National Workshop Report on Community Rights in the Forestry Sector in Gabon

Rapport Atelier national sur les droits des communautés dans le secteur forestier en république gabonaise

European Union Cooperation Service And Cultural Action (Scac) National Workshop on the Rights of Communities in the Forestry Sector in Gabon February 5 – 6, 2014, Libreville. Report March 2014

-- 1 of 64 --

ii Photos © dr Estelle, one of the representatives of indigenous populations at this workshop, presents their living conditions in the forest and advocates for better protection of their rights related to access to natural resources u Photo S © dr

-- 2 of 64 --

March 2014 European Union Cooperation Service And Cultural Action (Scac) iii National Workshop on the Rights of Communities in the Forestry Sector in Gabon February 5 – 6, 2014, Libreville. Report

-- 3 of 64 --

European Union Cooperation Service And Cultural Action (Scac) National Workshop on the Rights of Communities in the Forestry Sector in Gabon-Libreville 2014 The national workshop on the rights of communities in the forestry sector in Gabon, which took place on February 5 and 6, 2014, was held in the auditorium of the Ministry of Forests, Environment, and Protection of Natural Resources. This workshop saw the participation of over 71 people from diverse backgrounds: central administration, private sector representatives, diplomatic representations, national and international civil society, representatives of local and indigenous communities, delegates from Cameroon and the DRC invited to share their experiences regarding benefit sharing from forestry exploitation. Four major concerns captured the attention of the organizers of this workshop: (i) to enable an exchange of experiences regarding the rights of communities in the national forestry sector, (ii) to discuss their implementation by the various stakeholders involved, (iii) to produce recommendations that contribute to improving the legislative framework governing the rights of local communities in the forestry sector in Gabon and its application, (iv) to study, strengthen, and promote the legal architecture necessary for the implementation of benefit sharing from forestry exploitation. It seemed essential to share the experience of local communities called to engage responsibly in the management of forest resources, a sine qua non condition for the realization of their rights and their economic and social development. The hope and efforts made for the realization of this workshop allowed us to achieve the following results: 1. Based on field elements reported by members of the communities and other stakeholders, a participatory diagnosis was conducted regarding the rights of communities, the state of rights, the national and international legislative framework in force in the forestry sector, and the main challenges related to their respect; 2. Relevant recommendations were made to generally contribute to the improvement of the rights of communities in the forestry sector and in particular to the finalization of a model of contractual terms obligating forestry concessionaires to contribute to the actions of collective interest initiated by forest communities. Being the first concerned by the development of their living environment, local and indigenous communities actively participated in this workshop and clearly expressed their concern to see their living conditions improve and presented recommendations to that effect. These also concern their relations with economic operators, the

administration, particularly that in charge of national parks, as well as with the various NGOs with which they maintain a close working relationship. The contributions from the experiences of benefit sharing from Cameroon and the DRC were considerable; the contents presented, the concerns expressed, as well as the recommendations formulated by the two delegations amplified the objectives of this workshop. The recommendations from the two delegates strongly emphasized the paths to follow for good management and for effective development of local and indigenous communities within the framework of benefits arising from forestry exploitation. For them, the establishment of an appropriate legal framework and the development of synergistic work among stakeholders will enable these results to be achieved. In addition to the general recommendations that were made based on the various presentations and the exchanges that ensued, the model of contractual terms resulting from this workshop is the fruit of a reflective and analytical work carried out within the framework of the three working groups that were specially set up during the proceedings. This publication was made possible thanks to the financial support of the European Union (EU), the Cooperation and Cultural Action Service of the French Embassy (Scac), the UK Department for International Development (DFID), as well as the University Research and Action Center for Social Forestry and Sustainable Development (CURFoD) of Omar Bongo University. The opinions expressed in this report are those of the authors and do not represent the position of the donors. March 2014 Authors: ClientEarth, RFUK, Brainforest, Legal Support Group, Ministry of Forests, Environment, and Protection of Natural Resources Layout and design: Germain DJEUKING Keywords: Rights of local and indigenous communities, forest, benefit sharing, protected areas, community forest, forestry concessions, contractual terms, laws, etc. SUMMARY OF ALL WORK

v TABLE OF CONTENTS SUMMARY OF ALL
WORK iV
SIGLES AND
ABBREVIATIONS .....
Vi I - Introduction .....

..... 7 II - Workshop
Proceedings 11
II - 1. Opening
Ceremony ..... 11 II - 2. Presentations by National
Experts:..... 11 II - 3. Sharing Experiences of Local Communities ..... 14 II - 4. Presentation by Civil Society on: the Framework for Action and Support of Gabonese Civil Society for the Promotion of the Rights of Forest
Communities ..... 17 II - 5. Presentations by Regional Experts: on the sharing of benefits from forestry exploitation, experience from Cameroon and the Democratic Republic of
Congo..... 18 III - Conclusion and Recommendations ..... 25 III - 1. Co

nclusion .....
25 III - 2. Recommendations .....

..... 25 ANNEXES .....

..... 27 1. TERMS OF

REFERENCE..... 27 2.
OPENING
CEREMONY ..... 30 3.
CLOSING
CEREMONY 36
4. PRESENTATIONS BY NATIONAL
EXPERTS ..... 39 5. PRESENTATIONS
BY REGIONAL EXPERTS ..... 52 6.
PRESENTATIONS BY LOCAL
COMMUNITIES 57

-- 5 of 64 --

National Workshop on the Rights of Communities in the Forestry Sector in Gabon-Libreville 2014 vi AEAFFB: Agency for the Execution of Activities of the Forest Wood Sector in Gabon. AGNU: Gabonese Association of the United Nations. CCC: Contractual Terms. CCGL: Local Management Advisory Committee. CE: Client Earth. CLIP: Free, Prior, and Informed Consent CURFoD: University Center for Research and Actions in Social Forestry and Sustainable Development. DACEFi: Development of Illegal Community Alternatives. DFC: Community Forestry Directorate. DFID: Department for International Development - GoV.UK ETD: Decentralized Territorial Entities FC: Community Forest. IGAD: Gabonese Institute for Development Support. MFEPRN: Ministry of Forests, Environment, and Protection of Natural Resources. ONG: Non-Governmental Organization. PSGE: Gabon Emergent Strategic Plan. RFA: Annual Forestry Fee. RFUK: Rainforest Foundation United Kingdom RDC: Democratic Republic of Congo. SCAC: Cooperation and Cultural Action Service of the French Embassy in Gabon. EU: European Union. SIGLES AND ABBREVIATIONS

-- 6 of 64 --

7 A national workshop on the rights of communities in the forestry sector in Gabon was held on February 5 and 6, 2014, in the auditorium of the Ministry of Forests, Environment, and Natural Resource Protection. It is necessary to emphasize from the outset the social importance of the forest for local and indigenous communities. Indeed, the forest is essential for these communities in several respects: social, economic, health, and energy. It is not an exaggeration to state that it constitutes their mechanism of identification and their mode of existence. In short, it is a place for the preservation of their societies. As the main owner and manager of the forests, it is therefore the responsibility of the State to take into account the existence of these communities by granting them rights in the forestry sector, which rights are obviously accompanied by duties. Several international meetings have taken place during which conventions were developed and resolutions adopted aimed at preserving the forest as a basis for sustainable development. The forestry code in force since 2001 reiterates and revives this concept. Having actively participated in several of these forums, the Gabonese State will legally enshrine the participation of forest communities in the management of natural resources. While it is true that as early as 1982, legal texts already addressed the issue of community rights (orientation law on Waters and Forests, Art. 5), it must be noted that significant advances have only occurred since the law No. 16/01 of December 31, 2001, which establishes the forestry code in Gabon. It is on the basis of this law and its numerous implementing texts that it is now pertinent to raise the question of consultation and participation of communities in the local management of forests. This dynamic was also followed in 2007 by the law on national parks, which established several modalities for consultation and involvement of communities in the creation and management of these spaces. This vision was also endorsed by His Excellency

President Ali Bongo Ondimba through his societal program presented to the Gabonese nation in 2009 during the presidential elections. Indeed, in the "Gabon Emergent Strategic Plan (PSGE), Vision 2025 and Strategic Orientations 2011-2016," it is provided that "sustainable forest management will also aim for full involvement of local populations with development for their benefit, the exploitation of Non-Timber Forest Products, and agroforestry." This reflects the political will at the highest level to involve populations more in forest management. It is in this context that, in concert with its various partners, the Ministry in charge of Forests, Environment, and Natural Resource Protection organized this workshop. INTRODUCTION 1

