakeholder consultation process on decisions between different development options?

At the time an area of forest is identified for allocation to any sort of non-forest purpose, are stakeholders consulted, for example on any conditions or mitigation commitments?

This is legally supported by Articles 28 and 29 of the Environmental Management Act and Article 20 of the Single Environmental Management System in Volume VI of TULAS and by the constitutional articles guaranteeing the right to consultation. Nevertheless, it is important to determine through interviews and field research if there are mechanisms for carrying out consultation in situations where a conflict between various development options exists. There are also provisions in the current Constitution giving the citizenry the right to actively participate in public affairs decisions through the “empty chair” approach. Still, these are merely paper assurances, since consultation and participation processes are discretionary and generally not binding.

- Title:**
- a. Texto Unificado de Legislación Secundaria, Medio Ambiente
[Unified Text of Secondary Legislation, Environment]
 - b. Ley de Gestión Ambiental
[Environmental Management Act]
- Date:**
- a. March 31, 2003
 - b. September 10, 2004
- Source:**
- a. Ministerio del Ambiente – Normativa Ambiental:
[Ministry of the Environment - Environmental Rules and Regulations]
<http://www.ambiente.gob.ec/>, R.O. No. 2, Quito
 - b. Ministerio del Ambiente – Normativa Ambiental:
[Ministry of the Environment - Environmental Rules and Regulations]
<http://www.ambiente.gob.ec/contenido.php?cd=38>, R.O. No. 418, Quito

Language: a. In Spanish
b. Easy to understand, but there are technical terms that may make reading difficult for people with little education

Completeness: a. Applies nationwide

Is the final decision-making process on different development options transparent?

Is the final decision to allocate any forest to non-forest use made in way which allows citizens to assure themselves that the correct process has been followed? – is the process documented and published?

There are established consultation processes for the oil, mining and hydroelectric industries. Articles 87, 89 and 90 of the Mining Law (2009) state that consultation is mandatory prior to mining exploitation. These articles also state that there must be information access and participation throughout the process; however, if the community does not give its consent, the decision whether to go through with the project or not is left in the hands of the respective ministry.

The National Office of Planning has a Bureau of Civic Participation that supports the guarantee of citizens' right to take part in public affairs. It also has a General Office of Civic Participation Coordination that is in charge of "advancing participation processes that ensure the right of citizens to take part in public affairs by developing methodologies and tools to strengthen relations between citizens and the State and implement decisions arrived at in cooperation for the democratic development of the country."

The SENPLADES website offers a citizen-participation contact link to a forum created in keeping with the commitment to establish transparency and build bridges between the State and its public institutions and the people at large. This forum seeks to gather the opinion of citizens concerning the participatory planning system and public policy formulation and monitoring, among other things.

Title: a. Ley de Minería
[Mining Law]
b. Contacto de Participación Ciudadana
[Citizen Participation Contact]

Date: a. January 29, 2009

Source: a. Ministry of Energy and Mines:
http://www.mineriaecuador.com/Download/ley_mineriaec.pdf, R.O. No. 517, 2009, Quito
b. <http://www.senplades.gov.ec/web/senplades-portal/contacto-opinion-ciudadana>

Language: a. In Spanish
b. There are certain technical terms that may make it difficult to understand for people with little education

Completeness: a. They apply nationwide

Is information on implementation of non-forest use / conversion given to the public?

Once the final decision has been made, are local people informed of where mining, large-scale agriculture or infrastructure development in forests will be / is occurring, so that they are aware operations should be happening in their area, and to give them the opportunity to know if operations are legally in that location?

There is no information on a nationwide basis regarding rates of deforestation produced by land use conversion. There is also no information/modeling of land use on large or specific projects (i.e., mining, oil, road-building and hydroelectric concessions).

Is there a system of tax / royalties redistribution?

Does the law provide for a portion of the taxes or royalties collected from permit holders to be redistributed to affected communities? If so, please give details.

See the general comment for this section.

Title: Manual Operativo del Proyecto Socio Bosque
[Forest Partners Project Operating Manual]

Date: November 12, 2009

Source: Acuerdo Ministerial 115:
[Ministerial Resolution]
<http://www.ambiente.gob.ec/sites/default/files/users/aluna/7Acuerdo%20Ministerial%20115%20Manual%20Operativo%20Socio%20Bosque.pdf>

Language: Technical

Completeness: Yes

Is the system of tax / royalties redistribution effective in meeting any legal obligations?

Does any tax / royalties redistribution system work in practice?

See the general comment for this section.

Is there a stakeholder consultation process regarding the use of community funds?

Are stakeholders aware of the tax redistribution system and are they given a chance to influence the use of any funds dedicated for their use?

