



# Final Communiqué of the Forest Governance Forum

Brazzaville, 31<sup>st</sup> October 2018

The Regional Forum on Forest Governance (FGF) was held from 30-31 October 2018 in the Mbé room of the Ledger Hotel in Brazzaville, under the patronage of the Prime Minister, Head of Government of the Republic of Congo. This event is the first of its kind for the CV4C project, but the 11th in a series of similar international conferences organised within the framework of the Centre for International Development and Training (CIDT)'s previous Strengthening African Forest Governance (SAFG) project and the EU-Championing Forest People's Rights (CFPR) project.



The Forum was organised in collaboration with the Kingdom of Belgium, as facilitator of the Congo Basin Forest Partnership (CBFP) within the framework of the implementation of the CBFP Facilitation Roadmap on Forest Governance, REDD + and Land Use components respectively, with a view of preparing the 18<sup>th</sup> High-Level Meeting of CBFP Parties to be held in Brussels from 27 to 28 November 2018.

The Forum received financial support from the CV4C project, co-funded by the European Union and the UK's Department for International Development (DfID). 300 participants from the Congo Basin countries, civil society organisations, international organisations, donors, representatives from research institutions and private sector organisations were present .

Her Excellency Mrs. Rosalie Matondo, Minister of Forest Economy of the Republic of Congo was present during the opening ceremony.

The opening ceremony was highlighted by five speeches: those of the Chair of the Board of Directors of CAGDF, the representative of the University of Wolverhampton, the Deputy Executive Secretary of COMIFAC, the representative of the European Union Delegation, and the opening speech of Her Excellency the Minister of Forest Economy of the Republic of Congo.

In his introductory speech, Mr. Grégoire KOUFFA, Chair of the Board of Directors of CAGDF in his capacity, and on behalf of all members of the Sustainable Forest Management Support Circle, expressed his sincere thanks to the Authorities of the Republic of Congo in general, and to the President of the Republic of Congo, His Excellency Mr. Denis SASSOU NGUESSO in particular, for his proven leadership on environmental issues. He also thanked the Government and its Leaders including Mr. Clement MOUAMBA, represented by Mrs. Rosalie MATONDO, Minister of Forest Economy. He stated that this event is the first of its kind for "Citizen Voices for Change" (CV4C) project, but the 11<sup>th</sup> in a series of similar international conferences organised under the auspices of the Centre for International Development and Training (CIDT), with previous projects such as "Strengthening African Forest Governance" (SAFG) and the EU-CFPR project. The CV4C project, co-financed by the European Union and the DfID, is being implemented in Cameroon, the Central African Republic, the Democratic Republic of Congo, Gabon and the Republic of Congo through the Sustainable Forest Management Support Circle(CAGDF).

The speech of the representative of the University of Wolverhampton was delivered by Prof. Rachel Slater. On behalf of the University of Wolverhampton and the project "Citizen Voices for Change", she warmly welcomed all participants present at the ceremony, and went on to highlight the fact that this meeting on forest governance is the first of its kind held in Brazzaville, even though ten others had already been held in other Central and West African countries. She also reminded the participants that this forum is the first of its kind for the CV4C project. Prof. Rachel Slater expressed her heartfelt thanks to the Prime Minister and the Minister of Forest Economy of the Republic of Congo, COMIFAC, the CBFP, as well as all partners including the US Forest Services, the FAO, the ATIBT, the Proforest & Rainforest Alliance, the WRI, CLIENT EARTH, and Conservation Justice for organising this event. She also stressed that Independent Forest Monitoring is essential for good governance and that the so-called "Monitoring" deserves to be legitimised. She ended by enlightening the audience on the importance of setting up a dedicated fund for Independent Monitoring.

the Deputy Executive Secretary of COMIFAC, Mr. Gervais ITSOUA MADZOU, on behalf of Mr. Vincent Biruta, Minister of Environment for the Republic of Rwanda, current chairman of the Central African Forests Commission, began by thanking the Government of the Republic of Congo and the Organisers for associating COMIFAC with this important meeting of the "Friends of Forest" from all over the world. Basing his speech on the recent publication of the Intergovernmental Panel on Climate Studies as well as on the impacts of climate change, to limit global warming to 1.5 ° C, the Deputy Executive Secretary indicated that we are already living with the consequences of global warming, which will only become more severe, and also that global warming may reach 1.5 ° C between 2030 and 2052.