National Workshop on the Rights of Communities in the Forestry Sector in Gabon - Libreville 2014 8 Through its participatory approach, this workshop aimed to be a framework for dialogue and exchange during which numerous experiences would serve to improve both the legal texts and the national processes of natural resource management. However, to achieve this, it was necessary to respect a prerequisite: to answer the following questions: What is the national legal framework for the protection of the forestry rights of these populations? How can this national legal framework be improved? Who are the various actors involved and at what levels? What are the current challenges to ensure the effective participation of these communities in the forestry sector in Gabon in general, and to guarantee their right to share in the benefits and advantages arising from forest exploitation, in particular? To answer these questions, the workshop was organized around several presentations that subsequently led to exchanges among participants. The work in commission also allowed for the capitalization of participants' proposals to specifically enrich the models of contractual specifications submitted for their appreciation. The conduct of the workshop and the results that emerged from it thus allowed for the achievement of the initial objectives. The objectives assigned to this workshop were of two kinds: Global objective The overall objective of the workshop was to produce recommendations to contribute to the improvement of the legislative framework governing the rights of local communities in the forestry sector in Gabon and its application. Specific objectives: 1. To assess the state of rights of forest communities based on the sharing of experiences from field actors and the communities themselves; 2. To analyze the current legal framework and national mechanisms for the protection of community rights in the forestry sector with particular attention to the right to share in the benefits arising from forest exploitation in Gabon; 3. To benefit from the experiences of Cameroon and the DRC regarding benefit-sharing modalities; 4. To present and analyze the recommendations made by Gabonese civil society and the Ministry in charge of Forests for a better-developed legal framework concerning community rights and particularly the sharing of benefits in the context of forest exploitation; 5. To develop synergistic work regarding the promotion of community rights in Gabon; 6. To facilitate sustainable multi-actor consultation on the issue of community rights during and after the workshop; 7. To propose to the forestry administration a contractual specification to ensure the sharing of benefits between the concessionaire and the communities. At the end of the work, the expected results were indeed achieved. Through the significant mobilization and contributions of the present actors, the major results can already be presented as follows: 1. Based on field elements reported by community members and other actors involved in this environment, a participatory diagnosis was effectively carried out regarding community rights, the state of rights, the national and international legislative framework in force in the forestry sector, and the main challenges related to their respect; 2. General final recommendations were formulated to improve the content, application, and applicability of community rights in the forestry sector; 3. Specific recommendations were made to contribute to the finalization of a model of specifications regulating the contribution of forestry concessionaires to development actions of collective

interest initiated by forest communities.

-- 8 of 64 --

Introduction 9 Methodology The workshop took place over 2 days and followed a participatory methodology involving several concerned actors: local administrations, parliamentarians, senators, civil society, economic operators, development projects, academics/researchers, forest communities, and diplomatic institutions. The workshop allowed for direct exchanges where representatives of the communities present expressed the difficulties related to the consideration of their various rights. The interventions were based on field cases and testimonies reported by community members to contextualize the discussions and the work. Commission work ensuring the representation of all groups of participants organized during this workshop aimed to reflect on the state of community rights, particularly regarding their application, guarantee, and promotion by the various actors (State, Private Sector, Civil Society, communities). Special emphasis was placed on the right to share in the benefits. The right to share in the benefits and advantages appears in several texts of international and national law, and sometimes differs in its terminology: right to share in the benefits, right to share in the revenues from forest exploitation, right to share in the advantages, etc. Here, the focus is on the right to share in the benefits arising from forest exploitation solely within the framework of Gabonese legislation. Indeed, concerning the exploitation of land and natural resources of the forest, the right of populations to share in the benefits is considered as part of the rights of local and indigenous communities to be consulted first, to participate in the implementation of mechanisms that systematically ensure them a benefit whose nature and form must be clearly defined and regulated to be effectively applicable. At the national legislative level, the only reference to the right to share in the benefits is Article 251 of the Forestry Code of 2001. However, this article remains problematic. Beyond its difficult application on the ground due to the absence of an implementing text, it also provides that the nature and level of this contribution be defined by the contractual specifications related to each concession. The final recommendations are the result of a participatory process and have led, for some, to a consensus among participants. They are gathered in this report, which will be distributed to all partners and the relevant Gabonese government institutions. A restitution of the results and the report of the workshop will be ensured in the forest communities concerned by the themes addressed. Partners For the organization of this workshop, several partners joined forces by providing financial, technical, and logistical support for the success of this meeting. These include the Gabonese Ministry of Forests, Environment, and Natural Resource Protection, ClientEarth, the Rainforest Foundation UK, FERN, Brainforest, the University Research and Action Center in Social Forestry and Sustainable Development (CURFOD) of Omar Bongo University, the NGO AGNU, the Working Group for Legal Support of Gabonese Civil Society, the GabonMaterreMon Droit platform, the European Union, and the Cooperation and Cultural Action Service of the French Embassy. This multi-actor dynamic was initiated to promote public-private partnership. It was also developed to federate efforts and achieve more efficient results.

-- 9 of 64 --

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-- 10 of 64 --

11 WORKSHOP PROCEEDINGS 2 Day 1: Kick-off, presentation, and plenary debates ii - 1. Opening ceremony The proceedings were inaugurated with a welcoming speech by the General Director of Forests, Mr. Paul Koumba Nzaou, followed by various speeches delivered in turn by: - The

representative of international civil society, Mr. Eugenio Sartoretto. - The representative of national civil society, Mr. Hubert Aimé Koumba. - The Minister of Forests, Environment, and Natural Resource Protection, Mr. Nelson Messoné, who was tasked with officially opening the proceedings. After a group photo and a coffee break, the session continued with the following presentations: - "The general legal framework for the protection of community rights in the forestry sector in Gabon" by Mr. Charles Ndoutoume, Director of Community Forests; - "Forest concessions and community rights in Gabon" by Mr. Paulin Nso Nka, head of the social aspect of planning at Precious Woods; - "Protected areas and community rights in Gabon" by Mr. Patrick-Daniel Abagha-Ollomo, head of the service responsible for local community involvement, National Parks Agency; - "State of play and perspectives of community forestry in Gabon" by Mr. Quentin Meunier, coordinator of the DACEFI-2 project.

ii - 2. Presentations by national experts: Regarding the first presentation by Mr. Charles Ndoutoume, which focused on the general legal framework for the protection of community rights in the forestry sector in Gabon, it was noted that the author emphasized the recognition and protection of the rights of forest communities in Gabon. This protection is materialized not only by the signing of international conventions but also by their legal enshrinement at the national level. Specifically, at the local level, the protection is longstanding and dates back to 1946. Moreover, these rights are recognized and protected on one hand in the State's permanent forest domain "DFPE" and on the other hand in the rural forest domain "DFR". However, this recognition has strengths and certain weaknesses. This leads the author to highlight the challenges and stakes of the sector for the actors involved. Therefore, a number of recommendations were proposed, including:

 Strengthening the legal and regulatory framework in favor of communities; - Promoting community forests; - Involving national and international civil society in any action aimed at promoting community forests; - Gradually shifting from the right to the forest to the right to land. Mr. Paulin Nso Nka, whose presentation focused on forest concessions and community rights, centered it on the benefit-sharing mechanism established by Precious Wood Gabon. This sharing is based on the spirit of Article 251, which stipulates the obligation for the company to provide a contribution, particularly financial, alongside the organization of communities to form a legal entity. On this basis, the company has worked to establish procedures, working methods, as well as mechanisms for preventing and resolving conflicts. The company has also committed to signing a memorandum of understanding with the communities in the absence of an implementing text for this provision. The author noted, before concluding his presentation, certain strengths and weaknesses of the current functioning of benefit-sharing, and presented the following recommendations: - Develop an implementing decree for Article 251 of the Forestry Code to standardize the sharing of benefits from forest exploitation to village communities by specifying: The degree of contribution from the operator; The mode of sharing benefits clearly indicating, between neighboring villages, the benchmarks on which to rely to delineate the area. Migrations should be avoided; Training for various partners in the socio-economic development resulting from the sharing of benefits from forest exploitation. - Conduct sharing and support in such a way that improvements in living conditions are noticeable in all villages; - Expand the management of community rights through the technical and financial contributions of national and international donors; - Raise awareness among communities to set up projects of common interest. Regarding Mr. Patrick-Daniel Abagha-Ollomo's intervention on protected areas and community rights in Gabon, it can be noted that after presenting the legal bases, legislative and regulatory references both internationally and

