



Progress on the New York Declaration on Forests

Improving Governance to Protect Forests

Empowering People and Communities, Strengthening Laws and Institutions

Goal 10 Assessment Report

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Executive Summary

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Farming and forestry, insatiable consumer appetites, population growth, and growing wealth in emerging economies exercise an ever-increasing pressure on forests. Responding to this threat, in 2014, more than 190 governments, corporations, nongovernmental and indigenous peoples' organizations endorsed the New York Declaration on Forests (NYDF), which formulates ten ambitious forest goals and aims at halting natural forest loss by 2030.

Despite this and other pledges to address deforestation, the world continues to lose natural forests at an alarming rate. In the three years following the adoption of the NYDF (2014–17), the average annual rate of natural forest loss was 42 percent higher than in the previous decade.^a

While not sufficient to address deforestation by itself, good forest governance is a necessary condition for forest protection and sustainable land use. Good governance enables the implementation of and compliance with laws and policies to address deforestation and participatory, informed decision-making processes. Weak governance in the forest sector comes at a cost. Lost revenues from tax evasion, the loss of ecosystem functions, and conflicts with forest communities are estimated to cause more than USD 17 billion in economic losses per year. Goal 10 of the NYDF recognizes the link between governance and deforestation and commits endorsers to

“strengthen forest governance, transparency, and the rule of law, while also empowering communities and recognizing the rights of indigenous peoples, especially those pertaining to their lands and resources.”

Over the past year, a coalition of nongovernmental organizations and think tanks – the NYDF Assessment Partners – has analyzed steps taken to achieve this goal. The partners have evaluated progress across eight indicators of forest governance, covering forest laws and policies, the rule of law, demand-side measures, transparency, participation and access to justice, and empowering and ensuring the rights of indigenous peoples and local communities. Despite major data challenges, the assessment highlights the importance of good governance in protecting forests, but also reveals the limited progress in improving it.

Main findings

Improvements in forest governance remain too slow to have a measurable impact on reducing deforestation. There is progress in increasing transparency around forests, improving law enforcement, and expanding demand-side measures to address illegal logging in a number of countries. However, these improvements fall short of what is needed to address the vast governance challenges that continue to allow deforestation and inhibit efforts to improve forest conservation and management. Areas of particular concern include the continued failure to grant indigenous peoples' and local communities' rights and decision-making power over their forests and the increasing violence against defenders of lands and forests. In addition, much deforestation is illegal, and corruption remains rampant in and around forests.

The most serious governance challenges are found in poorer countries, where institutions and the rule of law tend to be weak. Although many countries do have strong laws on the books, particularly concerning access to information and justice, these laws are often inadequately implemented. Some developed countries with high forest cover and large populations of indigenous peoples have stronger rule of law

^a See progress updates on New York Declaration on Forests (forestdeclaration.org): [Goal 1](#)

and minimal illegal deforestation; however, their laws often provide insufficient protection for the land and resource rights of those populations. In many cases, the countries with stronger laws on illegal deforestation have weaker laws on access to information and participation in decision-making.

Criterion 1: Governance, the rule of law and forest-related crime

- Much tropical deforestation is illegal. In particular where commercial agriculture is driving significant forest loss, the risk that forest laws are violated remains alarmingly high. In two thirds of major timber-producing countries and all of the countries that are the largest tropical producers of palm oil, soy, and beef, there is a significant risk of one or – in most cases – multiple forest-related laws being broken in the production of these commodities.
- Forest protection depends on strong national regulatory frameworks combined with local institutions that are empowered and equipped to implement policies and laws. An assessment of efforts in countries that account for almost half of global tropical forest area shows that, with one exception, all countries made progress in strengthening their laws and policies tackling illegal logging and deforestation. However, most countries suffer from major inconsistencies within forest legislation or with legislation governing the sectors that drive deforestation, while some also lack of political will to implement these laws.
- Limited resources and capacities of forest enforcement agencies are a major barrier to ensuring the rule of law and may be symptomatic of limited priority being attached to implementing forest laws. Increased international cooperation among enforcement agencies, has, however, been successful in tackling trade in illegal timber, including the seizure of USD 1.5 billion worth of timber through international cooperation efforts since 2012.
- Countries with high levels of corruption experience the highest loss of forest. Relatively strong forest laws are often undermined by limited enforcement and high levels of corruption. Overall corruption levels remain high and, for the most part, unchanged over the past five years. Several countries have important deficiencies in financial management of forest revenues, which can facilitate corruption and embezzlement.
- Emerging economies in Asia, including China, Indonesia, Malaysia, the Republic of Korea, and Vietnam have begun to adopt demand-side regulations that prohibit the sale and import of illegally harvested timber. While this is a promising step, it remains unclear whether these laws will have the desired effect because they suffer from potential loopholes and weak enforcement mechanisms. Over the past few years, governments and companies have also started adopting policies to eliminate deforestation embedded in agricultural supply chains, in particular palm oil and soy.

