

**Statement made by participants at the International Conference on Forest Tenure, Governance and Enterprise: New Opportunities for Central and West Africa, convened in Yaoundé, Cameroon, 25–29 May 2009**

Conference participants identified a number of key issues, lessons and challenges and made recommendations for governments, international organizations, communities, NGOs, and regional African organizations. They also agreed on a time-bound set of activities they called ‘Objective 2015’.

## **Key issues on forest tenure, governance and community enterprise in Africa**

- Insecure forest tenure experienced by African communities in many countries slows social and economic development, hampers sustainable forest management and leads to resource conflicts.
- 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.
- 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.
- 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.
- 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.



Photo: E. Mansur

- 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.
- Similarly, socially disadvantaged ethnic groups that depend on forests for their livelihoods continue to live with insecure resource tenure and unrecognized human rights.
- 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.
- 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 and minerals.
- In many African countries several barriers block the creation of small and medium forest enterprises (SMFEs) and 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.
- 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.
- Support for forest-tenure reform, forest governance and community forestry enterprise development has been neglected by international donors and funding institutions.
- New and evolving global issues such as climate change and potential mitigation initiatives, biofuels production, initiatives such as voluntary partnership agreements/forest law enforcement, governance and trade, and the global economic crisis will have an impact on forest tenure.

## **Key lessons**

Forest-tenure policy and law reform processes are necessary in many countries in Africa. The conference identified the following lessons.

- **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 dis-empowered groups, particularly women and minorities.
- **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.

- **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.
- **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.
- **Respect for 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.
- **National policies must recognize the legality of the customary rights:** a balance between the statutory and customary systems is a prerequisite for success.
- **The state plays a key role in the reform process:** the state, which is at the center 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.
- **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.
- **International support and funding can have a significant impact on forest-tenure policy and law reform.**

Small and medium forest enterprises, including CFES, 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.

- **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.

- **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.
- **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.
- **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.
- **The state plays a key role in supporting or hindering development of SMFES:** in spite of their socioeconomic importance, SMFES, and 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.

## Key challenges

- **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 and civil society, and their supporters, towards models involving greater participation.
- **Participatory and multi-stakeholder processes:** participatory and multi-stakeholder processes for forest-tenure reform are needed that enable all stakeholders to participate equitably.
- **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.
- **Corruption:** corruption in forest management and institutions must be overcome.
- **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.

- **Poverty alleviation:** reforms should address the needs of the poor and of minorities.
- **Enabling conditions for SMFES:** strong, clear legal tenure systems are needed that ensure access to capital and markets for SMFES, and 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.

## Recommendations

### 1. Governments should:

- a) Acknowledge that land-tenure and forest-tenure reforms that take into account human rights, and to 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 should:

- 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 should:

- 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 should:

- 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 should:

- a) Provide funding to support appropriate land-tenure 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 should:

- a) In COMIFAC's convergence plan, 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.

## 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;



**Greater clarity:** Yaoundé emerges from an early-morning mist *Photo: A. Sarre*

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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 the 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, 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 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 and ITTO for their initiative in convening this conference, the co-organizers FAO, CIFOR, IUCN, ICRAF, Intercooperation and GACF, and the donors SDF, SECO, DFID, the Netherlands, Norad, Sida, US Department of State, and the 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

*For more information on the conference (including a complete list of participants) contact [rfm@itto.int](mailto:rfm@itto.int).*