In the specific case of Socio Bosque, there is a participatory process for investment plan development. That is, a community wishing to receive incentives for forest conservation must submit an investment program in line with the Socio Bosque project that has been approved by the community and confirmed by the proceedings of the Assembly. This, however, does not apply to project partners or to national forests.

Are figures for collection and distribution published?

Does the relevant authority regularly publish the taxes collected from each forest area and the amount redistributed to those communities entitled to receive a share? If so, how often do they publish this information?

Although this question is not applicable to Ecuador, it is worth mentioning that the competent authority should regularly publish the revenue raised from the value of piedmont, but this information is not available by searching on the forestry authority's portal. It is available in certain documents regarding projects for forest removal (e.g., for power line installation). In general, the search for these documents is tedious and they are not to be found by means of search engines available to the public at large.

Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?

In addition to taxes, are there any obligations for permit holders to provide benefits to affected communities, in cash or in kind? Does the social obligations system work in practice?

See the general comment for this section.

Is there a stakeholder consultation process?

Are stakeholders aware of the social obligation system and are they given a chance to influence the projects or use of any funds provided directly to them by the concessionaire?

See the general comment for this section.

Is information on social obligations published?

Is the social obligation agreement publicly available? Are there regular reports on its implementation? If so, who is responsible for producing these?

See the general comment for this section.

Are there opportunities for citizens to discuss law enforcement issues as they arise?

Do any forest forums include representatives from the police or judiciary for example? Or are there other formal mechanisms to discuss law enforcement issues with officials from other (non-forest) agencies?

In principle, the Constitution of 2008 has made such provisions. The “empty chair” formula, especially, would enable citizens to discuss law-related matters. However, these forums have not yet become operative.

Are citizens actively participating in control operations?

Is there any form of joint operations including citizens and forest law enforcement (e.g "vigilancia verde" or forest monitoring)?

The forestry authority includes members of civil society organizations in the Vigilancia Verde system, a public/private agency made up of the Ministry of the Environment, the police force, the army and five local environmental NGOs. This mechanism traditionally received State, private sector and international cooperation funding, but now the direct civic participation component is no longer operative.

Do (some) forest communities condone some 'illegal' activities?

Do any communities regard some laws as inequitable and so argue that they are justified in supporting or participate in illegal activities?

Much of the forest management done at the local level does not go through the legal system of production plans and forest exploitation licenses. Studies conducted to determine the timber supply in the country indicate that there is a high rate of illegal tree felling. For example, figures suggest that 85% of cedar extraction in the Amazon region is illegal (Añazco et al., 2010). A portion of this illegal timber comes from property whose owners have not regularized their logging plans because of the bureaucratic process and the cost involved. Faced with the lack of effective control by the authority, the owner opts for felling trees with little misgiving, since penalties are not common.

Is there an Independent Forest Monitor?

Is there any organisation contracted to conduct Independent Forest Monitoring (IFM) to monitor forest governance and operations? For how long has this existed? What, if any, benefits does this bring?

There is no organization in Ecuador hired to perform independent forest monitoring. During 2003, however, the National Forest Control Outsourcing System (SNTCF) was in effect. This system delegated responsibility for monitoring and public administration of forestry operations to three different organizations whose functions

were to control forest product transportation, monitor activities inside forests and carry out administrative and verification activities. The private firm SGS was responsible for administration and forest verification operations. This mechanism was dismantled, however, after the Constitutional Tribunal declared that vesting a private entity with forestry administration faculties was unconstitutional.¹ The other two components involved remain in charge of forest control in the country: Vigilancia Verde, a public/private entity made up of the Ministry of the Environment, the police force, the army and five local environmental NGOs; and the forest regents, who are forestry professionals that enjoy the public trust and are responsible for assuring adherence to logging plans and field management.

1. Cfr, Madera legal: Verificación y gobernanza en el sector forestal. Capítulo 10: Ecuador [Legal Timber: Verification and Governance in the Forestry Sector. Chapter 10: Ecuador]. VERIFOR, http://www.verifor.org/RESOURCES/portada_madera_legal.pdf

Does the government publish lists of infractors?

Does any authority regularly publish a list of infractors of the forest law? Is it obliged to do so under any law or other norm? Does such a list show the progress of each case through the legal system, and the amount of any fines paid?

There is no list of Forestry Law offenders nor is there any obligation to publish this kind of information. It would be useful for this information to be available to the public to improve control of development plan approval. It would also serve to determine if forestry regulation violators are benefiting from forest conservation incentive programs like Socio Bosque or from funding from the REDD mechanism.

Does the government publish lists of debarred / suspended operators?

