

Source material: research and notes from interviews ¹

Cameroon

Cameroon's main deforestation drivers are (i) conversion to agriculture, from large and medium-scale plantations, as well as smallholders, (ii) fuel-wood harvesting, (iii) mining and (iv) infrastructure development. Unsustainable and illegal logging is also to blame for the degradation of Cameroon's forests. The [construction](#) of the Kribi deep-water port with Chinese investment has established a hub for evacuating logs from the entire region, other [infrastructure projects](#) contribute to increased timber exports and other goods to Asia and Europe.²

Previous studies

A stock-taking workshop in mid-2019 intended to re-start the Voluntary Partnership Agreement (VPA). The workshop resulted in a seven-year road map and a one-year operational plan, but as of October 2020, neither have been passed by government. There is significant disagreement between the government and the EU Delegation on the usefulness and adequacy of the government's Timber Legality Assurance System (TLAS) and forestry information management system and tracking (Système informatisé de gestion de l'information forestière) (SIGIF-2). The VPA dispute resolution mechanisms have not been used to resolve this. Although in the meantime independent, externally funded Standard System of Independent External Observation (SNOIE) is being used by Civil Society Organisations (CSOs) and communities to monitor and denounce forest infractions, but this is not formally integrated into the VPA process.

There are significant governance loopholes and their impact on forests and illegal exports is highlighted in a 2020 report [Tainted timber tarnished temples](#) by the Environmental Investigation Agency (EIA) and the Centre for Environment and Development (CED) based on a three-year investigation revealing large scale illegal timber trade between Cameroon and Vietnam.

EIA and CED recommended that the Government and the EU should increase monitoring of the Cameroonian timber trade by using existing databases, platforms, and institutional processes such as the VPA, to detect and respond to emerging suspect timber trade trends.

Governance scores 2018 and 2020

Accountability

Policy, legal, institutional, and regulatory frameworks

The main legislative instruments setting out the accountability framework in Cameroon's forest sector are the 1994 Forest, Wildlife and Fisheries Law and associated implementing decrees, and the 1974 Land Law. In 2008, the Ministry of Forests and Wildlife (MINFOF) formally committed to lead a

¹ These notes are background material underpinning the main study, and should be read as such. As this study was conducted during COVID-19, the triangulation of interviewee comments was done via internet research. There are some examples where key informants did not feel sufficiently well informed to answer questions, in particular the question about capacity in the community, so for some countries this is incomplete. Validation of scores was done by country level informants. Comments on supporting narrative were not always forthcoming.

² <https://www.theguardian.com/environment/2020/nov/19/megaprojects-risk-pushing-forests-past-tipping-point-report>

participatory and inclusive forest reform process of the next forest law (Nongni and Lescuyer, 2016)³, instigated by the VPA negotiation process, this remains an on-going extremely slow process. The main forest agency is MINFOF, which is responsible for, on the one hand, preparing the Forest Code to be adopted by Parliament and enacted by the President of the Republic, and on the other hand, allocating and administering forest concessions. There is no real accountability provision for the forest sector. Neither the Members of Parliament (MPs) nor Forest agency have real power to sanction when high ranking officials are involved in illegal logging.

A donor funded civil society mechanism for forest monitoring (Forest Link) has been in place since 2016. There are long standing efforts to include independent forest monitoring in the new Forest law. Less than 50 per cent of reported cases of illegal activity led to sanctions.

The VPA calls for the establishment of an independent auditor in charge of reviewing and reporting on the TLAS and checking that components function as described in the VPA. Funding support for this role and a Forest Law Enforcement Governance and Trade (FLEGT) facilitator has ceased. An independent evaluation of SIGIF-2 indicated that it was not fit for purpose. The Government of Cameroon does not agree with this assessment. Provisions in the VPA agreement that could strengthen accountability, including grievance mechanism have not been put in place.

Practice

In practice, deforestation has increased at a rapid pace over the past years and accountability in the forest sector in Cameroon is problematic and weak. In the absence of a functioning domestic complaints mechanism some CSOs conduct independent forest monitoring, but it is challenging. According to the Rainforest Alliance UK, that works with local CSOs a series of alerts sent using Standardised External Independent Monitoring System (SNOIE), [ForestLink](#) has resulted in formal investigations by the authorities, with one company found guilty of fraud. In the East and South regions, alerts from communities have led to the seizing of logging trucks carrying illegal timber. In 2019, 18 cases were raised based on SNOIE and magistrates have been trained in their roles on enforcement.

In general monitoring and accountability is hampered by on-going conflict in the South West of Cameroon that started in 2017.

Policy, legal, institutional, and regulatory frameworks

There have been no significant changes since 2018.

The 2018 study gave transparency a score of 2/4, highlighting weak transparency in processes around exploitation and exploration licences and identifying both gaps in the law and poor application of the law.

There is no freedom of information law in Cameroon, but a few specific provisions do provide a regulatory framework for transparency in the sector. The VPA transparency annexe includes

³ Nongni, B. and Lescuyer, G. 2016. La réforme de la loi forestière camerounaise : Un processus de concertation en forme de double spirale. In: Buttoud G. et J.C. Nguingui (éds). 2016. La gestion inclusive des forêts d'Afrique centrale : passer de la participation au partage des pouvoirs. FAO-CIFOR : Libreville-Bogor, pp. 133–144; Décision n° 0941/D/MINFOF/SG/DF/SDAFF du 02/09/2008 portant création d'un groupe de travail chargé du suivi des travaux de révision des textes de la loi n° 94-01 du 20 janvier 1994, qui fut ensuite modifiée par la Décision n° 0557/D/MINFOF/SG/DF/SDAFF du 05/05/2009 portant création d'un groupe de travail du suivi des travaux de relecture de la politique forestière et des textes de la loi n° 94-01 du 20 janvier 1994 portant modification de la Décision n° 0941 du 02/09/2008

categories of information that should be made public. Although the VPA was considered an opportunity to increase transparency through establishing rights to information this has not been realised and there are no real sanctions for non-compliance. The *cahiers de charges* document technical and social obligations that forest companies must adhere to, some of these are published on the MINFOF website, but not all. An additional intention of the *cahiers* is that demands of communities are recorded in the minutes of meetings between forest administration and the company, however this is rare in practice. The VPA transparency annex is not being upheld.

Practice

In 2017, the website provided over 80 per cent of the information that should be publicly available (New York Declaration for Forests ([NYDF, 2018⁴](#))). In late 2018 FODER evaluated the implementation of the transparency annex; the report reveals, *inter alia*, that 73 per cent of the information that ought to be made public is available. The website is now (2020) offline.

In practice the Forest Agency website is under maintenance and not a source of up-to-date information. The most recent information on forest revenues is from 2014. It is impossible for communities to access information from local government related to local forest issues as permission from central government is required.

A lack of transparency in relation to sanctions and enforcement by government in response to community monitoring undermines the effectiveness of the Forest link and SNOIE. The Transparency Corruption Perception Index score of [25/100](#) has not changed since 2017.

Coordination

Policy, legal, institutional, and regulatory frameworks

The 2018 Fern [governance report](#) awarded coordination a score of 1.3/4 (poor). This score was based on a lack of horizontal or vertical coordination between national and international bodies in land and forest governance processes and initiatives (VPA/FLEGT and Reduced Emissions from Deforestation and Degradation (REDD+)), and a lack of engagement by governmental actors in cross-sectoral coordination.

Since 2009 Cameroon committed to becoming an 'emergent country' by 2035, with plans to achieve this primarily by developing agri-business. The 1994 forest law requires the state to maintain minimum 30 per cent total lands as permanent forests, meaning an area cannot be declassified unless an equivalent area is newly classified as permanent forest in compensation. Cameroon is also committed to its African Forest Landscape Restoration Initiative (AFR100) aims to restore 12 million hectares of forest, as well as being tied in to REDD+ and FLEGT VPA processes and Nationally Determined Contributions (NDCs) are coordinated.

Mechanisms to encourage coordination across ministries exist via the inter-ministerial committees. The VPA requires MINFOF to 'coordinate' with other agencies involved in regulation of forestry activities including Ministry of Environment, Nature Protection and Sustainable Development (MINEPDED) and Ministry of Finance but offers few details about how to do this. The implementing decree for the forest law makes it clear that the municipal government should distribute annual area fees (RFA) in line with a municipal development plan. While the FLEGT VPA is managed by MINFOF,

⁴ NYDF Assessment Partners. (2020). Balancing forests and development: Addressing infrastructure and extractive industries, promoting sustainable livelihoods. Climate Focus (coordinator and editor). Accessible at www.forestdeclaration.org.

the REDD+ process is managed from the MINEPDED and formally assisted by MINFOF. Overall management of NDC sits with the Ministry of Economy, Planning and Regional Development (MINPAT) with areas of responsibility allocated to individual ministries and relying on the inter-ministerial coordination committees. Responsibility for reducing vulnerability of forests to climate change in Cameroon is shared between MINEPDED and MINFOF.

Some efforts have been made to coordinate legal reforms across different sectors. The government began reviewing forest law after 2011 and opened it out to include mining and agriculture laws as well, potentially enabling greater policy coordination across these sectors. While agriculture reforms are stuck, a new mining code was enacted in December 2016 but its implementing decree and/or related regulations are still pending, rendering it unenforceable.

The institutional framework around land ownership and land allocation is particularly vulnerable to poor coordination. Land ownership and titling is headed by Ministry of State Property, Surveys, and land tenure (MINDCAF). Decisions about zoning and land use are made by MINEPAT. Land classifications and authority of other ministries is superimposed on top of this. Under this system most of Cameroon's land is unregistered public land, including large areas of forested land and traditional community land. Different ministries can make decisions around land use without reference to each other, creating parallel, unintegrated systems of decision-making on land and natural forest use.

The VPA stocktaking exercise in 2019 identified the Ministry of Forests' inappropriate monopoly on forest management, and the lack of inter-ministerial coordination as a significant barrier to change.

Practice

The Land use planning law process 2011 which aimed for a national /regional /local land-use scheme and respective use of land by all sectors, is as stalled as the Forest policy process. The 1995 mapping of land marked national parks and categorise types of forest domains. However, this has not stopped permits for mining or agri-business being granted in the supposedly protected permanent forest domains.

The absence of effective land use planning accompanied by a deliberative process and enforcement has enormous effects on the ground in Cameroon and its absence minimises any need for coordination. Agriculture is one of the main drivers of deforestation in Cameroon, and it is not uncommon for new large-scale agricultural concessions to be granted in forested areas without appropriate permits. There are some piecemeal coordination efforts between the Environment and Land Ministries work on environmental assessments.

In practice, in the absence of agreed land use planning allocation of resources happens without consultation or coordination at central government. This means that land is often converted for industrial agricultural and mining without control or coordination. There are some overriding criteria which should protect permanent forests domains, for example, the demand that such forests should not be converted without creating the same ecological characteristics, however the lack of land use planning means this is not observed.

In a study completed in March 2018, the author concludes: "The forestry sector also has to contend with invasive political influence on forest policy and decision making,

the absence of land-use planning and lack of coordination between government ministries.”⁵

A recommendation from the 2019 workshop included finalising and adopting the master plan for land use, considering the development of other sectors which impact on forest cover.

Equity – gender

The score for policy and practice in relation to gender equity have been assessed as lower than in 2018. The main reason for this is a perception that in Cameroon gender is often included in policies for reasons of political correctness rather than willingness to change gender relationships and improve the position of women despite ratifying the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) in 1994. A similar analysis was made in 2018 that although the 2011-2020 National Gender Policy Document allowed for mainstreaming gender across all policy areas.

The Forest strategy for 2016-2035, Cameroon Forest Investment Plan (CFIP) considers the issue of gender and equity, as well as the needs of men and women in different socio-economic groups, but it fails to acknowledge that men and women are heterogeneous. Consequently, it adopts “one-size-fits-all” solutions that overlook the differences and specificities of men and women in cocoa, palm oil, rubber, and timber supply chains.

A gender analysis of laws related to [supply chains in Cameroon conducted in 2018](#) found most policies to be gender blind. Where laws refer to people there are no gender distinctions instead the common vernacular is “adult citizen”, “an individual”, “all persons”, “everyone” etc.

There is no protection or specificity which would drive a change in the way things are done.

Marriage property laws in Cameroon discriminate against women by giving more power to the husband over property owned in common. In addition, many marriages are only recognised under customary law, leaving women more vulnerable in cases of divorce or death of the husband.

⁵ Assessing progress in forest law enforcement and governance in Africa Richard Eba’a Atyi
Consultant to the African Natural Resources Centre Published March 2018

Practice

As shown above the Forest strategy does not fully encourage actions to increase participation of women and so as expected practice is weak. In practice, MINFOF does not use the tools available and does not implement its annual gender action plan, citing financial and resource constraints as the primary obstacle. CSOs are increasingly highlighting the need to involve women in decision-making and actively strive to do so, and although numbers of women involved in community committees such as **comité paysans-forêts** (CPF) are increasing but the quality of women's participation remains weak. In many cases, practical barriers around meetings organised during inconvenient times, and cultural barriers to women speaking up mean that men dominate discussions. These are real barriers to participation.