nationally, the author proceeded with various definitions concerning protected areas, national parks, their delineation into three zones (core zone, buffer zone, and peripheral zone), wetlands, local population and/or community, and territory. He also presented a number of modalities for consulting communities in the creation and management of protected areas and parks, including the Local Management Advisory Committee (CCGL). This must take into account the legal framework, a working methodology, an organization, without forgetting the missions assigned to it, notably: to give its opinion on various issues concerning the management of a national park. As for the management of territories, the signing of conventions or contracts must be done considering the legal framework and according to a working methodology. Finally, before presenting the recommendations and perspectives, the author indicates what he calls the strengths and weaknesses of the process. Specifically, he proposes to continue the process of structuring national parks by establishing tools for participatory and concerted management of the encountered issues. As for Mr. Quentin Meunier, his presentation focused on the state of play and perspectives of community forestry in Gabon. The structure of his presentation is as follows: - Legal context: the existence of the law enacted in 2001, with the implementing decree dating from 2004, to which must be added the order setting the procedures for the allocation and management of community forests in January 2013. - The DACEFI-2 project consists of two phases (2006–2008 and 2010–2014). During this period,

 it supports the administration, the communities, and reports to national and international partners. Furthermore, the work of the DACEFI-2 project and that of the Directorate of Community Forests have led to the signing of two definitive management agreements and three provisional management agreements. The creation process starts with the villages, groupings, and cantons, each entity being able to create an association aimed at using the community forest. The author points out a number of weaknesses to be considered: - The lack of social cohesion in the villages; - The definition of the legal status of the management entity (economic interest grouping, cooperative, small forestry enterprise); - The lack of legal anchoring of the technical documents developed by the project; - The expected risks, notably social conflicts, material and financial misappropriations, lack of transparency (voluntary or not), illegal practices (voluntary or not), and finally the lack of training. Before concluding his presentation, the author presents actions considered as priorities, namely: - Consolidating the institutional framework by filling the last legal gaps; - Securing the technical documents useful for the various stages of the creation process of a community forest; - Supporting the first allocated community forests and proposing model community forests for sharing experiences; - Supporting the agency responsible for executing activities in the forest-wood sector for the national scaling up of the concept; - Developing other alternatives/solutions for managing the rural forest domain. In conclusion of his presentation, the author proposes conditions considered necessary to favor the viability of the first community forests in Gabon: - Optimization of the regulatory framework; - Application and respect of technical protocols; - Availability of the administration. These various interventions were followed by exchanges between the public and the speakers. Ms. Rose Ondo, a researcher at Omar Bongo University and director of CURFOD, who was the moderator, first gave the floor to Mr. Patrick Nkong d’Ovan. The speaker focused his intervention on the difficulty of making the concept of rights understood and explained given the level of understanding of his interlocutors, for example: to whom and how to explain what the rural forest domain is? On the other hand, how to explain to villagers the delineation of national parks and the delimitation of their territories? Is there not a conflict between traditional customs and modern law? Then, debates arose between the public and the administration regarding the deficit of communication and information. For example,

what are the channels for disseminating legal texts? For the administration, no one is supposed to be ignorant of the law, meaning it is up to the interested parties to consult the publications of the official journal. Of course, this does not completely resolve the raised issue. However, it was suggested to the administration to develop and implement a national information and communication plan. The speaker Mouguengui raised the issue of the division of parks into zones, particularly the core zone, which, in the context of national parks, is inaccessible to indigenous communities, who nonetheless claim the use of their customary rights in this zone. This raises a problem that requires reconciling community rights with conservation imperatives. Let us note the question raised by Mr. Ngwa regarding the possible existence of a fund intended to compensate victims of crop devastation caused by wildlife. If it exists, who manages it? According to the administration, although already established, this fund is not yet operational.

National Workshop on Community Rights in the Forestry Sector in Gabon - Libreville 2014 14 A recurring issue is posed by the existence of national parks, which are seen by communities as preventing them from fully enjoying their freedom of movement and benefiting from their environment. Another issue concerns decentralized mechanisms (CCGL); when will they be implemented in all parks? According to the administration, the process of establishing CCGL is ongoing, and the public will be informed at the appropriate time. The representative of the Ministry of Agriculture questioned whether the allocation of community forests took into account the land use planning scheme. The administration responded that this approach was not followed and that it relied on the delimitation of village lands. It was also clarified that with the ongoing development of the land allocation plan, this issue will certainly find an answer. Finally, it was asked what fate awaits villages included in national parks; can a village located in a park request a community forest? The ANPN indicated that the exercise of customary use rights is regulated in the buffer zone. However, use rights can be exercised freely in the peripheral zone. To this end, villages located in the peripheral zone can validly submit a file for the creation of a community forest. Regarding benefit sharing, speaker Mamboundou noted that Article 251 still needs to be completed or clarified as this workshop aims to do. In response, Mr. Paulin Nso Nka indicated that this article has enabled the implementation of two pilot projects, within which the company Precious Wood has developed a framework for consultation and procedures ranging from negotiation to the signing of a memorandum of understanding, including conflict resolution. All of this has been made possible thanks to the certification process initiated simultaneously. II - 3. Sharing Experiences of Local Communities After the meal, a plenary session took place, moderated by Ms. Hermance Moure née Nang Beh, Deputy Director General of Forests. This plenary session focused on sharing experiences of local communities. The presentations successively covered: - The rights of communities in forest concessions, Reality and Challenges: by Mr. Patrick Nkong, representative of the village of Ovan. - Establishment of community forests in Gabon, Reality and Challenges by Mr. Hydalgo Aboughe Nzoume, Secretary General of the A2E Association of the village of Ebieng. - Access to resources and involvement of populations in the creation and management of protected areas by Mr. Albert Massona, representative of the village of Loaloa. In his presentation, Mr. Patrick Nkong stated that information regarding the arrival of operators in localities comes either through the concessionaire or through the administration. Regarding the nature of relations with logging operators, the speaker indicated that these varied depending on the established collaboration. In the continuation of his remarks, he highlighted both the positive and negative aspects of logging for communities. Regarding the positive aspects, he cited the following points: - The opening up of villages; - Employment of young villagers; - Improvement of housing in villages; - Electrification of villages; - Construction of public buildings; - Raising awareness among

populations about the protection of wildlife and flora. Regarding the disadvantages, he noted the following points: - Anarchic exploitation of forests without sometimes respecting agricultural zones; - Disturbance of elephants in their natural habitat.

-- 14 of 64 --

Workshop Proceedings 15 At the end of his speech, Mr. Patrick Nkong presented the following recommendations: - Adopt implementing texts concerning Article 251 of the Forestry Code; - Sign collaboration agreements between NGOs and technical administrations to work in synergy, especially in the forestry sector; - Support communities to make them autonomous regarding the management of revenues and community projects; - Protect communities from political influences through the law and facilitate their organization; - Provide support measures for plantations devastated by elephants and gorillas; - Provide support measures during hunting and fishing closure periods; - Involve key stakeholders in the monitoring of development projects; - Raise awareness among communities about new reforms in the forestry sector. In his presentation, Mr. Hydalgo Aboughe Nzoume proudly stated that his community and he are the first to benefit from the allocation of a community forest (under the DACEFI-2 project); according to him, the community forest is a space managed by all villagers, the community, grouped in a dynamic and legal association. Each member, men, women, and children, is involved in contributing to major decisions, to a healthy and sustainable management of resources, so that the revenues generated serve the development of the entire village. For Mr. Aboughe, the community forest has several advantages: - It is already a portion of forest recognized by the State; - It is managed by the communities themselves in accordance with the convention signed with the Ministry of Water and Forests; - It creates jobs to break rural exodus and curb poverty; - It promotes the establishment of social structures, schools, transit houses, dispensaries, listening centers. Subsequently, he continued by saying that these advantages come with disadvantages, namely: - The absence of some members at consultation meetings; - Non-compliance with the management convention; - Non-execution of planned actions; - The existence of conflicts whose resolution depends on the Ministry of Water and Forests; - The length and heaviness of the administrative procedure; - The cost of the procedure. The end of Mr. Hydalgo Aboughe Nzoume's presentation is presented in the form of recommendations: - Reducing administrative delays; - Making the process free of charge; - Reviving the DACEFI-2 project, in technical support, vocational training at the end of it. Finally, the last speaker is Mr. Albert Massona, representative of the Loaloa community, a village located on the periphery of the Ivindo National Park, who shared his experience on the role of communities in the creation and management of national parks, particularly that of Ivindo. Regarding the creation phase, Mr. Massona noted that it was done without consulting his community. On the other hand, in the management phase, he noted that while relations were not cordial with the former conservator, they improved rapidly since the arrival of the new conservator, who developed a more suitable policy for considering the rights of communities in the management of the national park. He also praised the initiative of the Governor of Ogooué-Ivindo, who had previously driven the initial dynamics of establishing the CCGL of the Ivindo National Park. However, he regretted the non-existence of the CCGL to date.

