

13th Regional Dialogue on Forests, Governance and Climate Change: Harmonizing Tenure and Resource Policies in Central and West Africa's Changing Landscape

5–7 March 2013, Yaoundé, Conference Center, Cameroon

Co-organized by Rights and Resources Initiative (RRI), the Cameroon Ministry of Forest and Wildlife (MINFOF), the Central African Forest Commission (COMIFAC), the International Union for Conservation of Nature (IUCN), in Collaboration with RRI Partners and Collaborators in Africa

DIALOGUE DECLARATION

1. Introduction

Under the distinguished patronage of the Ministry of Forests and Wildlife of Cameroon, the 13th Regional Dialogue on Forests, Governance and Climate Change was held from March 5-7, 2013 at the Congress Centre in Yaoundé, Cameroon. This Dialogue was co-organized by the Rights and Resources Initiative (RRI), the Central African Forest Commission (COMIFAC), the Cameroon Ministry of Forests and Wildlife (MINFOF) and the International Union for the Conservation of Nature (IUCN). The opening ceremony was presided by His Excellency Mr. Philip Ngwese Ngole, the Minister of Forests and Wildlife, in the presence of Mr. Raymond Mbitikon, Executive Secretary of the Central African Forests Commission.

Nearly 150 participants hailing from Cameroon, other African nations (Burkina Faso, Burundi, Chad, Central African Republic, Democratic Republic of Congo, Gabon, Ghana, Liberia, Mali, Mozambique, Nigeria, Republic of Congo, Tanzania, Togo and Uganda), Europe (France and the United Kingdom), and the United States took part in plenary sessions, panel discussion, and break-out groups, representing government, traditional chiefs, civil society, local communities, and academia.

The objective of the Dialogue was to:

1. Take stock of progress in implementing commitments made by Central and West African countries during the 2009 Yaoundé Conference to initiate or accelerate legal reforms by 2015 to *“legally recognize communities as owners of forest lands”* or *“double the land area owned by communities.”* (See box 1)
2. Assess the threats presented by large-scale land acquisitions, extractive industries and infrastructure projects in the region and link them to their assumed economic contributions.
3. Assess the progress made on REDD+ in the two sub-regions and its implications for forest economy.
4. Examine specific policy options for ongoing land and forest reforms in Cameroon and other countries in Central and West Africa.
5. Identify next steps for Cameroon and the region.

The conference reviewed the Key Messages and Recommendations of the *2009 International Conference on Tenure, Governance and Enterprise: New opportunities for West and Central Africa* (Annex 1), including the actions recommended under Objective 2015 to catalyze reforms in Central and West Africa.

Box 1: Objective 2015

- 1. Prioritize forest tenure reform as a national development issue in all African countries by 2015; based on the necessity to ensure respect of human and historical rights of ownership and access to land and resources, by strengthening political will, and engaging parliamentarians and land, and other relevant ministries and agencies in the reform processes;*
- 2. Reverse the assumption that all lands are state owned and perform an inventory of the lands that are actually under state ownership and management;*
- 3. Fully recognize the human rights of all ethnic and minority peoples by 2015, including their rights to land and access to resources;*
- 4. Empower communities to claim their rights by expanding participatory mapping of community land rights, and only then develop land use plans and zoning;*
- 5. Through multi-stakeholder processes, set ambitious targets for community ownership of forest lands (e.g. a percentage to be reached by 2015) and develop strategies and plans to achieve those targets. In countries where no forest lands are under community ownership, establish an ambitious target for 2015 for the legal recognition of community owned forest lands. In countries where communities already own some percentage of forest land set a target of at least doubling areas under community ownership by 2015;*
- 6. Address constraints to community and small-scale enterprises, markets and trade, and increase percentage of benefits shared from all commercial activities on their lands, towards at least quadrupling community incomes from all forest operations by 2015;*
- 7. Strengthen political will and action to advance forest tenure reforms by regional forest, land and governance institutions, the ITTO and donors, by encouraging their adoption and support for these recommendations and this Objective 2015;*
- 8. Set up mechanisms to monitor and ensure the follow-up of the Yaoundé recommendations and this Objective 2015.*

Finding that the lessons, challenges, opportunities and recommendations presented in 2009 continue to be highly relevant in 2013, the co-organizers and conference recommitted to meeting Objective 2015.

