

Seeing the Forests Through the Trees

**VPA-LED TRANSPARENCY IN FIVE
AFRICAN COUNTRIES**



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Glossary of terms and acronyms

AFLEG	Africa Forest Law Enforcement and Governance
CAGDF	Cercle d'Appui à la Gestion Durable des Forêts (Congolese civil society organisation)
CCM	Comité Conjoint de Mise Oeuvre (equivalent of JIC in French)
CED	Centre pour le Développement et l'Environnement
CIEDD	Centre pour l'Information Environnementale et le Développement Durable
COMIFAC	Central African Forest Commission (French: Commission des Forêts d'Afrique Centrale)
CPI	Corruption Perceptions Index
CSO	Civil society organisation
ECOWAS	Economic Community of West African States
EIA	Environmental Impact Assessment
EITI	Extractive Industries Transparency Initiative
EU	European Union
FAO	United Nations Food and Agriculture Organisation
FDA	Forest Development Authority (Liberia)
FLEGT Forest Law Enforcement, Governance and Trade	EU Action Plan agreed in 2003 that sets out a process and a package of measures through which the European Commission proposes to address the growing problem of illegal logging and related trade
FLEGT Licence	A licence given in the context of a VPA which refers to a shipment of legally produced timber or derived product(s) that are destined to the EU market
FODER	Forêts et Développement Rural
FOI	Freedom of Information
FPIC	Free, Prior and Informed Consent
FTI	Forest Transparency Initiative
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit (German Federal Enterprise for International Cooperation)
GDRNE	Plateforme de la société civile centrafricaine pour la Gestion Durable des Ressources Naturelles et de l'Environnement
ICT	Information and communications technology
Independent Auditor (IA)	Independent body which assesses the implementation and effectiveness of the Legal Assurance System (LAS) as defined in a given FLEGT VPA. The IA has to show that it possesses the necessary skills and systems to ensure its independence and objectivity
Independent Forest Monitoring (civil society-led IFM)	Forms of independent monitoring that are instigated by local/national NGOs and typically have no official mandate. It is also known as Self-mandated IFM, or External Monitoring
Independent Monitor (IM)/Independent Observer (IO)	Independent organisation, often (but not always) an NGO, undertaking analysis of governance, including malfunctions in forest law enforcement (field/ministries), causes of infractions, support on improved State law enforcement system/sanctions. Official or mandated IMs work under an agreement with the host country government and their findings are provided to a Reporting Panel, typically chaired by the ministry responsible for forests in the country in question but including donors and other stakeholders. The IM has been also called Independent Forest Monitor (IFM) and Independent Monitor of Forest Law Enforcement and Governance (IM-FLEG)
ITAC	Transparency and Anti-Corruption Initiative in the forest sector (Cameroon)
JIC	Joint Implementation Committee, made up of representatives from the partner country and the EU. It facilitates and monitors the implementation of the VPA, resolving any conflicts and disputes
JMRM	Joint Monitoring and Review Mechanism (JIC in Ghana)

KPCS	Kimberley Process Certification Scheme
Legal Assurance System (LAS)	System set up within the context of a VPA to trace legal timber and ensure it is not mixed with illegal timber before export. The LAS includes the definition of legally-produced timber, the control of the supply chain, the verification of both compliance with the legality definition and control of the supply chain and the issuance of FLEGT licences
Legality Definition	Statement defining which set of laws of the FLEGT Partner Country will be enforced and monitored within the context of a VPA. The legality definition is one of the elements of the VPA Legality Assurance System, and it is outlined in form of a 'grid' in one of the annexes of the VPA
LEITI	Liberian Extractive Industries Transparency Initiative
MEFP	Maison de l'Enfant et de la Femme Pygmées
MINFOF	Ministry of Forests and Wildlife (Cameroon)
NGO	Non-governmental organisation
OGP	Open Government Partnership
PGDF	Plateforme pour la Gestion Durable des Forêts
PUPs	Private Use Permits in Liberian law are agreements between a landowner and a company. For a PUP to be approved by the government, the holder must have a forest management plan, conduct an environmental and social impact assessment, and have an agreement with affected communities
SAMFU	Save My Future Foundation
SDI	Sustainable Development Institute
REDD+	Reducing Emissions from Deforestation and forest Degradation
REM	Resource Extraction Monitoring
RTI	Right to Information
SIGIF	Forest Management Information System (Cameroon)
TI	Transparency International
TLAS	Timber Legality Assurance Scheme
UNECE	United Nations Economic Commission for Europe
VPA	Voluntary Partnership Agreement, a bilateral trade agreement between the EU and a timber-exporting country outside the EU to encourage the trade in legally sourced timber
WRI	World Resources Institute

Executive summary

Over the past two decades, transparency has gained prominence in international efforts to improve forest governance. The EU's FLEGT¹ Action Plan to tackle illegal logging has recognised from the outset that ensuring disclosure of – and access to – information is essential for improved governance and accountability. FLEGT has championed transparency, notably through the Voluntary Partnership Agreements (VPAs), which are innovative agreements to tackle the trade in illegal timber. VPAs aim to ensure that wood being exported to the EU is legally sourced and that forest governance and transparency in the exporting country is being strengthened.

In Africa, five countries have signed VPAs: Cameroon, the Central African Republic, Ghana, Liberia and the Republic of the Congo. Although VPAs are tailored to the particular country context, most of them contain legally binding 'transparency' provisions that list documents to be made publicly available. In most cases these are annexes requiring particular timber, trade and law-related information to be made public. Access to information is an essential prerequisite for overcoming challenges in forest and environmental governance and improving accountability. For civil society, VPA transparency requirements are crucial for the credibility of the VPA process as they have the potential to shed light on forest-related policies, practices and activities, enabling citizens and forest-dependent communities to hold governments and companies to account on the use of forest resources.

In countries with no tradition of discussing forest management openly with civil society, the VPA multi-stakeholder process created an unprecedented opportunity for dialogue on strengthening transparency and accountability in the forest sector. With the information made available, civil society groups have already been able to denounce corruption and illegalities, in Cameroon, Ghana and Liberia, and in some cases to hold government and companies to account. VPAs are much more than trade agreements to promote legally sourced timber; they are also a tool for fixing gaps in governance.

In all five countries, however, governments have been slow in moving beyond commitments to actually making information about the forest sector available. Major efforts are still needed to implement the VPA transparency annexes and improve forest governance. Further progress will depend on the implementation of key measures, such as information management systems and strategies for the publication and dissemination of information through different channels so that all VPA stakeholders, in particular communities, can have a say in decisions that affect them. A mind shift towards greater openness and information-sharing is also required within the forest administration.

1 The EU Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan was launched in 2003. For further details, see <http://www.euflegt.efi.int/flegt-action-plan>

Summary of achievements

- Transparency gains have contributed to halting forest loss including suspension of the 'Private Use Permits' in Liberia, and increased rights for communities and indigenous peoples (e.g. with the adoption of an indigenous peoples law in the Republic of Congo).
- Governments have started to make public important information about the forest sector through documentation centres, dedicated VPA websites and publications, or by enabling access on demand.
- Information-sharing and dissemination has enabled dialogue and the participation of various stakeholders in VPA-initiated reforms.
- VPAs have been an important catalyst for transparency innovations such as independent forest monitoring by civil society, and online visualising tools on forest concessions.

Key challenges

- Public authorities have more often than not used their own discretion to grant access to information that should have been made available on request as mandated by the VPA.
- The ability of forest authorities to collect, manage and disseminate information has been hampered by a number of factors: the lack of appropriate right-to-information regulations as to whether these are general or sector-specific; the lack of clarity in delegation of authority; insufficient coordination and cooperation between and within government agencies, as well as capacity constraints.
- The absence of formal processes to monitor and assess the implementation of transparency annexes has made it difficult to verify that governments are complying with their obligations.
- Forest communities in most VPA countries have little understanding of the VPA process and how they could be involved, and they have inadequate access to forest sector information.
- In most countries, it has proved difficult for civil society groups to actively demand and use information through the VPA because of weak capacity, limited political space and the lack of a transparency culture.

Recommendations

Recommendations to National Governments

- Governments should accelerate the implementation of the VPA transparency annexes. This means ensuring understanding and effective implementation of the transparency obligations across the executive, the legislature and the judiciary.
- Governments should ensure that the information listed in the transparency annexes will be widely and rapidly accessible, including to local communities. Specific efforts should be made to publish information pertaining to forest concession allocation, management, processing, exports and financial revenues.
- Right to information (RTI) laws² should be enacted where relevant. This will facilitate publication of, and access to, forest-related documents so that they are available to the general public. Transparency requirements should be integrated into national forest codes.
- The development of communications strategies and clear roadmaps for information to be made public should be a priority. This includes setting up a unit responsible for collecting, archiving and disseminating up-to-date information, and strengthening the capacity of forest authorities to make broad use of ICT for information management.
- A formal process to monitor progress in implementing the transparency annexes must be established which involves all VPA stakeholders.
- The VPA process should provide a safe space for civil society to demand, access, and discuss information. This entails ensuring that civil society can freely and independently express itself on challenges relating to transparency.

2 Transparency International has this definition: 'Right to information (RTI) laws (also known as freedom of information or access to information acts) primarily aim at regulating the proactive disclosure of information and the mechanism through which citizens can request information from public institutions. These laws define the scope (who can access what) as well as the exceptions and refusals to access information.' See Transparency International U4 Expert Answer on the Right to information laws: Impact and implementation (May 2014), http://www.transparency.org/files/content/corruptionqas/Right_to_information_laws_-_impact_and_implementation_2014.pdf

Recommendations to the EU

- The EU should demand that partner governments meet their transparency obligations. This could be done by ensuring the independent auditor checks whether all transparency requirements have been met and the Joint Implementation Committee acts accordingly.
- The EU should continue to support initiatives geared at improving forest sector transparency. This includes in particular independent transparency assessments by civil society, and awareness-raising activities tailored to forest communities.