-- 15 of 64 --

National Workshop on Community Rights in the Forestry Sector in Gabon - Libreville 2014 16 To move forward and continue the new dynamics initiated by the current conservator, Mr. Massona made some recommendations. Among the proposed solutions, the author wishes: - The establishment of the Local Consultative Management Committee of the Ivindo National Park; - Better consideration of the issue of the exercise of use rights by communities in the

development of management plans; - Finding a solution adapted to the needs of communities living in the immediate periphery and inside national parks. For him, the CCGL would be the ideal framework to address these various points concerning the daily lives of communities. Beyond this intervention by Mr. Massona, it should be noted that communities lament in certain areas the difficult relationships maintained with national park managers. They believe that significant emphasis should be placed on raising awareness among communities before moving to the repression phase. In response to all these concerns raised by the communities, it was generally stated that several challenges encountered stem from poor application of legislative and regulatory texts, as well as from the lack of knowledge of the law by the communities. Indeed, communities do not often refer to the administration, as they claim their customary rights. This situation raises the issue of coexistence between modern law and customary law on one hand, and on the other hand, between legality and legitimacy. While it is legitimate for communities to assert their rights, it is illegal, however, for this to be done outside the established legal framework, as the law states that the State is the owner of all forests. Consequently, it enjoys the necessary prerogatives to manage them and grant various rights. Aware of this reality, of the presence of communities, the State has provided for customary and economic use rights in the permanent forest domain and in the rural forest domain, which even proves the coexistence of these two rights. The moderator returned to the difficulties encountered, whose cause may also stem from a lack of communication. According to her, indeed, if communities are supposed to have the right to information provided by the administration, it remains for the latter to organize meetings with the population, which, in turn, is called upon and is supposed to appropriate the meaning of administrative texts for their understanding. In short, it should be emphasized that responsibilities here are shared. One participant, however, regretted the absence of the Ministry of Communication, which was not invited to these sessions, while it should be considered a stakeholder. The representative of the ANPN reminded that national parks operate based on a program established for their management. This management is done in collaboration with the population, which is consulted and involved. Regarding participation and management, he noted that an effort is being made to start by identifying communities and proceeding to establish platforms. Furthermore, he will draw attention to the importance of establishing village committees followed by consultative committees. He will also emphasize the existence of land management contracts allowing populations to be involved in the management of the peripheral areas of parks through eco-tourism activities. To confirm the individualistic nature of the populations, Mr. Paul Nso Nka shared his negative experience. Indeed, in the context of their activities related to Article 251, he noted that a community plantation had been suggested to the communities. However, its creation did not yield the expected results due to very individualistic reactions and the absence of consensus within the community on the nature of the project to be developed. To avoid placing the sole responsibility for this failure on the communities, it was asked whether the methodology followed by Precious Wood was appropriate.

Workshop Proceedings 17 ii - 4. Presentation by civil society on: the Framework for action and support of Gabonese civil society for the promotion of the rights of forest communities. This intervention was made by Mr. Martial Djinang, environmental lawyer and project manager at Brainforest / rFuK. His presentation focused on 5 points: 1. The actors present; 2. The axes and work strategies; 3. The ongoing projects and activities; 4. The main results obtained; 5. The difficulties encountered. Regarding the actors of civil society currently working to promote the rights of communities in the forestry sector, Mr. Djinang mentioned organizations from both international and national civil society. As belonging to the first category, he cited: rFuK,

ClientEarth, and FErn. As part of the second category, he named: Brainforest, aGnu, Gabon Ma terre Mon droit, curFod. Concerning the axes and work strategies, the speaker referred to the participatory approach used, the development of actions focused on the promotion of land, forestry, and civil rights, and the strategy that involves working both at the national and local levels with all concerned actors. In this section, particular emphasis was placed on the partnerships developed with some technical administrations. Subsequently, the speaker presented some ongoing projects that generally focus on the promotion of the rights of local and indigenous communities. These projects are as follows: - "Capacity building for the respect and promotion of the rights of forest communities," implemented by the NGO Brainforest and the Rainforest Foundation United Kingdom; - "Legal capacity building of civil society, local and indigenous communities through a cross-cutting approach to natural resource management," implemented by ClientEarth, the country partner, AGNU, and the legal support group; - Strengthening the advocacy capacity of civil society towards better forest governance through support for the "Gabon Environment" platform by the partnership between Brainforest and FErn. In the framework of implementing these various projects, the speaker presented the following results: - The promotion and development of legal skills on the rights of forest communities in particular and on natural resource law in general; - Support for the creation of community associations and their actions aimed at realizing their right to share the benefits from forestry exploitation; - More active participation of civil society in various processes and reforms involving the rights of communities; - Improvement of the daily lives of communities based on the knowledge and use of their rights provided by forestry legislation; - The establishment and functioning of a Legal Support Group for civil society; - The development of documents and analysis tools by civil society to contribute to the ongoing forestry reform. Mr. Djinang concluded his remarks by presenting the various difficulties faced by civil society actors in the context of their activities in general. The speaker notably mentioned technical and material difficulties as well as contextual ones.

 As previously, this intervention led to fruitful exchanges between the audience and the speaker. The following questions were posed to him: 1. Why do populations seem to trust NGOs more than the State? The reason is that NGOs are very close to the population and develop close work with them. Sometimes, despite the administration's efforts in this direction, populations distance themselves due to an aspect of their prerogatives that involves repression in case of violation of the law. 2. What language is used in reports with village communities, as you said, strengthening the capacities of communities on rights issues is not an easy task? To overcome this difficulty, we work with lawyers and paralegals who are from the localities where the project is to be implemented. Thus, they can already use local languages for training. We also use easy French for communications. 3. Is there a conflict between customs and modern law? Instead of considering the perspective of conflict, it would be correct to envision the existence of a relationship between customs and modern law. Indeed, some customary practices, particularly regarding the prohibition of killing so-called "totemic" animals, can resemble the conservation of these species as provided by modern law. Similarly, the coexistence of the two domains is largely justified by current legal texts that grant a place to community management of natural resources. Finally, it should be noted that the speaker emphasized the partnership that has emerged between the Ministry in charge of Forests and the Legal Support Group of civil society through ClientEarth, which partnership contributed to the organization of this workshop. He also stressed this partnership with communities by making it known that the State and civil society are indeed engaged in a constructive dynamic in the

forestry sector and in many other areas. ii - 5. Expert presentations: on the sharing of benefits from forestry exploitation, experiences from Cameroon and the Democratic Republic of Congo. Before closing this day, the opportunity was given to regional experts from Central Africa to share their experiences regarding the sharing of benefits from forestry exploitation, as was the case with Mr. Jean Abbe Abbessolo from Cameroon and Master Alphonse Longbango from the Democratic Republic of Congo (DRC). Mr. Jean Abessolo, in a brief intervention, succinctly presented the legal and regulatory framework that sets the modalities for applying the forest regime in the DRC. Particular emphasis was placed on: - The introduction of the notion of "decentralized forestry/participatory forestry"; - The facilitation of the allocation of territories and forest spaces to local actors; - The facilitation of the return of a portion of the financial revenues from forest management to local actors; - The involvement of local populations in all phases of resource management by integrating them optimally. After this introduction, the author specifies an important distinction between permanent and non-permanent forest domains, mentioning the recognition of usage rights for local communities. This includes customary usage rights and the situation of the national domain. Local populations are recognized to have the right to exploit all forest products in their various forms to meet their personal needs. The same applies to the forests of the national domain.