In relation for Non-Timber Forest Products (NTFP), the importance of these products and their use by women is not recognised and there are no mechanisms to protect access and benefits to women.

The community-based real-time monitoring mechanisms organised by civil society specifically engages and empowers women to be observers and community leaders in the scheme.

Equity – benefit sharing

There are two main channels for benefit-sharing mechanisms connected to logging activities in Cameroon's forests; via individual social agreements between communities and companies, and a share of royalties collected by the government.

Long-term logging agreements on specific forest management units (FMUs) can cover an area up to 200,000 hectares, with agreements typically covering a period of 30 years. Permits for this kind of concession require the company to form a social agreement with affected communities. The legal framework details the kind of social infrastructure that companies should construct, but there is no formal guidance on how to do this.

Companies are also required to hold information-sharing meetings with affected communities, however in the absence of requirements about how the meetings should be organised, no records are kept, or how often to call these meetings (beyond that one must take place before forest exploitation). Often communities are not aware of the consequences of these meetings and in the absence of records it becomes impossible for them to hold companies to account for any commitments. Social agreements are not reviewed during a 30-year logging agreement.

In September 2017 MINFOF revised the modalities for negotiations of the "cahiers de charge", with an expectation that this would provide new guidance on how to negotiate social agreements. As of 2020 the regulations have not been adopted, guidance remains the same.

The 1994 Forest Law anticipates that communities whose lands fall into forestry concessions get a percentage of annual royalties earned by the government (annual area fees). The 2012 decree on RFA distribution implied that a municipal committee and the village management committee should both participate in allocating and managing funds from the RFA. In practice village management committees are basically redundant. The municipal committee is supposed to comprise four community representatives, including one representative of the traditional authorities.

The 1996 constitution does not explicitly define principles for land rights or customary land interests. Land ownership is governed by the 1974 Land Law, which divides all land into private, public, or national land. Anything not registered as private or public is considered national land – this makes

up most of the land in Cameroon, including most land under customary use and ownership. The Land Law allows individual customary land holders to register for land certificates if the land was 'improved' (i.e. planted on or built on), in or before 1974.

The Land Law and the 1994 Forest Law both recognise community customary use rights in the forest, but the forest law implementing decrees restrict these rights significantly. They are also vulnerable to uncompensated cancellation if the land is allocated to state or private entities.

The legal framework for community forest management in Cameroon has existed for nearly two decades. Communities can claim community forest permits through provisional management agreements (which last two years), after which they can use the revenue generated to pay for the creation of a simple management plan. If that is approved, the community can get a full management agreement for 25 years.

Practice

Annual RFA payments are not guaranteed, as the precise amount is fixed in an annual financial law. In 2017/18 the level of RFAs destined directly for communities was set at 6.75 per cent of the total. This is a significant improvement on the zero per cent of the year before but worse than the 10 per cent that was the previous standard.

The requirement that four community representatives to sit on the committee allocating and managing the community share of RFA, is often ignored. When communities are allocated a percentage of RFA, they have limited management authority of the funds. Municipal committees don't always distribute the money owed to communities, either due to elite capture or because the bank blocks the transfer. When communities have filed complaints about this in the courts, redress has been slow or non-existent.

Information about logging contracts is hard to come by. They should be published on the MINFOF VPA website, but this is not always the case and as has been mentioned above the website is not maintained. Assessing equity in social agreements is impossible. The level of understanding and access to information in communities about what can be negotiated and with whom is inadequate, undermining the value of agreements.

The process of land registration for individual customary landholders is complex, lengthy, and expensive – few are able to complete it. Regarding customary use rights, communities are often not aware of which rights are recognised. They are rarely consulted when new restrictions on their use rights are proposed and implemented, even though this is a legal requirement. Most members of forest communities have no legal tenure over their customary forest lands.

Participation

Policy, legal, institutional, and regulatory frameworks

VPA Article 16 and Annex III-B lay down commitments to establish participation mechanism to guarantee key stakeholders' involvement in the monitoring and implementation of the VPA. The VPA text guarantees CSO seat on the CNS (national monitoring committee in charge of VPA follow-up).

The CNS is multi-stakeholder with civil society, private sector and government represented. The inclusion of representatives from community forest producer and Indigenous communities is anticipated. Civil society is represented by the Community and Forest Platform. The degree of participation depends on each groups degree of organisation and government does not facilitate or help with this. Participation is not consistent, and representation is often contested.

The Joint Monitoring Committee (JMC) is made up of members of the Government of Cameroon and the EU, with occasional and invited participation of members of the CNS. The Joint Implementation Committee (JIC) is the highest decision-making Committee and consists of the Head of the EU Delegation and the Ministry of Forestry and Wildlife.

These committees are not fully functional and suffer from internal representation issues. In the absence of these meetings, pushing for implementation does not happen.

The inclusion and participation of local communities as key stakeholders at local level is weak. The absence of clear and decisive regulations governing public participation in local authority decisions on the use of forest areas, the development of forest areas and changes in the allocation of forest areas for farming and mining activities undermines an assumption of participation.

Regulations around concession allocation make no specific mention of information-sharing or consultation but do recognise the pre-emptive rights of communities to refuse an allocation and claim their access and user rights.

There are national Free Prior Informed Consent (FPIC) guidelines within REDD+. As these have not been adopted by the ministry, they are not legally binding.

Practice

To date, most community participation in Cameroon's forest sector has been facilitated by CSOs, so the level of CSO participation in decision-making impacts on the capacity of communities to participate.

CSOs are facilitating the participation of communities through Forest Alert and SNOIE.

The VPA process is no longer participatory in Cameroon, representing a major shutting-down of avenues to enhance participation in the forest sector. JMC meetings are hastily organised and do not allow sufficient time for CSO preparation. There have been no JIC or national committee meetings since the 2019 Stocktaking exercise. There are no sanctions if the government does not follow agreements on participation. As in other areas there are no sanctions against ministries or other arms of government imposed at any stage. The forest information management revision to produce SIGIF-2 did not involve civil society.

Likewise, there was no consensus on recommendations to increase stakeholder participation, in the 2019 VPA workshop.

Capacity

According to the 1994 Forest law, the Forest administration is expected to provide support to communities to help them manage their community forests. There is no redress if this support is not given. In most cases communities would have to pay for this service.

In practice communities' benefit from civil society projects and as mentioned in the 2019 workshop this is an on-going process. The follow up plan includes additional capacity building support for communities and CSOs.

Sources used

Reference sources used to inform index.	Accountability	Transparency	Coordination	Equity - BS	Equity - gender	Capacity	Participation
Informal interviews	x	x	x	x	x		x
2015 Country Report of Gender Profile (Cameroon) http://open_iicareport.iica.go.jp/pdf/1000026850.pdf					X		
Accelerate the implementation of the FLEGT-VPA and involve the civil society and communities in the process in Cameroon. 2018. https://loggingoff.info/library/accelerate-the-implementation-of-the-vpa-flegt-and-involve-the-civil-society-and-communities-in-the-process-in-cameroon/ (CFP)		X			X		X
A comparative analysis of the institutional capacity of FLEGT VPA in Cameroon, the Central African Republic, Ghana, Liberia, and the Republic of the Congo Marshall Alhassan Adamsa, Jean Kayiraa, Yitagesu Tekle Tegegneb, James S. Grubera Forest Policy and Economics112(2020)102108	X		X				
Assessing progress in forest law enforcement and governance in Africa March 2018 Richard Eba'a Atyi Consultant to the African Natural Resources Centre	X						
Can Non-State Regulatory Authority Improve Domestic Forest Sustainability? Assessing Interactive Pathways of Influence in Cameroon Carodenuto & Cashore (2018:) Transnational Business Governance Interactions Project Working Paper No. 28 October 2018	X	X					
Carodenuto & Cashore 2018 Interactive Pathways of Influence in Cameroon (2018) TBGI Project Working Paper No. 28 Page 13. http://tgiforum.org/publications-resources/tbgi-working-papers/tbgi-working-paper-28/	X	X		X			
Community forestry in Cameroon: a diagnostic analysis of laws, institutions, actors, and opportunities. 2017. https://loggingoff.info/library/community-forestry-in-cameroon-a-diagnostic-analysis-of-laws-institutions-actors-and-opportunities/ (CONGOs Consortium)	X	X	X	X			X
EIA and CED Tainted Timber Tarnished Temples https://content.eia-global.org/posts/documents/000/001/133/original/EIA_CED_report_tainted_timber_tarnished_temples.pdf?1605218870	x	x					
Forest Link https://www.rainforestfoundationuk.org/media.ashx/real-time-monitoring-2019.pdf	X						X

Gender and sustainable forest management: entry points for design and implementation					X		
Gender stock-taking in the Forestry Department					X		
FRMi (2018) FAC -2030 : vision stratégique et industrialisation de la Filière Bois en Afrique Centrale- Horizon 2030 – Rapport Pays Cameroun							
How much do communities get from logging? 2017. https://www.fern.org/news-resources/how-much-do-communities-get-from-logging-social-obligations-in-the-logging-sector-in-cameroon-ghana-liberia-and-republic-of-congo-249/ (Fern)	X	X	X	X			
Position Paper of the community and forest platform on the renewal of VPA-FLEGT between Cameroon and the European Union. 2017. https://loggingoff.info/library/position-paper-of-the-community-and-forest-platform-on-the-renewal-of-vpa-flegt-between-cameroon-and-the-european-union/							X
Seeing the forest for the trees (Fern)		X					
Summary report of the Cameroon Regional Forest Governance Forum (FAO)	X	X					
Transparent and accountable management of natural resources in developing countries: the case of forests. (EU DG external policies)	X	X	X				
VPA update June 2018 (LoggingOff)	X	X					
VPA update June 2020 (LoggingOff)	X	X	X				X
What role do forests and governance play in countries' nationally determined contributions to the Paris Climate Agreement? (Fern 2018) https://climateanalytics.org/media/fern_cameroon_eng_0.pdf		X	X				X

Ghana

Accountability

Policy, legal, institutional, and regulatory frameworks

The Forestry Commission (FC) has overall authority for forest related issues. The additional structures established through the VPA process have significantly contributed to improving the accountability of government agencies in the forest sector. The Timber Validation Department (TVD) can issue a Corrective Action Request if either the FC or private timber companies violate the law.

Civil society is monitoring infractions and the performance of TVD in response to these. The Timber Validation Committee (TVC) is mandated to receive complaints around licence allocations, providing a formal avenue for airing grievances. The independent monitor and structures around legality audits have been established, with clear provisions to accept the results of civil society independent monitoring.

From (May 2019 to Jan 5 2021) the TVD had a [project](#) to establish a monitoring system to assess the impact of the VPA on forest governance. The aim was to support effective law enforcement in Ghana and civil society is helped collect the data.

In relation to Social Responsibility Agreements (SRAs), there are clearer reporting systems: District Assemblies should tell communities about revenues received, and there are new guidelines for how to do this. Training of District Assemblies is envisaged.

Practice

In practice, mechanisms for accountability are not easily accessed by communities. FC are more open to working with civil society than communities. CSOs have a key role in supporting communities, and where CSOs are not active it is in general challenging for communities. There are some exceptions:

- Communities exercise their rights via traditional authorities to tackle illegal mining in forest reserves.
- SRAs and compensation have been received in communities without support from CSOs.
- Community invited FC to a press conference to discuss illegal mining.

The extent to which District Assembly will change practice is not yet known.

Transparency

Policy, legal, institutional and regulatory frameworks

The 1992 constitution guarantees the right to information for Ghanaian citizens, although this commitment is broad and vague and has not translated yet into a Freedom of Information (FOI) Law – a bill was first tabled before Parliament in 2010. In January 2020, after 20 years' debate, the [Right to information law](#) was passed. [A review of the draft law in 2018](#) suggested the law would not create an assumption that information should be freely available.

The FC charter includes a vague commitment to accountability and transparency. There have been some recent significant advances in specific forest-related transparency regulations. Art 76 of L.I.

2254 (2017)⁶ establishes a list of information to be made available on the FC's website and on request and states that the “Commission shall make any other additional information on the management of forest resources available on request.”

Article 16 of the VPA, and Regulation 76 of the revised Timber Resources Management and legality licencing regulation (2017) commit the FC to proactively share information on forest management with the public. The new regulation governing salvage permits requires transparency around any salvage permits issued and the SRAs associated with them.

The adoption in November 2017 of the [Timber Resource](#) Management and Legality Licensing Regulations, 2017 (L.I. 2254) has brought more clarity to the award and use of timber rights and making a list of permits available on the Timber Transparency Portal.

Article 20 on transparency in the VPA is working as a result of collaboration between the FC and civil society. The Transparency Portal has increased access to information about issues such as harvest rights, timber rights fees, harvest-related payments, and SRAs.