Recommendations to Civil Society

- Civil society organisations must be proactive in developing advocacy strategies to demand effective implementation of the transparency annexes. This means monitoring to ensure that obligations are met, challenging the government and the EU when they are not, and using the information made available to achieve their wider advocacy goals in relation to forest governance.
- Civil society organisations must take responsibility for and improve their ability to collate, analyse and synthesise data from official sources and present it in clear, accessible and useful forms to others, in particular to forest communities.
- Civil society organisations involved in the VPA process must forge wider alliances outside of the VPA 'bubble' with RTI and anticorruption groups. This can be done by looking at synergies with REDD+, the Open Government Partnership and the Extractive Industries Transparency Initiative when and where relevant to stimulate the production and dissemination of forest-related information.
- International NGOs should prioritise skills building on independent monitoring and information analysis. This will ensure that a wider pool of local civil society organisations can be involved in independent monitoring and are able to decipher and use complex forest-related information.
- There should be stronger coordination between international NGOs and local civil society organisations. This will enhance information circulation and governance impact in producing and consuming countries.

Introduction

In 2003 the EU adopted the FLEGT Action Plan, designed to improve forest governance and stop illegal logging. A key instrument of the Action Plan is the negotiation and conclusion of VPAs between the EU and each 'Partner Country'. VPAs aim to ensure that wood exported to the EU is legally sourced, and that forest governance in the exporting country is improved. VPAs set out the commitments and action of both parties to tackle illegal logging, including measures to increase participation of rights-holders and non-state stakeholders; recognise communities' rights to the land; and address corruption.

To date, in West and Central Africa, five countries have concluded VPAs – Cameroon, Central African Republic, Ghana, Liberia and Republic of the Congo – and three additional countries are negotiating one (Côte d'Ivoire, Democratic Republic of Congo and Gabon). VPAs are based on the national legislation of the timber-producing countries – as well as international conventions these countries have signed up to, and customary law – and are negotiated in a fully participatory process, with social and environmental non-governmental organisations (NGOs), in some cases community representatives, the timber industry and the government around the table.

Every VPA is different and tailored to the context of the particular country, but all of them contain provisions for documents to be made publicly available; in most cases these are annexes requiring particular timber, trade and law-related information to be made public. These transparency requirements are key to ensuring meaningful participation of all VPA stakeholders, shedding light on forest activities, improving accountability and strengthening the credibility of the entire VPA process.

The lack of information on the management of forest resources fuels corruption and illegal activities. Consequently, ensuring full and mandatory disclosure of documents of public interest concerning the forest sector is viewed as one critical factor for reducing corruption and increasing accountability in forest management, while equipping people with the knowledge they need to claim their rights.

2015 will see the ten-year review of the FLEGT Action Plan, which makes this a good time to reassess the extent to which VPAs have delivered on their promise of increased transparency in forest management, and for civil society to show how they have used information, as well as to provide concrete recommendations on what should be done to accelerate progress in the coming years.

This paper provides an analysis of transparency commitments 'on paper' in the five African VPAs countries – Cameroon, Central African Republic, Ghana, Liberia and Republic of Congo – and their actual implementation in practice from a civil society perspective.

The first section examines the emergence of transparency as a key pillar of forest governance. The FLEGT Action Plan recognised from the start the importance of transparency. The second section looks at transparency in the forest sector prior to the VPAs. The third section reviews the transparency requirements in the five VPAs and how they have been implemented to date, considering both challenges and achievements, and highlighting civil society views. Section four illustrates how civil society has used transparency in the VPAs for broader governance impacts. The paper concludes with suggestions on strengthening transparency, drawing on civil society experiences and stressing their role in improving forest governance.

Methodology and scope

The findings presented in this paper are based on a review of FLEGT/VPA and forest governance literature, specialised websites, as well as a questionnaire and individual interviews with civil society and institutional stakeholders.

The paper focuses on the implementation of the transparency annexes in the five African countries implementing VPAs. It does not seek to identify all of the transparency issues or initiatives in the forest sector, nor does it attempt to discuss in detail the broader transparency improvements brought by the VPA process, such as participation, dialogue and consultation.

None of the VPAs signed has yet been fully implemented, so it is still too early to determine the full transparency impact of VPAs. It has also been difficult to track all the changes and impact brought by the VPAs in forest sector transparency in the absence of pre-established transparency baselines in the countries examined in this report. Instead, the paper focuses on the VPA transparency commitments as pledged by implementing countries, along with civil society views on how well countries have implemented these commitments, and what impact they have had, if any, on governance.

- **Chainsaw milling in Ghana is illegal but brings more benefits to local communities than logging for export.**

Photo: Fred Pearce



The case made for transparency in the forest sector

Illegal logging is a pervasive problem. It undermines the rights of forest-dependent communities; weakens governance; robs governments of taxes that could be used to improve the lives of their citizens; encourages rapid deforestation and forest degradation; fuels violence and conflict; and distorts markets. The World Bank has documented that illegal logging in some countries accounts for as much as 90 per cent of all logging and generates approximately US\$10 billion–15 billion annually, a criminal activity fuelled by secrecy.³ In many timber-producing countries in the developing world, the forest sector is marked by opacity. Studies from Transparency International have highlighted that developing countries' forest sectors are characterised by poor governance.⁴

Over the past two decades, transparency in the forest sector has gained prominence in international efforts to improve forest governance. While there is no single exhaustive definition of transparency, there is general consensus that the term refers to 'the right to know and free and public access to information'.⁵ In the forest governance arena,⁶ transparency is viewed as 'a characteristic of governments, companies, organisations and individuals that are open in the clear disclosure of information, rules, plans, processes and actions'.⁷

Since the 1992 Rio Declaration on Environment and Development, there has been increased recognition that public access to information on the environment is a pillar of sustainable development and effective public participation in environmental governance.⁸ The 1998 Aarhus Convention grants the public rights regarding access to information, public participation and access to justice, in governmental decision-making processes on environmental matters⁹ in European and Central Asian countries that have ratified the convention. Other international calls for greater transparency in forest management came from the G8 Action Programme, adopted in 1998,¹⁰ and the 2001 Bali Declaration.¹¹

At the regional level, the EU pioneered the notion of transparency to improve understanding of the forest activities and tackle corruption. In the 2003 FLEGT Action Plan,¹² the Commission encouraged 'greater transparency of information within the forest sector' through availability of accurate information on location and ownership of forest concessions, forest condition, and access to legal and regulatory information translated into languages understood by the public. The EU Council (2003/C 268/01) determined that VPAs should, among other things:

- 3 World Bank, *Justice for Forests: Improving Criminal Justice Efforts to Combat Illegal Logging* (2012), http://siteresources.worldbank.org/EXT/FINANCIALSECTOR/Resources/Illegal_Logging.pdf
- 4 Transparency International Working Paper 01/2007: *Corruption and Renewable Natural Resources*, http://www.transparency.org/whatwedo/publication/working_paper_01_2007_corruption_and_renewable_natural_resources
- 5 Forest Transparency website: <http://www.foresttransparency.info/background/forest-transparency/32/transparency-and-the-right-to-information/>
- 6 In Fern's report *Making Forestry Fairer*, key elements of good forest governance include strong coordination, accountability, transparency, participation and capacity; p. 14, http://www.fern.org/sites/fern.org/files/makingforestryfairer_internet.pdf,
- 7 Darby S, *Natural Resource Governance: New Frontiers in Transparency and Accountability*, p. 9, http://www.transparency-initiative.org/wp-content/uploads/2011/05/natural_resources_final1.pdf
- 8 The text of the Rio Declaration is available at <http://www.unep.org/Documents/Multilingual/Default.asp?documentid=78&articleid=1163>
- 9 The full text of the UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) is available at <http://www.uncece.org/fileadmin/DAM/env/pp/documents/cep43e.pdf>
- 10 The text of the 1998–2002 G8 Action Programme on Forests is available at <http://www.mofa.go.jp/policy/economy/summit/2002/g8forest1.html>
- 11 East Asia FLEG Ministerial Declaration (Bali Declaration), http://www.abc.net.au/4corners/content/2002/timber_mafia/resources/balideclaration.pdf
- 12 EU FLEGT Facility, *What is the EU FLEGT Action Plan?* <http://www.euflegt.efi.int/flegt-action-plan>

- strengthen land tenure and access rights, especially for marginalised rural communities and indigenous peoples
- strengthen effective participation of all stakeholders, notably of non-state actors and indigenous peoples, in policy-making and implementation
- increase transparency associated with all stages of timber extraction, processing and trading, including through independent monitoring
- reduce corruption associated with awarding forest sector concessions, as well as with timber extraction and trade.¹³

More recently, the EU adopted several directives to improve corporate transparency in the forest sector. The Accounting and Transparency Directives, requiring EU-based listed and large non-listed companies in the extractive and timber industries to report any payments made to governments on a country-by-country basis, was hailed by civil society as an important step to improve transparency in logging activities involving EU-based operators.¹⁴ The 2014 EU Directive on Disclosure of Non-Financial and Diversity Information requires certain large companies and groups to disclose information on policies, risks and outcomes as regards environmental matters, social and employee-related aspects, respect for human rights, anti-corruption and bribery issues, and diversity in their board of directors. The scope includes approximately 6,000 large companies and groups across the EU.¹⁵

In Africa, the call for transparency was mirrored by the Africa Forest Law Enforcement and Governance (AFLEG) Declaration of 2003, which committed governments to 'promote the production and dissemination of transparent and readily available information in a form accessible to the public on parks, protected areas, concessions and other forested areas'.¹⁶

Civil society quest for transparency

Lack of information can exacerbate the unsustainable use of forest resources and fuel conflicts between logging companies and communities. As a first step to ensure that forest communities' rights are upheld, corruption is reduced and illegality in the forest sector is addressed, it is important that people have information on what is happening. By having clear systems in place, and keeping accurate and consistent records, it is easier to uncover corruption and address it. Transparency therefore has an important role to play in encouraging more effective and accountable institutions, and in empowering citizens.

