



## CHAPTER 5

# IMPROVING FOREST GOVERNANCE

**F**orest sector governance refers to the ways in which officials and institutions (both formal and informal) acquire and exercise authority in the management of the resources of the sector to sustain and improve the welfare and quality of life for those whose livelihoods depend on the sector.<sup>1</sup> Good 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.

Good forest governance is characterized by predictable, open, and informed policy making based on transparent processes, a bureaucracy imbued with a professional ethos, an executive arm of government accountable for its actions, and a strong civil society participating in decisions related to sector management and in other public affairs—and all behaving under the rule of law. Thus, key features of good governance include adherence to the rule of law, transparency and low levels of corruption, inputs of all stakeholders in decision making, accountability of all officials, low regulatory burden, and political stability (see also World Bank 2000).

The rationale for the World Bank to engage in improving forest governance in client countries is twofold. On one hand, broader governance reform processes, such as decentralization and devolution, and public sector reforms present direct opportunities to which the forest sector needs to respond. On the other hand, illegal logging, corruption, and other forest sector crimes, such as arson, poaching, land encroachment, trade in endangered fauna and flora, and

evasion of legal taxes and royalties, indicate weaknesses in forest sector governance that need to be addressed. In developing countries, illegal logging in public lands alone causes estimated losses in assets and revenue in excess of US\$10 billion annually, more than six times the total official development assistance dedicated to the sustainable management of forests. In addition, about US\$5 billion per year is estimated to be lost to uncollected taxes and royalties on legally sanctioned timber harvests, as a result of corruption (World Bank 2004). The global magnitude of the problem as estimated by its direct monetary impacts is staggering.<sup>2</sup>

The associated physical, environmental, and social impacts resulting from poor governance are even more extensive and serious. They are characterized by the following:

- Violation of protected area boundaries threatens the conservation of forest resources and biodiversity.
- More than 350 million rural poor rely heavily on forests for their livelihoods, while more than 60 million depend almost exclusively on them for subsistence. Strong forest governance (including vesting tenurial rights with such communities) is essential for protecting their livelihoods and improving their well-being, and for protecting them from the consequences of illegal logging and unauthorized removals from the forest (World Bank 2006).
- Legitimate forest enterprises are subjected to unfair competition through price undercutting and discouraged from making socially and environmentally responsible investments in the sector.