FC's digital Ghana Wood Tracking System (GWTS) covers all data about timber and forest management. It has improved the quality and accessibility of information on forest-sector activities, both within government and for non-state actors. This allows better oversight and decision-making by the government, as indicated by improvements in law enforcement (Hoare et al 2020). There is similarly a public portal of private sector timber.

Practice

In March 2018, the government launched its Timber Transparency Portal, which provides public information on valid logging permits, companies, areas of operation, exports and other reports, and is linked to the GWTS, which means the information should remain up to date. This represents a significant step forward in terms of the pro-active publication of relevant information. The site was offline in November 2020.

Over time, CSOs expect this portal to be extended to cover other relevant public information on forest management and logging authorities. CSOs are developing a database of SRAs, as this information is not easily accessed by communities. The main weakness is access to information by communities. Requests are made to the district level Forest Services Division, but the responses are not always provided in full or in timely fashion. In relation to requests for information about SRAs it took almost a year for all 13 districts to respond and it required an intervention by Civic Response above district level. There is a sense amongst CSOs that a culture of transparency can improve and needs to be tested further by more requests.

A significant gap is a lack of information available on mining permits in forest reserves.

The new Right to Information law has not been tested by the forest sector and it will be necessary to see whether it makes a difference in practice.

Coordination

Policy, legal, institutional, and regulatory frameworks

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[https://www.bcp.gov.gh/acc/registry/docs/TIMBER%20RESOURCE%20MANAGEMENT%20AND%20LEGALITY%20LICENSING%20REGULATIONS,%202017%20\(L.I.%202254\).pdf](https://www.bcp.gov.gh/acc/registry/docs/TIMBER%20RESOURCE%20MANAGEMENT%20AND%20LEGALITY%20LICENSING%20REGULATIONS,%202017%20(L.I.%202254).pdf)

The Forestry development master plan 2016 -2036 is part of a 40-year national development plan and is broadly in line with the 2012 Forest and Wildlife Policy. The master plan aimed to improve “cooperation, coordination, coherence and synergy in forest-related issues at all levels.” As part of the VPA process, Ghana committed to a forest sector law review and legal reforms to clean up the piecemeal legislation into a single piece of consolidated forest legislation. There are some barriers to this including the 1962 Forest Concession Act which vests nurtured trees in the Presidency. Over and above this, other resource policies directly conflict with forestry protection aims, for example the mining policy includes plans to mine in forest areas. Tree-cutting to prepare land is permissible in agriculture policies whereas forestry policies require a permit but does not specify how farmers are meant to obtain permits.

A 2017 study of the coherence of Ghana’s climate-related policies found the forest sector has partial alignment with climate-compatible development goals, and good coherence with water and food security policies. Coherence with agricultural policies was found to be limited, and there was judged to be no coherence with energy policy. The FC sits within the Ministry of Lands and Natural Resources, as does the agency responsible for land, minerals, and stool land administration. Structures to ensure coherence across these departments exist within the Ministry hierarchy.

Since 2018 there has been a shift in coordination whereby the FC is part of both the VPA Secretariat and the Climate Change unit. This was following a recommendation from the multi-stakeholder implementation committee. There is now stronger links between the climate change unit and timber validation.

The Ministry of Lands and Natural Resources are committed to both ending deforestation and promoting forest protection and restoration in the cocoa supply chain in six ‘climate smart cocoa hotspot interventions’ as part of the [Ghana Cocoa Forest REDD+ Program](#) (GCFRP), in the Western region it says there will be no new conversion of land from forests to cocoa production from 2018.

Practice

Practice scores lower in coordination 2020 than in 2018. The FC is relatively well coordinated between national and local offices however there is room for local interpretation which can undermine policy coherence. Locally there are examples of collaboration with other agencies – for instance there is a joint task force with the police, orchestrating raids to arrest illegal loggers. This coordination is not comprehensive, and mining continues in forest reserves. A lack of coordination between ministries is at the heart of the rosewood scandal, where licences for rosewood extraction were being issued at the same time as proclamations that no more logging would be allowed. The recent salvage permit legislation may help to address this issue in future.

Equity – gender

Policy, legal, institutional and regulatory frameworks

Nationally, Ghana has taken steps to construct a regulatory framework that will help to improve gender equity in the country, but these have largely ignored the forest sector. The sector did adopt a Gender Policy in 2004, which includes quotas for minimum female representation in various governmental roles. The overwhelming majority of forest-related legislation is gender blind, including texts connected to the VPA. At the local level, disparities still exist between the rules of resource inheritance between men and women, and powerful traditional authority structures do not tend to include women in decision-making.

Ghana developed a gender and REDD+ roadmap and action plan for streamlining gender monitoring efforts. The Strategic Environmental and Social Assessment (SESA) on REDD+ mechanisms created in 2014 to make sure REDD+ implementation is in line with the 2012 Gender Sub-Working Group (GWSG) priorities. The GWSG was created with funding from the United Nations Development

Programme (UNDP), including multi-stakeholder representatives. Its role is to conduct advocacy and technical support to other REDD+ sub-working groups and the broader national REDD+ working group – they have built gender considerations into the national REDD+ strategy, specifically the grievance redress mechanism around resettlement.

Practice

There is a general recognition that the role of women in decision-making in the forestry sector is weak.

Although government and civil society are making efforts to increase the number of women involved in decision-making in the sector, representation is not enough. Further efforts are required to remove barriers to women's effective participation and the inclusion of their views in the decision-making process (Asumang-Yeboah 2020) and the situation has not changed significantly in the last five years.

Benefit sharing is linked to landownership, and overall women do not own land, as social culture practices mean that women often move villages due to marriage. In these instances, women can only lease land in their adopted village. Therefore, only women that stay in their villages can own land.

In general, meetings with communities are conducted at times (evenings) when women are busy with household tasks as a result their voices are not heard in local decision-making processes.

In the REDD+ process, efforts to mainstream gender have suffered because of the weak institutional structures for ensuring gender equity within policy and specifically for enforcing the mandates on gender when they are created. The Ministry of Land and Natural Resources (MLNR) has appointed a gender desk officer to lead on gender mainstreaming in activities related to the Forest Investment Program (FIP) but there is no documented impact of this role.

Equity – benefit sharing

Policy, legal, institutional and regulatory frameworks

The main community benefit sharing framework in the forest sector is through the SRAs, which are linked to communities within 5 kilometres of a logging area. Every Timber Utilisation Contract (TUC) should have an SRA annexed to it. The SRA is five per cent of the stumpage value, calculated after the FC has taken its own 50 per cent share. CSOs think the FC needs to justify taking 50 per cent of stumpage fees as management fees (and especially for off-reserve forest management) contrary to provisions in the 1927 Forest Ordinance Act which limits forest management fees to one-third of stumpage fees. A concession holder must pay a ground rent or concession fee. On off-reserve forests, the land rent goes to the administrator of stool lands, to be disbursed using the constitutional formula, not directly to the landowner. The timber rights fees (another constitutionally mandated revenue stream) are not shared with communities or their representatives, although a portion does reach District Assemblies (DAs), who are able to use that to deliver community benefits however there is limited transparency and accountability and in most cases the funds are used for recurrent expenditure. During 2020, civil society continued dialogue with the FC about different mechanism to sort out tree tenure with the aim of getting new rules in place by the end of the year.

Capacity-building of government officials improved their oversight of the implementation of SRAs. Training of communities enabled them to negotiate more effectively with industry and to demand accountability from government.

New regulation governing salvage permits (2018) requires that a salvage permit holder negotiates an agreement with affected local communities, so they share in the profits of forest conversion.

Practice

In practice, community access to legally mandated SRA benefits is limited by a number of obstacles. Payment under SRAs can be paid to a traditional authority and not shared with the communities. Although the FC now collects stumpage fee in advance from loggers the amounts collected versus what is delivered to communities after FC has taken its “management fee” is not a good return for communities.

To improve monitoring of the SRAs, CSOs are currently collaborating with the FC to develop a database of SRAs, ultimately to be linked to the GWTS public portal. By the end 2019, 11 forest districts out of 36 in the high forest zone, have provided data on SRAs to the Resource Management Support Centre (RMSC) in the FC, including information on how communities have decided to use SRA payments.

The 2020 report on transparency and participation (Hoare et al. 2020) suggests that as transparency improves, closer monitoring of SRAs by communities and civil society will be possible. Better monitoring should in turn encourage better implementation of these agreements. There are already small pockets of good practice; when an FC agent takes the time to ensure a concession holder conducts a timber stock analysis to produce an estimated value of the SRA before negotiations begin, so that the agreement is based on a realistic shared understanding of what five per cent of the stumpage fee will be.

Currently, farmers and landowners do not get any monetary benefits from trees on their farms. Civil society proposed that the timber rights fees should go to farmers and landowners, whose work has nurtured the trees, rather than directly to the FC. This reform would be a significant practical improvement to the equity for forest resource distribution in Ghana.

DAs also derive benefits from timber concessions, which should filter down to material benefits for local communities. Tracking these payments is difficult so whatever benefits may derive from payments to the DAs, communities do not tend to associate them with logging activities. More guidance has been produced for the DAs and this may make a difference to the distribution of funds.

Participation

Policy, legal, institutional and regulatory frameworks

The 1992 Constitution recognises participation in all political processes as a fundamental right of every citizen. The state is required to guarantee citizens’ right of access to officials and institutions to realise this right in development processes.

Participation is written into the forest laws, manual of procedures and administrative practices of forest management. At the level of policy- and law-making, and in the development of forest management plans, communities and CSOs have the right to input through consultation. FPIC is not embedded in Ghana’s legal framework.

The provision for civil society representation in policy- and decision-making bodies in the forest sector is enshrined in forest policy, in part as CSOs had an influential role in establishing these provisions.

Article 16 of the VPA includes a principal of participatory management and encourages consultation of stakeholders and communities (Adams et al 2019.⁷)

In accordance with Annex V of the EU–Ghana VPA, Ghana established a Joint Monitoring and Review Mechanism (JMRM) and a Multi-Stakeholder Implementation Committee (MSIC), including actions

⁷ <https://www.sciencedirect.com/science/article/abs/pii/S1389934118306051?via%3Dihub>

to support a civil society platform to ensure the engagement of stakeholders in the VPA process, but which apparently has since become less effective as a deliberative mechanism.

An NGO representative selected by NGOs, represents civil society on the TVC. A civil society representative on the forestry commission board is required by regulation. The FC has adopted an institutional understanding that CSO representation is an important element on numerous other organising bodies, although the exact framework for ensuring this is less clear, but such broad structures for CSO representation in the forest sector significantly outstrip provisions in other sectors in Ghana.

The Timber Resource Management Act 1997 and Timber Resources Allocation Act requires broad consultation with affected farmers and landholders before logging permission is granted, and the revised forest and wildlife policy seeks to institutionalise participatory structures around forest management. It also seeks to enact legislation to allow communities and individuals to benefit from the trees on their farms, and improve equity in benefit sharing, although these aspirations have not yet resulted in significant regulatory change. In off-reserve forests, affected farmers and landowners have the right to give or withhold consent before logging can occur. Regulations require all TUCs to have an SRA annexed, which theoretically requires all affected communities within five kilometres to have negotiated with the concession-holder and make an agreement consenting to the logging operations.

Practice

Ghana has committed to plant 10,000 hectares (ha) of forest a year (as part of its Intended Nationally Determined Contribution to the Paris Agreement (INDC)) and aims to secure significant funding to do this. CSOs are concerned that the REDD+ process is less participatory than FLEGT. The REDD+ process is being run largely by consultants, and running too fast for people to engage, and especially for CSOs to engage communities properly. Documents attached to REDD are also presented in extremely technical language, which is a barrier to effective participation.

Specific concerns related to a grant mechanism that is expected to support local communities to take part in activities to avoid forest degradation. Many such projects are on large tracts of land that are being acquired by companies for forest timber species. These plantations generate local-level conflict, due to the appropriation of land from farmers, and those with less secure tenure.

The state of direct community consultation is generally not good and, at its best, relies heavily on CSO facilitation. Forest managers at a local level tend to marginalise local people in the decision-making. Community consultation only happens during the process of forest reserve management for forest resources, but the quality of such consultation is uneven. Consent is generally given by traditional leaders in a personal capacity, rather than as a vehicle for community interests. Forest Management Plans (FMPs) are not generally shared with communities.

Community participation in forest policy formation largely takes place via CSO intermediaries. Some CSOs have been pushing for the opportunities for representation that they have won for themselves to be extended to other stakeholders, including marginalised communities, but with limited success so far. The burden therefore remains with civil society, who gather community perspectives through various mechanisms, including forest forums, and then feed these into policy discussions when they can. This system works as the FC recognises CSO representation is important in both organising and decision-making bodies. There are CSO seats on the FC board, the REDD+ steering committee, climate change committees and the MSIC for VPA implementation etc. How these representatives are selected is less straightforward – sometimes appointments are made by the government without reference to civil society, leading to people sitting in post without the necessary contacts to gather views from the CSO community. Only on the TVC is the right of CSOs to select their own representatives recognised.

