

Making the Forest Sector Transparent

Peru Annual Transparency Report 2010



Transparency in the Peruvian Forest Sector: improving governance through transparency

This briefing presents the main messages of a report originally written in Spanish by the Peruvian NGO [Derecho, Ambiente y Recursos Naturales](#) (DAR) as part of the [Making the Forest Sector Transparent](#) project, internationally managed by [Global Witness](#) and working with civil society groups in forest-rich countries to engage with policy makers and advocate for capable, responsive, and accountable forest sector governance. The full report in Spanish is available at both the DAR and the Making the Forest Sector Transparent websites.

The 2010 Annual Report on Transparency in the Peruvian Forest Sector evaluates the level of access to information and transparency in public organisations related to the forest sector in the country. It does so by assessing the capacity the state has to produce, disseminate and provide relevant and timely information to its citizens relating to conservation and management of forest ecosystems, the administration of forest and wildlife resources, and the provision of environmental services provided by forests.

The aim of the report is to promote national and international efforts to:

- Improve transparency in the management of forests.
- Improve policies and practices of the forest public administration.
- Improve citizen engagement and awareness of forest-related issues.

Methodology

The 2010 Annual Report on Transparency is the second of its kind, with a previous one produced in 2009. At least two more iterations will be produced in 2011 and 2012.

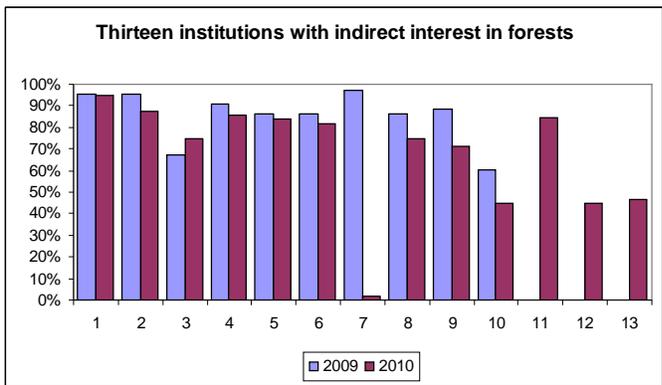
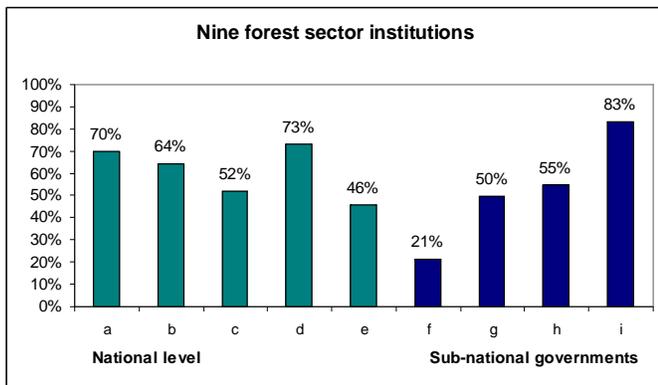
Peru has a transparency and access to information law, which includes fairly detailed provisions about what information public institutions have to make publicly available. This sets a good framework against which transparency can, to a certain extent, be measured. DAR has put the law to the test by making specific information requests to all public institutions and collecting information and analysing the level of response. The law also states that the said institutions have to have a dedicated website with relevant information on it. The websites of nine institutions direct competencies on forests, as well as those of 13 institutions that are indirectly having an impact on forests, were assessed against the legal requirements.



Findings

The report provides an important assessment of the current situation regarding the level of transparency in the forest sector, and those aspects that need priority attention to ensure the rights of citizens to access information are upheld. The 2009 report already had a positive impact on improving availability and access to information related to the forest sector, through government websites and other publications, and incorporating transparency issues in the main policy tools developed in Peru during 2010. A comparison of the 2010 and 2009 reports shows that while there has been progress in some issues, others have worsened.





The main **findings** of the report are:

- Average compliance with access to information legislation by government institutions has decreased slightly, from 49.6% in 2009 to 46.4% this year.

Each year, compliance is assessed across nine public institutions with direct competencies in the forest sector. The study verifies whether these institutions have published 56 documents, on dedicated websites, as required by law. (Please refer to the full report for detailed calculations of these percentages.)

- An analogous analysis was made for 13 public institutions that are outside the forest sector but have a direct impact on it. Compliance amongst these organisations decreased more significantly to 67.5% in 2010, compared to 82.6% in 2009.
- In the 2010 assessment requests for information, 67% of requests received responses, of which 45% were timely responses and 22% delayed responses. This is an improvement compared to 2009, but there are difference between public institutions: the Ministry of Agriculture has responded in a timely, pertinent and comprehensive manner in most cases, while the Ministry of the Environment, the National Service for Protected Areas and the Environmental Assessment and Accountability Bureau have generally responded by denying access to information.
- Regarding the quality of information provided, in 63% of cases it was assessed as complete, in 7% of cases the information provided was incomplete and for 30% it was unavailable. This also shows an improvement from 2009. In addition, there is strong evidence that some type of public information is most sensitive than others: 100% of the information about official forest inspections was available, while only 28% of the information about macroeconomic indicators was available.



