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Progress towards strong forest governance in Voluntary Partnership Agreement countries 2018-2020

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Introduction

Tropical forests and those who depend on them are at greatest risk where their governance is weak. The Voluntary Partnership Agreements (VPAs) that the EU - and, post-Brexit, the UK independently - establishes with forested countries, aim to tackle illegal logging through supporting governance reforms. These timber trade deals are a key part of the Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan, a pioneering range of measures to improve how forests are used, and end the illegal timber trade.

VPAs seek to change how tropical forests are owned and managed by using trade, along with deliberative multilateral negotiations, as leverage to include civil society and forest communities in revising or formulating new, more just laws in timber-producing countries. VPAs also aim to create the conditions for those laws to be effectively and fairly enforced.

This briefing summarises Fern’s evaluation of VPAs’ progress in Cameroon, Ghana, Indonesia, Liberia, Republic of Congo and Vietnam from May 2018 to November 2020, though background information from before 2018 is included where relevant. The research is based on interviews with civil society networks that coordinate efforts to improve their countries’ forest sectors (see Source material - research and notes from interviews).
The study gives rise to the following reflections:

- Governance improvements secured by the multi-stakeholder process in previous years have been maintained, indicating that they are sustainable;
- The sustainability of improvements in forest governance is determined by a range of political, economic, and social factors. National governments’ commitment and capacity are crucial, and maintaining this commitment requires engagement from the EU, civil society and frontline forest communities;
- Corruption undermines governance and policy delivery;
- Digitalisation and smart phones are empowering communities and civil society to report illegal logging and other activities. This makes them significant tools to hold officials and loggers accountable, but to be effective they must be backed by government enforcement;
- Where VPA processes improve accountability, civil society can use this to improve gender justice. Whether change happens depends on civil society and the extent to which it can implement activities outlined in national gender frameworks. However, most VPAs are gender blind, and as a result inclusive representation and equitable benefit sharing are shaped by local social cultural norms;
- Most governments depend on civil society to develop communities’ capacity, which largely requires funding not linked to VPAs;
- Coordination and coherence between different bi-lateral programmes, policies and agreements, should be strengthened;¹
- The FLEGT processes offer lessons which aren’t always heeded. The influence of the VPA process is more visible in some governance areas than others;
- Sustaining hard-won governance reforms can be complex, and national changes, such as Indonesia’s 2020 Omnibus Law - which relaxes the country’s environmental and business laws - could undermine them;
- Activities could be more strategic and effective if civil society organisations (CSOs) undertook regular country level self-assessments that also consider external developments.

The summary is presented country by country. Each section contains four elements: the context², the score, the narrative, and the sources. The narrative considers six elements:

accountability,
transparency,
coordination,
equity (benefit sharing),
gender equity,
participation,
community capacity.

Each element is scored out of four for both policy and practice. The score - weak (1), not yet adequate (2), adequate (3) or good (4)³ - is a guide and cannot be considered separately from the narrative. More information about the criteria underpinning the scores is included in the Source material: research and notes from interviews. Some of the governance indicators used in this assessment are not explicitly addressed in VPAs (see VPA unpacked).

1. For instance, Reducing Emissions from Deforestation and Degradation (REDD+), Free Trade Agreements (FTAs), policies regarding deforestation-free supply chains of forest risk commodities and countries’ Nationally Determined Contributions (NDCs) under the Paris Agreement, should be strengthened.
2. This is not the same for each country as it depended on availability of information
3. This is different from the 2018 score which scored from 0-3 on the same scale. Between 2018 – 2020 the methodology of the studies changed.
CAMEROON

Context

Over the last 25 years, forest land cover in Cameroon has declined at a rate of around 1 per cent each year. According to a 2018 study from Forest Resource Management engineering (FRMi), 8.5 million hectares (ha) are dedicated to forestry production (see figures on the timber trade).

A comparative analysis of FLEGT VPAs published in 2020 found the key challenges facing the VPA process in Cameroon were the vested interests of political and economic elites, who were aided by poor transparency, a lack of cross-sectorial communication, inconsistent forestry regulations, and uncoordinated formal national policies. The full implementation of the VPA, which was agreed in 2010 and entered into force in 2011, is still far off. There is tension between the parties about the development of the timber traceability system (SIGIF II), and the process has moved forward at a snail’s pace.

