Making the Forest Sector Transparent

Annual Transparency Report 2010

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DAR DERECHO AMBIENTE Y RECURSOS NATURALES

Center for Indigenous Knowledge and Organizational Development

CED

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GRUPO faro Investigación y Acción para el Bienestar Público

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Deforestation as a consequence of illegal logging in the San Martín region of Peru. Photo: Javier Martinez, DAR

Abbreviations

CED	Centre pour l'Environnement et le Développement (Centre for Environment and Development), Cameroon partner
CFDC(s)	Community Forestry Development Committee(s), Liberia
CIKOD	Centre for Indigenous Knowledge and Organisational Development, Ghana partner
CRL	Community Rights Law, Liberia
CSOs	Civil society organisations
DAR	Derecho, Ambiente y Recursos Naturales (Law, Environment and Natural Resources), Peru partner
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
EU	European Union
FC	Forestry Commission, Ghana
FCPD	Forest Carbon Partnership Facility, World Bank
FDA	Forest Development Authority, Liberia
FLEGT	Forest Law Enforcement, Governance and Trade, EU programme
FOI	Freedom of Information
FPIC	Free, Prior and Informed Consent
Grupo FARO	Fundación para el Avance de las Reformas y las Oportunidades (Foundation for the Advance of Reforms and Opportunities), Ecuador partner
IFM	Independent Forest Monitoring
LEITI	Liberia Extractive Industries Transparency Initiative
MAE	Ministerio del Ambiente (Ministry of Environment), Ecuador
MINFOF	Ministère des Forêts et de la Faune (Ministry of Forests and Wildlife), Cameroon
NGO(s)	Non-governmental organisation(s)
NFRL	National Forestry Reform Law, Liberia
NTFPs	Non-timber forest products
OASL	Office of the Administrator of Stool Lands, Ghana
OSINFOR	Organismo Supervisor de los Recursos Forestales (Supervisory Organisation of Forest Resources), Peru
REDD+	Reducing Emissions for Deforestation and Forest Degradation (the "+" refers to the role of conservation, sustainable management of forests and enhancement of forest carbon stocks as part of REDD)
R-PIN	Readiness Plan Idea Note, submitted by countries to the World Bank for REDD+ programmes
R-PP	Readiness Preparation Proposals, submitted by countries to the World Bank for REDD+ programmes
SDI	Sustainable Development Institute, Liberia partner
SRA	Social Responsibility Agreement
UN	United Nations
UNFCCC	UN Framework Convention on Climate Change
UN-REDD	UN Framework for Reducing Emissions from Deforestation and Forest Degradation
VPA	Voluntary Partnership Agreement, a European Union bilateral timber trade agreement under the FLEGT initiative

Executive Summary

Transparency has become a watchword for ensuring accountability and improving governance in all public processes, but tools for monitoring and promoting it are less established. *Making the Forest Sector Transparent* is a ground-breaking project established by Global Witness and partner NGOs in a group of forest-rich developing countries to support civil society to advocate for better forest sector governance. The project is running for four years with funding from the Department for International Development in the United Kingdom. It started in 2008 with partner NGOs in four countries – Cameroon, Ghana, Liberia and Peru – and expanded in 2010 to include a partner in Ecuador.

A unique component of the project is the annual collection of data on the forest sector in each country, using a comprehensive report card of 78 common transparency indicators to monitor whether each requirement is being met (green), partially met (yellow) or not met (red). Building on the first report cards in 2009, research for the second report card was conducted by the project partners between July and December 2010. This Annual Transparency Report 2010 compares and analyses the findings across the countries. The full data and country-specific reports are available on the project website. The project has two more years to refine the report card methodology and apply it to other countries. There are also plans to revise the scope and target specific initiatives.

The key finding of the report cards in 2010 is that the provisions for transparent access to information and decision-making remain largely inadequate across the countries, however there have been some improvements. Analysis of the indicators for the first four countries from 2009 to 2010 reveals that there were eight substantive positive changes in them (see Box 1), but these are small steps in the face of significant challenges to persuade government bodies and other stakeholders to be more open and accountable.

Two of the positive changes relate to progress having been made in the passage of FOI legislation in Ghana and Liberia, and three to new forums being set up for participation in decision-making in Cameroon, Liberia and Peru. There were also two changes in Peru that constitute real improvements in public information provision through a revamped website and release of maps of forest permits, and one other change that represented an advance in planning procedures to take account of environmental and economic issues.

Across all of the study countries, the most significant positive change has been in levels of participation by wider stakeholders, local communities and ordinary citizens in decision-making on forest sector issues. The dynamics have varied by country, but in all of them there is evidence of more public involvement ranging from grassroots empowerment to national-

Box 1: Positive changes from 2009 to 2010

2009	2010	Country	Change in Governance
🔴	🟢	Liberia	The Freedom of Information (FOI) Act was signed into law
🔴	🟡	Ghana	A FOI bill was tabled in parliament
🔴	🟢	Cameroon	The first ever National Forest Forum was held
🔴	🟡	Liberia	The forest forum process was initiated
🟡	🟢	Peru	A range of civil society discussion forums were instituted
🟡	🟢	Peru	The forest authority website was re-launched with better information
🔴	🟢	Peru	Generalised maps of forest permits were made publicly available
🔴	🟢	Peru	A protocol was written to facilitate planning on impacts of different land uses

level policy making. Important drivers for mobilising civil society have been the development and implementation of Voluntary Partnership Agreements (VPAs) between Cameroon, Ghana and Liberia and the European Union to regulate trade in timber products, and the Trade Promotion Agreement between Peru and the United States, which include provisions for improved governance and information provision. The strategies and preparations for Reducing Emissions from Deforestation and Forest Degradation (REDD+) programmes to mitigate climate change have also provided opportunities for engagement.

Comparison of the indicators between 2009 and 2010 also reveal four major steps backwards that raise further concerns about the levels of transparency in forest governance (see Box 2).

Two of the steps backwards relate to the inappropriate use of small timber permits in Cameroon and Ghana, one to the lack of public information on REDD+ policies in Liberia, and one to the repeal of the Forestry and Wildlife Law in Peru following controversy over its formulation, which also resulted in some of the more progressive legal provisions being delayed.

More broadly, systems for providing transparent information are deficient in all of the countries. In particular, information is not made readily available or accessible to rural communities that are most affected by changes in forest resource use. For example, concession and permit documents for logging and other activities, forest management plans, and data on revenue collection and distribution, are not consistently provided to the public and affected communities in any of the countries. The processes for allocating rights to use forest resources are often not transparent. Mining and other extra-sectoral activities have typically been authorised without clear strategic environmental assessment or planning processes. There is also a risk that the budding market for carbon concessions could develop in a policy vacuum.

Box 2: Steps backwards from 2009 to 2010

2009	2010	Country	Change in Governance
		Cameroon	Non-transparent allocation of small permit areas increased
		Ghana	Inappropriate use of salvage permits increased
		Liberia	Lack of transparency over development of REDD+ policies
		Peru	Repeal of controversial law with some progressive elements

Rio Cononaco in the Yasuni national park in Ecuador, one of the most ecologically diverse areas in the country. Photo: Alfredo Carrasco Valdivieso

1 Introduction: Making the Forest Sector Transparent

Making the Forest Sector Transparent is a four-year project supporting civil society groups in forest-rich countries to engage policy makers and advocate for transparent forest sector governance. The project initially emerged from discussions between Global Witness and non-government organisations (NGOs) in selected countries relating to the Forest Law Enforcement, Governance and Trade (FLEGT) programme of the European Union (EU). It formally started in October 2008 with funding provided from the Governance and Transparency Fund of the Department for International Development in the United Kingdom.

Key project objectives

- Increased access to information on forest sector activities
- Effective advocacy for greater transparency and governance
- A resilient network of civil society organisations (CSOs) working on forest governance

The project started work with local partners in four countries – Cameroon, Ghana, Liberia and Peru. A fifth partner from Ecuador joined in 2010 and a further two are planned to join in 2011. The partners in the five current countries are as follows:

- Cameroon: Centre pour l'Environnement et le Développement (CED)
- Ecuador: Grupo FARO - Fundación para el Avance de las Reformas y las Oportunidades
- Ghana: Centre for Indigenous Knowledge and Organisational Development (CIKOD)
- Liberia: Sustainable Development Institute (SDI)
- Peru: Derecho, Ambiente y Recursos Naturales (DAR)

The main activities carried out by the partners in each country are the production of annual report cards to monitor the forest sector, administration of a mini-grants fund to support grassroots advocacy, and construction of coalitions from the local to international level to advocate for forest sector transparency.

Following the first report in 2009, this report documents and analyses the findings from the second round of annual report cards collated in 2010. Report cards are popular tools for collecting information on development issues, adopted by *Making the Forest Sector Transparent* to foster a people-centred approach to assessing levels of public access to information and decision-making relating to the forest sector. The methodology applied by the project partners has been the collection of data on a common set of indicators relating to key requirements for enabling transparency. The data have then been used to assess the level of transparency in different processes, evaluate changes over time, identify cases of good and bad practice, and develop recommendations for further work by key stakeholders. The partners have produced country-specific reports each year, which generated considerable interest and reaction in 2009.

Indigenous community member working in a reforestation project in the San Martín region of Peru.
Photo: Javier Martinez, DAR

The structure of this report

This report builds on the 2009 Annual Transparency Report, which reviewed the links between transparency, accountability and governance in general and in relation to the forest sector, and evaluated the different types of report cards that has been applied to development issues.

This report starts with a brief overview of the importance of transparency in general, followed by a summary of the main issues and initiatives that currently affect forests across the world, and the context in each of the five countries. The report card methodology and the approaches taken by the partners to collecting the data are then discussed in Section 3. An important function of the report cards is to compare and analyse forest governance – Section 4 examines the main indicator changes from 2009 and then structures the key findings from each country into seven themes. Finally, the conclusions and recommendations are presented in Sections 5 and 6 respectively. The full indicator sets for the five countries are presented in the appendices.

This report is based on data collection and research carried out by the NGO partners up to December 2010. The full data and country-specific reports for 2010 can also be accessed on the *Making the Forest Sector Transparent* website. The text for this report was finalised in July and August 2011.

Truck with unmarked logs waiting to be transported in the night in Ghana. Photo: CIKOD

2 Transparency in the Forest Sector

2.1 Key Aspects of Transparency

By definition, the essence of the Making the Forest Sector Transparent project is the concept of transparency itself. This section gives a brief overview of how the concept is understood – a fuller discussion of the meanings and benefits was provided in the 2009 Annual Transparency Report.

The need for "transparency" is frequently espoused in documents relating to governance and development, but there is no commonly agreed definition of what it entails. It typically relates to two main requirements – firstly that there is open disclosure of information to the public by all actors involved in governance, and secondly that there are opportunities for the public to participate constructively in decision-making processes. The relevant actors are not just the state and its institutions, but also the private sector, civil society and any other groups involved in issues that affect the public. The level of transparency is determined by the scope, accuracy and timeliness of information that the public is entitled to receive, and by the degree of openness of the organisational procedures and processes that the public is able to access. This implies that there are transparency standards, but in reality there has been a lag between the growing discussion about the importance of transparency, and the establishment of an empirical framework for measuring it.

There are numerous reasons why transparency is promoted as a window to shine light on virtually all aspects of politics, economics and society. Amongst the most common is that transparency enables civil society and the public in general to:

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

Transparency is closely related to accountability. In order to facilitate it, some form of legal contract with society is required to ensure that there is open disclosure of information. The fundamental right to information is often recognised in the constitutions of countries, and Freedom of Information (FOI) legislation has been passed by a growing number of countries to establish legal frameworks for the provision of information[1]. A key principle is "maximum disclosure" – that is, the presumption that all information should be disclosed as long as there is no overriding risk of harm to legitimate public or private interests[2]. Independent monitors and arbitrators are often necessary to ensure that obligations are met and adjudicate on cases where discretion may be applied in exceptions to the right to information.

While the benefits of transparency are apparent in principle, there are numerous reasons why it is resisted in practice. On a fundamental level, it runs counter to how political and economic privilege has been exercised throughout history. Vested interests invariably want to be able to take advantage of resources without being subject to public scrutiny. There are potential "agency problems" inherent in all governance issues, whereby different stakeholders conspire to keep the wider public ignorant so that they manipulate decisions in their favour or prevent exposure of mistakes. Various forms of corruption such as the exchange of bribes and favours, the exercise of discretionary powers, and the practices of cronyism and nepotism undermine transparency.

Even though laws enshrining the right to information are essential for establishing a framework to enable transparency, they are not sufficient alone. Lack of political will, a tradition of secrecy and low levels of administrative capacity can all hamper the effectiveness of laws. There need to be clear and consistent incentives to change the political and institutional culture. Demands from civil society are important to drive forward this change, which in turn means that citizens need to be aware of their rights and organisations need to develop their capacity to support actions.

2.2 The Importance of Transparency in the Forest Sector

The essential role that forests play in maintaining earth systems, supporting biodiversity and sustaining rural livelihoods means that transparency is vital to ensuring that the public is well informed and capable of participating in decisions over the protection and use of their dwindling natural resources and environmental services. The pace of deforestation has gathered with rapid population growth, industrialisation and development, to the extent that it is estimated that only 31% of the world's land area is covered by forests, and of that only 36% are primary natural forests that have been left undisturbed[3]. Tropical forests that contain some of the oldest trees and richest ecosystems in the world have borne the brunt of demand in recent times[4]. The loss of forests affects many people directly – it is commonly estimated that up to 1.6 billion people depend on forests for part of their livelihoods – and on all of us indirectly due to the environmental services that they provide. The world's forests store more carbon than the atmosphere with an estimated 650 billion tonnes[5], and play a critical role in regulating climate change.

Different forms of forest governance have evolved across the world. Overall, it is estimated that 80% of the world's forests are publicly owned and managed, but there has been an increase in the extent of ownership and management by communities, individuals and private companies, with community management especially prevalent in South America compared to other regions[6]. Notwithstanding this trend, the state is the main actor in controlling rights to use forest resources in most countries. Authorities have been charged with regulating and/or managing forest activities in varying institutional structures, for example as semi-autonomous public bodies or as departments within wider environmental ministries.

Land tenure and resource use rights are fundamental to rural development and its impacts on forests, but many developing countries have faced land use conflicts linked to unclear and unfair tenure systems and are now left with a complex mosaic of arrangements. Discord often lies between formal tenure systems regulated by the state, and customary and traditional rights practiced by rural communities and indigenous people. Given that many people rely on forests for their livelihoods, it is crucial that there are transparent processes for reforming forest tenure systems and securing forest resource rights so that they are able to support their livelihoods[7].

As it has evolved over the 20th century, forest management by the state has typically entailed the regulation of forestry operations, in particular the harvesting of timber products from logging activities, and protection measures, in particular the establishment of conservation areas. Over-arching policies and laws have been agreed to provide a framework for forest management, including regulations to demarcate areas, allocate usage rights, monitor and enforce compliance, and redistribute revenues. Different types of concessions and permits are used to grant usage rights on state-controlled resources; the terms are often used interchangeably but for the purposes of this report they are understood as follows:

- Concessions are issued by the state to provide logging companies with long-term resource extraction and management rights from large areas of commercially valuable forests. They are typically characterised by competitive tendering processes, formal ratification of contracts, revenue collection and redistribution from royalties, and forest management plans.
- Permits are consents issued by the state to companies or other groups to extract or use specific resources, such as clearing of standing timber or collection of non-timber forest products. They are typically characterised by smaller scales and shorter time-periods of operations, and fewer requirements for tendering, contracting and planning.

As part of concessions, companies may be required to adopt sustainable forest management practices, such as selective logging of trees, that are meant to maintain the wider ecosystem, although in practice they run the risk of degrading the area[8]. Various licenses and authorisations are also used in forest management; for this report they refer to processes to license companies to operate rather than to allocate areas per se.

In practice, there are concerns that concessions, permits and licenses are not being allocated, managed or enforced transparently by authorities due to lack of coordination and failure to follow the rule of law, and that illegal logging has also been tacitly allowed to continue with the consequent loss of revenues and negative impacts on communities. It has also been found that relevant forest laws, regulations and policies in timber-exporting countries tend to be poorly integrated and incoherent[9]. In recent years, importing countries have passed regulations to prevent the trade of illegally source timber by certifying products as legal, and trade agreements with exporting countries have developed as a lever for improving the framework for forest law enforcement, governance and trade. Voluntary Partnership Agreements (VPAs) have been signed between the EU and several countries that export tropical timber products as part of the FLEGT programme, which generally include detailed annexes relating to information requirements. These agreements have potential to realise improvements in governance through greater transparency – there are encouraging signs[10] but it is too early to assess the overall impact.