As far as climate change is concerned, Mr. Gervais ITSOUA MADZOU added that the forest is one of the least expensive solutions. He further stated that the first axis of COMIFAC's Convergence Plan for the Harmonisation of Forest and Environmental Policies is aimed at strengthening public forest governance. He also informed that last week, in Kinshasa, COMIFAC organised a workshop to revive and reconfigure the Forest Governance Working Group of COMIFAC, after which new guidelines and a roadmap were adopted, and will soon be submitted to the Council of Ministers. He finally invited the COMIFAC countries to insist on international cooperation approaches, without which the efforts of these countries will be in vain.

Mr. Claude BOCHU, representing H.E. MR. Paula MATEUS, Ambassador of the European Union, expressed above all, his great satisfaction to see the 11<sup>th</sup> edition of the Regional Forest Governance Forum meeting taking place in Brazzaville. He thanked the Prime Minister of the Republic of Congo for the official patronage he had kindly offered to the forum as well as the Minister of Forest Economy for her support and presence at the opening of proceedings. He also expressed his gratitude to the organisers including the Centre for International Development and Training (CIDT) of the University of Wolverhampton and all its partners in the

Congo Basin as well as in Europe, the Congo Basin Forest Partnership (CBFP), the Central African Forests Commission (COMIFAC) and all participants for their great contribution to the forum. Continuing his address, Mr. BOCHU recalled the two main thrusts of European policy in support of forest governance. These include on the one hand mitigation and adaptation activities to global warming through the REDD + process and on the other hand the creation of opportunities for economic growth and trade in the field of exploitation of forest resources, which refers to FLEGT Action Plan, an initiative launched in 2003 by the European Union to fight illegal logging and to promote legal timber trade. Referring to the review of the implementation of the VPA-FLEGT Agreements, he said that the recent assessments confirm the relevance and innovative design of the VPA-FLEGT and their important contribution to international fight against illegal logging and associated trades. Finally, he hoped that the forum would be an opportunity to identify best practices to facilitate and accelerate the implementation of VPAs, particularly in the Congo Basin countries.

In her opening speech, Mrs. Rosalie MATONDO, Minister of Forest Economy for the Republic of Congo, on behalf of Mr. Clément MOUAMBA, Prime Minister, Head of Government, started by wishing a warm welcome to all the participants, and thanked them for having responded to the invitation to these meetings. She also wished a pleasant stay in Brazzaville to all the guests coming from outside the country. Delivering the message on behalf of the Prime Minister who is on a state mission abroad and thus unable to honour the opening ceremony, the Minister of Forest Economy congratulated and thanked the organisers of the forum for having chosen Congo to host this important event on the issue of forest governance, and for all the technical, financial and material support provided to ensure its success. She noted that the choice of Congo is proof of the recognition of the efforts made by his country in the implementation of forest policies leading to good practices in this sector, in harmony with the COMIFAC convergence plan.

Mrs. Rosalie MATONDO also emphasised the importance and role of the forestry and timber sector, which is one of the main axes of economic diversification, job creation and poverty reduction. She also recalled that Congo has resolutely engaged in a dynamic of responsible and inclusive management of its forest resources thanks to the impetus given by His Excellency Mr. Denis SASSOU NGUESSO, Head of State, and President of the Republic of Congo.

For almost two decades, the Republic of Congo has included forest management as a basis for the sustainable management of its forest ecosystems with already 7 million hectares of managed forest, i.e. 69% of the surface area granted to forest logging and just over 3 million hectares of certified forests with the most stringent FSC standards. The country is also devoting about 12% of its national territory or 13 million hectares to biodiversity conservation through protected areas.