2. Taking stock since 2009

The Dialogue benefited from the presence of experts from around the region, and we drew new lessons from two reports, on tenure reforms since 2009 and the socioeconomic impacts of large-scale land acquisitions.

Participants took stock of the progress of tenure reforms in the context of accelerating large-scale land transactions, and found that while there has been much change since 2009, little concrete progress has been made to meet Objective 2015. Participants made the following observations:

- A significant number of governments across Central and West Africa have undertaken legal and policy reforms since 2009. Thirteen out of twenty six Central and West African countries (50 percent) have developed or amended one or more statutory tenure instruments since 2009. In 30 percent of countries, land legislation reviews are being considered or have already been launched.
- Many countries in the region have also created institutional arrangements to recognize and secure community rights such as local land charters, communal land certification, and joint state forest management agreements. Yet the recognition and security of customary tenure rights are still not guaranteed in constitutions, laws and implementing legislations in many Central and West African countries.
- Regional policy initiatives, such as the African Union’s Land Policy Initiative and Guidelines on Land Policy, provide guidance in the development of national level reforms. However, the non-binding nature of these instruments weakens their ability to shape and reinforce national land reform processes, and implementation of laws has stalled.
- Since 2009, pressures on forest lands have increased, with the advent of large-scale land acquisitions as the predominant vehicle for national economic development efforts. Various socioeconomic impacts on communities were documented, and it was found that throughout these transactions, customary rights holders are marginalized in multiple ways—through weak consultation, lack of a consent process, inadequate compensation, and the failure of promised new jobs to materialize.
- A lack of coordination among government agencies and a lack of unified land policy have led to significant overlapping in land and resource allocations on the same spaces. Moreover, legal frameworks and procedures regarding land deals are often inconsistent and not transparent. In the context of increasing land pressures, this situation puts local communities and indigenous people at particular risk.
- Governments are beginning to rethink their development models, and to consider alternatives to “quick fix” strategies in favor of participatory, rights-based solutions. Yet within governments, there is still uncertainty and some disagreement as to which models are most promising in promoting long term socioeconomic development. Compounding difficulties, funding for significant tenure reform is often non-existent or limited in national budgets, and state capacity to undertake reforms is often lacking.

Overall, there has been progress in some countries to secure tenure, but no policy reforms recognize full ownership rights for local communities and indigenous people. And while policies are shifting, implementation on the ground is lagging. Regionally, the recognition of communities’ rights is proceeding more slowly than the pace of large-scale land deals that threaten their ownership of land.

3. Recommendations

Participants identified the major constraints to better progress and proposed recommendations to address them. The major actions that must be taken to secure rights and ensure equitable economic development in Central and West Africa are as follows:

1. Apply FAO Voluntary Guidelines, African Union Land Policy Initiative guidelines on the ground and make them fully operational. At the same time, civil society should build a case for national reforms and communicate that effectively to governments for reforms that respect the international and regional guidelines they signed.
2. All countries should recognize, secure and protect community property rights to land and resources in their constitution and laws.
3. In order to translate the international and regional policy documents into national legislation, there is a need for capacity building of all actors (government authorities, civil society groups and networks, traditional rulers, local and indigenous communities, research institutions).
4. State agencies should coordinate among themselves and with their counterparts in the region to ensure coherence and efficiency both in developing and implementing reforms, and in making land and resource allocation decisions, in order to better protect community property rights.
5. Regional institutions in West and Central Africa should provide appropriate frameworks for multi-stakeholder monitoring. The state will have responsibility to organize domestic discussions with all actors to ensure local and national monitoring. The organizers of this dialogue will provide appropriate technical tools for effective monitoring.
6. All countries should assess their current legislation for allocating commercial rights against community rights and environmental standards, and where necessary should put in place and enforce transparent and efficient systems to allocate commercial rights (logging, mining, agroindustry, carbon rights, etc.)
7. All the above recommendations should be considered priorities for donors in their support to governments and civil society.