While the state has tended to take a top-down approach to decision-making on forests with little recognition of civil society, local communities and indigenous peoples, in recent years there have been efforts to increase participation. A concomitant trend has been towards decentralisation of forest governance to regional and local authorities, including forms of community forest management that hold prospects of more sustainable local management. CSOs have also advocated on the right of communities, in particular indigenous peoples, to give or withhold their free, prior and informed consent (FPIC) over forest operations that affect them[11]. The International Labour Organisation convention 169 on indigenous and tribal peoples provides a framework for the right to consultation, but it has not been widely ratified by countries outside of Latin America[12].

As countries seek short-term economic development, their forests have faced a large number of threats, ranging from the gradual claiming of land for smallholder agriculture to larger-scale clearing by extractive industries such as mining and oil, agro-industrial plantations, and major infrastructure projects. The drive to exploit resources has often taken precedence over forests and communities, and fuelled conflicts and corruption. Weak governance, such as the lack of transparent decision-making processes to weigh up the impacts of competing demands, is a key factor in this dynamic. Some international initiatives are addressing these issues. Strategic environmental

Local community members transporting the tree trunks taken from forests of the San Martín region of Peru.
Photo: Javier Martinez, DAR

Forest in the San Martin region, Peru.
Photo: Javier Martinez, DAR

assessment has developed primarily in the EU as a legally enforced procedure for incorporating environmental considerations into land use planning, and has been promoted in some developing countries by the World Bank. Advocacy work by the Publish What You Pay network of CSOs has highlighted the need for transparency on the activities of extractive industries. The Extractive Industries Transparency Initiative (EITI) is a coalition of stakeholders that promote the verification and publication of company payments and government revenues from industries like oil, gas and mining, which can be expanded to cover wider information needs but is dependent on individual countries to implement.

The main global issue that has emerged in the last decade is the importance of forests to earth systems, in particular their role in regulating climate change. The process of inter-governmental negotiations, known as the United Nations Framework Convention on Climate Change (UNFCCC), towards a global agreement on climate change strategy and finance has been tortuous. One area that has advanced more quickly has been the development of the Reducing Emissions from Deforestation and Forest Degradation (REDD) programme aimed at establishing a set of market/financial incentives in order to reduce the emissions of greenhouse gases. This has expanded into REDD+ to foster conservation, sustainable management of forests and enhancement of forest carbon stocks, and also to recognise the importance of rural communities and indigenous peoples. The World Bank is overseeing the development of REDD+ programmes; the Forest Carbon Partnership Facility (FCPF) has responsibility for coordinating 'readiness planning' in 37 countries, other preparation activities and the actual programmes, while the Forest Investment Programme supports funding for implementing plans in eight countries. The UN-REDD programme is overseeing monitoring, reporting and verification, stakeholder engagement and community participation for REDD+ with a group of 13 countries (and a network of 22 other countries).

Countries have been developing REDD+ readiness plans and strategies, and some have pressed for the release of finances to support regional and local projects. Although safeguards have been designed, there are mounting concerns that the national Readiness Preparation Proposals (R-PPs) submitted to date to the FCPF have lacked essential measures to clarify land tenure rights, support FPIC and other forest peoples' rights, and improve forest governance[13]. The inappropriate application of simplistic costing tools and market assumptions has also been criticised as inadequate for recognising the real costs of different land uses and measures[14]. In sum, there are reasons to fear that sustainable forest management and the needs of rural communities could be side-lined in the scramble to drive forward the process and secure investment. As with timber and other forest uses, in the commoditisation of carbon it is evident that transparent access to information and decision-making is essential in the formulation and implementation of REDD+ strategies and programmes as a prerequisite to any equitable and sustainable system of forest management.

2.3 Country Contexts

The five countries that are currently the focus of *Making the Forest Sector Transparent* – Cameroon, Ecuador, Ghana, Liberia and Peru – are all developing countries with areas of richly diverse tropical forests, but otherwise they differ considerably in their demographic, economic and environmental characteristics. Selected summary statistics are presented in Figure 1, which are drawn largely from the latest Global Forest Resources Assessment produced by the Food and Agriculture Organisation (FAO) in 2010.

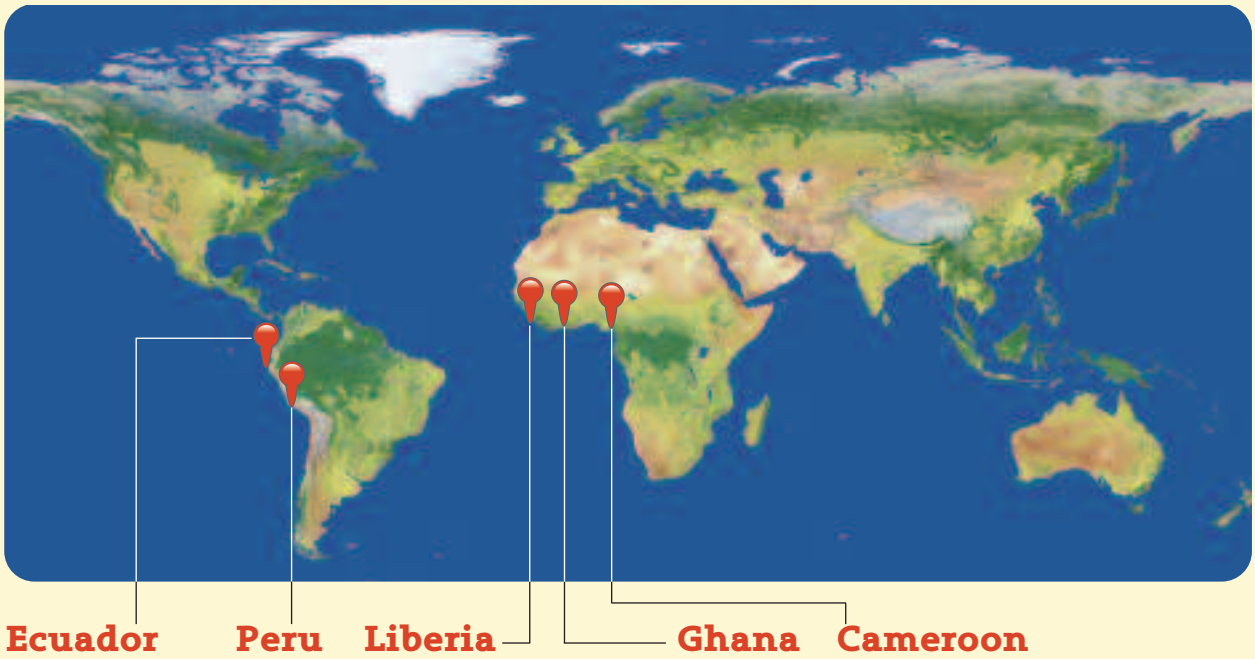
Of the five, Peru is by far the largest country, and its population is the most urbanised and has the highest GDP per capita. The other Latin American country, Ecuador, shares relatively similar demographic and economic characteristics. The West African countries have comparatively more rural populations with lower GDP per capita levels. The Corruption Perception Index compiled by Transparency International in 2010 reveals that all of the countries are relatively highly corrupt in the public sector; on this score Cameroon is assessed to be the worst followed by Ecuador.

The forest land areas and deforestation rates also vary considerably between the countries. The rates of change between 2005 and 2010 are an estimate that may not reflect actual levels of deforestation and degradation of forest land, especially since there is no accurate data on illegal logging. Peru has the largest amount of forest both in total hectares and as a proportion of overall land area, but the estimated rate of change per annum is the lowest. Despite having the smallest remaining percentages of forested areas in their territories, Ghana and Ecuador have the highest estimated rates of deforestation and the highest population densities, which indicates that the remaining resources are under considerable pressure. In absolute terms, however, the highest estimated forest loss is 220,000 hectares per annum in Cameroon, where logging concessions continue to open up forest land. The low estimated forest change in Liberia may also change quickly as the timber industry develops there after the civil war.

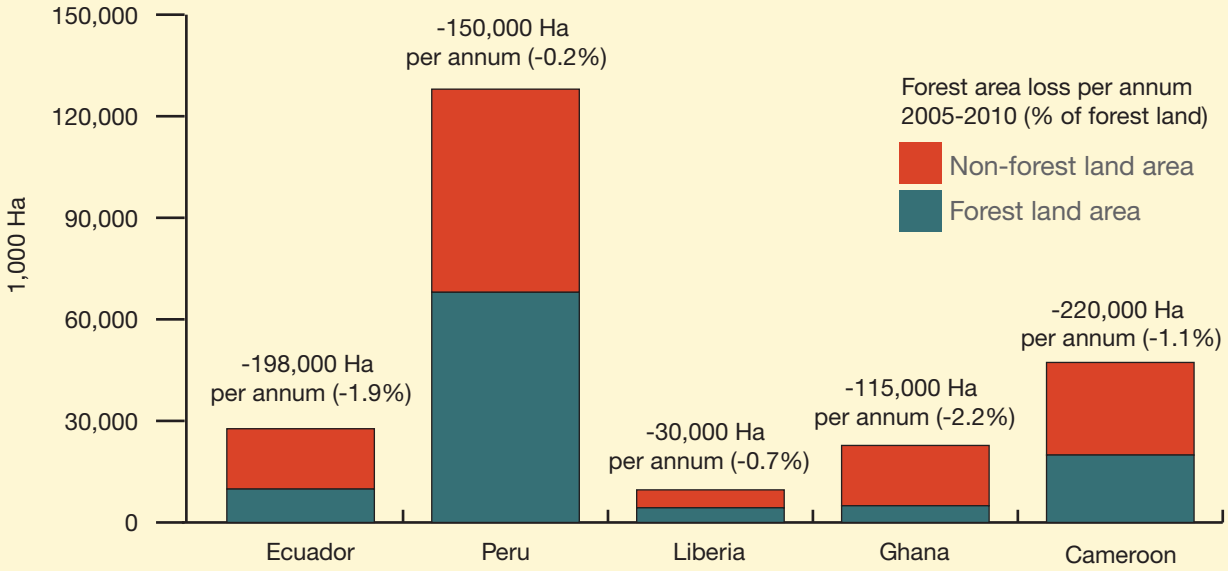
The following summaries briefly contextualise the forest sector and governance in each country, starting with a key aim or objective from each of their respective national policies or strategies.

Some of the the first logs being transported for export after sanctions were raised in Liberia. Photo: SDI

Figure 1: Key Country Statistics[15]



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



Country	Ecuador	Peru	Liberia	Ghana	Cameroon
Population (1000)	13,481	28,837	3,793	23,351	19,088
% Rural pop.	34	29	40	50	43
Population per km^2 of forest land area	137	42	88	473	96
GDP per capita (PPP in $US)	$8014	$8509	$388	$1463	$2195
Corruption Perception Index	2.5	3.5	3.3	4.1	2.2

Cameroon

> Section 22 of the 1993 Forest Policy: The permanent forest domain must (a) cover at least 30% of the national territory, (b) be representative of the national biodiversity and, in order to guarantee their sustainable use, and (c) be managed according to a management plan approved by the concerned authority[16].

Cameroon has dense tropical forests in the south of the country, which are very rich in terms of biodiversity and support a wide range of uses. The country contains more than 200 ethnic groups, including forest peoples. In the legal framework, all forests are owned by the state since customary tenure is not recognised. Logging has developed over recent decades into an important export-driven part of the economy, which is largely focused on production while process remains less developed. The Ministry of Forests and Wildlife (MINFOF) is responsible for managing the sector, while the Ministry of Environment and Nature Protection is responsible for managing protected areas and also deals with environmental services including carbon sequestration. The EU ratified the Cameroon VPA in spring 2010, which includes commitments to strengthen forest governance, community rights and information provision. A REDD+ Readiness Plan Idea Note (R-PIN) was submitted in 2008 and further planning for the development of an R-PP took place over 2010.

Ecuador

> Vision Statement in the Strategy for Sustainable Forest Development in 2000: Ecuador sustainably manages its forest resources and guarantees society its permanence and its biological and cultural diversity; it competes in an efficient manner in the world market of goods and environmental services, generating economic and social development that improves the quality of life of everyone involved[17].

Ecuador has a very rich forest resource base including tropical and temperate forests of varying types and high levels of biodiversity. It is estimated that approximately 25% of the population is of indigenous heritage. Under the Constitution, indigenous peoples legally own the land in their ancestral territories, which includes the majority of forested areas. The remainder is mainly incorporated into the National System of Protected Areas, other public protected forests and the state forest estate. A few large timber companies carry out the bulk of licensed logging in the country, but informal and illegal logging by a diverse range of actors is thought to be widespread. The Ministry of Environment (MAE) is the national authority directly responsible for the forest sector. Two other ministries play important roles related to forests – the Ministry of Agriculture, Livestock, Aquaculture and Fisheries is responsible for the agricultural sector, including agro-forestry and reforestation programmes, and the Coordinating Ministry of Natural and Cultural Heritage is a supra-ministerial body responsible for coordinating and monitoring work across ministries and institutions. Ecuador is included in the UN-REDD programme.

Ghana

> Aim in the 1994 Forest and Wildlife Policy: The Forest and Wildlife Policy of Ghana aims at conservation and sustainable development of the nation's forest and wildlife resources for maintenance of environmental quality and perpetual flow of optimum benefits to all segments of society[18].

Ghana is a lowland country with a tropical forest zone in the south of the country. Much of the formerly extensive forests have been destroyed, and the natural forest in some 200 state managed forest reserves also suffers degradation. Population increase and the drive to maintain revenues from timber exports threaten the little remaining commercially viable forests. Outside protected areas, forests are held in community “stool lands” that are recognised in the Constitution in line with customary or ancestral rights and are represented through the institution of chieftaincy. The managing authority is the Forestry Commission (FC), which is a separate institution from the Ministry of Lands and Natural Resources and is meant to operate with direction from the Minister only on policy matters.

The Environmental Protection Agency is the leading public body for protecting and improving the environment. The Ghana-EU VPA was the first to be agreed in September 2008. Following a process of synthesis and review during 2009 and 2010, the final R-PP for Ghana was submitted to the FCPF in December 2010.

Liberia

> Aim in the 2006 National Forestry Policy and Implementation Strategy: The aim of the forestry policy of Liberia is to conserve and sustainably manage all forest areas, so that they will continue to produce a complete range of goods and services for the benefit of all Liberians and contribute to poverty alleviation in the nation, while maintaining environmental stability and fulfilling Liberia's commitments under international agreements and conventions[19].

Liberia has large and valuable tropical, semi-deciduous and mangrove forests, which support the livelihoods of much of the poor rural population. The country is recovering from the lingering effects of the civil war, which ended in 2003 after 14 years. There are 16 main ethnic groups, but the conflict eroded customary and traditional structures. Uncontrolled exploitation of resources took place leading up to and during the war, and led to sanctions on timber exports in 2003 and the cancellation of all concessions in 2006. Since then, a new legal framework for forest sector has been established, which includes recognition of some customary rights. The Forest Development Authority (FDA) is the public institution responsible for managing and regulating forest activities in the country, which is independent of line ministry control and accountable to a board. The VPA with the EU was signed in May 2011 following a year of negotiations and consultation. An R-PIN was submitted in 2008 and work towards the submission of the draft R-PP took place over 2010. The act establishing the Liberia EITI was signed into law in 2009, and was the first to include forestry in its provisions.

Peru

> General Objective of the Third Draft of the National Forest and Wildlife Policy 2010: To promote the development of the forest sector ensuring the sustainable production of goods and services of the forests and other ecosystems of wild vegetation, in order to contribute to the well-being of all Peruvians, the generation of employment, the creation of wealth and the reduction of poverty, guaranteeing the sustainable use and conservation of forest ecosystems and other components of the forest and wildlife heritage, based in adaptive, effective and decentralised management of ecosystems, with participation and social inclusion[20].

Peru has the third largest area of tropical forests in the world. It is estimated that up to 45% of population is of indigenous heritage, the great majority of whom are from Andean peoples and the remainder from Amazonia. The timber export and production industry is a relatively minor part of the economy, but there are a range of selective logging activities and other uses of forest resources. The institutions responsible for the forest sector changed in 2008/09. The Ministry of Environment has been created to take over responsibility for strategic planning for natural resources, including forest policy. The forest administration has been absorbed into the Ministry of Agriculture, and the supervising body for forest resources (OSINFOR) is under the Council of Ministers. Two autonomous public institutions – the Ombudsman and the Public Ministry – also have specific environmental offices. A process to decentralise many functions to regional government, including those relating to forests, is underway. Drafting of the R-PP for Peru was carried out in 2010. The Peru-USA Trade Promotion Agreement was implemented in February 2009, which includes an annexe pertaining to forests.

3 Report Card Methodology

3.1 Overall Approach

The 2010 report cards broadly followed the same methodology that was used in 2009, which had been developed through a participatory action research process involving Global Witness and the four partner country NGOs that initially joined the project. The aim has been to establish a comprehensive, objective assessment of the level of transparency in the forest sector in each country. In 2009, information was collected on 70 indicators relating to the main legal and regulatory processes that provide public access to information and/or access to decision making in the forest sector. The report card consisted of a standard yes/partial/no "traffic light" (green/yellow/red) for each indicator, data on the source of each relevant law, regulation or information, and a short explanatory comment. This information was collected through either desk-research (e.g. internet and library searches) and/or fieldwork (e.g. surveys or interviews with local communities and citizens). Building on the report card findings and other project work, the partners then produced an analysis of the forest sector in their country with conclusions and recommendations for the main stakeholders.