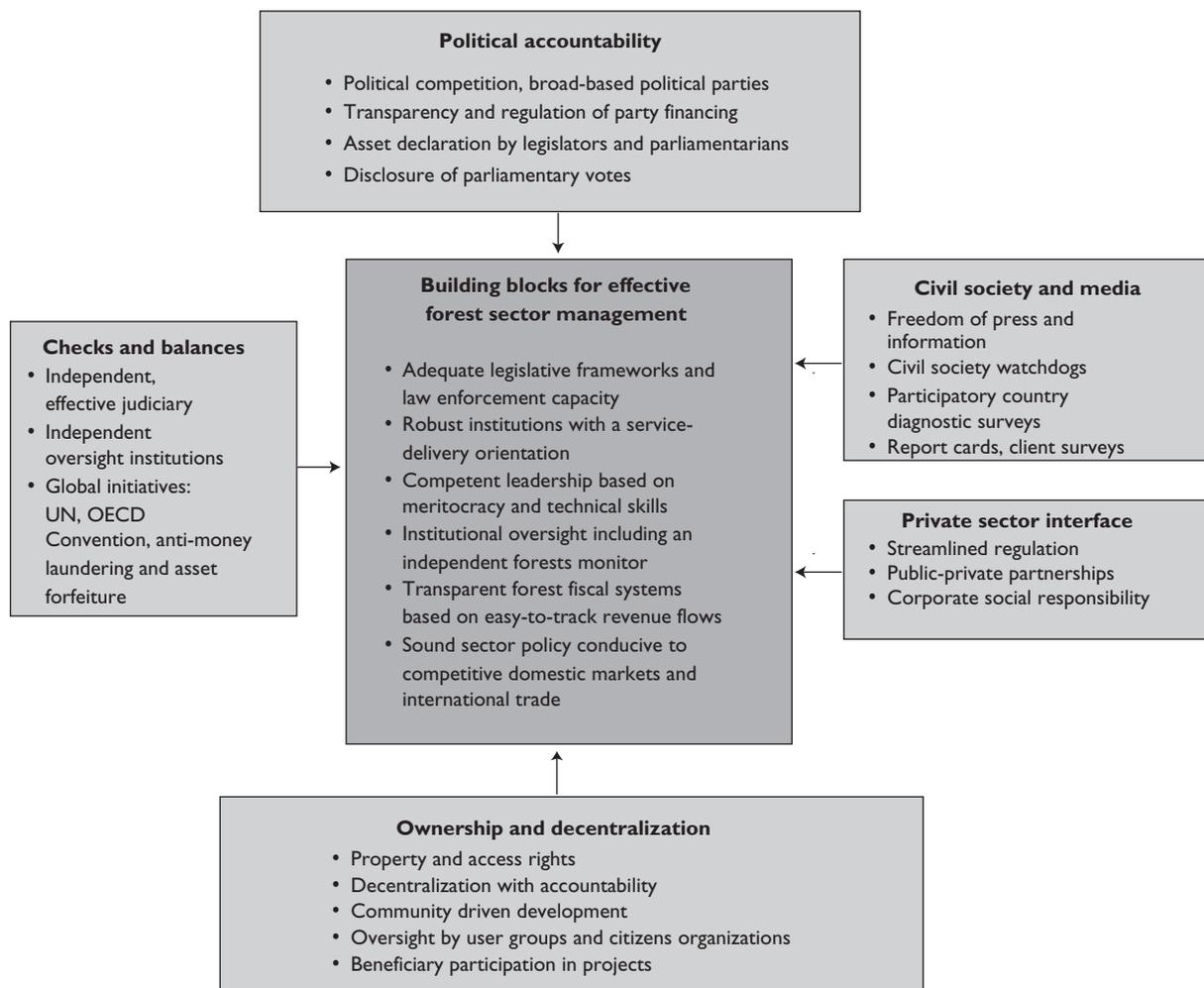


- Forests are a global public good, and their degradation imposes global costs, such as climate change, environmental degradation, and species loss. Improving governance will help contain the negative environmental, economic, and social consequences at the global level.
- There are less visible—though highly insidious—costs resulting from the erosion of institutions, the spread of corruption across the economy, and lower growth. These spillover effects are the most far-reaching and significant aspects of the problem of poor sectoral governance. The problem originates in the forest sector but the impacts are transmitted through the economy, weakening governance and the rule of law, impeding investments in legitimate commerce, and undermining the overall governance structure.

Some of the complexities of these relationships and the magnitude of the task to improve forest governance are captured in figure 5.1.

The box in the center of the figure lists “entry points,” or opportunities within the forest sector itself, directed toward reducing the means, motives, and opportunities for crimes and misdemeanors in the forest sector (see note 5.5, Addressing Illegal Logging and Forest Crime). The surrounding boxes indicate the “embedded” nature of the problem in the economy and of the need for other sectors, institutions, and actors to support and complement the within-sector efforts at improving governance and law enforcement. They elaborate on the roles of the overall political structure; of national and international checks and balances; and the contributions of civil society, media, the private sector, and local communities.

Figure 5.1 Identifying “Entry Points” and a Sustainable Reform Process to Improve Forest Governance



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Improving forest governance and legislative compliance has been the focus of international attention for a number of years. For maximum effectiveness, the World Bank's efforts in this area need to be closely aligned with those of other partners, both in client countries and at the regional and international levels. This is especially important because effective action in this area requires collaboration among governments in producer and consumer countries, private sector operators, and civil society. Since 2001, regional Forest Law Enforcement and Governance (FLEG) ministerial conferences have been conducted in East Asia (2001), Africa (2003), and Europe and Northern Asia (2005). The resulting ministerial declarations are important tools that can be used in the dialogue with client governments, as well as in building alliances with the private sector and civil society actors. The World Bank has had a key role in facilitating these conferences and supporting their follow-up. Several multilateral, bilateral, civil society, and private sector initiatives have also originated from these efforts, which can provide traction for the World Bank's work in this area.

An independent and especially relevant initiative is the European Union (EU) Regulation and Action Plan on Forest Law Enforcement, Governance and Trade (FLEGT). An essential part of the EU FLEGT is the negotiation of Voluntary Partnership Agreements (VPAs) between the EU and interested timber-producing countries. VPAs aim to develop an agreement between producing and importing EU countries that only timber originating legally will be exported and allowed to be imported. If successful, the implementation of the VPAs will result in increasing demand for country-level financing in such areas as strengthening and reforming laws, regulations, and institutions in the forest sector; strengthening the capacity of indigenous and rural communities to manage forests sustainably; independent certification of sustainable forest management; implementation of timber tracking systems; forest products and trade-related information and statistics; and monitoring of forest cover changes to detect illegal activities. This will provide both the need and opportunities for improved collaboration between bilateral and multilateral financing institutions, including the World Bank.