Criterion 2: Transparency, participation, and access to justice

- An increasing number of countries are adopting laws giving citizens the right to access forest-related information. However, the forest sector overall remains relatively opaque. In many countries, information may not be available in formats or languages that are accessible to vulnerable groups, and governments are permitted refuse access by citing reasons such as “national interest.” Few countries release data proactively and systems that make information available to the public – such as the Environmental Information System of Colombia that provides access to up-to-date regional information on forest types, uses, and deforestation rates – remain the exception.
- Lack of transparency and poor traceability in agricultural commodity supply chains act as a barrier to monitoring corporate commitments to address deforestation. Many companies remain reluctant to share data, and the information they provide is often vague, incomplete, or buried in sustainability reports, which limits its usability for assessing progress and forest impacts. There is, however, some progress: a small group of large companies, including Unilever and Nestlé, has started disclosing supply chain information, especially in the palm oil sector.

- The majority of countries provide for consultations in relation to forest-related policies and projects. However, consultation processes are often overly technical and not linked to concrete decision-making, and governments are not required to take comments provided by stakeholders into account. It is even more difficult for women and other vulnerable groups to be heard. For example, women are 24 percent less likely to be actively involved in the decision-making or implementation of REDD+ projects than men.
- Women and the poor also have less access to justice in forest-related matters. Most countries have laws guaranteeing the right to access judicial and administrative remedies but they are often too costly and slow to provide effective legal protection. Where formal systems are not accessible, grievance mechanisms may provide an alternative avenue for local people to seek redress, but even these informal processes are often out of reach for the most vulnerable in society.

Criterion 3: Empowering and ensuring the rights of indigenous peoples and local communities

- Where indigenous peoples and local communities hold secure rights to their forests, the forests are less likely to be degraded or destroyed, with communities providing better protection than even legally protected areas. Conversely, failure to legally recognize communities' rights to these lands leaves forests and the carbon they contain at risk and threatens the people whose livelihoods, religions, and cultures depend on the forests.
- The total share of forest area across 41 countries to which indigenous people and local communities have legally recognized rights has increased from close to 11 percent in 2002 to more than 15 percent in 2017, almost all of it in low- and middle-income countries. This represents important progress, but leaves much to be done. In the 14 countries assessed for this report – including 5 of the 10 countries with the most forest area^b – about 33–39 percent of land currently occupied or used by indigenous peoples and local communities has not been legally recognized by governments.
- In many countries, even legally recognized rights of indigenous peoples and local communities may be taken away without consent or compensation, or may be recognized for only a limited time. On average, low- and lower-middle-income countries provide greater tenure security to indigenous peoples and local communities than upper- and upper-middle-income countries that have significant indigenous populations, though they do not always ensure those rights are respected in practice.
- The number of murders of forest and land defenders has increased every year since 2014, and communities increasingly face criminalization for protecting their rights. Weak recognition of tenure rights, failure to respect the principle of free, prior, and informed consent, and growing demand for land have led to an increase in land conflicts and growing dangers for communities defending their land rights.
- Empowerment of indigenous peoples and local communities requires not only secure tenure, but also technical know-how, business capacity, market access, and strong organization. Many indigenous peoples and local communities are vulnerable and need to gain or regain authority, including commercial power, over forest goods and services, to overcome marginalization. Many need support to continue protecting forests and using them sustainably. Support for strengthening forest-dependent community organizations has resulted in rapid gains in development and access to markets and finance. However, governments have made only minimal improvements in supporting rural organizations through providing conducive legal and policy frameworks and engaging them in decision-making. While there have been important advances in making forest-linked development finance directly accessible to communities, this remains the exception rather than the rule.

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