Conclusions

The design and implementation of standard public information websites make it easier to undertake monitoring activities, but not all forest-related public institutions have complied with adequate implementation despite it being required by law. Furthermore, compliance with this will not suffice, as improving transparency requires a broader approach that includes building the capacity and competencies of both governmental organisations as information generators, and of all other stakeholders as responsible users of that information.

During 2010 much attention was paid by the Government of Peru and other actors to a number of policy process: the review of the National Forest Policy; the writing of a new Forest and Wildlife Law; breaches of the commitments related to the Forest Annex of the US-Perú Trade Promotion Agreement; the government decentralisation process; an increased attention to forests as key to climate change mitigation; and the implementation of the CITES Convention. Whilst some of these matters have included efforts to increase transparency and improve participation, this has mainly happened in response to requirements or pressures, rather than as a means of guaranteeing rights and procedural credibility.

In the review and update of the Forest and Wildlife Law and the National Forest Policy, some efforts were made to increase transparency. However, public institutions leading this process have failed to build broad participatory consensus, with very little time devoted to meaningful multi-stakeholder participation. Likewise, the right of indigenous peoples to free, prior and informed consultation is yet to be fully understood. The methodology suggested and meetings organised by the Agrarian Congressional Commission, which has been coordinating this process, illustrate that more needs to be done to deepen the understanding of the government authorities on these issues.

Participation and transparency in the implementation of the Forest Annex of the US-Perú Trade Promotion Agreement have not been treated as a priority by the government. The participatory mechanisms established in the Forest Annex are still not being implemented, and over two years after the Agreement came into force, there is still no official mechanism to solicit stakeholder comments.

The decentralisation process has focused on transferring functions to Regional Governments rather than on transferring resources and developing the necessary capacities to manage forests and to enable effective participation. Likewise, there is insufficient guidance on the organisation that Regional Government will need to adopt, resulting in possible duplication of effort or inadequate organisational structures.

The readiness phase of the REDD (Reduced Emissions from Deforestation and Forest Degradation) initiative has not provided for adequate conditions for effective participation, in particular for indigenous peoples and local communities. Likewise, there is no coordinating mechanism among government authorities that have an interest in forests and climate change.

Recommendations:

Transparency and access to information

- Public information websites should be established by every public institution in line with the website structure required by law. Existing institutional websites should not be eliminated until people are familiar with new websites.
- Forest sector public institutions should increase their efforts to improve compliance with the transparency and access to information legislation. They should also increase their responsiveness to requests of public information, and eliminate any charges, unnecessary requirements and obstacles that limit or prevent access to public information. They should build the necessary internal capacity to enable them to do this.
- Special efforts need to be made to provide information about macroeconomic indicators, rights allocated, forest resource inventories, management plans, and harvesting volumes. Additionally, the Ministry of Agriculture should make available digital information pertaining to forest management (e.g. in a '.shp' format) to facilitate its use by other stakeholders.
- The competent institutions should work together to establish a website where stakeholders in the forest sector can access all key information more easily. This website could then be linked to the National Information and Control System.
- Incentives should be provided to the public institutions and their staff to encourage them to develop a culture of transparency and accountability. Further efforts are needed to demonstrate in a convincing manner that it is in the interest of these institutions to promote transparency and access to information.
- The decentralisation process should transfer financial resources and focus on developing the necessary capacities to adequately manage forest resources, as well as establishing the necessary conditions for the effective access to information and participation of regional stakeholders.

Guaranteeing meaningful participation

- A more detailed analysis of the process of reviewing and updating the Forest and Wildlife Law needs to be made, bearing in mind that the ultimate objective of this process is facilitating an effective participation mechanism in the definition, implementation and assessment of public policies, as well as the oversight and control of institutional performance. A non-state actor would be best placed to conduct such a review.
- During the preparation of the National REDD Strategy, a participation and consultation plan should be developed for all stakeholders to engage in. This is especially important to guarantee free, prior and informed consultation of indigenous peoples. For this plan to be implemented effectively, the national government must establish a coordinating mechanism among all the authorities directly and indirectly involved in the management of forests.
- Official mechanisms to solicit comments from a wide audience on the implementation of the Forest Annex of the US-Perú Trade Promotion Agreement needs to be established. A permanent multi-stakeholder forum to oversee implementation needs to be created. The Ministry of International Trade and Tourism should re-establish the civil society consultative group.



For further information

Furthering transparency, and governance, is a collective responsibility of citizens and their governments. The Annual Transparency Report and other elements of *Making the Forest Sector Transparent* will continue to be available to guide both public institutions and non-state actors to fulfil these recommendations.

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