Workshop on Forest Governance organized by the Platform of Gabonese Civil Society Organizations

Atelier sur la Gouvernance forestière organisé par la Plateforme des organisations de la société civile gabonaise

REPORT Workshop on Forest Governance organized on September 17, 2010 by the Platform of civil society organizations in Gabon committed to the implementation of the elements of the FLEGT action plan Brainforest: Quartier Ancienne Sobraga, Rue Multipress BP: 23 749 Libreville Tel: 44 53 52 Gabon September 2010 This report was prepared for the program related to the application of forest regulations, governance, and trade for countries in Africa, the Caribbean, and the Pacific (ACP-FLEGT Support Program - GCP/INT/064/EC)

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WORKSHOP CONTEXT This workshop was held as part of the ACP-FLEGT Program of the FAO, related to strengthening the capacities of civil society actors to efficiently support processes related to FLEGT and the negotiation of the APV. Grouped within a platform, civil society organizations in Gabon working for the sustainable management of natural resources organized a workshop on: The concept of Forest Governance. This workshop was part of a capacity-building program initiated with the technical assistance of the FAO's ACP-FLEGT Program. Report of the workshop on Forest Governance organized on September 17, 2010 by the Platform of civil society organizations in Gabon committed to the implementation of the elements of the FLEGT action plan 5

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I- OBJECTIVES OF THE WORKSHOP According to the terms of reference for this workshop, the objectives pursued through this activity were as follows: I-a) General objective The workshop aimed to exchange with actors of Gabonese civil society on the elements of governance in the forestry sector; this by integrating other sectors (environment and protected areas) in accordance with the requirements of the FLEGT process. I-b) Specific objectives – To generally present the concept of governance; – To present national, sub-regional, and international initiatives in terms of governance in the forestry sector; – To highlight the role of civil society in governance; – To discuss/share experiences lived by members of Gabonese civil society related to governance issues. To achieve the results, the facilitation of the work was ensured by two consultants, Ms. Nathalie NYARE, Forestry Engineer, and Ms. Michelle NTOUGOU, Environmental Lawyer. Ms. Nathalie NYARE, Forestry Engineer Ms. Michelle NTOUGOU, Environmental Lawyer Report of the workshop on Forest Governance organized on September 17, 2010 by the Platform of civil society organizations in Gabon committed to the implementation of the elements of the FLEGT action plan 6

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II- IMPLEMENTATION METHODOLOGY The participatory approach was the model for implementing this workshop. This approach aimed to encourage civil society actors to actively participate in the various exchanges. Thus, in order to better understand the issues at stake in the problem of governance in general and that of natural resources in particular, an iterative logic prevailed. Report of the workshop on Forest Governance organized on September 17, 2010 by the Platform of civil society organizations in Gabon committed to the implementation of the elements of the FLEGT action plan 7

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THE DIFFERENT COMMUNICATIONS AND THEIR CONTENTS Report of the workshop on Forest Governance organized on September 17, 2010 by the Platform of civil society organizations in Gabon committed to the implementation of the elements of the FLEGT action plan 9

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I- WHAT IS GOVERNANCE? This communication presented by Ms. NYARRE focused on the following points: Definition of the concept; Origin of the issue; Why governance; Key governance questions; Keywords of governance; Characteristics of good governance; Some limitations; Relationship between governance and decentralization; Legislative and regulatory context to consider in an improved governance context in Gabon; Possible role of civil society in governance; Priority actions for efficient civil society involvement in the governance improvement process; I-a) Definition of the concept: Before delving deeper into the presentation, the facilitator attempted to provide a clear and precise definition of the concept of governance, a central theme of the workshop. In this regard, it should be noted that the concept is polysemous. It has been addressed by several social sciences: economics, politics, sociology, etc., but all definitions relate to the management or administration of public affairs. Thus, the facilitator will successively propose the following views in terms of defining governance: For the European Union: The principles of governance include the rules, processes, and behaviors that influence the exercise of power at the European level, particularly from the perspective of openness, participation, accountability, effectiveness, and coherence. Report of the workshop on Forest Governance organized on September 17, 2010 by the Platform of civil society organizations in Gabon committed to the implementation of the elements of the FLEGT action plan 10