The four partner country NGOs reviewed the set of indicators in May 2010 and decided to remove two because they did not provide a clear yes/no assessment, and add a further ten to capture greater detail on several issues. Thus, 78 indicators were applied in 2010 by all of the partners (including the new partner in Ecuador), of which 68 were repeated from 2009 and could be compared year-on-year to analyse whether there was evidence of change. For the majority of questions, a 'yes' answer indicates a positive response in provision of the necessary law, regulation or information, but four questions were retained where a 'yes' receives a negative/ red traffic light (instead of green) because this form of the question made more sense. The full list of 2010 indicators is included in Appendix A, which also highlights the new indicators and the negatively phrased questions. Appendix B shows the indicators reported for each country in 2010 and 2009. The complete datasets and supporting text for all of the indicators can be accessed at the *Making the Forest Sector Transparent* website.

Research Team for data collection in the Kukuom traditional area in Ghana. Photo: CIKOD

3.2 Country Approaches to Data Collection

Methods Applied by Partners

Cameroon

Field assessments were conducted by local NGOs on the availability and accessibility of information to stakeholders in four regions of the country - two more than in 2009 to include a greater variety of forested areas. Data collection was organised in a 78 question form. The NGOs were trained on the methodology and then conducted workshops and interviews. There were over 200 participants in total across the regions including local mayors, forest authority officials, village chiefs, CSO representatives, women, youth and indigenous people, and representatives of forest user groups. The data was synthesised by each NGO, and combined to produce one overall dataset. Desk research was carried out on information sources to complement and check the data. A country-specific report was presented in July 2011.

Ecuador

Information was gathered through website and library searches centred on 12 institutions, most importantly the three public institutions directly involved in the management of the forest sector. Missing information was collected through interviews with key authorities, document collation using specific on-line legal search engines, and requests under the FOI law. The data were systematically organised using a bibliographic tool and then analysed to answer the questions for the different indicators. Indicators on concession/permit systems and fiscal regimes were deemed not applicable due to the way that the forest sector is regulated. A country-specific report was presented in May 2011 with scores on the levels of transparency of different institutions.

Ghana

Local NGOs administered a questionnaire with stakeholders in six districts in two regions to explore their awareness of information on the forest sector. The questionnaire was simplified into a common format, and the number of participants increased from 231 in 2009 to 323 in 2010. The main stakeholder groups interviewed were community members (63%), traditional authorities (14%), forestry officials (10%), district assembly members (9%), CSOs (2%) and timber companies (2%). Responses were analysed to examine differences in knowledge of and access to information. The findings were then synthesised, and secondary information held on official websites and in other public sources was gathered. A country-specific report was presented in September 2011.

Liberia

Three CSOs collected the data in six counties - three more than in 2009. Five were selected due to their proximity to forests and one because it includes the capital and the headquarters of the FDA. The data were collected using a form consisting of 72 questions, each of which asked participants on their knowledge of the existence and availability of the particular information. The number of participants increased from 58 in 2009 to 84 in 2010. They included representatives of government agencies, local media, Community Forest Development Committees (CFDCs), community-based organisations and associations representing logging operators. Desk-based research on information held by the government institutions was also gathered and specific data were requested. A country-specific report was presented in August 2011.

Peru

Clear frameworks using legal requirements as a reference point have been developed to assess the levels of transparency and access to information of public institutions. In 2010, nine institutions with direct responsibilities for the forest sector and 13 others with indirect responsibilities were included. Due to decentralisation, four regional governments with offices responsible for forest issues were also reviewed. Data were collected by systematically searching official websites and sources, augmented by requests for information under the FOI law, and meetings with specialists. Comparative scores for levels of transparency of different institutions were produced. A country-specific report was released in February 2011 in an event attended by senior government officials, when prizes were given for improvements in transparency.

Comparison of the Country Approaches

When comparing the report cards and approaches of the different partners, there are two major methodological issues to bear in mind:

- Since *Making the Forest Sector Transparent* is focusing on a small number of very diverse countries, aggregate scores for individual countries or comparative rankings between countries are not meaningful.
- The methodology is developed collaboratively and actively encourages innovation and adaptation to local priorities. While there are a common set of indicators, each partner has the ability to develop a report card methodology that matches their own priorities, capacities and interests.

All of the project partners have solicited input from the relevant authorities and involved a range of CSOs in the design and implementation of their data collection, but their approaches can be broadly differentiated between those applied by the partners in Cameroon, Ghana and Liberia and those applied in Ecuador and Peru.

In Cameroon, Ghana and Liberia, the partners have primarily used field-based workshops, interviews and questionnaires in selected areas to gain a deeper understanding of the ability of different stakeholders and local communities to access information on the forest sector. The research itself has served as a means of training local NGOs, increasing awareness in local communities, and promoting greater civil society engagement in forest issues. Some problems have been encountered with the methodology, notably the use of questionnaires based on the full indicator set were cumbersome and time-consuming to administer, and overall statistics were based on small and diverse samples.

In Peru and Ecuador, the partners have primarily used systematic searches of institutional information sources, supplemented by official information requests and interviews with key informants, to assess whether public institutions make information publicly available as legally required. They have developed scoring systems and reports for assessing the performance of public institutions in making information available. This approach has helped to engage public institutions and officials at a national level, but understanding awareness and perceptions of local communities and stakeholders may have been less developed.

The prevailing legal framework and the political/institutional culture would have influenced the different approaches. The Laws of Transparency and Public Access to Information in Peru and Ecuador, and their supporting decrees and guidelines, have been used by the partners there to request information and test whether public institutions are meeting their obligations. In contrast, the three African countries have either not passed such FOI laws and/or not implemented formal procedures to require institutions make information available to the public, so the partners there have not been able to take advantage of such mechanisms to test them. All of the partners across the five countries have liaised closely with the forest authorities in their countries and presented their work in multi-stakeholder forums, but their ability to engage policy audiences has varied. Notably, in Peru DAR has held successful workshops and events to promote transparency in which politicians and representatives of key institutions have participated. The partners in the African countries have also worked closely in the formulation of specific initiatives such as the VPAs, but seem to have found it more difficult to sustain contact with institutions on the wider agenda of improving transparency.

In summary, the approach taken by the partners in Ecuador and Peru to assess levels of public information provision by institutions seems to have been more conducive to engaging national policy audiences on the need to improve transparency. Conversely, the field assessments by the partners in Cameroon, Ghana and Liberia have helped to work with local communities and stakeholders to promote better access to information and participation in decision-making. Put simply, the former has focusing more on national institutions, the latter more on local people – albeit at different levels they are united in promoting the right to information and transparency as a foundation for improving forest governance.

3.3 Further Development of the Report Card

From the outset of the project, it has been recognised that the report card would evolve over the four years. The inclusion of Ecuador in 2010 highlighted how some themes and indicators may not be applicable to particular country contexts, especially if they are framed too narrowly. Comparison of the 68 common indicators in 2009 and 2010 also found that even though as many as 20 in each country had changed colour, therefore suggesting a significant change, further investigation revealed that only a subset could be clearly linked to substantive changes in legislation, regulation or information provision. Other changes reflected a better understanding of the situation from collecting data a second time. A more critical appraisal of the information also seemed to have influenced partners towards reporting more negative changes. Given that they are pressing for improved transparency, it is understandable that they have sought evidence of better quality information being made publicly available. If this is not realised, then they may have perceived it as a backward step.

After two years, and with further partners joining in 2011, there is scope to review and revise the methodology so that it can be applied more consistently and develop into a stand-alone tool for wider application to monitor forest governance. It is anticipated that the following will develop:

- A shorter template of common yes/partial/no indicators to provide an 'objective' assessment of whether the main requirements for transparency exist and are publicly available, complemented by a 'subjective' assessment of whether this enabling public access to information and/or access to decision-making in practice.
- A simpler methodology so that only secondary data collection by well-informed researchers active in the forest sector is necessary to assess the indicators. Thus, partners can tailor field work as a separate exercise to focus on community-level priorities and needs.
- A set of optional report card modules that build on the template for particular purposes, which for example may include specific frameworks for testing the fulfilment of requirements under FOI laws or VPAs.
- A transparency checklist for evaluating the evolution of programmes to regulate environmental services or forest carbon schemes such as those under development for the REDD+ programmes.

Large volumes of wood are transported from small forestry operations to informal markets in Ecuador.
Photo: Alfredo Carrasco Valdivieso

4 Findings and Analysis

This section outlines the key findings from the five countries and analyses them in relation to seven main themes, which cover the following main issues:

1. *Provisions for access to information:* Legal provision for freedom of information; official procedures to provide public information; publication of annual reports by forest authorities
2. *Land tenure and use:* Systems of land tenure and ownership of forest resources, including customary rights; maps and other information to show ownership and usage
3. *Forest sector legal framework and regulation:* Policies and laws for the forest sector; regulations for concessions, permits and licenses for forest operations, in particular logging
4. *Participation in decision-making:* Procedures for civil society and community participation in decision-making on the forest sector; organisation of forums with stakeholders
5. *Fiscal regimes:* Systems for redistribution of royalties from forest operations to affected communities; processes to oversee amounts collected, distributed and invested
6. Extra-sectoral activities: Impacts of mining, oil, agro-industry, infrastructure projects and other activities on forests; strategic assessments of different development options
7. Emerging issues in environmental services: Developing programmes to value forests for their role in carbon sequestration, water supply and biodiversity support

The key findings and analysis on these themes were produced by distilling the information provided by the partners on the indicators in the report cards and summarising the country-specific reports that they produced. The full indicator sets for each country are provided in Appendix B.

Analysis of the report card indicators for the four countries that can be compared between 2009 and 2010 reveals that there were eight positive changes that reflected a substantive improvement in the legal framework or information and decision-making processes applied to the forest sector (see Box 3).

Two of the changes relate to progress made in the passage of FOI legislation in Ghana and Liberia, and three to new forums set up for participation in decision-making in Cameroon, Liberia and Peru. There were also two changes in Peru that constitute real improvements in public information provision through a revamped website and release of maps of forest permits, and one other change that represents an advance in planning procedures to take account of environmental and economic issues.

Box 3: Positive changes from 2009 to 2010

2009	2010	Country	Change in Governance
🔴	🟢	Liberia	The Freedom of Information (FOI) Act was signed into law
🔴	🟡	Ghana	A FOI bill was tabled in parliament
🔴	🟢	Cameroon	The first ever National Forest Forum was held
🔴	🟡	Liberia	The forest forum process was initiated
🟡	🟢	Peru	A range of civil society discussion forums were instituted
🟡	🟢	Peru	The forest authority website was re-launched with better information
🔴	🟢	Peru	Generalised maps of forest permits were made publicly available
🔴	🟢	Peru	A protocol was written to facilitate planning on impacts of different land uses

Conversely, there were four negative changes that reflected steps backwards in the situation of forest governance in the countries (see Box 4).

Two of the changes relate to the inappropriate use of small timber permits in Cameroon and Ghana, one to the lack of public information on REDD+ policies in Liberia, and one to the repeal of the Forestry and Wildlife Law in Peru following controversy over its formulation, which also resulted in some of the more progressive legal provisions being held up.

Box 4: Steps backwards from 2009 to 2010

2009	2010	Country	Change in Governance
		Cameroon	Non-transparent allocation of small permit areas increased
		Ghana	Inappropriate use of salvage permits increased
		Liberia	Lack of transparency over development of REDD+ policies
		Peru	Repeal of controversial law with some progressive elements

Rural communities own a large amount of the remaining forest in Ecuador. Photo: Alfredo Carrasco Valdivieso

4.1 Provisions for Access to Information

Key Findings by Country

Cameroon

The Constitution recognises the right to information, and existing laws include some provision for transparency, but no specific FOI law has been passed and authorities often ignore their obligations to provide information. Rural communities struggle to access information due to the lack of clear procedures for distribution, archiving failures, and uncertainties on what should be provided. Although MINFOF has improved its on-line communications, many documents are unavailable and it does not publish annual reports or audited accounts. The VPA includes provisions for transparency in forest governance, regulations and trade, but an initial analysis found that the majority of required information is not yet provided.

Ecuador

The 2004 Law of Transparency and Access to Public Information, the 2008 Constitution, and environmental laws guarantee access to information, and new state functions have been established to promote transparency through public participation and monitoring. Public institutions provide information on-line, but they are slow to respond to information requests and only recently has MAE become more proactive in releasing information such as statistics on forestry. It does not produce an annual report on forest activities, and the information and data on forests are limited. What is available is hard to find and generally in technical/legal language. Compliance with the law is monitored through the Ombudsman's Office, but discretionary classification of information can obstruct access.

Ghana

The Constitution guarantees the right to information but specific legislation has not yet been passed. A FOI Bill was approved by the Cabinet in November 2009 and tabled in Parliament in February 2010, but little progress was made since then despite pressure from civil society to expedite the process. The 2008 New Service Charter of the FC also acknowledges the right to information, but there is no way of establishing whether it meets its commitments. The distribution of information to local stakeholders and communities on forest operations and activities is inconsistent. The last annual FC report was produced in 2006 and last accounts in 2005. In practice, authorities often choose not to disclose information and civil servants use the oath of secrecy under the Constitution as a reason for not being transparent.

Liberia

The FOI Act was passed in 2010 and gives everyone the right of access to information generated, received and/or held by public bodies. The Independent Information Commission and other legal procedures to implement the Act still need to be established. The Liberia EITI Act 2009 (which includes forestry) and the National Forestry Reform Law (NFRL) 2006 also provide for public access to information. Documents on forest activities have been made available on-line by the FDA and other public initiatives, but only a minority of stakeholders are aware of them and very few can access them. The FDA has received World Bank funding to increase public access to information, but no functioning library, information centre or system has been set up to date, and its annual reports are also draft and out of date.

Peru

The Constitution enshrines the right to information, which has been incorporated into different laws and norms, notably the 2002 Law of Transparency and Access to Public Information Act. Specific decrees and directives in 2009/10 have aimed to improve standards for institutional websites and access to public environmental information. In the last two years public institutions have made efforts to meet these obligations, in particular through websites such as the National System of Forest and Wildlife Information, but there are still gaps in information provision. A yearbook of forest statistics is published with summary data on concessions and production of timber and non-timber products, but an annual report of forest activities is not published.

Analysis

The constitutions in all five countries recognise the right to information, but they are at different stages in terms of specific freedom of information laws and procedures to build on this principle. A major advance in 2010 is that the Freedom of Information Act was passed in Liberia; it is too early to assess its implementation but it is important that supporting regulations, procedures and offices are developed quickly. Ecuador and Peru have had legislation for transparency and access to information for some years, which is supported by decrees and procedures for how public institutions should provide information. Nonetheless, these supporting structures have taken some years to develop. New guidelines in Peru have established standards for public institutions to improve their websites as "transparency portals", and provide access to information, but further work is necessary to meet these obligations. Regarding the two countries without specific freedom of information legislation, Cameroon and Ghana, civil society campaigns are pressing for them but progress is slow – even in Ghana where a draft bill exists.

Forest specific laws and/or charters in the different countries also recognise the right to information, but in practice the provision of documents and information on the forest sector is often lacking or inconsistent. There have been some improvements in information being made available on the websites of public institutions, notably in Peru (although some on-line information continued to be incomplete or confused). The finding from stakeholders is that even if information is available on-line, many rural people are unaware of it and/or unable to access it since they do not have connectivity to the internet. Many of the documents are also in technical and legal language that lay people may find difficult to interpret, and very few are translated into indigenous peoples' languages. The format of data can also hamper its usefulness: for example data on the distribution of forest revenues in Ghana cannot be easily downloaded and then given to those without internet access. At a local level, the common finding across all of the countries is that the authorities generally do not disseminate information in ways that made them accessible to local people. Alternative forms of media, such as printed summaries, newspaper notices and radio reports could raise wider awareness. Officials are also reported to be reluctant to provide documents, either due to their own uncertainties or their ability to withhold information in the absence of clear obligations. Changing this culture will take time; for example there has been little progress in Liberia despite World Bank funding for an information centre. A comprehensive management and supporting mandate is necessary to overcome the discretionary way that officials tend to provide information.

It is also striking that none of the forest authorities in the countries produce timely annual reports on their activities and developments in the forest sector. Although the authorities in Peru and Ecuador produce some statistical data (of variable depth) and the authorities in Ghana and Liberia have published annual reports in previous years, there is no evidence of comprehensive or consistent reporting by forest authorities in any of the countries.