Capacity

Policy, legal, institutional and regulatory frameworks

The FC has no policy of strengthening the capacity of communities. An initiative in the early 2000s established a customer service liaison office which was intended to create a link between the FC and communities to strengthen capacity. This office no longer exists, and nothing has replaced it. Links between communities and the FC focuses on management planning but does not address communities' understanding of their rights.

Practice

The Government is heavily dependent on civil society to strengthen their capacity for forest management. The FC unit tasked with collaborative management is focused on raising funds for their work rather than strengthening communities. Coverage by civil society is dependent on their capacity and resources and the scale of need in 46 forest districts outpaces civil society capacity to respond. Although there are efforts to improve the capacity of DAs and forestry staff, this research was unable to investigate the level of capacity in communities to take advantage of changes in laws. CSOs have a critical role in supporting communities and over time it could be expected that in their areas of implementation, community level capacity will change. The degree to which this will be inclusive of all citizens is unknown.

Sources used

Reference sources used to inform index.	Accountability	Transparency	Coordination	Equity - BS	Equity - gender	Participation	Capacity
Informal interviews	x	x	X	X		X	X
Accountability from the bottom up: Ghana's chiefs embrace transparency – Global witness.	X						
Analysis of gender impacts of the EU- Ghana VPA					X		
Assessing accessibility and availability of logging information to communities		X					
Assessing Coherence between Sector Policies and Climate Compatible Development: Opportunities for Triple Wins		X	X				
Marshall Alhassan Adams, Jean Kayira, Yitagesu Tekle Tegegne, James S. Gruber, A comparative analysis of the institutional capacity of FLEGT VPA in Cameroon, the Central African Republic, Ghana, Liberia, and the Republic of the Congo, Forest Policy and Economics, Vol. 112,2020 , https://doi.org/10.1016/j.forpol.2020.102108 . https://www.sciencedirect.com/science/article/abs/pii/S1389934118306051?via%3Dihub	X		X				
Ghana Bridging the Gender Gap in Forest Governance Practical Lessons from Ghana Forest Governance and Legality Chatham House. Doreen Asumang-Yeboah, 9 March 2020					X		
Chatham House 2020 Forest sector accountability in Cameroon and Ghana: Exploring the impact of transparency and participation	X	X				X	X

FAO-EU FLEGT Programme – Transparency in Ghana’s timber sector		X					
FC should not be given timber rights fee: farmers and landowners propose – Civic Response				X			
Food security, forestry and REDD+ benefit distribution in Ghana				X			
Forest governance monitoring system – Civic Response	X	X		X		X	
Forestry Development Master Plan			X				
Ghana launches timber transparency portal – Civic Response		X					
Legal clarity around forest conversion as law passes in Ghana – Client Earth		X	X				
Mainstreaming gender into Ghana’s REDD+ process					X		
Oduro K.A., E. A. Obeng, M. Seidu, G. Asomaning and H. Abukari. 2020. The public procurement policy on timber and timber products and supply of legal wood to the domestic market. Nature and Development Foundation and Tropenbos International, Kumasi, Ghana.	X	X	X				
Seeing the Forests Through the Trees – Fern		X					
Saty P (2018) https://core.ac.uk/download/pdf/196592933.pdf			X			X	
The laws that govern forest governance in Ghana – Client Earth		X	X				
Ghana: Analysis of the Right to Information Bill, 2018 https://www.law-democracy.org/live/wp-content/uploads/2018/06/Ghana.FOI_Jun18.pdf		X					
Transparent and accountable management of natural resources in developing countries: the case of forests. EU DG external policies	X	X					
VPA update June 2020 (LoggingOff)	X	X				X	

Liberia

Context

Liberia is the most forested country in West Africa. In 2015, forests (defined as greater than 30 percent tree canopy cover) [made up](#) 6.5 million hectares, or 68 percent, of Liberia's land surface. This includes some areas under tree crops such as oil palm, rubber, and cacao. Out of this, about 4.3 million hectares are categorised as dense tropical forest with a canopy cover of more than 80 per cent.

Liberia's forest sector is uniquely placed: It contributes a relatively high share (10 per cent) of the national economy. The forest sector is also a large employer and an important source of livelihoods for rural Liberians.

Forests have been shown to provide important safety-nets in terms of various crises such as floods, droughts, fires, food shortages, and pandemics. COVID-19 will further prove this. With the country going through a severe economic downturn, households are more likely to fall back on forests to meet their basic minimum needs ([People and Forest Interface: Contribution of Liberia's Forests to Household Incomes, Subsistence, and Resilience](#), World Bank 2020).

Deforestation and forest degradation are caused by shifting agriculture, chainsaw milling, charcoal production, poor enforcement of regulations governing forest concessions, expansion of commercial agriculture concessions (for example, palm oil), and widespread mining. Additionally, ineffective management of protected areas poses a risk to biodiversity and critical ecosystem services.

The [Profor/ World Bank institutional assessment of the Forest Development Authority \(FDA\)](#) found that FDA staff report high levels of rent-seeking in the organisation, with 55 per cent believing that there is a practice of regularly collecting informal fees from citizens and companies for solving problems (World Bank, 2020) and most don't feel safe to report misdemeanours.

Governance Scores 2018 and 2020

Accountability

Policy, legal, institutional and regulatory frameworks

The FDA is the main accountable government agency in the forest sector. It is responsible for holding other forest sector actors to account, and for resolving grievances amongst them. The regulatory framework provides clear guidance for when and how the FDA should enact this responsibility, however these are in practice unenforceable. For instance, when objections around community forest areas are lodged, the FDA must respond within 30 days of receipt of the complaint. If the issue relates to other agencies as well, they must respond within 90 days.

Independent oversight of the FDA is built-in to forest law (the role of civil society independent monitoring is protected, FOI mechanisms exist). The monitoring framework developed as part of the VPA process provides a forum for the results of CSO monitoring and other evidence to be used to hold the FDA accountable for all issues of legality in the forest sector. The multi-stakeholder meetings take place monthly (suspended during COVID-19 for three months) but the FDA does not provide updates or report on agreed actions. The multi-stakeholder group has reviewed the standard operating procedures and it is anticipated that the co-chair of the committee previously selected from the private sector will now be open to CSOs or community members.

As part of the VPA process, a Legality Verification Department (LVD) was established within the FDA to monitor timber industry legality. Society Générale Surveillance (SGS) Liberia was contracted to

create a robust LVD over five years, however civil society reports that it is not possible to monitor the quality of the work being done by SGS or see progress in the department.

The World Bank is managing Liberia's REDD+ fund from the Norwegian government. As this initiative does not engage closely with the VPA mechanisms, it is not immediately clear how the existing grievance mechanisms can be used to address community grievances related to REDD+ activities. While there is no current legislative framework around environmental services in Liberia, it is not clear where the lines of accountability lie around carbon projects, nor which forum or mechanism should be used to raise grievances about these issues.

Practice

Accountability has deteriorated in Liberia's forests in recent years. Although mechanisms exist for accountability there is no effective enforcement. CSOs have used the VPA framework to hold the government to account – one example being the land rental fees owed to communities since 2006 but unpaid until CSOs began to raise the issue at VPA JIC meetings, after the VPA was ratified in 2013. Nearly US\$2 million has now made it to the National Benefit Sharing Trust (NBST) and US\$700,000 has made it to community projects.

Tropenbos International research showed a concession to a private company was being illegally implemented in a community forest. Although this information was given to the FDA, there was no swift response. FDA set up a committee to investigate the violation and no action was taken against the company. As the formal mechanisms for accountability were not working, civil society resorted to using the media as a forum for discussion of illegal behaviour. The FDA appears unwilling to use its power to cancel contracts or to fine private companies engaged in illegal logging, which leaves communities without recourse to justice. This illustrates both the progress that has been made, and the distance still to travel before accountability in the forest sector can be called adequate. Weak transparency also undermines effective accountability.

In a study of institutional capacity in 2019 FDA staff reported high levels of rent-seeking in the organisation, with 55 per cent believing that there is a practice of regularly collecting informal fees from citizens and companies for solving problems.

Transparency

Policy, legal, institutional and regulatory frameworks

The 2010 Freedom of Information Act (the first such act in West Africa) provides a clear legal obligation for public bodies to be proactive in the provision and access to information, including provisions around timely provision of information. Annex IX of the VPA refers to this 2010 Act. The Liberia Extractive Industries Transparency Initiative (LEITI) 2009 makes provision for financial transparency in extractive industries. Liberia was suspended at the end of 2019 for failure to submit reports however with the government has provided the reports and the [deadline for second validation](#) has been extended to Jan 2021.

Every public agency, including the FDA, is required to designate an Information Officer to help people file requests for information. Agencies must respond to requests within 30 days unless they can show reasonable cause to extend for a maximum of another 30 days.

Transparency is also enshrined in forest-specific legislation. Section 6 of the 2011 Implementing Regulations for the 2009 Community Rights Law (CRL) says 'All information and documents related to community forests are public unless explicitly restricted in the law and regulations' – essentially providing an assumption of transparency for much of the information most likely to be of interest to forest communities. The FDA is required to facilitate community access to documents through local offices, and in accessible formats.

Practice

In practice, the FDA has made some strides in pro-actively publishing some information, and responding promptly to civil society requests for some, non-sensitive information. But in general, the FDA has not yet adopted a culture of openness and often does not seem to feel any sense of obligation to provide information to civil society. A new website set up by FDA in 2018 crashed on the day of launch and has not been rebuilt two years later.

Information in relation to allocation of concessions and revenues collected which underpin community benefits are not available. In theory monies paid by companies to the FDA should be paid to communities, however since 2018 no payments have been made and it is difficult for communities to access information about what is owed.

In recent practice FDA has not been ensuring compliance with information sharing standards set out in the Community Rights Law which says communities should have access and sight of contracts. It took one community six months to get a copy of their own management plan.

Private companies are not providing copies to the communities, which means they cannot ensure companies are doing the right thing. The FDA says it does not have sufficient resources to enforce compliance. As a result of this non-compliance the companies are not paying funds intended for the CFMB (Community Forest Management Bodies) with serious implications for benefit sharing. As stated above, holding the FDA to account on non-compliance and illegalities is problematic.

The state of application of FOI laws by the FDA is largely unchanged since 2018 when it was found that FOI laws have not been applied in the forest sector. The FDA has still not appointed an FOI Officer to the department. Instead of this, civil society has focused on the independent monitoring. The VPA National Multi-Stakeholder Monitoring Committee (NMSMC) is an effective space for dialogue on forest sector issues, although the Memorandum of Understanding (MoU) for ensuring rules of engagement between the FDA and civil society has not been endorsed by the FDA. Civil Society Independent Forest Monitoring (CS-IFM) has yielded results in terms of governance – including amendments to the Community Rights Law (CRL) implementing Regulations to correct ‘missteps’ in community forest allocations. At the JIC meeting Feb 2019 the need for transparency was raised again.

Coordination

Policy, legal, institutional, and regulatory frameworks

Liberia began a comprehensive review of forest-related laws and regulations in 2004, which has resulted in the introduction of considerable new legislation and a broadly coherent and clear regulatory framework. Where incoherence does persist, civil society has been instrumental in correcting this – for instance, the February 2017 amendments to the implementing regulations for the CRL.

Forest laws are largely coherent with the National Development Plan (Agenda for Transformation), which recognises the 3-C approach (Commercially based, Conservation-oriented and Community-involvement) to forest policy including increasing the role of small-scale community forestry.

The FDA participated in the development of the Land Act 2018 with the Land Authority. This has resulted in a law which respects [community rights](#). There is significantly less coordination with the Mineral Authorities which creates challenges for the communities. Although there is an Inter-Ministerial Concession Committee (IMCC) in which the FDA participates this has not stopped mining concessions being granted on forest land as no forest resource licence is required.

Practice

Previously coordination between REDD+ and community forestry initiatives was described as problematic. However, as REDD+ implementation has progressed collaboration has improved, with support to community forestry and grievance and redress mechanisms that will be useful for communities. However, REDD+ provisions for benefit sharing are different from those under Liberian law.

The REDD+ extension agreed in early 2020 to mid-2023, includes provision to strengthen the coordination mechanism established to collaborate, share and communicate with all Project implementation Entities and other key stakeholders, including those at the sub-national level. There is a recognition that multi-stakeholder platforms created for REDD+ need to be anchored in government institutions

Mining concessions do not generally follow the concept of community rights and forest governance. It is more common for agreements to be made with village elders than the existing community governance committees. This is both confusing for communities and undermines work under the VPA.

Equity – benefit sharing

Policy, legal, institutional and regulatory frameworks

The core of the benefit sharing framework lies in the 2006 National Forestry Reform Law (NFRL) and associated regulations. The NFRL establishes a different types of forest conversion, with associated minimum benefit sharing arrangements required with each. Under this Act, local communities are entitled to 30 per cent of the land rental fees paid by companies operating in Forest Management Contracts (FMCs) and Timber Sales Contracts (TSCs), with funds to be paid into a specially created body, the NBST and then paid out to Community Forestry Development Committees (CFDCs) for specific works. Compared with other benefit sharing arrangements in Africa, this is a high percentage. REDD+ is proposing a 50:50 split between government and communities, but this is not finalised.