International bodies have recognised that freedom of information is a fundamental human right. The right to freedom of information is enshrined in Article 19 of the International Covenant on Civil and Political Rights (ICCPR),¹⁷ and a growing number of countries have adopted domestic laws to secure this right. Civil society organisations (CSOs) around the world have been at the forefront of campaigning efforts to set international standards that would guide domestic policies on access to official information. Organisations like Article 19 and Open Justice Initiative have formulated specific recommendations for ensuring that public authorities proactively publish information in the public interest and provide open access to people wanting specific information.¹⁸

13 Council Conclusions (2003/C 268/01) — Forest Law Enforcement, Governance and Trade (FLEGT), http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2003.268.01.0001.01.ENG

14 Directive 2013/50/EU of the European Parliament and of the Council of 22 October 2013, <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32013L0050>

15 See http://europa.eu/rapid/press-release_STATEMENT-14-291_en.htm?locale=en

16 The AFLEG Declaration is available at http://ec.europa.eu/development/icenter/repository/AFLEG_Declaration_2003.pdf

17 Other instruments include the 2003 United Nations Convention Against Corruption and the 1981 African Charter on Human and Peoples' Rights, which includes provisions on access to information.

18 The Public's Right To Know: Principles on Freedom of Information Legislation, <http://www.article19.org/resources.php/resource/1797/en/#sthash.0rSKqP6y.dpuf>

Early on, civil society played a key role in putting transparency at the forefront of the forest governance agenda. In 2002, European NGOs issued a statement urging the EU to establish a system to identify legally produced timber and timber products by increasing transparency including through assistance to timber producing countries in disclosing information, and ensuring that all legislation, rules and regulations, concession maps, details of concession companies and owners, cutting licences and transport permits are made freely available.¹⁹

In October 2003 a statement from African and international NGOs demanded transparency, legal reform and good governance in the forest sector.²⁰ In 2005, NGOs including Fern, Greenpeace and WWF published a list of minimum requirements the FLEGT partnership agreements should encapsulate, including 'be aimed at creating public accountability and transparency'.²¹

Scrutinising the forest sector

Of the earlier civil society initiatives to scrutinise transparency in the forest sector, the Global Witness project Making the Forest Sector Transparent represents the most comprehensive attempt to regularly assess forest sector transparency. Between 2009 and 2012 the project published an Annual Transparency Report, looking at the transparency record of seven countries including Cameroon, Ghana, Liberia and the Democratic Republic of Congo.²²

The Forest Governance Integrity Programme, established by Transparency International in 2009, aims to address corruption at all stages in the timber production chain, by advocating that companies take transparency and anti-corruption measures.²³

Another civil society endeavour to advance transparency in forestry includes the Forest Transparency Initiative (FTI) led by the World Resources Institute (WRI). FTI is a searchable repository of information on the logging and wood processing concessions and companies operating in the Congo Basin forests.²⁴

All these measures reflect efforts to develop instruments to hold governments to account for forest management. They coincide with the proliferation of 'global governance' initiatives focusing on non-renewables, such as the creation of the Kimberley Process Certification Scheme (KPCS),²⁵ the Extractive Industries Transparency Initiative (EITI),²⁶ and the Open Government Partnership (OGP).²⁷

19 The statement is available at <http://www.fern.org/publications/ngo-statements/illegal-logging-and-global-trade-illegally-sourced-timber-crime-against>

20 See <http://www.fern.org/publications/ngo-statements/ngos-demand-transparency-legal-reform-and-good-governance-forestry>

21 See http://www.fern.org/sites/fern.org/files/2005.02%20-%20Principles%20for%20FLEGT%20VPAs_EN.pdf

22 Forest Transparency website: <http://www.foresttransparency.info/about-us/the-project/>

23 A description of the Forest Integrity Programme is available at http://archive.transparency.org/regional_pages/asia_pacific/forest_governance_integrity/programme__structure#sthash.Lq6sSNH3.dpuf

24 Forest Transparency Initiative website: <http://alpha.foresttransparency.org/en/home>

25 Kimberley Process website: <http://www.kimberleyprocess.com/>

26 EITI website: <https://eiti.org/>

27 OGP website: <http://www.opengovpartnership.org/>

Transparency before the VPAs: where are we coming from?

Before the development of VPAs, information on the forest sector was largely the preserve of governments. Governments started making commitments to improve transparency and governance in the forest sector at various international and regional forums, as highlighted above, as part of reforms to clean up the sectors: a move that was largely encouraged by international financiers in the wake of structural adjustment programmes and the Heavily Indebted Poor Countries (HIPC) Debt Initiative.²⁸

In 2006, West African countries endorsed the Economic Community of West African States (ECOWAS) Forest Policy. The policy is aimed at supporting cooperation on forestry matters with attention to sustainable management and good governance of forest land.²⁹ In the Central Africa region, governments adopted the COMIFAC Convergence Plan in 2005 to pave the way for harmonised regional forest policies promoting transparency and accountability.³⁰

In practice, however, the development of appropriate and comprehensive legislation was slow or absent. With the exception of Liberia, which adopted a Freedom of Information Law in 2010, most countries only had broad commitments to providing access to information in their constitutions (Ghana, Cameroon and Republic of the Congo), and sometimes in sectorial laws (Cameroon). Where laws existed, implementation was weak due to the absence of an adequate supporting framework and a culture of secrecy within the forest administration.³¹ Poor record-keeping and inadequate data management systems meant that information rarely reached the general public, and almost never trickled down to remote communities.

One of the first encouraging results of the commitments to improve transparency was the establishment of 'independent forest monitoring' (IFM). IFM is intended to provide legally robust evidence with which governments can take action against illegal forest activity. In 2000, Cameroon was the first African country to pioneer the concept by allowing Global Witness to carry out independent inspections of forest activities to check that they complied with national legislation. A similar initiative was piloted in the Republic of Congo before the VPA by Forests Monitor, REM, and the Congolese civil society organisation, Cercle d'Appui à la Gestion Durable des Forêts (CAGDF), and this still continues. Establishing a formal role for civil society independent monitoring is also considered a significant advance in Cameroon, Liberia and the Central African Republic. In the case of Liberia, provision was made for communities to play a direct role in monitoring as well.³²

The table below provides an overview of legislation and norms providing for transparency before the VPAs were signed.

28 For detailed information on HIPCs and financing for forest governance, see the World Bank Group's 2006 document *Debt Relief for the Poorest. An Evaluation Update of the HIPC Initiative*, available at <http://www.oecd.org/derec/worldbankgroup/36723930.pdf>

29 The ECOWAS Forest Policy is available at http://cmsdata.iucn.org/downloads/politique_forestiere_de_la_cedeao.pdf

30 The Convergence Plan of the Central African Forests Commission (COMIFAC), adopted by the Heads of State of Central Africa in 2005, provides a framework for harmonising forest policies and programmes and serves as a basis for the formulation of national forest programmes.

31 Global Witness, *Making the Forest Sector Transparent*, 2009, Annual Transparency Report, p. 81.

32 For an overview of the different types of independent forest monitoring see Brack D, Léger C, 'Exploring credibility gaps in Voluntary Partnership Agreements. A review of independent monitoring initiatives and lessons to learn', 2013, available at http://www.fern.org/sites/fern.org/files/IM-VPAsFinalWeb_EN.pdf

Table 1: Summary of transparency policies and practices before the VPAs

Cameroon	The 1996 Constitution guarantees the principle of free access to information. The Law on social communication, passed in 1990, stipulates that access to administrative documents shall be free. The 1993 Forest Policy provides that public participation is one of the pillars of forest management and promotes transparency in rights for commercial use granted to companies, control of activities, and benefits-sharing. ^I The 1994 Forestry Law includes some provisions on transparency and freedom of access to information on exploitation titles for instance. ^{II} Access to information is also provided by the 1996 Framework Law on the Environment. ^{III} Implementation of transparency provisions in these laws has been weak, however, and the range of information available in the public domain is limited. The Ministry of Forests and Wildlife (MINFOP) used to provide some information but it was largely confined to legal texts and forest permits ^{IV} .
Central African Republic	The 2004 constitution guarantees a very broad freedom to inform, express and publish one's opinion. The 2008 Forest Code does not include any commitments to transparency. Overall access to legal texts and information on benefits-sharing was problematic. ^V
Ghana	The 1992 constitution guarantees the right to information for Ghanaian citizens, although this commitment is broad and vague and has not translated yet in a Freedom of Information (FOI) Law – a bill was first tabled before Parliament in 2010, but it is yet to be passed. ^{VI} In its Service Charter, the Forestry Commission professed a commitment to serve stakeholders in an accountable and responsive manner but little was done at the time to ensure disclosure of key information on the sector's activities. ^{VII}
Liberia	The country stands out as an early example for the design of institutional transparency mechanisms for the forest sector. In 2006, a new Liberian forestry law was passed that created the legal, institutional and regulatory framework for improving governance and transparency in forest management. ^{VIII} The Public Procurement and Concession Commission Act of 2005, amended in 2010, contains transparency provisions. Liberia also has a Freedom of Information Law, established in 2010, but it suffered from poor implementation. In 2009, Liberia established the Liberian Extractive Industries Transparency Initiative (LEITI) Act which requires all payments, revenues and concession contract documents from the forest sector to be publicly disclosed ^{IX} . Regular publication of LEITI information since 2009, has allowed civil society groups to access financial information on forest sector operators and revenues generated by logging activities. On paper, the new framework represented a model of good principles; but according to local CSOs, the reality was less encouraging, with the Forest Development Authority generally failing on its transparency and reporting obligations.
Republic of the Congo	The 2002 Congolese constitution explicitly recognises the right of access to information. The right to seek, receive and impart information is also sanctioned in Law No. 8-2001 of 12 November 2001 on the Freedom of Information and Communication (articles 3 and 4). However, this law never gave a generic access to information as it does not provide general rules or procedures for implementing the right to access information for the public. ^X The 2000 Forest Code gives access to an inventory of forest resources only. On a positive note, the mission reports of the Independent Observer have since 2008 provided information about law enforcement in forest concessions. ^{XI} Local civil society groups felt that the review of these reports encouraged constructive dialogue between civil society, and forest law enforcement authorities.

