ASSESSING AND MONITORING FOREST GOVERNANCE

A USER'S GUIDE TO A DIAGNOSTIC TOOL

PROFOR
PROGRAM ON FORESTS

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TABLE OF CONTENTS

ACKNOWLEDGMENTS

1 OVERVIEW

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This is a guide to diagnosing strengths and weaknesses in forest governance using a tool developed by PROFOR (Program on Forests).[1] The tool consists of a set of indicators and a protocol for scoring the indicators. The indicators are in the form of multiple-choice questions about aspects of forest governance. Some cover general features of governance, some touch on specifics, and some serve as proxies for factors that are difficult to assess directly. Taken as a whole, the tool examines forest sector governance broadly, serving as a self-assessment to identify areas deserving improvement.

Recognizing that local involvement is key to successful reform, the tool's protocol uses a workshop format, where stakeholders meet to discuss governance and try to come to agreement on scoring the indicators. Putting assessment in the hands of stakeholders promotes discussion, identifies areas of consensus, and builds momentum for change.

The tool will serve countries or their subdivisions that want to improve governance. The initial diagnosis can be a starting point from which to set priorities for reform, to target some areas for deeper study, or to track the progress of reform efforts. A convincing assessment can even contribute to the desire for reform.[2]

The tool is flexible, relatively inexpensive to use, and adaptable to many contexts. It can be rolled out in a matter of months (see sample timeframe, appendix I).

The indicators and protocol were field-tested in Uganda in 2010, and in 2011 in Burkina Faso (see appendix II). In addition, the Miti Mingi Maisha Bora—Support to the Forest Sector Reform in Kenya—Program used a modified version of the tool's original framework and the program's own consultative protocol to perform a governance assessment in 2011 (Oksanen et al. 2011), and testing was carried out in four provinces in Russia by the Federal Forest Agency with support from DFID and the World Bank. These piloting experiences have confirmed the feasibility of governance assessment and also provided feedback for improving the tool. This guide reflects the lessons learned from early testing.

The tool is open to further refinement. Users are welcome to send feedback and suggestions to PROFOR, profor@worldbank.org.

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[1] Because the aim of this paper is practical application of the diagnostic tool, the paper contains relatively few references to the literature on forest governance. Readers seeking to learn more about the theoretical underpinning of this work can refer to World Bank (2009) and PROFOR and FAO (2011).

[2] Because the underlying indicators must be customized for each use, the tool does not serve well for cross-country comparisons.

2 ABOUT MEASURING FOREST GOVERNANCE

WHAT IS FOREST GOVERNANCE?

"Governance" itself has no single, universally accepted definition. Sometimes people use "governance" to mean simply "government" or the things that government does. Recently, though, people have tended to use the word more broadly, covering informal as well as formal mechanisms and social and economic influences as well as official state actions (World Bank 2009, p. 9 ff.).

For the sake of this tool, "forest governance" includes the norms, processes, instruments, people, and organizations that control how people interact with forests. That definition covers many things: traditional culture as well as modern bureaucracy, and private markets as well as public laws. It may be impractical to "engineer" changes in some aspects of governance, like traditional culture, but understanding governance well requires detailed consideration of all its aspects.

Key features of good forest governance include adherence to the rule of law, transparency and low levels of corruption, stakeholder inputs in decision making, accountability of all officials, low regulatory burden, and political stability.

WHY MEASURE FOREST GOVERNANCE?

Where people have strong, conflicting objectives for use of the forest, good stewardship usually depends on good governance. Illegal use and crime, unclear tenure rights, disenfranchised stakeholders, unskilled managers—any of these governance failures, as well as many others, could hamper attempts to manage forest resources purposefully and well. Good forest governance is fundamental to achieving positive and sustained development outcomes in the sector, including efficiency of resource management, increased contribution to economic growth and to environmental services, and equitable distribution of benefits.

Measuring forest governance tends to promote understanding, which in turn provides a foundation for improvement. Measurement does not guarantee improvement, but it can be a strong first step.

One way to think about measurement is to see it as part of the larger cycle of policy making and implementation. That cycle begins with discovery of a problem. Stakeholders or officials may suggest options to address the problem. Analysts can produce some objective information about the options, such as their probable costs and effects. Government can take this analysis, apply political values and other considerations, and choose an option to implement. Government can then implement the option. As implementation proceeds, the government and stakeholders will observe the results and eventually discover new problems, small and large. The cycle of policy making thus will begin again.

Understanding the strengths and weaknesses of forest governance can be useful to discover problems or to track the progress of reform. A broad diagnostic, such as the one offered in this

guide, serves in the first instance, to help discover problems and point toward options for addressing them. Subsequent targeted monitoring and assessment is useful to track reforms and improve implementation.

WHEN TO MEASURE FOREST GOVERNANCE

Measurement serves reform; the parties who propel reform forward—the government and key stakeholders—must be open to change, or the results of measurement will not be put to full use.

Favorable times for a general assessment might include when the government has declared its intent to revise forest policies or legislation but has not yet settled on details of the reform; when the government has recently committed to an international initiative such as a Voluntary Partnership Agreement or REDD+Readiness that may require governance reforms; or when an international donor has announced its willingness to support reform efforts.[3]

If the government or powerful stakeholders resist reform, then measurement might not have much impact. Measurement can clear up misconceptions about governance. It can raise awareness of the role of governance and motivate other stakeholders to argue for change. However, there is no guarantee that measurement by itself will overcome deep-seated resistance.

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[3]   REDD+ stands for Reducing Emissions from Deforestation and Forest Degradation, plus conservation, sustainable management of forests, and enhancement of forest carbon stocks.

3

THE DIAGNOSTIC TOOL

THE TOOL IN A NUTSHELL

The tool offered here is a diagnostic assessment that identifies areas of governance needing reform. It can also identify priorities, encourage discussion of specific steps to be taken, and help build consensus for reform. The tool is comprehensive because it draws on a broad, internationally developed framework for assessing forest governance. The output of the tool is robust because it captures systematically the perceptions of a representative group of stakeholders for scoring. Furthermore, the tool is practical because its use does not require expertise in governance diagnostics. With knowledge of the country's forest sector and access to stakeholders, users can employ the tool relatively inexpensively over the course of a few months.

The tool has two parts: a primary set of indicators and a protocol for adapting and scoring the indicators. The indicator set consists of a large number of multiple-choice questions about the state of governance. Users of the tool need to form a team with some expertise in forest policy and stakeholder outreach, identify key forest stakeholders and their concerns, prepare a background report on forest governance, customize the indicators to fit the local situation, convene a stakeholder workshop to score the indicators and identify priorities, and validate and disseminate the results.

The audience for the outputs of the tool includes whoever could advance the process of reform. The government is clearly part of this audience, as are stakeholders and, in many cases, international development partners.

The tool was originally designed to assist a hypothetical "reform-minded minister" in charge of forests, but it has wider application. The government does not need to be the main force behind using the tool; in fact, putting the responsibility for the assessment in the hands of a neutral, disinterested team may lend credibility to the results. Even use by advocacy organizations could yield useful insights. However, the protocol given here is impractical if the government is openly hostile to reform, because scoring the tool requires participation from a broad range of stakeholders, including government officials. If the government is willing to participate, the tool has utility even without a reform-minded minister, and the tool's output may even help persuade the government of the need for reform.

The tool is intended primarily as a diagnostic instrument. However, in identifying priorities for reform, the tool inevitably brings attention to indicators that could be used to monitor progress toward reform.

THE INDICATORS

Appendix III presents a primary set of 130 multiple-choice questions about forest governance. These are the indicators. An indicator is "a quantitative, qualitative or descriptive attribute that, if measured or monitored periodically, could indicate the direction of change in a governance subcomponent"

(PROFOR-FAO and FAO 2011, p. 13). Although the indicators in appendix III *could* be monitored periodically, they are designed to bring out information about the state of governance *now*.

Using an indicator set brings order and a degree of comprehensiveness to the assessment. In theory, an evaluator could simply describe the state of governance through a narrative, without resorting to any standard outline or plan. Such an assessment might overlook some matters while exploring others deeply. Framing the assessment around the scoring of these indicators prevents the evaluator from overlooking topics and encourages an organized assessment.

The indicators themselves are organized under the pillars of the PROFOR-FAO framework described in appendix IV. (See also box 3.1 and figure 3.1.) The three pillars roughly correspond to—

- How the building blocks of governance—laws, policies, and institutions—appear on paper;
- How policy and implementing decisions are made; and
- How well governance functions in practice.

Each pillar is divided into components, and each component is divided into subcomponents. The indicator questions follow this organization, and each subcomponent in the PROFOR-FAO scheme has at least one indicator in the primary set. This ensures that the primary set covers the subject matter of governance quite broadly.

The indicators are all "actionable." That is, the set of choices for scoring each indicator presents a spectrum of conditions, from quite undesirable to desirable. Selecting something less than the most desirable choice indicates an opportunity for action to improve governance.

Being actionable, the indicators are inherently normative. There are good and bad scores. The norms reflect widely held views of good governance. In some cases, the views come from formal international agreements. In most cases, the indicators reflect six common principles of good governance built into the PROFOR-FAO framework:

- Accountability—that people and institutions should be accountable for their actions
- Effectiveness—that the mechanisms of governance should achieve the ends they are intended to achieve
- Efficiency—that governance should work with a minimum of waste
- Fairness/equity—that the benefits and burdens of the forest resource should fall in a way generally viewed as just
- Participation—that all interested people should have an opportunity to be heard or to influence government decisions that affect the forest
- Transparency—that information about the forest and how it is governed should be reasonably available to all.

Each indicator has a rationale explaining why it is in the set and most have notes on how they should be scored. These often touch upon the underlying norms. As noted below in the discussion of the protocol, this primary set needs to be adapted to the local conditions. In most cases, the assessment will not use all the questions, but will still use enough of them to give a comprehensive diagnosis of needed reforms.

Accountability			
Effectiveness			
Efficiency	Policy, legal institutional, and regulatory frameworks	Planning and decision-making processes	Implementation enforcement and compliance
Fairness/Equity			
Participation			
Transparency			
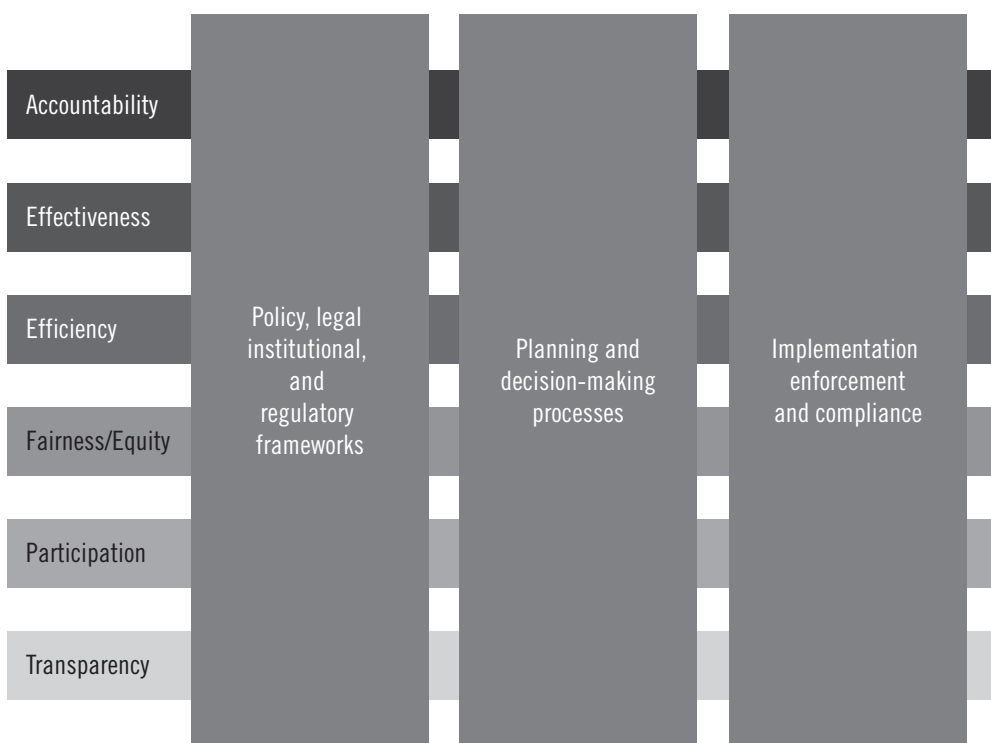
Box 3.2 contains an example of the indicators. Appendix III contains the full set.

BOX 3.1: HISTORY OF THE FRAMEWORK UNDERLYING THE TOOL'S INDICATORS

To ensure that the indicators covered forest governance thoroughly, PROFOR initially organized the indicators around a self-developed general framework for analyzing forest governance (World Bank 2009). This framework divided forest governance into five building blocks:

- Transparency, accountability, and public participation
- Stability of forest institutions and conflict management
- Quality of forest administration
- Coherence of forest legislation and rule of law
- Economic efficiency, equity, and incentives.

The building blocks in turn were made up of principal components and subcomponents. The tool's indicators were based on the framework's subcomponents.

In 2010, PROFOR, the UN Food and Agriculture Organization, and the Swedish International Development Agency hosted a conference on assessment of forest governance. At that meeting, groups using forest governance reporting tools and representatives of countries being assessed agreed that some standardization of indicators would be helpful. It would reduce the burden on reporting countries and promote communication and sharing of results among those taking measurements.

The Bank and FAO convened an expert group to explore and propose some standards. That led to the publication of Framework for Assessing and Monitoring Forest Governance (FAO 2011). In the summer of 2011, PROFOR revised its original set of indicators to correspond to the pillars, components, and subcomponents of the 2011 Framework. This guide presents those revised indicators.

BOX 3.2: SAMPLE INDICATORS

Here are two examples of indicators used in the tool. Each consists of a topic, a question on that topic, a rationale and notes on interpreting the question, and a set of possible answers.

Extent to which the legal framework recognizes customary and traditional rights of indigenous peoples, local communities, and traditional forest users

Does the law recognize traditional and indigenous rights to forest resources?

Rationale

Rural forest users often rely on informal or traditional rights. Formal legal regimes that ignore traditional rights will frustrate local expectations and produce conflict or resentment.

NOTES

In answering this question, consider a broad variety of potential traditional rights. Depending on history, local culture, and forest use, these might include things like access to grazing, protection of sacred areas, or right to collect honey.

Possible Responses:

  a) The law generally recognizes traditional and indigenous rights.

  b) The law recognizes traditional and indigenous rights in most cases.

  c) The law recognizes traditional and indigenous rights in less than half of the cases.

  d) The law does not recognize traditional and indigenous rights.

Existence and quality of policies, laws, and regulations governing forest use and management

Does the country's national forest policy/strategy recognize the role of the private sector?

Rationale

Broadly speaking, the private sector has an increasing role in sustainable forest management. This includes production of timber and other forest products but may also span functions such as taking inventory, management of national parks, running chain-of-custody systems, revenue collection, forest monitoring, etc.—traditionally considered to be the preserve of the forest departments. In some cases entrusting these functions to the private sector allows government resources to focus more effectively on oversight, regulation, and policy making.

NOTES

A forest policy or strategy should reflect consideration of issues like these:

- Would the country benefit from more private investment in forests, and if so, how can the country attract or encourage that investment?

- Does the country have adequate capacity to oversee or regulate private investment and activity in the forest sector, and if not, what steps does the country need to take to reach that capacity?

- Are there forest-related functions in the public sector that ought to shift to the private sector, or vice versa? For example, should the private sector be engaged in forest management planning on public lands, through long-term concessions or even sale of land rights? Should the government be acquiring private land rights to create more public lands? Should the private sector take over government tree nurseries? Should the government provide loans to forest industries?

Possible Responses:

a) The country's forest strategy recognizes the contribution and role of the private sector and explicitly includes mechanisms directed at fostering an appropriate role for the private sector.

b) The country's forest strategy recognizes the existence of the private sector but it does not give the private sector appropriate weight, and the strategy fails to foster an appropriate role for the private sector.

c) The country's forest strategy largely ignores the private sector.

THE PROTOCOL

Following are the recommended steps for applying the tool. This protocol relies on a consensus-based stakeholder workshop to score the indicators. The basic idea is to prepare a concise background paper on forest governance in the country, share the paper with stakeholders, invite the stakeholders to a workshop, have them score the indicators there, and then prepare and disseminate a report on their findings. The steps involved are described in more detail below.

STEP 1: IDENTIFY ORGANIZERS, SPONSORS, FUNDERS, AND POTENTIAL USERS OF RESULTS

Using the tool requires one or more organizers, sponsors, and funders. These might be the same entity, but often can be different.

The organizer is the one taking active steps to apply the tool—the one preparing background materials, convening stakeholders, and compiling reports. The organizer should have expertise in the sector. The organizer also needs some level of credibility with stakeholders, to encourage them to participate and to accept the tool's outputs as fair.

The sponsor is the one giving official standing to the exercise. It might be a government agency or a prominent nongovernmental organization (NGO). The sponsor should command enough respect to bring widespread recognition to the effort. The sponsor's standing can also lend weight to the results.

Of course, the exercise will require funding. Applying the tool is relatively inexpensive. The cost for the Uganda exercise was about $35,000, while for Burkina Faso it was about $40,000. (Appendix V provides a worksheet for budgeting the exercise.)

Similarly, it is advisable at this early stage to explain the exercise and secure cooperation from groups that could influence responses to the findings. These groups may include major stakeholders who might participate in reforms or international development partners who might support reforms with funding or technical assistance. (As is discussed below, at a later point during its application, the tool requires a more complete identification of and outreach to stakeholders.)

In the pilot tests in Uganda and Burkina Faso, an international development partner served as organizer, and this seemed to work well. Having an outside entity serve as organizer, with no direct stake in the outcome, can help give the results more credibility. However, some stakeholders may question the neutrality of internationals. In that case, having a respected and neutral national serve or join as an organizer would increase credibility.

In the pilot tests, the governments acted as sponsors. The pilot tests of the protocol in Uganda and Burkina Faso had the sponsorship of the ministry whose portfolio included forests. Government sponsorship does not ensure that the government will accept or act upon the results, but it does make it more likely that government officials will participate in scoring the indicators, and it can bring more attention to the eventual findings.[4]

The Uganda pilot happened to be timed soon after some major scandals involving forest administration became public. This seemed to advance stakeholder interest in the assessments and probably contributed to the stakeholders reaching consensus on needed reforms, but it is unclear whether it affected the government's receptiveness to reform. The Burkina Faso pilot was tied to the early stages of the World Bank's Forest Investment Program in the country. This linkage probably increased interest in the process. The Russian pilot was linked to the early stages of a government-initiated reform process. This clearly helped increase interest in the assessment.

STEP 2: FORM A TEAM WITH THE NECESSARY KNOWLEDGE AND SKILLS TO APPLY THE TOOL

The tool requires some knowledge of local forest issues, familiarity with local stakeholders, and ability to communicate with local people. It also requires the skill to run a productive, consensus-oriented stakeholder workshop. In most cases, users of the tool will want to form a team that includes the following people:

a. **A lead expert on the forest sector.** The expert will have several tasks, including preparing the background materials and identifying the people who should participate in the workshop, and perhaps also helping to recruit the facilitator. Finally, the expert will have to participate in the workshop and write the report.

b. **A meeting facilitator.** Someone familiar with local language, customs, and meeting practices should plan and run the workshop. The facilitator may also be involved in writing the workshop report.

c. **A general assistant and logistics aide.** Planning and running the workshop will require someone to take care of many logistical items. If the facilitator cannot do this, it will be a good

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[4] An alternative approach in which the government agency in charge of forests acts as the organizer and an outside agency (such as the World Bank) acts as the sponsor is possible. Arguably, this may create a better sense of ownership and buy-in from the national entity, from the outset.

idea to have a separate assistant to arrange space and catering for the meeting, help participants with travel, check people in, collect invoices, and pay bills.

In the pilot studies, the organizers recruited the local experts and facilitators as consultants. Appendix VI contains sample terms of reference for the lead expert and facilitator.

In both Uganda and Burkina Faso, the organizers were fortunate to recruit a senior and well-respected lead expert. Beyond the experts' technical knowledge, their contacts within the forest sector and their reputations helped to advance the diagnostic assessment.

STEP 3: IDENTIFY STAKEHOLDERS AND KEY ISSUES

To ensure that a good cross-section of stakeholders is invited to the scoring workshop, the organizers need a stakeholder list or map. To ensure that the assessment covers issues that the stakeholders view as important, the organizers need to understand the stakeholders' basic views and concerns. The simplest way to do this is to talk to the stakeholders themselves.

Begin by asking a few known stakeholders to identify issues and to name other stakeholders. Contact any new stakeholders named, and ask their opinions on issues and stakeholders. Continue until the interviews are producing no new names and issues.

Be sure, however, that the list does not ignore hidden or under-represented interests. People may not see minorities, youth, or women as separate stakeholders, yet the interests of those groups may be distinct. Others to consider are government officials outside the forest sector, journalists, academics, businesspeople, and investors.

In the field test in Uganda, for example, the actively participating stakeholders included members of parliament, an agricultural extension agent, a representative from the finance ministry, local government officials, a radio reporter, two professors of forestry, a forestry consultant, and private forestland owners.

In the field tests, organizers had difficulty attracting full participation from the private sector. This kind of problem could arise for any number of reasons—the sector does not see any immediate benefits to such participation, or is not well organized or is not prepared to speak out in a large forum of this nature. No matter what the reasons, organizers may need to make a concerted effort to get the necessary depth and breadth of private sector participation.

STEP 4: PREPARE BACKGROUND MATERIALS

The lead expert should produce a background paper summarizing the present state of governance in the country. The organization of the report should generally follow the organization of the indicator set, which in turn follows the organization of the PROFOR-FAO forest governance framework. Appendix VII contains a sample outline for the lead expert's background paper.

The lead expert should base the report on existing literature augmented by interviews with other experts and key informants. The report should cover the stakeholder concerns identified in Step 3 and any other concerns that the expert views as essential to address to achieve good governance. If time permits, the lead expert and organizers can share early drafts with key officials and other stakeholders, to get reactions and suggestions for improvement.

The tone of the report should be professional. Where controversies exist, the report should acknowledge differing views. The report must be honest and accurate. To ensure quality, vet the report within the team and perhaps with the help of outside reviewers before using the report in Step 6, the stakeholder workshop.

The background report should refrain from expressing opinions on needed reform, or it can include a general set of recommendations, analyze problems from a political economy standpoint, or include actual scoring of the indicators by one or more experts. The organizers must exercise judgment in deciding which approach to take. On one hand, presenting recommendations or scores could promote discussion in the subsequent stakeholder workshops. On the other hand, they could open the process to charges of bias. In any case, the report should take care to identify what is objective fact and what is opinion, and the organizers should include opinion only if they are prepared to defend against claims of bias (for example, by noting the disinterested and qualified stature of the opinion's author, or by including a set of contrasting opinions).

The pilot studies took somewhat different approaches in their background reports. In Uganda and Burkina Faso, the report contained the lead expert's general recommendations for reform but did not score the indicators. In Russia, the organizers had experts score the indicators before the stakeholder workshops. The organizers did not share these scores with the people at the workshops, but the expert scores served as a point of comparison and discussion in the analysis of the exercise.

STEP 5: CUSTOMIZE THE INDICATOR QUESTIONS

The primary set of indicators presented in appendix III needs to be adapted for each use. The organizers may need to reduce the number of indicators, add indicators of local relevance, and adjust the options for scoring the indicators to reflect local conditions or issues. The reworking of the indicator set has the potential either to greatly enhance the value of the exercise or to introduce bias. Organizers must exercise care and deliberation in this process.

The primary set of indicators contains 130 questions. If a large enough workshop uses break-out sessions to divide the questions into reasonable subsets, it is possible to score each question over two days. However, this assumes that the organizers have two days for the workshop, that the stakeholders are knowledgeable, and that the workshop will have enough stakeholders to form several break-out groups. If these conditions are not all true, the workshop will have to score fewer indicators. The organizers will have to go carefully through the questions and select the most important ones, considering the local context.

Some of the questions may have no relevance to the local context and so need to be removed. For example, if there are no privately owned forestlands, the questions on private forest governance are unimportant. If there are few informal or traditional rights to the forest, then the questions on harmonizing with formal rights are relatively unimportant.

The remaining indicators should still cover all of the pillars and most of the framework components. Although some indicators may touch on politically sensitive topics, this should not be a reason to drop those questions. The organizers must avoid skewing the assessment or blinding it to real problems through elimination of indicators.

Conversely, it may be necessary to add questions to cover local issues. For example, some countries have particular problems coordinating forest management with a powerful competing interest, such as mining, agriculture, or trade. In those cases, a special question focusing on this conflict could be useful. Do not let the size of the indicator set discourage addition of indicators to cover locally important issues.