The participants thank the Government and People of Cameroon for their warm welcome. We thank in particular MINFOF and COMIFAC for generously hosting this event in Yaoundé. We thank the participants for their rich contributions and reflections on the critical issues of governance, tenure, climate change and large-scale land acquisitions in Central and West Africa. We wish everyone a safe journey home.

Yaoundé, 7 March 2013

The participants

Annex 1:

Key Messages and Recommendations from the International Conference on Forest Tenure, Governance and Enterprise: New Opportunities for Central and West Africa

Yaoundé, 25-29 May 2009

Under the distinguished Patronage of the Government of Cameroon, the International Conference on Forest Tenure, Governance and Enterprise: New Opportunities for Central and West Africa took place at the Hotel Mont Féré, Yaoundé. The conference was organized by the Ministry of Forests and Wildlife of Cameroon (MINFOF), the International Tropical Timber Organization (ITTO), the Central African Forest Commission (COMIFAC), the Food and Agriculture Organization of the United Nations (FAO), the Global Alliance of Forest Communities (GACF), the Rights and Resources Initiative (RRI) and its partners CIFOR, ICRAF, IUCN and Intercooperation, with financial support of the ITTO, SDC, SECO, DFID, NORAD, SIDA, US Department of State and the Government of the Netherlands.

The opening ceremony was presided by HE Elvis Ngolle Ngolle, Minister of Forests and Wildlife of Cameroon in the presence of Emmanuel Ze Meka, Executive Director of ITTO.

Close to 250 participants composed of experts from Cameroon and other African countries (Angola, Benin, Burkina Faso, Burundi, Congo, Côte d'Ivoire, Gabon, Ghana, Kenya, Liberia, Mali, Nigeria, Togo, RCA, RDC, Rwanda, Senegal, Sierra Leone, Tanzania, Zimbabwe), from Europe (France, Italy, United Kingdom, Switzerland), Asia (China, India, Indonesia, Nepal, Malaysia), Latin America (Brazil, Guatemala, Mexico), North America (Canada, United States), from regional organizations (COMIFAC) and international organizations (ITTO, FAO, CIFOR, ICRAF, IUCN, RRI, WWF), representatives of Governments Civil Society, local communities, traditional authorities, elected officials, and donors (EU and DFID) took part in this important gathering, which consisted of plenary sessions, working groups and field visits.

The objective of the conference was to catalyze new and wider-ranging actions by governments and civil society organizations towards securing land and forest tenure in Central and West Africa.

The expected outputs of the conference were the following:

1. Recommendations on the outlines of a common vision to put in motion forest tenure reforms;
2. Recommendations on the approaches to reinforce the collaboration between actors and sectors;
3. Proposals for an action plan to accelerate the implementation of reforms in Central and West Africa; and
4. Adoption of priority actions and commitments for the implementation of the Conference recommendations.

The participants appreciated the efforts made by countries like Tanzania, Mozambique, Nepal, Brazil, China, Guatemala and Mexico with regards to forest reform in order to improve the sustainable management of forests, the livelihoods of local populations and to increase the contribution by the forest sector to national economic growth.

The principle results of the conference are summarized below. The participants of the conference identified key issues, lessons and challenges and made recommendations for governments, international organizations, communities, NGOs, and regional African organizations. They concluded the conference by discussing and agreeing on a time-bound set of activities. This "Objective 2015" is presented at the end of this summary statement.