Mrs. Rosalie MATONDO informed the forum of the implementation since 2010 of the National Afforestation and Reforestation Programme(ProNAR), the objective of which is to plant one million hectares of fast-growing tree species and for which it seeks the accompaniment of development partners in the search for investors and mobilisation of the necessary funding. The Minister also indicated the continuation of Congo's efforts until all forest concessions are converted and managed sustainably, in a concerted and participatory manner, so that from these forests only legal timber is produced and traceability is effective. According to the Minister, this ambition can only flourish in the context of good forest governance. In order to further improve this forest governance and respond to global challenges regarding the role of forest ecosystems in the Congo Basin, she said that Congo has voluntarily adhered to the FLEGT and REDD + processes and that the substantive foundations of these two processes are now in place. She also recalled the commitment made a few months ago on participatory forestry in Central Africa and particularly the Brazzaville Roadmap, aimed at improving the efficiency of this type of forestry.

Finally, whilst wishing the meeting a full success, the Minister of Forest Economy declared the 11<sup>th</sup> edition of the Forum on Forest Governance open.

Following the opening ceremony, participants listened to presentations organised around eight sessions coupled with interactive discussions between presenters and participants. During these sessions, participants made observations as well as a number of recommendations aimed at contributing to the broader goals of the CV4C project through experiences sharing and awareness raising, and by

promoting the profile of the VPA-FLEGT and REDD +. The main observations and recommendations are presented below.

## First Session : An overview of the state of Forest Governance in the region and beyond



During this session :

Participants took note of COMIFAC's commitment with the support of partners to conduct without delay a systematic review, an inventory of forest governance in Central Africa, a sub-regional emergency that would make it possible to have the Baseline necessary for measuring progress. COMIFAC announced that the review study would be done in a short time.

COMIFAC has offered to collaborate with the EU in order to contribute to a better monitoring of VPA-FLEGT in its Member States and at the same time, ensure its extension in the other Member States not involved in the process.

Participants noted the significant progress of VPA-FLEGT. As a result, almost all Panel member countries confirmed that the VPA-FLEGT is a robust, relevant and highly value-added process in the state's governance function for good governance in Central Africa. All the challenges encountered so far in the VPA-FLEGT process would be primarily in the technical field, particularly with regards to SIGIF2 in Cameroon and SVL in Congo. Beyond these challenges, reviews of the VPA-FLEGT in the process of closure have reinforced the process and better refined its implementation, making it possible to simplify the process and internalise the reforms. In addition to the financial hardship, difficulties of a technical nature were also noted. The issue of political will does not seem to be a handicap in the process and the commitment of States and parties seems to be without doubt.

There is a need for better coherence and coordination between different sectors and the Administrations, in order to better optimise the commitment of actors in the process. Congo indicated to have found, through the establishment of an inter-ministerial committee chaired by the Prime Minister within the framework of land-use planning, a possible solution to these inconsistencies.

It is essential that there is a shift in the perception of the sub-regional actors of the VPA FLEGT not as a process coming from the outside but as a clean, internal tool. To this effect, Central African countries must lead by example by consuming legal timber.

## Second Session : VPA and Timber Legality Assurance System (TLAS) implementation



It was noted that VPAs are a robust system for improving governance. At the heart of each Voluntary Partnership Agreement is a timber legality verification system that enables to verify that wood products comply with national laws. Once it has been established that wood products for the EU market are of legal origin, partner countries may issue FLEGT licenses for these products. Indonesia, which has been issuing FLEGT licenses since the end of 2016, and the Republic of Congo, which is in the process of implementing the VPA, presented their respective systems.

It was also noted that these processes take time and are a learning process that are constantly improving. These systems and a dynamic Independent Monitoring using quality standards are the keys to guarantee the transparency and credibility of VPA countries. The identified challenges are of a technical, financial and economic nature (incentive for timber with FLEGT authorisation against sanction for timber of dubious origin on the European market). Identified strengths include the involvement of all stakeholders as well as improved regulations and transparency. Discussions highlighted the importance of all stakeholder participation, reforms to improve the system, intersectoral coordination, quality of systems and transparency.

## Third Session : Promoting transparency and public procurement policies



It was noted that :

- Transparency is guaranteed by the legal frameworks of the Congo Basin countries, particularly through the right to information, but its implementation remains partial.
- The legality of exploitation remains low, as shown by the analysis of the 148 IM reports at the regional level, or the analysis of SZL. But in a changing context (multiplication of Asian operators, shrinking of the European market, and the growing importance of agricultural enterprises), it is urgent to improve the transparency and availability of information for European buyers.