It may be necessary to split some questions. In particular, if more than one agency has significant management authority over forestland, it may be necessary to place a blank table after some questions to allow participants to record different answers for different agencies. This may be needed both in the case where authority is devolved and answers may differ for national, regional, or local agencies, and where authority is split, so that answers may differ for the agency managing production forests and the agency managing parks or wildlife reserves.

Finally, the organizers should review the scoring options for each question to be sure that the choices are adequate for the local context. The designers of the tool have tried to come up with choices that will work in most contexts, but it is unlikely any set would work in all contexts. Some scoring options may appear too limited or too leading. The organizers must look at each indicator and adjust the choices as needed.

The pilot tests took different approaches to customization, which illustrate the trade-off between using a large set of indicators or a smaller core set. In Uganda, the organizers had two days for the workshop. They trimmed the indicator set slightly, to just under 100 questions. They added a question on humane treatment of those arrested for forest crimes. (This question is now part of the standard indicator set.) Forest authority in Uganda is partially devolved and often split, so many of the indicators had to add tables to accommodate separate answers for separate forest agencies. Despite the trimming, and the division of the workshop into five working groups for scoring, some at the workshop complained that they needed more time to fully discuss and score so many indicators. Nonetheless, the resulting assessment was relatively comprehensive.

In Burkina Faso, with only one day for the workshop and a group of stakeholders who were, on average, less conversant with forestry issues than the stakeholders in Uganda, the organizers reduced the indicator set to 36 questions. The resulting assessment was useful, but not as detailed as in Uganda. The organizers partially compensated for the loss of detail by holding follow-up interviews with stakeholders and experts.

In Russia, the organizers chose to use the full indicator set. Some stakeholders found this to be too many questions to answer in the available time.

STEP 6: HOLD A STAKEHOLDER WORKSHOP

With a background report in hand and stakeholders identified, it is time to organize and hold a stakeholder workshop to score the indicators. Select a suitable date and venue and invite the stakeholders. The invitation can come from the organizers, from the sponsor, or from both.

It may not be possible to invite all stakeholders to the table. Those invited should reflect a balanced and varied sample of stakeholders. This set should include stakeholders that do not share common interests—the resulting diversity of opinion will enrich the workshop. Stakeholders who cannot be represented directly should ideally have capable proxies, such as NGOs devoted to conservation or rural development. Usually there is no shortage of government forest officials who have an interest in attending. A reasonable number of nongovernment stakeholders must be included so that no single interest dominates the workshop.

Before the workshop, provide stakeholders with a copy of the background paper and the set of indicator questions. If the paper is lengthy or the indicator set large, do not expect all the participants to have read all the materials before the workshop. It may be useful to include summaries with the material for those participants with limited time to prepare.

Appendix VIII contains a sample workshop agenda. The workshop may begin with official speeches of welcome from the sponsors and organizers. These may appear ceremonial, but they serve to reinforce the importance of the workshop in the minds of both the participants and the welcoming speakers.

The next task should be to present background on the forest sector and the process of diagnosing reform needs. Some of the participants will be broadly familiar with the sector and its governance issues. Others will have more narrow areas of expertise. Few will be familiar with diagnosis. The lead expert can give an overview of the background paper. The lead expert or one of the other organizers can introduce the idea of diagnosis of reform needs.

This will allow a natural transition to discussion of the tool to be used at the workshop. One of the organizers can present the tool and discuss how the participants will be scoring the indicators. Basically, the full group will divide into smaller working groups. Each working group will take a portion of the indicators. They will discuss each indicator and try to come to consensus on the best answer.

When presenting copies of the indicators to the participants, include the rationale and notes that come with the indicators. These will help participants understand and score the questions.

The aim of scoring the indicators in a workshop setting is to give the result a greater credibility among stakeholders. The group setting invites the participants to voice their own opinions and to listen to others. This protocol also calls for the scoring to be done by consensus if possible. Scoring the indicators by consensus encourages people to persuade one another and be open to persuasion. When the workshop results reflect a consensus of a broad cross-section of stakeholders, they carry greater weight.

Each group should have a facilitator and a reporter. To save time, before the groups meet, the organizers should select the facilitators and reporters for each group and confirm their participation.

If the lead expert and other organizers participate in group discussions, they may carry too much influence and skew the scoring. They should not be assigned to particular groups. On the other hand, it is helpful to have them circulate among the groups to be available to answer procedural questions or questions about the intent or scope of particular indicators.

The group members should carefully read each indicator that they have been assigned, including its rationale and any scoring notes provided by the organizers, and then try to reach a consensus score. Complete consensus on every indicator is too much to expect. If a consensus is not possible, the reporter should record a majority position and minority position. To promote candid discussion of potentially sensitive topics, the reporter should not identify who took each position. However, the reporter should try to capture differences or nuances of opinion within the group, as well as the indicator score. The process may draw attention to some deep and persistent conflicts in the sector, which potential reformers will want to be aware of and which merit discussion in the eventual report on the workshop.

The schedule should allow groups sufficient time to discuss and answer each question. The amount of time needed will depend on several factors: the size of the working group, the culture of the participants, and the degree of controversy concerning the scores.

If the groups are larger, the number of questions is larger, or the time available shorter, the nature of the discussion will change. Individuals will have less opportunity to comment. It will be more difficult to work through differences of opinion. For that reason, it may be better to reduce the number of questions that must be scored rather than rush the participants through the process.

The groups should also be asked to flag a small number of indicators that touch on areas that are the highest priority for reform. These priority areas will indicate the gaps in governance that most urgently need attention. This flagging may also suggest a subset of indicators that could be used to monitor the progress toward reform.[5]

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[5]   Although the indicators in this tool can be adapted to monitor reforms, the potential pool of monitoring indicators is much larger. These include quantitative indicators that are not in this tool's primary set because they are not universal or not by themselves indicative of needed action. For example, if the general indicators point out that forest agency accounts are not routinely audited, then an indicator like "percentage of district forest office accounts independently audited last year" might be useful for monitoring reforms in this area.

After the groups score their questions, they should share their results with the full workshop and take questions on their findings. This will inform the other workshop members and give people a chance to make short comments on issues that are important to them but that fell outside the questions assigned to their group. The organizers should try to capture the highlights of this discussion.

If time allows, the stakeholders should be offered an opportunity to discuss policy recommendations that they would make, based on scoring and priorities coming out of the group. Furthermore, they should be encouraged to propose concrete solutions to the specific problems they have identified. The stakeholders may also want to discuss the pros and cons, and who wins and who loses, under various reform scenarios. This would take the workshop beyond diagnosis into the succeeding stages of policy development.

Whether or not the stakeholders engage in these advanced discussions, the workshop should close with an explanation of how the results will be used, and an expression of thanks from hosts and organizers.

At the original test in Uganda, the participants were split into working groups of about six to eight people, with each group given about 20 questions to score. The participants had about five hours for the task, not including breaks for lunch and coffee: about 15 minutes per question. The groups were asked to both score the questions and identify priority indicators. This proved a tight but workable arrangement.

In Burkina Faso, groups of about 15 people had three hours to score 12 questions: again, about 15 minutes per question. Rather than discuss and agree upon priorities in the groups, the participants were asked individually to identify priorities and give recommendations for reform during the subsequent plenary session. After the workshop, the organizers held one-on-one meetings with stakeholders and experts to further discuss governance problems and reform options.

In Russia, the organizers held a series of four regional workshops. When these were complete, representatives from each workshop attended a central workshop to share, compare, and compile their findings. The Russians also asked a set of experts to independently score the indicators. The organizers expected that the expert opinions would help advance overall discussion of the results and give the results greater weight in the eyes of government decision makers.

STEP 7: PRODUCE A REPORT

As soon as possible after the conclusion of the workshop, the organizers should prepare a report of the workshop findings. The report should include a general summary of the strengths and weaknesses identified, plus a detailed listing of how the participants scored each indicator, as explained in their notes or presentations.

Normally, the report should be written to inform and influence an audience that includes the sponsors of the exercise and the decision makers who would act on the results. These decision makers will often be in government, but they could also be leaders of civil society organizations, large industrial interests, or landowners.

The workshop will probably produce findings that are too detailed to hold the interest of top-level policy makers. Because the indicators follow the organization of the PROFOR-FAO framework, the report writers should be able to summarize the highlights of the workshop in the answers to three broad questions:

- How good are the forestry policies, laws, and institutions on paper?
- How good are the decision-making processes that affect forests?
- How well are the policies, laws, and institutions working in practice?

These questions can form the heart of the report's executive summary. It may be useful to summarize this information graphically in the form of "spider-web" diagrams or bar charts, which illustrate the governance gap between the ideal possibility and the actual state for key components of governance (see appendix IX for an illustration of the two approaches).

Where the workshop has identified particular gaps in governance, the writer can look to the rationales in the indicator set to help explain why addressing these gaps is important. Including details, such as naming specific laws, policies, norms, and international agreements that are not being given full effect, can also add weight to the report.

If the report includes stakeholders' recommendations for reform, the report should try to remain practical and not lose sight of the constraints of local context.

Based upon the pilot test workshop in Uganda, appendix X offers a sample outline for a workshop report.

STEP 8: VALIDATE AND DISSEMINATE THE REPORT

After the workshop, continued stakeholder involvement, transparency, and dissemination of information will help strengthen the power of the assessment.

It is useful to validate and revise the report before sharing it widely. A good first step is to share a draft with workshop participants, to allow corrections of any errors.

Inevitably, not all stakeholders will be well represented at the stakeholder workshop. The organizers can make a point of reaching out to underrepresented groups, sharing an early draft of the report (or even an oral summary of the workshop), and soliciting their views. The information gained from these meetings can be added to a new section of the workshop report (perhaps, "Initial Reactions to Workshop Findings") and can influence the overall findings of the diagnostic assessment. These consultations will serve the dual purposes of improving the quality of the assessment and increasing stakeholder confidence in the process.

The organizers may need to formally deliver a final version of the report to the sponsors of the assessment. However, for the sake of transparency, the final report should be made widely available to anyone interested in forest governance.

The validation process was especially useful in the pilot test in Burkina Faso, where the limited time available for the workshop made it difficult to explore issues in depth. Even before a final workshop report was ready, the organizers met with key stakeholders and informants, described the workshop process and findings, and sought additional insights. These greatly enriched the final report.

In Uganda, the organizers made the final report freely available to interested parties. It was quickly taken up and cited by a major donor evaluating sector reform needs.

In Kenya, where contractors organized a similar forest governance assessment based on a World Bank framework, they gave the report to the government and relied on the government to disseminate it among forest officers. To their disappointment, they later found that the report was not provided to field officers, who would be highly involved in any implementation of reforms.

STEP 9: CHART FOLLOW-UP ACTIONS

Participation in active discussions of reform may increase stakeholders' desire for change. Scoring the indicators through a workshop will raise expectations that the organizers and sponsors have an

interest in reform and will continue to be engaged in reform activities. The organizers should honor these expectations if possible.

Follow-up activities might include efforts aimed at—

- Producing updated policies or legislation
- Improving implementation of existing policies and laws
- Building capacities of stakeholders to participate in governance and increase accountability of government
- Monitoring the pace and extent of reforms.

It is beyond the scope of this guide to offer a complete set of stratagems to advance reform. However, this guide can offer a few general suggestions.

In planning follow-up actions, it can be useful to remember that diagnosis is only the first step in the cycle of policy. Logical next steps include developing options to address the diagnosed weaknesses and analyzing the strengths and weaknesses of the options. This might include a political economy analysis, identifying who will gain and who will lose from possible reforms.

Another useful way to plan follow-up activities is to develop a theory of change, which is a practical plan or roadmap to achieve the desired reforms. To create such a plan requires—

- Identification of some goals, based on the output of the diagnostics
- A "backward mapping" of conditions necessary to achieve each goal: e.g., to achieve our goal of Z, we need to have Y in place; to achieve Y we need X; and so forth
- Identification of practical steps ("interventions") that the organizers or like-minded collaborators can do to achieve each condition in turn
- Identification of indicators to monitor progress toward accomplishing the change
- Producing a narrative to explain to stakeholders and other interested parties the plan to move forward.[6]

Planning of this sort will generally show that follow-up will not be quick or without controversy. Neither will it proceed all at once. Some problems of forest governance are narrow and can be addressed quickly and individually. Others are somewhat larger and require more effort. Still others are deeply entrenched or extend beyond the sector and require sustained attention or careful coordination. Even though the assessment encourages looking at governance comprehensively, be prepared for specific reforms to proceed at their own pace.

Reform will require the support of many. This includes people with social, economic, and political stakes in the matter. In the field tests, donors and development agencies have been catalytic in initiating the diagnostic assessments, but in-country support, especially by the government, has been essential. Structuring the assessment and recommendations (and ensuing dialogue) in a way that holds the government responsible for its own international commitments, laws, and stated policies provides high levels of legitimacy to those pushing for reforms.

Follow-up can sometimes be linked with international initiatives supporting reform, like REDD+,

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6   Adapted from http://www.theoryofchange.org/about/how-does-theory-of-change-work/toc-process/. For practical details on how to develop and apply a theory of change, see theoryofchange.org.

Forest Law Enforcement and Governance (FLEG), and Voluntary Partnership Agreements (VPA). The organizers should also promote partnerships and other processes that strengthen reform, insist upon transparency and accountability, and support key players willing to lead change.

It may be necessary to manage stakeholder expectations concerning follow-up. Diagnosis does not guarantee resources for follow-up actions. Stakeholders' wishes may go beyond what is economically or technically possible. If stakeholders expect reform but get only diagnosis, that may breed skepticism and apathy, making eventual reform efforts harder. One way to minimize this is to be candid with stakeholders about the limitations of this exercise and to remind them that reforms will require further work and engagement.

VARIATIONS ON THE PROTOCOL

The designers of this tool believe that the best way to score the indicators is through a stakeholder workshop. The workshop engages stakeholders, taps their varied knowledge, and excites their interest in reform. Although the workshop may bring conflict to light, it can also encourage communication and identify areas of consensus. The result can be politically robust, even if it cannot claim to be statistically objective.

It is possible to take the indicator set, or even the underlying framework, and score it in other ways, such as an opinion survey or expert evaluation. Other sources of information for scoring include utilizing—

- Published statistics on forests, trade, litigation, etc.
- Published organizational charts, budgets, plans, and reports for the sector
- Scholarly literature
- Assessments published by news media, independent monitors, or stakeholders
- Key informant interviews
- Focus groups.

In some contexts (for example, where the forest administration is highly technocratic), the government may view the output of the stakeholder workshop as subjective or unscientific. In those contexts, some of these other sources will carry greater weight than stakeholder opinion.

And even in contexts where stakeholder opinions command respect, these other sources can sometimes be combined with the stakeholder workshop to provide information to the workshop participants, corroborate workshop results, or fill in gaps left by the workshop. For example, in the Kenyan assessment mentioned above, the organizers developed a full assessment based on published material, interviews with informants and expert evaluation, and then they validated the findings in a stakeholder workshop. In the pilot run of the tool in Burkina Faso, the workshop had to be held in one day, which was too short a time to score all the indicators that the organizers wanted to score. Follow-up interviews with key informants helped the organizers fill in the gaps. The Russian pilot testers used expert evaluations of the indicators as a second, parallel means of scoring. Some Russian participants suggested that the indicator set could be stratified, with the most technical aspects given over to expert evaluation, or with certain questions reserved for stakeholders with knowledge or experience in the questions' subject.

4 CONCLUDING OBSERVATIONS

This guide presents a practical tool for measuring forest governance. Applied diligently, it can provide a foundation for purposeful reforms.

Using the tool will have several benefits. It will provide a platform for discussion of problems in the sector. It will increase communication among stakeholders. Stakeholders will educate each other about problems and viewpoints in the field. And when the stakeholders participate candidly and openly, the tool produces robust information on the state of governance.

The tool by itself does not ensure comprehensive reform. Designing, debating, and implementing reform is a multifaceted process. It depends upon many factors that go beyond the scope of measurement.

However, broad diagnosis of gaps in governance is a valuable first step in any program of reform. It is hoped that those seeking better outcomes in the forest sector will find this tool useful and productive.

REFERENCES

Bonkoungou, Edouard and Nalin Kishor. 2012. *The Quality of Forest Governance in Burkina Faso: A first analysis of strengths and weaknesses.* Working Paper (In French and English). Washington DC: Program on Forests (PROFOR)

Food and Agriculture Organziation (FAO). 2011. *State of the World's Forests.* Rome: FAO.

Kishor, Nalin, Tapani Oksanen, Ken Rosenbaum, and Michael Gachanja. 2012. "The Role of Forest Governance Diagnostics in Governance Reforms: Lessons from Three African Countries." *European Tropical Forest Research Network Newsletter*, No. 53.

Kiyingi, Gaster. 2010. "Forest Governance Reforms in Uganda," Draft Workshop Report, PROFOR, Washington, DC, July. www.profor.info/profor/sites/profor.info/files/Forest-governance-workshop-Uganda2010.pdf

Oksanen, Tapani, Michael Gachanja, and Anni Blasten. 2011. "Strategy Note for Forest Governance Reform in Kenya for the 'Miti Mingi Maisha Bora—Support to Forest Sector Reform in Kenya' (MMMB) Programme," Helsinki: Indufor. May 23.

Program on Forests and Food and Agriculture Organization (PROFOR-FAO). 2011. *Framework for Assessing and Monitoring Forest Governance*. Rome: PROFOR and FAO. www.profor.info/profor/sites/profor.info/files/ForestGovernanceFramework_0.pdf

Republic of Uganda. 2010. Five Year National Development Plan 2010-15. Kampala: Republic of Uganda.

Transparency International. 2011. *Corruption Perceptions Index 2011*. Berlin: Transparency International. www.transparency.org/content/download/64426/1030807

World Bank. 2009. "Roots for Good Forest Outcomes: An Analytical Framework for Governance Reforms," Report No. 49572-GLB, Agriculture and Rural Development Department, Sustainable Development Network, World Bank, Washington, DC. http://siteresources.worldbank.org/INTARD/214578-1253636075552/22322823/ForestGovernanceReforms.pdf

———. 2011. *World Development Indicators.* Washington DC: World Bank. http://siteresources.worldbank.org/DATASTATISTICS/Resources/wdi_ebook.pdf

APPENDIX I:
TIMEFRAME FOR ASSESSING FOREST GOVERNANCE

Weeks 1-2	• Letter of agreement between organizer and official sponsor • Identification of lead expert
Weeks 3-6	• Identification of stakeholders and issues • Preparation of initial assessment report
Weeks 5-7	• Customization of questionnaire
Weeks 8-9	• Dissemination of assessment report to stakeholders and invitation to workshop
Weeks 12	• Stakeholder workshop
Weeks 13-14	• Finalization of workshop report
Weeks 15 onward	• Discussion with sponsor/government • Further validation and verification with stakeholders, etc.

APPENDIX II: EXPERIENCES IN UGANDA AND BURKINA FASO[7]

The tool was applied in Uganda and Burkina Faso with the support of PROFOR. In both countries, the assessment was undertaken with the consent or sponsorship of the government. In each, the process involved individual experts and consultation with a broad collection of stakeholders in a consensus-oriented workshop. In each, a local lead expert prepared a background report, which was shared with stakeholders. In workshops led by a local facilitator (June 2010 in Uganda; October 2011 in Burkina Faso), the stakeholders then scored a set of indicators customized for their country (by a study team of PROFOR/World Bank staff and local experts). In Uganda, the workshop lasted two days and scored and prioritized almost 100 indicators. The facilitator and lead expert then prepared a report on the findings of the exercise (Kiyingi 2010), which in July 2010 the study team shared with the government and others. In Burkina Faso, because of time constraints, a one-day workshop scored 36 indicators. The study team collected additional information through stakeholder interviews. .

Country Context[8]

Burkina Faso

Burkina Faso is a low-income country (annual per capita income, $253). It also has poor governance, with a Corruption Perceptions Index (CPI) score of 3.0 (on a worst-to-best scale of 0 to 10) and ranking of 100 (out of 183 countries). Almost 21 percent of the country's area is dry savannah forests, contributing 3.65 percent to the gross domestic product (GDP). Deforestation is estimated at 1.0 percent a year and forest depletion[9] is estimated at 1.6 percent of GDP. The country has experienced continued degradation of its natural resources (forests, farm and grazing lands, lakes, and rivers) on which nearly 90 percent of the population depends for their living. Combating environmental degradation is one of the pillars of Burkina Faso's Ten-Year Action Program on the Environment and Standard of Living.

Burkina Faso is also one of eight countries chosen as a pilot for the Forest Investment Program (FIP).[10] Under this program, Burkina Faso could be allocated as much as $30 million for the preservation and increase of carbon stocks, with poverty reduction through sustainable management of forest resources. Poor governance has been identified as one of the most important causes of deforestation. Clearly, improving forest governance is critical to FIP, giving Burkina Faso's Ministry of Environment and Sustainable Development (MEDD) a strong motive for using the forest governance diagnostic tool.

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[7] Adapted from a discussion originally published in the newsletter of the European Tropical Forest Research Network (Kishor et al. 2012).

[8] In the discussion below, unless otherwise indicated, the figures for per capita income, forest contribution to GDP, and forest depletion come from World Bank (2011); the figures for forest area and deforestation come from World Bank (2011) or FAO (2011); and the CPI rankings come from Transparency International (2011).

[9] Forest depletion represents estimated loss of future income and value that could have been realized through sustainable management.

[10] The Climate Investment Funds—consisting of two separate funds, the Clean Technology Fund and the Strategic Climate Fund—are instruments channeled through several international organizations, one of which is the World Bank, aimed at assisting developing countries to promote sustainable management of forests, increase energy access through renewable energy, and mainstream climate-resilient development. The Forest Investment Program is one such endeavor.

Uganda

Uganda's per capita income is estimated at $320. It too suffers from poor governance with a CPI score of 2.4 and overall ranking of 143. Forests account for 15.2 percent of the country's land area, with a deforestation rate of 1.6 percent a year and depletion rate of 4.7 percent. Even so, Uganda is counting on its forests to contribute more to the nation's economy. Uganda's latest five-year development plan (Republic of Uganda 2010) identifies forestry as a key primary growth sector. Further, the country anticipates additional income from REDD+, which will require commitments to maintain and increase forest cover. Many forest stakeholders acknowledge governance failures like political interference, corruption, and low respect for the rule of law. Improving governance is therefore a high priority.

Findings

The indicators in these two pilots were organized under the five-pillar World Bank framework rather than the three-pillar PROFOR-FAO framework used in the main body of this guide. The findings below reflect the five-pillar organization.

Burkina Faso

Stakeholders in Burkina Faso were candid in discussing both strengths and weaknesses of governance (Bonkoungou and Kishor 2012).

They perceived transparency, accountability, and public participation as quite strong, but saw room for improvement. The downward flow of information is weak. Stakeholders have opportunities to express their interests but do not participate fully due to lack of awareness.

Stakeholders reported some serious community/government and community/community conflicts. Conflicts usually take a long time to resolve and sometimes prevent sustainable use of the forest.

Regarding forest administration, the country got high scores on its commitment to the environment and the implementation of forest-related international conventions. However, mechanisms for cross-sectoral and interagency collaboration do not work well. Field foresters have inadequate resources, and up-to-date forest resource inventory information is largely unavailable (although a new inventory is currently under way). In addition, some stakeholders mistrust the forest agency, and political interference occasionally hampers management.

Regarding legislation and rule of law, the law clearly calls for sustainable forestry and clearly recognizes traditional and indigenous rights. The country's approach to forest law enforcement is adequate (although inter- and intra-agency collaboration needs improvement). However, there are weaknesses including lack of clarity on sharing benefits with local communities, conflict resolution processes that are hard to access or unfair, and forest boundaries that are unsurveyed or unmarked.

Regarding economic efficiency, equity, and incentives, stakeholders observed that government policies and decision making give serious consideration to ecosystem services and traditional uses of the forest. Also, forest-dependent communities generally consider their access to forest resources to be fair. However, the government's ability to track expenditures is weak, as is its capacity to assess the impacts of such expenditures.

Uganda

Workshop participants observed that Uganda has good policies, laws, and plans but lacks good implementation. Participants complained of political interference, corruption, lack of capacity, inadequate attention to private and community forests, inadequate attention to fuelwood, pressures

to generate revenue from public forests, and lack of professional leadership. The workshop identified several priorities for action (Kiyingi 2010).

Regarding transparency and accountability, Uganda needs to improve the collection, packaging, and dissemination of information about the forests, including private and communal forests. The government does involve forest-dependent communities in planning but also needs to involve them in management.

Regarding institutions and conflict, plans and budgets must give priority to addressing the main drivers of deforestation. Also, forest managers and users must resolve some long-standing conflicts, made worse by political interference.

Government forest administration should aim to increase accountability and restore public confidence. This will require independent auditing of agencies and improved reporting on forest management actions and outcomes. The government should insulate nonpolitical aspects of forest management from political interference and should appoint only technically qualified people to forestry boards. Also, the government needs to better coordinate forest policies, plans, and practices with other sectors.