In 2018, research on governance and pathways to influencing change stated that, “Social norms, informal institutions and historical contexts all play important roles in influencing how specific policy instruments become influential and effective.” The poor implementation of the conclusions and recommendations formulated by the 2016 FLEGT evaluation, which analysed what was blocking the VPA process in Cameroon, played an important role. The increase of forest land conversion for agricultural use also impacted illegal logging, which has increased over the past years.

This was reinforced in 2020 findings, which illustrated that to a large extent the VPA process in Cameroon was stalled. The absence of any EU-Cameroon joint implementation meetings since 2018, and any council meetings since 2016, has slowed progress. Nevertheless, the Cameroonian government organised a national implementation meeting in August 2020, to reinvigorate the process.

The main findings can be best captured as plus ça change, plus c’est la même chose.

Accountability

Cameroon’s forest sector accountability framework is not yet adequate. There is a lack of coordination – and demarcation of responsibilities - between the Ministry of Forestry and Wildlife (MINFOF) and other ministries such as the Ministry of Finance. The framework for independent oversight and inter-ministerial coordination and decision-making is not well developed. The Forest Code reform has been under discussion since 2012. Whether the new Forest Code will be stronger is still uncertain. The current Forest Code is weak as sanctions provided by the law are generally weak. Law enforcement is often poor as infractions do not always lead to penalties, the independence of the judiciary is problematic and corruption is rife. In practice, accountability in Cameroon’s forest sector is weak. Adherence to the limited accountability framework is poor and the context is hostile to independent monitoring. Communities do not have access to adequate grievances mechanisms.

Transparency

Regulations around transparency in Cameroon are not yet adequate. The legal framework provides only limited support to public access to information, namely through the VPA transparency annex. There are no clear sanctions for government agencies failing to provide information. The website set up to publish information is frequently out of order and not up to date. In practice, transparency is weak. Virtually no information is proactively published, and communities and CSOs have no confidence that requests for information will be answered positively.

Coordination

Coordination of policy and regulatory frameworks in Cameroon are not yet adequate. Forest policy appears to conflict with national development plans, although the framework does attempt to link benefit sharing arrangements and development plans. There are no substantive mechanisms to harmonise policies, and the system of land use allocation is particularly vulnerable to contradictions. In practice, coordination in Cameroon is not yet adequate. Particularly around land use and concession allocation, different sectors tend to operate in isolation with resulting overlapping concessions.

Equity – gender

The framework to improve gender equity in Cameroon is not yet adequate. Institutional mechanisms and policy requirements provide multiple openings for addressing gender in forest governance processes, although property laws still discriminate against women. The VPA is also gender blind. In practice, gender equity in the forest as well as in the industrial sector in general is weak. Practical barriers and social constraints bar most women from taking an active role in community decision-making around forests. However, women are empowered and active in community-based forest monitoring supported by a range of NGO initiatives including real time monitoring by the Forest Link project.
Equity – benefit sharing

The benefit sharing and community resource rights framework in Cameroon’s forest sector is assessed as adequate. Some sound mechanisms for benefit sharing arrangements exist, but protection for customary land and use rights is weak. In practice, benefit sharing in the forest sector is weak. Not all Social Agreements are made public and there are often problems with those that are available, so assessing them is impossible. It is clear however that communities are not able to negotiate these robustly. The level of “Redevances Forestières Annuelles” (RFA) allocated to communities is too low and the money is often captured by elites. Things have improved, however as, thanks to civil society campaigning, 6.75 per cent of RFA has been re-established (although communities are calling for 10 per cent).

Participation

The regulatory framework governing participation in the forest sector is adequate. Regulation could be improved, and some participatory frameworks embedded in the VPA have been formally adopted within MINFOF. In practice, participation is limited. CSOs have been participating at the negotiation as well as the implementation phase. CSO engagement in the implementation phase has been more scattered and ad hoc than in the negotiation phase, since a roadmap for implementation has not been defined nor validated for several years. Communities have rarely been directly involved in the process.

Capacity

Capacity for communities engaged in community forest management is weak. And support for capacity building is inadequate. In general communities are supported by CSOs, and the need outstrips the capacity to deliver.
Progress towards strong forest governance in VPA countries 2018-2020
**GHANA**

**Context**

According to [Global Forest Watch (GFW)](https://www.globalforestwatch.org), since 2000 Ghana lost 17% of its tree cover, which equates to 313Mt of CO2 emissions.

