

Forest governance learning group

UPDATE – DECEMBER 2004

International Institute for Environment and Development (IIED)

SUMMARY

This is the second Update from the forest governance learning group. We are an informal alliance of in-country groups and international partners currently active in seven African countries. We try to connect those marginalized from forest governance to those controlling it, and to help both do things better. We carry out focused studies, develop tactics and tools, hold learning events, and work as a group to effect change. This Update describes activities over the last nine months, summarises the state of play in participating countries, and describes what we see as the path ahead.

What the group is

Since August 2003, the forest governance learning group (FGLG) has been developing as “an alliance of independent agencies which aims to exchange learning and develop ideas on forest governance – and to help make them work”. Constituted by several internationally-active agencies and a range of connected sub-groups in countries of Africa, the FGLG has been facilitated to date by IIED, and has had some support from the UK Department of International Development and from the Dutch government.

The FGLG aims to help fill the gap between proliferating prescriptions for changes needed in forest governance and the dearth of practical ways to make them happen, i.e. there is plenty of advice on what must be done, its time to work out how to do it.

How it works

Interested people in Mali, Niger, Ghana, Uganda, Mozambique, Malawi and – just starting – South Africa have each formed FGLG sub-groups. A sub-group in Tanzania is also likely to emerge. In each sub-group there are broadly three interconnected parts to the work: a small ad-hoc group of ‘governance-connected’ individuals dedicated to exchanging and developing experience and ideas; policy research on situations where livelihoods and forests are in trouble because people are marginalized from governance; and development of practical guidance and tools for making progress.

Participants are identified on the basis of their willingness, experience, good connections and ideas, and the prospects they offer for developing strategic links between the forest sector and other sectors and influence-groups. A typical mix includes: a senior department or ministry level forest sector decision-maker; an experienced forestry opinion-former – who has experience in the sector and has the “ear” of at least some decision-makers; a macro-planner/economist in the ministry of finance or similar agency whose decisions on Poverty Reduction Strategies, and the like, may greatly affect the forestry sector; an interested parliamentarian or other player who can engage with the national political process; and opinion-formers and

decision-makers from a small number of other key agencies, such as lands and agriculture departments, and/or effective private sector and civil organisations.

Internationally, the sub-groups exchange experience and ideas within a loose network and through specific learning events – and are facilitated in this by several active organisations alongside IIED. LTS International from the UK and Indufor Oy from Finland have played key roles, and practical collaboration is steadily growing with the Centre for International Forestry Research, Overseas Development Institute, and Global Witness. The FGLG aims to contribute to the Africa Forest Law Enforcement and Governance (AFLEG) process.

Policy research on illegal forestry and poor people

Studies in most of the participating countries have been produced and debated by the country groups, and at two regional learning events (see below), to make them as effective as possible in stimulating governance reform. In some cases the studies have been subsequently refined and are close to final drafts. In others, there is still some work to do to make them as useful as possible. The study reports are as follows (see contacts at end of this report for availability):

- ❑ *Impacts and legality of forest utilisation permits in Ghana.* Elijah Danso and Kyeretwie Opoku, Civic Response. Draft October 2004. 42 pages
- ❑ *Assessment of the impacts of local forest institutions on livelihoods and forests in Ghana.* Emelia Arthur and Clare Brogan, Forest Sector Development Project. Draft July 2004. 44 pages
- ❑ *Forestry justice: combating illegality for forest-linked livelihoods in Uganda.* Cornelius Kazoora and John Carvalho, Sustainable Development Centre. Draft August 2004. 50 pages
- ❑ *La Stratégie Energie Domestique du Niger: concept et opérationnalisation.* Amadou Bachir, SOS Sahel International Niger. Draft June 2004. 43 pages
- ❑ *Law enforcement, illegality and the forest dependent poor in Malawi.* Bright Sibale and Gracian Banda, Centre for Development Management. Draft May 2004. 31 pages
- ❑ *Bridging the gaps: opportunities for forest livelihoods-oriented governance in Malawi.* Robert Kafakoma, Margaret Roka and Patrick Chimutu, Training Support for Partners. Draft August 2004. 37 pages
- ❑ *Forestry legislation in Mozambique: compliance and the impact on forest communities.* Rouja Johnstone, Boaventura Cau and Simon Norfolk, Terra Firma. Draft May 2004. 70 pages
- ❑ *Gleanings on governance: learning from a two-year p[ro]cess of forest policy support to ProAgri.* Duncan Macqueen and Adolfo Bila, IIED. Draft August 2004. 25 pages