Does any authority regularly publish a list of individuals or companies barred or temporarily suspended from holding forest-related permits (perhaps as a penalty for a previous infraction)? Is it obliged to do so under any law or other norm?

As with the previous question, this type of list does not exist and there is no legal requirement for the forestry authority to publish such information.

Is there a national or local Anti-Corruption Committee, Bureau or Commission?

Has any sort of special initiative been set up to tackle corruption? If yes, have cases of corruption in the forest sector been reported and were these dealt with according to the law?

Respecting forests, in particular, there is none; however, the National Anticorruption Office was created through Executive Decree 122 as a mechanism to eradicate corruption, and it coordinates actions with the State Comptroller General's Office, the Public Prosecutor's Office and the Commission for Civic Control of Corruption. In addition, LOTAIP was created on April 18, 2004, to assure information access. The Ombudsman's Office is charged with monitoring LOTAIP fulfillment and defending the rights of citizens as well as ensuring and promoting the rights of Nature, as enshrined in the Constitution of 2008. Finally, both the Office of Transparency and the Council of Citizen Participation and Social Control are involved in anticorruption efforts.

Title:	LOTAIP (Ley Orgánica de Transparencia y Acceso a la Información Pública) [Organic Law of Transparency and Access to Public Information]
Date:	In effect since 2004
Source:	a. Ministry of the Environment: http://www.ambiente.gob.ec/userfiles/5722/file/LEY%20ORGANICA%20DE%20TRANSPARENCIA%20Y%20ACCESO%20A.pdf , R.O. No. 337, Quito.
Language:	a. In Spanish b. Easy to read and understand
Accuracy:	a. There are no apparent errors
Completeness:	a. Applies nationwide

Do parts of any law affecting forests limit transparency?

Are there any norms that prohibit or limit transparency in the forest sector? Or are there caveats or exclusions to transparency laws, for example 'commercial confidentialities' or 'national security'? What exactly do they exclude?

There is no hindrance in the Forestry Law or regulatory framework. There is a level of confidentiality in information provided by the Forestry Administration System (SAF), since passwords are required, but this may be considered primarily as a matter of security and control rather than as a restriction.

Do any extra-sectoral operations overrule forest laws?

Do mining, road building, large-scale agriculture, hydropower or other infrastructure development have automatic veto over forest laws, thereby eliminating transparent access to decision-making?

No. The Forestry Law is not an organic law, thus its provisions may be abolished by organic laws and, on occasion, even by presidential decree. Nevertheless, the Constitution of 2008 establishes directives by which certain projects in Protected Areas must have approval from the National Assembly or through a plebiscite.

Title:	a. Codificación de la Ley Forestal y de Conservación de Áreas Naturales y Vida Silvestre [Codification of the Forestry and Natural Area and Wildlife Conservation Law] b. Constitución de la República del Ecuador [Constitution of the Republic of Ecuador]
Date:	a. September 10, 2004 b. October 20, 2008
Source:	a. Ecuadorian Ministry of the Environment: http://www.ambiente.gob.ec/userfiles/1/file/docs/leyforestal.pdf , R.O No 418, Quito

b. National Assembly:
www.asambleanacional.gov.ec/.../constitucion_de_bolsillo.pdf R.O. N°449 Quito

Language: a. Available in Spanish
b. Constitution available in Spanish and Kichwa
c. Easy to understand, but technical terms may be hindrances to reading for people with little education

Timeliness: a. The information is not up to date; the Forestry Law says that the Ministry of the Environment is responsible for implementing the National Reforestation Plan, when this function was actually turned over to the Ministry of Agriculture

Completeness: a. They apply nationwide

Is it commonplace for authorities to ignore obligations?

Has it become normal operating procedure for any public institution to avoid obligations to transparency? If so, please give examples.

State institutions comply above all with certain LOTAIP requirements, especially Article 7. Institutional portals have links to information published to satisfy this requirement. Still, compliance is not uniform; some institutions fulfill the requirement to a greater extent than others.

Monitoring of compliance with the Organic Law of Transparency and Access to Public Information will be carried out for this purpose, but from the preliminary search for information it is evident that the public authorities analyzed in this first report conform to various requirements set forth in LOTAIP.

Title: Ley Orgánica de Transparencia y Acceso a la Información Pública
[Organic Law of Transparency and Access to Public Information]

Date: May 18, 2004

Source: c. There is no official website for the Organic Law of Transparency and Access to Public Information (LOTAIP); nevertheless, the link to the digital document can be found on the websites of state institutions

d. Source found at:
<http://www.ambiente.gob.ec/userfiles/5722/file/LEY%20ORGANICA%20DE%20TRANSPARENCIA%20Y%20ACCESO%20A.pdf> R.O. N°337, Quito

Language: d. Available in Spanish, the country's official language, but not in the official languages of intercultural relations (Kichwa and Shuar)
e. Although the language used is simple, the sentences are structured in a complex manner, which makes the document difficult to understand
f. People with low literacy may have difficulty interpreting the law

Completeness: b. Covers all public institutions and private individuals that use public resources in the country

Are there any reforms to improve transparency or reduce confidentiality?