A 2020 paper looking at the threat to Ghana’s forests from its domestic market concludes that illegal timber should be progressively removed through law enforcement so that legal wood supplies increase to meet domestic demand. This would reduce annual forest loss as currently legal and illegal harvesting is more than three times higher than can be sustainably removed. This has important implications for Ghana’s natural forests which continue to be over-exploited, and for the supply of legal timber to the domestic market.

In general, governance indicators for accountability, transparency and participation have steadily improved since 2018. Civil society’s participation in the VPA is good, but not fully replicated in the Reduced Emissions from Deforestation and Degradation (REDD+) process where, unlike the VPA, civil society representatives are chosen by the government rather than civil society. The perception of corruption in Ghana has been fairly stable since 2017, with a score of 41/100.

The digitalisation of the Wood Tracking System (WTS) represents a VPA governance success, as it was built on the participation of key stakeholders from government, civil society and private sector, and has improved transparency and accountability. A [2020 study](https://www.ghana.gov.gh) states that the WTS is considered by government, private sector, and civil society to have resulted in a dramatic reduction in illegal activities by companies. A district forest manager stated: “illegal logging at the forest district has reduced since the introduction of the WTS”.

During COVID-19 restrictions, this progress was at risk as both illegal logging and trading went undetected.

Coordination between ministries and other relevant bodies is not improving and the language of timber (VPA) and carbon (REDD+) appears to limit collaboration and coordination between these two policy initiatives.
Developing communities’ capacity is left to civil society as the government lacks the framework and resources. Effective approaches to gender at the community level remain a challenge and though civil society is making efforts to be more gender aware and one NGO started to provide childcare for women to attend community meetings, no evidence is available on the effectiveness of this on women’s power or influence on decisions.

Comparing the scores from 2018 there is a strong perception that the frameworks for accountability and transparency have improved over the last two years, as has participation, albeit more for civil society than communities. Those surveyed also perceived that practice in these areas has improved. Unfortunately, however, coordination seems to have deteriorated in both policy and practice. Whilst equity in benefit sharing has improved in practice, gender remains weak. Capacity was not assessed in 2018.

**Accountability**

The accountability framework in Ghana is **good**. Grievance and independent oversight mechanisms are in place. The Forestry Commission’s responsibilities are clear. In practice, accountability in Ghana’s forest sector is **adequate**. For communities to exercise their rights and hold government accountable, CSO support is critical. In a few cases, traditional authorities have held the government to account and exercised their rights.

**Transparency**

The transparency framework in Ghana is **good**. A new right to information law was passed in 2020. The data gathered by digital timber tracking system and the private sector makes information more accessible. Transparency in practice is **adequate**, with most information in the public domain. Requests are required for large documents, not posted on the website. CSOs state that they have good access to information but the degree to which communities have access has not yet been tested. The Timber Validation Committee has enforcement power. At district level, responses to requests for information are not always dealt with efficiently and adequately. The Forest Services Division (FSD) does in some cases distribute information to communities in accessible formats with associated training and other support, but this behaviour is patchy. There is improved reporting on Social Responsibility Agreements (SRAs).

**Coordination**

Coordination of Ghana’s forest policies with other policies is **not yet adequate**. Forest policies are broadly consistent with development plans, sectoral policies and land use plans. Recent legislation around forest conversion also plugs one of the major policy coherence gaps. However significant incoherence exists between natural resource and environment policies, and contradictions between forestry and mining laws. Issues of tree tenure and benefit sharing are not aligned with national development strategy. In practice, coordination in the forest sector is **weak**. The forest agency does make enough efforts to co-ordinate with the police and other agencies where relevant to their own work. There are significant conflicts between forestry and other resource policies that play out at local level.
Equity - gender
The framework to improve gender equity in the forest sector is weak. Despite adopting a gender policy in 2004, the only formal structures for improving gender equity in the sector are employment quotas within government departments including district assemblies. The Forestry Commission policy is overwhelmingly gender blind, as is the VPA. In practice, gender equity in the forest sector is weak, although some advances have been made and there is the potential to improve the situation within various ongoing processes.

Equity – benefit sharing
The benefit sharing and resource rights framework in Ghana’s forests is not yet adequate. While communities do have some limited benefit sharing rights, these are limited, and as long as tree tenure reform is stalled, community resource rights are insufficient. The benefit sharing framework for REDD+ has yet to be published. In practice, benefit sharing in Ghana’s forest sector is weak. Compliance with the regulatory framework is generally poor with occasional pockets of good practice, and the material benefits reaching communities are often negligible. Multiple obstacles make it hard for communities to enact their resource rights.