Regarding the rule of law, the government needs to actually implement existing policies and laws, which now often fall victim to manipulation, circumvention, corruption, or limited agency resources. Also, the law should clarify the ownership of nontraditional resources, particularly carbon.

Regarding economic efficiency and equity, distribution of benefits must be more equitable, and forest prices should reflect environmental costs of production. Forest owners and users must be secure in their property rights, and businesses must be able to rely on enforcement of contracts. Management, harvest, and processing should adopt appropriate technology and follow best practices.

Follow-up

The assessments unearthed new information, transparency and accountability gaps, and institutional challenges that impede good governance. Each raised the profile of these issues and highlighted the need for reform. The discussion below describes how each country is handling the assessment as of May 2012.

Burkina Faso

The study team has finalized a report (Bonkoungou and Kishor 2012) which will be presented shortly to the Ministry for Environment and Sustainable Development for further discussion and consultation with development partners.[11] This should lead to priority setting. Many of the highest-priority needs should be addressed as components in the country's FIP Plan, to be implemented over the next three to four years.

Uganda

The study team discussed the results of the workshop in follow-up meetings with donors, stakeholders, and government officials. The team presented a workshop report to the government, listing priorities and concrete steps that the government could take to address them.

The Norwegian Agency for Development Cooperation drew upon the report in its own assessment of reform needs, and the Ugandan government referenced the report in its REDD+ plans. However, 18 months after the workshop, there have been few reforms.

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[11] The World Bank and the African Development Bank (as the key development partners) and the MEDD are strongly interested in the diagnostics assessment because it would provide critical inputs into the formulation of the FIP investment projects.

APPENDIX III: SAMPLE INDICATOR SET[12]

PILLAR 1: POLICY, LEGAL, INSTITUTIONAL, AND REGULATORY FRAMEWORKS[13]

1.1 FOREST-RELATED POLICIES AND LAWS

1.1.1 Existence and quality of policies, laws, and regulations governing forest use and management

1) Does the country have a national forest policy/strategy?

Rationale

The existence of a national policy indicates political will to manage forests well. Without a clear set of policy directions, a country is unlikely to conserve its forest resources over the long run. Market forces alone may drive people to use forest resources unsustainably. By including environmental and social issues (which are not always reflected in markets), a strategy sets the direction for sustainable forest management and use.

POSSIBLE RESPONSES:	
a) There is a formal policy or strategy adopted at a high level, for example, by the legislature or head of government.	
b) There is a formal policy adopted by the forest agency.	
c) There is a well-understood informal policy of forest management or development.	
d) There is no official forest policy, formal or informal.	

2) Does the forest law include a specific statement that it is the policy or objective of the country to practice sustainable forestry?

Rationale

A policy statement on sustainable forestry in the law might not be directly enforceable, but it serves at least two purposes. First, it creates a commitment that ministers and bureaucrats cannot lightly reverse. If they act contrary to the law's policy, they open themselves to attack in the court of public opinion, even if the law courts will not directly enforce a policy statement. Second, the courts will look at declarations of policy when interpreting other parts of the law. If a part of the law could be read two ways, the courts will try to adopt the interpretation that is consistent with the declared policy.

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[12] This Appendix was compiled by Nalin Kishor, Kenneth Rosenbaum and Godfrey Alumai.

[13] Except where noted, the numbered components and subcomponents under each pillar in this Appendix follow the wording and organization of the framework set out in PROFOR and FAO (2011) and reprinted in Appendix IV.

NOTES

Some examples:

Kenya's Forests Act of 2005 has the statement of policy in the recital that begins the act:

Recognising that forests play a vital role in the stabilisation of soils and ground water, thereby supporting the conduct of reliable agricultural activity, and that they play a crucial role in protecting water catchments in Kenya and moderating climate by absorbing green house gases;

AND further recognising that forests provide the main locus of Kenya's biological diversity and a major habitat for wildlife;

AND Acknowledging that forests are the main source of domestic fuel wood for the Kenyan people, and that they provide essential raw materials for wood based industries and a variety of non-wood forest products;

AND WHEREAS Kenya is committed to the inter-sectoral development and sustainable use of forestry resources and is committed under international conventions and other agreements to promote the sustainable management, conservation and utilisation of forests and biological diversity:

Liberia's National Forestry Reform Law of 2006 has a recital of policy, but it also has specific provisions declaring how sustainability and other policy considerations should influence administration of the law:

Section 3.1 Objectives of Forest Management

a. The Authority shall exercise its powers under this Law to assure sustainable management of the Republic's Forest Land, Conservation of the Republic's Forest Resources, protection of the Republic's Environment, and sustainable development of the Republic's economy, with the participation of and for the benefit of all Liberians, and to contribute to poverty alleviation in the Nation.

b. To protect the Environment, the Authority shall take a precautionary approach to the exercise of its powers under this Law. Where there are threats of serious or irreversible damage to the Environment, the Authority shall not rely on a lack of full scientific certainty as a reason for postponing cost-effective measures to prevent environmental degradation.

Costa Rica's Forest Law (No. 7575) Article 1 is titled "Objectives" and begins,

The present law establishes how essential and priority functions of the state watch over the conservation, protection, and administration of natural forests, and over the development, industrialization, and promotion of forest resources of the country intended for those ends, in accord with the principle of adequate and sustainable use of renewable natural resources.

POSSIBLE RESPONSES:	
a) Yes.	
b) No.	
c) Don't know.	

3) Do forest development plans and budgets address the main drivers of deforestation and forest degradation?

Rationale

Forest sector planning may focus on land management and industrial development when the true need is to address larger issues, such as encroachment and migration, demand for fuels and fiber,

illegal activity and corruption, or unresolved conflicts. If plans and budgets do not prioritize activities that address the drivers of forest loss, then sustainable management will be impossible.

POSSIBLE RESPONSES:	NATIONAL DEVELOPMENT PLAN	NATIONAL FOREST PLAN	SECTOR INVESTMENT PLAN	FOREST MANAGEMENT PLANS
Addressing the drivers of deforestation and degradation appears to be high on the list of priorities in forest development plans and budgets.				
Addressing the drivers of deforestation and degradation appears to be given the same level of priority as other activities in forest development plans and budgets.				
Addressing the drivers of deforestation and degradation appears to be low on the list of priorities in forest development plans and budgets.				

4) In forest sector policy making and planning, do the ministries in charge take into consideration activities on private forestlands?

Rationale

The government may only have direct control over public forests, but to understand the outcomes of sector activities, planners must consider activities on all forestlands, including lands controlled by individuals, groups, or businesses.

POSSIBLE RESPONSES:	
a) Planners always consider activities on private forestlands and the resulting plans reflect that consideration.	
b) Planners usually consider activities on private forestlands.	
c) Planners sometimes consider activities on private forestlands.	
d) Planners rarely or never consider activities on private forestlands.	

5) Does the country's national forest policy/strategy recognize the role of the private sector?

Rationale

Broadly speaking, the private sector has an increasing role in sustainable forest management. This includes production of timber and other forest products but may also span functions such as inventorying, management of national parks, running chain-of-custody systems, revenue collection, forest monitoring, etc.—traditionally considered to be the preserve of the forest departments. In some cases entrusting these functions to the private sector allows government resources to focus more effectively on oversight, regulation, and policy making.

A forest policy or strategy should reflect consideration of issues like these:

- Would the country benefit from more private investment in forests, and if so, how can the country attract or encourage that investment?

- Does the country have adequate capacity to oversee or regulate private investment and activity in the forest sector, and if not, what steps does the country need to take to have that capacity?

- Are there forest-related functions in the public sector that ought to shift to the private sector, or vice versa? For example, should the private sector be engaged in forest management planning on public lands, through long-term concessions or even sale of land rights? Should the government be acquiring private land rights to create more public lands? Should the private sector take over government tree nurseries? Should the government provide loans to forest industries?

POSSIBLE RESPONSES:	
a) The country's forest strategy recognizes the contribution and role of the private sector and explicitly includes mechanisms directed at fostering an appropriate role for the private sector.	
b) The country's forest strategy recognizes the existence of the private sector but it does not give the private sector appropriate weight, and the strategy fails to foster an appropriate role for the private sector.	
c) The country's forest strategy largely ignores the private sector.	

6) Do government policies consider non-market values, such as ecosystem services and traditional social uses of the forest?

Rationale

Markets do not fully capture the value of forests. For optimal use of resources, forest policy must consider social, economic, and environmental aspects of forests.

NOTES

Non-market values of the forest would include ecosystem services such as water supply, soil conservation, biodiversity, carbon sequestration, and so forth. Traditional social uses of the forest might include spiritual and religious uses, forest-dependent livelihoods, or aesthetic values.

Some of these resources might be partially covered by markets, including emerging markets.

POSSIBLE RESPONSES:	
a) Government policies always consider non-market values of the forest.	
b) Government policies mostly consider non-market values of the forest.	
c) Government policies sometimes consider non-market values of the forest.	
d) Government policies rarely or never consider non-market values of the forest.	

7) Does the forest law require the government to inventory the public forests and create plans for them?

Rationale

Inventories and plans are essential to forest management. Requiring them in the law puts pressure on two groups: the forest agency itself, and the planners and elected officials who determine the forest agency's funding.

NOTES

The forest law provision should be something more specific than a provision calling for sustainable management. The law should specifically call for inventories and management plans. A provision that phases in a requirement for inventories or plans over a reasonable period is acceptable.

Ideally, the forest agency or the agency and the concession-holders managing the forest should be preparing two kinds of plans: long-term management plans and short-term operational plans. This question deals with long-term planning: plans that discuss management operations for five to ten years and project impacts over a longer timeframe.

Ideally, inventories should cover both marketed and non-marketed forest resources and should draw on traditional uses or knowledge; however, a requirement for timber inventories is sufficient for the purposes of answering this question.

POSSIBLE RESPONSES:	
a) The law requires both inventories and long-term management plans.	
b) The law requires inventories or plans but not both.	
c) The law requires neither inventories nor plans.	

8) When the government procures or consumes forest products, does the law require it to verify that these are legally produced?

Rationale

The government, as a consumer and regulator of forest products and services, can help prevent illegal resource use by demanding that the resources for its own consumption are legally produced.

NOTES

Part of the answer to this question will probably be found in the procurement laws rather than the forest laws.

POSSIBLE RESPONSES:	
a) The law requires that all forest products for the government's own use be legally produced.	
b) The law has these requirements for many products, such as timber, but not for all products.	
c) The law has these requirements for just a few products.	
d) The law does not have these requirements.	

9) Where the law grants discretion to government officials, does the law include standards for exercise of that discretion?

Rationale

The law should include limits on the exercise of agency authority and ways to enforce those limits. Otherwise, the door is open to exercise of discretion without accountability. Such a situation is particularly conducive to corruption.

NOTES

In actual practice, the law may have different standards for different kinds of agency decisions. For high-level policy decisions, the standards are often general, such as requiring the action to be consistent with sustainable development. Some lower-level decisions, such as those involving protected areas or endangered species, might have quite specific substantive standards: no disturbing, no harvesting, etc.

The law may also have varying levels of procedural standards. These may require consultation with stakeholders, or environmental impact assessment, or a written justification for a particular decision.

POSSIBLE RESPONSES:	
a) The law has clear and specific standards governing forest agency decisions.	
b) The law has specific standards in some areas and broad standards in others.	
c) The law includes only broad, general standards, such as a requirement to act in the public interest.	
d) The law grants authority to the government but without standards on the use of that authority.	

1.1.2 Clarity and coherence of policies, laws, and regulations governing forest use and management

10) Are the laws governing use of forest resources consistent and clear?

Rationale

Good legislation is the foundation of a working, rule-of-law system of administration of the forests. Laws should not conflict with each other and should be well written and unambiguous.

NOTES

The answer to this question could come directly from examination of the laws or indirectly from knowledge of controversies over the meaning of the laws.

POSSIBLE RESPONSES:	
a) In general, the laws are consistent and clear.	
b) Some of the laws are confusing or conflict with each other.	
c) Most of the laws are confusing or in conflict.	

1.1.3 Extent to which forest-related laws and regulations facilitate effective and efficient implementation and avoid overreaching and unnecessary requirements

11) Are the laws governing forestry simple or cumbersome?

Rationale

The law should not burden forestry unduly. Heavy procedural requirements can discourage or delay forest management or create unnecessary opportunities for corruption.

NOTES

This question focuses on the procedures that landowners (both private and the government) face for approval for management plans, permits, or licenses, and on substantive requirements such as forest practice codes. It is acceptable for the law to place requirements on forest activities to ensure sustainability, discourage corruption, and secure other public benefits, but it should not impose requirements that are tangential to such objectives. Factors that make compliance hard might include high fees, complex procedures, or requirements for high-level or multiple official approvals.

POSSIBLE RESPONSES:	PVT.	PUBLIC
a) The laws governing forestry are simple and compliance is easy.		
b) Some of the laws governing forestry are complex, but overall, compliance is not hard.		
c) Many of the laws governing forestry are complex, to the point where they discourage compliance.		

1.1.4 Extent to which policies and laws support adaptive forest management

12) Do forest policies and laws incorporate adaptive forest management?

Rationale

The Addis Ababa Guidelines on the Convention on Biological Diversity call for countries to practice adaptive management based on science and traditional local knowledge, using feedback from monitoring to adjust and improve management activities.

NOTES

Adaptive management requires a forest manager to (1) identify uncertainties about how the forest will react to management; (2) design management actions as practical experiments to help expand knowledge and reduce future uncertainty; (3) carefully and objectively monitor the results of management actions; and (4) use the resulting information to improve management of resources. Thus, if the forest policies and laws of a country support adaptive management, it will help ensure sustainable management of its forests overall.

POSSIBLE RESPONSES:	
a) Forest policies and laws require adaptive forest management.	
b) Forest policies and laws are silent on adaptive forest management but they do not prevent it.	
c) Forest policies and laws interfere with adaptive forest management.	

1.1.5 Consistency of forest laws with relevant international commitments and obligations

13) Has the country signed and ratified key forest related conventions (CITES, Convention on Biological Diversity, Convention on Combating Desertification, Ramsar (Wetlands), and key regional agreements)?

Rationale

This is an indicator of political commitment to address sustainability issues. Widely adopted treaties represent the closest thing available to international norms for resource management and environmental protection.

NOTES

This question looks at whether the country has committed to follow a treaty. Formal commitment may require that the country do more than sign the treaty. Often a country is not committed until it ratifies a treaty. Sometimes countries sign a treaty "with reservations." Whether a country has specific reservations does not matter here.

The first three responses apply if the country has committed to most or all of these treaties. The last response applies if the country has made few formal commitments.

POSSIBLE RESPONSES:	
a) The country has committed to follow the requirements of all these treaties.	
b) The country has committed to follow most of these treaties.	
c) The country has committed to follow some of these treaties.	
d) The country has not committed to follow any of these treaties.	

1.2 LEGAL FRAMEWORK TO SUPPORT AND PROTECT LAND TENURE, OWNERSHIP, AND USE RIGHTS

1.2.1 Extent to which the legal framework recognizes and protects forest-related property rights, including rights to carbon

14) Beyond land and vegetation, is the ownership of other resources tied to the land (e.g., carbon, genetic resources, wildlife, water, minerals) clear?

Rationale

Old rights systems do not always fit evolving uses of the forest. The law should clarify who has the right to emerging resources.

NOTES

In some places, these new resources will belong to whoever owns the rights to the land; however, this is not the only possible ownership regime. Some of these resources may belong to the state. Some may be subject to complex licensing or priority systems that are independent of land ownership.

POSSIBLE RESPONSES:	
a) The law clearly determines who has the rights to resources like carbon, genetic materials, wildlife, water, and minerals.	
b) The law clearly determines who has the rights to some of these resources.	
c) The law is silent on who has the rights to these resources.	

1.2.2 Extent to which the legal framework recognizes customary and traditional rights of indigenous peoples, local communities, and traditional forest users

15) Does the law recognize traditional and indigenous rights to forest resources?

Rationale

Rural forest users often rely on informal or traditional rights. Formal legal regimes that ignore traditional rights will frustrate local expectations and produce conflict or resentment.

In answering this question, consider a broad variety of potential traditional rights. Depending on history, local culture, and forest use, these might include things like access to grazing, protection of sacred areas, or right to collect honey.

POSSIBLE RESPONSES:	
a) The law generally recognizes traditional and indigenous rights.	
b) The law recognizes traditional and indigenous rights in most cases.	
c) The law recognizes traditional and indigenous rights in less than half of the cases.	
d) The law does not recognize traditional and indigenous rights.	

1.2.3 Consistency between formal and informal rights to forest resources

16) Are formal and informal rights in conflict?

Rationale

Consistency between formal and informal rights is a matter of equity and contributes to reducing tensions in the use of forest resources.

POSSIBLE RESPONSES:	
a) The law fully harmonizes formal and informal rights to forest resources.	
b) The law partially harmonizes formal and informal rights to forest resources.	
c) The law is unsuccessful at harmonizing formal and informal rights to forest resources.	

1.2.4 Extent to which the legal framework provides effective means of resolving disputes by due process

17) Does the law provide effective means to resolve disputes related to land tenure, ownership, and use rights?

Rationale

No matter how well-crafted the laws and policies relating to the use of forest resources are, disputes will arise, and the law must provide for effective approaches for their resolution; else the entire system of management of forests for multiple uses by multiple users will be threatened.

NOTES

In answering this question, the provisions of the law should be assessed against the potential scale of the disputes, and the actors who could be involved (individual vs. individual, individual vs. community, community vs. state, etc.).

POSSIBLE RESPONSES:	
a) In general, the law provides effective means to resolve disputes.	
b) The law provides effective means to resolve most disputes.	
c) The law provides effective means to resolve some disputes.	
d) The law is not effective in resolving disputes.	

1.2.5 Devolution of management authority (New sub-component proposed)

18) Does the law include ways for local communities to share or obtain management authority over some public forests?

Rationale

Sharing authority with local communities can promote equity, sustainable development, and legal use of the forest. There are examples where devolution of authority to locals has not achieved these goals, but there are many more examples of central authority over forests failing to achieve these goals.

NOTES

If local communities are granted management authority subject to conditions, such as following an approved management plan or following government rules from protection of biodiversity, that counts as sharing authority.

If a system requires community approval of management actions, while keeping the power to propose and carry out actions with the forest agency, that would count as shared authority.

POSSIBLE RESPONSES:	
a) The law requires the government to share or transfer management authority to local communities.	
b) The law expressly allows the government to share or transfer management authority to local communities.	
c) The law is silent on the matter.	

1.3 CONCORDANCE OF BROADER DEVELOPMENT POLICIES WITH FOREST POLICIES

1.3.1 Consistency and coordination of national development plans and strategies with forest policies

19) Do national development policies promote sustainability in the forest sector?

Rationale

National development policies must provide the umbrella for sustainability for the forest sector.

NOTES

If the national development plans call for an expansion of agricultural land, without considering impacts on forests, then this is not consistent with sustainable development. Another example would be if national development plans call for expansion of the wood processing industry without considering the sustainability of wood supply. Other examples include expansion of roads without a consideration of the effect of associated loss of forests.

POSSIBLE RESPONSES:	
a) National development policies fully support sustainability in the forest sector.	
b) National development policies are neutral concerning sustainability in the forest sector.	
c) National development policies are inconsistent with sustainability in the forest sector.	

1.3.2 Consistency and coordination of sectoral (e.g., mining, agriculture, transport, energy) policies, laws, and regulations with forest policies, laws, and regulations

20) Do the sectors that directly depend on forests and the sectors that directly affect forests provide for forest- and tree-related activities in their plans and budgets?

Rationale

What affects the forest sector most powerfully often originates in forces outside the sector. Issues tend to cross sector boundaries. Forest use may affect and be affected by rural development, energy, transportation, water supply, agriculture, mining, tourism, trade, law enforcement, taxation, and other areas outside the portfolio of the forest agency or minister. Countries should have some means of coordinating forest policy with other major policies.

NOTES

It is important that institutions outside the forest sector reflect forest-related activities in their budgets, e.g., fodder banks, soil conservation measures, and agroforestry for the agriculture sector; energy saving technologies for the energy sector, etc. Otherwise, forestry sector institutions alone will not be able to manage the sector well.

POSSIBLE RESPONSES:	AGRICULTURE & LIVESTOCK	ENERGY & MINING	WATER	TRANSPORT & TRADE	TOURISM	OTHERS
Forest-related activities are well provided for in the institutions' plans and budgets.						
Forest-related activities are poorly provided for in the institutions' plans and budgets.						
Forest-related activities are not provided for in the institutions' plans and budgets.						

1.3.3 Extent to which forest laws support and enable sustainable livelihoods of forest-dependent communities

21) Does the law support and enable sustainable livelihoods of forest-dependent communities?

Rationale

Globally, more than 500 million people categorized as living in "forest-dependent communities" rely upon forests for the major part of their livelihoods. The law should recognize their rights.

POSSIBLE RESPONSES:	
a) The law generally supports sustainable livelihoods of forest-dependent communities.	
b) The law neither supports nor hinders sustainable livelihoods of forest-dependent communities.	
c) The law hinders sustainable livelihoods of forest-dependent communities.	

1.3.4 Consistency of land use plans with forest policy goals and priorities

22) Are land use policies consistent with forest policy goals and priorities?

Rationale

This is a fundamental requirement for the development of forest management practices and their implementation.

NOTES

Ideally, land suitability information and land use plans must be well articulated and should provide the input into the development of forest policy goals and priorities, including the flexibility to adjust land use plans to accommodate overarching forest policy goals. While considering the appropriate response from the choices below, the consistency between the two at the national and sub-national levels should be discussed.

POSSIBLE RESPONSES:	
a) Land use policies are broadly consistent with forest policy goals and priorities.	
b) Land use policies sometimes conflict with forest policy goals and priorities.	
c) Land use policies frequently conflict with forest policy goals and priorities.	

1.3.5 Consistency of forest policies with policies on climate change mitigation and adaptation

23) Are forest policy goals and priorities supportive of climate change policies?

Rationale

Forests have a significant contribution to make as global public goods, especially in the context of climate change and biodiversity. This is a proxy for the recognition of this role at the national level and commitment at the international level.

NOTES

Climate change concerns include both mitigation and adaptation, and national policies must recognize the role of forests in both.

POSSIBLE RESPONSES:	
a) Forest policy goals and priorities are broadly supportive of climate change policies.	
b) Forest policy goals and priorities are sometimes supportive of climate change policies.	
c) Forest policy goals and priorities do not support climate change policies.	

1.3.6 Existence of means, including high-level cross-sectoral policy coordination mechanisms, to harmonize development policies and forest policies

24) Are there mechanisms within the government to address cross-sectoral forest-related policy, planning, or practice issues?

Rationale

Issues tend to cross sector boundaries. Forest use may affect and be affected by rural development, energy, transportation, water supply, agriculture, mining, tourism, trade, law enforcement, taxation,

and other areas outside the portfolio of the forest agency or minister. Countries should have some means of coordinating forest policy with other major policies.

NOTES

Formal mechanisms could include such things as formal vetting of policies and coordination by the full cabinet or head of government, vetting by a standing committee of ministers that coordinate policy in related fields, a specialized agency or ministry to vet and coordinate sectoral policies, or a procedure for circulating draft policies among other ministries and inviting comment.

POSSIBLE RESPONSES:	
a) There are several official mechanisms, and they cover coordination comprehensively.	
b) There are some official mechanisms for cross-sectoral coordination, but they are not comprehensive.	
c) There are no official mechanisms, but there is some informal cross-sectoral coordination.	
d) There is no cross-sectoral coordination.	

1.3.7 Extent to which forest and land use policies ensure gender equity

25) Does forest policy serve the interests of both genders?

Rationale

Men and women often use forests differently and the policy should respect this difference. Both men's and women's views should be taken into consideration.

POSSIBLE RESPONSES:	
a) Forest policy fully serves the interests of both genders.	
b) Forest policy is somewhat biased toward one gender.	
c) Forest policy is strongly biased toward one gender.	

1.4 INSTITUTIONAL FRAMEWORKS

1.4.1 Extent to which the forest-related mandates of national agencies are clear and mutually supportive

26) To what extent are forest-related mandates of national agencies mutually supportive?

Rationale

Often multiple agencies have direct responsibility for forests. These agencies should be pursuing compatible goals.

In addition, non-forestry national agencies responsible for sectors such as agriculture, rural employment, energy, and tourism may include forest-related mandates as part of their overall agency objectives. These need to be clear and mutually consistent and in sync with the mandates of the forest agencies.

NOTES

Use the column headed "Forestry Agencies" to score the response regarding the agencies directly responsible for forested lands; if the country has only one agency responsible for forested lands, this column is inapplicable.

Use the column headed "Cross-sectoral Agencies" to score the response regarding the coordination of mandates between the agency or agencies directly responsible for forested lands and others who may affect forests.

POSSIBLE RESPONSES:	FORESTRY AGENCIES	CROSS-SECTORAL AGENCIES
a) Forest-related mandates of national agencies are clearly mutually supportive.		
b) Forest-related mandates of national agencies sometimes conflict with each other.		
c) Forest-related mandates of national agencies significantly conflict with each other.		