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 For Le Petit Larousse 2009: • Governance: The act of governing; the manner of managing, administering. • To govern: To direct politically; to exercise executive power. Executive power (or governmental): Responsible for the administration of the State and for ensuring the execution of laws. I-b) Origin of the issue: The origin of the governance issue comes from several sources. Indeed, we can cite: – Poor application of laws; – Lack of knowledge of laws and regulations by local populations; – Deforestation; – Degradation of animal and plant resources; – Loss of biodiversity; – Lack of technical and financial capacities; – Loss of revenue for the State. Continuing her remarks at the end of highlighting the driving factors of the governance problem in states, Ms. NYARE explained to civil society actors why improved governance is important. I-c) Why governance?: Governance is a mechanism of stability. Through its implementation, the structures used and their quality guarantee: – Social cohesion or social conflicts, – Success or failure of economic development, – Preservation or degradation of the natural environment, – Respect or violation of human rights and fundamental freedoms. I-d) Key governance questions: In examining the points that should feed discussions on governance, the facilitator informed the audience that they revolve around the 7 questions below: – Who has key information? – Who decides? – Who has influence? – How are decisions made? – Who benefits? – Who loses? – Who is accountable? Continuing her presentation, Ms. NYARE emphasized to civil society that it is the seriousness and determination shown by the various stakeholders to provide answers to the different questions that ultimately determines the quality of governance. I-e) Keywords of governance: Alongside the key questions, there are a number of keywords that accompany and structure the debates on governance. The speaker highlighted these keywords as follows: – Responsibility; – Participation; – Transparency; – Accountability. Each of the above concepts

implies practical content. Indeed, she continued, the notion of responsibility in a context of seeking improved governance must be understood as the attitude of each stakeholder occupying or ensuring a function, to fulfill this task by prioritizing the greater good of the community. As for participation, it refers to two notions: 1/ the first is the idea that the management of public affairs is fundamentally collegial and that this implies the contribution of all. 2/ the second is that the very notion of participation reflects the civic duty to contribute to the national edifice. Coming to transparency, Ms. Nyare presented this concept as one of the driving pillars of governance. Indeed, the duty to make accessible to all information about what is done, how it is done, with whom, for what objective, and for what result is undoubtedly a guarantee of cohesion and social stability. The last key concept among the words that structure governance is the notion of accountability. Here, the facilitator presented it by highlighting the obligation to account that it stipulates. Indeed, the obligation to account is a principle of governance. It reinforces the notion of equality and especially the idea that sovereignty remains with the people and not with their delegates to specific functions. Accountability on the path to improving governance means being accountable to the community of men for the acts and actions one takes. I-f) Characteristics of good governance: The characteristics of good governance were also addressed during this workshop. In this regard, it was noted that the fundamental traits of good governance are established as follows, by most multilateral and even bilateral organizations. Indicative table of good governance criteria: THE FIVE PRINCIPLES THE PRINCIPLES OF THE UNITED NATIONS ON WHICH THEY ARE BASED Legitimacy and voice Participation Seeking consensus Accountability

Obligation to report to the public and institutional stakeholders Transparency Performance Responsiveness of institutions and processes to stakeholders Effectiveness and efficiency Impartiality Equity Rule of law Orientation Strategic vision, including human development and historical, cultural, and social complexities. I-g) Some limitations of governance: Despite the precise nature of the indicators of good governance presented here, the facilitator drew the attention of civil society actors to the fact that these indicators still present a coefficient of limitation, however residual, according to the assessments made by development specialists. Also, the following aspects were presented to serve as objective limits to the governance issue: – "No principle is absolute." Most are in conflict with others to some extent, and therefore require measure and judgment in their application. – The social context (history, culture, and technology) will be an important factor in establishing this measure and in the practical application of the principles. – In the application of principles, complexities abound: it is indeed in the minutiae that difficulties arise. – The principles of governance are at the same time ends and means, and concern both the results of power and the conditions of its exercise." (Institute on Governance, April 2002) I-h) Relationship between governance and decentralization: Regarding the possible links between governance and decentralization, civil society members learned: – That decentralization is a form of expression of governance, among several models of exercising power; – That the specificity of decentralization lies in the transfer by the central power to local authorities of part of the constitutional prerogatives that were formerly devolved to it. Coming to the specific case of governance of natural resources, it would notably involve a participatory mechanism that involves all stakeholders in the management process of these resources. Thus, good governance of natural resources translates into: The transfer of powers, functions, and competencies of the State in the management of natural resources to local instances, local communities, civil society organizations, and local populations. However, the facilitator emphasized that for this transfer of powers and competencies to take place and produce the expected results, it is necessary: – That local representation is a legitimate and also accountable local representation; – That the specific decision-making areas are well identified. I-i) Legislative and regulatory context to be considered: The legislative and regulatory context to