- I Transparency, Governance and the Law: Case Studies from the Congo Basin, Prepared for the Ministerial Conference on Africa Forest Law Enforcement and Governance (AFLEG), Yaoundé, 13–16 October 2003, p. 58
- II Loi N° 94/ 01 du 20 janvier 1994 portant régime des forêts, de la faune et de la pêche, <http://www.riddac.org/document/pdf/cm-loiforet.pdf>
- III Loi N° 94/ 01 du 20 janvier 1994 portant régime des forêts, de la faune et de la pêche, <http://www.riddac.org/document/pdf/cm-loienviron.pdf>
- IV Global Witness. Making the Forest Sector Transparent, Annual Transparency Report 2009, <http://www.foresttransparency.info/cameroon/2009/lessons-learned/conclusions/>
- V Document de Stratégie d'Observation Indépendante des Activités Forestières sous régime FLEG en République Centrafricaine, Plateforme de la société civile centrafricaine pour la gestion durable des ressources naturelles et de l'environnement, octobre 2012
- VI http://www.businessghana.com/portal/news/index.php?op=getNews&news_cat_id=&id=200455
- VII Ghana: Annual Forest Sector Transparency Report Card 2009, <http://www.foresttransparency.info/ghana/downloads/>
- VIII <http://faolex.fao.org/docs/pdf/lbr67626.pdf>
- IX A copy of the LEIT Act is available at <http://www.leiti.org.lr/uploads/2/1/5/6/21569928/act.pdf>
- X Outil d'évaluation de la législation nationale: Accès à l'information en République du Congo, p.2, <http://www.clientearth.org/ressources-externes/congo/1-Outil-evaluation-information-26062014-FINALtemplate.pdf>
- XI REM, IM-FLEG Republic of Congo Briefing Note, January 07 – June 08, http://www.forestsmonitor.org/uploads/2e90368e95c9fb4f82d3d562fe a6ed8d/Briefing_note3_jan_07_jun_08_1.pdf

Transparency after the VPAs: where are we now?

VPA implementing countries in Africa

The five African countries that have ratified VPAs are at different stages of implementation, with the most advanced being Ghana.³³ Most of these VPAs were signed between 2009 and 2011 in the context of broader forest reforms (see timeline in Table 2).

Table 2: Timeline of implementation in the five VPA countries

Country	Start of Negotiations	Initial Signature	Parliamentary Ratification
Cameroon ^I	November 2007	6 October 2010	1 December 2011
Central African Republic ^{II}	October 2009	28 November 2011	1 July 2012
Ghana ^{III}	December 2006	20 November 2009	19 March 2010
Liberia ^{IV}	March 2009	11 July 2011	1 December 2013
Republic of the Congo ^V	June 2008	17 May 2010	19 February 2013

I <http://www.euflegt.efi.int/cameroon>

II <http://www.euflegt.efi.int/car>

III <http://www.euflegt.efi.int/ghana>

IV <http://www.euflegt.efi.int/liberia>

V <http://www.euflegt.efi.int/republic-congo>

Typical content of a VPA

VPAs describe the legal, governance and institutional reforms necessary to ensure that all timber exports from VPA countries carry a FLEGT licence verifying their legality. A VPA consists of a set of articles outlining the basic principles of the agreement, which is similar across all VPAs, the 'main text' and several annexes. Crucial information is contained in the annexes, which form the bulk of the agreement. They are an integral part of a VPA, and are legally binding. The number of annexes can vary, but they should cover issues such as which laws must be adhered to in order to ensure that timber is legal, and how verification and traceability will work.³⁴

Specific elements of the VPA that provide a foundation for strengthening forest governance include the Legality Assurance System (LAS), or in Asia the Timber Legality Assurance System (TLAS), which usually a legality definition, control of the supply chain, verification, licensing by a national authority; independent audit; and a list of documents that will be publicly disclosed, often referred to as the Transparency Annex.³⁵

33 A fuller description of the VPA process can be accessed at <http://www.euflegt.efi.int/the-process>

34 Bollen A, Ozinga S, *Improving Forest Governance: A Comparison of FLEGT VPAs and their Impact*, Fern, February 2013, p. 14, available at www.fern.org/sites/fern.org/files/VPAComparison_internet_0.pdf

35 A detailed presentation of the VPA is available at <http://www.euflegt.efi.int/documents/10180/23013/EFI+Policy+Brief+3+-+What+is+a+Voluntary+Partnership+Agreement/076495d8-741e-49da-aeaf-b67e2d3d2239>

Transparency requirements in the VPAs

One advantage of the VPA process is its multi-stakeholder nature. As a result, VPA negotiations saw an unprecedented level of civil society involvement, and this has resulted in ambitious governance measures including extensive transparency annexes, as well as independent forest monitoring, a role that local civil society organisations often managed to secure in the VPA agreement.³⁶ However, transparency aspects such as independent civil society monitoring and openness of the process will not be discussed in detail in this paper.

From the outset, access to information was seen as central to the VPAs. It allows VPA stakeholders and in particular civil society to scrutinise the commitments and actions of governments and provides the basis for proper, informed debate on all aspects of the process. For a long time, members of the public were not able to get access to forest sector data such as management plans, concession areas, concession ownership and company payments.³⁷ The VPA transparency annex was therefore a welcome development to respond to stakeholders' concerns on information deficits. For civil society it was important that VPAs should include a list of documents that make it easier to know who owns what, and who has the right to what; to follow timber from forest to port; and to make it harder to hide corruption.³⁸

The first VPA agreement with Ghana did not have a dedicated transparency section. This was quickly seen as a gap by VPA stakeholders in Ghana who later agreed a 'transparency list' (see further details in section on Ghana below). All VPAs that were signed after Ghana's include an annex that clearly states what forest-related information will be made public and how that information will be disseminated, in addition to a broad commitment to transparency. This was not always easy, however, and civil society had in some cases to negotiate hard for a transparency annex which was seen as key to addressing deep-rooted corruption in the forest sector.

Civil society's push for transparency varied from country to country, depending on the capacity of local civil society groups and whether or not there was a pre-existing culture of openness and information-sharing. In Cameroon, Ghana and Liberia, civil society had a longer tradition of governance-related work and engagement with public authorities on forest issues and were quite vocal on transparency issues during the negotiation phase, unlike in the Central African Republic and the Republic of the Congo where the concept of civil society organisations is relatively new and hence skills and ability to conduct advocacy are less developed.³⁹

The transparency annexes as developed to date require particular timber, trade and law-related information to be made public.⁴⁰ The information to disclose is clearly defined, as well as how information will be made accessible, in particular to regional groups and local communities. Most annexes are quite comprehensive. They cover between 49 and 75 types of documents and data. In general, three broad types of information are envisaged covering (1) the institutional framework of the forest sector, (2) the VPA process (reports monitoring implementation of the agreement, including those of the Joint Implementation Committee and the Independent Auditor), and (3) data on forest activities (production and processing data, concession areas and contracts, social agreements, maps, company information, financial revenue data, etc.).

36 <http://www.fern.org/sites/fern.org/files/What%20are%20FLEGT%20VPAs.pdf>

37 Othman M et al., 'Voluntary Partnership Agreements: moving forward with forest governance.' *ETFRN*, Issue 53, 2012, p. 113, available at <http://www.etfrn.org/index.php?id=39>

38 Duffield L, Ozinga S, *Making Forestry Fairer*. Fern, March 2014, p. 42, available at http://www.fern.org/sites/fern.org/files/makingforestryfairer_internet.pdf

39 Ozinga S, 'Voluntary Partnership Agreements, tools to empower civil society to take part in forest governance improvements' sector', FAO ACP FLEGT Support Programme, Compendium on experiences from the voluntary partnership agreement (VPAs) process in West and Central African Countries, 2012, p. 69.

40 VPA between the EU and the Republic of Congo on forest law enforcement, governance and trade in timber products into the Community (Congo VPA), OJ L92 of 06.04.2011

The annexes make a distinction between information that will be routinely published and information that will be available ‘on demand’, as well as the tools and procedures for making the information public. The balance between the breadth of information to be made available and the means to communicate it sometimes differs within and across particular VPAs. The Congolese and CAR VPAs, for instance, go into great detail regarding the type of information that must be disclosed, and the dissemination routes.⁴¹ However, the dissemination tools (websites, annual reports, the media, and meetings) do not guarantee that information will be widely accessible, in particular to local communities.

Implementing the transparency obligations

Implementation of transparency annexes has been variable. While most information on laws and the VPA process itself is accessible, there are significant gaps as regards data on forest activities such as concession permits and allocations, production volumes and fiscal revenues). As a result, none of the five countries are fully meeting their commitments listed in the transparency annex to disclose information and ensure transparency. As discussed in the section below, the reasons for these shortcomings are numerous, ranging from a pervasive administrative culture of secrecy to limited capacity and resources.

Administrative discretion and access to information

In all countries, public officials tend to exercise discretion over access to specific types of information, particularly the most sensitive ones – such as information on concession owners and forest taxes – with longer delays and tougher decisions on disclosure. In some instances, civil society representatives are required to seek official authorisation to get information that should have been disclosed. This creates confusion as to which information will be proactively shared and which will only be available on demand, and why. In addition, the absence of clear delegation of authority results in officials not always feeling empowered to provide information to the public.