A Queen Mother (a traditional women leader) in Ghana emphasises a points during a meeting. Photo: New Generation Concern

4.2 Land Tenure and Land Use

Key Findings by Country

Cameroon

Land tenure law does not provide for customary land-holding and natural forests are de facto property of the state. Forest land is divided into the permanent and non-permanent estate. The permanent forest estate includes designated in sustainably managed production and protection areas. A few Council Forests are managed by elected local bodies. The non-permanent estate includes Community Forests, other forests in the national domain and private plantation forests. Local communities have the right to manage and use Community Forests, but the process to establish them is complicated. Nonetheless, applications and approvals have increased since 2000. There is no clear cadastre that lists all forests and current maps do not show all authorised uses, which is an important factor in land disputes.

Ecuador

Forest resources come under a mosaic of land tenure systems, and it is difficult to determine ownership, because there are no complete and up-to-date official records. Outside state protected areas, the majority of forests are de facto private property owned by indigenous peoples and smallholders. There are maps of state forests available to the public, but no information on privately owned forests. In general, there are serious problems concerning land tenure, which has brought about the creation and dissolution of various government agencies with the mandate to adjudicate on land title. The law that has most fully governed tenure of rural areas has encouraged deforestation by requiring 'barren' land as a proof of use to determine ownership. Legal provisions are currently being drafted to regulate land tenure and redistribution.

Ghana

Many laws relate to land tenure and confuse issues of ownership and use. Except for gazetted reserves, most forests are owned under customary norms without title documents. The Constitution recognises the custodianship of land by traditional authorities (stool chiefs) on behalf of the community, but it tends to be seen as private ownership and there are concerns over representation and use. Forest resources are managed by the FC "in trust for the people", which in practice it exercises de facto control over them. Debate also surrounds control and use of trees grown on farmland. There are no ownership and forest use maps, and localised disputes exist between different claimants to land. Although the need to clarify issues of forest tenure and use is widely recognised, there is no established process to address this.

Liberia

Most forested land has an identifiable title, but there is confusion over what is private and public property, in particular for land held under customary arrangements. Public land law treats 'unoccupied' land as public; whereas the Community Rights Law (CRL) treats land that people have longstanding community rights over as private (irrespective of whether they hold a deed). No court ruling has clarified the distinction yet. The CRL also provides community ownership of forests but the NFRL states that all forests are 'held in trust' by the state and the FDA regulates all forest resources regardless of their property status. Digitised maps for forest concessions and protected areas are publicly available on request at the discretion of the FDA, but there is a charge and they are not known by many stakeholders.

Peru

The ownership of most forested land is not clearly identified. A process of physical and legal reorganisation and monitoring of formal land titles is being designed and implemented, which includes land held by native and peasant communities and rural settlers. Responsibility for this process is being transferred to regional governments. Constitutional law states that renewable and non-renewable natural resources are the heritage of the country, and the benefits and products from their use belong to the holders of concessions awarded to them. Forests cannot be owned as property. The state exercises de facto control of all forest land and grants the use of timber and non-timber resources. There is a digital map base of the rights granted, which is available on request.

Analysis

Land tenure is a complex issue in all of the countries, and the ownership and use of forest resources are especially vexed. A confusing variety of land tenure and usage regimes apply; registration of land is generally incomplete and many rural communities and individuals do not hold a secure title. Generally, the state exercises de facto control over natural forests (i.e. not planted by owners) and administers user rights, but there is an overlay of customary tenure and rights that is given little formal recognition. The exception is Ecuador, where the control of most forest is de facto private, mainly under the ownership of indigenous peoples, but some communities do not have documented title. Albeit in varying contexts, the lack of secure tenure is frequent cause in disputes and conflicts in all of the countries.

There are processes underway in some countries to attempt to clarify land tenure, but there were no major advances in 2010. A slight improvement in Liberia followed the adoption of the Community Rights Law, although the regulations have not yet been implemented and no community has successfully applied it to establish its ownership rights. Communities and the Land Commission continue to press the government to place a moratorium on new concessions and permits for land use until tenure and rights have been clarified.

In Cameroon, the legal concept of customary land-holding does not exist, and it is a difficult and expensive process to secure property rights by formal land registration[21]. The state exercises a tight hold on forest ownership and management, but through the development of Council Forests and Community Forests it has provided for the exercise of use rights by local communities in some areas. In practice, it is a demanding process for communities to secure such rights and exercise them effectively, but there has been some progress (see Box 5).

Box 5: Creation of Council Forests in Cameroon

In June 2010, two further Council Forests were created by state decree in Lomie and Nanga Eboko. Council Forests are owned by locally elected councils, which are responsible for the sustainable management of the forest and receive the revenues generated. Transparent local management offers the opportunity for improving the livelihoods of the rural communities, as well as protecting the forests better by transferring them from the non-permanent to the permanent estate. Raising public awareness has helped secure popular support for new Council Forests, but the process is also prohibitive; for example the costs of obtaining a land title registration are high. At the end of 2010, only 12 Council Forests had been classified.

An important gap in information for clarifying tenure and land use is the lack of comprehensive maps that demarcate different areas by ownership and concession. The main improvement has been in Peru, where digital maps of the areas granted rights to forest operations are available. Liberia also has maps of forested areas in logging concessions, but they are not readily accessible to local communities.

The opening of transport infrastructure has major impacts on the extent of logging activities, Esmeraldas Province in Ecuador. Photo: Alfredo Carrasco Valdivieso

4.3 Forest Sector Legal Framework and Regulation

Key Findings by Country

Cameroon

The forest policy and forest law date from the mid-1990s. The legal framework relates primarily to logging operations and regulations have seldom been updated or amended. There are plans to review it following the signing of the VPA. Customary forest law of communities is largely superseded by codified law. The two main categories of timber titles are concessions allocated by auctions to companies to manage large areas, and specific permits granted by mutual agreements. NTFP and wildlife hunting permits are also granted. There are suspicions of complicity between authorities and companies in how concessions are allocated, and contracts and forest management plans are usually not publicly available. Timber permits include 'small titles' which may be exploited due to lack of transparency.

Ecuador

The forest strategy from 2000 and codified forest law from 2004 were being reviewed and updated by MAE in 2010 in light of the new Constitution, but in general draft bills are only released on submission to the National Assembly. Since forest land outside protected areas is private property, the state does not allocate concessions or permits for usage rights, but logging companies are required by law to obtain licences from MAE for specific geographic areas following the submission and approval of a management plan. Licenses and plans are not made publicly available and the accuracy and rigor applied by MAE to this process is questionable. Apart from a few large companies, most forest exploitation is by small operators, and informal and illegal logging activities are thought to be widespread.

Ghana

The forest policy dates from 1994 and a range of legislation and operating manuals from the late 1990s and early 2000s govern forest uses. The regulations recognise traditional norms and values. An on-going review process as part of the VPA implementation is aiming to consolidate the legal framework. Timber contracts are allocated following open competitive tendering, but the process is not consistently implemented. Contracts are ratified following a validation process, but these evaluation reports and the contract documents are usually not publicly available. Smaller timber permits are granted by FC officials with considerable discretion. Even though local consultation on forest management plans is encouraged, the actual plans and information on logging locations and volumes are not consistently made publicly available.

Liberia

The forest policy and NFRL were passed in 2006, and regulations for logging and NTFPs were subsequently formulated. The Community Rights Law (CRL) 2009 recognised customary forest rights but it is yet to be implemented. The forest legal framework and general laws for public procurement and concessions require transparent processes for allocating forest uses including competitive tendering, public consultation, and independent evaluation, but major logging contracts in 2008/09 were ratified contrary to due process. Contracts are made publicly available, but they are difficult for rural people to access. Approved forest management plans are not available. Private use permits have started to be granted more often, seemingly as an alternative to tendering, but insufficient information is available to validate their legitimacy.

Peru

The forest law dates from 2000 and was under review throughout 2010, after the 2008 revision was revoked due to disputes over its formulation. The National Forest and Wildlife Policy is also under consultation. Communities have customary rules or agreements but the official law predominates. Timber concessions in permanent forests were allocated between 2000 and 2005 following public tendering, but independent verification was lacking. There have been no new concessions as the authorities are looking to consolidate existing ones and review the process. Contract documents and forest management plans are not publicly available. A range of smaller permits for different uses are granted, including for NTFPs and tourism. The control of forest use rights is being decentralised to regional governments.

Analysis

All the countries have a national forest policy and codified forest law with supporting regulations that govern the sector. These documents are generally available to the public, but the ability of local communities to refer to them is limited by weaknesses in information systems, as previously discussed. It also appears that policy has not necessarily informed implementation of forest law. As noted in the 2009 Annual Transparency Report, Cameroon and Ghana were still awaiting implementation of key elements relating to community rights many years after the policies were established in the mid-1990s.

The current forest policy and laws are out of date in most countries, and have not been reviewed since being passed in the 1990s or early 2000s or have not addressed the key issues and challenges that affect the forest sector. Another deficiency is that they tend not to recognise customary and traditional rights that apply in local communities; only in Ghana do the operating manuals for logging acknowledge these. There are processes underway to review, consolidate and reform the forest policy and law in a new legal framework. Even in Liberia, where a new legal framework was passed in 2006 following the civil war, there is further revision to incorporate community rights. The VPAs in the African countries have shown to be useful catalysts for this process, but it remains to be seen how well these agreements are integrated into the legal framework in practice. Since its agreement in 2008, there have been delays in implementation in Ghana and it is unclear when the country will deliver FLEGT licensed timber. Instead of improving governance, there is a risk that pre-existing concessions will be validated through the VPA – in Ghana a complicating factor is that the great majority of logging concessions are technically 'illegal' because they pre-date changes in the regulations from 1997. There are also criticisms from civil society in Peru that the forestry provisions in the trade promotion agreement with the USA have progressed little since its implementation in 2009.

The regulations in the countries set out procedures for allocating concessions and permits for forest operations (with the exception of Ecuador as discussed already), in particular logging, but in practice there is evidence that the procedures are not consistently followed and that decisions behind allocations are not transparent. Common issues are that ministers and authorities apply discretionary power to approve concessions, and that evaluations of bidders are either not conducted or not followed.

Building on the findings in 2009, the fieldwork in 2010 found further evidence of how formal processes for allocating permits are commonly side-stepped through inappropriate overuse of parallel systems by the authorities in Cameroon, Ghana and Liberia (see Box 6).

Box 6: Inappropriate Use of Permit Systems in Cameroon, Ghana and Liberia

In Cameroon, 'small titles' such as Timber Recovery Permits are ostensibly allocated for logging timber that would otherwise be lost to development projects such as road building, but in reality these projects do not take place once the timber is extracted. The authorities have promised to auction small titles, but not done so. Nonetheless, as a result of *Making the Forest Sector Transparent* project's work to raise awareness, community members have been able to expose abuse of the system resulting in the suspension of 60 titles.

The Forest Watch Ghana coalition of CSOs published details of 111 'salvage permits' issued by the Forestry Commission between January and November 2010 directly to logging companies without going through an auction process involving pre-qualified bidders as required by the law[22]. The coalition estimated that the aggregate loss to the state and to communities who own the resources was in the region of US$10 million.

In Liberia, after the controversial granting of ten large logging concessions in 2008/09, there were few new allocations in 2010. However, the previously unused Private Use Permit has been used to issue permits on land under 'private' ownership, which may include community land. As these permits avoid the need for auction, communities may potentially be losing considerable revenues.

These examples highlight how provisionally small areas can be exploited by circumventing established procedures, which when taken together can amount to considerable deforestation and losses to the community.

In Peru, new concessions for logging permanent forest areas have not been granted since 2005. There was little transparency in how the existing ones were allocated, and the decentralisation of forest planning and regulation to regional government will present a challenge to ensuring that consistent and transparent procedures develop. DAR has worked with the Regional Government of San Martin to develop a database of information including plans, permits, resolutions and other reports that has helped it to be more efficient and aware of the importance of transparency.

The findings from Ecuador raise another set of problems with testing the transparency of forest operations when the majority of forests are owned and controlled by nominally "private" interests, notably indigenous peoples. Even though the Ministry of Environment is meant to issue logging licenses following approval of a management plan, in the fragmented context of the forest sector little information is forthcoming. This context also shifts the onus onto traditional authorities to be accountable to their wider communities for how they manage the land and forest resources, and further analysis is necessary to examine the information and decision-making processes in this regard.

A key deficiency in the transparency of the concession systems is that the final ratified contracts with companies for forest operations are not publicly available in the countries, with the exception of Liberia where the EITI has helped to establish good practice due to its inclusion of forestry. In Peru, only a template for contracts can be seen rather than the actual documents. The VPAs in African countries should facilitate public access to contracts and other information on approved logging operations, but their requirements have not yet been fully fulfilled.

Once logging concessions have been approved, there is also very little information made available to local people on the planned locations, volumes and periods of operations. Forest management plans are not publicly available in any of the countries, even where they are a requirement in the regulations, and there is little evidence of improvement in the situation. The lack of local plans and information on what forest operations are happening in their area means that communities often have no way of knowing whether logging is legitimate or not.

In general, authorities provide little information on forest law enforcement. Apart from sporadic media reports, lists of suspended or debarred operators and details of infractions are not made consistently available to the public in any of the countries. There is also little or no independent monitoring, despite advocacy work to argue that this could make a great difference to forest governance. The notable exception is Cameroon, where an Independent Forest Monitor conducts field visits to observe whether commercial logging operations are adhering to the law. There are also concerns in all of the countries that some communities may condone or participate in some illegal activities themselves, for a range of reasons including lack of knowledge of official laws and practice of unrecognised customary uses. At the local level, CSOs in Cameroon have worked with local communities to improve their knowledge and monitoring (see Box 7).

Box 7: Community Capacity Building to Monitor Forestry Activities in Cameroon

Illegal logging activities and degradation of forest resources has been very common in the municipalities of Mbang and Batouri in Cameroon, seemingly with the complicity of certain local authorities and members of the community who may not be aware of the law. In response, the Centre for Environmental Protection and Community Interests and the Community Development Support Network, have supported local communities to participate in Forest Environment Monitoring Committees. Workshops have provided specific training in tools and techniques for monitoring illegal activity. This has helped communities to compel authorities to respond to accusations and restricted the opportunities for illegal activities.

4.4 Participation in Decision-Making

Key Findings by Country

Cameroon

There are no legally-recognised procedures for civil society and local community participation in forest sector decision-making. A top-down approach has dominated, but the government has started to open up more opportunities for participation and CSOs have played a more proactive role in VPA negotiations and on-going forest policy reform. The first national forest forum took place in March 2010 with around 1,000 participants, and it is hoped it will become institutionalised. There are also "embryonic" platforms that have started to involve stakeholders in local forest management. Notwithstanding these advances, there are challenges to improving participation in decision-making, including the recognition in law of the principle of free prior informed consent. CSOs also need to improve their organisational capacity.

Ecuador

In general, the right to participate in policy and practice is strong, but the current forest law does not stipulate any formal requirements for participation in decision-making. Decisions pertaining to forests tend to be seen as outside the public domain. National dialogues with civil society have taken place on major issues, but they have been sporadic and not legally binding. Similarly, local forums have been promoted by civil society organizations, but they are not institutionalized. Nonetheless, the current decentralization of government offers an opportunity for greater participation in forest use and conservation policies. The Constitution recognises the rights of indigenous communities to be consulted regarding the use of non-renewable resources in their territories, but it does not require their prior informed consent.

Ghana

There is no legally recognised process for public participation in decision-making, but various platforms have evolved. Local forest forums are established in 35 districts, and representatives of them also participate in a national forest forum, but they only represent a subset of the 170 districts in the country. A review in 2010 found that they have inadequate links with key policy making processes and District Assemblies. Fieldwork also found that did not reflect the community well; in particular women's participation has been low. CSOs have also increased their participation through events like the annual Environment and Natural Resources Sector Summit and working groups on new initiatives. Although the legal framework does not include provision of free prior informed consultation and consent, timber regulations include such procedures.

Liberia

The core regulations include specific provision for public participation in forest-related policy and decision-making, and the implementation of the CRL will empower communities to play a more central role. Nineteen CFDCs were set up in 2010 to represent community interests in relation to the state and logging companies. A National Forest Forum is planned. Progress varies in the structure and processes of different CFDCs, and information sharing systems for consultation processes are lacking. The core regulations recognises the right of a CFDC to give prior informed consent on behalf of affected communities over commercial use of customarily held forest land, even if is not registered with statutory title, but in practice these processes are still developing.

Peru

The 2001 Law on Citizens Rights to Participation and Accountability sets out procedures for civil society participation in public decision-making, but there is no normative framework specific to the forest sector. The current forest law and a ministerial resolution provide for national bodies for consultation and dialogue on policy, but they have not been formally established. Civil society has participated in working groups and regional public hearings to discuss the draft forest law and other new norms and initiatives. A law on consultation of indigenous peoples has been proposed, but its approval by the government was held up in 2010 for a number of reasons including reservations about granting the right to free prior informed consent.