The NFRL also requires companies operating under FMCs and TSCs to enter into a Social Agreement with affected communities, in which communities are entitled to a minimum of US\$1 per cubic metre harvested. Social Agreements for FMCs must be reviewed every five years, or three years for TSCs (which is the maximum duration of this permit type). Each Social Agreement is individual, but guidelines exist, and a new Social Agreement template was finalised in 2015.

NFRL Regulations 102 and 104 require commercial operators to obtain FPIC from CFDCs to begin negotiations for a Social Agreement, and for any commercial use of customarily held forest land.

The rights of communities to claim and manage their own customary forest resources (but not land) is protected under the CRL 2009 and its 2011 implementing regulation. Communities do this by registering territory as a Community Forest Management Agreement (CFMA) otherwise referred to as Authorised Forest Community. These regulations mandate that, if a community decides to allow an external company to manage the operations on their community forest concession, the community should receive 55 per cent of the revenue. The Land Rights Act 2018 made CFMAs the predominant forest management unit in Liberia, which provides the regulatory framework for dramatic improvements in equity in Liberia's forest sector.

Practice

Two studies have revealed how communities are not getting what they should.

Global Witness concludes that the [FDA has a legal obligation](#) to “assist in securing financial and technical assistance for forest communities in support of their community forestry management programmes”. Where the FDA is not fulfilling these obligations, communities are required to navigate the Nine Step Process and understand their roles on community governance committees unsupported. Due to their unfamiliarity with the process, communities turn to people that present themselves as having a more in depth understanding of logging, and those able to travel to Monrovia to liaise with the FDA. This provides an opening for logging companies and brokers to become involved. There is no screening of brokers’ integrity or qualifications.

The CRL makes it clear that community forestry should contribute to sustaining forests. The preamble states both that the country’s “forests [are...] an endowment from nature... belonging not just to this generation but future generations”, and that the “purpose of the forest policy of Liberia is to conserve and sustainably manage all forest areas so that forests will continue to produce a complete range of goods and services”. This law stipulates that responsibility for the sustainable management of a community forest ultimately lies with the community. To achieve this, “communities have the responsibility of preparing Community Forest Management Plans” and thus its development should not be left to others.

The limit of these provisions is [well documented](#) :

A civil society actor says:

Under the Community Rights Law, communities can obtain a Community Forest Management Agreement, giving them the right to use and manage a forested area of between 5,000 and 50,000 hectares. This agreement lasts for a period of 15 years, and can be renewed an indefinite number of times, as long as all requirements are met. The idea is that this empowers communities to engage in the sustainable management of Liberia’s forests, but there are still many challenges.

There are alarming examples of logging companies pre-empting this by inserting into their community agreements that the forest will be converted to agricultural plantations:

A World Bank study in 2018 noted two main reasons why communities are not getting what they are entitled to:

First, the logging companies have failed to fulfil their contractual obligations—there are many cases of non-payment or partial payment of land rental and extraction fees and failure to implement projects and activities established in social agreements. Second, the delay or failure by the Central Government (the Liberia Revenue Authority and the Ministry of Finance and Development Planning) to forward remitted revenues, which communities are legally entitled...⁸

[Communities did not get any budget for 2019/2020](#) despite consultations with the Government to commit a portion of land rental arrears that logging companies paid into the National Budget. This was the same in budget year 2018/2019, no rental fees were allocated to communities, with serious consequences – once again – for people already hurt by the economic situation.

Enforcement by the FDA is weak and in general favours the logging companies. Given what has been said about FDA lack of transparency above, access to information on CFDC contracts, by communities and supporters is challenging.

Although benefit sharing is going backwards, the now-functioning This Is My Backyard (TIMBY) facility is building an increasingly comprehensive picture of compliance with benefit-sharing requirements and over time this will help to track any changes.

⁸ https://www.forest-trends.org/wp-content/uploads/2020/07/Benefits_Sharing_Liberia_Final-1.pdf

Equity – gender

Policy, legal, institutional and regulatory frameworks

The most concrete piece of legal infrastructure designed to improve gender equity in the forest sector is the new Land Rights Law 2018 that [creates space and opportunities for women to claim equal rights in relation to community land](#).

Under the 2018 law, community members are the private owners of their customary lands. Specifically, all community members, including women, youth, and members of minority groups have equally strong ownership claims to customary lands, and have equal rights to use and manage community land.

Previously women were not legally excluded but in practice not included in CFDCs. The National Community Benefit Sharing Trust framework includes the participation of women in project design and design as an eligibility criterion.

Practice

As the 2018 law was passed, the challenges of implementation of this landmark law were already noted. Since the law was passed [CSOs have been raising awareness and educating communities on the provisions of the Act and implications](#). As required under the 2018 law, women are expected to play a major role in the Community land governance structure, however having a representation is one thing and active, effective participation is another. CSOs' involvement in strengthening participation is required if women are to be properly involved. This is a social and political challenge, not a technical one, as illustrated in the [World Resources Institute study in 2020](#) "livelihood vulnerability is a key determinant in forest management committee participation and women have more vulnerable livelihoods and many competing priorities". This is compounded by a shared belief that women do not have capacity to engage in decisions. Social norms are more rigorously upheld when determining who may participate in forest governance than when it comes to roles and responsibilities associated with other livelihoods. However, the research suggests that as poorer women have more access to forests and as such their knowledge of forests and forests products would make them valued informants in forest management decisions. "Paradoxically.... they were most likely to be excluded from forest management committees."

The research says that transforming women's participation must be understood as a political rather than a technical process and recommends the need to work with men to increase understanding of women's potential contribution as well as empowering and supporting women to participate.

Participation

Policy, legal, institutional and regulatory frameworks

Public participation in forest-governance is spelled out at various levels in Liberian law and institutional frameworks. CFDCs are the official legal representatives of a community in interaction with the FDA, logging companies and in other forestry-related matters. The special role of CFDCs is embedded throughout forest-related law and policy. In cases where customary land title is recognised in a forested area, CFDCs must grant FPIC to any commercial use of that land.

Commercial concessions (specifically FMCs and TSCs) require communities to enter into social agreements with the company before operations can begin, and before a concession is awarded, NFRL Implementing Regulation 104 requires "preliminary consultations with affected communities." Under the Public Procurement and Concessions Act public stakeholders must be consulted around

the general option to grant a concession in a particular area, but there is no requirement to consult on the actual allocation of a concession to a particular company.

Regarding established community forests, the 2011 Implementing Regulation of the CRL (2009) explicitly states (section 17) that all residents aged 18 and above can participate in activities of the community forestry program, including policies issued by the competent authority and rules issued by CFMB. In July 2016, the Community Forest Working Group (CFWG) adopted a Terms of Reference (ToR) to 'function as a vehicle for public participation in the work of the FDA' around community forestry. The CFWG is also supposed to link stakeholders to opportunities to build their capacity in community forestry, and the CRL requires the FDA to promote and assist communities to build their capacity to claim and manage community forests.

The VPA mechanism uniquely incorporates seats for community representatives. Within this framework, community representatives are raising grievances and highlighting legal or policy inconsistencies.

Practice

Participation in practice is patchy. Some concession allocations are made without community consultation (i.e., issued on the basis that land is 'free of encumbrances'). [In early 2020, communities in Tarsu, Sinoe County, wrote to the FDA to renegotiate their agreement, because they stated it was not done in a participatory manner. But the FDA refused, and told the communities they must wait the required five years before renegotiating.](#)

The approach to participatory consultation by the government is generally ill prepared. This limits the quality of community participation. The provision of long, technical documents to communities and civil society is mainly late and this makes it impractical for people to understand the purpose and details of a consultative process.

The REDD+ approach, is mainly implemented by consultants and has considerably less emphasis and capacity for community consultations or participation. The technical nature of discussions is exclusive. [In a 2018 comparative study of several VPA and REDD+ countries](#), civil society shared the opinion that civil society participation was a way of government legitimising decisions rather than constructive dialogue. In the same study, REDD+ was compared unfavourably to VPA participation by civil society. One key informant said: "participation in REDD+ is 'scattered', fragmented and non-consistent". CSOs also criticise the way information for meetings is provided at short notice and they are asked to review large documents. They do not get enough time to read in advance of the meeting and not all CSO members understand REDD+ jargon terms like reference level and carbon trading. There are less incentives for participation in REDD+ than VPA.

Capacity

Policy, legal, institutional and regulatory frameworks

According to the Social Audit 2012/13, that updated the [10 core regulations](#) to include provisions for legal assistance to communities during negotiation of social agreements. It requires the FDA to encourage CFDCs to renegotiate social agreements. As stated above, the FDA is not supporting communities in a rigorous way.

The FDA is required to ensure CFDCs and communities can access education on forest management policy. The CFWG is supposed to link stakeholders to capacity opportunities (as well as strengthening FDA capacity).

The absence of practical support from the FDA, creates risks for communities. There is a strong need for civil society to educate and empower communities to avoid exploitation by logging companies.

Practice

In practice, NGOs have stepped-in to develop community capacity and to act as important mediators between communities, the private sector and the FDA at times.

CSOs have a legal working group which aims to translate laws and regulations into useful guidance and templates that communities can use. A Commercial Use Contracts (CUC) template has been developed through the new legal working group.

Environmental lawyers from ClientEarth developed a first of its kind [legal toolkit](#) in 2019 to support laws that enshrine the management rights of Indigenous and local communities over forests worldwide. The civil society legal working group is adapting this to the Liberian context.

There has been a lot of investment in building community capacity and some significant results are visible. A study of the use of community funds for projects under benefit sharing scheme revealed local and national initiatives. A new set of officers for the CFDC have been elected and new structures created. CFMB and CFDC unions have also been developed and this is a step forward in organising community engagement.

Sources used

Reference sources used to inform Liberia index scores.	Accountability	Transparency	Coordination	Equity – ben. sha	Gender equity	Capacity	Participation
Informal interviews	X	X	X	X	X	X	X
2006 Forestry Reform Law (Enabling Act)	X						
2011 Regulation for Community Rights Law	X	x	x	x			X
Africa Liberia women storm Monrovia RRI report				X			
Briefing note on Sewaca Community Forest (SDI)	X					X	X
Community Rights Law implementing regulations				X			
ClientEarth Legal framework for governing conversion in Liberia	X		x				x
ClientEarth Toolkit for community forestry-						X	
Hood, N., N. M. Kishor, and L. Verheijen. 2018. Liberia: Country Forest Note (English). Washington, DC: World Bank Group. http://documents.worldbank.org/curated/en/233271527176589175/Liberia-Country-forest-note	X	X					
Liberia Land Rights Policy 2013				X			
Liberia Social Audit 2012/13 (NGO Coalition Liberia)				X		X	X
Liberia's new national development strategy (World Bank Institute)							
Liberia and EU review VPA progress and challenges				X			
Linking FLEGT and REDD monitoring framework (SDI)		x	X				X
Power to the People: how companies are exploiting community forestry in Liberia 2018 Global Witness	X			X		X	X
NBST guidelines				X			
New Land Rights Act, the latest JIC Aide Memoire on transparency and accountability	X	X					

Power to The People? How Companies Are Exploiting Community Forestry in Liberia Global Witness 2018				X			X
Press Release about CFWG			X			X	X
Promoting Woman & Community Rights in Forest Governance & Management in Liberia (ActionAid)				X			
Reforming Liberia's land law		X		X		X	
Satyal 2018 Civil society participation in REDD+ and FLEGT processes: case study analysis from Cameroon, Ghana, Liberia and the Republic of Congo https://core.ac.uk/download/pdf/196592933.pdf			X				X
Social Agreements Handbook	X			X			
Toolkit for community forestry - ClientEarth						X	
Will Liberia Lead the Way to Land Property Rights for Women in West and Central Africa? (Focus on land in Africa)				X			
Women and forests in Liberia (2012)			X	X	X		
WRI 2020 Who's Governing Community Forests? Gendered Participation in Liberian Forest Management https://www.wri.org/publication/whos-governing-community-forests					X		X
Liberia and EU review VPA progress and challenges Feb 2019 https://www.euflegt.efi.int/news-archive/-/asset_publisher/VoA92AEdZlro/content/liberia-and-eu-review-vpa-progress-and-challenges		X		X			

Republic of Congo

Accountability

Policy, legal, institutional, and regulatory frameworks

The main agency responsible for forests in Republic of Congo (Congo) is the Ministry of Forest Economy (MEF), and the governance framework is primarily laid out by the 2000 Forest Code, supplemented with various decrees and related laws. The principal implementing decree, published in 2002, lays down conditions of forest management and use. A revised code was submitted to the government in 2018 and was passed in July 2020. The accountability framework is reasonably clear at the level of principles, for instance MEF at the local level has clear reporting responsibilities to the central ministry around implementation of projects funded by benefit sharing payments. However, there is less clarity about what 'reporting' entails, specific types of information to be included, how often etc.