Studies in Mali and South Africa are also underway, but have yet to produce full draft reports. Their themes and coordinators are as follows:

- ❑ *L'impact socio-économique et environnemental de l'exploitation forestière au Mali – le cas des marchés ruraux de bois.* Mamadi Cisse and Mary Allen, SOS Sahel

International, Mali

- ❑ *Case studies of partnership schemes for timber production: a contribution to an initiative aiming to answer the question, what role does forestry play in reducing poverty in South Africa, and how can that role be improved?* Mike Howard, Fractal Forests
- ❑ *Case studies of contractors in the forestry sector [a contribution... as above]* Moenieba Isaacs and Jeanette Clarke, Programme of Land and Agrarian Studies

Learning events in West Africa and Southern Africa

Groups from Uganda, Ghana, Mali and Niger, and resource people from UK and Cameroon, met for a learning event at Akosombo in Ghana on 28-30th July. Despite an apparent divide – anglophone and francophone, high-value wet tropical forest and low-value dry forest – considerable lesson learning across contexts was noted by most of the 30 participants. A Southern Africa learning event was held on 12-14th October 2004 near Rustenburg in South Africa. Groups came from Malawi, Mozambique and South Africa, and resource people from Ghana, Uganda, Tanzania, UK and Finland – about 35 people in all. Following a high-profile start given by South African Minister for Water Affairs and Forestry, a good deal of learning between country groups was achieved, particularly on governing the ownership and management of woodland resources; on national forest forums and national forestry programmes; and on practical systems of forestry law.

What they said - at forest governance learning events in Ghana and South Africa

- ❑ *"This corruption and governance stuff makes for uncomfortable listening for us in government, but we have stayed in the group and are learning together"*
- ❑ *"Governance starts with a smile when we leave home in the morning, then things generally go from bad to worse over the course of the day"*
- ❑ *"Working on policies, institutions and power requires intelligence, in both senses – getting good information, and knowing how to use it"*
- ❑ *"Credible information on governance is information which increases the understanding and transparency of why policy and practice differ so much"*
- ❑ *"Reading and writing may be a problem, but there is nothing wrong with our hearing – use the media!"*
- ❑ *"Why do the drivers of consultation often ignore its results?"*
- ❑ *"Why do we keep identifying the most important stakeholders, then channel all the money to others instead?"*
- ❑ *"People say 'the trees don't vote so why keep the trees?' Our job is to help the trees to vote"*
- ❑ *"A mouse hitched a ride on an elephant's back to cross a bridge over the river. The bridge shook as the elephant crossed. On the other side, the elephant said, 'Wow, I really shook that bridge!' But the mouse said, 'No, we shook the bridge together!'"*
- ❑ *"We are walking on thin ice and playing with a hot potato"*

Group work at country level, and studies of key country-specific forest governance issues, were discussed at both learning events. Reports and powerpoint presentations on these will shortly be available on a CD. The following paragraphs highlight some of the areas in which insights were made.

On governance ... Discussion on what we mean by governance, good governance and good forest governance filled many an idle moment. We generally favoured the

notion that governance is the way power is organised in society – it is captured in policy, legitimised in law, and implemented by institutions. It is about “who gets to decide who gets what”. It is “good” when it is equitable, accountable and transparent. We noted the advantages of the notion in offering a non-partisan discourse on politics, but remain wary that in some contexts it is “donor-speak” or perceived as a western notion being thrust at others when locally legitimate forms of governance may be rather different, and better. When it comes to good forest governance, we still quite like the following definition: *the decisions and actions that remove the barriers and install the policy and institutional systems which spread local forestry success.*

Using forestry levers for reform – in the right order. Generally we have governance problems that affect forestry rather than forest governance problems. This means we should throw our weight behind efforts to achieve wider accountability and equity in decisions that affect us, but also behind efforts that recognise the key advantages and “levers” that the forest sector has in contributing to that wider reform. In Ghana, for example, strengths of earlier reforms in the forest sector provide a good base of information and argument to work with in this wider arena. From the forestry corner we can argue that getting the right sequence in governance improvements is vital - e.g. work must be done to secure land tenure or there is little incentive for land-users to collaborate with each other or the state. We also know that the process of land and resource allocation is as important as any of the resulting allocation arrangements.