1.4.2 Extent to which the forest-related mandates of national and sub-national governments are clear and mutually supportive

27) To what extent are forest-related mandates of national and sub-national governments clear and mutually supportive?

Rationale

Similar to the previous question, this focuses on the consistency of mandates at the national **and** sub-national levels.

NOTES

Finding the appropriate answer to this question may require examining the constitutional structure defining the responsibilities for the forest sector at the national and sub-national levels. This is likely to be especially so in the case of a large federated country where such responsibility may be devolved significantly to the provincial level with oversight (ranging from significant to weak) by the center.

POSSIBLE RESPONSES:	
a) Forest-related mandates of national and sub-national governments are clearly mutually supportive.	
b) Forest-related mandates of national and sub-national governments sometimes conflict with each other.	
c) Forest-related mandates of national and sub-national governments significantly conflict with each other.	

1.4.3 Adequacy, predictability, and stability of forest agency budgets and organizational resources

28) Are the forest agency budgets based on national goals for sustainable forest management and independent of forest revenues, donor funding, and other distorting factors?

Rationale

Budgets can drive policy. If the forest agency budget is based on revenues, the agency will have an incentive to focus on revenue-producing uses at the expense of social and environmental needs. If the forest budget is largely based on donor funding, activities outside of donor projects may get overlooked.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The budgets are entirely based on national goals for sustainable management of forests.				
b) The budgets are somewhat biased — toward high-revenue-producing resources, toward donor-funded projects, or other narrow issues — perhaps to the detriment of sustainable management of all resources.				
c) The budgets have a strong bias toward high-revenue-producing resources, donor-funded projects, or other narrow issues.				

1.4.4 Availability and adequacy of information, technology, tools, and organizational resources for the pursuit of agency mandates

29) Do forest agencies have information technology (e.g., computers and appropriate software, GPS, GIS) appropriate to carrying out their responsibilities?

Rationale

Effective management practices in forestry require good information technology – such as remote sensing, GIS, GPS, computers, and communication devices – and skilled people to use the technology.

NOTES

The question is not about whether the agencies have the absolute best technology or want more. An agency should have adequate technology. Even a well-equipped agency probably would wish to have more technology, but that wish does not mean that the agency lacks the appropriate technology to do its job.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The agencies have good information technology, appropriate to their needs, and qualified staff to use it.				
b) The agencies have good information technology, but lack the qualified staff to use all of it well.				
c) The agencies have some information technology, but not enough to do their jobs well.				
d) The agencies have a serious lack of appropriate information technology or staff trained to use it.				
e) The agencies are 50 years behind the times, with no modern information technology or qualified people to use it.				

1.5 FINANCIAL INCENTIVES, ECONOMIC INSTRUMENTS, AND BENEFIT SHARING

1.5.1 Existence of legal provisions and mechanisms for equitable sharing of forest revenue

30) Does the law have specific provisions for sharing benefits or income from public forests with local communities?

Rationale

Rural communities often depend on the land around them for basic resources or economic opportunities, regardless of whether they have formal legal rights to the land. If the law does not provide these people with some benefit from development of the forest, besides being inequitable, chances are they will not support the legal framework and the law will be difficult to implement.

Benefits may come in many forms, such as money, credit, goods, infrastructure, training, use rights, transfer of management authority, employment, and so forth. Benefits may also come to many levels, such as local government, local organizations, households, or individuals.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The law includes clear provisions for sharing payments or other benefits with local communities. These provisions cover sharing of benefits generated from all kinds of forest uses.				
b) The law has clear provisions on sharing benefits from some forest uses, but not from all uses.				
c) The law addresses benefit sharing, but not clearly.				
d) The law is silent on the matter.				

1.5.2 Equity in the distribution of access to forest resources, rights, and rents

31) Is access to forest resources generally viewed as fair by forest-dependent communities?

Rationale

Fair and equitable access to forest resources is fundamental to rural economic growth and poverty reduction, and sustainable management of forest resources. Where forest-dependent communities feel that access to the forest resources is not fair, it is not uncommon to find high occurrence of conflicts and mismanagement in the use of forest resources.

POSSIBLE RESPONSES:	
a) Forest-dependent communities generally view access to forest resources as fair.	
b) Most forest-dependent communities view access to forest resources as fair.	
c) Less than half of forest-dependent communities view access to forest resources as fair.	
d) No forest-dependent communities view access to forest resources as fair.	

1.5.3 Existence of economic incentives and policies to promote increased value-addition and sustainable utilization of timber and non-timber forest products

32) Do laws and policies call for economic incentives to promote livelihoods and incomes while ensuring sustainable utilization of timber and non-timber forest products?

Rationale

The law should support the efforts of people seeking livelihoods from forests, but not at the cost of sustainability.

POSSIBLE RESPONSES:	
a) Laws and policies call for appropriate economic incentives to promote value-addition and sustainable utilization of timber and non-timber forest products.	
b) Laws and policies allow but do not require economic incentives to promote value-addition and sustainable utilization of timber and non-timber forest products.	
c) Laws and policies create disincentives for value-addition and sustainable utilization of timber and non-timber forest products.	

33) Does the government encourage the development of small- and medium-sized enterprises that use the forest sustainably?

Rationale

Sustainable small- and medium-sized enterprises can be a long-term source of income for local people. Thus, the government should encourage their development. At the same time, it should discourage unsustainable forest uses.

POSSIBLE RESPONSES:	
a) The government actively supports the development of small- to medium-sized forest sector businesses that use forest resources sustainably.	
b) There is support, but the government could do much better.	
c) The government neither encourages nor discourages small- to medium-sized forest sector businesses.	
d) Existing laws and institutions make it difficult for small- to medium-sized forest sector businesses to succeed.	

1.5.4 Existence of incentives for sustainable management of forests and measures to correct inappropriate subsidies and distortions in forest product prices

34) Do the market prices of forest products and services reflect environmental costs incurred in their production and use?

Rationale

When market prices of forest products do not reflect the environmental costs of their production, activities such as habitat preservation and biodiversity conservation will likely be undervalued. These forest resources may then be managed at less than optimal levels.

POSSIBLE RESPONSES:	
a) The market prices of all forest products and services reflect environmental costs.	
b) The market prices of most forest products and services reflect environmental costs.	
c) The market prices of some forest products and services reflect environmental costs.	
d) The market prices of forest products and services do not reflect environmental costs.	

1.5.5 Openness and competitiveness of procedures, such as auctions, for allocation of forest resources

35) Do the laws and policies require openness and competitiveness of government concessions and sales of forest products?

Rationale

The law must support the competitive allocation and openness in the award of concessions and forest products by the government, as this will provide a foundation for operating under the rule of law in a fair and transparent manner; and minimize opportunities for corruption.

POSSIBLE RESPONSES:	
a) The laws and policies require openness and competitiveness of all government concessions and sales of commercially important forest products	
b) The laws and policies require openness and competitiveness of some government concessions and sales of commercially important forest products.	
c) The laws and policies do not require openness and competitiveness of government concessions and sales of commercially important forest products.	

1.5.6 Mechanisms for the internalization of social and environmental externalities from forest resource use, including payments for forest-derived environmental services

36) Does the law conserve and protect non-marketed goods and services that are closely related to forest resources, such as ecosystem integrity, water quality, or cultural resources.

Rationale

The law should recognize the value of non-marketed resources and protect those resources.

NOTES

These three possible replies have to cover a wide range of possibilities.

If the law has no protection for non-marketed resources other than a general statement of policy, or a requirement to manage forests sustainably, score that as the third option.

If the law has substantive requirements (e.g., a series of reserves effectively protecting these resources, a limit on "taking" rare species, or a ban on cutting timber in buffer strips near surface water) or has strong procedural requirements (e.g., a requirement to identify cultural resources or to inventory wildlife, or a requirement to analyze the effect of proposed actions on non-market resources), the response to this question should be one of the other replies, depending on how broad the protections are.

POSSIBLE RESPONSES:	
a) The law strongly protects a wide variety of non-marketed resources.	
b) The law offers some protection for non-marketed resources.	
c) The law does not mention these resources.	

1.5.7 Existence and adequacy of safeguards against social and environmental harm from forest-related policies and activities

37) Do laws require forest sector activities to meet sustainability safeguards and standards?

Rationale

Without standards or safeguards in place, forest activities can harm public resources like water quality or biodiversity; people's livelihoods; or the future productivity of the land. It is the government's responsibility to ensure that these standards and safeguards are applied.

NOTES

These may include procedural safeguards, such as EIA or public vetting of proposed plans, or substantive safeguards, such as forest practice codes or reforestation requirements. These safeguards should include routine application of the precautionary principle. That means that the government should analyze proposed actions before implementation and should avoid actions whose impacts are poorly understood but that might irreversibly damage the environment.

If the forest resource is in both public and private ownership, then to get a top response to this question, the government should be applying safeguards to both public and private forests.

POSSIBLE RESPONSES:	
a) Adequate safeguards and standards exist and are routinely applied.	
b) Adequate safeguards and standards exist but are inconsistently applied.	
c) Safeguards and standards exist, but they are not adequate to ensure sustainably.	
d) Safeguards and standards do not exist.	

PILLAR 2: PLANNING AND DECISION-MAKING PROCESSES

2.1 STAKEHOLDER PARTICIPATION

2.1.1 Extent to which the legal framework provides opportunities for public participation in forest-related policies and decisions and opportunities for redress and remedy

38) Do laws give stakeholders opportunities for input in the creation of forest policies, public forest management plans, and subsidiary rules?

Rationale

Stakeholder participation should not be left to the whims of the government. The law should require it.

NOTES

"Opportunity" here must include a requirement for timely public notice of proposed activity. A general right to comment on government actions, which the government may develop without notice, is not enough. An ideal provision in the law would require notice of the proposed policy-, plan-, or rule-making, release of a draft proposal, opportunity for comment, and a written explanation of the adopted policy, plan, or rule explaining how the government took stakeholder comments into account. However, if the law merely requires public notice with opportunity to comment, or if the law requires that the draft actions go before a formal advisory committee with broad stakeholder representation, that would be enough to be considered a requirement for public participation under this question.

Requirements for public participation may be in the forest law, in environmental impact assessment laws, or in general laws governing administration of government agencies.

POSSIBLE RESPONSES:	
a) The law gives stakeholders formal opportunities for input in the creation of all of these.	
b) The law gives stakeholders formal opportunities for input in the creation of some of these.	
c) The law does not give stakeholders opportunities for input in the creation of these.	

2.1.2 Existence and effectiveness of processes that ensure participation by key stakeholders, including sanctions for failure to facilitate stakeholder participation

39) For people who are affected by forest policy, are there any formal mechanisms for them to influence it?

Rationale

People affected by the forest policy should be able to influence it at all stages of formulation and implementation. They can serve as advocates or may go on to lobby and influence decisions made about resources on which they depend for their livelihood. An enabling formal mechanism will not only promote but also support and protect the vulnerable in the community. This might entail having supportive legislative, regulatory, and fiscal policies in place.

NOTES

The mechanisms might include actions like publication of draft policies with invitations to comment or stakeholder workshops. General mechanisms (ability to write the minister to complain after the policy comes into effect, ability to raise issues during election campaigns) and informal mechanisms (letters to the editor, informal chats with forest officers) do not merit an "adequate" answer.

POSSIBLE RESPONSES:	
a) Mechanisms are adequate, used, and respected.	
b) Mechanisms are adequate, used, but not widely respected.	
c) Mechanisms are adequate but not used.	
d) Mechanisms are inadequate.	
e) Mechanisms do not exist.	

40) For public forests, are consultations with stakeholders carried out and is the feedback used in decision making?

Rationale

This is primarily a measure of how participatory forest management is. Consultation with stakeholders builds trust between the forest agency and stakeholders, promotes transparency, and also ensures inclusive solutions that incorporate stakeholders' views.

POSSIBLE RESPONSES:	FOREST AGENCY#1	#2	#3	#4
a) The stakeholders are regularly consulted about ongoing and proposed actions and the feedback is used in decision making.				
b) The stakeholders are often consulted about ongoing and proposed actions and the feedback is often used in decision making.				
c) The stakeholders are seldom consulted about ongoing and proposed actions or the feedback is seldom used in decision making.				
d) The stakeholders are never consulted about ongoing proposed actions or the feedback is never used in decision making.				

2.1.3 Transparency of processes and accessibility of guidance on how to participate in forest-related planning, decision making, and implementation at all levels
(NOTE: This subcomponent is covered in 2.2)

2.1.4 Extent to which stakeholder processes ensure the participation of women in forest-related decision-making processes

41) To what extent is participation in forestry decision-making processes gender sensitive?

Rationale

Men and women often use forests differently and have different knowledge about the forest, and the decision-making process should respect these differences. Both men's and women's views should be taken into consideration.

NOTES

The focus of this question is on the representation of women (especially) in stakeholder participation, inputs, and decision making, and not on the percentage of women on the staff of the forest agency.

POSSIBLE RESPONSES:	
a) Women fully participate in forestry decision-making processes.	
b) Women sometimes participate in forestry decision-making processes.	
c) Women seldom participate in forestry decision-making processes.	

2.1.5 Extent to which government engages with, creates space for, and supports the participation of civil society, indigenous peoples, and forest-dependent communities in forest-related processes and decision making

42) What is the extent to which government engages with, creates space for, and supports the participation of civil society, indigenous peoples (IPs), and forest-dependent communities in forest-related planning and decision making?

Rationale

Broad engagement can lead to better decisions and greater support among stakeholders for the resulting decisions. Therefore, it is in the interest of government to actively engage with and support the participation of other forest stakeholders in forest planning and decision making.

POSSIBLE RESPONSES:	CIVIL SOCIETY	IPS	FOREST-DEPENDENT COMMUNITIES
a) Government routinely encourages stakeholder engagement in forest-related planning and decision making.			
b) Government sometimes encourages stakeholder engagement in forest-related planning and decision making.			
c) Government seldom encourages stakeholder engagement in forest-related planning and decision making.			

2.1.6 Capacity of governments at different levels to engage with civil society and other forest stakeholders on forest-related policy making and implementation

43) Do governments (at all levels) have capacity to engage stakeholders on forest-related decision-making processes and implementation?

Rationale

Broad stakeholder engagement is necessary to informed decision making and this requires skills and resources.

NOTES

The ability of government to engage with civil society organizations (CSOs) and other forest stakeholders depends on its capacity to execute this duty. Capacity here encompasses human resources (personnel both technical and administrative), financial (budget allocation toward engagement of stakeholders in the forest sector), and other operating resources (means of transportation, communication, reliable road network to access remote areas, etc). It is imperative that capacity exists at all levels of government that deal with forestry.

POSSIBLE RESPONSES:	
a) Governments (at all levels) have adequate capacity to engage stakeholders on forest-related decision-making processes and implementation.	
b) Some arms of government lack adequate capacity to engage stakeholders on forest-related decision-making processes and implementation.	
c) Most arms of government lack adequate capacity to engage stakeholders on forest-related decision-making processes and implementation.	

2.1.7 Existence and effectiveness of conflict resolution and grievance mechanisms

44) Are there practical and effective avenues for stakeholders to seek review or reconsideration of the decisions of the forest agency?

Rationale

Mechanisms for seeking review of the decisions of the forest agency are important to ensuring accountability of the decision maker, quality of the decision, and adherence to due process.

NOTES

These mechanisms can take many forms, and can be informal or formal. For example, there might be an informal practice allowing stakeholders to seek review or reconsideration within the forest agency. There might be a more formal process, outlined in guidelines, agency rules, or even statutes, allowing stakeholders to petition senior officials, or even the minister, to reconsider the decision of a junior official. If a decision were contrary to law, there might be a formal way to bring a challenge in court.

These review mechanism should be open and transparent. A mechanism that relies on personal connections or special influence does not qualify as a practical and effective avenue for purposes of this question.

POSSIBLE RESPONSES:	
a) All stakeholders have practical and effective avenues to seek review of the decisions of the forest agency.	
b) Some stakeholders have practical and effective avenues to seek review of the decisions of the forest agency.	
c) Few or no stakeholders have practical and effective avenues to seek review of the decisions of the forest agency.	

2.2 TRANSPARENCY AND ACCOUNTABILITY

2.2.1 Extent to which the legal framework supports public access to information, promotes scientific debate relating to forest policies, and imposes sanctions for failure of agencies to meet obligations to disclose information

(NOTE: This sub-component will eventually be moved to 1.1. Q1 picks up on access to information to some extent. Also suggest removal of "scientific debate" from the bullet.).

45) Does the legal framework support public access to information about forestry?

Rationale

Access and the free flow of information are prerequisites for ensuring the participation of stakeholders in the forest governance and management. If the legal framework provides for disclosure of forest related data or information to the public, public participation in the sector will be enhanced.

NOTES

The legal framework should have provisions on how the public can access forestry information. It may provide for government to disclose information on forest coverage, harvests, income, available concessions, concessions allotted, etc. It may also provide for disclosure of forest-related documents to the public to the extent that it does not jeopardize the management of the sector.

POSSIBLE RESPONSES:	
a) The legal framework broadly supports public access to information about forestry.	
b) The legal framework supports public access to information about forestry in limited cases.	
c) The legal framework is silent about public access to information about forestry.	

46) Does the legal framework provide for sanctions in case of failures of agencies to meet their obligations to disclose information?

Rationale

Sanctions make the law more likely to be implemented and enhance accountability of the forest agency.

POSSIBLE RESPONSES:	
a) Yes.	
b) No.	

2.2.2 Quality, timeliness, comprehensiveness, and accessibility of forest-related information available to stakeholders, including public notice of pending forest agency actions

47) Do relevant authorities give public notice of proposed forest policies, programs, laws, and projects?

Rationale

Notice to the public about proposed policies, programs, laws, and projects gives stakeholders an opportunity to review and give feedback on them and hence influence any changes that take place. Stakeholder involvement in decision making leads to better and more widely accepted decisions.

NOTES

Public involvement is desirable. Many countries have somewhat transparent legislatures, which give people opportunity to raise concerns about draft statutes, but do not necessarily actively reach out to stakeholders. Some developing countries (e.g., Liberia) have statutes that require the government to vet draft regulations with stakeholders. Sometimes environmental impact assessment laws require authorities to notify the public of proposed actions.

POSSIBLE RESPONSES:	
a) The authorities give clear, timely notice of all proposed policies, programs, laws, and projects.	
b) The authorities give clear, timely notice of most proposed policies, programs, laws, and projects.	
c) The authorities give clear, timely notice of less than half of the proposed policies, programs, laws, and projects.	
d) The authorities seldom or never give clear, timely notice of proposed policies, programs, laws, and projects.	

48) Are inventory data, management plans, laws, and budgets for government-owned forests easily accessible to the public in a user-friendly format?

Rationale

This is primarily a measure of how accessible information is to the stakeholders. Access and the free flow of information are prerequisites for ensuring the voice and participation that is necessary for a democratic society. Access to information lies at the core of some of the main principles of democratic governance: participation, transparency, and accountability.

NOTES

This question concerns information about government-owned forests. Ideally, the government would make a wide variety of forest-related documents and information available to the public in formats that are suited to the audience. The information should include things like personnel directories to help the public interact with the forest agency. Some materials may be best kept to a limited audience (for example, enforcement strategies, locations of frequently poached species, or medical records of employees) but the public should have access to most forest-related information held by the government.

Presumably the government compiles information on forest harvests, income from public forests, etc. These forest statistics should be readily available to interested persons.

Some governments charge for access to data. If the price is reasonable, then for purposes of the question, the data are available.

POSSIBLE RESPONSES:	
a) All of the above are accessible in a user-friendly format (language, statistics, and maps).	
b) Most of the above are accessible in a user-friendly format.	
c) Only some of the above data are accessible, or they are in a format that is difficult to use.	
d) None of the above are available.	

2.2.3 Transparency in the allocation of timber and non-timber forest products concessions, permits, and user rights

49) Are concession and sale allocation processes transparent and free of corruption?

Rationale

Transparent and corruption-free allocations increase accountability and tend to award resources to the most deserving parties.

NOTES

This question is about actual practice, as opposed to what might be called for in law.

Allocation should be systematic, not based on the arbitrary whims or favors of administrators. If allocations are not systematic, consider whether corruption (including favoritism or cronyism) plays a role in decisions.

This question does not imply that the government should use concessions or competitive sales for allocating all forest products.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3
a) Concession and sale allocation processes are transparent and free of corruption.			
b) Some concession and sale allocation processes are non-transparent or corrupt.			
c) All or almost all concession and sale allocation processes are non-transparent or corrupt.			

2.2.4 Transparency of forest revenue collection, budgeting, expenditure, accounting, redistribution, and audit

50) Does the government have a transparent, credible, and comprehensive system of tracking its revenues and expenditures in the sector?

Rationale

A credible and comprehensive system of tracking government revenues and expenditures in the sector helps governments to check how the sector is using the available resources, helps curb corruption, bolsters public confidence in government and the forestry sector, and promotes fiscal responsibility.

A good system would be (1) national, and of uniform quality in all regions; (2) comprehensive, covering all classes of revenues and spending; and (3) regular, producing a report at least once in each budget cycle.

POSSIBLE RESPONSES:	
a) Yes, the government has such as system, and the system works well.	
b) Yes, but the system does not always work well.	
c) No.	

2.2.5 Existence, effectiveness, and independence of governmental oversight mechanisms external to the forest agency

51) Are the external monitors and evaluators of forestry agencies' activities independent of the people whose activities they monitor?

Rationale

As far as is practical, the people who are evaluating agency actions should be independent of the people whose work they evaluate. In particular, a person being evaluated should not be in a position to limit the evaluation or punish the evaluator for finding faults.

NOTES

Agency activities such as forest management, sales and concessions, inventory, and planning should be subject to independent outside oversight. Consider both oversight of forest management activities and oversight of agency finances.

External monitors should be able to inspect sites, review records, and question officials freely. If an agency official can put limits on the external review, then the external reviewer is not fully independent.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3
a) External oversight is routinely independent from internal functions.			
b) External oversight is not routinely independent.			
c) There is no effective external oversight.			

2.2.6 Existence and extent of use of internal accountability mechanisms, such as internal monitoring bodies, performance standards and performance-based rewards, and penalties

52) Are the internal monitors and evaluators of forestry agencies' activities independent of the people whose activities they monitor?

Rationale

As far as is practical, the people who are evaluating agency actions should be independent of the people whose work they evaluate. In particular, a person should not be the sole reviewer of his or her own work, and a person being evaluated should not be in a position to limit the evaluation or punish the evaluator for finding faults.

Agency activities such as forest management, sales and concessions, inventory, and planning should be subject to independent oversight. Consider both oversight of forest management activities and oversight of agency finances.

Sometimes an agency official is put in a position of reviewing the work of a superior. As long as the superior has the power to reward or punish the reviewer, the review cannot be truly independent.

Sometimes officials are asked to review their own work. Under some circumstances, self-criticism can be beneficial, but it is no substitute for independent review.

Superiors regularly review the work of their juniors. This is part of the ordinary course of business. However, superiors may have an incentive to report good results by their staff because these good results make the superiors look good. For that reason, ordinary review by superiors is no substitute for periodic independent review.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) Oversight is routinely independent from operational functions.				
b) Oversight is not routinely independent.				
c) There is no effective oversight.				

53) Are routine performance evaluations carried out for all forest officials?

Rationale

Routine performance evaluations are important because they provide feedback to both employers and employees in the forest sector on the performance of the agency and officials and how to improve if necessary. Results from the evaluation can be used to increase accountability in the forest sector.

POSSIBLE RESPONSES:	
a) Routine performance evaluations are carried out at all levels.	
b) Routine performance evaluations are carried out at most levels.	
c) Routine performance evaluations are carried out at some levels.	
d) There are no routine performance evaluations.	

54) Are forest agency officials held accountable if they fail to perform their duties or fail to act lawfully?

Rationale

When the forest agency officers are held accountable for their actions, they are less likely to abuse their position and will tend to be more careful about decisions and actions they take.

NOTES

The success or the failure of forest management depends greatly on accountability.

Signs of accountability include the following:

- If there are routine performance evaluations, the results are placed in the agency's employment records.

- Agency officers receive increases in salary or promotions based on merit, not patronage.
- Agency officers are disciplined for failure to perform. In cases of serious failures, they are demoted, suspended, or released from employment. In case of criminal actions, they are open to prosecution in the courts.

POSSIBLE RESPONSES:	
a) As a matter of routine, forest officials are held accountable for their performance.	
b) Sometimes forest officials are held accountable, but it is not a routine practice.	
c) There is no real accountability.	

2.2.7 Transparency and accountability of private agencies, corporate entities, businesses, and civil society organizations operating in the forest sector

55) Do private agencies, corporate entities, businesses, and civil society organizations operating in the forest sector function in an open and transparent manner with adherence to the rule of law?