- Independent monitoring is an essential tool for ensuring transparency, but its impact is still limited, mainly for two reasons: monitoring is sparsely used because importers and competent authorities have little or no access to them, and because follow-up by the administration are non-existent. It is therefore urgent to work to improve the dissemination and visibility of reports produced within the framework of IM, and to implement regular monitoring mechanisms to ensure the taking of sanctions and ultimately improve its impact.
- Many practical tools exist to improve transparency: OTP and SPOTT initiatives are examples.
- Governments are encouraged to lead by example in developing public policies for the purchase of legal timber through presidential legal acts or from the Prime Minister. It is also essential to put in place incentives for the private sector to participate in these public markets.

## Fourth Session : Panel on Regional Legal Frameworks and Reform Processes



International processes currently underway in some African countries, namely the Action Plan for Forest Law Enforcement, Governance and Trade (FLEGT), Voluntary Partnership Agreements (VPAs) and the Programme on Reducing Emissions from Deforestation and Forest Degradation (REDD +), provide opportunities to review forest sector legal frameworks to reduce illegal logging and emissions from deforestation, improve governance and the rights of local communities and indigenous peoples whose livelihoods depend on forests.

After the presentations, discussions highlighted several relevant elements:

- The law plays an important role in ecologically sustainable development. To ensure this, countries should impose rigorous regulatory regimes and appropriate institutional frameworks.
- Legal reform would provide a complete and comprehensive legal framework that should be clearly, comprehensively and unambiguously articulated through a participatory legislative process that includes all stakeholders, including local communities and indigenous peoples. Participation is necessary for stakeholders to take ownership of the process and for the end products of the reform to reflect the contributions of all stakeholders. The methodological routes of the said reforms should be participatory (bottom-up), iterative and flexible in order to reach consensual rules acceptable by a social majority.
- Legal reforms must first and foremost be aimed at solving a clearly identified problem and achieving a precisely defined result, when it is clear that non-normative solutions do not allow it.
- It should be remembered that the process of creating legal norms - legal reform - is a process, often long and complex, that needs to be carefully planned, including the preliminary phase containing contextual analysis (social, historical, policy), legal gaps analysis, the development of a vision and a clear objective which will guide the reform, and the identification of a process to lead the reform (which actors will be involved , over what period of time, etc.?)
- Legal reforms are a long-term process that goes beyond the mere drafting of legal texts. It is also much more than an exercise in the simple drafting of legal texts - the reform process is an opportunity for strengthening the legal capacity of all stakeholders.

- The initiative for legal reform should come from within the country and respond to its specific needs, taking into account the country's cultural, political, social and economic environment, as well as identified priorities.
- Legal reforms require government commitment. Only genuine ownership and political will reflected in the collaboration and coordination of all branches of government can lead to reforms.
- Simple transposition of foreign legal systems should be avoided. The benefits of foreign experts offering a comparative perspective must be merged with knowledge of the local legal community.
- Poorly designed laws generally generate excessive regulation that risks creating instability and legal uncertainty and opens the door to inconsistencies in legal standards.
- Intersectoral coordination throughout the reform process is essential. Since threats to forests are multiple and often interdependent, it is imperative to adopt a coordinated multi-sectoral approach to combat them. They are important to enable broad and effective stakeholder participation.

## Fifth Session : Parallel Session



### Panel 1 : Private Sector Engagement & Land Use

It can be noted, amongst other things, the availability of land use planning documents at various scales (national to local), and their level of implementation and monitoring; the inclusion of existing local plans in ongoing processes; the participation of the local population and the consideration of their interests; the position of the peat bog area in future land allocations; the involvement of the private sector which is one of the important actors but which is long considered insufficient in this process.

### Panel 2 : Involve indigenous people and local communities in Forest Governance

The following conclusions and recommendations were noted:

The participation of indigenous peoples and local communities is fundamental to ensuring good forest governance. Without stakeholder participation, transparency in decision-making and accountability, there is no good forest governance.

Several initiatives support the participation of indigenous peoples and local communities in forest governance. Special efforts have been made in recent years in the context of the VPA-FLEGT and REDD + processes, including forest certification.

Notable progresses have been made in some countries. In general, the participation of indigenous peoples and local communities in forest governance is not yet effective.

Several avenues have been explored in terms of political and legal reforms as well as capacity building and the development of good governance tools.