Participation
The legal framework for public community participation in Ghana’s forest sector is weak. Although some limited consultation is required around forest activities and concession allocations, stated aspirations to institutionalise more participatory processes in, for example, the revised forest and wildlife policy have yet to be incorporated into institutional or procedural frameworks. Progress in institutionalising civil society representation within policy-forming bodies in the forest sector do represent positive steps and offer hope for the future. In practice, community participation in the forest sector is not yet adequate. While CSOs have succeeded in claiming a recognised role in policy formation and decision-making, community consultation is often weak or tokenistic, with procedures not allowing enough time or support for communities to take part. CSO efforts to mitigate these problems are only partially successful.

Capacity
The institutional framework for support to communities is weak. In practice, capacity strengthening of communities is not yet adequate.
Progress towards strong forest governance in VPA countries
2018-2020
INDONESIA

Context

Indonesia is the first - and only - country to be awarded a FLEGT License (in 2016), guaranteeing that its timber exports have been harvested, processed and exported legally. The first joint evaluation in 2019 confirmed that Indonesia’s FLEGT-licensing system has performed satisfactorily overall, although the governance and other risks of the paper-based system are highlighted and shifts toward e-licensing supported.

Global Forest Watch 2019 data shows primary forest loss in Indonesia decreased by 5 per cent in 2019 from 2018, marking the third year in a row of declining loss. Indonesia has not seen such low levels of primary forest loss since the beginning of the century. Forests are generally seen as a commodity for economic development, and so related policies support foreign as well as domestic investment, in the forestry, agriculture and mining sectors. Such policies have contributed to forest destruction in Indonesia (Forest Watch Indonesia, FWI 2020).

In October 2020, the Indonesian Government passed the Omnibus law, to increase inward investment and jobs in the name of post-COVID-19 economic recovery. The new law will effectively undermine business, employment, and environment regulations. The impact of the 2020 Omnibus law is not reflected in these 2020 scores, however the amendments on environmental protection and management are significant. They will limit the need for Environmental Impact Assessment (EIA) to “high risk” projects, which can get a business permit before doing an EIA.

Indonesia ranked 85th out of 190 countries in Transparency International’s 2019 Corruption Perception Index. This is an improvement on the previous 2017 ranking, but Indonesia still scores 40/100 in dealing with corruption (against a regional average of 44). Controlling corruption is a key element of improving governance. Weak governance continues to represent a challenge to deforestation.
Indonesia’s Free Trade Agreement (known as The Indonesia-EU Comprehensive Economic Partnership Agreement (CEPA)) negotiations with the EU face challenges over palm oil. This is significant because the EU is the third-largest destination for Indonesian exports. The European Commission, the EU’s executive arm, has categorised palm oil as an unsustainable product. This has unsettled Indonesia, the world’s largest palm oil-producing country.

This review provides a snapshot of Indonesia’s forest governance status in 2020. A caveat for all scores is that as an archipelago with high levels of decentralised government, it is challenging to provide scores for the whole of Indonesia in relation to practice. There is limited vertical integration across the 17,000 islands in the territory, and as such government performance and policy implementation varies widely. 0.5 scores were allowed for 2020 to reflect the challenge of assessing the archipelago as one governance entity. The problems with regulating both timber and palm oil are related to issues of weak governance. Forests are currency in Indonesia and data about deforestation is political.

It is difficult to compare this year’s assessment with the only previous assessment in 2016 which used the Food and Agricultural Organisation (FAO) index, gave combined scores for policy and practice, and did not assess benefit sharing or gender. However, in general, governance has not changed significantly since 2016.

**Accountability**

The accountability framework in Indonesia is considered good. The timber control system as the SVLK (Sistem Verificasi Legalitas Kayu), is the basis for the Timber Legality Assurance System under Indonesia’s VPA with the EU. Practice is assessed as between not yet adequate and adequate. Corruption and competition between ministries undermine accountability. Only some communities understand the SVLK system which limits its usefulness, and it is not applied to the plantation sector. Decentralised governance limits internal government accountability.

**Transparency**

The transparency in the Indonesian forest sector is adequate, as freedom of information laws exist and the role of CSOs in independent monitoring gives them a right to access information. In practice, transparency is adequate.