Rationale

Not all governance is a matter of government. The responsibility also rests on other stakeholders who have power over the forest. These other stakeholders should be operating in an open manner, under the rule of law.

NOTES

The answer to this question can reflect the reputation of the stakeholders. There is no need to have firsthand knowledge of their operations.

It is allowable for a private organization to keep some information secret. For example, a business could keep trade secrets whose disclosure might harm their competitive position. It is not proper for a business to use secrecy to hide illegality.

POSSIBLE RESPONSES:	
a) All private agencies, corporate entities, businesses, and civil society organizations function in an open and transparent manner with adherence to the rule of law.	
b) Most private agencies, corporate entities, businesses, and civil society organizations function in an open and transparent manner with adherence to the rule of law.	
c) Some private agencies, corporate entities, businesses, and civil society organizations function in an open and transparent manner with adherence to the rule of law.	
d) Private agencies, corporate entities, businesses, and civil society organizations seldom function in an open and transparent manner with adherence to the rule of law.	

2.2.8 Freedom of the forest agencies from political interference (New sub-component)

56) Is the forest agency free from political interference?

Rationale

Sustainable management demands long-term commitments and the use of objective science. Politics may have a role in setting the overall direction of management, but should not subject the forest to arbitrary and changing demands, nor should it override sound science.

NOTES

Consider political interference from both high executive officials (e.g., ministers and heads of government) and legislative officials (micro-management through earmarks, narrow legislation, or threats of the same). In some cases, pressure from private persons with high government connections could be considered political interference.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The agency is by and large independent of political interference.				
b) Political interference affects the agency's overall budget and direction, but does not influence day-to-day or technical decisions.				
c) Political interference occasionally reaches down and affects specific agency activities and decisions, including technical matters.				
d) Political interference frequently reaches down and affects agency activities and decisions, including technical matters.				

57) Do political appointees fill technical posts in the forest agencies?

Rationale

The primary role of political appointees should be to deal with policy matters and high-level management of the agency. A post that exercises little policy discretion should be filled based on the technical competence of the individual, not based on the individual's political connections. The person holding a technical post should be the one with the best technical qualifications.

NOTES

A political appointee is someone named to a post because of political support from a powerful patron or high official. This person may or may not have the minimum technical qualifications. Often political appointees do not have the best technical qualifications in the pool of applicants. In contrast, ordinary civil service workers must earn their post mostly through technical merit, and their postings do not come and go with changing political tides.

High-level policy-making and managerial posts in the agency would include the head of the agency, the senior officials ranking immediately below the head, people who hold jobs as policy advisors or liaisons to politicians, and senior staff in specialized functions with policy overtones, such as the agency's chief legal advisor, chief spokesperson, or chief enforcement official.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) There are no political appointees in the forest agencies, or if there are they fill only policy-making and high managerial posts.				
b) Some political appointees fill technical posts that have little connection to policy making or high-level management.				
c) Most political appointees are in technical posts that have no connection to policy making or high-level management.				

2.3 STAKEHOLDER CAPACITY AND ACTION

2.3.1 Presence of strong, independent civil society organizations, including nongovernmental monitors and watchdog organizations

58) Does the forest sector have credible, strong, and independent civil society organizations, including monitors and watchdogs?

Rationale

Through their work, credible, strong, and independent CSOs, monitors, and watchdogs build public confidence in the sector.

NOTES

Credibility and independence require that such organizations should not be viewed to act as an extension of the agencies mandated to manage the forest resources; but rather as independent watchdogs and monitors providing an oversight function. For such independence to be possible, such organizations, watchdogs, and monitors need to be strong. They need a steady and sustainable financial base independent of the agencies they are monitoring. They should possess the technical and human capacity needed to provide an oversight role in the forestry sector.

The number of CSOs, monitors, and watchdogs does not matter so much as their strength, credibility, and independence. One such organization that has the public's confidence can be more effective than several organizations lacking that confidence.

POSSIBLE RESPONSES:	
a) Yes, it has such civil society organizations and they function as effective monitors and watchdogs.	
b) There are civil society organizations, but they are not fully effective as monitors and watchdogs.	
c) No, there are no credible and independent civil society organizations.	

2.3.2 Capacity of civil society, indigenous peoples, and small and medium enterprises(SMEs) to participate and engage in forest-related planning, decision making, and implementation
NOTE: This sub-component should also include "forest-dependent communities"

59) Do stakeholders have the capacity to be actively involved in forest management and planning?

Rationale

The involvement of stakeholders in forest management and planning can result in improved decision making and can facilitate development of consensus among key players on the best way to manage and use the forests. It also results in a sense of ownership and hence support for sustainable forest management. It educates the people about the plans for forest use and management. Collective decision making promotes transparency in the implementation of various programs and projects in the forestry sector.

POSSIBLE RESPONSES:	IPS	CSOs	SMEs	OTHERS
a) In most cases, stakeholders have the capacity to be effectively involved in forest management and planning.				
b) In only a few cases do stakeholders have the capacity to be effectively involved in forest management and planning.				
c) Stakeholders do not have enough capacity to be effectively involved in forest management and planning.				

2.3.3 Adoption and implementation of voluntary environmental and social standards and safeguards by private sector actors, including banks operating in the forest sector

60) Have large private sector actors in the forest sector (including banks) adopted and implemented voluntary environmental and social safeguards?

Rationale

Without adoption of environmental and social safeguards, private sector operations in the forest sector can harm water quality, biodiversity, people's livelihoods, productivity of land, etc.

NOTES

While the government should ensure that people apply proper environmental and social safeguards, it is equally important that large private actors voluntarily avoid harming the resource and causing unintended negative effects.

The private actors may voluntarily adopt procedural safeguards (such as EIA), substantive safeguards (such as forest practice codes or reforestation requirements), routine application of precautionary principles (the private sector actor analyzes proposed actions before implementation and tries to avoid actions whose impacts are poorly understood that might irreversibly damage the environment), etc.

Voluntary forest certification systems typically include environmental safeguards and often also include social safeguards.

The Equator Principles are an example of voluntary safeguards for use by financial institutions.

POSSIBLE RESPONSES:	
a) Most have adopted and implemented environmental and social safeguards.	
b) Only some have adopted and implemented environmental and social safeguards.	
c) Only a few or none have adopted and implemented environmental and social safeguards.	

61) Do forest industries (private operators like sawmillers, timber dealers, etc.) have a private code of conduct, including provisions against participating in corruption?

Rationale

Corruption is not just a government problem. Private industry is often a participant, and sometimes an instigator. The private sector should show the commitment to prevent corruption.

The ideal would be a code of conduct set by an industry association, binding on its members. A voluntary but written code would still merit a "yes."

POSSIBLE RESPONSES:	
a) There are private codes of conduct that apply to most companies doing business in the forest sector.	
b) There are private codes of conduct that apply to some groups or associations of companies doing business in the forest sector.	
c) A few individual companies in the sector have adopted codes of conduct.	
d) No companies in the sector have adopted codes of conduct.	

2.3.4 Extent to which governments encourage corporate entities and businesses operating in the forest sector to comply with recommended international codes of conduct and standards and safeguards

62) Does the government encourage corporate entities and businesses operating in the forest sector to comply with recommended international codes of conduct and standards and safeguards?

Rationale

Implementation of recommended international standards and codes of conduct will improve the quality of forest management practices.

NOTES

These standards might include business practice standards (e.g., the Equator Principles for financial institutions), environmental management standards (ISO 14000), forest practice standards (chain of custody, certification, Reduced Impact Logging, etc.), or safety standards (the UN International Labour Organization's code of practice for forestry work), and the government may provide education and incentives to promote their rapid adoption. For example, the government might agree to reduce the frequency of inspections if a firm adopts a standard involving third-party verification.

POSSIBLE RESPONSES:	
a) The government provides significant incentives and education to encourage corporate entities and businesses operating in the forest sector to follow recommended international codes of conduct and standards and safeguards.	
b) The government provides some incentives and education to encourage corporate entities and businesses operating in the forest sector to follow recommended international codes of conduct and standards and safeguards.	
c) The government does not provide incentives and education to encourage corporate entities and businesses operating in the forest sector to follow recommended international codes of conduct and standards and safeguards.	

63) Does government support the adoption of certification and use of chain of custody systems?

Rationale

Certification and chain of custody offer ways to reduce illegal logging and trade. They may also confer a competitive advantage for forest products in the marketplace.

For the second option, "mixed" means that the government might support one but not the other, or that it opposes certain kinds of certification, or that its position has been changeable.

POSSIBLE RESPONSES:	
a) The government actively supports and encourages certification and chain of custody tracking.	
b) The government is neutral on the issue or has a mixed record.	
c) Existing rules, regulations, or institutions make it difficult to put certification or chain of custody systems in place.	

2.3.5 Presence of a strong, independent, and interested media
(Note: new sub-component added)

64) Are the media independent and free to publish reports on forests and their management in a format widely accessible to the public?

Rationale

A free and independent media plays an important role in shaping public opinion. The information published needs to be accurate, reflecting a spectrum of interests and in a format that is easily understood and accessible to the public for it to be useful.

NOTES

Access to information is a basic right, and the media plays a vital role in keeping the people informed. Forest stakeholders can only hold government and providers accountable if they have good information on forest resources, the performance of the forest department, and what performance they should expect.

POSSIBLE RESPONSES:	
a) The country has free and independent media, regularly publishing reports on activities in the forest sector, in local languages.	
b) The country has free media, but the depth or frequency of coverage of the forest sector is limited and may not be in local languages.	
c) There are further limitations: either the media represents limited points of view, or its distribution is limited.	
d) There is little or no coverage of the forest sector in the media.	

2.4 QUALITY OF DECISION-MAKING
(The authors of this guide have inserted this as a suggested new component, not found in the original PROFOR/FAO Framework.)

2.4.1 Agency budgets are current and regularly updated

65) Are forest agency budgets reviewed and revised on a regular schedule?

Rationale

If the existing budget has not performed well, it may need revision. Also, overall budget needs may change because of changes in forest use, changes in knowledge of the forest, or changes in forest conditions. Agencies should revise their budgets routinely to respond to these changes.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) Budgets are routinely reviewed and revised according to a regular schedule.				
b) There is a schedule for reviewing and revising budgets, but the agency does not always follow it.				
c) There is no schedule for reviewing or revising budgets; the agency reviews and revises its budgets when it wants.				
d) The agency seldom or never revises budgets.				

2.4.2 Public forests long-term management plans are current and regularly updated

66) Do all public forests have current valid management plans?

Rationale

Planning lies at the heart of modern forest management. Forest management plans look ahead for many years. If the agency does not consider the long-term future of the forest, ensuring sustainability is impossible.

NOTES

A separate question in Pillar 1 of this set asks if the law requires plans to be made. This question asks whether the plans are actually made. A third question in this set asks if the plans are actually followed.

Ideally, the forest agency or the agency and the concession-holders managing the forest should be preparing two kinds of plans: long-term management plans and short-term operational plans. This question deals with long-term planning: plans that discuss management operations for five to ten years and project impacts over a longer timeframe.

POSSIBLE RESPONSES:	
a) All public forests have current valid management plans.	
b) Most public forests have current valid management plans.	
c) Few public forests have current valid management plans.	
d) No public forests have current valid management plans.	

2.4.3 Agency planning and budgeting is done in a deliberate, objective, and professional manner

67) Are there checks and balances that discourage rapid and arbitrary changes in forest laws, policies, and plans?

Rationale

Forestry inherently looks to the long term. Predictability and stability are important to sustainability and are important to those depending on the forest. Decisions should be made carefully and not lightly reversed. Also, except in emergencies, decision processes should include time to involve stakeholders.

NOTES

This question does not imply that change in itself is bad. Rather, change should not be arbitrary or entered into without careful analysis of the implications. An act of a parliament, taken after consultation or hearings and consideration of alternatives, should be treated as a deliberative action.

POSSIBLE RESPONSES:	
a) Changes in laws, policies, and plans require systematic reviews, consultations, or other deliberative actions.	
b) Changes in laws, policies, and plans can be made any time without any reviews or consultations.	

68) Does the government use supply and demand information in making forest-related decisions?

Rationale

Forecasts of the future supply and demand for forest products are an important aid to planning and decision making in the forestry sector. If the demand for commercial forest products is out of sync with the supply, and this threatens sustainable forest use, this may require the government to adopt appropriate measures to address this problem.

NOTES

This question does not presume that market intervention is always appropriate. It does presume that the government should act with full understanding of the influence of the market on forests and should weigh the market influence, along with other concerns, when making decisions.

The government needs reliable information about supply and demand for both domestic and export uses.

The information should be about more than timber supply and demand. Where forest resources like water, fuel, or ecotourism influence forest policy, the government should consider the supply and demand of these resources as well.

Information such as the forest area by type and stocking; area logged and unlogged; and information about the areas which are potentially available for supply of forest products or unavailable due to legal, economic, or biological factors or reasons of accessibility can be especially important in planning and management of forest resources.

POSSIBLE RESPONSES:	
a) The government routinely considers supply and demand information in making forest-related decisions.	
b) The government considers supply and demand information in making the decisions most of the time.	
c) The government sometimes considers supply and demand information in making these decisions.	
d) The government never considers supply and demand information in making these decisions.	

69) Does the government's decision making give consideration to non-marketed goods and services that are closely related to forest resources, such as ecosystem integrity, water quality, or cultural resources?

Rationale

Government decisions should reflect the value of non-marketed resources and protect those resources.

If the law has no protection for non-marketed resources other than a general statement of policy, or a requirement to manage forests sustainably, score that as the third option.

If the law has substantive requirements (e.g., a series of reserves effectively protecting these resources, a limit on "taking" rare species, or a ban on cutting timber in buffer strips near surface water), or has strong procedural requirements (e.g., a requirement to identify cultural resources or to inventory wildlife, or a requirement to analyze the effect of proposed actions on non-market resources), the response to this question should be one of the other replies, depending on how broad the protections are.

POSSIBLE RESPONSES:	
a) Government decisions routinely reflect consideration a wide variety of non-marketed resources.	
b) Government decisions sometimes reflect consideration of a wide variety of non-market resources, or routinely reflect consideration of a limited range of non-market resources.	
c) Government decisions seldom or never reflect consideration of these resources.	

PILLAR 3: IMPLEMENTATION, ENFORCEMENT, AND COMPLIANCE

3.1 ADMINISTRATION OF FOREST RESOURCES

3.1.1 Adequacy of staff capacity and effectiveness of agencies tasked with forest administration

(NOTE: This sub-component should also consider the quality of forest agency management.)

70) Are the agency's mission statement, strategy, or goals widely disseminated to agency staff at all levels?

Rationale

Knowledge of the mission statement motivates and guides the agency staff. If agency personnel are unaware of the guiding policy of the agency, they will be unaware of whether their actions advance or hinder the policy.

NOTES

For a "Yes" response, there should be a positive effort or standard practice to inform the staff about the agency mission. It is not enough that the mission or policy is in a public document that a staff member could track down and read.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) Yes				
b) No				

71) Do forest agencies only hire people whose qualifications match advertised job descriptions?

Rationale

This question touches on the technical capacity of the forest agency. Sustainable management of forest requires a variety of skilled people. Ideally, the agency should be filling posts with the best

people it can find, through competitive selection. Posts should be well described because this allows matching of needs with skills.

NOTES

The concern here is on at least three levels. First, the agency may be hiring people without regard to qualifications for corrupt reasons, such as nepotism, cronyism, or side payments. Second, the agency may be facing a lack of qualified people. Third, the agency may not be managing its human resources well: hiring good people, keeping good people from leaving the agency, building the skills of staff, etc. Ideally, the agency should have a human resources management plan. Also, the agency should be filling skilled posts through a well-advertised and competitive selection process.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The agencies only hire people whose qualifications match advertised job descriptions.				
b) Most people's qualifications match advertised job descriptions, but occasionally the agencies hire under-qualified people.				
c) The agencies often hire people whose qualifications do not match advertised job descriptions.				
d) It is impossible to say, because most positions do not have advertised job descriptions with required qualifications.				

72) Is the salary and benefit package for agency staff adequate to attract and retain competent staff?

Rationale

Adequate salaries help the agency both attract good people and resist corruption.

NOTES

An adequate salary is one that would allow the staff member to support a family in a middle-class lifestyle, without outside income.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) Salaries are adequate at all levels.				
b) Salaries are adequate for most levels.				
c) Salaries are adequate for some levels.				
d) Salaries are generally inadequate.				

73) Do the agencies' field foresters have the capacity to oversee the areas assigned to them?

Rationale

Field foresters should have the skills, equipment, budgets, and support staff they need to do their jobs properly.

NOTES

The answer to this question will have a subjective element, and people may have different opinions on the matter. It would be useful to have the views of field foresters, senior officials in the agency, and qualified observers outside the agency.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) All field foresters have the skills and resources to effectively oversee their assigned areas.				
b) At least half of the field foresters have the necessary capacity, but not all.				
c) Less than half of the field foresters have the necessary capacity.				
d) The assigned areas are too large for the foresters to oversee effectively, given the field conditions, skills, and resources available.				

74) Is there a system for assessing the impacts and outcomes of public forestry expenditures?

Rationale

Assessment ensures that public forestry expenditures achieve the desired results. Where the results fall short, an assessment can identify ways to improve.

POSSIBLE RESPONSES:	
a) There is effective and comprehensive assessment of the impacts and outcomes of government forest programs and expenditures.	
b) There is effective assessment of the impacts and outcomes of some government forest programs and expenditures.	
c) Assessment is weak.	
d) There is no assessment.	

75) Do stakeholders perceive the forest agency as being trustworthy and competent?

Rationale

This is a proxy for public confidence in the forest agencies. To function well, a forest agency usually needs good relations with the people who use the forests. A poor reputation could indicate poor communication with the public or a history of practices that do not promote stakeholder trust.

NOTES

This question addresses the agencies' reputations. The response to this question should reflect actual stakeholder opinion and not the beliefs of agency personnel about their own reputation.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The agency has a high level of respect, and most stakeholders consider it to be highly trustworthy and competent.				
b) The agency is respected, and most stakeholders consider it fairly trustworthy and competent.				
c) Only some stakeholders see the agency as being trustworthy and competent.				
d) No stakeholders outside of the government see the agency as being trustworthy and competent.				

76) Does the agency record and report its management activities?

Rationale

Good management requires a way to verify whether plans are being followed. That means the forest agency should keep a record of its activities to fulfill its plans. To remain accountable, agency

managers should keep these records open to public review. Someone reviewing agency records should be able to determine with confidence what actions the agency had taken and whether it was following management plans.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The agency creates a reliable, complete, and easy to review record of its management activities.				
b) Recordkeeping is reliable, complete, and easy to review in some parts of the country but not in others.				
c) The agency keeps records of management activities but these are not necessarily reliable, complete, or easy to review.				
d) The agency does not keep records of management activities.				

77) Has the forest agency adopted a management system for quality assurance, such as ISO certification?

Rationale

Adoption of a quality assurance management system indicates a commitment to accountability and improvement. It also helps to improve the public reputation of an agency.

NOTES

There are many ways of ensuring quality assurance. ISO certification is one. It involves goal setting, training of employees, self-evaluation, and striving for constant improvement.

Quality assurance certification is different from "forest certification." The latter refers to a forest that is managed according to internationally accepted forest management standards.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) Yes, the agency has adopted a quality assurance management system.				
b) No, but it is working toward it.				
c) No, and it has no visible plans to adopt such a system.				

3.1.2 Quality and effectiveness of information and data management systems

78) Do forest agencies use information technology (e.g., computers and appropriate software, GPS, GIS) appropriately to carry out their responsibilities?

Rationale

Effective management practices in forestry require good information technology – such as remote sensing, GIS, GPS, computers, and communication devices – and skilled people to use the technology.

NOTES

The question is not about whether the agencies have the absolute best technology or want more. An agency should have adequate technology and should be using it well. Even a well-equipped agency probably would wish to have more technology, but that wish does not mean that the agency lacks the appropriate technology to do its job.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The agencies have good information technology, appropriate to their needs, and qualified staff to use it.				
b) The agencies have good information technology, but lack the qualified staff to use all of it well.				
c) The agencies have some information technology, but not enough to do their jobs well. They need more or better technology and staff trained to use it.				
d) The agencies have a serious lack of appropriate information technology or staff trained to use it.				
e) The agencies are 50 years behind the times, with no modern information technology or qualified people to use it.				

79) Is the forest inventory and growth information comprehensive (all you need for its application), up-to-date (according to accepted cycles), and used in decision making and planning by the agency?

Rationale

Effective forest management requires reliable and complete data on forest resources and their use. Inventory information should inform decisions about a whole range of issues, from large-scale allocation of land, to mid-scale management planning, to small-scale requirements for regeneration, restoration, or timber stand improvement.

NOTES

Inventory and growth information on trees should include information on biological growth, mortality, harvested production, and regeneration.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) It is comprehensive and up-to-date for all forested areas and is used in planning and decision making.				
b) It is comprehensive and up-to-date for most areas and is used in planning and decision making.				
c) It is comprehensive and up-to-date for only a few areas or is not used in planning and decision making.				
d) No forested area has comprehensive and up-to-date inventory information.				

3.1.3 Adequacy, effectiveness, and transparency of monitoring and evaluation (M&E) and accessibility of results
(NOTE: This sub-component should focus on M&E activities of the forest agencies.)

80) When the agency monitors its forest management practices, is the monitoring comprehensive and transparent?

Rationale

Good management requires the agency to monitor all its activities to ensure that its plans are fulfilled. Transparency of monitoring encourages accuracy and accountability.

Monitoring records should be kept open for public review. Someone from outside the agency should be able to determine what activities were undertaken and whether they are following management plans.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) Agency monitoring is comprehensive and readily available to stakeholders.				
b) Agency monitoring is comprehensive but not readily available to stakeholders.				
c) Agency monitoring is not comprehensive.				
d) Agency does little or no monitoring.				

81) Is the permanent sample plot (PSP) network adequate and well monitored?

Rationale

PSP networks are a widely used approach to forest monitoring. To understand the state of the forest and trends in forest change, countries should have such a network in place.

NOTES

If the network only covers forests of high importance or forests in public ownership, then score that as establishment in parts of the country.

POSSIBLE RESPONSES:	
a) A permanent sample plots network has been established throughout the country and is well monitored.	
b) A permanent sample plots network has been established in parts of the country and is well monitored.	
c) There is a network of permanent sample plots throughout the country, but the plots are not well monitored.	
d) There is a network of permanent sample plots in some parts of the country's forests, and the plots are not well monitored.	
e) There is no network of permanent sample plots.	

3.1.4 Extent to which monitoring and evaluation results are clearly incorporated into forest management planning

82) Does the forest agency practice adaptive management?

Rationale

The Addis Ababa Guidelines on the Convention on Biological Diversity call for countries to practice adaptive management based on science and traditional local knowledge, using feedback from monitoring to adjust and improve management activities.

NOTES

Adaptive management requires that the agency (1) identify uncertainties about how the forest will react to management; (2) design management actions as practical experiments to help expand knowledge and reduce future uncertainty; (3) carefully and objectively monitor the results of management actions; and (4) use the resulting information to improve management of resources.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The agency practices adaptive management.				
b) The agency has no formal program of adaptive management, but the agency routinely evaluates the outcomes of management activities and learns from its mistakes.				
c) The agency now and then evaluates the outcomes of management activities and learns from its mistakes.				
d) The agency has no program to evaluate the outcome of its management activities.				

3.1.5 Effectiveness of collection, sharing, and redistribution of forest taxes, royalties, charges, and rents

83) Are the collection, sharing, and redistribution of forest taxes, royalties, charges, and rents effective?

Rationale

Much depends on the efficient operation of a revenue collection and distribution system. Problems in the system may result in inequities, waste, theft, and corruption, leading to loss of public confidence.

NOTES

Effectiveness here should be viewed through the lens of minimizing evasion in collection of forest revenue, reducing leakage in sharing and redistribution of collected revenues, and avoiding failure to pay legitimate beneficiaries.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) The collection, sharing, and redistribution systems are highly effective.				
b) The collection, sharing, and redistribution systems are somewhat effective but need improvement.				
c) The collection, sharing, and redistribution systems are largely ineffective.				

3.1.6 Extent to which on-the-ground management of forests follows adopted policies, laws, and plans

84) Is the government actively pursuing sustainable management of forests?

Rationale

Sustainable forest management is a universally accepted goal. Forests are critical resources for livelihoods and should be managed to meet the needs of current and future generations. In all its actions, the government should work toward this goal.

POSSIBLE RESPONSES:	
a) Government actions show a commitment to sustainable forestry.	
b) Government actions show uneven support for sustainable forestry.	
c) Government actions show no commitment to sustainable forestry.	

85) Is the government fully implementing the forest laws?

Rationale

Good laws mean little if the government does not implement them. Selective implementation and arbitrary exercise of power moves the government away from the rule of law.