Analysis

The countries generally do not have legally recognised procedures for public participation in decision-making on the forest sector, with the exception of Liberia where the law and regulations include such provisions (but they have not yet been fully implemented). The principles of free prior informed consultation and consent have also not been incorporated into law in most countries, although Peru has made progress towards passing a specific law for indigenous peoples. Nonetheless, there are positive signs that participation is increasing from the level of grassroots empowerment to national policy making in all of the countries. There have been more opportunities to participate in the development of new laws and initiatives, such as the revision of existing forest laws and the signing of the VPAs with the EU and the Peru-USA trade agreement. For example, CSOs in Liberia have taken advantage of opportunities to participate in the formulation of the VPA – in particular they have played an instrumental role in framing the inclusion of independent audit and monitoring.

Advocacy and coalition building work by the partners has helped to ensure that the voices of marginalised groups are being heard. A positive example is the advocacy work for the inclusion of minority Pygmy populations in planning and implementation of programmes in Cameroon (see Box 8).

Basic dwellings of Bakas forest people in the south-east of Cameroon. Photo: CED

Box 8: Participation of "Pygmy" Peoples in Cameroon

The 2009 action plan for the Forest and Environment Sector Programme for Pygmy peoples in Cameroon failed to take account of the concerns of the populations. Consequently, the "Pygmy" Action Cooperation Research Network carried out research and advocacy work to address these issues. It formulated recommendations through meetings and forums with local groups and presented them to MINFOF and the Ministry of Social Affairs. These interests were successfully integrated into the 2010 action plan to the benefit of 60,000 people in the Baka, Bakola, Bagyeli and Bedzang groups. Building on this experience, the network is now playing an important role as a thematic leader providing input into the official process of revising the forestry law.

A major change has been the development of forums to represent the interests and views of civil society. In Liberia, the legal establishment and good governance of CFDCs has progressed well and they provide a model for other countries for recognising community rights. In Cameroon, the first national forest forum was held and procedures to institutionalise its work are developing. In Ghana, civil society participation in national summits has increased and organisations have been proactive in setting up parallel networks and working groups. In Peru, the active role of civil society in consultation has helped to prevent a return to the violent confrontations triggered by less legitimate processes in 2009.

Notwithstanding this progress, the findings in 2010 also illustrate the need to maintain efforts to improve participation in decision-making. In particular, procedures are necessary to ensure that the role of civil society and communities is legally recognised so that governments do not continue to take a top-down approach to decision-making wherein consultation is used largely as a secondary legitimisation process.

4.5 Fiscal Regimes

Key Findings by Country

Cameroon

The law defines the system for sharing revenues from taxation of logging operations. The state receives 50%; the remainder was formerly distributed between municipalities (40%) and affected communities (10%) but a joint ministerial order in 2010 amended it so that 20% goes to communities where the concession is located, 20% to a general communal fund, and 10% to neighbouring communities. Management committees and scales for investment and operating costs will be set up. Due to the impact of the financial recession on timber exports, the government reduced taxes on the sector by 50%. There is a lack of information to allow beneficiaries to track the amounts due, collected and invested. Social obligation agreements are also made between companies and communities, but information on them is not publicly available.

Ecuador

Companies and any other groups that intend to carry out logging operations pay the MAE a fee to administer and oversee their plans, but this is collected and redistributed within the ministry and there is no state regulated system to distribute royalties to affected communities. A fiscal system that has developed since 2008 is the Socio Bosque programme to encourage conservation through payments per hectare of preserved forest. Since this payment comes from public funds, it can be seen as a type of redistribution to incentivise individuals and communities not to cut down their forests. There is a participatory process involving the preparation of an investment plan in line with the Socio Bosque programme, but the lack of secure land title limits the ability of some communities and smallholders to access it.

Ghana

The Constitution clearly sets out the redistribution of land use revenues, including "stumpage" from forests operations. The proportions shared to traditional authorities (20%), stool chiefs (25%) and district assemblies (55%) are specified. Although this system is adhered to, and figures for collection and redistribution are published (albeit usually late), the FC insists that net revenue should be distributed after deduction of its management costs amounting to 50% of the total. This position is often disputed by civil society and traditional authorities, and it is the subject of discussion as part of ongoing Constitutional Review. Social responsibility agreements between logging companies and communities are also provided for in law, but information is often limited and only known to the chief and a few others.

Liberia

The NFRL provides for the redistribution of 30% of land rental fees from logging companies to affected communities, who are also entitled to fees imposed per cubic meter of logs harvested in their area. Under the Community Rights Law, communities will receive 55% of revenues from logging concessions on their forest land. In practice, the redistribution system has not yet been fully established because regulations for oversight and use are still being developed. An agency is cumulating data on payments of taxes and fees, and there is some anxiety amongst communities to see the system tested. Logging companies are also required to sign social agreements with affected communities, many of which were agreed in haste. The FDA has agreed to help review and renegotiate them, but no such review has been published to date.

Peru

The forest canon law stipulates that 50% of the revenues from forest and wildlife products should be redistributed to the affected communities. This relates to concessions and permits made by the relevant authority for the use of forest resources. The distribution is carried out quarterly and information on the amounts can be found only at the local government level. There is no consultation process on the proportions distributed and the items or constituents where revenues are allocated are defined. No formal or legal mechanism exists that obliges permit holders to provide support or payment to communities as part of a social agreement, but in practice some agreements are made to allow the operations to mitigate against potential conflicts.

Analysis

Some form of fiscal regime to redistribute the royalties from forestry operations to affected communities operates in Cameroon, Ghana, Liberia and Peru. Such a system does not apply in Ecuador since timber is not sourced from publicly controlled forests, but conversely there is a programme offering subsidies using wider funds to owners to incentivise the protection of their forests on the basis of biodiversity.

The redistribution system is more elaborate and subject to greater pressure to reform in the three African countries than in Peru. While the proportional share of revenues is set out in legislation, there are concerns over the lack of transparency in how it is distributed. In Cameroon, the 50% tax reduction on companies to assist them during the economic recession will have reduced the amount provided to communities, but there is also no public information provided on how much is due, collected and invested. In Ghana, although better information is available on the amounts, there is a long-standing debate over the proportion taken by the forest authority to support its management costs. In Liberia, the law is unclear on which taxes are subject to the redistribution formula on how much local communities are entitled to from logging concessions, and the redistribution of forest taxation has not yet become fully operational.

Social responsibility systems, whereby logging operators are obliged to make direct contributions in cash or in kind to local communities, are also established in law and in practice in Cameroon, Ghana and Liberia. These agreements are often a necessary adjunct to the permit, but they are rarely in the public domain and cannot be checked to ensure that they are met. The potential value of such contributions is higher in Cameroon and Ghana, but there is more pressure in Liberia to secure enforceable agreements while the tax redistribution system is not yet functioning.

Across all the countries, the lack of rigorous and transparent systems to inform the public on companies' expected contributions either through royalties or social agreements limits the chances of including them within a more general local development plan framework. There are also some concerns surrounding the lack of transparency in how revenues are used by communities and whether it actually goes toward grassroots development. This particularly applies in Ghana, where the members of the traditional authorities that receive royalties may not be representative of the wider community. Efforts have focused on increasing the participation of women. In Cameroon, the Joint Management Committee of Forest Royalties is a local multi-stakeholder framework dedicated to the use of decentralised forest royalties for local development purposes but its effectiveness is questionable. The CFDCs charged with enabling communities to use funds in Liberia may provide a better model, but they have not yet benefitted from the redistribution system in practice.

CFDC meeting on community rules in Liberia. Photo: SDI

4.6 Extra-Sectoral Activities

Key Findings by Country

Cameroon

The mining sector has developed since the Mining Code was implemented in 2001. The code indicates that all land is available for the granting of mining titles, including prospecting in protected areas. Over 80 permits have been granted without regard to the zoning map, and therefore overlap with many permanent forest areas. Decisions to allocate areas for large-scale infrastructure projects and agricultural plantations have also not been transparent. The ministries responsible for different sectors have failed to consult on and coordinate their activities, thereby creating conflicts. The lack of strategic assessment of development options poses a serious threat to forests and communities. In order to address this challenge, Parliament established a working group with various stakeholders in 2010.

Ecuador

Extractive industries such as oil and mining and infrastructure projects such as road and hydropower schemes have a major impact on forests. The National Office of Planning and Development has produced a strategic plan for 2009-13 and prepares annual investment plans with details on projects in different sectors, which have a direct or indirect impact on forest ecosystems. The drafting of the State General Budget is an important process for framing development options, but analysis by Grupo FARO in 2010 found that was a lack of participation and transparency[23]. There are established consultation processes for the oil, mining and hydroelectric industries, however the final decision of whether to proceed with a project is left in the hands of the responsible ministry.

Ghana

The decision making process on extra-sectoral activities that effect forests is completely non-transparent to the extent that even though the same parent ministry is responsible for both forestry and mining, permits are sometimes given for prospecting in forest reserves against the advice of the FC. There is little coordination between departments related to natural resources, and there is no strategic environmental assessment pertaining to the forest sector despite the threats posed by mining and other extractive industries (assessments for other sectors have also not been made publicly available). In practice, extra-sectoral operations overrule forest laws. Information on new projects is generally not made public; civil society groups have typically needed to investigate activities using unofficial information.

Liberia

The government has issued several large-scale mining and agricultural plantation concessions, some of which are located close to or inside significant biodiversity conservation areas, without consulting the FDA. These allocations raise the risk of increased deforestation and threaten the livelihoods of local communities. Even though the law on public procurement stipulates that major contracts should be allocated through open competitive processes, in reality little information is made available publicly. A World Bank-commissioned strategic environmental assessment was conducted in 2008/09 and published in 2010, which highlighted the lack of inter-agency coordination and a framework for decision making on development options and trade-offs. It is not yet clear how the government will use these findings.

Peru

Mining, oil and agro-industrial activities tend to be prioritised to the detriment of sustainable management of forest resources, and the decision-making processes on such activities have not been transparent. In general, the political priorities of the government are the driving factor behind decisions on development options rather than strategic environmental assessment. However, in 2010 the Ministry of Environment published guidelines for land policy that promote ecological economic zoning so that regional and local government plan activities to avoid environmental conflicts and inappropriate uses. This has the potential to improve coordination, but it depends on how it is implemented. Each regional government is currently implementing its own organizational structures to exercise the functions that have been transferred.

Analysis

The 2009 Annual Transparency Report highlighted major weaknesses in how extractive industry permits for mining and oil, large agricultural and bio-fuels plantations, and major infrastructure projects, have been approved in relative secrecy to the detriment of forest areas and local communities. There is little evidence to suggest that this situation has changed. Common problems across the countries are the lack of strategic environmental assessment or other public processes to frame decisions on different development options, and poor coordination between different government bodies. In general, short-term political priorities tend to privilege such industries. Information collected from Cameroon highlights how many mining permits in particular are being granted irrespective of the other forest community uses and protected areas. An example is shown in the map segment in Figure 2 below.

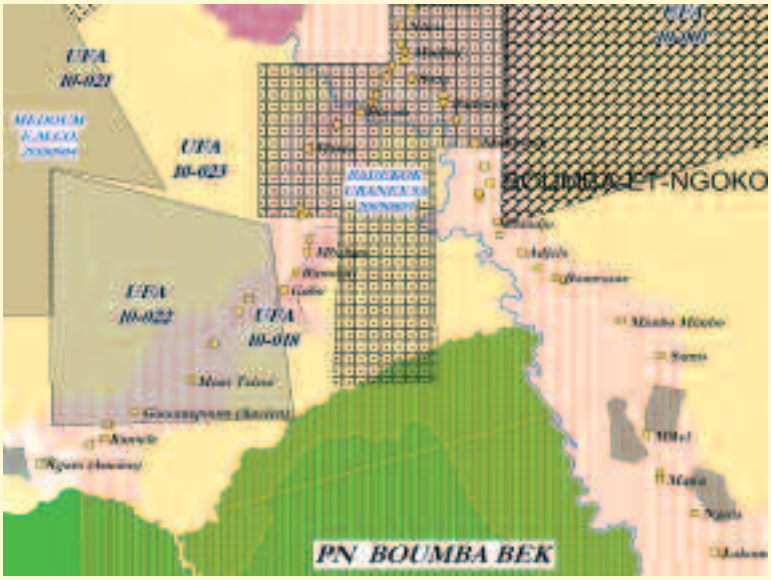
Unofficial information obtained by CSOs has also revealed that mining activities are being planned in conservation areas in Ghana, and several large-scale mining and monoculture agricultural concessions in Liberia threaten significant biodiversity areas. The advocacy work by CSOs in Ghana has helped communities to contest these activities in some areas (see Box 9).

Box 9: Community Work to Challenge Mining Activities in Ghana

In 2010 CIKOD supported New Generation Concern, a community-based organisation, to carry out information sharing and capacity building work with traditional authorities and communities in the Wasa Amenfi East District of the Western Region. This helped to empower local people to become more actively engaged in forest issues. One outcome was that four communities challenged a mining company preparing to carry out activities in forests without having followed due process and received the necessary consents. Their complaints were upheld by district authorities, which prevented the mining operations from commencing. Further work is planned to develop bye-laws to regulate extractive companies.

As awareness of these threats to forest has increased, there have also been some developments to try and harmonise strategic and regional planning. In Cameroon a parliamentary working group with representatives of different stakeholders including NGOs has been formed to review the situation. The most positive sign of progress has been in Peru, where the Ministry of Environment has developed policy guidelines on ecological economic zoning to support authorities to coordinate planning, but it remains to be seen how well this is implemented in practice.

Figure 2: Competing Demands: Forests and Mining in Boumba-et-Ngoko Province, Cameroon



- Protected area
- Municipal forest
- Community forest
- Logging concession (UFA)
- Non-forest land
- Bush-meat hunting zones
- Villages
- Individual mining exploration permits

Segment of a map from CED, June 2009

4.7 Emerging Issues in Environmental Services

Key Findings by Country

Cameroon

There are no systems in place yet for regulating environmental services related to forests, such as carbon sequestration, biodiversity conversion and water provision. In light of debate around payments for such services, it is anticipated that they will be included in forthcoming forest law. Although no national policy document on REDD+ exists yet, project and programme approaches are being prepared. A pilot project for estimating carbon stock is being implemented by the government, and local projects for carbon sequestration in community forests have also started. A REDD+ national steering committee is planned. Forest people have raised fears that their rights will not be respected and that the benefits of REDD+ will not be shared. All stakeholders need to be involved to ensure that there are transparent processes for REDD+.

Ecuador

The 2008 Constitution refers to the regulation of environmental services by the state, and discussion on the shape of this regulatory framework has started. This may open up the prospect of the state managing environmental services directly in order to access carbon funds and markets, which could potentially result in disputes with indigenous peoples who own the land. To date, there are some local payment schemes for environmental services such as conservation and water funds, but they are not widely known or developed. Texts regarding formulation of the national REDD+ strategy are publicly available and the government has been willing to let civil society play an active part in drafting the provisions.

Ghana

There is little consideration in current policy or law of the environmental services provided by forests. Different authorities, such as the Water Resources Commission, are responsible for different resources, and generally do not coordinate their work with the Forestry Commission. The Environmental Protection Agency is expected to be the responsible body for carbon assessment, but there has been little evidence of collaboration with the FC so far. The process of reforming forest and wildlife laws is taking account of REDD+ and other initiatives, however progress is slow. Civil society groups have been proactive in organising workshops on the REDD+ process for different stakeholders in the forest sector, but this consultation is not formally recognised by the government.

Liberia

The current environmental and forest laws do not refer to environmental services – indeed the term 'environmental services' is not used anywhere in the documents. Consequently, there is no provision for a regulatory system to manage such services and no current programmes related to the value of forests for providing them. Attempts to promote projects such as carbon storage in forests are therefore taking place in a policy vacuum. A Readiness Proposal for REDD+ has been submitted to the World Bank FCPF, but it has not been made publicly available on the FDA website.

Peru

There are no regulations pertaining to environmental services, however a bill was being debated in Parliament in 2010 on the issue. With regard to REDD+ preparations, the main developments have been at the regional level, where civil society has promoted the organisation of working groups. In San Martin region, this working group has been recognised by the state. Groups in another three regions have also secured government participation but not been formally recognised. Concerns have been raised by indigenous communities that they are not being fully involved in the consultation process. Further work is necessary to analyse the preparations for REDD+ and environmental services in general, and ensure that there is effective participation.

Analysis

The lack of a legal framework for the formal identification, protection and valuation of environmental services continues to prevail in all the countries, although there has been some progress in considering them as part of forest law reviews and drafting new bills. Nonetheless, the nascent projects for carbon sequestration under REDD+ and other services are currently developing in a policy vacuum. Without a framework, there is a risk of irregularities akin to those that have been highlighted in how extra-sectoral industries have developed without due regard for their impact on forests and communities. Access to information and decision-making on programmes to offset carbon dioxide emissions by valuing the impact of different types of land use also need to be transparent.