The VPA process introduced a mechanism for a good degree of independent oversight (including Independent Forest Monitoring (IFM) an independent auditor, and a grievance mechanism). A complaints mechanism is also built into the REDD+ process but this is not finalised/operational. Regulations exist around compensation rights payable for destruction of fruit trees and agricultural crops. MEF is responsible for determining the level of compensation.

The VPA provides for Civil Society-led IFM to inform monitoring. This provision appears to conflict with a restrictive NGO law adopted in 2017, which constrains the freedom of CSOs to act independently and particularly to work on governance issues. Concerns that this could limit the Civil society monitoring system are reduced by the 2020 Forest Code in which civil society's forest independent monitoring is legally recognised for the first time. A potential improvement once regulation is in place.

A computerised, legality assurance system (CLVS) has existed since August 2019 and is housed in the Finance Ministry's data centre. Operationalisation depends on the passing of regulations under the 2020 Forest Code. This will allow the export of legal timber to the EU and enable closer monitoring of forest revenues. With the high levels of corruption this may not resolve all problems of illegal timber.

Practice

In the absence of a well-functioning grievance system, CSOs have created their own mechanism to identify and tackle corruption cases, called *Centre d'assistance juridique et d'action citoyenne* (CAJAC) under the REDD+ scheme. Forty complaints were made in 2019 and this is a significant increase in reporting. For it to be more effective it needs to be included in the IFM tool.

The independent observer's regular reports provide a good illustration of the value of independent oversight. It identified multiple legal violations and problems with enforcement of forest-related regulations, including poor information disclosure, a failure to enact sanctions when violations were identified, poor record keeping, non-payment of tax and outright corruption. Some independent monitoring reports have led to action on illegal permits. Forest conversion is being addressed and there has been a decrease in company infractions over the years.

The positive results show some independent oversight but illustrate more that the forest administration needs to take a systematic approach to tackling impunity in the sector.

Although communities have a legal right to claim compensation for crop damage, there's little evidence that they do so in practice. There is some evidence that companies sometimes make direct cash payments to communities through the local development fund in concessions with a management plan, but this is sporadic, not transparent, and insufficiently regulated.

Transparency

Policy, legal, institutional, and regulatory frameworks

CSOs are broadly satisfied with the shape of the transparency framework in the forest sector, although it lacks detail. The 2002 Constitution explicitly recognises the right of access to information, and this is backed up by a 2001 FOI law which identifies the right to request and be granted information which is not pro-actively published. The 2000 Forest Code also mandates for certain types of forest-related information to be disclosed, and the 2011 Indigenous Peoples' Law requires certain types of information to be published to enable consultation. In 2017, a transparency code was enacted mandating full transparency over public affairs across sectors and policies. Congo has also integrated the timber sector in its reporting framework under the Extractive Industries Transparency Initiative (EITI) which now provides information on government receipts and company payments (to some extent).

However, as with much of the legal framework in the Congo, implementing decrees have not yet been produced. Without these decrees, it is not clear to what extent sanctions for non-compliance are built into the existing framework.

The VPA transparency annexe identifies 49 types of information to be published, and identifies which actors are responsible for producing each one. It also outlines channels for dissemination and requires that reports from the Independent Observer are published. Documents related to VPA implementation are currently available on a Congolese VPA website, the Ministry of Forestry Economy website, and a Facebook page. There is a regular VPA newsletter communicating progress made. Paper documents are available on request.

Practice

Although there are improvements in government frameworks that encourage transparency additional interesting initiatives are contributing to change and may indicate that people do not want to depend on the government data. A real-time Forest Watcher App that creates alerts on forest loss based on data from Global Forest Watch. The tool is used by forest agents and increasingly companies. There is hope that it could be a powerful tool for local and Indigenous communities to collect and share information. Finally, the Open Timber Portal is a web platform compiling information about forest sector compliance. These digital tools, add to contributions made by civil society IFM and Independent Observers.

Congo has also included the timber sector in the forest sector revenue disclosure perimeter of its national process for implementing the EITI. The EITI aims to provide regular and reliable information on government revenues and company payments for oil, mining, and gas exploitation. A 2019 EITI report indicates that a greater number of forest companies (25 per cent) are sharing information (Fern 2020), and that transparency has improved, especially regarding permit allocation. The above changes in practice are improving transparency. Broadening access to communities is an important next step.

Policy, legal, institutional, and regulatory frameworks

Congo has declared its intention to become an emerging country by 2025, and its national development strategy is based on this timeline, including the 2016-2021 'March towards development' action plan.

In relation to forest governance there are many ministries making policies which impact on forests, despite the increasing need for coordination, this does not happen. Contradictory policies are created and applied by different ministries. For example, the Forest Code decrees that 50 per cent of the area tax paid by concessionaires should go to local administrations, but a later decree transferred this revenue to a road fund. Classifications of forests are different, the government classifies as permanent and non-permanent forest, whereas the VPA classifies as natural and plantation forest.

Congo's NDC stipulates the need for legal reforms to achieve its aims, in line with the VPA process. These include reforming land development plans, which could theoretically improve policy coherence. The extent to which these reforms are coherent with existing forest priorities and community rights further impacts on regulatory coordination overall. Work to improve cross-sectoral coordination in land use planning is highlighted as an essential element in REDD+ documents. However, the NDC was created without reference to community and CSO stakeholders, which civil society sees as a sign of poor coordination so far.

Practice

Coordination is weak overall because of poor governance and a lack of leadership from the Prime Minister, meaning each Ministry is not held accountable for coordination with others. Although 14 Ministries come together for the VPA JIC, there is no sign that they coordinate outside these meetings.

A ministerial hierarchy and lack of accountability means some ministries are particularly powerful and able to overrule decisions made by others. Essentially individual interests often prevail over a common vision, and the mechanisms that exist for coordination are dysfunctional. The World Bank has indicated that it is willing to provide technical and financial assistance to help develop a culture of coordination, but whether this will be possible without the political will is an open question.

Equity – gender

Policy, legal, institutional, and regulatory frameworks

Gender equality is a principle enshrined in Congo's Constitution. Article 8 recognises the equality of all citizens, that women have the same rights as men, and that the law should guarantee women's representation in all areas of politics. This provision is reinforced by Electoral Law No 5-2007. The 2016-2021 development plan corrects the omission of gender from the previous plan by including it but promoting gender equity is not a priority of the plan. The National Forestry Action Plan and the National Environmental Action Plan do not mention gender-related issues. There do not appear to be any specific policies or state-led mechanisms to enhance gender equity in the forest sector.

Some of the individual orders that create community forest areas within larger concession areas include quotas for women's membership on the multi-stakeholder management council, but these are ad hoc.

Congo's Emission Reductions Program Idea Note (ER-PIN) plans for women's groups to be part of the National REDD+ implementation board and other structures, and to be among the main beneficiaries of monetary and non-monetary benefits. How this is to be achieved is less clear.

Practice

There were insufficient resources or contributions from informal interviews to complete this indicator. As a result, this is not scored.

Equity -benefit sharing

Policy, legal, institutional, and regulatory frameworks

Social obligations are captured across several laws, including the 2000 Forest Code. This does not acknowledge collective ownership rights, but it does recognise customary rights to NTFPs and usage rights.

The 2011 Indigenous Peoples' Law recognises customary rights and FPIC and guarantees access to benefit-sharing mechanisms and has guidelines on socio-economic development projects. There are five main mechanisms for benefit sharing in Congo's forests: forest area tax, deforestation tax, local development funds (FDL), social clauses in concession contracts, and compensation.

The FDL has not been fully legislated, but it is supposed to finance community micro-projects. Each FDL is enacted by a specific ministerial decree, though the VPA has in effect made this mandatory. A multi-stakeholder consultative council is supposed to oversee the FDL, and the funds are supposed to finance income-generating activities in line with local development plans.

Community areas within a timber concession are recognised within the forest management plan, with details of the community activities allowed within the concession area. Social clauses are integral to some concession types and must be written before the exploitation contract is finalised.

CSOs feel that the implementation of existing mechanisms should be improved, rather than changing the mechanisms themselves. The newly adopted Forest Code will hopefully enable community forests to be created and local and Indigenous communities to be supported in operating these effectively. Forest management plans are examined and adopted by two distinct multi-stakeholder committees composed among others of CSOs, local communities, and Indigenous Peoples. The VPA also envisages new regulations to cover various processes and management procedures for community forests.

Precise details around the maximum size of a community forest, and the steps communities need to take to create a community forest, have not yet been developed.

Practice

CSOs are unhappy with how the benefit sharing funds are managed, because the process is neither participatory nor transparent. Social clauses are negotiated directly between companies and the state, meaning communities have little opportunity to influence the content. As they are only enforceable between parties to the agreement, communities have not legal rights.

Although communities have a legal right to claim compensation for crop damage, there's little evidence that they do so in practice. Sometimes companies make direct cash payments to communities through the local development fund in concessions with a management plan, but this is sporadic, not transparent, and insufficiently regulated.

The law recognising Indigenous and customary forest rights has not been used in practice. The multi-stakeholder councils which govern the 'community forests' within larger concessions are generally dominated by local administration officials; community representatives have extremely limited influence over how funds are managed.

The *Série de développement communautaire* (SDC) is generally created without meaningful involvement of the communities it applies to, and sometimes does not correspond to the area of land under customary use. They are designed based on a formula that considers land under agricultural use, rather than forest land under traditional use for other purposes (i.e. hunting and collection of NTFPs).

Policy, legal, institutional, and regulatory frameworks

The 2011 Indigenous Peoples' Law recognises FPIC, setting a high bar for meaningful participation of these marginalised groups. More generally, community representation is enshrined in the VPA and REDD+ texts, with seats at the table reserved for civil society actors. This practice is now recognised in the new Forest Code 2020. FPIC should ensure local communities and Indigenous Peoples' involvement in forest governance processes.

CSO seats at the table are only in the VPA and REDD+ processes, but do provide a formal opening for civil society to raise issues. Some requirements to consult exist in various regulations connected to forests, but these are typically vague and without implementing decrees to lay out precise mechanisms to ensure participation.

Regarding the SDCs created within concession areas, community representation on the management body is mandated but representatives are selected by the local administration rather than by the community themselves. In any case the fact that a community will only have minority representation on the body managing its land, is not an ideal example of a participatory structure. The 2017 law restricting NGOs in Congo poses a structural threat to meaningful participation, as it reduces the space for disagreement or different opinions to be publicly aired.

Practice

There is no direct community representation in the VPA structures. Representation via CSOs can happen but community participation in the CSO platform is also weak. Official assistance to enhance participation is largely tokenistic, generally only happening late in a decision-making process. On the other hand, in January 2018 a consultation workshop on the draft implementing texts of the new forestry law was held, including various CSO actors.

Others say that when CSOs do push for greater accountability including regarding community participation the government criticises independent CSOs, labelling them extremists and terrorists. However, it is important to note that CSOs are themselves divided and have made limited efforts to ensure stronger community engagement and capacity. Despite this challenging context, some of the successful impacts of CSO campaigning are remarkable, including the adoption of a transparency code. However, this is in the face of, rather than supported by, recognised participatory structures.

The VPA evaluation 2020 recommended that civil society should work towards increasing community representation, and engagement in the VPA process, and advocate for stronger community benefits through improved management of the FDL and community forestry.

Capacity

Insufficient resources or contributions from informal interviews to complete this indicator.

Sources used

Reference sources used to inform index.	Accountability	Transparency	Coordination	Equity - BS	Equity - gender	Participation
Informal interview response	X	X	X	X	X	X
ClientEarth Congo's new forest law	X	X		X		
Community-Based Forest Management: Legal Frameworks in Five Congo Basin Countries		X		X		X
Congo FIP			X			
Déclaration des organisations de la société civile œuvrant dans le domaine de la gouvernance forestière et climatique (Partenariat pour les Forêts du Bassin du Congo)	X		X			
Discussing forest governance with parliamentarians in Republic of Congo (Client Earth)				X		
Evaluating the VPA process in the Republic of Congo 2020 Evaluating the VPA process in the Republic of Congo 2020	X	X	X	X		X
Forest and Climate Governance in the Republic of Congo: Challenges and Perspectives Fern 2020	X	X	X	X		X
How much do communities get from logging? 2017 (Fern)	X		X	X		
Inclusive forest management in the Congo Basin: The role of community forestry in improving forest and climate governance				X		
La lettre d'information et d'analyse du FGDH March 2018						X
Seeing the forest for the trees (Fern)		X				
The REDD desk					X	
Transparency and Accountable Management of Natural Resources in Developing Countries: The Case of Forests (DGExe, European Parliament)	X	X				X
VPA update June 2018 (Logging Off)	X					X
VPA update Jan 2020 (Logging Off)	X	X				X
VPA's and NDCs: sharing the toolbox?	X		X			

Indonesia

Accountability

Policy, legal, institutional and regulatory frameworks

The core legal framework and policies to ensure accountability are considered good. Since 2007, Indonesia has used an operator-based timber control system to ensure the legal compliance of all its timber exports. The system, known as the SVLK (*Sistem Verifikasi Legalitas Kayu*), is the basis for the Timber Legality Assurance System under the EU-Indonesia VPA. The Ministry of Environment and Forestry have accepted the principle of independent monitoring. The system came under threat earlier this year but was saved following interventions by ministries, the EU and civil society.