Working with the politics of timber. Social in-cohesion and lawlessness is being created by the way natural resources are currently used in large parts of Ghana and Cameroon, and some parts of Uganda and Mozambique. In Ghana, it is not surprising that forest communities condone illegal chainsaw men when the big timber companies are operating illegally and violating communities’ rights. In Cameroon the tax collectors are so corrupt that when the computer tax database system crashed – the government collected more revenue, because a few companies still paid up and the tax authorities were not ‘fixing’ the data. Timber may not be the biggest revenue source but it can be the most accessible for party financing. Indeed timber revenues can act as slush funds for political parties – which is both a current threat and a potential political opportunity, if for example parliamentarians demand accountability of forest agencies (and if revenues are running dry the political parties should be worried).

Linking the people who can make changes. We note repeatedly that it is only resource scarcity that develops importance to people, which stimulates pressures for governance. Where real scarcity is yet to hit - in resource-rich contexts - it is harder to get law enforcement solutions and make progress on essential processes such as decentralisation. The big question is how do we learn to do things better before the resources run out? It is clear that use of the right information in a reasonably free press and some private radio stations can work wonders. There is often a constituency for change (even in apparently intractable institutional situations) – and their influence can be much greater than their numbers. Whilst the idea of individual “champions of change” is misleading because people come and go, and change their minds, there are many links amongst innovative individuals that can be built on using astute tactics (see box). Despite forest staff being accused of collusion, they are still preferred as the first point of call by the public in seeking justice in Uganda. In Mali, forest agents were seen as the most common instruments of state repression in rural areas ten years ago – but today this has been largely turned around. And in Niger, local management structures for fuelwood markets offer a basis, and a source of many lessons, for wider processes of effective decentralisation.

***Some tactics in pushing for good forest governance
– identified at learning events in Ghana and South Africa***

The way we think

- ❑ Put the assumptions column of your logical framework into the objectives column - and create your strategy around addressing some of those big assumptions and risks
- ❑ “Read” the way the political agenda is going and find ways to work forestry into it
- ❑ Encourage opening the door and risking some of the chaos – experimenting with letting go – when change is inevitable. Better to try a few things than let crisis overwhelm.

Where we focus

- ❑ People are fed up being eternally interviewed and consulted stakeholders – they want to be real shareholders – so focus on the areas for which there is something real to negotiate and build from that
- ❑ Push for the transfer of human and financial resources, and for development of effective sanction systems, in parallel with the transfer of responsibility for natural resource management to local levels
- ❑ Capitalise on the realignment of institutions e.g. in South Africa opportunities were seized to install forestry in the development plans of new local governments and to get small-growers represented in the main private sector association
- ❑ Reporting systems using ‘hotlines’ (land lines, mobile phones and radio communication) can be effective - speed of response, reward systems and protection of reporters are crucial issues

Who we work with

- ❑ Work more with the unions - timber and woodworkers unions, trades union congress, national associations of teachers, national unions of students
- ❑ Work with progressive members of ‘demonised’ groups e.g. chainsaw operators who want to act responsibly
- ❑ Parliamentarians can lobby for accountability of forest agencies and the way key appointments are made - influence the statements made by prospective parliamentary candidates so that when some of them are elected they can be called on to deliver
- ❑ Work with the police force, magistrates, local government on training with abridged locally usable versions of the law in local languages

Stirring things up

- ❑ Veiled threats can be useful expressions of community power – e.g. a community’s chief in Ghana could threaten to sue the government for purporting to licence a timber company that is technically illegal
- ❑ Get the members of a policy-marginalised group into a pick-up and go and shout at the Minister!
- ❑ Make trade statistics and other existing information bases public
- ❑ Develop an advocacy approach that explicitly aims to ‘capture’ each target group – one by one - get some media on board, and try bumper stickers!
- ❑ The Africa Peer Review Mechanism under NEPAD – by which countries judge each other (Uganda and Ghana have offered to be first in line) – might be a route to further government competition in improving forest governance