Notwithstanding, it has become necessary to innovate in forest management by favouring a holistic and integrated approach to innovation. Synergies between the various forms of possible innovations (social, technical, commercial, etc.) are only effective if the entire system relies on a capacity-building mechanism (without capacity building, participation is not effective) and is accompanied by a legal framework, and even a supportive political framework.

In this perspective, the "*Brazzaville Roadmap for more effective participatory forestry in Central Africa in the context of the 2030 Agenda*" has emerged as an opportunity to create the necessary conditions for the participation of indigenous peoples and local communities to good forest governance.

The panel recommends that Central African countries implement the Brazzaville Roadmap with a view to improving the efficiency of participatory forestry on the one hand, and the participation of indigenous peoples and local communities in forest governance on the other hand.

## Sixth Session : Parallel Session



### Panel 1 : Forest Certification and links with forest governance

Panellists reached the following conclusions :

1. The FLEGT approach and private certification should be complementary rather than opposing.

ATIBT presented an analysis of the similarities and differences between the FLEGT approach and voluntary certifications (FSC, PEFC / PAFC, various certifications of legality). Each of these two mechanisms aim to ensure the sustainability of logging for timber production, giving key importance to stakeholder participation and transparency, but differ by their institutional terms (public sector for FLEGT / free private choice for private certification).

In its second phase which has just started, the PPECF-COMIFAC programme is trying to train private operators in a positive spiral starting with the certification of private legality (therefore in the EUTR) to progress towards forest management certification.

During discussions, participants were concerned about the competition that could emerge between the two, in particular because the EUTR could be considered as sufficient by most sensitised markets, to the detriment of independent certification. It is obvious that while this does not solve all the problems (it does not prevent deforestation on its own), it contributes significantly to improving the situation at the local level in the forest management units.

2. The social added value of logging is very important in the context of FSC-certified forest management (presentation of CIB-OLAM experience and activities of the Fondation Frédéric for assistance to the Babandjélé people).



CIB-OLAM has a specific programme and has developed a whole series of activities and partnerships to contribute to the emancipation and socio-economic development of people living near its FSC-certified concessions (more than 50,000 people) . The Frédéric Foundation presented the activities it implements in particular to help the native populations.

During discussions, participants stressed the importance of conflict management mechanisms with neighbouring communities, in a logic of true partnership rather than disguised paternalism. The implementation of a true CLIP is a good example.

3. Transparency: an indicator of good forest management (discussions based on a study of the experience and commitments of the FSC-certified IFO company in the Republic of Congo).

The INTERHOLCO group company, to which IFO belongs, has organised its business model on transparency and the promotion of the sustainable added value of its logging operations. In addition to its legal or FSC related obligations, the company bases this business model on full and regular publications, on the contribution to promotion of voluntary transparency systems (such as the Open Timber Portal of WRI or the ZSL SPOTT system).

During discussions, it was stressed that transparency should be observed by all stakeholders involved in forest management; not only operators or public authorities, but also other actors of the civil society, especially journalists having a strong influence on public opinions.

4. Wildlife management in an FSC-certified concession (case study of Compagnie Équatoriale des Bois (CEB) in Gabon).

CEB is an FSC-certified company that has been operating sustainably over 500,000 ha for more than 25 years (it is in second rotation in terms of its development plan). The company presented its original method of wildlife management in its CFAD, based on the provision of alternative proteins and on an active collaboration with the local populations for a legal hunting supervision (maintaining the hunting practices of authorised species). This original participatory approach allows to monitor the legality and sustainability of wildlife harvesting.

During discussions, the originality of this approach was underlined. However, participants were concerned about the risks associated with this accompanying approach, which could also lead to the continuation of illegal poaching practices alongside controlled activities.

## **Panel 2 : Planning for Fire Management, Sustainable Forest Management, Response to climate change**

Two case study presentations were made to illustrate this theme. They focused on:

The process of developing and validating the simplified fire management plan (SFMP) in and around the Léfini Reserve (Republic of Congo);

Fire management in the Lake Tumba landscape in the Democratic Republic of Congo.

Participants appreciated the fire management planning process. They wanted these experiments to be replicated in both protected areas and forest concessions. They suggested that efforts should be made to develop all protected areas and enable the effective implementation of this SFMP.