**Coordination**

The framework for coordination across government bodies is adequate. However as stated above, decentralisation means that vertical coordination is challenging. In practice, coordination is weak. Ministries work in silos and often have competing targets. The 2020 debacle over timber legality licencing illustrates this. The Ministry of Trade did not coordinate with the Ministry of Environment and Forests and when it attempted to deregulate the licensing system.
Equity – gender*

The information gathered was not considered reliable enough to include in this assessment.

Equity – benefit sharing

The framework regulating equity sharing for forest concessions that governs community benefit sharing is adequate. In practice, benefit sharing is between not yet adequate and adequate, because implementation is patchy and does not include all forest operations.

Participation

The framework established during VPA negotiation is still being used and is considered good. The VPA facilitated the participation of CSOs in the Ministry of Environment and Forestry policy discussions and their commitment to inclusion remains strong. Civil society has on-going engagement in independent monitoring. Practice is between adequate and not yet adequate. The high level of participation for civil society in the SVLK is unusual in the context of government policy development. However facilitation of community participation and their representatives is challenging, due to geography, language and costs. As a result, civil society is the main conduit for community representation.

Capacity

Capacity development support is classified as adequate. There are government capacity building programmes and NGO programmes. Sometimes the government will work with private sector for example with regards to Small and Medium-Sized Enterprises (SMEs). Practice is adequate. Meeting the diverse needs of communities is a challenge and efforts are fragmented. Where local traditions of self-organising exist, community groups protect their own forests, but this does not extend to claiming legal rights or holding government to account on policy implementation. The government links to these groups are based on guidance on technical aspects such as targets for cutting tree branches.
LIBERIA

Context

Liberia is West Africa’s most forested country. In 2015, forests - defined as greater than 30 per cent tree canopy cover - made up over 68 per cent of Liberia’s land surface. The forest sector contributes significantly to national development, and has the potential for greater gains. More than a third of Liberia’s population lives in forested areas.

Despite forests’ contributions to the economy and livelihoods, they are threatened and need to be better managed. The deforestation (forest loss) rate is estimated at 0.46 per cent per year over 2005–2015 (Winrock International 2016).

Since the new government came to power in early 2018, policy development and implementation have largely stalled. The scores provided by the Sustainable Development Institute (SDI) indicate that even where legal frameworks and policies are in place, implementation is patchy. A significant change in policy in 2018 which conferred land rights on communities is a potential game changer. However, the government’s lack of accountability and transparency generally mean that this may take time to lead to a change in practice. Where progress exists, it is mainly influenced by capacity development support to communities on forest governance and land rights, or through externally funded programmes such as REDD+.

In September 2014 Norway committed US$150 million to the gave Liberia Forest Landscape Single Donor Trust Fund through the UN REDD+ programme. It will be managed by World Bank and has agreed a project extension to 2024.

The progressive 2009 Community Forest Law allowed for Community Forest Management Agreements (CFMA) which set out usage and management rights. However, there are still enormous challenges and in many cases communities enter into contracts with commercial companies rather than manage them. The Forest Development Authority (FDA) appears to prefer and support this option.
Corruption is worsening. Liberia dropped 17 places in the world table to a position of 137/198 in 2019, with a score of 28/100 for tackling corruption high.

The legal, policy and regulatory framework scores are the same as in 2018. This is broadly in line with one of the key findings that there have been few policy initiatives since the new President took office in 2018.

There is slightly more hope when it comes to implementation. Gender practice has improved as CSOs are supporting communities and taking advantage of legislation ratified in 2018. Coordination is said to have improved from a score of 2 to 3 but accountability has gone down from a score of 2 to 1. Benefit sharing has also gone down from 2 to 1.

**Accountability**

The 2020 scores are the same for the legal framework as those in 2018. Implementation and practice of accountability have not progressed. The legal and institutional accountability framework in the forest sector is adequate. Mechanisms exist to enable independent oversight of the FDA, to address community and CSO grievances, and there is clarity around the responsibility and authority of different forest actors. In practice accountability in the forest sector is weak. The FDA manager does not attend multi-stakeholder meetings, which limits the role of other members, including civil society to hold the FDA to account. The on-going contract to strengthen the capacity of FDA held by Society Générale Surveillance (SGS) includes improving accountability, the FDA does not have the capacity or resources to act in line with its responsibility to address grievances.