The FLEG initiative enables the World Bank's project managers and task team leaders to incorporate FLEG into their projects using the political momentum and stakeholder coalitions it creates.

## PAST ACTIVITIES

A review by the World Bank's Operations Evaluation Department of the performance of the World Bank's 1991 Forests

Strategy (Lele et al. 2000) pointed to the failure to address governance issues as a serious gap in the World Bank's work in forestry and recommended that the World Bank help reduce illegal logging by actively promoting improved governance and enforcement of laws and regulations because poor laws and legislation and poor enforcement are fundamental failings in the sector. As a result, the World Bank placed forest governance and illegal logging high on the agenda in its 2002 Forests Strategy. Indeed, the World Bank committed itself to collaborate with borrower countries and partners to reduce by half the estimated annual financial losses from illegal logging by 2013. Likewise, the World Bank's 2001 environment strategy emphasizes the comparative advantage of the World Bank in supporting better governance, increased transparency, access to environmental information, and public participation in client countries (World Bank 2001).

The earliest explicit attention to forest crimes in Bank project design was in the Philippines in 1983 in the context of the Multisectoral Forest Protection Committees. These issues started to appear in a more systematic way in project design in the 1990s. Adjustment operations in Papua New Guinea in the 1990s supported the introduction of private sector administration of log export taxation. Work in Cambodia in the late 1990s involved the first use by the World Bank of forest law enforcement professionals in policy analysis and project design. Experiments in third-party independent monitoring of forest crime reporting, support for case tracking systems, and recommendations for timber theft prevention planning were among the innovations. In Africa, similar work, including independent forest monitors, was developed in Cameroon, and timber and postconflict issues are now being addressed in Liberia (see box 5.7).

**COUNTRY ASSISTANCE STRATEGIES.** To examine the extent to which FLEG and related issues are taken into account in Bank Country Assistance Strategies (CASs) today, a review of the most recent CASs for 18 forest-rich countries was carried out in 2006 (World Bank 2006). These 18 countries represent 75 percent of all forests in developing countries. Of these 18 CASs, 17 mention forestry, with 11 containing explicit forestry components. Nine CASs mention FLEG issues specifically, with at least seven outlining FLEG activities (both lending and nonlending) to be undertaken. Five CASs link deforestation to governance issues, and six describe links between poverty and deforestation.

**LENDING OPERATIONS.** A review in 2006 (World Bank 2006) found there are currently more than 50 active forestry projects in the World Bank's lending portfolio, with a total cost of

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US\$2.7 billion and total Bank commitment of US\$1.6 billion. A recent assessment of these projects showed that some 35 projects have clearly identified FLEG components, totaling an estimated US\$310.8 million. Thus, FLEG activities account for 11 percent of total project costs across all 51 forestry projects and 22 percent of total project costs for the 35 projects with forest governance components (also see table 5.1).

With regard to specific FLEG activities, some of the areas of forest governance addressed in World Bank projects include the following (see box 5.1 for country-specific examples):

- development of national-level forestry policies and management plans;

- capacity development for public agencies to better address forest crimes;
- support for public awareness activities;
- support for natural resource inventories, transparency in concession allocation, forest certification, and chain-of-custody verification; and
- development of forest law enforcement reporting and monitoring systems and provision of equipment and capacity development for staff responsible for management of protected areas.

ANALYTICAL AND ADVISORY ACTIVITIES AND OTHER NON-LENDING ACTIVITIES. An essential and increasingly impor-

**Table 5.1 FLEG Components in the World Bank Forestry Portfolio, by Region**

Region	Total number of projects	Number of FLEG projects	Total cost (US\$ million)	Cost as % of total forestry portfolio	Bank commitment (US\$ million)	FLEG amount (US\$ million)	FLEG as % of total forestry portfolio	FLEG as % of total FLEG
EAP	8	7	772.9	29	431.1	40.3	5	13
ECA	11	9	396.5	15	265.6	32.7	8	11
LAC	19	13	691.9	26	328.8	123.1	18	40
MENA	3	0	203.5	8	139.5	0	0	0
SA	1	1	127.1	5	108.2	5.8	5	2
SSA	9	5	515.1	19	289.7	108.9	21	35
Total	51	35	2,707.0	102	1,562.9	310.8	57	101

Source: World Bank 2006.