Workshop Proceedings 19 It is in the context of the allocation of territories and forest spaces to local actors that the distinction mentioned above was made. Indeed, the permanent forest domain relates to all lands permanently allocated to the forest and wildlife habitat, while the protected domain falls under the non-permanent domain. The author insists on the point regarding the return of a portion of the financial revenues from forest management to local actors. This tax, called "tax on recovery products," is collected according to a well-established calculation. In addition to this tax, there is also a tax that returns 100% to local communities. Finally, the so-called lease taxes on hunting areas are also collected according to regulatory modalities. The management of the annual forest revenue (RFa) funds includes two aspects, one administrative and the other financial. There is Article 111, which sets the distribution of RFA funds along with the responsibilities and roles of the different actors. The presentation continues by invoking the analysis of the strengths of the mechanism described above regarding the institutionalization dynamics of local management of forest revenues, which is well established and effective. - The effectiveness of the transfer of funds from the State to rural municipalities responsible for managing forest revenues; - A clear willingness of the State to empower municipalities and village communities in local development management; - The existence of legal mechanisms to sanction embezzlement. All these efforts continue to have an impact on local development. Mr. Abessolo draws our attention to weaknesses in the mechanism, which number twelve (12) (see annex p.52), before suggesting recommendations: - Strengthen the capacities of the municipal executive involved in this management and the members of the management committees; - Broaden the definition of social work to finance individual initiatives such as income-generating activities, using RFA funds; - Disseminate self-assessment tools for the use of RFA funds among various municipal councilors and communities; - Seek funds to support municipalities in effectively holding self-assessment sessions on the use of RFA funds; - Support NGOs in the ongoing monitoring of municipalities and communities in their various development activities; - Organize training for Mayors and municipal councilors on project design and management; - Withdraw the management of 10% of the RFA from the municipal executive and return it to the populations; - All committee members should come from the village community. On his part, the representative of the DRC, Mr. Alphonse Longbango, presented a report on the same theme as that of Cameroon. In his introduction, the author

emphasizes that it is the constitution of February 18, 2006, that organizes the distribution of competencies and resources between the central power and the provinces, as well as decentralized territorial entities (ETD). This distribution of revenues is made at a rate of 60% for the central power and 40% for the province. The sharing of revenues from natural resources is done according to sectors: 1. Oil: no formal legal requirement imposes revenue sharing; however, an annual rent of USD 150,000 to USD 200,000 is provided for local populations to finance social projects for eligible local communities. 2. Mining: 60% will remain with the central government, 25% deposited in an account designated by the provincial administration where the project is located, 15% in an account designated by the city or territory where the exploitation takes place. 1 Joint order No. 0520/Minatd/Minfi/Minfof of July 28, 2012, setting the modalities for the employment and monitoring of the management of revenues from the exploitation of forest and wildlife resources intended for municipalities and local village communities.

National Workshop on Community Rights in the Forestry Sector in Gabon - Libreville 2014 20 3. Forestry: the payment of rights, taxes, and fees is mandatory regardless of the type of exploitation. The 40% tax returned to the province is distributed as follows: 25% and 15% to the concerned decentralized entity. Furthermore, in the terms of reference, a specific clause must necessarily be included regarding the realization of socio-economic infrastructures for the benefit of local communities. Unfortunately, it is clear that transfers in favor of these communities represent only 3% of state expenditures, with the criteria for allocating these transfers remaining too often controversial and lacking transparency. Finally, it should be noted that before presenting perspectives and recommendations, the author analyzes the strengths and weaknesses of the mechanism. The weakness of this mechanism is attributable to the lack of democracy, which does not allow populations to access information. These funds, therefore, take other destinations than those provided by law. Moreover, the absence of local population participation in the management of these funds as well as their allocation constitutes a major obstacle and weakness of this mechanism. The major challenges remain the control by local populations and indigenous peoples over the management of these funds, once transferred or withheld at source by decentralized territorial entities. Here are finally some recommendations and perspectives considered: - Rethink the modalities of payment and management of the forestry fee; - Revise the law on the Forestry Code; - Issue the decree that must determine the distribution mechanism by provincial assemblies to allow the mechanism to function; - Define and clarify the management modalities as well as the participation of local communities in the law to prevent these funds from taking other destinations; - Insert into the mechanism the Free, Prior, and Informed Consent of the communities (FPIC), to ensure sound management of these funds. Photo © dr

Workshop Proceedings 21 GROUP 1: THE LOCAL DEVELOPMENT FUND Three axes identified: Agreement was needed on: 1. The definition of the local development fund 2. The basis and calculation modalities, 3. The management mode. 1 - Definition Recommendation 1: - Exclude the reference to m3 in the definition - Replace infrastructures with actions as defined in the forestry code Updated definition: Fund constituted by the rebates from the forestry concessionaire to finance the realization of local development actions of collective interest initiated by local and indigenous communities. 2 - Bases and calculation modalities Recommendations: Calculation basis: the contribution should be based on the volume of wood exploited annually. The exploited volume must be verified by exploitation documents. On the basis: Proposal 1: flat rate on the m3 of marketed or rolled wood. Proposal 2: negotiation within a price range provided by law on the m3 of rolled wood. Proposal 3: price must be determined based on variable criteria such as: species - market value. 3. The management mode of the fund

Recommendation: open a project account co-managed by the concessionaire and representatives of the communities. The representative of the DRC insisted on the benefit-sharing modality for the benefit of the communities. This sharing is carried out according to the law, particularly based on the spirit of the 2006 constitution. More concretely, it can be observed that the only tax whose amount directly returns to the community is based on the exploited area. This is the counterpart of the area prohibited from being exploited by law. The tax thus collected constitutes a prohibition imposed on the communities and poses many often very difficult problems; today it is the province that collects these taxes. These two presentations, like the others, led to exchanges between their authors and the public. Before closing the day, a plenary session was dedicated to organizing group work. The first, dedicated to the Local Development Fund, the second dedicated to the organization of stakeholders, the third dedicated to eligible projects. The idea that prevailed in this distribution of work is the particular attention to be paid to the benefit-sharing mechanism. The day of February 6, 2014, took place as planned by the organization of group work. Three groups were formed for this purpose. Although registration in a group was voluntary, it should be noted that the organizers ensured the representativeness of each category of actors (administration, private sector, local community, civil society). These groups were to, based on the two proposed models of contractual terms of reference, come up with proposals to finalize a definitive model. The content of the two proposed models was organized around three themes: - The Local Development Fund; - The stakeholders; - The eligible projects. After the coffee break, there was a discussion on the restitution of group work by the rapporteurs of each group.

National Workshop on Community Rights in the Forestry Sector in Gabon - Libreville 2014 22 GROUP 2: THE STAKEHOLDERS a. LOCAL COMMUNITIES Identified axes: 1. Definition 2. Organization 1. Definition: Recommendation 1: The definition of "local and indigenous communities" must be harmonized in the texts of current laws. Recommendation 2: "concerned communities": The following should be considered as "concerned communities" in the sense of this decree: - all local and indigenous communities living within an allocated forestry exploitation zone. - all local and indigenous communities living near the exploitation zone, within a radius whose delimitation is subject to participatory mapping, and who exercise their customary and economic rights, as provided for in Article 252 of the forestry code, in the portion of territory subject to forestry exploitation. 2. Organization Recommendation 3: The entity representing the interests of the concerned communities must have legal personality. It must integrate all social groups present in the community. Recommendation 4: It would be desirable for the support of NGOs to be recognized and their capacities strengthened in assisting communities in the creation and functioning of the aforementioned legal entities. Recommendation 5: An in-depth consultation process with local and indigenous communities must be conducted to know how these communities wish to organize and which entity should represent them in negotiations with the private sector regarding the sharing of benefits from forestry exploitation. B. THE MONITORING COMMITTEE Identified axes: 1. Organization 2. Composition 3. Functioning 4. Attributions 1. Creation / organization Recommendation: - Keep the model of decree 1. - Replace the mention "under the authority" with "presided". - The committee is a third party in relation to the negotiation parties. 2. Composition Recommendation: The members of the group justified the presence of civil society members in the committee to balance power relations given that the other members were mainly from the administration. However, in plenary, this position did not reach a consensus. 3. Functioning Recommendations:

Workshop Proceedings 23 - Keep the model of decree 1 (Article 17) - The official deadline for informing communities of the start of negotiations is one (1) month from the submission of the management plan (paragraph 1 Article 17 of the model of decree 1) 4. Attributions Recommendation: - Article 18 of the model of decree 1 has been retained. However, the members of the group proposed that the logistical questions of the committee be the responsibility of the concessionaire. But, this aspect did not achieve unanimity in plenary. Indeed, the private sector requested that this question be taken care of by the Local Development Fund. - Add to this article the last paragraph of Article 18 of the model of decree 2. GROUP 3: ELIGIBLE PROJECTS Identified axes 1. Eligibility criteria and process 2. Development / approval 3. Financing 1. Criteria Recommendation: - Projects must be income-generating, according to the members of the working group and of general interest, for the plenary members. - Projects must be initiated/proposed by communities in the form of a legal entity. - Keep Article 20 of the model of decree 1. - Keep Article 21 of the model of decree 1. Add "socio-economic studies must precede the definition of the project and the projects must correspond to the priority needs of the communities". 2. Development/approval Recommendations: - Keep Article 22 of the model of decree 1. - Complete Article 22 of model 1 with Article 26 of model 2 and introduce the following modification "the cost of these trainings is included in the framework of eligible projects". - Provide for maintenance costs in the project budget. - Keep Article 23 of the model of decree 1 and add a paragraph as follows "absolute majority: 2/3)". 3. Financing Recommendations: - Keep Article 24 of the model of decree 1, then add a paragraph (which becomes paragraph 2) "the evaluation commission of the offers will be composed by the assembly representing the members of the community and with the support of NGOs. - Keep Article 25 of the model of decree 1 and add as follows "this step is formalized by a report sanctioning the agreement of the parties. This report is widely disseminated among the concerned village communities. The schedule is annexed to the contractual terms of reference", this addition comes from Article 30 of the model of decree 2. - Keep Article 32 of model decree 2 to replace Article 26 of model 1. Photo S © dr