A. Key issues on forest tenure, governance and community enterprise in Africa

1. Insecure forest tenure experienced by African communities in many countries slows social and economic development, hampers sustainable forest management and leads to resource conflicts.
2. Over the past 400 years the African continent has experienced extreme trauma as colonial rule refused to recognize customary law and tenure rights in order to establish state control over natural resources and to pursue economic goals.
3. The legacy of colonial control over resources passed over to the post-independence African states, who have maintained the state claim of ownership over forest lands.
4. There is a legal pluralism of tenure in most of Africa in which the formal law dominates over varied customary systems and limits the rights of communities to access and own what they consider to be their natural resources.
5. Reforms are taking place throughout the world and in several African countries in response to a growing movement of communities claiming rights to participate in the processes regarding resource use and conservation, but where these reforms have taken place their implementation has been slow.
6. Women's tenure rights under customary and formal laws remain largely unrecognized; their rights are insufficiently considered in policy and law reforms and in the related international agenda.
7. Similarly, socially disadvantaged ethnic groups that depend on forests for their livelihoods continue to live with insecure resource tenure and unrecognized human rights.
8. The institutional orientation of forest agencies does not address rights-based development and tenure; institutional capacity is therefore inadequate for the effective use of tools for rights-based development and to respond to tenure issues.
9. Government institutions have been structured in a manner that separates the regulation and management of agricultural land from that of valuable natural resources such as timber or minerals.
10. In many African countries several barriers block the creation of small and medium forest enterprises (SMFEs) of community forest enterprises (CFEs) in particular. A lack of support for financing, technology, and the integrated use of timber and non-timber forest products restricts the economic possibilities for local communities.
11. Due to a lack of appropriate channels and tools, communities have difficulty expressing and documenting their customary rights in order to interact with formal legal systems.
12. Support for forest tenure reform, forest governance and community forestry enterprise development has been neglected by international donors and funding institutions.
13. New and evolving global issues such as climate change and potential mitigation initiatives, biofuels production, initiatives such as VPA/FLEGT, and the global economic crisis will have an impact on forest tenure.

B. Key lessons emerging from the conference:

1. **Forest tenure policy and law reform processes are necessary in many countries in Africa. The conference identified the following lessons.**
 - a) **Multi-stakeholder processes to reform policy and law are key:** The wide and organized participation of stakeholders is an essential element in the development of natural resources policy and legislation. Processes that are biased or that have not been built on consensus among all stakeholders will inevitably lead to conflict and the depletion of resources. There is a need to build mechanisms to guarantee the equal participation of disempowered groups, particularly women and minorities.
 - b) **A clear policy should be set before laws are drafted:** Legal and regulatory instruments are far more effective when they are based on sound policies that have been developed in a

participatory and consultative way and established on the basis of experience. Forest tenure policies and laws should be sufficiently flexible to accommodate locally adapted approaches to the sustainable use of natural resources. In the development of the law, field experience is essential and the mechanisms for applying the law must be simple to guarantee its success.

- c) **Forest policies and laws should be consistent with or build on land laws:** The elements of forest ownership and access rights cannot be dissociated from land tenure. Forest tenure reform is therefore dependent on a transparent underlying approach to land rights, including clear land tenure legislation and implementation mechanisms.
 - d) **Forest policies and laws should accommodate differences within communities:** Individuals and households within a community often have different positions and perspectives on forest use and ownership. These differences must be identified and adequately accommodated in the development of forest tenure policies and laws.
 - e) **Respect and recognition of customary systems are keys to success:** The most successful examples of forest tenure reform, especially in Africa, are those in which the rights established by customary systems have been understood and recognized by the statutory legal systems for land and forest tenure. Such understanding and recognition are essential elements for promoting consensus building, the equitable distribution of benefits, and sustainable development.
 - f) **National policies must recognize the legality of the customary rights:** A balance between the statutory and customary systems is a pre-requisite for success.
 - g) **The state plays a key role in the reform process:** The state, which is at the centre of all reform processes, should aim to facilitate such processes by providing sufficient political space, political stability, and resources. Commitment and political will are essential for the initiation, development and implementation of reform processes.
 - h) **Participatory mapping is a tool for empowering communities to negotiate and claim rights:** Participatory mapping at the community level is increasingly used to support local empowerment and the formal recognition of community rights to land and forests. It can be an important tool for negotiation and communication and to support decision-making on forest tenure. It can also be used to facilitate dialogue among stakeholders interested in the use and conservation of forest areas.
 - i) **International support and funding can have a significant impact on forest tenure policy and law reform.**
2. **Small and medium forest enterprises, including community forest enterprises, are an excellent vehicle for promoting the conservation and sustainable use of forest resources and can contribute significantly to livelihoods and to local and national development. The conference identified the following basic conditions for SMFE and CFE development.**
- a) **CFEs cannot grow without clear tenure:** Moreover, guaranteed access to resources is a necessary condition for the development of SMFEs, and of CFEs in particular. Such access must be legally recognized and enforced by the relevant authorities.
 - b) **Access to markets is essential:** SMFE development is hampered by a lack of information and access to local, national and international markets. Experience has shown that support for product and market development significantly improves the performance of SMFEs.
 - c) **SMFEs are potentially powerful economic actors:** In many countries, especially in Africa, SMFEs make a significant contribution to local economies through the informal markets. In Ghana, for example, SMFEs contribute an estimated 5% of GDP, while the formal forest industry sector contributes 2%. Recognizing this contribution and supporting the formalization of SMFEs and