**Transparency**

Transparency in policy, legal, institutional and regulatory frameworks is good. Access to information is comprehensively supported by the legal framework, and relevant agencies have a legal obligation to pro-actively provide information in an accessible and timely manner. There are clear provisions for sanctions when relevant agencies fail to meet obligations to disclose information. Civil society rights to monitor forest activities are also protected in law. Implementation of and compliance with Freedom of Information (FOI) laws, regulations and mechanisms in the forest sector are weak. The FDA has not appointed an FOI officer, information requests are often only complied with after considerable delay, sometimes not at all. Information is not made available in useful, accessible formats and proactive publication of relevant information is limited.

**Coordination**

Coordination of policy, legal, institutional and regulatory frameworks is not yet adequate, and this has not changed since 2018. Forest policy is somewhat consistent with the national development strategy, and with some sectoral policies, laws and regulations. In practice, cross-sectoral coordination in the forest sector has improved and is adequate. This is a result of REDD+ becoming more operational and including complementary community forestry support which reflects the forest governance structures and forest people’s rights.
Equity – benefit-sharing

Legal provisions to enable equitable sharing of forest revenue and resources with forest communities are good. Community customary rights over forests are legally recognised, sharing of forest revenue with communities is mandated by law, and communities must grant Free, Prior and Informed Consent (FPIC) before commercial activities are carried out on their customary land. In practice, community control over and benefits from forest revenue and resources is weak. In 2018 it was adequate. The interpretation of the laws means that entitlements are not guaranteed, and benefits are not paid to communities in line with the legislation. There have been very few payments since 2018 due to weak management by the FDA. REDD+ has not paid benefits to the community. Support to communities is insufficient for them to establish and manage CFMAs or negotiate positive third-party agreements with timber companies. Most forest communities do not have control over their forest lands, nor the share of forest revenue they are legally entitled to.

Equity - gender

Policies to ensure gender equity are not yet adequate. Forest and land use policies make some references to gender equity, but mechanisms to effectively increase representation or participation are limited. The new Land Rights Act in 2018 requires equal participation of women. Women are disproportionately excluded by requirements within some Community Forest Management Body (CFMB) constitutions that committee members are literate. In practice, women’s representation and participation in community forest governance is described as adequate due to improvements since 2018 including increased representation of women in the community governance structures and in leadership roles. Civil society is continuing to work on changing the situation where women are often marginalised in forest resource discussions at the community level, even if they are present.

Participation

The legal and institutional framework enabling public participation in forest-related policies, and opportunities for redress and remedy, are adequate. FPIC is embedded in some but not all aspects of the governance framework and additional mechanisms have been created to assist public participation. The implementation of processes for stakeholder participation in the forest sector is patchy and not yet adequate. The helpful participatory approach established in the FLEGT-VPA process has not been adopted in the REDD+ process. Consultation requirements around forest concessions are often not met.

Capacity

Legal frameworks to support community capacity in forest management are described as almost adequate. Whereas the legal framework says CSOs will develop community forest management, there are no details on how this will happen nor is there a budget. With external support, CSOs coordinate capacity development in communities. The capacity of communities engaged in community forest management is not yet adequate. Community awareness around CFMAs, CFDCs and logging agreements is high, but community understanding around benefit sharing regulations is patchy. Capacity is moving in the right direction but needs more time and to become more universal before it can be called adequate.
The Congo Basin forest, which partly covers the Republic of Congo, is seen as the world’s second lung, after the Amazon. Global Forest Watch data shows that from 2002 to 2019, the country lost 1.5 per cent of humid primary forest (~324 000 ha), making up 43 per cent of its total tree cover loss in the same time period.

This assessment draws on two 2020 documents: Evaluating the VPA process in the Republic of Congo and Forest and climate governance in the Republic of Congo: Challenges and perspectives. The first specifically assesses the VPAs’ contribution to governance improvements, while the second explores challenges more broadly facing forests and climate governance.

The central conclusion of the first document is that the VPA has contributed to gradual improvements in forest governance but challenges persist. Corruption is systemic and the mining, oil and agro-industrial sectors strongly impact forests. According to the most recent Transparency International Corruption Perception Index report, the Republic of Congo has seen a slow, steady increase in corruption. RoC’s 2019 score of 19/100 puts it in the highly corrupt category, and it ranks 165th/198 globally. The second evaluation finds that despite significant progress - notably driven by the implementation of the VPA - forest and land use governance by state actors in Congo remains weak.