Cooling things down

- ❑ Ban the production of more analysis for a while – and go and do something with what already exists!
- ❑ Develop peer pressure and a practical public accountability system to make professional codes for foresters work (like the lawyers code of the bar)
- ❑ Draw out the social components of non-forestry national policies and statutes and work on them to help progress social sustainability in forestry
- ❑ Ensure the results of negotiation are specific and achievable – if the agenda is too grand-scale and over ambitious it will demotivate and dis-empower

Untying the legal knots around communities and local enterprise. Forestry seems to have more regulations than most sectors. Almost anything sensible that people at local level want to do is illegal. Regulations are overloaded and much injustice is created, often in the name of sustainability. In South Africa for example, heavy-handed action by forestry officers in the cause of law enforcement in one area destroyed a year's careful work by communities building up their local institution for forest management. Double standards seem to prevail – management plans are demanded of small communities but repeatedly avoided by big companies. The same license process for tree planting in South Africa is required for a few trees on a small farmer's plot or a big plantation, which is a disproportionate cost for the smallholder. These double standards can be highlighted and addressed. A couple of further insights about communities are important: if engagement with communities results in nothing, the chance will not return – nobody will want to play next time; and communities are rarely fooled by commonly used notions like “a sense of ownership” and “a seat at the table” – they generally want full ownership.

On forest forums... Local and national forest forums were chewed over in detail. When a governance situation is conflictual, credible neutral facilitation is needed and a lot of steam may need to be let off before the parties can even begin to talk. However, when the situation is less conflictual, many open-agenda consultations with neutral facilitation waste everybody's time and go nowhere because they are too open. Instead, do some homework, create a clear agenda, be transparent and honest about it and provoke responses with strong argument. Build momentum around particular issues and move on – building from the bottom. If the right issues are focused on it may not even cost much. For example, some local groups in Ghana are demanding from their chiefs a proportion of timber revenue to fund their local forest forum. These forums aspire to a true national re-negotiation of the ground rules in forestry.

On ways forward for the FGLG... Supporting well-targeted studies of land use and forestry injustice was stressed – the process of such work needs to be carefully developed to be credible, well balanced and widely debated. Working in support of practical legal systems with government bodies, other forest sector players and the justice system was also highlighted, as was finding opportunities for working with politicians, and ways of getting decision-makers to the field with time and space to talk with people. Work such as this is practical and provoking - ensuring the group is not just a cosy club but is challenged and challenging. Those within the FGLG should aim to increase country-to-country links, create political space for each other by publishing and using information generated, and holding more joint issue-based events. Finally, steadily building the links between the FGLG and other groups, key networks and forums is an important way to go (tactics for engaging with NEPAD and the European Action Plan on Forest Law Enforcement Governance and Trade were discussed).

Aftermath. At the Akosombo event, more critical examination of governance problems in the Ghana context was achieved than for other countries - this was because there were a larger number and greater range of institutions amongst the Ghanaians at the event. Those from other countries were inspired by the open spirit and process of critical reflection generated by the Ghanaian group. Following the event, the increasing level of engagement of others with the thinking and processes of the country sub-groups bears out the theory that deliberative critical reflection can help make very useful progress. Little time has yet elapsed after the Rustenburg event but there is clearly much to do to capitalise on the strong sense of purpose and direction for the work generated by the sub-groups from Mozambique, Malawi and South Africa.

State of play in each participating country

Uganda. Convened by individuals in the National Forestry Authority, and connected with several NGOs, the group in Uganda has established an important niche in improving the administration of justice for forestry. It has used the space created by a generally positive process of decentralisation and some high-profile cases of corruption linked to the timber trade to examine some of the practicalities of tackling forestry corruption and improving returns to sustainable livelihoods from better use of the justice system.

The group has got the attention of the new leadership in the National Forestry Authority, which is giving positive signals about funding its work in future, and is looking forward to having impact with its proposals on: an improved timber tracking system; more effective information flow; better forestry integration with the penal code; a light but effective local reporting and rapid response system at source of production and in the domestic trade chain; and a stronger system of adherence and accountability to a professional forestry code.