NOTES

To fully implement the law, the government must fulfill the basic duties outlined in the law (e.g., inventory, planning, monitoring, and stakeholder consultation). If the law calls for subsidiary institutions or offices (e.g., advisory boards, extension services, adjudicatory panels, and ombudsmen) these must be in place and functioning. If the law envisions subsidiary rules, the basic rules must be in place.

If the law gives the government powers but not duties in a key area, such as conservation of biodiversity, management planning, or enforcement, and the government is ignoring the area, that would count as a failure to implement the law.

If the law is very new and the government is making reasonable progress toward full implementation, give the government credit for full implementation.

"The forest law" here should be read broadly. If the government is implementing a specific forest act but is ignoring general laws that affect forests or the forest agency (e.g., laws on environmental impact assessment, public procurement processes, community rights, biodiversity protection, and water quality) then the government is not fully implementing the law.

POSSIBLE RESPONSES:	
a) The government is fully implementing the laws that affect the forests.	
b) The government is implementing most of the laws.	
c) The government is implementing less than half of the laws' provisions.	
d) The laws are largely unimplemented.	

86) Does the forest agency's spending follow its published budget?

Rationale

Budgets are important tools for informing the forest agency and stakeholders of what the financial goals for the year ahead are, and for monitoring financial activity. It is important that spending generally follows the published budget in both total amount and division among programs if these goals are to be achieved.

POSSIBLE RESPONSES:	
a) Spending matches the published budget fully in both total amount and division among programs.	
b) Spending mostly follows the budget, but there are sometimes shortfalls, or changes in allocations among programs.	
c) Spending sometimes follows the budget, but the total amount and program allocations often change.	
d) Total spending or allocations among programs do not consistently follow the budget.	

87) Do forest agencies implement existing management plans for public forests?

Rationale

Planning is a foundation of forest management. But plans don't mean much if they are not followed.

NOTES

This question is about public forests. In some countries, there may be a question as to what is a "public forest." Include—

- Lands formally reserved as forest and under the control of the forest agency or government.
- Forested lands in public ownership and otherwise reserved, for example, as parks, woodlands, or wildlife habitat.
- Lands in any ownership for which the government has the right to sell harvest rights or grant a concession for a major renewable forest resource, such as timber, woodfuel, or ecotourism.

Do not include lands in private ownership where the private owners can stop others from using the resource, even if the owners need government permission or a license to use the resource.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) All forest management plans are routinely implemented.				
b) Most forest management plans are implemented.				
c) Only some forest management plans are implemented.				
d) No plans are implemented.				

3.1.7 Extent of research, education, extension services, and use of technology
(NOTE: New sub-component added)

88) Are training and education services offered at times, places, and in formats that are appropriate for the public?

Rationale

Public education, extension, and technology transfer are common and useful components of government forestry programs. To be effective, they should be designed for the needs and capacity of the targeted public. A good training program also contributes to better communication and relations between the agency and the public.

NOTES

An example of poor format would be offering training through written materials when the target audience literacy is low. An example of bad placement would be offering instruction centrally and not in the field. An example of bad timing would be offering training during peak harvest period, rainy season, or other times when the target audience would be unable to attend.

Ideally, this question should be answered considering the viewpoint of the target audiences and not solely from the viewpoint of the agency offering the instruction.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) Training and education services are always offered at times, places, and in formats that are appropriate for the public				
b) The services are offered in the right times and places, but the formats need to be improved.				
c) The formats are appropriate, but the times and places need to be improved.				
d) Times, places, and formats all need improvement.				
e) The agency does not have training and education programs.				

89) How does forest technology in the country compare to the "global best practices," particularly with regard to minimizing costs and wastes?

Rationale

When technology used in the forest sector is close to global best practices, it not only improves the competitive advantage of the industry but also results in better use of the resources.

POSSIBLE RESPONSES:	PLANTATIONS	NATURAL FORESTS	INVENTORY	TIMBER HARVESTING	FOREST PRODUCTS PROCESSING
a) Domestic technology is uniformly on par with global best practices.					
b) Domestic technology is varied, but most is on par with global best practices.					
c) Domestic technology is varied, and less than half is on par with global best practices.					
d) Domestic technology is entirely or almost entirely below global best practices.					

3.1.8 Structure and functioning of markets
(NOTE: New sub-component added)

90) Is the timber market competitive?

Rationale

A competitive timber market promotes efficiency and optimal allocation of resources.

POSSIBLE RESPONSES:	
a) It is competitive; there are many sellers and buyers and no one dominates the market.	
b) It is not perfectly competitive; a few firms dominate the market.	
c) It is not competitive; one firm dominates the market.	

91) Are market-based incentive schemes for forest markets achieving their objectives including encouraging private sector investments?

Rationale

Incentive schemes provide significant advantages if they are well implemented. They can promote social welfare, increase investment in the sector, and result in the sustainable use of forest resources. There are, however, a number of disadvantages associated with these schemes if not implemented properly including trade distortion, environmental degradation, and social costs.

Incentive schemes might include taxes, subsidies, duties, rebates, etc.

A scheme that achieves its basic aims but also causes significant undesirable and unaddressed side effects should not be scored as achieving its objectives. Undesirable side effects might include protecting non-competitive industries, benefiting elite groups, discouraging private investment, or encouraging unsustainable use.

POSSIBLE RESPONSES:	
a) All the existing incentive schemes are achieving their objectives.	
b) Most existing incentive schemes are achieving their objectives.	
c) Less than half of the existing incentive schemes are achieving their objectives.	
d) The country has no such schemes, or if they exist none are achieving their objectives.	

92) Do private actors looking to invest in the forestry sector have adequate access to capital?

Rationale

Forest management and forest processing often require upfront investments. Many investments in forestry provide profits only after significant lags and are therefore not seen as "bankable" for lenders. The government may have a role to provide incentives and guarantees to the financial sector to facilitate lending to the private sector investors. Nongovernmental organizations and private credit associations may also play roles, especially for small enterprises.

POSSIBLE RESPONSES:	
a) Forest enterprises, large and small, have reasonable access to capital to support commercial forest enterprises.	
b) Lack of access to capital unreasonably limits forest investment; this is a recognized problem that the government or private actors are trying to address, but they need to do better.	
c) Lack of access to capital unreasonably limits forest investment; there are very few or no effective programs to address this.	

93) Are there research or promotional programs for use of lesser known species and improved use of other forest products?

Rationale

Promotion of the use of lesser known species is important because it helps streamline demand to what natural forests can produce sustainably and can reduce the chances that well-known species will be overexploited.

NOTES

Identifying market opportunities for lesser known species and improved use of other forest products can also encourage private investments into the sector.

POSSIBLE RESPONSES:	
a) They have both programs—research and promotional.	
b) They have some research or promotion but not both.	
c) They have neither.	

94) Are command and control approaches applied to forest markets achieving their objectives?

Rationale

Command and control approaches can discourage undesirable activities. But to do so, they must be well designed and implemented. Command and control approaches are often useful complements to market-based instruments.

NOTES

Example, of command and control approaches include bans on exports of whole logs, quotas on imports, etc. These approaches can fail to achieve their objectives if they are poorly designed or poorly implemented.

An approach that achieves its basic aims but also causes significant undesirable and unaddressed side effects should not be scored as achieving its objectives.

POSSIBLE RESPONSES:	
a) Command and control approaches applied to forest markets are achieving their objectives.	
b) Command and control approaches applied to forest markets are achieving most of their objectives.	
c) Command and control approaches applied to forest markets are achieving less than half of their objectives.	
d) The country has no command and control approaches, or if they exist, they are not achieving their objectives.	

3.2 FOREST LAW ENFORCEMENT
(NOTE: We propose modifying the title of this component to: Forest related law enforcement and adjudication.)

3.2.1 Appropriateness and consistency of application of penalties for breaches of forest laws and regulations

95) Are the sanctions for forest offences large enough and graduated to fit the offense?

Rationale

Sanctions should fit the offense. If mandatory sanctions are too high, the courts may be reluctant to impose them and may even dismiss cases against people who are clearly guilty. If sanctions are too low, they will not deter crime.

Judges often have an inherent ability to apply less than the maximum sanction for an offense, but in some countries, the offenses have minimum as well as maximum punishments. Also, sometimes conviction comes with confiscation of the vehicle or equipment used in the crime. In many crimes, one punishment level is not appropriate for all, and what would be a small fine to a large business is an enormous punishment for a poor rural resident.

When the amounts of fines are set in statute, inflation can soon make the levels too small to be effective. This can lead to inappropriate fines.

The answer to this question will be somewhat subjective, as there is no formula for the appropriate level of sanctions. However, someone familiar with the prosecution of forest-related crimes could probably express an opinion on the general relevance and flexibility of available sanctions.

POSSIBLE RESPONSES:	
a) Sanctions are almost always appropriate.	
b) Most sanctions are appropriate.	
c) Sanctions are appropriate less than half the time.	
d) Sanctions are typically inappropriate or ineffective.	

3.2.2 Effectiveness of division of jurisdictional authority and responsibility for forest law enforcement
(Note: This sub-component is very close to 3.4.3 and so we will not assign a specific question here.)

3.2.3 Effectiveness of measures and tools to prevent forest crimes

96) Does the government's forest law enforcement strategy include effective measures for prevention, detection, and suppression of forest crimes?

Rationale

A good forest law enforcement strategy is broad and varied. Simply patrolling the forest is not enough. The strategy should address the roots of illegal activity using a variety of preventive measures. It should employ modern techniques for detecting crimes, and it should follow successful detection with vigorous suppression (i.e., prosecution efforts).

NOTES

This question and others in this component draw upon the division of forest law enforcement efforts into three classes of activities: prevention, detection, and suppression.

Prevention includes activities to stop crimes from happening. These include traditional forest patrols but also activities like education of the public about lawful forest use and cooperation with forest-dependent communities. Cooperation with forest-dependent communities includes actions that encourage the community members to support the law and to bring social pressure against other community members who ignore the law.

Detection includes actions to make the government aware of when a crime has occurred and to discover who is responsible for the crime. Suppression means efforts to stop ongoing offenses, bring

present and past offenders into the justice system to seek suitable punishment or restitution, and discourage convicted offenders from committing further offenses.

Note that these classes are not entirely independent of one another. Detection obviously is a prerequisite to suppression. Publicizing suppression can be a means of preventing others from committing offences. And good prevention, by gaining the cooperation of people who spend time in the forest, can make detection easier.

This question deals with the quality of the government's strategy to address crime. Later questions deal with the government's capacity. A government could have a good strategy but little capacity to carry it out, or good capacity but no good strategy to use it.

POSSIBLE RESPONSES:	PREVENTION	DETECTION	SUPPRESSION
a) The government has an effective strategy to address forest crimes.			
b) The government has a strategy to address forest crimes but it should be somewhat stronger.			
c) The government has a strategy to address forest crimes but it needs to be much stronger.			
d) The government does not have any strategy in place.			

3.2.4 Effectiveness of incentives for officers and agencies to enforce forest laws, including investigation and prosecution
(NOTE: We propose changing the subcomponent to: Effectiveness of enforcement of forest laws, including investigation and prosecution.)

97) Are reports of serious forest crimes routinely investigated?

Rationale

Unless reports of crime are routinely and carefully investigated, good and comprehensive detection is impossible. Knowing that reports will be taken seriously encourages people to file reports. A good reporting system coupled with good investigation discourages would-be perpetrators.

NOTES

No government has the resources to investigate every tiny infraction of the law. For purposes of this question, consider a "serious crime" to include infractions that could be punished by a jail term.

POSSIBLE RESPONSES:	
a) In all cases, reports of serious forest crimes are promptly investigated.	
b) Most serious crimes are promptly investigated after being reported.	
c) Less than half of reported serious crimes are promptly investigated.	
d) Forest crimes are seldom or never investigated.	

3.2.5 Capacity of law enforcement agencies to suppress, detect, and prevent forest-related crimes and illegal activities

98) Does the government have adequate capacity to address forest-related crimes and illegal activities?

Rationale

Good strategies and good intentions mean little if the government lacks the capacity to act.

NOTES

An enforcement effort should have enough people, with enough training and skills, and enough equipment.

Forest law enforcement faces many challenges, especially concerning crimes in the forest itself. Transportation in the forest may be difficult, communication poor, and opportunities for crime many. No country has a perfect forest law enforcement system. The question is, considering the level of crime and the damage it does, is the country's capacity good enough?

POSSIBLE RESPONSES:	PREVENTION	DETECTION	SUPPRESSION
a) The government has adequate capacity to address forest crimes.			
b) The government has some capacity to address forest crimes but it needs to be somewhat strengthened.			
c) The government has limited capacity to address forest crimes and it needs to be significantly strengthened.			
d) The government has no real capacity to address forest crimes.			

99) Does the government effort against forest crimes cover the whole forest supply chain, including transport, processing, and trade?

Rationale

"Forest crime" includes more than just illegal harvesting. Forest crimes are not restricted to the forest. Enforcement should extend beyond the forest, to cover business practices, processing, and trade.

NOTES

Forest sector crimes may include collusion or rigging of bids to get permission to harvest forest products, "laundering" of forest products to make illegal products appear to have legal origins (a kind of fraud), mislabeling of forest products for fraudulent purposes, evasion of taxes or harvest fees, illegal transport, illegal processing, illegal export, and bribery. If there is little or no pursuit of business-related crimes, the question should be scored with the third or fourth response, depending on the level of enforcement in the forest.

Enforcement should not just target forest workers and logging truck drivers, but should cover white-collar crime and organized crime as well. To do this well requires law enforcement capacity that is usually outside the forest agency. Coordination is essential.

POSSIBLE RESPONSES:	
a) There is a strong effort to fight crime in the forest supply chain as a whole.	
b) The effort is fragmented: it covers some points outside the forest but not others.	
c) The effort focuses on the forest and perhaps also transport out of the forest, but not much else.	
d) There is no real effort.	

3.2.6 Extent, appropriateness, and effectiveness of enforcement agencies' use of tools, instruments, and information to enforce laws

100) Does the government track the level of criminal activity in the sector?

Rationale

Illegal activity tends to be hidden and hard to measure. Unless the government attempts to measure it, the government cannot fairly evaluate or reliably improve its efforts to end the activity.

NOTES

The government might track such things as number of crimes reported, estimates of the amount of illegal harvest of forest products, area of land illegally deforested as measured by remote sensing, etc.

This question covers more than the theft of trees. Criminal activity includes poaching, and it also includes activities outside the forest, such as illegal processing and trade.

To be useful, the country's tracking should have enough regional detail to help steer the enforcement effort to where it is most needed.

POSSIBLE RESPONSES:	
a) The government tracks forest sector crime and uses the information to improve its crime-fighting efforts.	
b) The government tracks forest sector crime, but the information is not usefully applied.	
c) The government does not track forest sector crime.	

3.2.7 Capacity and willingness of the judiciary and law enforcement agencies to deal with cases of forest crime effectively

101) Are prosecutors and judges knowledgeable about the effects of forest offenses and supportive of suppression of illegal activities?

Rationale

For effective enforcement, and to set appropriate sanctions, prosecutors, and judges must have some understanding about forest offenses, including an understanding of how forest offenders harm communities, the economy, and the environment.

NOTES

If the forest agency itself does not have the authority to bring prosecutions, the agency personnel will probably have an opinion about the level of knowledge of the prosecutors with whom they work.

POSSIBLE RESPONSES:	
a) Judges and prosecutors are generally knowledgeable about the effects of forest offenses.	
b) Most judges and prosecutors are knowledgeable about the effects of forest offenses.	
c) Some judges and prosecutors are knowledgeable about the effects of forest offenses.	
d) Generally judges and prosecutors are not knowledgeable about the effects of forest offenses.	

3.2.8 Extent to which courts and arbitrators are accessible, fair, honest, and independent; work in a timely manner and are affordable; and deliver enforceable outcomes

102) Can a person, including someone outside of the community or nation, rely on and seek enforcement of forest-related contracts?

Rationale

Beyond property rights, if contract rights are unreliable, people may be reluctant to invest of time, effort, and money in forest operations, including sustainable management.

NOTES

This question covers multiple scales. On a very local scale, there may be good fulfillment of contract duties because of social pressures, but not because of formal enforcement, at least not in the courts. That situation would not indicate a need for reform. On a somewhat larger scale, local businesses should be able to rely on contractual promises, including promises in contracts made with the government, and for that, court enforcement may be key.

Finally, people from outside the country should be able to rely on contracts. If the local courts will not enforce contracts for outside investors, that could discourage investment.

POSSIBLE RESPONSES:	
a) All contracts are well enforced.	
b) Most contracts are well enforced.	
c) Only a few contracts are well enforced.	
d) Contracts are never enforced.	

103) Are the decisions of judges and arbitrators enforced?

Rationale

A judicial system can offer decisions but if they are not enforced, the courts are not effective in resolving conflicts.

NOTES

In answering this question, do not consider criminal cases. This question is about civil disputes. Civil disputes include disputes over rights to land, claims for payment of damages after an injury, or other cases where criminal punishment is not an issue.

POSSIBLE RESPONSES:	
a) In general, the decisions of courts are enforced.	
b) In most cases, the decisions of courts are enforced.	
c) In less than half of the cases, the decisions of the courts are enforced.	
d) The decisions of the courts are rarely enforced.	

3.3 ADMINISTRATION OF LAND TENURE AND PROPERTY RIGHTS

3.3.1 Comprehensiveness and accuracy of documentation and accessibility of information related to forest tenure and rights

104) Are forest boundaries clearly surveyed and demarcated on the ground?

Rationale

Property rights often depend on boundaries. If people cannot locate boundaries, it is difficult to determine and enforce rights.

NOTES

There may be a wide variation in surveying and boundary practices, even within a single region. Public forests may have their boundaries clearly marked (or aligned with features like rivers and roads) while communities rely on local knowledge of the land to divide their usage rights. Or, private lands may be marked or fenced while the government cannot afford to mark forest boundaries of public lands far from roads or other easy access.

POSSIBLE RESPONSES:	PUBLIC FORESTS	COMMUNITY /SACRED FORESTS	PRIVATE FORESTS
a) Forest boundaries are generally clearly surveyed and demarcated.			
b) Forest boundaries are clearly surveyed and demarcated in most places.			
c) Forest boundaries are clearly surveyed and demarcated only in some places.			
d) Forest boundaries are generally not clearly surveyed and demarcated.			

105) Can an individual, including a person from outside the community, readily identify who holds rights to forestland?

Rationale

To encourage people to invest their time, effort, and money into forest management, rights must be clearly defined. It also must be easy to identify who holds them. When the rights are clearly defined and easy to identify, it makes the rights more secure.

NOTES

This question deals with ownership or use rights to the land and vegetation and not with less traditional rights, including carbon rights or mineral rights.

In some cases, the government will keep a local registry of land ownership and rights. In others, determining rights will also require an inspection of the land for signs of ongoing use. In still others, it will require consultation with multiple sources, such as local leaders, neighboring landholders, tax officials, or the forest agency.

POSSIBLE RESPONSES:	
a) It is easy to identify both formal and informal rights to forestland.	
b) It is easy to identify formal rights, but difficult to identify informal rights.	
c) In many places, it is difficult to identify formal or informal rights.	
d) In general, it is difficult or impossible to identify who holds rights to forestland.	

106) Are property rights records complete and free of fraud?

Rationale

If property rights records are incomplete or inaccurate, this will create uncertainty and promote conflict, making planning and management of forest resources more difficult.

POSSIBLE RESPONSES:	PUBLIC FORESTS	COMMUNITY /SACRED FORESTS	PRIVATE FORESTS
a) Property rights records are complete and free of fraud.			
b) Property rights records are complete, but some are fraudulent or otherwise inaccurate.			
c) Property rights records are neither complete nor free of fraud.			
d) There are no official property rights records for many forest areas.			

3.3.2 Existence and effectiveness of implementation of processes and mechanisms for resolving disputes and conflicts over tenure and rights

107) Are there serious conflicts between the state and stakeholders that interfere with forest use?

Rationale

Conflicts can increase uncertainty and undermine institutions and laws that govern forest use. Escalated conflicts can increase the vulnerability of forest-dependent communities and often result in human suffering, economic decline, and environmental degradation.

NOTES

Conflicts in the forest sector are common and can range from wars of words to serious acts of violence. When supply of forest resources drops or demand grows, conflicts often increase. These conflicts might play out in several ways, for example, in court suits over government actions, in squatting or encroachment of public lands, or in other illegal use of resources.

Conflicts may have many origins. They may arise because formal rights are poorly described or settled. They may be conflicts between formal and informal rights. They may be conflicts about the power of government over private lands. They may be conflicts over the direction of forest policy. They may even originate outside the forest sector — for example, in the case of an armed rebellion.

POSSIBLE RESPONSES:	
a) Conflicts between the state and stakeholders are not serious and rarely interfere with forest use.	
b) Serious conflicts occur and occasionally interfere with forest use.	
c) Conflicts frequently interfere with forest use.	
d) Conflicts make it impossible for the government to enforce laws and control forest management.	

108) Are there serious conflicts between different communities and user groups in the context of forest access and use?

Rationale

Conflicts can increase uncertainty and undermine institutions and laws that govern forest use. Escalated conflicts can increase the vulnerability of forest-dependent communities and often result in human suffering, economic decline, and environmental degradation.

POSSIBLE RESPONSES:	
a) There are no serious conflicts between communities or users.	
b) There are chronic conflicts, but they do not interfere with forest management or use.	
c) Conflicts are making some forests difficult to manage or use.	
d) Conflicts are making some forests impossible to manage, and leading to clearly unsustainable uses.	

109) Do conflicts over forest resource use and management tend to persist or do they get resolved?

Rationale

Conflicts over resource use cannot be avoided, but they can be managed. A country should have effective ways to handle conflicts so that livelihoods and resources are not significantly affected.

NOTES

There may be a variety of effective conflict management options, including informal mechanisms.

POSSIBLE RESPONSES:	
a) Conflicts tend to be resolved quickly and efficiently.	
b) The resolution of conflicts is variable: some are resolved efficiently while others persist.	
c) Conflicts get resolved (or resolve by themselves) slowly, imperfectly, or at great expense.	
d) Conflicts tend to persist indefinitely.	

110) Are informal ways of resolving conflicts over forest resources and management widely used?

Rationale

Informal ways of resolving conflict are important in many forest-dependent communities because they tend to be more easily accessible and cheaper, and can stop conflict from escalating out of control or into violence.

NOTES

Formal and informal approaches are both important to building robust governance frameworks. Formal ways include lawsuits, reform of the underlying laws, and in some countries formal administrative proceedings (resembling judicial proceedings) within the forest agency.

Informal ways are everything else. They might include a traditional community process, but they might also include convening a stakeholder workshop or community meeting to try to achieve

consensus, or asking a respected outsider to try to broker a deal, or, rarely, getting all sides to accept binding arbitration. They might involve conflicts within the community, but they might also involve conflicts between a community and outsiders, including the government, or conflicts entirely outside of communities, as between government and businesses.

Formal resolution mechanisms tend to be rights-based or power-based. Informal mechanisms, particularly consensus-based mechanisms, are likely to be interest-based and can lead to results that are better accepted and perhaps more efficient (though the transaction costs may be high). For that reason, balanced use of both formal and informal mechanisms reflects good governance.

POSSIBLE RESPONSES:	
a) There are informal ways that are socially acceptable and widely used.	
b) Informal ways have limited use.	
c) Informal ways are not used at all.	

3.3.3 Effectiveness of compensation mechanisms when rights are extinguished

111) When the government extinguishes rights to land, are the affected rights-holders provided fair compensation?

Rationale

This question is of concern to both relatively poor, forest-dependent people and relatively rich investors. Forest-dependent people who suffer uncompensated losses might risk their subsistence. Investors who suffer uncompensated losses might be reluctant to invest subsequently.

NOTES

Scoring this question requires some subjective judgments. First, it is not always clear that a government has "extinguished" a "right." If the government seizes private land, that clearly calls for compensation. But what if the government simply requires a license or a fee to collect firewood, which used to be free? What if the government outlaws traditional grazing in the public forest? For the purposes of this question, "extinguishing" does not include imposing regulations or fees, but does include physically occupying land, claiming a right-of-way, taking over well-defined mineral or water rights, or barring people with well-established rights from the forest.

Second, it is not always clear what is fair compensation. If the government seizes land, a payment of the market value of the land may be fair. If the government deprives people of some non-marketable right, like the right to take water or firewood from a public forest, fair compensation might be a payment or an alternative supply.

There may be no single objective answer to this question. Use your sense of what is good policy and fair to the rights-holder and public.

POSSIBLE RESPONSES:	
a) When the government extinguishes rights to land, the affected rights-holders always receive fair compensation.	
b) When the government extinguishes rights to land, the affected rights-holders sometimes receive fair compensation.	
c) When the government extinguishes rights to land, the affected rights-holders seldom receive fair compensation.	

3.3.4 Adequacy of measures and mechanisms to ensure the tenure security of forest owners and rights holders

112) Can people rely on the stability and security of rights to forest resources to plan activities?