The national governance structure, with decentralisation at its core makes for complex lines of accountability within government. For example: there is no vertical accountability within the Forest Sector. At a sub-national level, forest officers are accountable to the local governor rather than through civil service hierarchy.

In reference to the Omnibus law Indonesian Government passed in October 2020, an NGO spokesperson from Mighty Earth said: [the Indonesian government had made a "tragic miscalculation" and warned that the bill would "effectively legitimise uncontrolled deforestation"](#).

[Fern commented](#) on the risks to timber licensing: "the government is using the pandemic to justify abandoning a painstakingly hard-won system to check the legality of its timber exports. The country's Trade Minister claimed the decision was taken to boost timber exports in the midst of the economic slowdown. It undermines the flagship anti-illegal logging scheme that the EU has expended time and capital on for 17 years.

Practice

Achieving accountability remains a non-stop fight. In March 2020, the trade ministry said it would revoke the timber legality system. After much protest and an intervention by the environment ministry that had not been consulted on the change, the regulation was revoked in May 2020. The SVLK has undergone revisions to make it easier, cheaper, and faster. The new standards include community-based forestry and this should help communities.

[A 2019 paper on lessons learnt on FLEGT](#) implementation notes the challenges encountered in FLEGT licensing which is a paper-based system. The more than 40,000 licences issued annually create a complex paper trail. This paper-based system does not support transparency which in turn undermines accountability.

Weak accountability for performance undermines implementation of reforms in ministries. As each district has a degree of autonomy, it is impossible to describe practice in general terms. Locally corruption can influence decision-making which undermines accountability.

The impact of the Omnibus Law 2020 will have to be closely monitored.

Transparency

Policy, legal, institutional and regulatory frameworks

There is a constitutional right to access information (Article 28f second Amendment 1945). [A Public Information Disclosure Act](#) was ratified in April 2008 and later in May 2010 the Transparency of

Public Information Law came into effect. In theory, people can submit requests to a public agency, who should respond in 10 days. However, there are no sanctions for non-compliance and exceptions can be broadly interpreted.

Ministries are not adept at managing information and as such data is not provided in a timely manner. In 2017, a case against the Ministry of Environment and Forestry (MoEF) went to the Supreme Court and finally data was released.

Practice

Access to information not easy. Court cases are not unusual and even when ministries are told to share information it is not forthcoming. At sub-national and district level, court cases have been more successful.

Communities' access depends on the kind of data and local authority attitudes. If large corporations are involved in land cases, it is not uncommon for the community to be refused a map of the area.

Transparency of the licensing system is hampered by the fact that it is paper based. Proposed e-licensing may allow for better access to information.

Since 2014, there is a new Village Law allowing access to information and it has become easier for communities.

Coordination

Policy, legal, institutional and regulatory frameworks

The institutional and policy frameworks give emphasis to coordination and harmonisation of policies and plans between ministries. In 2016, the VPA process was seen to reinforce existing structures for coordination. However, the frameworks don't necessarily prevent competition between ministries and the development of competing targets undermines coordination. MoEF initiatives are not fully institutionalised across the ministry and this leaves room for local interpretation of policies.

Practice

At national planning meetings, ministries make paper agreements but then in practice do something else. Ministries work in silos and there is competition between them. The recent case of the Trade Ministry issuing a regulation to free wood exporters from having to obtain licences to show legality of sources is a case in point. Campaigns by civil society and complaints from the MoEF led to revocation by the Trade Ministry ["citing a request from the Environment Ministry, which had not been consulted on the initial move"](#) .

The Omnibus Law may open the gates for increased competition, undermining coordination further.

MoEF initiatives are not always institutionalised in the Ministry and this provides opening for local interpretation of policies and the influence of corruption on decision-making.

Equity – Gender⁹

Policy, legal, institutional and regulatory frameworks

⁹ The key informant had limited knowledge on this subject

Several ministries including the MoEF have been in a process of mainstreaming gender since 2019. A regulation was initiated in 2016 and is making slow progress with limited attempts to communicate the implications of gender in forestry policy in public facing documents.

Practice

There are a low number of women involved in decision-making in a broadly patriarchal system. There are some good examples of community women taking leadership roles in movements to protect forests and as a result more women are likely to get involved.

There are examples of women engaging politically, that illustrates the untapped resource for the forestry sector. A women-led movement from central Java, [marched](#) 800 kilometres to Jakarta to protest against limestone mining's impact on water supplies. When the President refused to meet them, they cemented their feet and went on hunger strike. The cement factory development was abandoned although the permit was not revoked.

Equity – benefit sharing

Policy, legal, institutional and regulatory frameworks

Since 2014, policy frameworks capture the government's overriding ambition to regulate the redistribution of land to people in the name of agrarian and social reform. The aim is to distribute 12 million hectares of land to communities, to create community managed forests from state managed forests. Communities must request recognition of their customary rights. The Government took at least two years to get the regulations in place.

Practice

Communities see this as an opportunity to protect their livelihoods. Getting a certificate that recognises community access to resources and opens the door to other benefits such as setting up community-based forest management, which is protected from private sector land grabbing.

In practice, the process has only been going for a few years. During this time and during the time it takes for customary rights to be recognised, land is at risk. Private companies can apply for a licence for land where the as the community is awaiting decisions.

It would be better for communities to have their customary rights granted by local government.

A recent [household survey in a shared Java](#) teak plantation found the benefit-sharing system has been neither effective nor equitable economically, ecologically or in terms of governance. Limited capacity and downward accountability of committee executive combined with a laissez-faire attitude of forest administrators creates space for elite capture.

Participation

Policy, legal, institutional, and regulatory frameworks

Civil society has an important role in SVLK as independent monitor. The inclusion of farmers in the MoEF VPA meetings is allowed, including those seen as Small and Medium Enterprise (SME) timber producers. Although other ministries have attempted to block such participation, pressure from external donors helps to maintain the level of participation. Civil society is the main mediator for community perspectives.

Practice

In practice the inclusion of community members is problematic, not least as meetings are often technical with limited attempts to simplify language for better communication, and limited

confidence to speak in an unfamiliar process. Meetings are mainly held in Jakarta which is exclusive for many, due to the central nature of meetings which do not include people from other islands.

CSOs build capacity for independent monitors who are in turn able to articulate the concerns of their communities.

To some extent, community participation is easier at the sub-national level. Different cultures in different islands means that this is not always true. However, there is space for people to articulate their views which CSOs can represent at national level.

Capacity

Policy, legal, institutional, and regulatory frameworks

The Government is committed to increasing capacity in the long term. Although the policies allow for this at all levels of government, there are gaps in reach and implementation. Civil society are engaged with communities more than government officers.

Practice

There is a significant challenge for the Government to reach all the relevant districts which has a means there are bottleneck in the rolling out the VPA /SVLK in communities. The inconsistent capacity at district and local leadership level has implications for transparency and how licensing systems evolve.

Sources

	Accountability	Transparency	Coordination	Equity benefit	Equity gender	Participation	Capacity
Interview	X	X	X	X	X	X	X
Fern March 2020 https://www.fern.org/publications-insight/worse-than-expected-fears-surround-indonesias-draft-job-creation-law-2098/	X	X	X				
Fern May 2020 https://www.fern.org/publications-insight/indonesia-cites-pandemic-to-set-aside-its-commitments-to-flegt-2117/	X	X	X				
Fern 2016: Do FLEGT / VPAs improve governance?	X	X	X			X	X
FLEGT Briefing 2019 FLEGT licensing: lessons from Indonesia's experience	X	X					X
FOI in Indonesia 2014	X	X					
FWI - The Road of Deforestation in Indonesia 2020	X		X				X
Indonesians take to the streets The Independent 20/10/2020	X		X				
Indonesia drops planned plan to scrap legality license for wood exports Mongabay May 2020	X		X				

https://www.thejakartapost.com/academia/2020/08/31/fta-negotiations-can-shore-up-post-pandemic-economy.html							
Jakarta Post 5/10/2020 Omnibus law is passed	X	X					
Ota, M., Masuda, M. & Shiga, K. <i>Payment for What? The Realities of Forestry Benefit Sharing Under Joint Forest Management in a Major Teak Plantation Region of Java, Indonesia. Small-scale Forestry</i> 19 , 439–460 (2020).	X			X			
2019 Corruption Perception Index	X	X					

Vietnam

Vietnam is the only Mekong country that has reported a continuous forest cover increase over the past few decades. The Government plans to achieve a target of [45 per cent forest cover by 2030](#).

More than 40 per cent of Vietnam's land area is classified as 'forest' (using its own definition, which includes bamboo and mangrove) and it is [one of the 20 most biodiverse countries](#) globally.

The [Central Highlands region](#) contains some of the country's most biodiverse and carbon-rich forests, but deforestation rates are high. Forests are threatened by demand for commodity crops such as coffee and (until its price declined a few years ago) rubber.

The country is a regional champion of Payments for Ecosystem Services (PES) and has a nationally regulated Payment for Forest Environmental Services (PFES) system that transfers revenues from hydropower, municipal water, and ecotourism companies to households in protection forest areas. Vietnam became the first Asia-Pacific country to complete the Warsaw Framework for REDD+ and has a revised, strengthened National REDD+ Action Plan. In 2019, the EU-[Vietnam VPA was ratified](#), to combat illegal logging and promote legal timber trade.

In 2020 the JIC endorsed a Monitoring and Evaluation (M&E) Framework focussing on impact monitoring. In Article 23 on impact monitoring there was, however, no mention of monitoring impacts on local communities or ethnic minorities, despite the VPA's references to minimising adverse effects on these (required by VPA Article 16, Social Safeguards). Civil society's role in shielding such groups was not mentioned either.

Although CSOs are pleased to see the next step towards a Vietnamese Timber Legality Assurance System (VNTLAS), a recent [analysis and statement](#) raised areas for concern, not least that independent monitoring of VNTLAS did not provide space for social organisations to participate.

Under the VNTLAS, Vietnamese importers will have to gather information from their suppliers in other countries, analyse this information to identify the risk of illegality, and adopt measures to mitigate the risk of importing illegally harvested timber. This means that when the VPA is implemented, it should ensure that all Vietnamese timber exports to the EU are legal. It has potential (at least in theory) to raise standards throughout supply chains in the 80 countries that supply timber to Vietnam but it is not 'corruption-proof'. [The EU-Vietnam \(VPA\) | FLEGT \(efi.int\)](#)

This does not go far enough as Vietnam is a key destination for illegal timber from several sources, including Cambodia and Cameroon, both of which have been identified by EIA as sources of illegally imported timber.

[In 2018, EIA tracked timber](#) from illegal logging operations in Virachey National Park in Rattanakiri province, the forests surrounding the Lower Sesan two dam in Stung Treng province, and Phnom Prich Wildlife Sanctuary in Mondulakiri province, entering Vietnam through an unguarded border.

In 2020, after investigations completed by EIA and the Cameroon NGO Centre for the Environment and Development (CED) [Tainted Timber, Tarnished Temples – EIA Global \(eia-global.org\)](#), the growth and scale of illegal timber trade between Vietnam and Cameroon was revealed. The investigation found that Cameroon is by far the largest timber exporter from the Congo Basin to Vietnam, and now the leading country for sourcing tropical logs, accounting for 37 per cent of the tropical logs imported by Vietnam between 2017 and 2019, valued at over US\$880 million.

In 2019, the declared value of timber products imported under the World Customs Organisation (WCO) harmonised code system chapter 44 (HS Code 44) into Vietnam was over US\$2 billion, similar to the declared value of the imports in 2015. A large amount of the imported timber is perceived to

be of “high risk of illegality”. One estimate is that only 50 per cent of the total timber imports is clean, with clear legality (EIA 2020).

REDD+, PFES and FLEGT-related initiatives remain comparatively disconnected. The intention is to strengthen [synergies between these initiatives](#), including through developing more robust and efficient monitoring frameworks.

Vietnam submitted its updated NDC in September 2020. Analysis by [Climate Action](#) finds it to be numerically stronger, but under ambitious as its targets can be achieved with existing policies and will not drive further climate action. The transparency and sectoral coverage of the NDC has improved. The Climate Action Tracker rating remains the same ‘Critically Insufficient’.

The EU-Vietnam Free Trade Agreement (EUVFTA) 2020 entered into force on 1 August 2020.

The Agreement includes sustainable development provisions including legally binding rules on climate, labour, and human rights. As such, it is the most comprehensive agreement to be put in place to date between the EU and any Association of Southeast Asian Nations (ASEAN) Member State.