## Seventh Session : Parallel Session



### **Panel 1 : Opportunity to create synergies between IFM and IWT – CIDT & Conservation Justice**

Acting in the framework of a Memorandum of Understanding with public institutions and in close co-operation with law enforcement agencies, wildlife crime control organisations have the following objectives: 1) to dismantle wildlife trafficking networks; 2) facilitate the arrest of traffickers, and 3) provide legal assistance to relevant institutions (administrations, law enforcement and protected area managers).

They apply a methodology including investigation, operation (arrest), legal monitoring and action with the media (communication, information and awareness). Indicators of the effectiveness of their actions are: the number of investigations carried out, the number of suspects identified and arrested, the quantity of products and / or materials seized, the number of decisions rendered in court, the number of protected areas supported and the number of cases followed-up.

This intervention approach has been tested for the application of forest regulations in the ALEFI project, with almost similar results.

Success factors are :

- the establishment of a memorandum of understanding giving legitimacy to the action,
- close collaboration with public institutions and law enforcement agencies,
- and multidirectional network action with positive energies (people committed to the cause and coming from different backgrounds).

However, the effectiveness of interventions depends heavily on political will, which varies according to the sensitivity and willingness of people appointed to key positions. Corruption and influence peddling are the major constraints encountered.

Opportunities for synergies can be established at different levels between organisations implementing independent monitoring and those active in the fight against wildlife trafficking. Examples include :

- setting up a common warning system;
- documentation of good practices and successful experiences;
- capacity building;
- and the coordination of interventions.

As recommendations, it is important to:

- strengthen exchanges between IFM organisations and those fighting against wildlife trafficking;
- promote the capacity building of IFM organisations on investigative techniques used in the fight against wildlife trafficking;
- expand the application of wildlife trafficking control methods to the forest sector.

## Panel 2 : The Accountability Framework initiative (AFi)

The accountability framework initiative is a collaborative effort amongst CSOs to accelerate progress and improve accountability for responsible production chain commitments in agriculture and forestry.

The accountability framework initiative provides definitions, standards and guidelines that provide greater clarity, consistency, efficiency and accountability in the delivery of these commitments.

This session focused on the process and content of this initiative as well as on the technical aspects of its orientation and clarified in the way the framework is used by the partners and highlighted the different stakeholder groups including civil society, government and business.

## Eighth Session : Parallel Session



### Panel 1 : Climate Change, Financing and REDD+

Participants noted a few salient points:

- Low funding for projects in the Central African sub-region;
- Despite the existence of numerous financial mechanisms, the allocations for forests in the Congo Basin are low.

They recommend doing advocacy for financing projects in the Congo Basin forests and another for engaging heads of state to get involved in debates.

The panellists also noted good lessons learned from the REDD + process but in the context of good governance wished good collaboration or complementarity between REDD + and FLEGT processes. They concluded and affirmed that there is no fight against climate change without taking into account forests.

### Panel 2 : Benefit sharing, Gender and Financing

Benefit sharing from logging can be seen as a compensation measure for the reduced access of local and indigenous communities to the resources they usually use as a result of establishing a concession in their traditional land.

Benefit sharing mechanisms in Congo Basin countries include, among others, contract specifications for forest operator, local development fund, and the annual forest tax.

The implementation of the social clause of the specifications is a first experience of community empowerment in managing the financial benefits of logging with mixed success.

One of the main challenges relates to the implementation of the clauses of the specification with the consideration of gender aspects in the identification of projects and in monitoring of achievements.

Panellists recommended:

Strengthening the support of communities by NGOs in the definition and implementation of projects of Community interest;

- Reinforcement of corrective and punitive measures in case of non-compliance by the concessionaries;
- Considering the complexity of gender roles to identify opportunities for improving forest governance and working towards greater equity;
- Strengthening the legal framework for benefit sharing from logging by emphasizing the Free Prior Informed Consent of local communities and indigenous peoples as well as gender parity.

At the end of the forum, participants expressed their sincere thanks to the Government of the Republic of Congo for its hospitality and for its contribution to the success of this meeting.



Done in Brazzaville (Republic of Congo), 31<sup>st</sup> October 2018

The Participants