The measures incorporated under REDD+ designed to mitigate climate change will potentially have a major impact on the future management of forests. The countries are preparing strategies and programmes to prepare for the implementation of REDD+, and civil society and communities in some areas have been actively involved in working groups. Although there is evidence of good practice in consultation on REDD+, there are also concerns. For example, leading organisations representing indigenous organisations have severely criticised the Government of Peru for only giving the appearance of engaging in meaningful consultation while pushing ahead its efforts to attract finance. Forest peoples and local NGOs in Cameroon have also questioned whether REDD+ will recognise their rights and deliver them benefits, or if commercial interests, plantations and conservation organisations will use it to take more control of forests. In Ecuador, there were reasons for concern about a perfunctory consultation process on the REDD+ strategy, but the work of Grupo FARO and other CSOs helped to promote a series of workshops that were acknowledged by the Ministry of Environment. Although still imperfect, the resulting strategy document now offers more possibilities for enabling successful implementation of REDD+.

Forest community of Bakas in the south-east of Cameroon bordering a forestry concession area. Photo: CED

Which public bodies take the lead is liable to have an impact on the development of REDD+, and lack of coordination could blight strategic development as much as it does for other sectors. For instance, it is anticipated that the relatively poorly funded Environmental Protection Agency in Ghana will lead the development of programmes for carbon sequestration, but this raises concerns about the coordination of work on forests with the Forestry Commission, which tends to focus on logging operations and other uses of resources. Conversely, the structure in Ecuador where the Ministry of Environment is responsible for both the development of REDD+ and oversees the governance of forest offers the opportunity for better synergy.

Box 10: Trade-offs in Exploiting Resources in Ecuador

An interesting example has arisen in Ecuador of the dilemma in protecting forests as important carbon stores as opposed to exploiting the land's resources. In 2007, President Correa announced a moratorium on oil exploration in Yasuni National Park, one of the most bio-diverse regions on the planet. Since then, the government has sought foreign payments to protect the 9,820 sq km Amazon rainforest in return for leaving the oil in the ground, which it valued at US$3.5 billion, but only a small proportion of this amount had been received by the end of 2010.

5 Conclusions

The report card methodology applied in *Making the Forest Sector Transparent* has proven to be a useful organising framework and diagnostic tool for collating and interrogating a wide array of data on different themes pertinent to the governance of the forest sector. It has highlighted examples of real progress in forest governance and cases of steps backwards from 2009 to 2010. However, it is also important to recognise that major advances in forest governance, or governance of any other sector, are usually not achievable over the period of a year. The road to transparency is one of many incremental steps. Of course there are some big leaps forward when new legal frameworks and information systems are established, but they often take considerable time to formulate and implement. Gradual progress or deterioration in the levels of public access to information and decision-making is more common. After two years of experience, the common report card across the partners will develop into a more concise tool to capture data on the existence and public availability of key requirements to support transparency, and to assess the levels of public access to information and decision-making in practice.

The analysis of the key findings in the seven themes highlights several opportunities and challenges for enabling transparency of forest governance in future. Firstly, FOI legislation implemented by rigorous procedures and systems is necessary to oblige public institutions to disclose all information to the public. Civil society and communities also need to use this legal provision effectively to demand information from officials. For example, DAR in Peru has successfully taken advantage of state decrees related to its FOI law to engage public institutions on the need for transparency. Ecuador also has a relatively functioning FOI framework. By no means are the systems in Peru and Ecuador meeting all of the needs – entrenched problems have been encountered by both partners – but at least they are the foundation for further progress. Significant advances were made in Liberia and Ghana towards FOI legislation, but the three African countries still lack legal mechanisms to compel their public institutions to provide information.

As in 2009, a key conclusion is that information is not reaching the people who need it most. There were improvements in 2010, in particular in documents and data being made available on websites by public institutions, and project partners with other NGOs and CSOs helping to disseminate information to local communities. In general, public institutions are just not making information available in a comprehensive or timely fashion, and it is not widely known or easily accessed. Reliance on the web for posting documents is inherently flawed when many rural people do not have access to the internet and they are not alerted to what is becoming available. The lack of summary documents in non-technical language and community languages is a further barrier. Local officials are often not effective intermediaries – they may be selective in their dissemination of information for different reasons ranging from lack of knowledge themselves to vested interests in withholding information and maintaining a level of secrecy. Such a culture is difficult to shift – for example, World Bank funding has been provided in Liberia for an information centre, but this has not been set up and in any case would be little use if it amounted to one isolated official in an office in the capital. What is needed is a rigorous information management system operating across the forest authorities and partner institutions. NGOs, the media and academic institutions all have an important role to play as intermediaries in obtaining, synthesising and disseminating information where possible; but ultimately it is the state that needs to take responsibility for collating and distributing data on public goods and functions so that it can be held accountable.

Turning to the fundaments of the forest sector, insecure land tenure and unclear resource rights of rural communities are problems in all of the countries. Most of them are going through lengthy processes to review land tenure laws, but there was little progress in 2010. The de facto role that the state plays in controlling forest resources in four of the countries has meant that customary rights have tended to receive less recognition, but conversely the prevalence of community forest ownership by indigenous peoples in Ecuador may have made it

Forest in the Yasuni National Park, Ecuador. Photo: Alfredo Carrasco Valdivieso

more difficult for the state to fulfil its responsibilities to maintain forests as a public good and monitor informal and illegal logging activities.

All the countries have some form of over-arching forest policy and/or forest law with implementing regulations, but in general they are rather dated since they do not take adequate account of the role of forests in providing environmental services or supporting rural livelihoods. More encouragingly, most of the countries are in the process of reviewing, consolidating and updating their main forest policies and laws, which raises the opportunity for better integrated legal frameworks. Notwithstanding the potential for non-timber forest products, eco-tourism and other enterprises to offer alternatives, the main forest operation that requires transparent regulation is invariably logging. The reports cards found continuing reason for concern over how logging permits and concessions are being allocated in their countries without the due processes of tendering, verification and management being followed. Together with other NGOs and CSOs, the project partners have successfully supported local communities to expose cases of wrong-doing. In 2010, there were alarming signs that in Cameroon, Ghana and Liberia the system has been abused through the inappropriate and unaccountable allocation of small-scale permits by forest authorities. The rigor of the system of logging licenses in Ecuador is also questionable. With the exception of Liberia, another problem is that contracts for commercial logging are generally not made public, and without exception, in none of the five countries are forest management plans consistently made available. This is a grievous situation for transparency; as it stands, local stakeholders and communities have little way of subjecting final plans to scrutiny on the locations, periods and volumes of activities.

The major change in logging regulation that could mark a step change in transparency is the signing of VPA FLEGT agreements between African countries and the EU to prevent trade in products from illegal logging. The project partners and other NGOs and CSOs have been active in ensuring that these agreements include comprehensive requirements for governance and information. Already the VPAs in Cameroon and Ghana have been catalysts for advocating change leading up to the first FLEGT licenses. Even though the first assessment from

CED in Cameroon is largely negative about whether information requirements are being met, and progress has been slow in Ghana since the VPA was agreed, on a more positive note the VPAs have provided a framework in the public domain for holding authorities to account if they do not fulfil their obligations.

The participation of civil society and communities in decision making is obviously crucial to ensuring that new laws, systems and initiatives reflect their needs and protect forest resources. In the past, typically a top-down approach has prevailed with limited participation in decision-making; if carried out, consultation has tended to be used as a legitimising process. Legally recognised procedures for participation in all processes of forest governance are generally missing, but there are positive signs that levels of involvement are increasing in all of the countries. The partners in the *Making the Forest Sector Transparent* project have been instrumental in supporting local NGOs and communities to access decision-making. Forums have proven to be a key element for increasing engagement in Cameroon, Ghana and Liberia in particular, and further work is necessary to ensure that they are representative and influential in decision-making. Participation also needs a legal framework – only in Peru are there concrete steps towards a law that recognises the right to free prior informed consultation and consent. The Community Rights Law in Liberia also offers an avenue for advancing participation, and there have been good advances in the establishment of CFDCs to support community rights but the processes to implement the law need to be developed further.

If communities are to gain greater traction in decision-making, then they also need resourcing. An important principle is that the benefits of logging or other activities using forest resources should be shared with the communities that have rights over the forests and/or are affected by the operations. Four countries have fiscal regimes for redistributing royalties to communities, but analysis has revealed considerable gaps in information on what amounts are due, what is collected and what is invested in communities. In Ecuador, another form of redistribution is supported under the Socio Bosque programme whereby conservation and protection is incentivised by payments from general taxation to forest owners. Either way, there need to be clear rules and accounting. The social agreements prevalent in the African countries provide another example of an arbitrary and easily exploited system due to the lack of these mechanisms.

There is also a trend towards advocating more decentralised forms of regional government and community forest management – in principle these changes hold the potential for more localised and representative decision-making, but they do not guarantee greater transparency in themselves especially if responsibilities are unclear, structures are unrepresentative, and resources are limited. For example, further investigation is necessary to explore the governance of forests held by indigenous peoples in Ecuador and monitor the impact of decentralisation of government functions in Peru. In shifting governance to a community or local level, the locus for accountability is also shifted towards ensuring that local elites, such as traditional authorities, indigenous peoples' organisations, and regional or local government offices, are not co-opted by vested interests. For instance, it is proposed that traditional authorities in Ghana develop a charter to set out their commitments to good governance and transparency.

In order to ensure that there is transparency in practice, a key conclusion is the need for effective checks and balances to be built into governance structures. A common critique is the lack of coordination between institutions responsible for different sectors, with authorities responsible for supporting environmental issues and community enterprises often relatively peripheral in government compared to those responsible for directing macro-economic development and promoting natural resource exploitation. Another issue is the implication of different governance arrangements for regulating and managing forests – in the African countries, these functions are generally combined within the same authority, which raises the potential for conflicts of interest, but when separated as in Peru they raise the risk of fragmentation. Independent bodies free from political and institutional pressure are also important to monitor and arbitrate forest governance – for instance, independent information ombudsmen to adjudicate

on rights to information, independent committees to evaluate and verify the eligibility of companies applying for concessions or permit, and independent monitors to observe compliance with forest law – but there are few examples of them working in the five countries. Further analysis is necessary to investigate how different organisational structures for regulating and managing the forest sector, and varying forms of independent monitoring to ensure that institutions fulfil their obligations, may be conducive to improving transparency.

The analysis in 2010 emphasises again the threat to forests from mining, oil, agricultural plantations, bio-fuels, and major infrastructure projects. With little exception, there are no transparent processes for strategic assessment of different development options and all too often other extractive sectors are favoured by politicians as boosting of economic growth in the short term. Powerful vested interests are more capable of influencing governments, and the overall result is that forest governance is often over-ruled by competing demands. Evidently, the essential role of forests as carbon stores in helping to prevent potentially catastrophic climate change is now moving to forefront of everyone's deliberations over future planning. Albeit in fits and starts, the UNFCCC process has given some impetus to REDD+ programmes administered by the World Bank, and the requirement for countries to produce R-PPs for the FCPF and/or strategies for UN-REDD+ is an important opportunity to rebalance forest governance. So far, there is evidence in the five countries of participatory processes for REDD+ but there are also warning signs that many of the mistakes of the past could be repeated, for example the use of consultation as a token legitimising process, the lack of recognition of the needs of rural communities, the distorting effect of financial incentives in driving land use, and so on.

Each of the countries has ratified international conventions and established national strategies with sweeping aims to conserve and manage forests sustainably to the benefit of their whole population. These ambitions are often enshrined in national policy and legislation, but the comprehensive data collected in 2009 and 2010 by the partners in the *Making the Forest Sector Transparency* project reveals how the lack of transparent access to information and decision-making is hampering efforts to improve governance so that these principles are realised in practice. Some improvements have been achieved, but they are small steps in the face of significant challenges to persuade all government bodies and other stakeholders to be more open and accountable. *Making the Forest Sector Transparent* will continue to develop report cards in 2011 and 2012 as barometers for gauging the conditions in each country and advocating for greater transparency.

Logging access roads lead to conversion of the natural forest to other land uses in Liberia. Photo: SDI

6 Recommendations

The main recommendations for *Making the Forest Sector Transparent* are presented in this section. While phrased as general recommendations, their relevance will vary depending on the country-specific context. The recommendations prepared by the partners for their country are set out in their specific reports. These recommendations are separated into priority improvements that could be implemented in the coming two years, and those that are liable to take longer to achieve. They are addressed to the main groups of stakeholders

To governments and their forest authorities

Without delay, forest authorities and other government institutions should:

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

In the medium term, forest authorities and other government institutions should:

- Pass legislation that recognises the right of free prior informed consent of citizens, in particular indigenous and forest peoples, regarding forest-related activities that affect them

- Develop a long-term strategy for managing their resource base, prepared in an open and consultative way, which details a transparent decision-making process for deciding trade-offs between different extractive industries and forest-based land use
- Implement a process of land tenure regularisation that recognises customary rights and provides security for sustainable management by communities of all forest resources and environmental services

To CSOs and communities

Organised civil society should:

- Develop activities for obtaining and summarising information on forest issues from central institutions and disseminating it to rural communities through more accessible media methods such as newspaper articles, radio programmes and summary leaflets
- Support citizens to use Freedom of Information and other similar legislation to make information requests
- Work across stakeholders to determine priority information needs so that coordinated demands for greater transparency can be made and information can be shared and used more constructively
- Promote further transparency and accountability in non-state institutions, such as traditional authorities or community-based organisations, so that they are open and representative
- Develop coalitions with wider NGOs and community-based organisations advocating on issues related to the environment, resources and land, including indigenous peoples associations and organisations working on extractive industries, in order to coordinate campaigns for transparency and the right to information

To donors and the international community

Donors and the international community should provide support to both governments and civil society in pursuit of the above recommendations. In the medium term, they should:

- Ensure that specific commitments to transparency form part of all future international agreements, including Voluntary Partnership Agreements, REDD+ agreements and others
- Press for the EITI to expand to cover the forest, land, and environmental services sectors, and provides transparency in all natural resource concession contract allocations as well as subsequent contract compliance

Indigenous community member working in a tree nursery in the San Martín region of Peru. Photo: Javier Martinez, DAR

Appendix A: Themes and Indicators in the 2010 Report Card

New questions in 2010

Questions phrased so that a "yes" answer indicated a negative implication for transparency

1. Transparency norms

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

1.1 Is there a Freedom of Information Act?

1.2 What other rules provide for transparency?

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

1.3 Are there any 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.

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

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

2. Legal standing

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

2.1 Do communities have legal standing?

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

2.2 Do NGOs have legal standing?

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

3. Forest Legal Framework

Is the forest legal framework available to the public?

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

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

3.2 Is the codified forest law available?

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

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

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

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

3.5 Has the country signed up to international agreements?

Which forest-related international agreements or processes has the country signed up to? For example, EU VPA, World Bank FCPF etc. Are there some with the country has initiated but not yet ratified?

3.6 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?

4. Transparent access to decision-making

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

4.1 Is there a national forest forum?

Is there any form of 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)?

4.2 Are there local forest forums?

Are there any local government-recognised roundtable dialogue forums which 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)?

4.3 Is there a procedure for consultation on new norms?

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

4.4 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?

4.5 Are reports on consultation processes public?

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

4.6 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*?

4.7 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?

5. Tenure and land use

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

5.1 Is there a published policy on forest tenure?

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

5.2 Is there a register of private 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 publicly accessed? (This indicator relates to outright ownership; indicator 5.5, and Sections 7-10 relate to concessions and other permits for use of the forest).

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

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

5.4 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).

5.5. Removed

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

Are there clear, documented, understood and accessible steps for resolving the types of conflicts such as (i) the right to land, (ii) the right to forest use or products, or (iii) the ways in which these rights are administered?

5.6 Are ownership and forest land use maps available?

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

6. Allocation of permits / user rights

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

6.1 Do permits exist for all uses / services?

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

6.2 Is 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?

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

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

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

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

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

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

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

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

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

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

6.8 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?

6.9 Are the final permit / contract documents made public?

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

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

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

6.11 Are all forest operations required to carrying out an EIA?

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

7. Logging operations

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

7.1 Is information on logging locations given to the public?

Are local people informed of where 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?

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

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

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

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

7.4 Are the forest management plans (for logging) public?

8. Extraction of other forest products

Are citizens informed about the extraction of other forest products? What rules apply to collection of non-timber forest products and other tangible forest products like wildlife hunting? (Non-forest products are covered in Sections 9 to 12).

8.1 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?

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

In addition to any consultation on the general location, timing and allocations of permits (these are covered in Section 6), 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?

8.3 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)?

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

9. Environmental services

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

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

Are local people informed of where 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?

9.2 Is there a stakeholder consultation process on environmental services locations?

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

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

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

9.4 Are the forest management plans for environmental services public?

10. Cultural services

The existence of any permit or concession system for 'cultural services' (tourism or ecotourism, shrines, sacred groves or other historic sites) provided by forests in your country was covered in Indicator 6.1. Are citizens informed about any permit system or regulations regarding these services? Do the public know about any specific permits for (eco)tourism or other cultural services provided by forests?

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

Are local people informed of where 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?

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

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

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

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

10.4 Are the forest management plans for (eco)tourism services public?

11. Extra-sectoral activities affecting forests

Are decisions about extra-sectoral operations such as mining, road building, large-scale agriculture, hydropower or other infrastructure transparent? What transparency rules apply to these? Are there extra-sectoral threats to the forest? How?