Ghana. Major institutional innovations have been made in Ghana's forest sector in the last three years: competitive bidding for timber utilization has finally kicked in; stumpage prices have begun to reflect market prices; a new log-tracking system is in the pipeline; benefit sharing mechanisms have improved; forestry customer service centres have been set up in many districts; and district forest fora have begun to be effective. Yet work done by the FGLG highlights major problems which threaten to undermine all this. Bad implementation and flagrant abuse of forestry law have created a situation where almost all timber utilisation in Ghana is illegal and the revenue lost to government from this is estimated at about \$100 million annually. At community level, the work points to the potential powder keg created by those involved in flouting the law and over-harvesting. Communities have lost confidence in the timber-men and the government and are threatening to take matters into their own hands.

The FGLG supports and expands an existing alliance - of new civil society voices in forestry (Forest Watch) and key individuals in the Forestry Commission, parliament, the Ministry and private sector. A renegotiation amongst stakeholders in forestry is being called for to avert major crisis and to build on the gains already made. Those involved in the FGLG are helping get information into the public domain, gearing up to a national forest forum process next year and encouraging and engaging with the political debate about potential solutions.

Mali. Making devolved natural resource management work is the main challenge facing forest governance in Mali. Whilst Mali's forest resources are nowhere near as valuable as timber in Ghana, for example, their relative local value particularly as fuelwood is high and there is much practical institutional innovation at local level in their management. All forests are state owned yet the state is on the cusp of transferring real authority over natural resources to communities. Rural fuelwood markets and local conventions on natural resource management represent critical means for learning about how this can be done are.

The FGLG has focused on these to understand why for example some fuelwood markets appear to provide good returns to local incomes, whilst many more do not, and why environmental impacts appear to differ greatly. As a result of the work, several key practical constraints to better governance are on the agenda for the first

time, including issues of corruption. The group is facilitated by SOS Sahel and has key government decision-makers actively participating - and beginning to set aside portions of their own budgets for taking the work forward.

Niger. As in Mali, the work has focused on the experience of local management structures set up for rural fuelwood markets as actual and potential entry points for wider processes of natural resource governance. Ways to improve the situation being worked on include: law changes and how they might be brought about e.g. by MPs lobbying the Minister of the Environment to hold a parliamentary debate to change the law; and an independent ombudsman to adjudicate disputes between the State and elected local government/communities. Practical approaches to help others interested in pursuing similar analysis and improvements are also being worked on.

The group has concluded that it fulfils a need not met by any other process and has developed plans for actions which can be locally financed. The group's work is being recognised and drawn in to key processes for improving governance – for example, the Union of Magistrates of Niger have asked the group to bring together thinking about the big principles in the new Rural Code with the use of the Forestry Code to see what these principles could mean in practice and how the Forestry Code can be improved as one route to achieving them.

Mozambique. A National Forest Forum has begun to be effective in Mozambique – and has created momentum around ideas which the prevailing sector-wide programme ProAgri can take forward. The FGLG is finding its niche as a sub-grouping of that Forum – focused on overcoming key practical governance problems with decentralisation and the effectiveness of law. It has been active in reconciling the very different approaches used in the development of new policies for land and for forests. The process of developing the new land law was highly inclusive of marginalized rural communities and a clear process is now in place whereby communities register their rights, define their group and gain legal personality. The development of forest law on the other hand was a more top-down affair and there is now considerable confusion about how communities can be granted rights to forests and how can they can make such rights effective. There is a real danger that communities will disengage from a role in forest stewardship unless practical mechanisms for their ownership and responsibility are soon found.

The group – convened by individuals in the University and engaging with key government decision makers and NGOs - has developed a tool which can help bring the land and forest processes more effectively together and sees its role in future in being increasingly effective as a think tank for the Forum on practical governance mechanisms.

Malawi. There is a strong national forestry programme framework in Malawi. There is also strong evidence from past interventions that rural communities manage forest resources if properly empowered to organise themselves, and receive capacity support for organisation and management. But rapid forest resource depletion, and its negative effects on livelihoods, still continues. In doing something about it, there is now much confusion about roles, responsibilities and functions, following structural decentralisation across all sectors. This reflects partial decentralisation plans being made by various sectors, poor communication and weak levels of ownership of the process at local level.