25 CONCLUSION AND RECOMMENDATIONS 3 iii - 1. Conclusion At the end of two (02) days of intense work, the participants identified most of the concerns related to the recognition, guarantee, and effectiveness of the rights of communities in the forestry sector in Gabon. The commitment of all participants and their responsiveness allowed for sometimes passionate but very enriching debates. The presence of local communities gave a special touch to the workshop, enabling everyone to become aware of the ground realities as presented by them regarding the application of the legislative and regulatory framework on the rights of communities in the forestry sector. The multitude of actors, as well as their diverse origins, allowed for the sharing of different experiences, but also, and above all, for a multi-actor dialogue to establish recommendations that take into account the participation of all. The sharing of experiences with delegations from Cameroon and the DRC was timely to guide the group work on benefit-sharing in the forestry sector. Lessons learned from this sharing of experiences enabled participants to propose relevant elements for drafting the contractual specifications project requested by the administration. The set of priority concerns identified in three major areas, namely: logging, national parks, and community forests to guarantee and apply the rights of communities in the forestry sector, led to the following recommendations: iii - 2. Recommendations Regarding logging: To enable benefit-sharing in accordance with the provisions of Article 251 of Law 16/01

on the forestry code in the Gabonese Republic, the workshop recommended: 1. To adopt a decree that makes the contractual specifications mandatory and gives it enforceable power; 2. To strengthen the procedural rights of local and indigenous communities: right to information, participation, and access to justice for local populations in terms of forest governance;

 3. To promote capacity building (with documentary support) for local and indigenous populations regarding rights and duties; 4. To strengthen the capacities of the municipal executive (monitoring committee) involved in managing the local development fund and members of management committees; 5. To find another alternative similar to the RFA in Cameroon and the DRC, to improve access to benefit-sharing from logging by local and indigenous communities; 6. To broaden the definition of social work in order to finance individual initiatives such as income-generating activities, using the local development fund; 7. To disseminate self-assessment tools for fund usage among members of the monitoring committee and communities; 8. To seek funds for the monitoring committee to effectively hold self-assessment sessions on the use of the local development fund; 9. To support NGOs in the ongoing monitoring of communities in their various development activities; 10. To organize training for administration members (prefect, president of the departmental council, water & forest agents, etc.) on project design and management; 11. To ensure that all members of the association come from the village community; 12. To rethink the modalities for the disbursement and management of the local development fund's proceeds; 13. To define and clarify through regulatory text, the management and participation of local communities; 14. To sign agreements by NGOs to assist the State in developing the country; 15. To ensure the autonomy of management of community revenues and projects; 16. To protect communities from political influences through law and organize their organizations; 17. To provide support measures for plantations devastated by elephants and gorillas; 18. To provide support measures during hunting and fishing closure periods; 19. To involve key actors in monitoring development projects; 20. To raise awareness among forest communities about new reforms. Regarding the creation and management of community forests: The workshop recommended: 1. To enrich the draft decree establishing the right to reserve community forests; 2. To legally recognize technical documents such as the Community Forest Delimitation Guide and inventory methodology; 3. To simplify the procedure and costs for creating community forests; 4. To develop other alternatives and solutions for managing rural forest areas; 5. To gradually transition from the right to use the forest to the right to land; 6. To support awareness-raising and sensitization activities regarding community forests; 7. To compensate individuals affected by damage to fields caused by fully protected elephants; 8. To ensure the continuity of community support at the end of the Dacefi-2 project; 9. To align land use planning processes with the allocation of community forests; 10. To define and delimit rural forest areas. Regarding protected areas, particularly national parks: The workshop recommended: 1. To clarify the difference between buffer zones and peripheral zones of national parks; 2. To continue the structuring process of national parks by implementing tools such as CCGs, management plans, and land management contracts that allow for participatory and concerted management; 3. To ensure support measures for local communities related to human-wildlife conflicts; 4. To recognize the usage rights of communities living in the buffer zone as well as inside the parks; 5. To provide support measures to ensure food security for populations living inside the parks and in the peripheral zone; 6. To generalize the use of participatory mapping to enable the effectiveness of usage rights for communities living on the periphery of the parks. 7. To train officials and agents of national parks in participatory methods to shift from repressive

management to co-management of national parks; 8. To support communities living near parks in initiating and developing income-generating activities to combat poverty.

-- 26 of 64 --

Annexes 27 ANNEXES 4 1. TERMS OF REFERENCE 1.1. Context and justification The issue of reconciling the rights of local and indigenous communities with economic, social, and ecological imperatives remains a current concern for sustainable development actors. In the Gabonese Republic, indeed, the forest has always played an important role in the lifestyle of the populations and in the economic activity of the country. Currently, the Forestry Sector ranks second in the revenues that the State derives from the exploitation of its natural resources and remains the second employer after the State with more than 6,000 direct jobs and 10,000 indirect jobs. Socially, the forest is essential for food security, health, and the customs of local and indigenous populations. The Gabonese forest is home to populations of various cultures that depend on it directly and indirectly for their survival. It is notably through their so-called traditional lifestyles, based on access to and use of land and forest resources, that these local populations are distinguished. Thus, alongside sedentary Bantu farmers, pygmy communities practice subsistence agriculture, hunting, fishing, and gathering, using the land and resources cyclically, according to a lifestyle characterized by semi-nomadism. These forests therefore constitute a vital strategic reserve for these populations, which use them as a reserve of food, materials, and medicinal plants. These forests also constitute their environment, the place for the preservation of their societies and their way of life. Following the difficult reconciliation of the interests of different actors in the forestry sector and the limitations of the centralized forest management system, the concept of participatory management had to emerge. It was indeed during the 1990s that Central African countries adopted new objectives for forest development. The processes of political reforms took place in a context dominated, at the international level, by the emergence of the concept of "sustainable development" following the United Nations Conference on Environment and Sustainable Development held in Rio de Janeiro in 1992, and later during the UNCSD meeting in 2012. Sustainable forest management now has as its main objective to maintain and improve the forest's ability to best fulfill all its ecological, economic, and social functions, while preserving its potential for future generations. In order to adapt to these new standards, profound changes have also been observed in the forestry sector in the Gabonese Republic, notably with the legal recognition of the participation of forest communities in the management of natural resources. While it is true that initial work in this area was carried out as early as 1982 (orientation law on Water and Forests Art.5), it must be noted that significant advances will occur through Law No. 16/01 of October 31

-- 27 of 64 --

National workshop on the rights of communities in the forestry sector in Gabon - Libreville 2014 December 28, 2001, concerning the Forestry Code in Gabon, which amplified the participation of forest communities in the sustainable management of forests. Based on this law and its numerous implementing texts, consultation and participation of communities in the local management of forests is now a matter of discussion. This dynamic was also followed in 2007 by the law on national parks, which established several modalities for consultation and involvement of communities in the creation and management of these spaces. This vision was endorsed by His Excellency President Ali Bongo Ondimba through his societal program presented to the Gabonese nation in 2009 during the presidential elections. Indeed, in the Gabon Emerging Strategic Plan (PSGE), vision 2025 and strategic orientations 2011-2016, it is stated that "the sustainable management of the forest will also aim for full involvement of local populations with development to their benefit, the exploitation of Non-Timber Forest Products, and agroforestry."