be considered as it may influence the process of improving governance was also addressed. The presentation made on this specific point focused on highlighting the following undeniable facts: – There is forestry legislation favorable to the sustainable management of forests; – This legislation has a low level of application of its laws; – Need to reconcile forms of legality and legitimacy not yet affirmed and sometimes in opposition to the formal legislation and regulation of the forestry code and certain environmental sector laws; – Insufficient technical, human, and financial resources for the effective implementation of rigorous management of the forestry domain. I-j) Possible role of civil society in governance: Coming to the possible role of civil society in the process of improving governance, the facilitator listed the following: – Denounce bad practices; – Put their expertise and know-how at the disposal of the State (technical support); – Initiate and implement projects and programs to support local and indigenous populations. I-k) Priority actions for efficient civil society involvement in the governance improvement process: Beyond the exercise of the role presented above, another aspect that was reflected upon is notably to define priority actions for efficient civil society involvement in the

governance improvement process. In this regard, the following priority actions were listed: – Representation of NGOs in public institutions of forest governance; – Regulatory measures guaranteeing the representation of NGOs in negotiation, execution, and monitoring-evaluation structures (e.g., voluntary partnership agreements); – Provision of information to NGOs related to illegal logging and forestry disputes; – Development of technical expertise within NGOs; – Internal capacities to mobilize funds for the implementation of projects and programs.

II- GOVERNANCE IN THE GABONESE FORESTRY SECTOR: After reviewing the generalities of the concept of governance, the second presentation of the workshop, which focused more on examining the state of governance in the Gabonese forestry sector, was also presented by Ms. NYARE. This presentation aimed to highlight the characteristics of forest governance in our country. To this end, the facilitator structured her presentation around four main sub-themes: – The main dangers threatening forests; – The measures taken at the national level; – The major challenges of forest governance; – Some potential solutions for these governance issues. II-a) The main dangers threatening forests: Regarding the dangers threatening the forestry sector, civil society members will note: – Deforestation; – Degradation due to the depletion of animal and plant species; – Land conversion; Workshop report on Forest Governance organized on September 17, 2010 by the Platform of Gabonese civil society organizations committed to the implementation of the elements of the FLEGT action plan 18

– Inappropriate agricultural practices; – Illegal logging; – Abusive and illegal exploitation of natural resources (oil, mines...) II-b) The measures taken at the national level: In light of the dangers facing the forestry sector, questions have arisen about the concrete mitigation measures implemented by public authorities today. At this level, it should be noted that the State has established an institutional framework represented by the Ministry of Water and Forests, and that this institutional framework has been equipped with a number of policy orientation frameworks such as: – Programs: Tropical Forestry Action Program (PAFT), National Environmental Action Plan (PNAE), Forest-Environment Program (PFE), Sectoral Program for Forest, Fisheries, and Environment (PSFE)... – Consultation frameworks: National Commission for Sustainable Development (CNDD), Climate Council, National Parks Management Committee, High Council of National Parks... – Adoption of policies: General/Sectoral Policy Letter, Strategic Documents for Poverty Reduction (DSRP)... – Adoption of laws: forestry code, law relating to national parks... – Signing of international conventions. Despite the measures taken to ensure the development of the forestry sector, seminar participants noted the existence of major challenges for governance in this sector. Workshop report on Forest Governance organized on