Perhaps the only potentially major change since these reports is that the New Forest Code (July 2020) was passed, with civil society’s influence and contributions visible in it. The law has been in development since 2012 and the next stage is developing its implementing regulations. It is hoped that future regulations do not take as long. In this context this study recognises the importance of the law, but its current incomplete status means it is not reflected in the scoring.
Comparing data from 2018 and 2020 indicates improvements in one area: coordination. Although the assessment of the framework for transparency has not changed significantly, practice has improved. This latter shift has the potential to influence accountability, although it was not registered by the informants who scored accountability the same in 2020 as in 2018. Benefit sharing (equity) and participation are judged to have stayed the same. Although the policy framework for gender has improved, this has not filtered through to practice. Capacity was not assessed in 2018 or 2020.

**Accountability**

The legal and institutional accountability framework in the forest sector is not yet adequate. The role of the main forest agency is reasonably clear, but mechanisms to ensure accountability, resolve grievances or ensure independent oversight are not fully developed or operational. In practice accountability in the forest sector is not yet adequate. Some independent oversight mechanisms do appear to be functioning but are not yet linked to timely corrective mechanisms. Neither score has changed since 2018.

**Transparency**

Transparency has improved. The regulatory framework governing transparency in Republic of Congo is adequate. The main building blocks are there (such as the freedom of information law and the transparency code), but mechanisms for dealing with requests for information have not been created. The VPA transparency annex and the inclusion of timber in the Extractives Industry Transparency Initiative (EITI) has encouraged more (web-based) sharing of information by the government. Sanctions for non-compliance are still missing. In practice, transparency has improved but more progress is needed for it to be adequate. The addition of more web-based tools frees people from relying on the government as the sole source of information.

**Coordination**

Regulatory and policy coordination in the forest sector is weak, with no substantial efforts to ensure greater coordination across ministries and little attention paid to the forest sector in national development plans. An inter-governmental commission on natural resources was set up to tackle overlapping land usage but it has been dormant for most of its existence. Land use reform is anticipated but has not yet happened. In practice, coordination across ministries is weak. Agencies do not proactively coordinate and regularly do the opposite.

**Equity - gender**

The regulatory framework to enhance gender equity in the forest sector is weak. No specific mechanisms appear to exist in the forest sector to address this issue, although intentions to include these in REDD+ related activities have been expressed. The key informants were not able to respond on practice, so this is not scored.

**Equity – benefit sharing**

The regulatory framework governing benefit sharing is not yet adequate. Several mechanisms exist but the framework requires elaboration. The new Forest Code 2020 says that
communities can negotiate benefit sharing in forest-concession contracts. The same law provides for the creation of community forests. In practice, benefit sharing arrangements in the forest sector are weak. Implementation of existing frameworks is sporadic at best, as allocation of funds is not systematic, transparent, or participatory.

**Participation**

The framework around public participation in the forest sector is not yet adequate. Some important provisions exist, including FPIC for Indigenous communities and seats for community and civil society representatives mandated in VPA and decision-making bodies for community development areas (séries de développement communautaire). However, consultation frameworks are not deeply embedded across the forest sector and there are few structures to encourage meaningful participation or representation. In practice, community participation is weak. Opportunities for community participation in decision-making are few and far between, and consultation exercises are largely tokenistic.
Progress towards strong forest governance in VPA countries 2018-2020
VIETNAM

The data from 2018 relied on a different source and methodology, and therefore no useful comparison could be made with the 2020 findings.

Context

Between 2001 and 2019, Vietnam lost the 17 per cent of its tree cover, according to Global Forest Watch. The nation’s ambitious reforestation and land allocation programmes, which started in the 1990s, has seen overall tree cover increase significantly, mainly due to the major expansion of planted forests.

Vietnam still faces challenges in its forest and land use sector. Natural forest loss continues, and the quality of Vietnam’s forests has deteriorated, threatening biodiversity and life support systems. Forests are estimated to contribute to the livelihoods of the 25 million people who live in or near them. These include many ethnic minority groups living in remote, upland areas.

Deforestation and forest degradation are caused by agricultural expansion, legal and illegal logging, hydropower and other infrastructure developments, and forest fires. In recent years, Vietnam’s Government has made considerable progress tackling forest and land-use challenges, and is one of very few countries to implement REDD+ Readiness, a FLEGT VPA, and Payments for Ecosystem Services (PES) simultaneously.

The VPA was signed in 2018, and the shift from policy frameworks to changing practice is on-going. Civil society still has to fight for space in the implementation process, and most notably in the decrees passed in October 2020 (No. 102/2020/ND-CP) whereby the Vietnamese Timber Legality Assurance System (VNTLAS) came into effect, which is another step towards implementation. The passing of the decree related to the Vietnam-EU VPA was celebrated, but civil society is less happy.