Much effort has gone into planning for provision of decentralised forestry services from national-to-district levels. However, the district-to-village level has had less

attention with the assumption that Local Government Authorities will simply adopt the service models previously followed by Central Government. This needs more work. The Malawi FGLG - key individuals from NGOs and government departments - has commissioned and debated analysis of the effectiveness of such service provision to date, and of the law at this level. The group now plans to institutionalise itself within several government and donor-supported programmes as a lobby group for making local forest control and service provision work for the poor.

South Africa. Institutional re-arrangements and hectic schedules in government meant that the FGLG fell between the cracks in South Africa for about six months despite expressions from senior government forestry decision-makers about its importance. Critical mass has now been reached with the arrival of a new Minister for Water Affairs and Forestry and her enthusiasm for raising the profile of forestry's potential to reduce poverty and improve livelihoods. Together with senior forestry managers in her department she has seized on the FGLG as a mechanism to work up answers to some of the governance constraints preventing more poverty reduction from forestry.

Work for the FGLG is underway in key areas – impacts on livelihoods of forestry outsourcing and smallholder tree-growing – and, following debate at the Southern Africa learning event, a FGLG with a lead from civil society is now proposed. The group will work on strategy and tactics in identifying, proving, promoting, steering and reviewing the forest-poverty agenda, starting with small, issue-based initiatives and building up. It will aim to feed into, and shape, the emerging national forest programme. A new phase of FGLG support would certainly help this group find its feet – with prospects for local self-financing down the line looking quite good.

Guidance and tools

The tools now available in draft or in preparation are as follows:

- ❑ *How to develop forestry as a lever for better governance.* (Currently available as a 36 page draft by Stephen Mariki describing Tanzanian experience, this will be developed further as a guide, with a range of country examples, by Tapani Oksanen and made available in December)
- ❑ *Marshalling evidence to raise the poverty-forestry profile - with a Uganda case study.* Scott Geller and Kirsti Thornber, LTSI. Draft October 2004. 19 pages
- ❑ *People's law: ideas for resource rights campaigners.* Ghana experience. Kyeretwie Opoku and Elijah Yam Danso, Draft November 2004. 10 pages
- ❑ *Improving forest justice - based on experience in Uganda.* Cornelius Kazoora and John Carvalho, Sustainable Development Centre. Draft October 2004. 31 pages
- ❑ *The good, average and bad framework - for scrutinising and improving the practical outcomes of forest legislation for marginalized forest-dependent communities.* Rouja Johnstone, Boaventura Cau, Simon Norfolk and Duncan Macqueen. Draft July 2004. 10 pages
- ❑ *Tactics to improve the participation of the poor in effective forest regulation and decentralisation* (Based on experience in Malawi – by Robert Kafakoma, in preparation. Draft expected in October 2004)

Maintaining information flow and sharing lessons

Hundreds of emails and phone calls continue to fly between the country teams and amongst interested parties internationally. A CD Rom containing short highlight reports from the two learning events, the learning event programmes, participants lists, all the presentations made and all the reports discussed will be produced by end November, distributed and made available on request from the FGLG website.

Efforts have been made to inform the AFLEG process of progress with the FGLG and many other opportunities have been grabbed to spread news about the FGLG and engage with other initiatives, e.g. Chatham House illegal logging network and website; and meetings on the Forest Strategy for Tony Blair's Commission on Africa.

What's next

Those of us involved in the FGLG believe the approach is paying off – we can see increasingly effective use of practical tactics to address awkward forest governance problems. Over the next few months, these gains need to be consolidated; we hope to be able to:

1. Complete the policy research underway - all country partners
2. Produce a CD Rom containing all the inputs to the two learning events, and the reports stemming from the events
3. Finalise tools in preparation with partners in Uganda, Malawi, Mozambique and Ghana and with international partners.
4. Continue the country group work and record the groups' thinking on practical governance tactics
5. Develop country sub-group plans for continuing the work with local support where needed
6. Prepare a synthesis of findings from the whole FGLG initiative and circulate through the FGLG network.
7. Use the above policy research, guidance/tools and practical tactics to optimum effect – and share findings in a wide range of forums and initiatives

Beyond this, a new phase of the initiative is anticipated – which deepens and widens the work of the group with others and aims to put social justice central to the practice of governance. Reactions and suggestions are very welcome.

Websites:

- **Forest governance learning group:** <http://www.iied.org/forestry/research/projects/forest.html>
- **Power tools:** <http://www.iied.org/forestry/tools/index.html>

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