In particular, are there any 'quick wins' - issues where transparency could be improved, or where caveats and exclusions could be reduced, and no significant vested interests are against this? If so, please list any ongoing reforms.

The main change with regard to this issue has been the creation of a fifth Function of State, the Transparency and Social Control Function, which is responsible for overseeing public management at all its levels: transparency, efficiency, equity and combating corruption. This new function is made up of six autonomous entities; four for oversight: the State Comptroller General's Office, the Superintendency of Banks, the Superintendency of Companies and the Superintendency of Telecommunications; one for the defense of rights: the Ombudsman's Office; and one for civic participation: the Council of Citizen Participation and Social Control.

The purpose of this is to set in motion and promote oversight of public sector agencies and bodies, encourage and stimulate civic participation, protect the exercise and enforcement of rights, and prevent and combat corruption.

Does the forest authority publish an Annual Report?

Is there an annual summary of activity by the forest authority and others they regulate? If so, how long after the year-end is it published? How comprehensive is it? Is it debated, for example by a 'forestry commission board' or by the legislature?

The report published by the MAE is based on a report called "Aprovechamiento de los Recursos Forestales 2007-2009" [Use of Forest Resources 2007-2009]. It is easy to understand; however, it is not an annual summary of forestry authority activities, but rather a summary of forest use.

- Title:** Aprovechamiento de los Recursos Forestales 2007-2009
[Use of Forest Resources]
- Date:** 2010
- Source:** a. Ministry of the Environment:
<http://www.ambiente.gob.ec/>
- Language:** a. In Spanish
b. In simple language
c. Technical terms in the report may make it difficult to understand for people with a low level of education.
- Accuracy:** a. There are no obvious errors or inadequacies
b. The information provided is supported by the respective calculations
- Timeliness:** a. The information was submitted this year
- Completeness:** a. Covers the whole country
b. Not apparently
c. Complete charts are provided in each case
-

Does the forest authority have a central point of information?

Is there a person or office advertised and functioning as the source of public information? Is there any written statement (for example a regulation) about its roles and responsibilities? Is it committed to respond to enquiries with a certain amount of time?

Legally, the source for public forestry information is the environmental authority; that is, the Ministry of the Environment. The web portal mentions the name of the official responsible for the information required by LOTAIP, but LOTAIP itself states that the person responsible for producing the information is the head of the entity, legal representative or director of the administrative unit (Article 9), and that his/her responsibility is to answer information requests in a period of 10 days.

Title:	Ley Orgánica de Transparencia y Acceso a la Información Pública [Organic Law of Transparency and Access to Public Information]
Date:	May 18, 2004
Source:	e. There is no official website for the Organic Law of Transparency and Access to Public Information (LOTAIP); nevertheless, the link to the digital document can be found on the websites of state institutions f. Source found at: http://www.ambiente.gob.ec/userfiles/5722/file/LEY%20ORGANICA%20DE%20TRANSPARENCIA%20Y%20ACCESO%20A.pdf R.O. N°337, Quito
Language:	g. Available in Spanish, the country's official language, but not in the official languages of intercultural relations (Kichwa and Shuar) h. Although the language used is simple, the sentences are formed in a complex manner, which makes the document difficult to understand i. People with low literacy may have difficulty interpreting the law
Completeness:	c. Covers all public institutions and private individuals that use public resources in the country.

Does the forest authority publish annual audited accounts?

Are there any published annual audited accounts from any of the last five years? If not, when were the most recent accounts published? Is the forest authority exceptional in this regard or do most government departments show a similar pattern of (not) publishing accounts?

Audits of public institutions are performed, but they are not routine annual procedures, but rather special inspections carried out by the State Comptroller's Office.

Title:	Examen especial a las operaciones administrativas and financieras del Ministerio del Ambiente, por el periodo comprendido entre el 2007-01-01 y el 2009-03-31 [Special examination of Ministry of the Environment administrative and financial operations for the period between 2007-01-01 and 2009-03-31]
Date:	June 24, 2010

Source: Contraloría General del Estado [State Comptroller General's Office]:
<http://www.contraloria.gov.ec/pdf.asp?nombredocument=INFORME20100621.pdf>

Language: Spanish