The 2020 scores are the same as recorded in a rapid review in 2019. There are some changes since 2018: although accountability, transparency, participation, gender, and benefit sharing legal frameworks and policies have improved little, coordination has improved.

5. This section draws on background notes on Vietnam | EU REDD Facility (efi.int). The findings are based on one interview with a CSO in Vietnam. Requests for review by other actors were not forthcoming – an important caveat.
Although Vietnam is in the process of developing decrees which will be followed by regulations, the spirit of agreements such as the VPA are not always reflected in the final products – and it is these products which will influence implementation and impact deforestation.

**Accountability**

The accountability framework in Vietnam’s forest sector is *not yet adequate*. A key element of the VPA is the Timber Legality Assurance System which was passed in September 2020. The new law creates several loopholes in the definition of legal timber. The VNTLAS does not provide for independent monitoring or a complaints mechanism, which will make it challenging for civil society to hold government to account. Practical change on the ground is *weak* as although the VPA roadmap envisages 2021 as the year of implementation. In the absence of an action plan, accountability is limited.

**Transparency**

The transparency in Vietnam’s forest sector is *not yet adequate*, the new forestry law does not include provision for implementation. In practice, transparency is *not yet adequate*. Although some information around forest allocation and land use is published, information around decision-making including agencies involved and rationale for conclusions is not made public. Attempts to access information via formal requests tend not to be successful.

**Coordination**

Coordination across forest-related policies and agencies in Vietnam is *not yet adequate*. While development and land use plans broadly align with the forest development strategy, regulations are generally too vague to avoid overlapping or contradictions. Mechanisms to ensure inter-ministerial coordination are not well embedded. In practice, coordination is *weak*. Conflicting concepts and definitions across sectors lead to regular confusion, a lack of reliable maps and other information exacerbates problems with overlapping activities and contradictory policies. These problems have been recognised by the Ministry of Agriculture and Rural Development (MARD).

**Equity – gender**

The framework to improve gender equity in forestry Vietnam is *not yet adequate* despite an overarching national gender strategy and action plan that obliges ministries to mainstream gender, there is limited accountability for action. There is limited disaggregation of data in reports and gender is not mentioned in VPA documentation. Practice is *weak*. Forest law recognises equal rights to forest land and forest peoples and the VPA is understood to offer equal opportunities for women in training and inclusion in timber enterprise and new plantations. Overcoming barriers of language and literacy are key to increasing women’s participation in decision-making. There is a passing mention of gender equality at an ‘in principal’ level in the Law on Forest Protection and Development (LFPD), however concrete mechanisms or policy actions to promote gender equity are missing.
Equity – benefit-sharing

The framework governing community benefit sharing is not yet adequate. Communities and households can claim property rights over planted forests, including generating revenue from the management of those forests. Community rights to benefit from natural forests are less clear and the framework has been prone to frequent changes. Framework around benefit sharing and forest protection is unclear. Some of this may be improved by the new forestry law. In practice, benefit sharing is weak. The application of the benefit sharing mechanism which allows for payments to farmers protecting forests and water sources, involves a technical calculation which is difficult for communities to understand. Although not intentional, this makes it hard for communities to know if they have received the correct payments. When payments are received it can be a significant contribution to poorer households. Communities and households are not clear about specific benefit sharing arrangements. If payments are not made uniformly, the risk of illegal logging and conversion increases.

Participation

A regulatory framework that facilitates community participation in the forest sector is not yet adequate. National structures do provide for some grassroots participation in decision-making, this principal is not embedded in forest-specific regulations. In practice, participation in Vietnam’s forest sector is weak. Government officers do not allow sufficient time for participation and consultation, as a result there is limited discussion. People are often reluctant to speak up and as such it is easy for the government to control the dialogue. Meaningful community and CSO participation and representation is virtually non-existent.

Capacity

The framework for developing governance and forest management capacity is weak. The provisions in the new Forest Law 2019 focus more on technical skill building such as training on plantation management, although often people do not access training but share such knowledge through family network experience. This support does not address forest governance issues. In practice, capacity in communities is weak and fragmented. Where local traditions of self-organising exist, community groups protect their own forests, but this does not extend to claiming legal rights or holding the government to account for policy implementation. Government links to these groups are based on guidance on technical aspects such as targets for cutting branches.