11.1 Is there a strategic process to 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?

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

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

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

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

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

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

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

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

12. Fiscal regime: tax collection and redistribution

To what extent does the law provide for taxes, royalties, or other any other benefits to be collected from permit holders and given to affected communities? Are any laws or regulations regarding this implemented effectively?

12.1 Is there a system of tax / royalties redistribution?

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

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

Does any tax / royalties redistribution system work in practice?

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

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

12.4 Are figures for collection and distribution published?

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

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

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

12.6 Removed

12.7 Is there a stakeholder consultation process?

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

12.8 Is information on social obligations published?

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

13. Forest law enforcement

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

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

Do any forest forums (see Section 4) include representatives from the police or judiciary for example? Or are there other formal mechanisms to discuss law enforcement issues with officials from other (non-forest) agencies?

13.2 Are citizens actively participating in control operations?

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

13.3 Do (some) forest communities condone 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?

13.4 Is there an Independent Forest Monitor?

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

13.5 Does the government publish lists of infractors?

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

13.6 Does the government publish lists of debarred / suspended operators?

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

13.7 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?

14. 'Anti-transparency' norms

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

14.1 Do parts of any law affecting forests limit transparency?

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

14.2 Do any extra-sectoral operations overrule forest laws?

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

14.3 Is it commonplace for authorities to ignore obligations?

Has it become normal operating procedure for any public institution to avoid obligations to transparency? Please give examples.

14.4 Are there any reforms to improve transparency?

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.

15. Publications

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

15.1 Does the forest authority publish an Annual Report?

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

15.2 Does the forest authority have a central point of information?

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

15.3 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?

Appendix B: Country Indicators

Cameroon Indicators 2010

Yes No Partial Not applicable

1.	Transparency norms	2010	2009
1.1	Is there a Freedom of Information Act?	Partial	Partial
1.2	What other rules provide for transparency?	Yes	Yes
1.3	Are there any forest-sector specific laws / rules / statements that provide for transparency?	Yes	Yes
1.4	Is there any settlement process for disputes regarding access to information?	No	No
2.	**Legal standing**		
2.1	Do communities have legal standing?	Yes	Yes
2.2	Do NGOs have legal standing?	Partial	Partial
3.	**Forest legal framework**		
3.1	Is there a national forest policy document? Is it available?	Yes	Yes
3.2	Is the codified forest law available?	Yes	Yes
3.3	Are all forest regulations, procedures, decrees, etc available?	Yes	Yes
3.4	Are forest-related policies, laws, agreements etc public?	Yes	Yes
3.5	Has the country signed up to international agreements?	Yes	Yes
3.6	Does customary / traditional forest law exist in this country?	No	
4.	**Transparent access to decision-making**		
4.1	Is there a national forest forum?	Yes	No
4.2	Are there local forest forums?	No	No
4.3	Is there a procedure for consultation on new norms?	Partial	Partial
4.4	Is there an established, government-recognised list of stakeholders?	No	No
4.5	Are reports on consultation processes public?	No	No
4.6	Is there any law recognising the right to free prior informed consultation?	No	
4.7	Is there any law recognising the right to free prior informed consent?	No	
5.	**Tenure and land use**		
5.1	Is there a published policy on forest tenure?	Yes	Yes
5.2	Is there a register of private forestland owners? Is it accessible to the public?	No	Not applicable
5.3	Is there a difference in law between ownership and use?	Yes	Yes
5.4	Is the ownership of different forest products clear?	Yes	Yes
5.5	Can you provide examples of forest tenure disputes?		Yes
5.6	Is there a dispute-settlement process for tenure conflicts?	No	No
5.7	Are ownership and forest land use maps available?	Yes	Yes
6.	**Allocation of permits / user rights**		
6.1	Do permits exist for all uses / services?	No	No
6.2	Is information on any forest land unallocated or not under any type of concession published?	Yes	Yes
6.3	Is it clear how the decision to start a round of permit allocation is made?	Yes	Yes
6.4	Is there a stakeholder consultation process prior to permit allocation?	No	No
6.5	Are the areas assigned for each round of permit allocation advertised?	Partial	Yes
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	Yes	Yes
6.7	Is the final permit allocation decision-making process transparent?	No	No
6.8	Has the permit allocation system improved?	Yes	Yes
6.9	Are the final permit / contract documents made public?	No	No
6.10	Are any environmental / social impact assessments for forest operations available to the public?	No	No
6.11	Are all forest operations required to carrying out EIA?	Partial	
7.	**Logging operations**		
7.1	Is information on logging locations given to the public?	Partial	Partial
7.2	Is there a stakeholder consultation process on individual logging locations?	Yes	Yes

Cameroon Indicators 2010 (continued)

		2010	2009
7.3	Is information on permitted logging volumes (quotas) public?	🔴	🔴
7.4	Are the forest management plans (for logging) public?	🔴	
8.	Extraction of other forest products		
8.1	Is information on locations for other forest products given to the public?	🟡	🔴
8.2	Is there a stakeholder consultation process on non-timber permit locations?	🔴	🔴
8.3	Is information on permitted quotas of non-timber products made public?	🟡	🔴
8.4	Are the forest management plans (for other forest products) public?	🟡	
9.	Environmental services		
9.1	Is information on locations of environmental services permits given to the public?	🔴	🔴
9.2	Is there a stakeholder consultation process on environmental services locations?	🔴	🔴
9.3	Is information on the quality / quantity of environmental services made public?	🔴	🔴
9.4	Are the forest management plans for environmental services public?	🔴	
10.	Cultural services		
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?	🔴	🔴
10.2	Is there a stakeholder consultation process on (eco)tourism locations?	🟡	🔴
10.3	Is information on the quality / quantity of (eco)tourism services made public?	🟡	🟡
10.4	Are the forest management plans for (eco)tourism services public?	🔴	
11.	Extra-sectoral activities affecting forests		
11.1	Is there a strategic process to assess priorities between development options?	🔴	🔴
11.2	Is it clear who decides if / when to make decisions between development options?	🔴	🔴
11.3	Is there a stakeholder consultation process on decisions between different development options?	🔴	🔴
11.4	Is the final decision-making process on different development options transparent?	🔴	🟡
11.5	Is information on implementation of non-forest use / conversion given to the public?	🔴	🔴
12.	Fiscal regime: tax collection and redistribution		
12.1	Is there a system of tax / royalties redistribution?	🟢	🟢
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?	🔴	🔴
12.3	Is there a stakeholder consultation process regarding the use of community funds?	🔴	🔴
12.4	Are figures for collection and distribution published?	🔴	🟡
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?	🟢	🟢
12.6	In practice does the social obligations system meet any legal obligations?		🟢
12.7	Is there a stakeholder consultation process?	🟡	
12.8	Is information on social obligations published?	🔴	🟢
13.	Forest law enforcement		
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?	🔴	🔴
13.2	Are citizens actively participating in control operations?	🔴	🔴
13.3	Do (some) forest communities condone (some) 'illegal' activities? (red means yes)	🔴	🔴
13.4	Is there an Independent Forest Monitor?	🟢	🟢
13.5	Does the government publish lists of infractors?	🟢	🟢
13.6	Does the government publish lists of debarred / suspended operators?	🟡	🔴
13.7	Is there a national or local Anti-Corruption Committee, Bureau or Commission?	🟡	
14.	'Anti-transparency' norms		
14.1	Do parts of any law affecting forests limit transparency? (red means yes)	🟡	🔴
14.2	Do any extra-sectoral operations overrule forest laws? (red means yes)	🔴	🔴
14.3	Is it commonplace for authorities to ignore obligations? (red means yes)	🔴	🔴
14.4	Are there any reforms to improve transparency?	🟢	🟢
15.	Publications		
15.1	Does the forest authority publish an Annual Report?	🔴	🔴
15.2	Does the forest authority have a central point of information?	🔴	🔴
15.3	Does the forest authority publish annual audited accounts?	🔴	

Ecuador Indicators 2010

Yes No Partial Not applicable

1.	Transparency norms	2010
1.1	Is there a Freedom of Information Act?	Yes
1.2	What other rules provide for transparency?	Yes
1.3	Are there any forest-sector specific laws / rules / statements that provide for transparency?	Partial
1.4	Is there any settlement process for disputes regarding access to information?	Yes
2.	Legal standing	
2.1	Do communities have legal standing?	Yes
2.2	Do NGOs have legal standing?	Yes
3.	Forest legal framework	
3.1	Is there a national forest policy document? Is it available?	Yes
3.2	Is the codified forest law available?	Yes
3.3	Are all forest regulations, procedures, decrees, etc available?	Yes
3.4	Are forest-related policies, laws, agreements etc public?	Yes
3.5	Has the country signed up to international agreements?	Yes
3.6	Does customary / traditional forest law exist in this country?	Partial
4.	Transparent access to decision-making	
4.1	Is there a national forest forum?	No
4.2	Are there local forest forums?	Partial
4.3	Is there a procedure for consultation on new norms?	No
4.4	Is there an established, government-recognised list of stakeholders?	No
4.5	Are reports on consultation processes public?	Not applicable
4.6	Is there any law recognising the right to free prior informed consultation?	No
4.7	Is there any law recognising the right to free prior informed consent?	No
5.	Tenure and land use	
5.1	Is there a published policy on forest tenure?	Partial
5.2	Is there a register of private forestland owners? Is it accessible to the public?	Partial
5.3	Is there a difference in law between ownership and use?	Partial
5.4	Is the ownership of different forest products clear?	Yes
5.5	Can you provide examples of forest tenure disputes?	
5.6	Is there a dispute-settlement process for tenure conflicts?	Partial
5.7	Are ownership and forest land use maps available?	Partial
6.	Allocation of permits / user rights	
6.1	Do permits exist for all uses / services?	Not applicable
6.2	Is information on any forest land unallocated or not under any type of concession published?	No
6.3	Is it clear how the decision to start a round of permit allocation is made?	Not applicable
6.4	Is there a stakeholder consultation process prior to permit allocation?	Not applicable
6.5	Are the areas assigned for each round of permit allocation advertised?	Not applicable
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	Not applicable
6.7	Is the final permit allocation decision-making process transparent?	Not applicable
6.8	Has the permit allocation system improved?	Not applicable
6.9	Are the final permit / contract documents made public?	Not applicable
6.10	Are any environmental / social impact assessments for forest operations available to the public?	Not applicable
6.11	Are all forest operations required to carrying out EIA?	No
7.	Logging operations	
7.1	Is information on logging locations given to the public?	No
7.2	Is there a stakeholder consultation process on individual logging locations?	No
7.3	Is information on permitted logging volumes (quotas) public?	Partial
7.4	Are the forest management plans (for logging) public?	No

Ecuador Indicators 2010 (continued)

8.	Extraction of other forest products	2010
8.1	Is information on locations for other forest products given to the public?	
8.2	Is there a stakeholder consultation process on non-timber permit locations?	
8.3	Is information on permitted quotas of non-timber products made public?	
8.4	Are the forest management plans (for other forest products) public?	
9.	Environmental services	
9.1	Is information on locations of environmental services permits given to the public?	
9.2	Is there a stakeholder consultation process on environmental services locations?	
9.3	Is information on the quality / quantity of environmental services made public?	
9.4	Are the forest management plans for environmental services public?	
10.	Cultural services	
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?	
10.2	Is there a stakeholder consultation process on (eco)tourism locations?	
10.3	Is information on the quality / quantity of (eco)tourism services made public?	
10.4	Are the forest management plans for (eco)tourism services public?	
11.	Extra-sectoral activities affecting forests	
11.1	Is there a strategic process to assess priorities between development options?	
11.2	Is it clear who decides if / when to make decisions between development options?	
11.3	Is there a stakeholder consultation process on decisions between different development options?	
11.4	Is the final decision-making process on different development options transparent?	
11.5	Is information on implementation of non-forest use / conversion given to the public?	
12.	Fiscal regime: tax collection and redistribution	
12.1	Is there a system of tax / royalties redistribution?	
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?	
12.3	Is there a stakeholder consultation process regarding the use of community funds?	
12.4	Are figures for collection and distribution published?	
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?	
12.6	In practice does the social obligations system meet any legal obligations?	
12.7	Is there a stakeholder consultation process?	
12.8	Is information on social obligations published?	
13.	Forest law enforcement	
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?	
13.2	Are citizens actively participating in control operations?	
13.3	Do (some) forest communities condone (some) 'illegal' activities? (red means yes)	
13.4	Is there an Independent Forest Monitor?	
13.5	Does the government publish lists of infractors?	
13.6	Does the government publish lists of debarred / suspended operators?	
13.7	Is there a national or local Anti-Corruption Committee, Bureau or Commission?	
14.	'Anti-transparency' norms	
14.1	Do parts of any law affecting forests limit transparency? (red means yes)	
14.2	Do any extra-sectoral operations overrule forest laws? (red means yes)	
14.3	Is it commonplace for authorities to ignore obligations? (red means yes)	
14.4	Are there any reforms to improve transparency?	
15.	Publications	
15.1	Does the forest authority publish an Annual Report?	
15.2	Does the forest authority have a central point of information?	
15.3	Does the forest authority publish annual audited accounts?	

Ghana Indicators 2010

Yes No Partial Not applicable

1.	Transparency norms	2010	2009
1.1	Is there a Freedom of Information Act?	Partial	No
1.2	What other rules provide for transparency?	Yes	Yes
1.3	Are there any forest-sector specific laws / rules / statements that provide for transparency?	Yes	Yes
1.4	Is there any settlement process for disputes regarding access to information?	No	No
2.	**Legal standing**		
2.1	Do communities have legal standing?	Yes	Yes
2.2	Do NGOs have legal standing?	Yes	Yes
3.	**Forest legal framework**		
3.1	Is there a national forest policy document? Is it available?	Yes	Yes
3.2	Is the codified forest law available?	Partial	Yes
3.3	Are all forest regulations, procedures, decrees, etc available?	Yes	Partial
3.4	Are forest-related policies, laws, agreements etc public?	Partial	Partial
3.5	Has the country signed up to international agreements?	Yes	Yes
3.6	Does customary / traditional forest law exist in this country?	Yes	
4.	**Transparent access to decision-making**		
4.1	Is there a national forest forum?	Partial	Yes
4.2	Are there local forest forums?	Yes	Yes
4.3	Is there a procedure for consultation on new norms?	No	No
4.4	Is there an established, government-recognised list of stakeholders?	No	No
4.5	Are reports on consultation processes public?	No	No
4.6	Is there any law recognising the right to free prior informed consultation?	Partial	
4.7	Is there any law recognising the right to free prior informed consent?	Yes	
5.	**Tenure and land use**		
5.1	Is there a published policy on forest tenure?	No	No
5.2	Is there a register of private forestland owners? Is it accessible to the public?	No	No
5.3	Is there a difference in law between ownership and use?	Yes	Yes
5.4	Is the ownership of different forest products clear?	Yes	Partial
5.5	Can you provide examples of forest tenure disputes?		Yes
5.6	Is there a dispute-settlement process for tenure conflicts?	Partial	Yes
5.7	Are ownership and forest land use maps available?	No	No
6.	**Allocation of permits / user rights**		
6.1	Do permits exist for all uses / services?	Partial	Partial
6.2	Is information on any forest land unallocated or not under any type of concession published?	No	Yes
6.3	Is it clear how the decision to start a round of permit allocation is made?	Partial	Yes
6.4	Is there a stakeholder consultation process prior to permit allocation?	Yes	Yes
6.5	Are the areas assigned for each round of permit allocation advertised?	Yes	Partial
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	Yes	Yes
6.7	Is the final permit allocation decision-making process transparent?	Partial	Yes
6.8	Has the permit allocation system improved?	No	Yes
6.9	Are the final permit / contract documents made public?	No	No
6.10	Are any environmental / social impact assessments for forest operations available to the public?	Not applicable	Yes
6.11	Are all forest operations required to carrying out EIA?	No	
7.	**Logging operations**		
7.1	Is information on logging locations given to the public?	Partial	Yes
7.2	Is there a stakeholder consultation process on individual logging locations?	No	Yes
7.3	Is information on permitted logging volumes (quotas) public?	No	No
7.4	Are the forest management plans (for logging) public?	No	

Ghana Indicators 2010 (continued)