This reflects the political will, at the highest level, to further involve populations in forest management. In the perspective of evaluating the progress made several years later, it is necessary to conduct a participatory assessment regarding the protection and effective implementation of the various rights recognized to communities in the forestry sector on one hand, and the involvement of forest communities themselves in the effective implementation of their rights. During this workshop, which will take place in Libreville from February 5 to 6, we will discuss the central issue concerning a set of questions as follows: What is the national legal framework for the protection of the forestry rights of these populations? Who are the various actors involved and at what levels? What are the current challenges to ensure the effective participation of these communities in the forestry sector in Gabon in general, and to guarantee their right to share in the benefits and advantages arising from forest exploitation, in particular? In these various texts and processes, there is often mention of the procedural right of local and indigenous populations to participate: the right to participate in governance, the right to participate in the management of the national forest domain, the right to participate in decision-making, etc. We will regularly address this right to participation during the interventions of this workshop, to highlight the importance of the cross-cutting nature of this right, thus reflecting its significance within the entire legal system related to communities in the forestry sector. During this workshop, all the rights of communities will be discussed, clarified, and contextualized thanks to the intervention of various actors concerned with the application, guarantee, and promotion of these rights (State, Private Sector, Civil Society, communities) and particular work will be done on the right to share in benefits. The right to share in benefits and advantages appears in several texts of international and national law, and sometimes differs in its terminology: right to share in benefits, right to share in revenues from forest exploitation, right to share in advantages, etc. Here, the focus will be on the right to share in benefits arising from forest exploitation solely within the framework of Gabonese legislation. Indeed, regarding the exploitation of land and natural resources of the forest, the right of populations to share in benefits is considered as part of the right of local and indigenous communities to be consulted first, to participate in the implementation of mechanisms that systematically ensure them a benefit whose nature and form must be clearly defined and regulated to be effectively applicable. At the national legislative level, the only reference to the right to share in benefits is Article 251 of the Forestry Code of 2001. However, this article raises some concerns. Beyond its difficult application on the ground, the text also provides that the nature and level of this contribution are defined by the contractual specifications related to each concession. Moreover, Gabon, responding to a dualistic legal system concerning international law, is a signatory to several binding conventions, treaties, international or regional, and has expressed its support for international declarations that refer to the rights of communities as well as their protection (right to participation, usage rights, land rights, right to consultation, etc.), some of which guarantee the right to share in benefits, to which we will attach particular importance during this meeting. We will revisit these texts during the workshop and primarily retain the references in the annex. Under the High Patronage of the Ministry of Forests, Environment, and Natural Resource Protection, this workshop is the result of a joint initiative and co-organization between the following actors and projects:

Annexes 29 - Capacity building for the respect and promotion of the rights of forest communities implemented by Rainforest Foundation UK and the NGO Brainforest under DFID funding; - Legal capacity building of civil society, local and indigenous communities through a cross-cutting approach to natural resource management, implemented by ClientEarth, the country partner, the NGO AGNU, and the legal support group, under DFID and European Union funding. -

Strengthening advocacy capacities of civil society towards better forest governance through support for the platform "Gabon My Land My Right" by the partnership between Brainforest and FERN under the funding of the Cooperation and Cultural Action Service of the French Embassy in Gabon. 1.2. Global objective The overall objective of the workshop is to produce recommendations to contribute to the improvement of the legislative framework governing the rights of local communities in the forestry sector in Gabon. 1.3. Specific objectives: 1. To take stock of the rights of forest communities based on the sharing of experiences from field actors and the communities themselves; 2. To analyze the current legal framework and national mechanisms for the protection of the rights of communities in the forestry sector with particular attention to the right to share in benefits arising from forest exploitation in Gabon; 3. To benefit from the experiences of Cameroon and the DRC regarding benefit-sharing modalities; 4. To present the recommendations made by Gabonese civil society for a better-developed legal framework concerning the rights of communities and more particularly the sharing of benefits in the context of forest exploitation; 5. To develop synergistic work concerning the promotion of the rights of communities in Gabon; 6. To facilitate sustainable multi-actor consultation on the issue of community rights during and after the workshop. 1.4. Results The following results are expected at the end of the work: – Based on field elements reported by community members, a participatory diagnosis is made regarding the rights of communities, the state of rights, the national and international legislative framework in force in the forestry sector, and the main challenges related to their respect; – Final recommendations are issued to contribute to the finalization of a model of specifications regulating the contribution of forest concessionaires to collective interest development actions initiated by forest communities. 1.5. Methodology The workshop will take place over 2 days and will follow a participatory methodology where all concerned actors (local administrations, parliamentarians, senators, civil society, economic operators, development projects, academics/researchers, forest communities, and diplomatic institutions) will have the right to speak and time allocated for interventions.

 The workshop will facilitate a consultation and direct exchanges where representatives of the communities will be present and will be able to express the difficulties related to the consideration of their various rights in order to engage in a formal exchange with the actors present. The interventions will be based on field cases and testimonies reported by community members to contextualize the discussions and the work. Commission work will be organized, with groups gathering actors to ensure representation and consideration of all viewpoints in the various reflections and recommendations to be made. The final recommendations will be the result of a participatory process and will result from a consensus among the participants. They will be compiled in a workshop report and disseminated to inform the main partners of the work done, but also to be presented to the relevant Gabonese government institutions, provide technical work, and encourage the ongoing reform process. A presentation of the results and the workshop report will be ensured in the forest communities concerned by the themes addressed. 1.6. Partners For the organization of this workshop, several partners will collaborate by providing financial, technical, and logistical support for the success of this activity. These include the Gabonese Ministry of Forests, the Environment and the Protection of Natural Resources, clientEarth, the Rainforest Foundation UK, FERN, Brainforest, CURFOD, the NGO AGNU, the Working Group for Legal Support, and the Gabonese national civil society. 1.7. Media Coverage Media coverage will be provided by national media through print and television. This important event will also be presented on the websites and shared via the social media of the various co-organizers. 2. OPENING CEREMONY 2.1. Speech by the Representative of International Civil

Society Mr. Minister of Forests, Environment and Protection of Natural Resources, Distinguished representatives of the ministerial departments of the Gabonese Republic, Distinguished representatives of the forest communities of the Gabonese Republic, Distinguished representatives of civil society and national and international organizations, Distinguished representatives of institutions, Ladies and gentlemen, on behalf of the international civil society organizations, clientEarth, Rainforest Foundation United Kingdom (RFUK), and FERN, we are pleased today to see gathered around such an important theme as forest governance, the rights of forest communities, and the issue of sharing benefits from forestry exploitation, all the main national actors concerned alongside the representatives of Gabon's forest communities. Our three NGOs have been active in Gabon for years, in partnership with various Gabonese civil society organizations, but it is especially in this year 2013 that our efforts have been coordinated to best support the national civil society in its effort to participate more effectively in decision-making regarding forest governance. This is in the spirit of a collective awareness that the management of common goods requires the engagement of all, as it is only through contributions and complementary expertise that we can hope to work together for the sustainable development of forests ensuring the protection of the rights of local and indigenous communities. Based on our various missions and approaches, we pursue this common objective of technical support and close collaboration with Gabonese civil society. RFUK, through the project "Capacity Building for the Respect and Promotion of the Rights of Forest Communities," has been working in partnership with the Gabonese NGO Brainforest for over two years, thanks to funding from the British Department for International Development (DFID), ensuring the strengthening of legal and organizational capacities not only of local and indigenous forest communities for the realization of their rights. The work of community lawyers who work daily with the communities aims to identify the rights challenges they face and to implement action plans with these communities to address these rights. This fieldwork is also carried out with the involvement of local authorities. In preparation for this workshop, we have worked with the communities and their representatives present here to fully participate and expose the realities on the ground reflecting the situation of their rights over land and resources. clientEarth, through its project "Empowering Communities through the Use of Law," is committed to providing the necessary legal clarity as well as the useful technical skills to strengthen, or even train, civil society members on substantial economic and social rights (property, usage rights, benefit sharing) and procedural rights (access to justice, access to information, participation) of forest communities. This is to facilitate their mastery of the law for a greater awareness of their rights, which is essential to becoming true development actors. clientEarth, through the creation of a Legal Working Group and consultation with the civil society platform, is currently working on developing proposals for reform of the forestry code that better take into account these procedural and substantial rights, this ambition validated by the recent signing of a partnership agreement with the Ministry of Water and Forests. FERN, through its project "Promoting Good Governance in the Forestry Sector," funded by DFID, has been supporting for several years the dynamics of civil society concerning debates on forest and land governance through the strengthening of technical capacities and analytical capacities, publications and their dissemination, as well as the implementation of advocacy strategies. This close collaboration should allow the GabonMaterreMondroit platform to participate fully and effectively in multi-actor debates in order to influence ongoing and developing forest policies to promote civil society recommendations, community rights, and to contribute to ensuring better governance. Our work alongside Gabonese civil society is therefore rooted from the outset in the issue of the enjoyment of the rights of communities dependent on the forest for their survival. The way of life of forest populations and indigenous peoples, their use of land and resources for subsistence agriculture, hunting, fishing, cultural and traditional activities, places the question of their rights at the heart of forest governance, which must also confront the exploitation of the forest and the

sustainable valorization of its resources, which is also a pillar of the national economy. The subject in question is therefore the Sharing of Benefits from forestry exploitation, which, announced in the current forestry code, has always been lacking in implementation in Gabon. Indeed, forest populations have no recognized land rights. They are not only faced with the degradation of their environment, the loss of their usage and access rights to land and resources when they are exploited by private actors, who have no clear obligations to share with them the benefits from the exploitation of extracted resources. It is therefore evident that such a state of affairs, both in law and in practice, marginalizes populations, increasing their vulnerability and threatening their way of life. In respect of the sovereign functions of the Gabonese State, the primary and ultimate guarantor of the social, economic, and cultural development of its people, we would therefore like mechanisms to be created to regulate the rights of local communities to share in the benefits from the economic exploitation of Gabon's forest. The objective of this two-day workshop is therefore to initiate a constructive multi-actor dialogue in this direction. This work will aim for the adoption of a common workshop position for the adaptation of the legislative framework related to the implementation of the right to share advantages and benefits in the forestry sector. Our wish is to make this workshop the first of a sustainable cycle of meetings for multi-actor cooperation, and we hope that the efforts made during these two days can continue. -- 31 of 64 --