For CSOs these difficulties illustrate the fact that internal bureaucratic procedures (or the lack of them) and culture play an important role in defining what access to information means in practice, what constitutes public and confidential information, and public officials’ concerns about the quality and credibility of forest sector information. For instance, permits that do not meet legal requirements or forged documents would not resist independent scrutiny and associated risks of public scandals.⁴²

Weak communications and information management strategies

None of the VPA countries have developed communications strategies that serve the needs of all stakeholders including forest communities. With the exception of the Republic of the Congo⁴³ and Cameroon,⁴⁴ there has been little effort to create dedicated VPA information platforms. Dissemination is unsatisfactory too. Public officials seem to rely too much on civil society stakeholders to take responsibility for disseminating information to local communities, without giving them the appropriate means to do so. The fact that forest institutions suffer from limited financial and human resources is often used to justify the lack of effective mechanisms for collecting, organising and archiving data.

41 Cameroon VPA Annex VII; CAR VPA Annex XI; Congo VPA Annex X.

42 The scandal of ‘shadow’ logging permits is discussed at length in the 2013 Global Witness report *Logging in the shadows*, http://www.globalwitness.org/sites/default/files/library/Shadow%20Permit%20Report%202013%20Final_Web_0.pdf

43 EU FLEGT Facility News, ‘VPA practitioners from central Africa share their achievements in public information in the forest sector’, http://www.euflegt.efi.int/news/-/asset_publisher/VoA92AEdZlro/content/vpa-practitioners-from-central-africa-share-their-achievements-in-public-information-in-the-forest-sector

44 EU FLEGT Facility News ‘Cameroon increases transparency in the forest sector’, http://www.euflegt.efi.int/news/-/asset_publisher/VoA92AEdZlro/content/cameroon-increases-transparency-in-the-forest-sector



Photo: Kate Davison (Greenpeace)

Civil society's role

Because of the participatory nature of the VPA, and the dialogue and trust it created between different stakeholders, CSOs have to a certain extent been able to contribute to making more information available in the public domain. Innovative activities prompted by the greater availability of information include assessment reports on the implementation of the transparency annex (CED in Cameroon); dissemination of findings from the independent forest monitoring (IFM platform in Cameroon); online monitoring of legality indicators (CAGDF and WRI in the Republic of the Congo); and using the transparency annex to improve understanding of corruption in the forest sector (FODER in Cameroon). These efforts attest to civil society's ability to play a key role in advancing transparency, and they have been made possible through dialogue with the government and support from donors.

An area where efforts by civil society groups have been limited is access to information by forest communities. Despite a few attempts to bring VPA-generated information to forest communities (such as a comic book on the Indigenous Peoples Law in the Republic of the Congo), communities have been largely uninvolved in the VPA process. The VPAs are not an easy read, so greater efforts should have been made to put them in language that was more comprehensible, and to enable

community representatives to be more effectively involved in VPA structures and events where information is shared.

Civil society recognises that it has a major role in ensuring that the VPAs are implemented through pressure on government to publish information such as fiscal revenues, and by highlighting corruption and illegalities. However, the lack of resources, competing advocacy priorities and the attitude of public officials have hampered the ability of civil society organisations to demand and proactively use information.⁴⁵ Moreover, in countries where the space for civil society is tight, there is a fear that exposing corruption and demanding accountability could expose CSO activists to retribution. In many cases, the use of personal connections has been the most efficient shortcut to obtaining information, along with building on other governance mechanisms (EITI processes in CAR and Liberia) to satisfy information demands.

Civil society groups should be more adept at developing good tactics to urge state authorities to comply with their transparency obligations, for instance by lobbying law-makers and public officials, awareness-raising through the media, and building strong networks. Forging links with allies locally, nationally and internationally can also help mitigate the risks to CSO activists who are exposing corruption and demanding greater accountability.

Cameroon

Cameroon's transparency annex (Annex VII) is extensive, covering 75 types of information in ten categories, including information on the legal system, production, allocation, management, processing, exports, legality assurance, audits, financial transactions, and the institutional set-up.⁴⁶ The annex also commits the government to make all information accessible in the event of a specific request by another stakeholder in the sector, and it specifies the methods and channels for publishing information, including official reports, websites, multi-stakeholder forums, public meetings and local media.⁴⁷ Civil society stakeholders put considerable efforts in advancing transparency in the process and demanding disclosure of forest sector information as this was seen as fundamental to the legal assurance system.⁴⁸

Achievements

Recent achievements regarding Cameroon's transparency obligations include the development of a strategy to implement Annex VII. This work, coordinated by the MINFOF with the support of the private sector and civil society representatives, has resulted in the release of some information on forest legislation and valid permits on the department's dedicated webpage (<http://www.minfof.cm/apvcameroun/>). An Interactive Forest Atlas hosted in the MINFOF and supported by WRI was also launched. The Atlas provides information on land use allocation and land cover types in the National Forest Estate up to June 2011, as well as recent trends in production forests, and recent developments relating to community forest.⁴⁹

Challenges

Most information, however, is only partially available or not available at all to the public. Areas where progress was made include information on forest legislation; forest concessions and resource maps which are available on request; and data on financial transactions, some of which have been published. Although some forest management documents are public, there is only limited access to key ones such as annual operating plans, social agreement terms and conditions, and environmental

45 Rapport de l'atelier sous régional de réflexion sur la mise en œuvre de l'APV relative à l'information à rendre public, 15–16 May 2014, Douala, p. 18.

46 Global Witness and CED, Cameroon Transparency Gap 2012, <http://www.foresttransparency.info/cameroon/2012/>

47 Cameroon VPA Annex VII

48 Counter-brief Logging Off, A civil society counter-brief on the Cameroon–EU VPA May (2010), <http://www.fern.org/sites/fern.org/files/Cameroon%20VPA%20counter%20brief.pdf>

49 See Interactive Forest Atlas of Cameroon (Version 3.0), <http://www.wri.org/publication/interactive-forest-atlas-cameroon-version-30>

impact assessments. The gaps are most significant when it comes to information on the allocation of concessions. 'Small title' permits in particular are shrouded in mystery.⁵⁰ Information on production, processing and export, for which data exist in the Forest Management Information System (SIGIF), is not publicly accessible. An important gap in information concerns the institutional set up and some aspects of the LAS such as the system description document and the report of the independent observer on permit allocation.⁵¹

The forest administration does not have an adequate information management system to enable quick and satisfactory implementation of transparency obligations. At the same time, internal procedures on information disclosure are too unclear. CSOs feel that disclosure is uneven and selective with forest authorities exerting discretion on which type of information will be published⁵². There are also capacity issues in the ability of authorities to collate, interpret and disseminate the information, given its complexity.⁵³ Dissemination has often proved inadequate, with the government relying on civil society to bridge the gap. As a result, local and indigenous communities do not have proper access to information; nor do local authorities. Ultimately, CSOs doubt that the government will publish forest data on a regular and satisfactory basis because of the sensitivity of certain information, as well as poor coordination and collaboration between relevant government agencies.

Central African Republic

Annex XI of the CAR VPA lists 68 types of documents across ten categories to be published through both active and passive channels.⁵⁴ The lack of coordination and dialogue among civil society groups and indigenous communities, and meagre resources meant that their participation was initially limited. These difficulties were overcome and civil society organisations subsequently played a more active role in shaping the transparency annex and pressing for governance reforms. Following the military coup d'état in March 2013, the VPA process was suspended. The ensuing political and humanitarian crisis put a halt to a process which seemed to be going in the right direction.⁵⁵ Despite the difficult context, civil society organisations continued to conduct activities including teaming up with the VPA Permanent Technical Secretariat to raise public and communities' awareness on the VPA.

Achievements

The government has published texts pertaining to forest legislation on an easily accessible online platform (<http://teya.org/>). The CAR Ministry of Water, Forests, Hunting and Fishing and the World Resources Institute collaborated to launch an Interactive Forest Atlas presenting forest information, including forest area maps and logging activities, but the Atlas needs to be updated.⁵⁶ Awareness of VPA stakeholders has increased thanks to information sessions organised in the capital and in forest regions. The use of adapted dissemination tools such as brochures in local languages and radio programmes on FLEGT have contributed to this result.

A remarkable achievement in such a difficult context has been the ability of the CAR civil society platform to get the information needed to conduct some elements of independent monitoring. In 2012 the GDRNE platform under the leadership of CIEDD was able to carry out limited monitoring in

50 Centre pour l'Environnement et le Développement, Etat de la transparence dans le secteur forestier camerounais, Rapport Annuel (2013), p. 20, <http://www.foresttransparency.info/report-card/updates/953/annual-report-2013-on-the-state-of-transparency-in-the-forest-sector-in-cameroon/>

51 Cameroon Ministry of Forests and Wildlife website, accessed on 19 December 2014, <http://www.minfof.cm/apvcameroun/>

52 Centre pour l'Environnement et le Développement, Etat de la transparence dans le secteur forestier camerounais, Rapport Annuel (2013), p. 4, <http://www.foresttransparency.info/report-card/updates/953/annual-report-2013-on-the-state-of-transparency-in-the-forest-sector-in-cameroon/>

53 Global Witness, Making the Forest Sector Transparent VPA Transparency Gap Assessment 2012

54 CAR VPA Annex.

55 Duffield L, Richards M, Lessons Learned from Civil Society Efforts to Promote Community (Forest) Resource Rights and other Rights in Voluntary Partnership Agreements, October 2013, p. 12, http://www.forest-trends.org/documents/files/doc_4191.pdf

56 http://www.wri.org/sites/default/files/pdf/interactive_forest_atlas_car_fr.pdf

two forest concessions to verify whether local communities had been consulted before the awarding of logging permits.⁵⁷ More recently, CIEDD was allowed to serve as an independent observer of the commission that decides on the allocation of new timber concession permits.⁵⁸

Challenges

Very little data has been made available in the public domain. Before the political crisis, the government did not proactively publish information on permits, production and processing of timber, payment of taxes or on the institutional set-up. The government mandated the company BIVAC to secure customs revenues as well as to check wood specifications, identify species, and establish volumes, but there has been very little information on revenues made or on production statistics.⁵⁹ In addition, most archives were destroyed during the political crisis,⁶⁰ making data availability even more difficult. There is little information about company environmental impact assessments and activities in general.