The EUVFTA *inter alia* commits Vietnam and the EU to respecting, promoting and effectively implementing the principles of the International Labour Organisation (ILO) concerning fundamental rights at work; and implementing the Paris Agreement, as well as other international environmental agreements, including acting in favour of the conservation and sustainable management of wildlife, biodiversity, forestry, and fisheries. This will involve independent civil society in monitoring the implementation of these commitments by both sides. How this will be implemented is not yet clear.

The [VNGO/ EVFTA Network Kick-off Meeting](#) promised to be the starting point for a series of activities to increase the engagement of CSOs in the implementation of EVFTA, related to forestry and timber trade. This inclusion of CSOs is welcome, although as one researcher suggests in [Labour rights and civil society empowerment in the EVFTA](#) safeguarding participation would be best enforced through ex-ante conditionality. Deeper and far-reaching changes in the legal text of the Trade and Sustainable Development (TSD) Chapter would be needed. Fern suggests that the creation of a new role within the European Commission, the proposed [Chief Trade Enforcement Officer](#), could help.

At the 2019 Mekong River Land Governance’s Workshop to launch the book, [“State of the Land in the Mekong”](#), the former Vice Minister of the Ministry of Natural Resources and Environment (MONRE) said, “Vietnam is among the top countries to adopt comprehensive legislative documents, but is among the bottom country to implement them.”

Accountability

Policy, legal, institutional, and regulatory frameworks

Until very recently the accountability framework in Vietnam’s forest sector has been weak and unclear. The role and responsibility of the Vietnam Administration of Forestry (VNFORST) is clear under the new Forestry Law (adopted November 2017) and entered into force in January 2019. This law clarifies the responsibilities of the main forest agencies, addressing accountability failings identified by the National Assembly. This new law sets out responsibilities of the Ministry of Agriculture and Rural Development (MARD) and People’s Committees at different levels of government: provincial, district, communal, forest protection agencies, forest users in each forest category. There are no clearly defined roles for civil society and communities. However, the planning

roles of Forestry management bodies at different levels of government are not clearly defined, despite them being important implementers in the decentralised management of the VNTLAS.

The new law defines timber legality and refers to an oversight mechanism that has been missing in the forest sector.

CSOs pushed for independent monitoring to be included in VPA Multi-Stakeholder Implementation Core Group Mechanism. The VPA Multi-Stakeholder Core Group in Vietnam was not included in the 2019 Forest Law which undermines its sustainability.

The VNTLAS Decree was passed in September 2020 but has not yet influenced activities. The VNTLAS makes provision for independent monitoring. However civil society would need to conduct independent studies, which the JIC *should* respond to. Civil society has no defined role in the monitoring of the VNTLAS or FLEGT licensing. The complaints mechanism is not yet defined. The Center for Sustainable Rural Development (SRD) is pushing for the inclusion of gender indicators in the impact monitoring method, but this has not yet been included.

In practice, any significant change and accountability will depend on on-going Government-EU dialogue and pressure. At the VPA Multi-Stakeholder Core Group meetings, the final decisions are eventually made by the Government which is broadly not in favour of the idea of independent monitoring by CSOs.

Transparency

Policy, legal, institutional, and regulatory frameworks

Improving transparency is strongly linked to increased accountability – openness about decision making processes as well as the availability, accessibility and accuracy of information provided. Accessing information is a stepping-stone to holding a government to account for their decisions.

The VPA includes provisions for transparency and access to information necessary for and supportive of stakeholders' involvement in the implementation of the VPA. This assurance that key forestry-related information will be made available to the public also represents an important contribution to reinforcing Vietnam. The Transparency Annex of the VPA requires the Government to publish data on new forestry but there is no requirement to publish data on losses in forests and biodiversity. This data is available through other non-government channels, but the degree to which it is accepted by the Vietnamese Government is not known.

Practice

In 2020 SRD researched the extent to which conditions in the transparency annex of the VPA agreement are being adhered to in relation to availability, access and quality of information.

The key findings are that more information is being published; access to information is through open source or via a registered account but not all information is available through these sources; 60 per cent of respondents said the information is easily accessible and just over 50 per cent consider the information reliable and accurate. Rural farming communities are limited due to lack of access to the internet. Information is still held centrally rather than in the localities. Transparency of information via the internet is not adequate to meet the needs of general forest communities.

Coordination

Policy, legal, institutional, and regulatory frameworks

The Forestry Law and Forestry Development Strategy 2006-2020 promotes integrated and sustainable forest management. Sector policies are debated between ministries and are reviewed by the Ministry of Justice to avoid any conflict with other policies or regulations. The process is guided

by the Law on Issuance of Legal Documents (the Regional Community Forestry Training for Asia and the Pacific Center (RECOFTC) 2018).

However, despite the top-level coherence the two Ministries, MARD and the Ministry of Natural Resources and Environment (MONRE) have overlapping interests in the oversight and management of land and forests. At the ministry level these entities are not showing good collaboration and internal coordination within ministries is also weak. In this context it is easy for different ministries to pursue different and conflicting agendas. There is a lack of coherence between voluntary certification systems and the VNTLAs. The focus of the legality tracking system is on timber for import and export and does not include domestic used timber, some of which is happening illegally (from Cameroon) and this lack of coordination is not limited to these ministries. There are clearly competing interests related to climate targets and plans for the climate crisis as part of Vietnam's NDC. There is room for improvement in coordination between FLEGT and REDD+. There is evidence that the Ministries of Defence (MoD) and Industry and Trade (MoIT) have both cut forests in pursuance of their own policies without complying with the NDC. The REDD+ website admits there is room for better coordination between FLEGT and REDD+.

Practice

In the absence of strong frameworks to promote coordination, the practice is generally a result of individual relationships rather than systemically supported. Such personal arrangements are not sustainable. Policy incoherence and exceptions means that there is room for manoeuvre amongst different actors.

The overlap of the functions of state forest owners, local forest rangers and district/communal authorities, as well as police and army forces can result in weak leadership and worsen inter-agency collaboration. This prevents effective measures against corruption or other illegal activities. (RECOFTC 2018).

Equity – gender

Policy, legal, institutional, and regulatory frameworks

The International Convention on the Elimination of all Forms of Discrimination against Women was signed by Vietnam in 1980.

Several laws have been put in place including the responsibility of government agencies to promote gender equality (2006).

Since then, the country has also adopted several other policies and measures, including the National Strategy on Gender Equality 2011-20, the Action Plans on Gender Equality 2011-15 and 2016-20, and other legislation defining the responsibilities for the implementation of the Law. However, regulations and resources to fulfil the obligation to mainstream gender are not always in place.

According to a 2015 law, for gender equality to be integrated into a draft law it has to be appraised by the Ministry of Justice and reviewed by the National Assembly Committee on Social Affairs. However, it is unclear on how to define when the draft law/ordinance 'is related to gender equality'. This gap may allow policymakers and drafters to use gender-neutral language and ignore potential adverse gender impacts. As such there is limited use of the oversight role of the Ministry of Justice – that normally checks on legal coherence.

[The revised Labour Code of 2013](#) guarantees equality and non-discrimination in labour, however the unequal retirement age remains unchanged. Not all national legislations meet international norms and definitions.

Recent reports suggest that although Vietnam has legislated various non-discriminatory policies this is not having a major effect on highland (2/3 of Vietnam) women where poverty is high, and employment is informal so there are no contracts and no labour protection. (RECOFTC 2018).

As in other countries, the VPA is gender blind.

Practice

A [survey](#) of four provinces completed by SRD in 2019 found discrimination against women is visible in their lack of land rights in rural areas and access to employment in timber processing industries. Fifty per cent of land user right certificates (the so-called 'Red books') only mention the male head of the household. There is a fee to add their names to the named male. As women do not understand the implications of ownership, they do not want to pay the fees. If women are divorced, they will have no claim to the assets.

Medium small-scale timber processing enterprises use more long-term male workers than female workers. Although the number of women is increasing as men are migrating for work. A survey of 36 enterprises in four provinces shows that up to 64 per cent of long-term workers in enterprises are male. The monthly salary paid to male workers is 500 to 700 thousand Vietnamese Dong (VND) higher than female workers (about 20 euros more). Businesses are informally reluctant to employ women as they want to avoid paying maternity benefits.

Research published in 2019,¹⁰ looking at [climate change adaptation and gender](#) showed that women have unequal opportunities and are less mobile due to differentiated rights and responsibilities between female and male farmers. This makes women more vulnerable to climate impacts and limits their capacity to adapt. State demands on farmers to contribute to constant increases in agricultural output affect women more as farming is becoming feminised, due to urbanisation and devaluation of farming. Past and present national strategies and provincial implementation plans linked to climate change do not consider the burden affecting rural female farmers, instead the focus lies on addressing technical solutions to adaptation.

SRD lobbied for the inclusion of gender sensitive disaggregated indicators in the VPA impact monitoring framework. This has not happened to-date.

Participation

Policy, legal, institutional, and regulatory frameworks

Participation is not included in legal frameworks as a general rule. It is therefore left to individual policy provisions. In a context where the government is reluctant to recognise a role of social organisations as civil society, their participation is not a right. Recent policy changes show how hard it is for civil society to establish consistent participation. The VNTLAS does not allow for civil society to be included in independent monitoring. On the other hand, the EUVNFTA has already constituted a civil society monitoring committee, although the details need to be worked out.

Practice

Practice is improving, hindered more by an absence of full recognition of the roles of the different stakeholders, than the capacity of CSOs [RECOFTC¹¹](#) says Vietnam has also become more open in

¹⁰ Ylipää, Josephine & Gabrielsson, Sara & Jerneck, Anne. (2019). Climate Change Adaptation and Gender Inequality: Insights from Rural Vietnam. Sustainability. 11. 2805. 10.3390/su11102805.

¹¹ Robin aus der Beek, coordinator of the Voices for Mekong Forests (V4MF) project at RECOFTC.

recent years. Now, when government agencies develop a new policy or law, they seek the views of relevant stakeholders and the wider public:

“When they have a draft, they put it online and anyone can download it, organise a consultation and provide comments to the government agency,” There are other moments for comment and engagement in the policy process, but it is really the starting point. To be effective in this role, it is important for CSOs to consult with wider audiences such as forest stakeholders.

“When Vietnam developed its new Forest Law of 2017, we successfully advocated for the law to recognise sacred forests managed by communities.”

Sources

	Accountability	Transparency	Coordination	Equity benefit	Equity gender	Participation	Capacity
Interview	X	X	X	X	X	X	X
Climate Action Tracker https://climateactiontracker.org/climate-target-update-tracker/viet-nam-submitted-ndc-2020-09-11/		X					
Climate change adaptation and Gender May 2019 https://www.researchgate.net/publication/333154276 Climate Change Adaptation and Gender Inequality Insights from Rural Vietnam					X		
EIA The Vietnam-European Union Voluntary Partnership Agreement: A Work in Progress October 2020	X	X				X	
Fern https://www.fern.org/publications-insight/what-comes-first-with-the-eu-vietnam-trade-deal-rights-or-ratification-2075/	X	X	X				
Fern https://www.fern.org/publications-insight/vietnam-timber-legality-decrees-silences-are-as-worrisome-as-its-shrinking-scope-2250/	X	X				X	
Gender Issues in Forestry: Key Findings from a VPA Impact Monitoring Baseline Survey In 4 Provinces Written by Nguyen Thanh Hien and Vu Thi Bich Hop 2020 https://loggingoff.info/library/gender-issues-in-forestry-key-findings-from-a-vpa-impact-monitoring-baseline-survey-in-4-provinces/					X		
IPE Working Paper 135/2020 Labour Rights and Civil Society Empowerment in the EU-Vietnam Free Trade Agreement http://hdl.handle.net/10419/214649	X	X					
RECOFTC Governance assessment 2018 https://www.recoftc.org/sites/default/files/public/publications/resources/recoftc-0000237-0011-en.pdf							
SRD http://www.srd.org.vn/index.php/events/1243-the-multi-stakeholder-core-group-on-the-vpa-flegt-agreement-8th-session	X	X				X	
SRD http://www.srd.org.vn/index.php/advocacy-research/1254-comments-on-decree-no-102-2020-nd-cp-regulating-vietnam-s-timber-legality-guarantee-system	X	X				X	
SRD 2019 Highlights of Forest Governance in Vietnam	X	X	X	X	X	X	

https://vietnamlawmagazine.vn/vietnam-developed-a-sound-legal-framework-to-promote-gender-equality-un-expert-27441.html November 2020					X		
Voluntary Partnership Agreement between EU and Vietnam, 2018	X	X				X	
VPA FLEGT Implementation Agreement between Vietnam and EU, No. 4852 / QD-BNN-TCLN 10/12/2018							
Whitecase 2020 https://www.whitecase.com/publications/alert/new-eu-vietnam-fta-enters-force	X					X	
Climate change adaptation and Gender May 2019 https://www.researchgate.net/publication/333154276 Climate Change Adaptation and Gender Inequality Insights from Rural Vietnam					X		