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II-c) The major challenges of forest governance: – The main challenges of governance in the forestry sector can be outlined as follows: – Taking into account parameters related to all needs for occupying spaces in the delineation of forest domains (zoning plans). – Delineation of forest domains – Taking into account the interests of all populations in exercising their rights of use: – In forest concessions and national parks – Reconciliation of legal and legitimate rights; – Optimally valorizing both timber and non-timber forest products (developing a truly dynamic industrial sector around the wood industry); – Listing and promoting major non-timber forest products (NTFP) for each forest region; – Developing and implementing a national strategy and action plans (e.g., PSFE; FLEGT mechanism…); – Defining a more incentive and easily collectible taxation; – Establishing functional links between conservation and sustainable management of biodiversity in protected areas and production spaces; – Integrating environmental considerations into all industrial activities; – Ending illegality in forestry activities; – Clarifying the notion of hunting (poaching, traditional hunting…); – Strengthening the capacities of civil society members for their effective involvement in the sustainable management of forest resources; – Involving civil society in forest management alongside the administration; – Functioning of national consultation frameworks; – Functioning of local consultation frameworks; – Implementing international conventions and sub-regional directives; – Etc. At the end of this identification, the concern to mitigate all these challenges led civil society to propose potential solutions. Workshop report on Forest Governance organized on September 17, 2010 by the Platform of Gabonese civil society organizations committed to the implementation of the elements of the FLEGT action plan 20

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II-d) Some potential solutions for forest governance issues: Possible solutions to the governance challenge in the forestry sector can be classified as follows: – Effective application of forestry laws and regulations; – Need to reflect on participatory governance for the sustainable management of resources; – Development of local economic alternatives that optimize the benefits and values of forest resources; – Need to make consultation frameworks (national and local) operational. III- FOREST GOVERNANCE: SOME SUB-REGIONAL AND NATIONAL INITIATIVES The third presentation focused on the state of governance initiatives implemented in the sub-region by sub-regional cooperation organizations, as well as some national initiatives in this area. III-a) The international context: Facilitator Ms. NYARE began by recalling that the major sub-regional initiatives on governance issues have taken place within a favorable international context for promoting a new way of managing public affairs worldwide. Indeed, she emphasized, this has been successively due to: 1/ the Earth Summit in Rio in 1992; 2/ the Summit of Heads of State of Central Africa in 1999 in Yaoundé, which resulted in the so-called Yaoundé declaration concerning: conservation and sustainable management of forests; 3/ the World Summit in Johannesburg (South Africa) in 2002 on sustainable development, where the notion and especially the principles of good governance were strongly affirmed as characteristics of efficient management of state resources in the fight against underdevelopment. Workshop report on Forest Governance organized on September 17, 2010 by the Platform of Gabonese civil society organizations committed to the implementation of the elements of the FLEGT action plan 21

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III-b) Sub-regional initiatives: From the presentation, it was noted that the sub-regional initiatives

in terms of governance are as follows: – 2003: Ministerial Conference on the Application of Forestry Legislation and Governance in Africa (AFLEG); – Ministerial Declaration on AFLEG; – 2005: Adoption of the convergence plan of COMIFAC – Operationalization plan by country; – 2010: Sub-regional workshop to validate guidelines on the participation of local and indigenous populations and NGOs in the management of Central African forests. All the initiatives presented here align with the following international visions and contribute to providing governance with a clear and precise perception. IV- SOME MAJOR INTERNATIONAL APPROACHES TO GOVERNANCE: IV-a) The United Nations Millennium Declaration: It proclaims that creating an environment conducive to development and eradicating poverty depends, among other things: – on good governance in each country; – on good governance at the international level; – on the transparency of financial, monetary, and trade systems. IV-b) B/ Summits of Heads of State of Central Africa: – 1999: Yaoundé Declaration on the conservation and sustainable management of forests; Political commitment at the highest level to curb poaching and other illegal activities in forests; • □ Establishment of the Executive Secretariat of COMIFAC; – 2005: Adoption of the convergence plan whose axis 5.4 addresses combating the illegal exploitation of forest resources and poaching; Workshop report on Forest Governance organized on September 17, 2010 by the Platform of Gabonese civil society organizations committed to the implementation of the elements of the FLEGT action plan 22