The transitional government is committed to improving transparency and accountability to fix governance problems in CAR's natural resource sector, which is an encouraging sign.⁶¹ However, the very fragile security situation and weak public institutions mean that the government still has no control over forest regions, and timber is being harvested and traded in violation of VPA obligations.⁶²

Ghana

Ghana was the first country to sign a VPA. During the negotiations, civil society focused on ensuring that they were granted the space to monitor the wider governance impacts of the VPA on benefit and access rights, participatory governance and livelihoods.

Article 20 of the agreement on reporting and public disclosure stipulates the information that the Joint Monitoring and Review Mechanism (JMRM) –equivalent to the JIC in other countries – will publish reports on its work, and information about harvest rights, areas designated for harvesting, harvesting schedules, timber rights fees, harvest-related payments, social responsibility agreements, and crop damage compensation awards.⁶³

Achievements

The government has started to publish information on forest and wildlife policies, laws and regulations, timber trade statistics, revenue disbursement reports for timber royalties, manuals of procedure for forest management planning, memorandums from meetings of the JMRM, and reports on VPA activities on the Ghana Forest Commission website (<http://www.fcghana.org/vpa/index.php>). In May 2013, the JMRM agreed that civil society organisations will gather together a list of key sector information that they would like the Forestry Commission to make publicly available.⁶⁴ In June 2014, civil society organisations presented a 'transparency list' of documents to the JMRM that should be in the public domain. Initially, civil society organisations drew up a comprehensive matrix of the information they would wish to see disclosed, but later it decided to focus on the most relevant information for monitoring governance impacts. The government agreed to publish forest

57 Brack D, Léger C, *Exploring Credibility Gaps in Voluntary Partnership Agreements. A Review of Independent Monitoring Initiatives and Lessons to Learn*, 2013, http://www.fern.org/sites/fern.org/files/IM-VPAFinalWeb_EN.pdf, p. 18.

58 EU Forest Watch Issue 189, January 2014. Available at http://www.illegal-logging.info/sites/default/files/Forest_Watch_%20189January2014.pdf

59 <http://globevisionnaire.6mablog.com/post/Le-Gouvernement-engage-une-s%C3%A9curisation-du-secteur-bois-%C3%A0-travers-BIVAC>

60 See interview of ex-mayor of Bangui here http://www.opinion-internationale.com/2014/06/03/il-manque-en-rca-le-facteur-cléf-de-la-résolution-des-conflits-le-dialogue_26365.html

61 Personal communication with representatives from CIEDD on a parliamentary hearing with the Transition Prime Minister

62 Ibid.

63 Ghana VPA Article 20.

64 Aide Mémoire – 5th Mission of the Joint Monitoring and Review Mechanism, http://www.fcghana.org/vpa/assets/file/Press_Release/Ghana-EU_aide_memoire_JMRM_5.pdf

reserve management plans; a list of valid permits; national forest maps delineating areas under timber utilisation contracts; salvage permit inspection reports; and a list of companies with valid property marks. However, the government needed more information from civil society organisations on the best format and how often to publish information relating to the list of loggers and forest taxes paid by vendors.⁶⁵

A Timber Validation Committee was inaugurated in April 2014 which will have oversight for the functioning of the Timber Validation Department, to ensure that it operates in a transparent manner.⁶⁶ The Committee will provide civil society organisations with additional opportunities to access valuable forest information. Another positive development is that the VPA has increased openness and information-sharing between the Forestry Commission and communities.

Challenges

Because Ghana was the first VPA country, stakeholders were not able to follow previous examples and thus had to learn by doing, which included transparency issues. This meant that the obligation on the authorities to publish forest sector information is less clearly defined in the actual text of Ghana's VPA. In general, most documents on the legal framework are available, with other types of information only being partially published. Information is mostly available as hard copy documents (information on trees, logs, harvested timber, timber rights, financial benefits due to communities and resource owners), and it may be granted or denied based on who is asking and what that information is needed for. Key documents such as salvage permits are not routinely made accessible, and information is often not made available promptly. Reports on forest disbursements, for instance, are always late.

The Forestry Commission website has a section on the VPA process, providing documents on meetings, missions and progress on implementation.⁶⁷ However, civil society organisations regret that the Forestry Commission has been slow in implementing the agreed communications strategy. They sense a lack of political will and some resistance to share information. This limited transparency fuels suspicion and jeopardises the quality of the LAS.

Liberia

Annex IX describes the information to be published by the government of Liberia or that can be made publicly available on request under the Liberian Freedom of Information Act.⁶⁸ It covers 61 types of documents, and data across six categories. From the outset, civil society organisations insisted on the need for the VPA to conform to national laws on transparency. The open and participatory manner in which the VPA process developed, and the availability of the VPA structures to provide the information that the government agreed to publish routinely, were viewed as encouraging signs for civil society organisations and local communities.

Achievements

Implementation shows that many of the laws and regulations ('framework information') listed in Annex IX are available. Information on management of the forest sector is also partially published, mainly through the Forest Development Authority (FDA) website as well as contracts through the website of EITI.⁶⁹ Civil society organisations have been able to use their relationship with the VPA Support Unit to access information on concessions and permits. Following intense pressure from local civil society groups, the FDA made public some Private Use Permit (PUP) documents that

65 Ibid.

66 7th Ghana-EU JMRM Aide Mémoire, <http://loggingoff.info/sites/loggingoff.info/files/7th%20Ghana-EU%20JMRM%20Aide%20Memoire.pdf>

67 Ghana Forestry Commission website: <http://www.fcghana.org/vpa/>

68 Liberia VPA Annex IX

69 See the Forest Development Authority's website www.fda.gov.lr, and LEITI's website www.leiti.org.lr



■ Measuring and labelling timber is a key element of the Legality Assurance System. Photo: Nathalia Dukhan

provoked a public outcry as it was revealed that these permits had been allocated in violation of Liberian laws. This led to an official investigation that reported that a quarter of Liberia and 40 per cent of its forests were covered by illegal logging licenses (the so-called PUPs) that circumvented social and environmental safeguards, and involved fraud. This led to the allocation of PUPs being suspended. Although it is too early to assess the VPA's impact fully, CSOs are satisfied that access to information from government and the private sector for monitoring work has improved.⁷⁰

Challenges

The implementation of the FOI Act has been disappointingly slow. The public authorities have not set up consistent procedures to respond to information requests, and the country still lacks adequate supporting systems. Forest authorities are failing to publish reports either on penalties imposed and paid, or on volumes of confiscated timber sold. Overall, the FDA is still not actively disseminating information or responding to requests. An 'Info Shop' was established to improve access to information on forest governance in Liberia, but civil society organisations representatives who visited it found that it does not have copies of crucial documents on the forest sector, nor is

70 Proceedings of the Regional Conference on the Experiences from the VPA Process in West and Central Africa, p.25.

there adequate equipment or facilities for visitors. Civil society organisations representatives have sometimes had to use their own photocopier to get copies of documents. Language is also an issue, particularly in rural areas where the demand for key documents to be translated into local languages is yet to be fulfilled.

The Republic of the Congo

Congo's VPA transparency annex (Annex X) stipulates that all information regarding the forest sector will be made available. It lists 49 types of documents and data across ten categories that will be published by the different stakeholders (including JIC or Comité Conjoint de Mise en Oeuvre in French, the forest authority, and other parties). It also highlights measures and tools for dissemination, including a communications plan.⁷¹ Most information on forest legislation and valid permits is available on the official Congo VPA website. However, information on production and processing, concession areas, forest management plans and environmental impact assessments is only available on request. This is also true for forestry taxes and fines levied by the forest authorities.⁷²

Achievements

Clear progress has been made with the launch of a communications strategy, and working group, and the creation of the VPA/FLEGT Congo website which contains some information on the forest sector. The VPA process has enabled transparency innovations that facilitate access to data, as well as independent monitoring of forest activities by the Congolese NGO CAGDF, whose reports provide crucial information on forest activities and law enforcement by forest authorities. With support from WRI, CAGDF has also developed an online platform that will allow the public to monitor companies' compliance with VPA legality indicators.⁷³ Another milestone was the adoption of an Indigenous Peoples law in February 2011, a VPA commitment, following strong lobbying from civil society organisations. The law gives Indigenous Peoples the right to be consulted on and informed about decisions implemented.⁷⁴

Challenges

The slowness of the bureaucratic process and the lack of genuine incentives to produce information are clear impediments to greater transparency. Public officials tend to consider access to and dissemination of information as a government preserve, and as a favour that can be granted to or withheld from citizens. Most of the information provided on the VPA/FLEGT website concerns the legal framework and official activities, with other material only available on request. This means that the Ministry of Forest Economy and Sustainable Development can exercise its own discretion on what should be disclosed. For instance, the most recent reports from the independent observer have not yet been posted on the official VPA website. CSOs feel that forest authorities should meet the broader information needs of all stakeholders including communities and the general public, in simple and accessible language, to help them understand the governance objectives of the VPA. They should clarify how information will be made available, and how it will be published at the local level.