Rationale

If the government has a history of changing forest rights, so that people cannot really make management decisions based on the rights they hold today, that discourages people from committing to long-term sustainable forest management.

NOTES

This question overlaps with some of the earlier questions about being able to determine rights to forest resources. However, most of the previous questions focused on being able to determine rights in the present. This question requires a subjective opinion on whether rights held today are truly secure from arbitrary changes in politics and law.

Most governments reserve the power to limit future uses of land to protect public health, safety, or welfare — in other words, to regulate land use. Reasonable exercise of that power does not make land rights insecure.

However, if the government has a history of arbitrarily and significantly changing the policies and laws concerning forest use or redefining what it means to hold rights to the forest, that suggests that people may not be able to rely on their rights.

POSSIBLE RESPONSES:	PUBLIC FORESTS	COMMUNITY / SACRED FORESTS	PRIVATE FORESTS
a) Forest tenure is stable and secure throughout the country, and people can rely on it when they plan activities or make investments.			
b) Forest tenure is stable and secure only in some parts of the country			
c) Forest tenure is unstable and insecure throughout the country.			

113) Do forest dependent communities have secure access to the resources that they depend on?

Rationale

It is a basic human right for forest-dependent communities to have secure and equitable access to forest resources on which they depend for their livelihoods. Their rights should not be arbitrarily changed or taken away.

POSSIBLE RESPONSES:	
a) All forest-dependent communities have secure access to necessary forest resources.	
b) Most forest-dependent communities have secure access to necessary forest resources.	
c) Some forest-dependent communities have secure access to necessary forest resources.	
d) No forest-dependent communities have secure access to necessary forest resources.	

3.4 COOPERATION AND COORDINATION

3.4.1 Extent, appropriateness, and adequacy of coordination and cooperation between national and sub-national governments on forest-related activities

114) To what extent are forest-related activities of national and sub-national governments coordinated and mutually supportive?

Rationale

In most countries, national and sub-national (e.g., regional, provincial, municipal) governments divide or share authorities that affect forests. The forest-related efforts of these different levels of government should be cooperative and coordinated.

NOTES

For example, the national and local governments may both have forest reserves. Coordinated management of local reserves to supply subsistence needs may take pressure off the national reserves. Or the national government might manage forest reserves while provincial governments patrol highways and regulate sawmills and other forest products processing. Exchange of information between the levels of government might aid in controlling theft of timber from the reserves.

POSSIBLE RESPONSES:	
a) Most of the forest-related activities of national and sub-national governments are coordinated and mutually supportive.	
b) Some of the forest-related activities of national and sub-national governments are coordinated and mutually supportive.	
c) Few of the forest-related activities of national and sub-national governments are coordinated and mutually supportive.	

3.4.2 Extent, appropriateness, and adequacy of coordination and cooperation within and among national agencies with forest-related mandates

115) If the government has more than one agency that is responsible for forests, to what extent are those agencies' actions coordinated and mutually supportive?

Rationale

In many countries, several agencies manage, regulate, or advise on use of forestlands. Their efforts should be cooperative and coordinated.

NOTES

Agencies with forest-related mandates include the forest agency, and also often the parks and wildlife agencies. They may include an agency that holds land in trust for rural or indigenous people. They may include an agency that gives rural people extension and tree-growing advice. In a few countries, the military manages areas of forest.

Coordinated management can be especially important if lands are adjoining. For example, a public forest can be managed to supply forest products while serving as a buffer zone for a park. An

extension agency serving farms bordering a public forest could encourage private tree-planting to take pressure off the public land.

POSSIBLE RESPONSES:	
a) Most of the forest-related activities of these agencies are coordinated and mutually supportive.	
b) Some of the forest-related activities of these agencies are coordinated and mutually supportive.	
c) Few of the forest-related activities of these agencies are coordinated and mutually supportive.	

3.4.3 Extent of cooperation and coordination of national law enforcement agencies, including police and customs, in forest law enforcement at different levels and across agencies
(Note: This question also addresses 3.2.2.)

116) Is there inter- and intra-agency coordination to combat forest crime?

Rationale

Effectively combating forest crime requires multiple skills and coordination of effort.

NOTES

Ideally, there is a high-level official within the agency responsible for overseeing and coordinating agency efforts against forest crime. If this official has multiple duties, the official must have sufficient time, authority, and resources to actually address law enforcement. Having law enforcement in the official's title or job description is not enough.

The links to officials outside the forest agency (police, prosecutors, customs officials, tax officials, etc.) may be formal or informal. The question is whether coordination is effective. Do police respond to requests for cooperation in law enforcement? Do police take action when they come upon evidence of a forest crime? Do forest officials effectively collect and preserve evidence for prosecutions? Do customs agents and forest officials cooperate in controlling illegal trade in forest products?

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) Officials inside and outside the forest agency effectively work together to combat forest crime.				
b) Officials inside and outside the forest agency occasionally work together to combat forest crime.				
c) There is coordination within the agency, but coordination with officials outside the agency could be improved.				
d) There is little coordination of effort, inside or outside the forest agency.				

3.4.4 Extent to which other government agencies (land, minerals, agriculture, transportation, communication, environmental protection, finance, etc.) coordinate and cooperate with forest agencies concerning forests

117) Do mechanisms within the government to address cross-sectoral forest-related policy, planning, or practice issues function well?

Rationale

Issues tend to cross sector boundaries. Forest use may affect and be affected by rural development, energy, transportation, water supply, agriculture, mining, tourism, trade, law enforcement, taxation, and other areas outside the portfolio of the forest agency or ministry. Countries should have some means of coordinating forest policy with other major policies.

NOTES

Another question in this set asks if such mechanisms exist on paper. This question asks if they function well. Formal mechanisms could include such things as formal vetting of policies and coordination by the full cabinet or head of government, vetting by a standing committee of ministers that coordinate policy in related fields, a specialized agency or ministry to vet and coordinate sectoral policies, or a procedure for circulating draft policies among other ministries and inviting comment.

POSSIBLE RESPONSES:	
a) Coordination among government agencies is good, and if inconsistencies or issues emerge, policy makers resolve them effectively.	
b) There are official mechanisms for cross-sectoral coordination, but they do not work well.	
c) There are no official mechanisms, but there is some informal cross-sectoral coordination.	
d) There is no cross-sectoral coordination.	

3.4.5 Extent of application of human rights, labor, safety, environmental, and other relevant laws in forest activities

118) Are forest offenders treated legally and in a humane manner?

Rationale

In a democratic society, lawbreakers still have human rights. Treating detainees humanely avoids continued hostility from the community. For example, when the offenders are beaten badly during arrest, future offenders are more likely to become violent and a cycle of violence is created.

POSSIBLE RESPONSES:	
a) The process of dealing with forest offenders is fully in accord with the requirements of law and universally accepted human rights.	
b) The process of dealing with forest offenders sometimes falls short of the requirements of law and universally accepted human rights.	
c) The process of dealing with forest offenders often falls short of the requirements of law and universally accepted human rights.	

119) Are environmental laws enforced in the forest sector?

Rationale

Enforcement of environmental laws in the forest sector protects the health and welfare of people. It also internalizes potential costs that may otherwise be borne by workers and the environment.

NOTES

Environmental laws will vary from country to country. As examples, environmental laws might require harvesters and processors to dispose of garbage properly, to clean up spills of fuels or toxic substances, to use pesticides carefully, to keep waste out of surface water, or to limit smoke from industrial processes. The question is not whether the country has all these laws. Almost every country has some environmental laws. The question is, are they enforced in the forest sector?

POSSIBLE RESPONSES:	
a) These laws are uniformly enforced.	
b) These laws are enforced in most cases.	
c) These laws are enforced only in some cases.	
d) These laws are generally not enforced in the forest sector.	

120) Are labor and safety laws enforced in the forest sector?

Rationale

Enforcement of labor and safety laws in the forest sector protects workers, as well as people visiting sites where harvest and processing is taking place. It also internalizes potential costs that may otherwise be borne by workers and others.

NOTES

As examples, labor and safety laws might set minimum wages or ages to work, might require employers to give workers safety equipment or training, might require that the employer have equipment on hand to respond to emergencies, or might require that the public be warned about or kept out of dangerous work areas.

POSSIBLE RESPONSES:	
a) These laws are uniformly enforced.	
b) These laws are enforced in most cases.	
c) These laws are enforced only in some cases.	
d) These laws are generally not enforced in the forest sector.	

3.4.6 Effectiveness of implementation of forest-relevant international commitments

121) Is the country implementing key forest-related conventions (CITES, Convention on Biological Diversity, Convention on Combating Desertification, Ramsar (Wetlands)), and key regional agreements?

Rationale

This is an indicator of political commitment to address sustainability issues. Widely adopted treaties represent the closest thing available to international norms for resource management and environmental protection.

NOTES

Another question in this set asks whether the country has committed to following these treaties. This question asks whether it is actually following these treaties.

POSSIBLE RESPONSES:	
a) The implementation is excellent.	
b) The implementation is fairly good.	
c) The implementation needs significant improvement.	
d) The country is not implementing any of these treaties.	

3.4.7 Effectiveness of cross-border cooperation in the management of common forest resources and in other forest-related international activities

122) Does the country participate in regional collaboration (whether issue-specific or general forestry collaboration) on forest management?

Rationale

Many forest management issues cross-national boundaries. Examples include management of migratory species, management of shared watersheds, and control of fire or disease in border areas. Addressing these trans-boundary issues requires communication, cooperation, and collaboration.

POSSIBLE RESPONSES:	
a) There is collaboration on a wide variety of issues and it is effective in addressing most trans-boundary problems.	
b) There is collaboration on some issues, and it is effective in addressing these problems.	
c) There is collaboration, but it is not particularly effective.	
d) The country does not collaborate on forest management issues.	

3.4.8 Effectiveness of cross-border cooperation in law enforcement to combat illegal trade in forest products

123) Does the country participate in regional collaboration (whether issue-specific or general forestry collaboration) on forest law enforcement?

Rationale

Addressing these trans-boundary issues requires communication, cooperation, and collaboration.

POSSIBLE RESPONSES:	
a) There is collaboration and it is effective in addressing most trans-boundary law enforcement problems.	
b) There is collaboration and it is effective in addressing some problems.	
c) There is collaboration, but it is not particularly effective.	
d) The country does not collaborate on forest law enforcement.	

3.5 MEASURES TO ADDRESS CORRUPTION

3.5.1 Implementation and effectiveness of forest-related procurement rules in the public sector

124) Are forest-related procurement rules in the public sector, effectively implemented?

Rationale

The sale of rights to public forests and the purchase of goods and services for government use, both, present opportunities for waste, fraud, and abuse of power. If the government implements procurement rules fully, it will reduce the danger of corruption and other unwelcome outcomes.

NOTES

This sub-component covers government purchases as well as concessions and sales of forest products.

POSSIBLE RESPONSES:	SALES	PURCHASES
a) Forest-related procurement rules in the public sector are effectively implemented.		
b) Forest-related procurement rules in the public sector are not always implemented.		
c) Forest-related procurement rules in the public sector are seldom or never implemented.		

3.5.2 Existence, adequacy, and effectiveness of standards of conduct for civil servants, political appointees, and elected officials

125) Do the forest agency's code of conduct and staff training explicitly address corruption and bribery?

Rationale

On a practical level, codes of conduct and training help officials understand what actions are considered corrupt and unacceptable and what options they have to avoid and address corrupt behavior. This question is also a proxy demonstrating management will to control corruption.

NOTES

The code of conduct may be a general one for civil servants. It does not have to be specific to the forest agency.

POSSIBLE RESPONSES:	AGENCY#1	#2	#3	#4
a) There is a code of conduct, and employees must take periodic training on their obligations.				
b) There is a code of conduct, and employees must take training on their obligations once, when they join government service.				
c) There is a code of conduct, and employees may get a copy of it when they join government service.				
d) There is no code of conduct.				

3.5.3 Private sector participation in efforts to address corruption, including adoption of codes of conduct and ensuring transparency of payments

126) Do private sector operators in the forest sector have a reputation for being honest and trustworthy?

Rationale

Corruption is not just a government problem. The reputation of the private sector is often a good proxy for its willingness to address corruption and its success in doing so.

POSSIBLE RESPONSES:	
a) Private sector operators are broadly viewed as being honest and trustworthy.	
b) Most private sector operators are viewed as being honest and trustworthy.	
c) Few or no private sector operators are viewed as being honest and trustworthy.	

3.5.4 Existence and effectiveness of channels for reporting corruption and whistleblower protection

127) Does the public have an opportunity to report corrupt practices to an appropriate authority?

Rationale

Public reporting helps discourage corruption. Without a safe and accessible way to bring complaints, it is more difficult to detect corrupt acts.

NOTES

Suitable places might include a national anticorruption office or ombudsman, a forest agency ombudsman or inspector general, a parliamentary standing committee on corruption, or a trustworthy official.

Ideally, the country should have laws in place to protect whistleblowers (within the government) from retaliation by the officials they criticize. However, this question focuses on the general public's ability to bring complaints.

POSSIBLE RESPONSES:	
a) There is an easy, effective, and safe way to report corrupt activities.	
b) There is a place to report corrupt activities, but it may not be easy, effective, or safe to use.	
c) There is no office in the government to take complaints about corruption.	

3.5.5 Extent and effectiveness of follow-up action, including prosecution of all parties involved in cases of corruption

128) Do complaints of alleged forest corruption lead to investigation and appropriate sanctions?

Rationale

A country should have a strong but fair system to suppress corruption including corrupt activities in the forest sector.

NOTES

Enforcement targeted only at petty corruption and not at larger actors should not be considered evenhanded.

POSSIBLE RESPONSES:	
a) Complaints are routinely investigated and appropriate sanctions are applied.	
b) Some complaints are investigated, but not systematically and evenhandedly.	
c) Complaints are rarely investigated, or sanctions are rarely applied.	

3.5.6 Implementation of and follow-up on internal controls and internal and external audits

129) Are regular audits of the forest agencies undertaken and is action taken on the findings?

Rationale

Regular auditing deters unlawful behavior, increases accountability, and discourages waste.

NOTES

The most common form of auditing is financial, however countries often also monitor and evaluate the success of agencies in achieving their goals. This too is a form of auditing.

POSSIBLE RESPONSES:	
a) Audits of the forest agencies are undertaken regularly and action is taken on the findings.	
b) Audits of the forest agencies are undertaken occasionally and action is taken on the findings.	
c) Audits of the forest agencies are undertaken but action is seldom taken on the findings.	
d) Audits of the forest agencies are NOT undertaken.	

3.5.7 Efficiency and effectiveness of systems for forest revenue collection, expenditure, budgeting, accounting, redistribution, and audit

130) Are the systems for forest revenue collection, expenditure, budgeting, accounting, redistribution, and audit resistant to corruption?

Rationale

Government systems handling revenue and expenditures are often targets for tampering. Corruption can be the driving force behind the tampering or it can be invoked to help conceal the crime. Good revenue and expenditure systems have checks and safeguards to make them resistant to such attacks.

POSSIBLE RESPONSES:	
a) Most systems are resistant to corruption and difficult to tamper with.	
b) Some systems are resistant to corruption and difficult to tamper with.	
c) Systems are open to corruption and easy to tamper with.	

ASSESSING AND MONITORING FOREST GOVERNANCE: A USER'S GUIDE TO A DIAGNOSTIC TOOL

APPENDIX IV: FOREST GOVERNANCE ASSESSMENT AND MONITORING FRAMEWORK[14]

FRAMEWORK DESIGN

The framework builds on the understanding that governance is both the context and the product of the interaction of a range of actors and stakeholders with diverse interests. The base upon which the framework stands consists of generally accepted pillars and principles of "good" forest governance (see figure IV.1).

FIG. IV.1: PILLARS AND PRINCIPLES OF GOVERNANCE
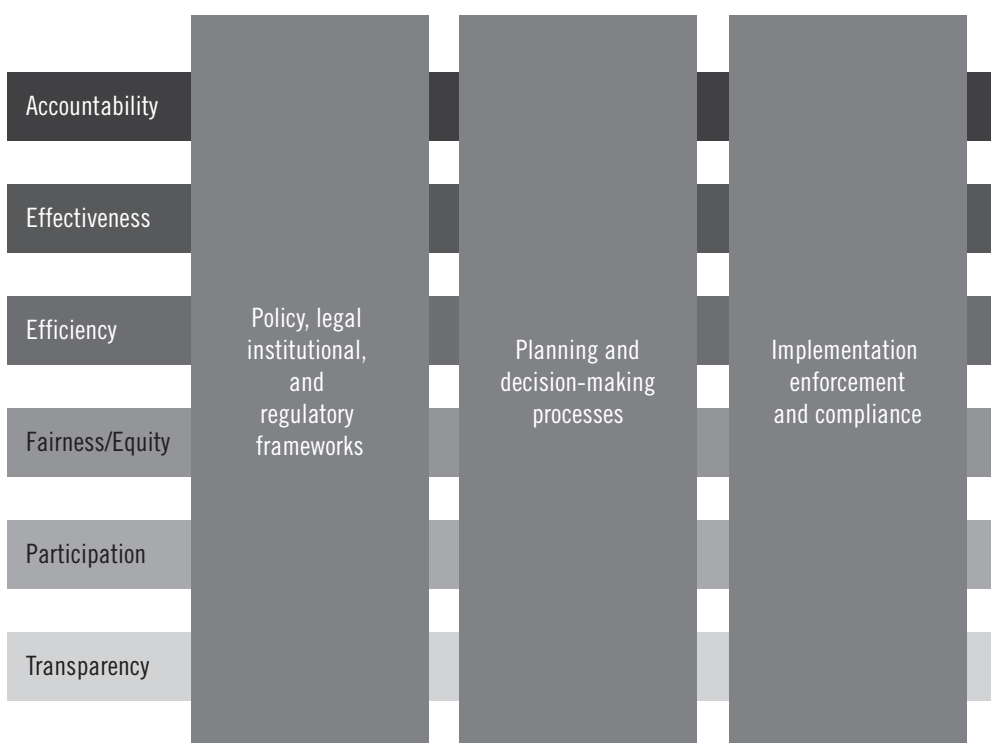
Discussions on the conceptual bounds and operational definitions of governance are still under way. However, there is consensus in the literature about key attributes and processes that characterize "good governance," both in general and in specific sectors, such as the forest sector. Governance is generally considered "good" if it is characterized by stakeholder participation, transparency of decision making, accountability of actors and decision makers, rule of law, and predictability. Good governance is also associated with efficient and effective management of natural, human, and financial resources, and fair and equitable allocation of resources and benefits. The achievement of good governance

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[14]   The text in this appendix is extracted from the report "Framework for Forest Governance Assessment and Monitoring" (PROFOR and FAO 2011).

is predicated upon mutually supportive and cooperative relationships among government, private sector, and civil society. Although government is key, the private sector and civil society also play important roles in governance, with private sector generally understood to encompass for-profit business entities not owned or operated by the government, and civil society comprising groups acting voluntarily in their capacities as citizens to advance common goals and agendas. Civil society groups may be formally organized and coordinated, such as officially registered not-for-profit or nongovernmental organizations (NGOs), or they may be unregistered, loosely organized, cause-oriented groups of individuals, such as advocacy networks and social movements.

The framework provides a means to view and analyze the institutions and interactions within and outside the forest sector that together create the conditions and possibilities for the governance of a country's forests and forest resources. The framework uses the term "institutions" to refer to customs, behavioral patterns, and rules that define:

- Who has access to forests and forest resources and shares in their benefit flows
- What can be withdrawn from, modified, or put into forests
- Who has what rights and duties related to forests and forest resources
- Who participates in key decisions about these issues and about transferring rights and duties to others.

These institutions result from, and are played out through, the decisions and actions of diverse actors, stakeholders, organizations, and agencies, including government forest agencies.

STRUCTURE OF THE FRAMEWORK

The basic elements of the framework are its pillars, components, and subcomponents; its 3 fundamental pillars and 13 basic components are listed here. The basic subcomponents listed under each framework component have been derived from the growing governance literature and from governance indicator initiatives relevant to the forest sector. This list of subcomponents encompasses those aspects that have been identified as important and that should be considered in assessing and monitoring forest governance.

PILLAR 1: POLICY, LEGAL, INSTITUTIONAL, AND REGULATORY FRAMEWORKS

1.1 FOREST-RELATED POLICIES AND LAWS

- Existence and quality of policies, laws, and regulations governing forest use and management
- Clarity and coherence of policies, laws, and regulations governing forest use and management
- Extent to which forest-related laws and regulations facilitate effective and efficient implementation and avoid overreaching and unnecessary requirements
- Extent to which policies and laws support adaptive forest management
- Consistency of forest laws with relevant international commitments and obligations.

1.2 LEGAL FRAMEWORK TO SUPPORT AND PROTECT LAND TENURE, OWNERSHIP, AND USE RIGHTS

- Extent to which the legal framework recognizes and protects forest-related property rights, including rights to carbon
- Extent to which the legal framework recognizes customary and traditional rights of indigenous peoples, local communities, and traditional forest users

- Consistency between formal and informal rights to forest resources

- Extent to which the legal framework provides effective means of resolving disputes by due process.

1.3 CONCORDANCE OF BROADER DEVELOPMENT POLICIES WITH FOREST POLICIES

- Consistency and coordination of national development plans and strategies with forest policies

- Consistency and coordination of sectoral (e.g., mining, agriculture, transport, energy) policies, laws, and regulations with forest policies, laws, and regulations

- Extent to which forest laws support and enable sustainable livelihoods of forest-dependent communities

- Consistency of land use plans with forest policy goals and priorities

- Consistency of forest policies with policies on climate change mitigation and adaptation

- Existence of means, including high level cross-sectoral policy coordination mechanisms, to harmonize development policies and forest policies

- Extent to which forest and land use policies ensure gender equity.

1.4 INSTITUTIONAL FRAMEWORKS

- Extent to which the forest-related mandates of national agencies are clear and mutually supportive

- Extent to which the forest-related mandates of national and subnational governments are clear and mutually supportive

- Adequacy, predictability, and stability of forest agency budgets and organizational resources

- Availability and adequacy of information, technology, tools, and organizational resources for the pursuit of agency mandates.

1.5 FINANCIAL INCENTIVES, ECONOMIC INSTRUMENTS, AND BENEFIT SHARING

- Existence of legal provisions and mechanisms for equitable sharing of forest revenue

- Equity in the distribution of access to forest resources, rights, and rents

- Existence of economic incentives and policies to promote increased value-addition and sustainable utilization of timber and non-timber forest products

- Existence of incentives for sustainable management of forests and measures to correct inappropriate subsidies and distortions in forest product prices

- Openness and competitiveness of procedures, such as auctions, for allocation of forest resources

- Mechanisms for the internalization of social and environmental externalities from forest resource use, including payments for forest-derived environmental services

- Existence and adequacy of safeguards against social and environmental harm from forest-related policies and activities.

PILLAR 2: PLANNING AND DECISION-MAKING PROCESSES

2.1 STAKEHOLDER PARTICIPATION

- Extent to which the legal framework provides opportunities for public participation in forest-related policies and decisions, and opportunities for redress and remedy

- Existence and effectiveness of processes that ensure participation by key stakeholders, including sanctions for failure to facilitate stakeholder participation

- Transparency of processes and accessibility of guidance on how to participate in forest-related planning, decision making, and implementation at all levels

- Extent to which stakeholder processes ensure the participation of women in forest-related decision-making processes

- Extent to which government engages with, creates space for, and supports the participation of civil society, indigenous peoples, and forest-dependent communities in forest-related processes and decision making

- Capacity of governments at different levels to engage with civil society and other forest stakeholders on forest-related policy making and implementation

- Existence and effectiveness of conflict resolution and grievance mechanisms.

2.2 TRANSPARENCY AND ACCOUNTABILITY

- Extent to which the legal framework supports public access to information, promotes scientific debate relating to forest policies, and imposes sanctions for failure of agencies to meet obligations to disclose information

- Quality, timeliness, comprehensiveness, and accessibility of forest-related information available to stakeholders, including public notice of pending forest agency actions

- Transparency in the allocation of timber and non-timber forest products concessions, permits, and user rights

- Transparency of forest revenue collection, budgeting, expenditure, accounting, redistribution, and audit

- Existence, effectiveness, and independence of governmental oversight mechanisms external to the forest agency

- Existence and extent of use of internal accountability mechanisms, such as internal monitoring bodies, performance standards and performance-based rewards, and penalties

- Transparency and accountability of private agencies, corporate entities, businesses, and civil society organizations operating in the forest sector.

2.3 STAKEHOLDER CAPACITY AND ACTION

- Presence of strong, independent civil society organizations, including nongovernmental monitors and watchdog organizations

- Capacity of civil society, indigenous peoples, and small and medium-sized enterprises to participate and engage in forest-related planning, decision making, and implementation

- Adoption and implementation of voluntary environmental and social standards and safeguards by private sector actors, including banks operating in the forest sector

- Extent to which governments encourage corporate entities and businesses operating in the forest sector to comply with recommended international codes of conduct and standards and safeguards.