Note: EAP = East Asia and Pacific; ECA = Europe and Central Asia; LAC = Latin America and the Caribbean; MENA = Middle East and North Africa; SA = South Asia; SSA = Sub-Saharan Africa.

**Box 5.1 Examples of Bank Support for Prevention and Detection Activities in Project Lending**

Examples of FLEG prevention activities in the World Bank's portfolio:

- Legal and regulatory reform in forest sector (Argentina, Bolivia, Bosnia and Herzegovina, Croatia, Georgia, Madagascar, Mexico, Romania)
- Improving revenue collection and concession systems (Cambodia, Republic of Congo, Georgia, Ghana, the Russian Federation, Tanzania)
- National-level forest management plans and protected-area plans (Bolivia, Cambodia, Ghana)
- Demarcation of protected areas (Argentina, Brazil, Honduras, Ghana, the Lao Peoples' Democratic Republic [Lao PDR], Uganda, Vietnam)
- Formalization of land tenure rights (Honduras, Vietnam)
- Public awareness activities (Cambodia, Romania)

Examples of FLEG detection activities in the World Bank's portfolio:

- Forest management information systems (Bosnia and Herzegovina, Georgia, Ghana, India, Lao PDR, Romania, Russia)
- Certification systems (Armenia, Mexico, Russia)
- Monitoring in the field (Peru, Uganda)
- Guard houses, field inspection units, equipment for patrols (Bosnia and Herzegovina, Ecuador, Georgia, Lao PDR, Mexico)

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tant part of the World Bank's contribution to development is the analytical and advisory activities<sup>3</sup> carried out for client countries. These activities provide a foundation for defining strategic priorities and informing policy dialogue and decisions on projects and programs and comprise economic and sector work, nonlending technical assistance, and knowledge management, as well as training and research services.

The World Bank also has prepared country-level forest sector reviews in several countries with a focus on FLEG. Furthermore, as part of its analytical and advisory work and as an integral part of its strategic approach to forest governance, the World Bank has actively supported international and regional initiatives on forest governance (see box 5.2), including the three regional ministerial FLEG conferences. At the country level, the World Bank has supported the development of national-level action plans related to controlling illegal logging and improving forest sector transparency for Albania, Armenia, Bosnia and Herzegovina, Indonesia, and Russia. In some cases, World Bank work

related to investments in other sectors also involves issues of illegal logging and forest governance.

## KEY ISSUES

Finding ways to improve forest governance is a challenging task. In addition, poor governance in the sector is often symptomatic of poor governance in the overall economy, compounding the problem. For example, illegal money generated from forest crimes often fuels "slush funds" for corruption in other sectors, including campaign financing, speculation, gambling, and human and drug trafficking, all of which have deep negative impacts on the economy at large. This access to illegal money also creates powerful vested interests, both within and outside the sector, which tend to benefit from the status quo and therefore strongly oppose any reforms.

Approaches to addressing forest governance and law enforcement must deal with, among other things, issues connected to land tenure arrangements, access rights (see note 1.4,

### Box 5.2 Finding Synergies Between the World Bank Group's Efforts in FLEG and Its Broader Governance Reforms for Greater Impact

The forestry portfolio is nested within the World Bank's overall approach to governance and anticorruption and is consistent with a wide range of governance work being led by other sectors in the World Bank.

Some of the more relevant work of other parts of the World Bank Group on governance includes support to Poverty Reduction Strategy Paper processes and the alignment of the World Bank's CAS with these processes, work on governance diagnostics and integration of governance and anticorruption elements in the CASs, and the design of specific capacity-building programs based on the diagnostic surveys (Poverty Reduction and Economic Management Network and the World Bank Institute). Other relevant areas of the World Bank's work focus on anti-money laundering and financial investigation, the Extractive Industries Transparency Initiative, Justice for the Poor, and customs modernization. The World Bank's legal department has carried out important work in developing a benchmark study for assessing the quality of legal and regulatory frameworks. The Department of Institutional Integrity's investigative approaches to allegations of corruption in Bank-funded projects provide potentially powerful instruments to combat illegal logging and forest crimes. Similarly, some of the work

Source: World Bank 2006.

with corporate social responsibility and social and environmental issues in the operations of the International Finance Corporation (IFC) (for example, investment safeguard policies) is extremely relevant to FLEG issues (see note 3.2, Forest Certification Systems).