• □ Establishment of the Central African Forest Commission (signature of the Treaty); IV-c) Ministerial Declaration on AFLEG (2003): – High-importance political declaration highlighting the importance of institutional and administrative reforms related to AFLEG and making commitments (11) including notably the "Integration of the application of laws and governance issues into national forestry programs"; – List of measures determining the Declaration and focusing on implementation at the national level, capacity building, information, application of laws and monitoring, markets and trade, etc. IV-d) World Summit on Sustainable Development Johannesburg 2002: Adoption of a political declaration and an implementation plan including elements of AFLEG, focusing notably on: – Sustainable production and consumption; – Environmental and social responsibility of businesses; – Notion of accountability; – Integration of environmental costs and use of economic instruments; – Management of basic natural resources and reduction of biodiversity loss; – Immediate measures in favor of the application of forestry laws and against the illegal trade of forest products. IV-e) The European Commission (EC): The EC aims to define concrete pathways to: – Strengthen governance capacity and increase ownership by partner countries regarding the development of relevant reform programs; – Strengthen development partnerships on a national or regional basis to coordinate donor priorities and partner country programs through strategic dialogue and ensure the Workshop report on Forest Governance organized on September 17, 2010 by the Platform of Gabonese civil society organizations committed to the implementation of the elements of the FLEGT action plan 23

complementarity between donors; – Contribute to the protection of human rights and the promotion of democracy, good governance, and the rule of law; – Establishment and functioning of "institutions" (understood not as "organizations", but rather as "rules of the game"), which define the different actors and their prerogatives both in cooperation for the objectives of the community and in the resolution of conflicts that may arise; – These institutions can therefore be material policies, public procedures, or even spontaneous attitudes; – Good governance is a set of institutions of this type, which are effective, transparent, and legitimate. IV-f) Governance according to the World Bank (WB) Alongside other multilateral cooperation

agencies, the World Bank has also defined its approach to the issue of governance. In this regard, it can be noted: That governance from the perspective of this institution has a multidimensional character. A governance system is indeed composed of a wide range of processes, systems, organizations, and rules (that is to say, institutions) that are employed from the "supply side" by the public function, and from the "demand side" by oversight institutions not under the executive power, and by citizens to hold the public function accountable for its results. Depending on the objective sought, the WB uses different indicators. Thus, when it comes to overall results, it resorts to general indicators that allow: – To track the overall results of the system (such as the Corruption Perception Index of Transparency International); – To better track overall achievements, such as growth; Workshop report on Forest Governance organized on September 17, 2010 by the Platform of Gabonese civil society organizations committed to the implementation of the elements of the FLEGT action plan 24

V- WHY GOVERNANCE IN FLEGT? Addressing the issue of the role of governance in the FLEGT process was another focus of the workshop. In this regard, civil society learned that the European Commission has developed the "White Paper on European Governance". This defines European Governance as a set of rules, processes, and behaviors that influence the exercise of power at the European level, particularly from the perspective of openness, participation, accountability, effectiveness, and coherence. The White Paper states that the EU must "seek to apply the principles of good governance to its global responsibilities and that it should seek to enhance the effectiveness and competencies of international institutions". Furthermore, it must contribute to improving dialogue with governmental and non-governmental stakeholders in developing policy proposals that have an international dimension. In this regard, in the specific area of FLEGT, the EU supports: – Better governance and capacity building of stakeholders to combat illegal logging; – The implementation of voluntary partnership agreements with producing countries, in order to prevent the entry of illegal timber into the EU; – The reduction of illegal timber consumption within the EU and the reduction of investments that favor illegal exploitation; Workshop report on Forest Governance organized on September 17, 2010 by the Platform of Gabonese civil society organizations committed to the implementation of the elements of the FLEGT action plan 25

VI- ANNEXES Workshop report on Forest Governance organized on September 17, 2010 by the Platform of Gabonese civil society organizations committed to the implementation of the elements of the FLEGT action plan 26

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