PILLAR 3: IMPLEMENTATION, ENFORCEMENT, AND COMPLIANCE

3.1 ADMINISTRATION OF FOREST RESOURCES

- Adequacy of staff capacity and effectiveness of agencies tasked with forest administration

- Quality and effectiveness of information and data management systems

- Adequacy, effectiveness, and transparency of monitoring and evaluation and accessibility of results
- Extent to which monitoring and evaluation results are clearly incorporated into forest management planning
- Effectiveness of collection, sharing, and redistribution of forest taxes, royalties, charges, and rents
- Extent to which on-the-ground management of forests follows adopted policies, laws, and plans.

3.2 FOREST LAW ENFORCEMENT

- Appropriateness and consistency of application of penalties for breaches of forest laws and regulations
- Effectiveness of division of jurisdictional authority and responsibility for forest law enforcement
- Effectiveness of measures and tools to prevent forest crimes
- Effectiveness of incentives for officers and agencies to enforce forest laws, including investigation and prosecution
- Capacity of law enforcement agencies to suppress, detect, and prevent forest-related crimes and illegal activities
- Extent, appropriateness, and effectiveness of enforcement agencies' use of tools, instruments, and information to enforce laws
- Capacity and willingness of the judiciary and law enforcement agencies to deal with cases of forest crime effectively
- Extent to which courts and arbitrators are accessible, fair, honest, and independent; work in a timely manner and are affordable; and deliver enforceable outcomes.

3.3 ADMINISTRATION OF LAND TENURE AND PROPERTY RIGHTS

- Comprehensiveness and accuracy of documentation and accessibility of information related to forest tenure and rights
- Existence and effectiveness of implementation of processes and mechanisms for resolving disputes and conflicts over tenure and rights
- Effectiveness of compensation mechanisms when rights are extinguished
- Adequacy of measures and mechanisms to ensure the tenure security of forest owners and rights holders.

3.4 COOPERATION AND COORDINATION

- Extent, appropriateness, and adequacy of coordination and cooperation between national and subnational governments on forest-related activities
- Extent, appropriateness, and adequacy of coordination and cooperation within and among national agencies with forest-related mandates
- Extent of cooperation and coordination of national law enforcement agencies, including police and customs, in forest law enforcement at different levels and across agencies
- Extent to which other government agencies (land, minerals, agriculture, transportation, communication, environmental protection, finance, etc.) coordinate and cooperate with forest agencies concerning forests
- Extent of application of human rights, labor, safety, environmental, and other relevant laws in forest activities

- Effectiveness of implementation of forest-relevant international commitments

- Effectiveness of cross-border cooperation in the management of common forest resources and in other forest-related international activities

- Effectiveness of cross-border cooperation in law enforcement to combat illegal trade in forest products.

3.5 MEASURES TO ADDRESS CORRUPTION

- Implementation and effectiveness of forest-related procurement rules in the public sector

- Existence, adequacy, and effectiveness of standards of conduct for civil servants, political appointees, and elected officials

- Private sector participation in efforts to address corruption, including adoption of codes of conduct and ensuring transparency of payments

- Existence and effectiveness of channels for reporting corruption and whistleblower protection

- Extent and effectiveness of follow-up action, including prosecution of all parties involved in cases of corruption

- Implementation of and follow-up on internal controls and internal and external audits

- Efficiency and effectiveness of systems for forest revenue collection, expenditure, budgeting, accounting, redistribution, and audit.

APPENDIX V: SAMPLE BUDGET WORKSHEET

			TOTAL
Step I: Preparation of Assessment Report, etc.			
i. Lead expert's time (3 weeks approx.)	@USDXXX/day	#days	
ii. Local travel for lead expert			
iii. Translation of assessment report into English (if needed)			
iv. Printing and communications costs			
Step II: Multistakeholder Workshop			
i. Lead expert's time (1 week approx.)			
ii. Facilitator's time (1 week approx.)			
iii. Direct workshop costs (venue, meals, participant travel and per diems, photocopying, communications, other logistics)			
Step III: Tabulation of Results and Finalization of Report			
i. Lead expert's time (2 weeks approx.)			
ii. Local travel of lead expert			
iii. Translation of final report into English (if needed)			
iii. Printing and communications costs			
TOTAL			

APPENDIX VI: SAMPLE TERMS OF REFERENCE

(A): Terms of Reference for a *Lead Expert* for a

Workshop on Forest Governance Assessment and Monitoring

Background

The MAIN ORGANIZER, in collaboration with the Ministry of XXXXX, government of <COUNTRY>, will be supporting the application of a tool that will enable an assessment of the situation of forest governance in the country... The tool requires scoring a primary set of indicators (a questionnaire) to a large number of stakeholders, to create a baseline for the quality of forest governance.

It helps identify areas needing improvement, formulate targeted and actionable interventions to improve forest governance, and make informed choices regarding reform priorities and provides indicators to monitor the progress of interventions. A generic version of this questionnaire is available at <WEBSITE>.

The approach will involve three main steps.

Step I: Preparation of Background Materials by the Lead Expert

This step will involve getting a lead expert who has deep knowledge of the country's forest sector who will be expected to:

- Prepare a background country paper (initial stock-taking study on forest governance)
- Provide his/her assessment of each question on the governance questionnaire
- Provide his/her feedback on the questions—their relevance, clarity, and usefulness for policy—and assist in editing the questions to ensure relevance to local context.

Step II: Multistakeholder Workshop

Using the information obtained in Step I, a multistakeholder workshop will be organized in the same country. The workshop will bring together a cross-section of stakeholders, including local representatives, academia, government officials, think tanks, bilateral and multilateral development partners, nongovernment organizations (NGOs), cooperatives, forest department officers, and agriculture department officers. About 40–45 such experts will be requested to participate in a two-day workshop. The workshop will be facilitated by another resource person with good familiarity with the forest industry in the focus country.

Step III: Tabulation of Results and Additional Discussions with Government and Other Stakeholders

This step will involve the collating and tabulating the results obtained from the first two steps. The questions might be refined based on feedback. The report will identify the areas requiring improvement and develop a draft forest governance reform strategy. The resulting product will then be discussed

with the government officials and other stakeholders in the study country. The final report will provide the (consensus-based) baseline situation for forest governance and a refined action plan for bringing about forest governance improvements.

Scope of Work for the Lead Expert

The lead expert will draw on his/her knowledge of the forest sector governance, including key trends in forest management and development, and consult relevant background literature, *especially on indicators/measurements of forest governance* to assist in completion of the project.

Specific responsibilities in Step I:

- Prepare a background country paper (initial stock-taking study/assessment report). This will be based on referencing the available literature on the subject and interviewing a select number of knowledgeable experts in-country, to gather information for the above assessment report. It is suggested that the information be organized under the same three pillars as in the PROFOR-FAO forest governance framework.

- Provide his/her assessment of each question on the governance questionnaire.

- Provide his/her feedback on the questions—their relevance, clarity, and usefulness for policy.

- Identify the key stakeholders who should be invited for the governance workshop.

Specific responsibilities in Steps II and III:

- In collaboration with the workshop facilitator, organize and run the governance workshop. The participants will receive the report prepared by the lead expert as a starting point for discussion. The lead expert and facilitator team are expected to lead the participants through the questions and help them come up with a consensus-based rating for each stakeholder group.

- Act as a governance resource person at the workshop.

- Collate and tabulate results from the workshop (in collaboration with the workshop facilitator).

- Write an issues report (in collaboration with the facilitator) summarizing findings, indentifying governance areas requiring improvement, and proposing a forest governance reform strategy.

Expected Outputs

- An assessment report (15–20 pages, excluding annexes) on the status of forest governance in the country

- A fully assessed, refined, and customized governance questionnaire

- An issues report summarizing findings, indentifying governance areas requiring improvement, including a proposed a forest governance reform strategy.

Desirable Qualifications

- An advanced degree in forest sciences, or governance, or natural resource management (desirable)

- At least 10 years of field experience in <REGION> (experience in other regions desirable)

- Extensive knowledge of forestry and forest governance and rural development issues in <COUNTRY>

- Strong understanding of measurements and monitoring of forest governance

- Strong facilitation skills and experience working with multi-sectoral audiences such as government officials, NGOs, and the private sector

- Experience in report writing in the national language
- Fluency in English would be an added asset.

Duration of the Contract

The duration of the consultancy is expected to be six weeks. Three weeks will be spent on the initial stock-taking study, writing the background report, and assessing and refining the questionnaire.

The other three weeks will be spent on organizing and conducting the workshop, collating and tabulating results from the workshop, and writing the issues report.

Timelines for the Deliverables

DELIVERABLE	DATE
Initial stock-taking/assessment report	Weeks 1–3
Revised draft of stock-taking/assessment report	Weeks 1–3
A fully assessed and refined questionnaire	Weeks 1–3
First draft of issues report (based on outputs from the stakeholder governance workshop)	Weeks 4–6
Final draft of issues report	Weeks 4–6

(B): Terms of Reference for a *Facilitator* for

Workshop on Forest Governance Assessment and Monitoring

Background

The MAIN ORGANIZER, in collaboration with the Ministry of XXXXX, government of <COUNTRY>, will be supporting the application of a tool that will enable an assessment of the situation of forest governance in the country... The tool requires scoring a primary set of indicators (a questionnaire) to a large number of stakeholders, to create a baseline for the quality of forest governance.

It helps identify areas needing improvement, formulate targeted and actionable interventions to improve forest governance, and make informed choices regarding reform priorities, and provides indicators to monitor the progress of interventions. A generic version of this questionnaire is available at <WEBSITE>.

The approach will involve three main steps.

Step I: Preparation of Background Materials by the Lead Expert

This step will involve getting a lead expert who has deep knowledge of the country's forest sector who will be expected to:

- Prepare a background country paper (initial assessment report on forest governance)
- Provide his/her assessment of each question on the governance questionnaire
- Provide his/her feedback on the questions—their relevance, clarity, and usefulness for policy.

Step II: Multistakeholder Workshop

Using the information obtained in Step I, a multistakeholder workshop will be organized in the same country. The workshop will bring together a cross-section of stakeholders, including local

representatives, academia, government officials, think tanks, bilateral and multilateral development partners, nongovernmental organizations (NGOs), cooperatives, forest department officers, and agriculture department officers. About 40–45 such experts will be requested to participate in a two-day workshop. The workshop will be facilitated by another resource person with good familiarity with the forest industry in the focus country.

Step III: Tabulation of Results and Additional Discussions with Government and Other Stakeholders

This step will involve the collating and tabulating the results obtained from the first two steps. The questions might be refined based on feedback. The report will identify the areas requiring improvement and develop a draft forest governance reform strategy. The resulting product will then be discussed with the government officials and other stakeholders in the study country. The final report will provide the (consensus-based) baseline situation for forest governance and a refined action plan for bringing about forest governance improvements.

Scope of Work for the Workshop Facilitator

The facilitator in collaboration with the expert consultant identified in Step I will organize and run the workshop. The participants will receive the report prepared by the expert as a starting point for discussion. The expert and the facilitator are expected to lead the participants through the questions and help them come up with a consensus-based rating for each stakeholder group. To the extent possible, the facilitator will also help obtain consensus on their assessments for each question, across each stakeholder group.

The facilitator will use his/her experience in the forestry sector, knowledge of governance issues, and skills in facilitation to:

- Ensure that participants have clearly understood the objectives and group tasks
- Manage the flow of the workshop, maintain momentum and focus
- Ensure that participants have a voice in the discussion and a chance to speak
- At the end of each session, synthesize the main points, summarize key points of learning and issues left unresolved and to be pursued, and highlight elements that should inform ongoing discussions over the course of the two days
- Produce a report that captures the main outcomes of the workshop, key points that have emerged that should be taken into account in tabulation of the results, and considerations for improving such workshops in the future.

Expected Output

- A report that summarizes the main outcomes of the workshop, key points that have emerged that should be taken into account in tabulation of the results, and considerations for improving such workshops in the future

Desirable Qualifications for the Facilitator

- Good knowledge of governance for natural resources management generally, and familiarity with governance and forestry issues in the focus country
- Excellent facilitation skills and extensive experience in workshop facilitation with multistakeholder audiences
- Experience in report writing

- Excellent speaking and writing skills in the national language
- Familiarity with English would be an added advantage.

Duration of the Assignment

The assignment is expected to require five days, including facilitation at the two-day workshop.
Note: (See appendix VIII for sample workshop agenda).

APPENDIX VII: SAMPLE OUTLINE FOR FOREST GOVERNANCE BACKGROUND PAPER

The sample outline below reflects the organization in the Forest Governance Framework described in appendix IV. It is not intended as a mandatory outline. The author may find it worthwhile to shift the order of points or delve into more or less detail depending on country context.

An executive summary is helpful. The full report is likely to run to dozens of pages. Many participants will end up reading the executive summary, skimming the report, and later consulting specific sections for reference as they score the indicators.

In most cases, the report will not score the indicators. It will merely give helpful background information. For example, being able to look over a list and short description of the basic forest laws is useful when discussing whether the laws are adequate and being well implemented. Having a list of key cross-sectoral issues is useful when discussing whether the ministries that affect forests are working at cross-purposes. In the Uganda pilot of the tool, although the report did not score the indicators, the local expert offered his general recommendations for reforming sector governance.

I.   Introduction
    A. Purpose of This Background Paper
    B. Forest Governance Defined
    C. Forest Governance Diagnostics: What and Why
    D. How the Tool Will Be Used in This Country

II.   Forests and Forest Use in This Country
    A. Basic Statistics, with History and Trends
    B. Stakeholders and Their Interests

III. Forest Institutions, Policies, and Laws
    A. Policies and Laws
        1. The basic policies and laws affecting forests
        2. Key treaties affecting forests
    B. Forest Land Tenure and Ownership
    C. Coordination with Other Laws and Policies
        1. Key cross-sectoral concerns
        2. Important cross-sectoral laws, policies, or plans (land use, economic development, etc.)
    D. Governmental Institutions
        1. Dedicated to forest management or protection
        2. Influencing forest management or protection
    E. The Forest Economy
        1. Who gets access to resources and benefits
        2. Competition, incentives, and markets
        3. Valuing and safeguarding environmental goods

IV.   Planning and Decision Making
     A.   Stakeholder Participation
          1.   Opportunities and level of use
          2.   Handling of stakeholder grievances and conflicts
     B.   Transparency and Accountability
          1.   Quality of and access to information about forests
          2.   Transparency of government actions, including licensing
          3.   Government oversight mechanisms
          4.   Oversight of businesses and civil society in the forest sector
     C.   Stakeholder Capacity
          1.   Activity and capacity of civil society
          2.   Business use of standards, safeguards, and certification

V.   Implementation, Enforcement, and Compliance
     A.   Capacities of Government Forest Agencies
          1.   General staff capacity
          2.   Information management
          3.   Ability to monitor forests
          4.   Revenue collection systems
          5.   Working according to plan
     B.   Law Enforcement
          1.   Prevention, detection, and suppression of forest crime
          2.   Cooperation with judges and prosecutors
     C.   Administration of Land Tenure
          1.   Documentation of property ownership and rights
          2.   Resolution of disputes over land
          3.   Security of rights and compensation for government taking
     D.   Cooperation and Coordination
          1.   Among forest-related agencies (if more than one exist at the national level)
          2.   Between forest and non-forest agencies
          3.   Between national and subnational governments
          4.   Across national borders
     E.   Controlling Corruption
          1.   Transparency in procurement, concessions, and revenue collection
          2.   Use of codes of conduct for civil servants and others
          3.   Encouraging reporting, protecting whistleblowers, and following up on complaints
          4.   Use of safeguards, internal controls, auditing, and accounting

VI.   Conclusions (and optionally, Recommendations)

APPENDIX VIII: SAMPLE WORKSHOP AGENDA

Below is a model agenda for a two-day workshop to score the indicators, identify priorities, and gather feedback on the process. It is based on the agenda used in Uganda, which was developed by Gaster Kiyingi.

Forest Governance Workshop Agenda

| TIME	MAIN ACTIVITY	DETAILS
Day 1		
08.00am	Participants arrival and registration	
08.30am	Opening session	Introduction of participants
		Facilitator gives brief background of exercise and presents workshop objectives
		Welcoming remarks by organizers and sponsors
		Speech and formal opening by a government official
09.30am	Forest governance diagnostics	Organizer explains idea of diagnostics in forest governance
	Background paper on forest governance in uganda	Project expert summarizes content of background paper, perhaps with a panel of other experts to give reactions or add depth
	Introduction to group discussions	Facilitator gives instructions for formation and work of groups, instructing them to score the indicators and to identify a small number of indicators that touch on reform priorities
11.00am	*Coffee/Tea*	
11.30am	Group discussions	The groups begin to score the indicators
01.00pm	*Lunch*	
02.00pm	Group discussions	Scoring of indicators continues
04.00pm	*Coffee/Tea*	
04.30pm	Final group discussions	Scoring concludes; priorities identified
05.30pm	*End of day*	Each group's reporter submits the group's scoring in writing to the facilitator
Day 2		
08.30am	Informal viewing of group outputs	Facilitator has posted the group reports on the meeting room walls
09.00am	Group presentations in plenary	Reporters present their group's work; Q&A and discussion after each presentation
10.30am		
11.00am	Group presentations continue	

| TIME	MAIN ACTIVITY	DETAILS
01.00pm	*Lunch*	
02.00pm	Critique of questionnaire	Organizers conduct open discussion: What is missing from the tool? What is redundant? Suggestions for improvement, etc.
02.30pm	Way forward	Open discussion of next steps, recommendations, priorities for reform, application to ongoing processes (e.g., REDD+ or VPA)
03.30pm	*Coffee/Tea*	
04.00pm	Monitoring progress in forest governance	Discussion by panel, with audience interaction, of how to monitor progress
	Summary of findings	By facilitator, local expert, or organizer
04.30pm	Closing session	Closing remarks by organizers and sponsors
		Closing speech by government representative or other prominent person

Governance Indicators in Uganda
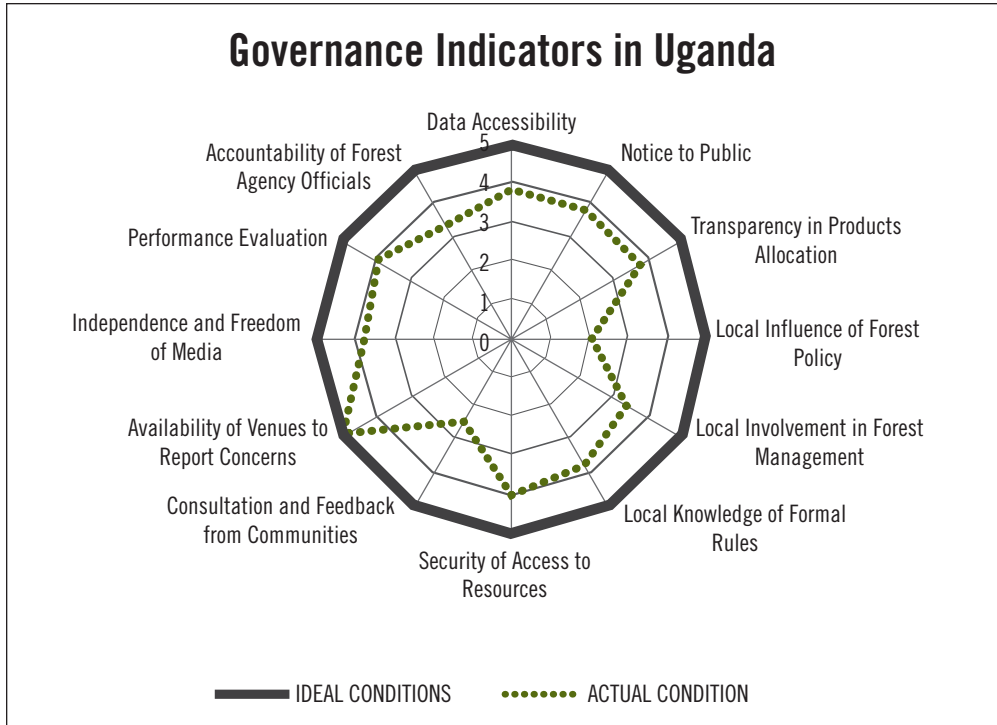
SAMPLE BASELINE SCORES FOR SELECT INDICATORS FROM BURKINA FASO
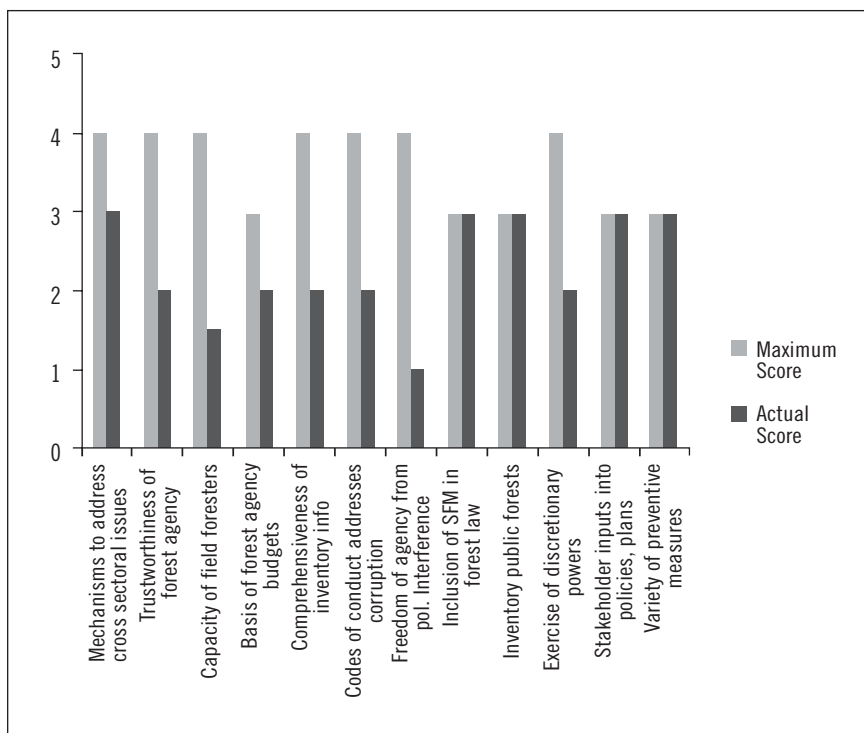
APPENDIX X: SAMPLE OUTLINE FOR A WORKSHOP REPORT

This is based on the structure of the workshop report on Uganda, prepared by Gaster Kiyingi.

Table of Contents

Executive Summary

1. Introduction and background to the workshop
2. Workshop context and objectives
3. Participants
4. Workshop structure
5. Opening session

    –Excerpts from remarks by <Country Manager, World Bank>
    –Excerpts from remarks by the Minister for Forests and Environment

6. Informative presentations

    –Historical perspective of the sector <Head, Forest Agency>
    –Governance diagnostics: applying an analytical framework for forest
    –In search for forest governance in <COUNTRY>: a background assessment report on forest governance

7. Key priorities arising from group discussions and report-back in plenary
8. General discussions
9. Critiquing and improving the questionnaire
10. A way forward
11. Closing ceremony and concluding remarks

    –Remarks by <XXXX>, Member of Parliament, on behalf of participants
    –Remarks by <XXXX>, World Bank
    –Remarks by <Donor Partners>
    –Closing remarks by the Minister of Forests and Environment

Annexes

Annex 1: Draft Forest Governance Reform Strategy
Annex 2: Detailed Responses to the Questionnaire on Forest Governance in Uganda
Annex 3: Minister's Speech
Annex 4: Workshop Agenda
Annex 5: List of Participants

THE QUALITY OF GOVERNANCE OFTEN DETERMINES WHETHER FOREST RESOURCES ARE USED EFFICIENTLY, SUSTAINABLY AND EQUITABLY AND WHETHER COUNTRIES ACHIEVE FOREST-RELATED DEVELOPMENT GOALS. IN THIS RESPECT, A SYSTEMATIC APPROACH TO IDENTIFYING AREAS OF FOREST GOVERNANCE WEAKNESS, DEVISING AND IMPLEMENTING RESPONSES, AND MONITORING RESULTS IS KEY TO SUCCESSFUL FOREST OUTCOMES.

THIS VOLUME PROVIDES A GUIDE TO DIAGNOSING STRENGTHS AND WEAKNESSES IN FOREST GOVERNANCE USING A TOOL DEVELOPED BY PROFOR. THE TOOL CONSISTS OF A SET OF INDICATORS AND A PROTOCOL FOR SCORING THE INDICATORS IN THE COURSE OF SEVERAL WORKSHOPS. FIELD TESTING IN A NUMBER OF COUNTRIES HAS CONFIRMED THAT THIS TOOL PROVIDES A FLEXIBLE AND RELATIVELY INEXPENSIVE METHOD TO TRIGGER CANDID DISCUSSIONS AND BUILD MOMENTUM FOR REFORM.

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