The forestry work of the World Bank Group needs to be more consciously informed by and aligned with these initiatives. The expertise accumulated in these specialized fields is only now being brought to bear on the problems of forestry. Where it has been applied, for example, in anti-money laundering, it is clear that there is enormous potential to address problems in the sector. There are also potential advantages for these specialized initiatives to work with forestry because this can provide an important sectoral entry point on which to ground the specialized efforts.

Joint analytic work needs to be strengthened across the World Bank's organizational boundaries, specialists from other areas need to be familiarized with the special circumstances of forestry, and understanding among external stakeholders of the relevance of these tools needs to be improved. Transaction costs involved in working across sectoral lines can be significant and internal incentives need to be aligned to encourage cross-sectoral collaboration.

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Property and Access Rights), overly complex laws and regulations biased against the poor (see note 5.3, “Strengthening Legal Frameworks in the Forest Sector”), and transparency and stakeholder participation in decisions directly affecting their livelihoods. However, an increasing trend toward decentralization (both administrative and fiscal), coupled with increased willingness of governments to allow operation of multistakeholder processes, has created unique demands as well as opportunities for better and different forms of governance (see note 5.1, Decentralized Forest Management, and 5.2, Reforming Forest Institutions). These considerations have been complemented by the universal commitment to the Millennium Development Goals dealing especially with issues of equity and the rights of poor and indigenous forest communities. Thus, decentralization and participation are crucial issues that are extensively discussed in this sourcebook (see note 5.1, Decentralized Forest Management).

A forest fiscal system is needed that, in its broadest terms, influences revenue flows in and out of the sector as well as income distribution across various stakeholder groups within the sector. A well-designed and well-functioning fiscal system is an important instrument with which to address sustainable resource utilization and equity and rural development issues, and to minimize the risks of corruption (see note 5.4, Strengthening Fiscal Systems in the Forest Sector).

In addition, combating large-scale criminal activities requires targeted action to directly improve forest law enforcement so that criminals are apprehended and punished. Combating large-scale criminal activities would also include more fundamental changes to improve the broader governance environment in the forest sector and in society at large to help strengthen law enforcement efforts (see note 5.5, Addressing Illegal Logging and Other Forest Crimes).

In many countries, law enforcement capacity and expertise exists in other sectors and needs to be marshaled in new ways to support forest development. In others, specialized capacity needs to be developed within forestry agencies. Exploitation of new enforcement innovations and opportunities, made possible, for example, by the introduction of anti-money-laundering legislation, the adoption of the UN Conventions against Transnational Organized Crime and Corruption, and by other new legal and judicial innovations, will require new skills and capacity.

## **FUTURE PRIORITIES AND SCALING-UP ACTIVITIES**

**SUPPORT DECENTRALIZATION AND DEVOLUTION OF FOREST MANAGEMENT RESPONSIBILITIES.** Decentralization and

devolution based on the principle of subsidiarity, are means to promote more democratic and equitable management of forest resources and increase the contribution of the sector to poverty reduction. Decentralization and devolution processes can create imbalances and unforeseen negative consequences if they are not carefully managed and accompanied by sufficient capacity building, allocation of financial resources, and creation of mechanisms for downward accountability at the decentralized levels. Bureaucratic resistance to change at the central level, as well as powerful vested interests, can often swing the policy pendulum from decentralization and devolution back to re-centralization, reversing progress and resulting in incoherent policies and regulations.

**PROTECT THE RIGHTS OF AND EMPOWER INDIGENOUS AND LOCAL COMMUNITIES THROUGH GOVERNANCE REFORM PROCESSES.** Specific attention should be given to using governance reform processes to protect the rights of and empower indigenous and local communities. This can prevent unintended and potentially adverse impacts on forest-dependent livelihoods and traditional rights (see also note 1.3, Indigenous Peoples and Forests, and chapter 12, Applying OP 4.10 on Indigenous Peoples).

**CONTINUE TO ENGAGE IN INSTITUTIONAL AND LEGAL SYSTEM REFORMS IN THE FOREST SECTOR.** The World Bank, with its engagement in diverse sectors, helps governments tailor forest sector reform processes to the country context and effectively implement them. A model that works for a post-conflict country (for example, Liberia or the Democratic Republic of Congo) may be very different from what is possible in a country in transition from a centralized, one-party governance structure to a democratic model (for example, the experience of the former communist countries of Eastern Europe). (See note 5.2, Reforming Forest Institutions, for discussion on key principles and structures.)