their access to formal markets improves their sustainability and their contribution to national development.

- d) **Women are leaders in income generation from NTFPs:** Women play an important role in the development and running of SMFEs, especially those related to non-timber forest products and wood energy, with major benefits for local economies. Insufficient effort is being made, however, to support the role of women in forest management.
- e) **The state plays a key role in supporting or hindering development of SMFEs:** In spite of their socioeconomic importance, SMFEs, CFEs in particular, are far from achieving their full potential for contributing to local and national economies. The state plays an important role in encouraging SMFEs, including by providing incentives and technical support.

C. Key challenges

- 1) **Attitudes and ways of thinking:** It is difficult if not impossible to empower local ownership and local communities if governments are still using colonial legislation, institutions and thinking. A key challenge is to change attitudes in government, civil society and their supporters towards models involving greater participation.
- 2) **Participatory and multi-stakeholder processes:** Participatory and multi-stakeholder processes for forest tenure reform are needed that enable all stakeholders to participate equitably.
- 3) **Institutional reforms:** Processes are needed to decentralize decision-making and to provide support and resources to locally based institutions such as councils, village-based organizations and CFEs, and to integrate traditional and representative rural institutions.
- 4) **Corruption:** Corruption in forest management and institutions must be overcome.
- 5) **Recognizing and addressing the gender dimensions of tenure:** Women face particular challenges due to a lack of property ownership; a lack of access to finance, markets and technology; unfavorable laws relative to access and ownership; and a lack of information on laws and regulations.
- 6) **Poverty alleviation:** Reforms should address the needs of the poor and of minorities.
- 7) **Enabling conditions for SMFEs:** Strong, clear legal tenure systems are needed that ensure access to capital and markets for SMFE, CFEs in particular; create a level playing field by providing institutional and technical support at least equal to that provided to the private sector; and a fair and equitable tax regime.

D. Recommendations

1. Governments
 - a) Acknowledge that land and forest tenure reforms that take into account human rights, and customary land rights of forest communities and indigenous peoples are essential for sustainable development
 - b) Through a multi-stakeholder process, set ambitious targets for community ownership of forest lands (e.g. a percentage to be reached by 2015) and develop a strategy and plan to achieve those targets
 - c) Accelerate forest tenure, trade and market policy reforms, with particular attention to the rights of communities, women, minorities, and marginalized groups