71 Republic of the Congo VPA Annex X.

72 FLEGT/VPA Congo website: <http://www.apvflegtcongo.info>

73 See the Congo section on the Forest Transparency Initiative website: <http://alpha.foresttransparency.org/en/home>

74 Duffield L, Richards M, op. cit., p. 30.

Table 3 Recommendations from local civil society groups to their national government

Country	Transparency in the VPA	Views from local civil society groups	Recommendations
Cameroon	Transparency annex VII lists 75 types of documents	The transparency commitments are extensive and build on local organisations analysis and demands. Crucial information on small permits and financial revenues is not yet published	Adoption of a Right to Information Law An upgrade of the electronic forest information system (SIGIF) is needed to ensure that transparency commitments are met There should be clear procedures on granting access to information, including clarifying which authority is responsible, and what the maximum acceptable time is for processing requests Specific outreach and awareness-raising activities targeted at communities are needed to improve access to information at the local level
Central African Republic	Transparency annex IX lists 68 types of data across ten categories A 2012 decision from the National EITI Council paves the way for extension of the EITI scope to the timber sector ⁱ	The transparency annex is extensive but little information has been published thus far	The new constitution should include provisions for revenue and contract transparency in the natural resource sector All national forest legislation should be published and easily accessible to citizens The government should fully disclose all logging permits that were awarded during the crisis and the current transition Information about forest company owners and fiscal revenues should be made public The Forest Fund and Environment Fund should publish annual reports
Ghana	No transparency annex The government has agreed to publish most of the information requested in a CSO-initiated 'transparency list'	Local groups are advocating for the inclusion of a proper transparency annex that will cover information that they believe is key for the credibility of the process and for addressing governance gaps	The government should actively demonstrate its commitment to transparency, e.g. by implementing all the transparency elements of the LAS and incorporating a transparency annex into the VPA document The government should develop information management systems (besides the wood tracking system), for greater transparency and access to reliable, usable and relevant information Adoption of the FOI law which has been pending for years
Liberia	Transparency annex IX refers to 2010 FOI and LEITI, and 61 types of outputs to be made public	Civil society is satisfied that the VPA transparency annex provides room for using and strengthening the existing framework. However, implementation is slow	All branches of government should take ownership of the VPA agreement and provide the necessary political support for its full and effective implementation The FDA should upgrade its information centre to provide more speedy and efficient access to information especially on forest activities Resources should be made available to civil society organisations to enable information to be available in local languages and made accessible to communities
The Republic of the Congo	Transparency annex X indicates 49 types of documents to be made public The Indigenous Peoples Law of 2011 and Forest Law contain provisions for information disclosure and access to information for consultation purposes, but these are very limited ⁱⁱ	Civil society is satisfied that the annex is extensive and allows for provision of key information on the forest sector. Greater clarity is needed on what information will be made available routinely or on demand, and how. Access to information for forest communities is extremely limited	A Right to Information Law should be enacted Information on plantations and converted forest concessions and artisanal production must be made public as well as financial revenue data The government should establish adequate mechanisms and provide resources to facilitate local communities' and indigenous peoples' access to appropriate information

ⁱ Centrafricmatin, Deuxième session ordinaire du Conseil National ITIE Centrafrique qui a pris une décision courageuse (13 July 2012), available at <http://centrafricmatin.wordpress.com/2012/07/13/deuxieme-session-ordinaire-du-conseil-national-itie-centrafrique-qui-a-pris-une-decision-courageuse/>

ⁱⁱ Client Earth briefing on access to information in Congo's domestic law, <http://www.clientearth.org/ressources-externes/congo/Acces-Information-dans-le-droit-interne-du-Congo-FINAL.pdf>

Impacts for broader governance – experiences from civil society

The opportunities provided by VPAs to increase openness, notably through the transparency annexes, have meant that the agreements have brought a number of improvements regarding the engagement of local groups to tackle governance gaps. In all five countries examined in this paper, the transparency and participation characteristics of the VPA process have provided a platform for dialogue with government and other actors on legal reform processes – including those that have traditionally opposed reforms within the forest sector. The VPA is the first forest-related process that has been able to bring civil society organisations and communities to the table to negotiate directly with forest companies and national governments. It has therefore contributed to making civil society organisations and communities part of the process of decision-making about forest use.

As a result of increased transparency, we are seeing improvements in accountability in the five countries in the following areas: using information to step up the fight against corruption (Cameroon); exposing illegalities from forest operators (Central African Republic); demanding public accountability (Ghana); claiming communities rights (Liberia); and advancing legal reform (Republic of the Congo). The five examples below illustrate the role of local civil society groups in using transparency as a lever to strengthen governance and advance advocacy goals.

Strengthening forest sector integrity in Cameroon

Under the Transparency and Anti-Corruption Initiative in the forest sector in Cameroon (ITAC), FODER and the local civil society platform working on forests have used information and communication opportunities offered by the VPA to combat corruption in the forest sector. ITAC aimed to facilitate constructive, open and participatory dialogue on transparency and the fight against corruption within the VPA process. FODER was able to get support from the MINFOF as well as FAO and GIZ for this effort.⁷⁵ Achievements from the project include convening a multi-stakeholder group to discuss a strategy for the effective implementation of Annex VII on transparency, and developing anti-corruption training modules for public officials. The project triggered a greater understanding on the government's part regarding anti-corruption actions led by civil society, and led to the publication of larger amounts of information through the dedicated VPA online portal. The MINFOF also agreed to continue to encourage discussions on anticorruption solutions and educate public officials on the benefits of integrity.⁷⁶

Exposing illegalities from forest operators in CAR

The VPA process has strengthened the ability of civil society organisations in CAR to contribute to governance improvements in the forest sector. In late 2013, a member of CIEDD requested and was granted permission to monitor the work of the commission in charge of awarding Exploitation and Management Permits (Permis d'Exploitation et Aménagement in French). Civil society organisations were concerned that in the middle of the chaos and violence that had taken hold of the country, the Ministry of Forestry was launching, without proper scrutiny, a bidding process for five forest

⁷⁵ For more information on ITAC see <http://www.anti-cor.org/accueil/objectif?PHPSESSID=afhpbtmsno6tdtceckqrqssj84>

⁷⁶ Presentation from Rodrigue Ngonzo, FODER, FLEGT VPA – Cameroon: Initiative for Transparency and the Fight against Corruption (ITAC), From ACP-FLEGT to EU FAO FLEGT: Scaling up efforts to improve forest governance, 25 June 2013, Brussels.



- Local timber markets are essential in supplying the domestic market in countries like Cameroon (photo), Ghana and Liberia, and hence need to be included in the VPA.

Photo: Paolo Cerutti (CIFOR)

concessions covering an area of over a million hectares in the south-western forest massif.⁷⁷ Because it was able to access key company information, CIEDD managed to highlight blatant irregularities in the bidding process. For instance, members of key government structures were not represented in the bidding commission, and communities were not properly consulted. The report even warned that some of the shortlisted companies were not eligible to bid under CAR's forest regulations.⁷⁸ This helped civil society organisations to draw the transitional government's attention to the need to strengthen the legal framework. Recently the transitional government committed itself to including transparency provisions in the new constitution that is currently being drafted.⁷⁹

77 Bollen A, *Natural Resources at the Heart of CAR Crisis*, 18 December 2013, <http://newint.org/blog/2013/12/18/central-african-republic-natural-resources/#sthash.fTQLmGY.dpuf>

78 Mathamale Modokara JJU, *Rapport de l'observateur indépendant pour l'attribution des permis d'exploitation et d'aménagement (PEA)*, March 2014, <http://loggingoff.info/sites/loggingoff.info/files/OBSERVATION%20PEA%20Jean%20Jacques%20MATHAMALE.pdf>

79 Personal communication of representatives from CIEDD.

Increasing accountability of forest authorities in Ghana

As part of their efforts to monitor the Ghana LAS system, civil society organisations through the Forest Watch Ghana platform were very vocal about the opacity surrounding allocation of harvesting rights, and the potential misuse of salvage permits⁸⁰ by the government. The salvage permits were initially issued as a means to bring timber cut as a by-product of other development projects, such as mining or infrastructure, onto the market. Between January and November 2010, the Forestry Commission issued more than 111 salvage permits, compared with only two salvage permits in 2009. According to civil society organisations, they had become 'a conduit for illegal logging, undermining the essence of the VPA'.⁸¹ When it became evident that the VPA requirements would make the export of logs extracted under salvage permits impossible, the Ministry for Lands and Natural Resources yielded to CSO demands on making the permits public and strengthening regulation on their issuance. The Ministry also agreed to commission an investigation into the abuse of salvage permits and to engage with CSOs on further governance measures.⁸² As salvage permits were widely used to trade rosewood,⁸³ Ghana's most threatened wood species, civil society groups called for a ban on salvage permits for rosewood, which they obtained in 2014.⁸⁴ This was hailed by CSOs as an important move by the forest authorities to 'clean their house'. Forest Watch Ghana has vowed to continue using the VPA process to advocate for tougher legislation on salvage permits.

