

**Address to the African Community Rights Network conference on community rights, by
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*Final day meeting of civil society and communities from the Congo basin, Ghana and Liberia,
and Cameroon government representatives, 16 September 2011*

The African Community Rights Network is a network of organisations that stands collectively in solidarity with communities to advocate their rights in matters related to forests, rangelands and their territories as a whole. We don't use the word support because that would imply standing behind communities. Instead we stand in solidarity next to you, we live the same experiences you live.

We first met in Yaoundé two years ago. We then met in Monrovia, and now we are here in Douala where we are reflecting on our own national situations and the challenges communities face, and to agree on common objectives to address these.

We have identified commonalities between our individual countries, including very disturbing commonalities and issues that need to be addressed by the governments, civil society, communities and citizens together.

Some commonalities: In all our different countries, the vast majority of the land has been managed by communities for generations. They have established themselves as groups, including different groups of indigenous peoples, where their lands are located with known boundaries between neighbouring communities. In lots of instances their lands are clearly defined, over which they exercise their customary authority and control their land.

That customary ownership, control, and governance structure is not recognised by states. That is a major challenge and a major problem, that we feel in today's world we need to face as a group to decide which direction we are going in. Based on this analysis, we broadly agree on some proposals that should guide our work, our communities and our governments on these issues.

First and foremost, our governments should recognise and formalise, accept and establish in law, that customary ownership through customary authority over customary lands is indeed the property of those communities. The bottom line is that customary lands, institutions and authority, established over community forest land and territories are recognised by the state and that it is not less, but equal to, private property rights, and treated and protected as such. This should be established in national law. Once this is done, most of the challenges we face regarding participation, informed consent, consultation, are resolved.

Flowing from this, we also talk about legal recognition of community governance, not only recognising but also supporting community governance so that it is participatory, democratic and accountable. We are not just asking them to recognise this in the law, but we are also demanding practical support for these communities for them to be able to operate at the local level in ways that foster their sustainable development.

I want to underline this as we often hear the argument that communities lack the capacity to manage their own lands and resources. When this is said, what is meant is that communities lack the capacity to forget their own systems of governance, and operate according to how our governments dictate from the capital cities. We are not sitting with them, and saying to them that if they need to strengthen their community governance structures, then we can help support this.

Finally, we have talked a lot about wanting recognition of community land ownership and control through national law. However, at the same time, there are existing procedures and processes that would allow communities to realise recognition of their rights granted in law. It is not enough to say that we recognise your customary ownership, unless the process is designed such that it is impossible to deny these rights.

I would like to give you an example from Liberia. Until recently, you needed permission from the president herself to go back to your community and begin to map your community land area. Then you would have to visit a whole range of government officials. Then you would go back to the field to map the land areas. This map would then be submitted to the president, and only the president can then sign the title. This title would then need to be approved by the court. The costs of this survey are so high that even where communities would like their community land to be recognised as private property, communities could not afford it. Our government has realised that this is wrong, and has initiated a national dialogue for a land reform process. Civil society are informing that discussion.

One common example that is bringing urgency to this matter is the large scale land acquisition by commercial interests. Allowing companies to set up large plantations (oil palm, rubber etc.) is displacing people from their own lands. This is one of the real challenges we are facing.

In 2010, Liberia's government gave out two concessions, together amounting to over 600,000 ha. One of the companies decided that they wanted to develop an area of 15,000 ha. In their own impact assessment they stated that there were 16 settlements in those areas, and that in total, their development was going to affect 10-15,000 people. However, their assessment concluded that this was not a problem as those communities would not be relocated "yet". What has happened since is that they have left those communities where they are and cleared all the land around them, and surrounded them with oil palm plantations. They now have nowhere even to make a cassava patch to feed themselves.

So the company says that it is not going to displace or relocate, but when communities are surrounded and left as little islands, what option are they left with in terms of food security? Our agriculture ministry says we need self-sufficiency in food production, but we don't eat rubber, and we need land to grow food not plantations that export palm oil.

In a nutshell, I think it is important to be as clear as possible. These are real challenges, real problems, and real situations that we are putting communities into. Unless we do something about it as a multi-party progressive state to change the systems started by the colonial powers, this will lead to conflict, disempowerment and injustice to our own people, and the next generation will no longer be blaming the colonisers – the French or the British – they will blame our own leaders.

The question for civil society and communities is: Are we satisfied with how things are today? If the answer is no, this should form the basis for reflection, for dialogue, and suggestions for moving the situation to how we want it to be.

We understand the complexities. We do not take these for granted. At the same time we do not think this is an excuse for inaction. If we do not act today, the problem will continue to become increasingly complex with each day that goes by. We are passing on to our children the troubles that we are afraid of addressing today. Nobody wants to carry on someone

else's problems. Let us pass on to our children a situation within which it is easier to manage than the problems we suffer from today.

I ask those of us who call ourselves advocates of human rights, who are we to ask others to change their social, cultural and spiritual practices to what we think is good for them. Every society evolves due to the internal recognition of realities and how to respond to them. I am not saying that all traditions are good, but there needs to be space for societies to be able to reflect and to make their own decisions on the changes they need to progress.

Silas Siakor, 16 September 2011