- d) Carry out such reforms using a participatory and multi-stakeholder process (especially including women, minorities, and marginalized groups, including indigenous peoples) within a land use policy reform/development process
 - e) Ensure that forest tenure reforms are aligned with broader land tenure reforms, informed by the AU, AfDB, ECA Land Policy Initiative
 - f) Learn from other country experiences in the development of forest tenure policies and law and the development of CFEs
 - g) Create an enabling environment for the development and success of CFEs and provide funding mechanisms accessible to women, minorities and marginalized groups
 - h) Review poverty-reduction strategy papers (PRSPs), with particular attention to forest tenure and CFEs
2. NGOs
- a) Put forest tenure reforms at the center of their campaigns
 - b) Ensure the provision of legal advice to communities on the establishment of SMFEs
 - c) Support communities in the development of transparent partnerships with financial and technical bodies
 - d) Work to develop minimum standards for participation and consultation in tenure reform processes
 - e) Monitor the status of follow-up on the Rio Branco and Yaoundé conference recommendations
 - f) Work to clarify language and concepts around rights and tenure, and engage government agencies, civil society and others in discussions around recognizing and realizing rights and obligations
 - g) Make available tools, such as participatory mapping, for empowering communities to claim their rights, and to facilitate dialogue and negotiation with governments
 - h) Support CFEs to certify their production processes in order to increase their access to markets
3. Communities
- a) Organize and network to effectively participate in reform processes and to express their opinions and claims of rights to forest tenure
 - b) Seek out links with government services and organizations that can assist to document their tenure rights
4. ITTO and other International Organizations
- a) Collaborate on the development of guidelines for forest tenure reform
 - b) Undertake the necessary efforts to implement the ITTO Thematic Program on Community Forest Management and Enterprises
 - c) Develop an agenda to promote gender equity within tenure and forest enterprises
 - d) Support the organization of a workshop on the same themes as the Yaoundé Conference for a group of Asian countries to share experiences and learn from each other.
5. Donors
- a) Provide funding to support appropriate land and forest tenure reform processes and their implementation
 - b) Finance the ITTO Thematic Program on Community Forest Management and Enterprises

- c) In cooperation programs for the forest and social sectors, support partner countries in the implementation of forest tenure reforms and CFEs at the community level
6. Regional African Institutions
- a) In its convergence plan COMIFAC should sufficiently take into account community rights to forest tenure
 - b) Include community forest tenure rights in the ECOWAS Land Charter and the AU, AfDB and ECA Land Policy Initiative.

E. The Way Forward: Objective 2015

The participants recommend the following actions by governments and social actors to catalyze reforms in Central and West Africa:

1. Prioritize forest tenure reform as a national development issue in all African countries by 2015; based on the necessity to ensure respect of human and historical rights of ownership and access to land and resources, by strengthening political will, and engaging parliamentarians and land, and other relevant ministries and agencies in the reform processes;
2. Reverse the assumption that all lands are state owned and perform an inventory of the lands that are actually under state ownership and management;
3. Fully recognize the human rights of all ethnic and minority peoples by 2015, including their rights to land and access to resources;
4. Empower communities to claim their rights by expanding participatory mapping of community land rights, and only then develop land use plans and zoning;
5. Through multi-stakeholder processes, set ambitious targets for community ownership of forest lands (e.g. a percentage to be reached by 2015) and develop strategies and plans to achieve those targets. In countries where no forest lands are under community ownership, establish an ambitious target for 2015 for the legal recognition of community owned forest lands. In countries where communities already own some percentage of forest land set a target of at least doubling areas under community ownership by 2015;
6. Address constraints to community and small-scale enterprises, markets and trade, and increase percentage of benefits shared from all commercial activities on their lands; towards at least quadrupling community incomes from all forest operations by 2015;
7. Strengthen political will and action to advance forest tenure reforms by regional forest, land and governance institutions, the ITTO and donors, by encouraging their adoption and support for these recommendations and this Objective 2015;
8. Set up mechanisms to monitor and ensure the follow-up of the Yaoundé recommendations and this Objective 2015.

The participants thank the Government and the People of Cameroon for the warm hospitality and facilities that made the conference a success. They also thank the Ministry of Forest and Wildlife, RRI, ITTO for their initiative to convene this conference, the co-organizers FAO, CIFOR, IUCN, ICRAF, Intercooperation, GACF, and the donors SDC, SECO, DFID, the Netherlands, Norad, Sida, US Department of State, and Ford Foundation. The African participants wish to thank those who came from other continents, Asia, Latin America and North America to share their experiences.

Yaoundé, 29 May 2009

The Participants.