**ASSIST IN ENABLING AND DESIGNING FISCAL SYSTEM REFORMS THAT ARE ECONOMICALLY AND ADMINISTRATIVELY EFFICIENT.** Fiscal system reforms that are economically and administratively efficient allow for appropriate rent capture. As part of this process, the World Bank should assist governments in assessing the appropriateness of structuring forest fiscal systems to achieve secondary objectives, such as equity and sustainable rural development.

**CENTER FLEG ACTIVITIES AT THE COUNTRY LEVEL AROUND MORE EFFECTIVE INTEGRATION OF THE WORK IN THE FOREST**

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SECTOR WITH BROADER GOVERNANCE AND ANTICORRUPTION EFFORTS. Such instruments as anti-money-laundering and asset forfeiture laws, crime monitoring techniques, customs modernization, and governance diagnostics need to be brought into the picture to combat illegal logging and other forest crime. This will require both helping client countries to establish effective mechanisms for intersectoral coordination and collaboration and joint action (such as dedicated forest crime task forces) and joint work by the respective Bank departments and units.

WORK TO MOVE ACTIONS AGAINST FOREST CRIME FORWARD. Given the importance of international demand as a driver of illegal logging and other forest crime, the regional FLEG processes should continue to play an important role in creating political commitment and joint action by producer and consumer countries to address these issues. This work increasingly needs to become part of the agenda of existing international, regional, and subregional organizations and agreements to increase both its sustainability and impact. Significant work needs to be done to deepen the technical content of these processes and help them move from political declarations, to effective support, to action at the country level.

EXPLORE AND ENHANCE THE USE OF POLICY LENDING TO ENABLE FOREST SECTOR GOVERNANCE REFORMS as discussed in this chapter and associated notes. (For more information on the application of development policy lending for forest

sector reform, see note 6.2, Prospects for Using Policy Lending to Proactively Enable Forest Sector Reforms.)

IDENTIFY NECESSARY FLEG MEASURES FOR ENABLING REDUCED EMISSIONS from avoided deforestation and degradation (REDD) while also exploring opportunities to mainstream FLEG considerations into country dialogue on REDD (see box 5.3).

## NOTES

1. Officials and institutions may be either public or private, the first of which may be termed public sector forest governance and the latter corporate forest governance. This distinction is useful in developing a typology of reform measures.

2. How might a policy maker assess the state of forest governance in his or her own country? Systematic and objective quantitative and qualitative estimates of such activities can help benchmark the state of governance in the sector and identify critical areas for reform and can contribute to monitoring the progress of efforts to improve governance.

3. Analytical and advisory activities refer to activities that involve analytical effort with the intent of influencing client countries' policies and programs and comprise formal and informal studies of critical issues, either at the country level or for specific sectors (for example, economic and sector work, policy notes, and the like). This work has traditionally underpinned lending and investment operations. Nonlending technical assistance is the transfer of skills and knowl-

### Box 5.3 REDD and Forest Governance

In response to growing awareness that deforestation and forest degradation are major sources of greenhouse gas emissions, many countries have expressed an interest in implementing payments for forest protection that achieves carbon storage. A UN Framework Convention on Climate Change (UNFCCC) mechanism to establish this is under discussion. The initiative is known as REDD, for Reduced Emissions from Avoided Deforestation and Degradation.

Proponents of REDD see it as a low-cost option for reducing global emissions that could also alleviate poverty and protect biodiversity. However, while much deforestation is a rational response to global and local economics and is the result of government planning, a significant proportion has been, and remains, illegal

Source: Saunders and Nussbaum 2008.

and uncontrolled. Tackling this latter element of deforestation and establishing basic rule of law in the sector will be a critical prerequisite for governments hoping to achieve reduced deforestation or attract private sector investment in REDD projects, particularly in the early stages of the market.

Previous to the REDD concept, establishing legality in the sector has long been a priority for those working in forests, and it is important that synergies are recognized, continuity is emphasized, and political processes and tools designed to support improved legality in production forests are also used in support of REDD strategies where relevant. Beyond the need to establish legal control of the forest resource, it will also be necessary to tackle systemic issues.

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edge for development purposes and a key instrument for improving policies and project design, enhancing skills, and strengthening implementation capacity.

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### CROSS-REFERENCED CHAPTERS AND NOTES

- Note 1.3: Indigenous Peoples and Forests
- Note 1.4: Property and Access Rights
- Note 3.2: Forest Certification Systems
- Note 5.1: Decentralized Forest Management
- Note 5.2: Reforming Forest Institutions
- Note 5.3: Strengthening Legal Frameworks in the Forest Sector
- Chapter 12: Applying OP 4.10 on Indigenous Peoples

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