8.	Extraction of other forest products	2010	2009
8.1	Is information on locations for other forest products given to the public?	🔴	🔵
8.2	Is there a stakeholder consultation process on non-timber permit locations?	🔴	🔴
8.3	Is information on permitted quotas of non-timber products made public?	🔵	🔵
8.4	Are the forest management plans (for other forest products) public?	🔵	
9.	Environmental services		
9.1	Is information on locations of environmental services permits given to the public?	🔴	🔴
9.2	Is there a stakeholder consultation process on environmental services locations?	🔵	🔴
9.3	Is information on the quality / quantity of environmental services made public?	🔴	🔴
9.4	Are the forest management plans for environmental services public?	🔴	
10.	Cultural services		
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?	🔴	🟡
10.2	Is there a stakeholder consultation process on (eco)tourism locations?	🔴	🔴
10.3	Is information on the quality / quantity of (eco)tourism services made public?	🟡	🔴
10.4	Are the forest management plans for (eco)tourism services public?	🔴	
11.	Extra-sectoral activities affecting forests		
11.1	Is there a strategic process to assess priorities between development options?	🔴	🔴
11.2	Is it clear who decides if / when to make decisions between development options?	🔴	🔴
11.3	Is there a stakeholder consultation process on decisions between different development options?	🔴	🔴
11.4	Is the final decision-making process on different development options transparent?	🔴	🔴
11.5	Is information on implementation of non-forest use / conversion given to the public?	🔴	🔴
12.	Fiscal regime: tax collection and redistribution		
12.1	Is there a system of tax / royalties redistribution?	🟢	🟢
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?	🔴	🟡
12.3	Is there a stakeholder consultation process regarding the use of community funds?	🔴	🟡
12.4	Are figures for collection and distribution published?	🟢	🟢
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?	🟢	🟢
12.6	In practice does the social obligations system meet any legal obligations?		🟢
12.7	Is there a stakeholder consultation process?	🟢	
12.8	Is information on social obligations published?	🔴	🔴
13.	Forest law enforcement		
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?	🟢	🟢
13.2	Are citizens actively participating in control operations?	🟡	🟡
13.3	Do (some) forest communities condone (some) 'illegal' activities? (red means yes)	🔴	🔴
13.4	Is there an Independent Forest Monitor?	🔴	🔴
13.5	Does the government publish lists of infractors?	🔴	🔴
13.6	Does the government publish lists of debarred / suspended operators?	🔴	🔴
13.7	Is there a national or local Anti-Corruption Committee, Bureau or Commission?	🟢	
14.	'Anti-transparency' norms		
14.1	Do parts of any law affecting forests limit transparency? (red means yes)	🔴	🔴
14.2	Do any extra-sectoral operations overrule forest laws? (red means yes)	🔴	🔴
14.3	Is it commonplace for authorities to ignore obligations? (red means yes)	🟡	🔴
14.4	Are there any reforms to improve transparency?	🔴	🟢
15.	Publications		
15.1	Does the forest authority publish an Annual Report?	🟡	🟢
15.2	Does the forest authority have a central point of information?	🟡	🟢
15.3	Does the forest authority publish annual audited accounts?	🟡	

Liberia Indicators 2010

Yes No Partial Not applicable

1.	Transparency norms	2010	2009
1.1	Is there a Freedom of Information Act?	Yes	No
1.2	What other rules provide for transparency?	Yes	Yes
1.3	Are there any forest-sector specific laws / rules / statements that provide for transparency?	Yes	Yes
1.4	Is there any settlement process for disputes regarding access to information?	Yes	No
2.	**Legal standing**		
2.1	Do communities have legal standing?	Yes	Yes
2.2	Do NGOs have legal standing?	Yes	Yes
3.	**Forest legal framework**		
3.1	Is there a national forest policy document? Is it available?	Yes	Yes
3.2	Is the codified forest law available?	Yes	Yes
3.3	Are all forest regulations, procedures, decrees, etc available?	Yes	Yes
3.4	Are forest-related policies, laws, agreements etc public?	Partial	Yes
3.5	Has the country signed up to international agreements?	Yes	Yes
3.6	Does customary / traditional forest law exist in this country?	No	
4.	**Transparent access to decision-making**		
4.1	Is there a national forest forum?	Partial	No
4.2	Are there local forest forums?	Partial	No
4.3	Is there a procedure for consultation on new norms?	Yes	Yes
4.4	Is there an established, government-recognised list of stakeholders?	No	No
4.5	Are reports on consultation processes public?	Yes	Yes
4.6	Is there any law recognising the right to free prior informed consultation?	Yes	
4.7	Is there any law recognising the right to free prior informed consent?	Yes	
5.	**Tenure and land use**		
5.1	Is there a published policy on forest tenure?	No	No
5.2	Is there a register of private forestland owners? Is it accessible to the public?	No	No
5.3	Is there a difference in law between ownership and use?	Yes	Yes
5.4	Is the ownership of different forest products clear?	No	No
5.5	Can you provide examples of forest tenure disputes?		Yes
5.6	Is there a dispute-settlement process for tenure conflicts?	No	No
5.7	Are ownership and forest land use maps available?	Partial	No
6.	**Allocation of permits / user rights**		
6.1	Do permits exist for all uses / services?	No	No
6.2	Is information on any forest land unallocated or not under any type of concession published?	Yes	Yes
6.3	Is it clear how the decision to start a round of permit allocation is made?	Partial	Partial
6.4	Is there a stakeholder consultation process prior to permit allocation?	Yes	Yes
6.5	Are the areas assigned for each round of permit allocation advertised?	Yes	Yes
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	Yes	Yes
6.7	Is the final permit allocation decision-making process transparent?	Partial	Yes
6.8	Has the permit allocation system improved?	No	No
6.9	Are the final permit / contract documents made public?	Yes	Yes
6.10	Are any environmental / social impact assessments for forest operations available to the public?	Yes	Yes
6.11	Are all forest operations required to carrying out EIA?	Yes	
7.	**Logging operations**		
7.1	Is information on logging locations given to the public?	Yes	Yes
7.2	Is there a stakeholder consultation process on individual logging locations?	Yes	Yes
7.3	Is information on permitted logging volumes (quotas) public?	Yes	Yes
7.4	Are the forest management plans (for logging) public?	No	

Liberia Indicators 2010 (continued)

8.	Extraction of other forest products	2010	2009
8.1	Is information on locations for other forest products given to the public?		
8.2	Is there a stakeholder consultation process on non-timber permit locations?		
8.3	Is information on permitted quotas of non-timber products made public?		
8.4	Are the forest management plans (for other forest products) public?		
9.	Environmental services		
9.1	Is information on locations of environmental services permits given to the public?		
9.2	Is there a stakeholder consultation process on environmental services locations?		
9.3	Is information on the quality / quantity of environmental services made public?		
9.4	Are the forest management plans for environmental services public?		
10.	Cultural services		
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?		
10.2	Is there a stakeholder consultation process on (eco)tourism locations?		
10.3	Is information on the quality / quantity of (eco)tourism services made public?		
10.4	Are the forest management plans for (eco)tourism services public?		
11.	Extra-sectoral activities affecting forests		
11.1	Is there a strategic process to assess priorities between development options?		
11.2	Is it clear who decides if / when to make decisions between development options?		
11.3	Is there a stakeholder consultation process on decisions between different development options?		
11.4	Is the final decision-making process on different development options transparent?		
11.5	Is information on implementation of non-forest use / conversion given to the public?		
12.	Fiscal regime: tax collection and redistribution		
12.1	Is there a system of tax / royalties redistribution?		
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?		
12.3	Is there a stakeholder consultation process regarding the use of community funds?		
12.4	Are figures for collection and distribution published?		
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?		
12.6	In practice does the social obligations system meet any legal obligations?		
12.7	Is there a stakeholder consultation process?		
12.8	Is information on social obligations published?		
13.	Forest law enforcement		
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?		
13.2	Are citizens actively participating in control operations?		
13.3	Do (some) forest communities condone (some) 'illegal' activities? (red means yes)		
13.4	Is there an Independent Forest Monitor?		
13.5	Does the government publish lists of infractors?		
13.6	Does the government publish lists of debarred / suspended operators?		
13.7	Is there a national or local Anti-Corruption Committee, Bureau or Commission?		
14.	'Anti-transparency' norms		
14.1	Do parts of any law affecting forests limit transparency? (red means yes)		
14.2	Do any extra-sectoral operations overrule forest laws? (red means yes)		
14.3	Is it commonplace for authorities to ignore obligations? (red means yes)		
14.4	Are there any reforms to improve transparency?		
15.	Publications		
15.1	Does the forest authority publish an Annual Report?		
15.2	Does the forest authority have a central point of information?		
15.3	Does the forest authority publish annual audited accounts?		

Peru Indicators 2010

Yes No Partial Not applicable

1.	Transparency norms	2010	2009
1.1	Is there a Freedom of Information Act?	Yes	Yes
1.2	What other rules provide for transparency?	Yes	Yes
1.3	Are there any forest-sector specific laws / rules / statements that provide for transparency?	Yes	Yes
1.4	Is there any settlement process for disputes regarding access to information?	Yes	Yes
2.	**Legal standing**		
2.1	Do communities have legal standing?	Yes	Yes
2.2	Do NGOs have legal standing?	Yes	Yes
3.	**Forest legal framework**		
3.1	Is there a national forest policy document? Is it available?	Yes	Yes
3.2	Is the codified forest law available?	Yes	Yes
3.3	Are all forest regulations, procedures, decrees, etc available?	Yes	Partial
3.4	Are forest-related policies, laws, agreements etc public?	Yes	Yes
3.5	Has the country signed up to international agreements?	Yes	Yes
3.6	Does customary / traditional forest law exist in this country?	Yes	
4.	**Transparent access to decision-making**		
4.1	Is there a national forest forum?	Yes	Partial
4.2	Are there local forest forums?	Yes	Yes
4.3	Is there a procedure for consultation on new norms?	Yes	Yes
4.4	Is there an established, government-recognised list of stakeholders?	No	No
4.5	Are reports on consultation processes public?	Yes	No
4.6	Is there any law recognising the right to free prior informed consultation?	No	
4.7	Is there any law recognising the right to free prior informed consent?	No	
5.	**Tenure and land use**		
5.1	Is there a published policy on forest tenure?	No	Yes
5.2	Is there a register of private forestland owners? Is it accessible to the public?	No	No
5.3	Is there a difference in law between ownership and use?	Yes	Yes
5.4	Is the ownership of different forest products clear?	Yes	Yes
5.5	Can you provide examples of forest tenure disputes?		Yes
5.6	Is there a dispute-settlement process for tenure conflicts?	Yes	Yes
5.7	Are ownership and forest land use maps available?	Yes	Yes
6.	**Allocation of permits / user rights**		
6.1	Do permits exist for all uses / services?	Yes	Yes
6.2	Is information on any forest land unallocated or not under any type of concession published?	Yes	Yes
6.3	Is it clear how the decision to start a round of permit allocation is made?	Yes	Yes
6.4	Is there a stakeholder consultation process prior to permit allocation?	No	No
6.5	Are the areas assigned for each round of permit allocation advertised?	Yes	Yes
6.6	Is there transparent independent verification (due diligence) of the eligibility of any applicants for forest permits?	No	Yes
6.7	Is the final permit allocation decision-making process transparent?	Yes	Yes
6.8	Has the permit allocation system improved?	No	Yes
6.9	Are the final permit / contract documents made public?	No	Yes
6.10	Are any environmental / social impact assessments for forest operations available to the public?	No	No
6.11	Are all forest operations required to carrying out EIA?	No	
7.	**Logging operations**		
7.1	Is information on logging locations given to the public?	Yes	No
7.2	Is there a stakeholder consultation process on individual logging locations?	No	No
7.3	Is information on permitted logging volumes (quotas) public?	No	No
7.4	Are the forest management plans (for logging) public?	No	No

Peru Indicators 2010 (continued)

8.	Extraction of other forest products	2010	2009
8.1	Is information on locations for other forest products given to the public?		
8.2	Is there a stakeholder consultation process on non-timber permit locations?		
8.3	Is information on permitted quotas of non-timber products made public?		
8.4	Are the forest management plans (for other forest products) public?		
9.	Environmental services		
9.1	Is information on locations of environmental services permits given to the public?		
9.2	Is there a stakeholder consultation process on environmental services locations?		
9.3	Is information on the quality / quantity of environmental services made public?		
9.4	Are the forest management plans for environmental services public?		
10.	Cultural services		
10.1	Is information on locations of (eco)tourism or other cultural services permits given to the public?		
10.2	Is there a stakeholder consultation process on (eco)tourism locations?		
10.3	Is information on the quality / quantity of (eco)tourism services made public?		
10.4	Are the forest management plans for (eco)tourism services public?		
11.	Extra-sectoral activities affecting forests		
11.1	Is there a strategic process to assess priorities between development options?		
11.2	Is it clear who decides if / when to make decisions between development options?		
11.3	Is there a stakeholder consultation process on decisions between different development options?		
11.4	Is the final decision-making process on different development options transparent?		
11.5	Is information on implementation of non-forest use / conversion given to the public?		
12.	Fiscal regime: tax collection and redistribution		
12.1	Is there a system of tax / royalties redistribution?		
12.2	Is the system of tax / royalties redistribution effective in meeting any legal obligations?		
12.3	Is there a stakeholder consultation process regarding the use of community funds?		
12.4	Are figures for collection and distribution published?		
12.5	Is there a system of social obligations, where concession holders have to provide benefits directly to affected communities?		
12.6	In practice does the social obligations system meet any legal obligations?		
12.7	Is there a stakeholder consultation process?		
12.8	Is information on social obligations published?		
13.	Forest law enforcement		
13.1	Are there opportunities for citizens to discuss law enforcement issues as they arise?		
13.2	Are citizens actively participating in control operations?		
13.3	Do (some) forest communities condone (some) 'illegal' activities? (red means yes)		
13.4	Is there an Independent Forest Monitor?		
13.5	Does the government publish lists of infractors?		
13.6	Does the government publish lists of debarred / suspended operators?		
13.7	Is there a national or local Anti-Corruption Committee, Bureau or Commission?		
14.	'Anti-transparency' norms		
14.1	Do parts of any law affecting forests limit transparency? (red means yes)		
14.2	Do any extra-sectoral operations overrule forest laws? (red means yes)		
14.3	Is it commonplace for authorities to ignore obligations? (red means yes)		
14.4	Are there any reforms to improve transparency?		
15.	Publications		
15.1	Does the forest authority publish an Annual Report?		
15.2	Does the forest authority have a central point of information?		
15.3	Does the forest authority publish annual audited accounts?		

Appendix C: Project Partners

Centre pour l'Environnement et le Développement, Cameroon

The Centre pour l'Environnement et le Développement (CED) advocates for a non-violent transformation approach to conflicts relating to access and usage of space and resources. The organisation's mission is to contribute to the protection of the rights, interests, culture and aspirations of local communities and natives of the forests of Central Africa, through the promotion of environmental justice and the sustainable management of natural resources in the region. CED was established in 1994 in reaction to a significant increase in industrial logging and the expansion of illegal forestry activity.

Making the Forest Sector Transparent is supporting CED and others in pressing for greater participation in policy formulation, in particular concerning the VPA and REDD+, and for transparency regarding: the allocation of forest titles/permits; production, processing and exportation; management plans; environmental impacts; service charters; forest royalties; legality assurance systems; and sanctions, litigation and out-of-court settlements.

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Sustainable Development Institute

The Sustainable Development Institute (SDI) is a Liberian NGO, founded in 2002, that is working to transform and improve natural resource-related decision-making processes in the country. The SDI focuses on resource governance, corruption, community benefits and public participation; in 2006, it received the Goldman Environmental Prize for outstanding environmental achievements in Africa. The SDI actively participates in national and international discussions on forests and climate change. Besides forestry, the SDI plays an active role in the 'Mine Watch Initiative,' which enhances public understanding of social, environmental and development issues associated with mining.

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Grupo FARO, Ecuador

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

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Centre for Indigenous Knowledge and Organisational Development, Ghana

The Centre for Indigenous Knowledge and Organisational Development (CIKOD) is a non-governmental organisation based in Ghana. Its main mission is to develop methodologies for the strengthening of traditional authorities and CSOs to facilitate sustainable grassroots organisational development that gives voice to the poor and vulnerable rural families.

CIKOD leads Making the Forest Sector Transparent on behalf of the Forest Watch coalition. They are pressing government to strengthen community tenure, management and enterprise development as agreed in the VPA, and to enact a revised forest and wildlife law to this effect. Emphasising the need for a change from the past, they also advocate for legal sanctions in forest laws to be enforced and publicised, and for local government to disclose their use of revenue from timber royalties.

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Derecho Ambiente y Recursos Naturales (DAR)

Derecho Ambiente y Recursos Naturales (DAR) is a CSO whose priority is to contribute to the sustainable development of Peru, through environmental management, conservation of areas of biological diversity, and improvement in the management of natural resources, by promoting and participating in development initiatives related to social responsibility in the public and private sectors. DAR has capitalised on the opportunity presented by Making the Forest Sector Transparent to strengthen its forest-related work: to this effect, it has created a multidisciplinary team fully devoted to the issue. The nature of the team and of the work itself, especially the focus on transparency, has positioned DAR in a unique position within the Peruvian NGO sector. DAR's credibility amongst organisations focusing on forest-related issues is illustrated by its appointment as the coordinator of the recently created Peru REDD+ roundtable, which involves representatives from the government, CSOs and the private sector.

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Riverbank in the San Martín region of Peru. Photo: Javier Martinez, DAR

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