Reclaiming communities' rights in Liberia

The VPA framework has increased the ability of Liberian civil society organisations to push for stronger law enforcement. In 2012, following intense civil society pressure on the government to release information on permits allocated by the FDA, the SDI – along with another Liberian NGO, Save My Future Foundation (SAMFU) – revealed that around 40 per cent of Liberia's forests had been given to logging companies through secretive and often illegal Private Use Permits (PUPs). These enabled the companies to circumvent national laws and grab large forest areas, while paying negligible compensation to the Liberian government or forest communities. Local civil society groups joined hands with international campaigns to call for government action. Liberian President Ellen Johnson Sirleaf subsequently suspended all PUP contracts and dissolved the board of directors of the FDA. Some FDA officials are currently facing charges for delivering PUPs illegally. Liberian civil society organisations welcomed this as a success for securing community rights and reclaiming communities' share of logging benefits.⁸⁵

Advancing forest communities' rights through legal reforms in the Republic of the Congo

Legal reforms to update and improve the 2000 forest law were launched in 2011 in Congo. At the beginning, very little information transpired about the process and very little was done to involve civil society groups, until the Plateforme pour la Gestion Durable des Forêts (PGDF) strongly argued for effective civil society participation and for their voices and those of local communities to be heard. In 2013–14, when the second round for the review of the code was initiated, civil society

80 On the nature of salvage permits, see Client Earth briefing, 'Understanding the legality of rights, permits and certificates to harvest naturally occurring timber in Ghana', <http://www.clientearth.org/external-resources/ghana/other-resources/Timber%20Rights%20and%20Felling%20Permits%20in%20Ghana-2013.pdf>

81 Ghanaian CSO statement on salvage permits is available at <http://loggingoff.info/sites/loggingoff.info/files/Statement%20on%20Illegal%20Salvaging%20Permits.pdf>

82 <http://loggingoff.info/sites/loggingoff.info/files/Response%20from%20Ministry%20on%20salvage%20permits.pdf>

83 Bosu D, Draft Report on the Dynamics of Harvesting and Trade in Rosewood (*Pterocarpus erinaceus*) in Bole, Central, West and North Gonja Districts of the Northern Region, 2013, <http://www.ecosystemalliance.org/sites/default/files/documents/Dynamics%20of%20Rosewood%20Trade%20in%20Northern%20Ghana.pdf>

84 Ghana News Report, Export of rosewood timber banned, 18 October 2013, available at <http://www.ghananewsreport.com/export-of-rosewood-timber-banned/>

85 Ozinga S, 'Voluntary Partnership Agreements, tools to empower civil society to take part in forest governance improvements', 2012, p. 72.

groups were increasingly involved in discussions of the drafting committee. With support from international NGOs including Client Earth and Fern, and through tenacious campaigning, the platform was able to access the draft legal texts and provide substantial inputs on community rights in several key areas, including community participation, and formal recognition of the concept of 'community forests'.⁸⁶ At the demand of the platform, the new draft forest law sets out some general principles on how stakeholders should be consulted. The draft law recognises the principle of Free, Prior and Informed Consent (FPIC) for communities and indigenous peoples affected by forest management processes. The law is seen as a major step forward,⁸⁷ but it is too early to tell whether the parliament of the Republic of the Congo will adopt the current draft and what the implementing decrees will bring in terms of increased rights for communities and transparency around decisions that affect them.⁸⁸

86 Client Earth, Rapport d'analyse et de contributions de la société civile congolaise sur le draft de Code forestier, 2013, available at <http://www.clientearth.org/ressources-externes/congo/3-Rapport-danalyse-et-contributions-au-draft-de-code-forestier-PGDF-ClientEarth-Nov-2013.pdf>

87 See Client Earth blog piece on Congolese government's doors are 'wide open' to civil society on forest code development, available at <http://www.blog.clientearth.org/congolese-governments-doors-wide-open-civil-society-forest-code-development/>

88 Internal report from the PGDF on their participation in the forest code process.

Concluding comments

In the five countries studied in this paper, the VPA has shown its potential to increase transparency and build on existing mechanisms for publishing forest-related information. Transparency in terms of process also improved, with CSOs gaining insights into, and influence over, the process of reform in the forest sector, often for the first time. The VPAs have also created conditions for national governments to recognise the role that civil society organisations play in reform processes. In that sense, the VPAs have provided a platform to raise government awareness on the need to translate transparency commitments in practice, and meet the demands of civil society groups and communities for accountable forest management.

Local civil society organisations can build strategic partnerships among themselves, with international NGOs and partners, and with public officials, to push for greater transparency in the areas where it is most needed to improve forest governance. A full range of activities and skills are needed, including the ability to analyse complex forest information, monitoring law enforcement, continued advocacy and awareness-raising campaigns. All these activities will promote recognition of the importance of publishing information on how forests are managed, while also strengthening the value of information as a tool to promote rights and fight corruption. Information remains the cornerstone of participation of all stakeholders including independent monitors, auditors and monitoring bodies. Hence its sustained availability is essential to the credibility of the entire process and ultimately the issuance of FLEGT licences.

The opportunities provided by the VPAs to increase transparency in forest governance will only have a positive impact on governance if they are accompanied by other coherent policy measures that guarantee adequate space for citizens, and effective law enforcement. It will take tenacious efforts from civil society organisations to get the relevant information and use it effectively to improve governance in the forest sector. To sustain the gains that are made, part of the challenge for civil society will be to stimulate the creation of a transparency culture where there is willingness of public officials to release information, and readiness of citizens to file requests. In that sense, the EU and its Member States have a role in ensuring adequate and independent civil society participation.

Links to VPA transparency annexes

Cameroon: [Annex VII](#)⁸⁹

Central African Republic: [Annex XI](#)⁹⁰

Liberia: [Annex IX](#)⁹¹

Republic of Congo: [Annex X](#)⁹²

89 <http://www.euflegt.efi.int/documents/10180/23384/Voluntary+Partnership+Agreement+between+the+European+Union+and+the+Republic+of+Cameroon+on+forest+law+enforcement%2C%20governance+and+trade+in+timber+and+derived+products+to+the+European+Union+%28FLEGT%29/1b625aff-2242-4761-af85-c79e82e619c8>

90 <http://www.euflegt.efi.int/documents/10180/23384/Voluntary+Partnership+Agreement+between+the+European+Union+and+the+Central+African+Republic+on+forest+law+enforcement%2C%20governance+and+trade+in+timber+and+derived+products+to+the+European+Union+%28FLEGT%29/70386efe-8bbb-42f6-ab06-36a9e94fb00c>

91 http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:JOL_2012_191_R_0001_01&qid=1404737110131&from=EN

92 <http://www.euflegt.efi.int/documents/10180/23384/Voluntary+Partnership+Agreement+between+the+European+Union+and+the+Republic+of+the+Congo+on+forest+law+enforcement%2C%20governance+and+trade+in+timber+and+derived+products+to+the+European+Union+%28FLEGT%29/4a277fc2-ad7c-449c-9524-4c4c1fc56a18>

Useful links and websites

EU FLEGT Facility⁹³

The EU FLEGT Facility website provides information and updates on various aspects of the FLEGT Action Plan, as well as information on other initiatives to tackle illegal logging and promote the trade in legally sourced timber. The site is run by the European Forest Institute which has hosted the Facility since 2007.

Logging Off⁹⁴

The site is a one-stop shop for all those involved or interested in VPAs. It was set up to exchange clear, concise and up to date information, including joint North–South civil society position papers on FLEGT, VPAs, and the relevant negotiations.

A review of Independent Monitoring Initiatives and Lessons to Learn⁹⁵

This study considers the role of independent monitoring, involving civil society, in the context of the VPAs now taking shape between the EU and timber-producing developing countries under the FLEGT Action Plan.

Lessons Learned from Civil Society Efforts to Promote Community (Forest) Resource Rights and other Rights in Voluntary Partnership Agreements⁹⁶

The paper examines the experiences and efforts of civil society in promoting a rights-based agenda through their engagement in VPA negotiations. It draws on experiences from the six countries that have completed negotiations: Cameroon, Central African Republic, Ghana, Indonesia, Liberia and Republic of Congo. Translations of this paper in French and Spanish are forthcoming.

Making Forestry fairer⁹⁷

Making forestry fairer is a practical guide for NGOs and communities in VPA countries. Using real-life examples, the easy-to-read guide suggests ways these groups can use FLEGT VPAs to provoke long-lasting change in their countries' interactions with forests and the people living there.

Improving Forest Governance: A comparison of FLEGT VPAs and their impact⁹⁸

Ten years since the EU FLEGT Action Plan was launched, this research by Fern shows that forest governance improvements have already been achieved. The FLEGT Action Plan includes the development of VPAs with timber producing countries. International and national NGOs have been part of their design, and have helped ensure VPAs include essential principles of forest governance. Fern's research finds that these have been respected to a large extent.

93 <http://www.euflegt.efi.int/home/>

94 <http://loggingoff.info/>

95 http://www.fern.org/sites/fern.org/files/IM-VPAsFinalWeb_EN.pdf

96 http://www.forest-trends.org/documents/files/doc_4191.pdf

97 http://www.fern.org/sites/fern.org/files/makingforestryfairer_internet.pdf

98 http://www.fern.org/sites/fern.org/files/VPAComparison_internet_0.pdf

Provoking Change⁹⁹

This Advocacy Toolkit is for local and national NGOs, but specifically for those based in West Africa, as the case studies and background information are focused on this region. This toolkit was produced by Fern at the request of a network of environmental NGOs in West Africa: the Green Actors of West Africa (GAWA).

The Voluntary Partnership Agreement (VPA) process in Central and West Africa: from theory to practice¹⁰⁰

The study is intended to document and foster strategic reflection in partner countries already engaged in negotiating a VPA – or those who will be entering into such negotiations – by providing examples of ‘good practice’ identified largely with stakeholders from eight countries in Central and West Africa, where the first VPAs were negotiated and signed.

Compendium on experiences from the Voluntary Partnership Agreement (VPA) process in Central and West African countries¹⁰¹

This compendium was published as a resource document for a regional conference on ‘Experiences from the VPA process in Central and West African countries’ which took place in Ghana in October 2012. It highlights 16 experiences and the resulting lessons which have surfaced, in an aim to foster an exchange of information among stakeholders on how to overcome challenges and move forward with the VPA process and ultimately ensure a legal supply of timber in regional and global markets.

99 http://www.fern.org/sites/fern.org/files/provokingchange_LR.pdf

100 <http://www.fao.org/docrep/019/i3731e/i3731e.pdf>

101 <http://www.fao.org/forestry/37830-09c6e70d4769baf6bbe6721cbd5422b58.pdf>



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