National workshop on the rights of communities in the forestry sector in Gabon - Libreville 2014 32 in a participatory process of reforming forestry legislation. We reaffirm here our commitment and expertise in this regard, so that the rights of local and indigenous forest populations are recognized and respected, and that Gabon can be a reference country in the sub-region regarding its approach to inclusive and participatory sustainable development based on the promotion of human rights. Ladies and gentlemen, it is therefore an honor for us to engage in this workshop with the aim of deepening our collaboration with the Ministry of Water and Forests of the Gabonese Republic and all the actors present here. In this spirit of collaboration that is ours, we wish you all a constructive and productive workshop. We thank you Mr. Minister of Forests, Environment and Natural Resource Protection; Members of the Government; Ladies and gentlemen, Parliamentarians; Ladies and gentlemen, Representatives of the Diplomatic Corps; Ladies and gentlemen, Representatives of international and national civil society; Ladies and gentlemen, Representatives of local communities from within the country; Excellencies, Ladies and Gentlemen; Dear participants at the moment when the sessions of this national workshop on the theme: the rights of communities in the forestry sector in the Gabonese Republic open, it is my honor to speak on behalf of Gabonese civil society. Since the 1982 law to that of 2001, the rights of local and indigenous communities in forestry legislation have undergone changes. The various legislative and regulatory reforms underway and the processes initiated by the Gabonese State have allowed Gabonese civil society to assert itself as a proposing force, so that these new advances take more into account the substantial and procedural rights of local and indigenous communities. Furthermore, with the establishment of community forests, local and indigenous populations can today benefit from greater access to forest resources and reduce poverty in rural areas. Mr. Minister, Dear Participants, Distinguished guests, Ladies and gentlemen together with the NGOs ClientEarth, RFUK, FERN and other partners, Gabonese civil society has been working for several years to take into account substantial and procedural rights in our new laws through the improvement of existing legal texts, the development of the model of the contractual specifications, the realization of participatory mapping..... Ladies and gentlemen this workshop, which will take place over two days, will see the participation of several organizations of Gabonese civil society, academics, unions, representatives of local and indigenous communities. They will effectively contribute, through their recommendations, to the improvement and strengthening of the legal and

regulatory framework currently under revision. I will not conclude my remarks without thanking: the Ministry of Forests, Environment and Natural Resource Protection, The financial and technical partners who contributed to the realization of this workshop, the European Union, the cooperation and cultural action service of the French Embassy in Gabon, UKaid, through ClientEarth, the Rainforest Foundation UK, FERN, the Legal Support Working Group, Brainforest,

Annexes 33 the Gabonese Association for the United Nations and the University Center for Research and Action in Social Forestry and Sustainable Development. I therefore wish great success to these sessions. Thank you 2.2. Welcome address from the General Director of Forests Mr. Minister of Forests, Environment and Natural Resource Protection; Members of the Government; Ladies and gentlemen, Parliamentarians; Ladies and gentlemen, Representatives of the Diplomatic Corps; Ladies and gentlemen, Development Partners; Ladies and gentlemen, Representatives of international and national civil society; Ladies and gentlemen, Representatives of local communities from within the country; Excellencies, Ladies and Gentlemen; Dear Participants, Mr. Minister, I would like to request your permission to deliver this welcome address, to thank all the participants at this opening ceremony of the workshop whose theme is "rights of local communities in the forestry sector in the Gabonese Republic". These thanks are first addressed to you, just appointed to head this ministerial department, for having kindly agreed to patronize the work of this workshop, thus demonstrating your political will to start your term with a current concern in line with the strategy to combat poverty that His Excellency Ali Bongo Ondimba, President of the Republic, Head of State, has just unveiled to the nation. We are also pleased to express our deep gratitude not only to the International NGO ClientEarth which has signed a partnership with the Ministry you now oversee, to support the General Directorate of Forests in its daily quest to involve rural communities more in the management of renewable resources so that they can derive the best possible benefits, but also to Gabonese civil society for its contribution to the holding of this workshop. I would like to wish a pleasant stay to the international experts coming from the Democratic Republic of the Congo (DRC), from Congo Brazzaville and Cameroon, who face the same challenges and issues of social forestry as we do, to share their experiences with us. Mr. Minister, Ladies and Gentlemen, the law 16/01 of December 31, 2001, concerning the forestry code in the Gabonese Republic grants, in its articles 156 to 162, an important place to community forestry and your predecessor, whose presence we salute alongside you, instructed the General Directorate of Forests, through its Directorate of Community Forests, to develop the legal and technical bases for the establishment of community forests, the first allocations of which were granted only a few months ago. Similarly, in its article 251, the said law has provided provisions aimed at promoting the social aspect of sustainable management policy through the establishment of a financial contribution by the holders of forest concessions under sustainable management to support collective interest development actions for the benefit of the concerned communities. Several economic operators have anticipated the application of these provisions, they should be congratulated, but the administration has long hesitated on the nature of the text to be adopted. It has been decided, as provided by law, that the modalities for implementing these provisions will be defined in the contractual specifications. The draft document already prepared will be submitted, after this workshop, in the coming weeks to the various sector actors for review and validation.

34 this will allow for the generalization of the application of this provision to all operators throughout the national territory. Ladies and gentlemen, during this meeting, a state of play of

the rights of communities in the legislation in force in Gabon will be made, as well as their application on the ground by the various actors responsible for it. Debates on benefit-sharing mechanisms will be organized and recommendations formulated. These should be taken into account to improve and strengthen the legal and regulatory framework currently under revision. However, it should be noted that this strengthening of the legal framework for the benefit of local communities should not be a "return to the past"; that is to say, going back to reconsider ancestral forests as some might be tempted to imagine in reference to our customs. Indeed, under current positive forestry law, the forest belongs to the State. Consequently, no one can, in accordance with the provisions of article 14 of the aforementioned law, subject to the exercise of customary usage rights by local communities to ensure their subsistence, engage in free or commercial exploitation, harvesting or processing of any natural product, without prior authorization from the forestry administration. This enjoyment of customary usage rights must be addressed in order to determine its limits. If the local communities who are at the center of the discussions of this workshop will see their rights strengthened, it must be said that they will also have obligations; those relating to compliance with the law and its subsequent texts established with their consent following various consultations with the administration. Ladies and gentlemen, I am already convinced that the debates will be fruitful to ensure the perfect success of our work. Thank you for your kind attention. 2.3. Speech by the Minister of Forests, Environment and Natural Resource Protection. Ladies and gentlemen, members of the Government; Gentlemen, Parliamentarians; Ladies and gentlemen, Representatives of international institutions; Ladies and gentlemen, development partners, Ladies and gentlemen, representatives of national and international civil society, Gentlemen, Representatives of local communities; Gentlemen, experts; Distinguished guests; Ladies and gentlemen, it is an honor and a great pleasure for me to welcome you to this auditorium of our Ministry on the occasion of the national workshop on "the rights of communities in the forestry sector in the Gabonese Republic". On behalf of the Government of the Republic led by His Excellency, Ona Ondo, Prime Minister, Head of Government, I would like to greet the presence of all participants at this meeting, especially the experts from neighboring countries who have come to share their experiences with us. I would like to thank national and international civil society for kindly associating with the administration I oversee for the organization of this workshop carried out within the framework of the partnership with the international NGO ClientEarth from the United Kingdom.

 My thanks also go to the representatives of local communities from within the country who came to participate in this work that particularly concerns them. My deep gratitude also goes to the representatives of financial and technical partners who continue to support us in all initiatives aimed at the development of our local communities. Ladies and gentlemen, as you know, the involvement of rural communities in the management of forest resources is one of the four orientations of law 16/01 concerning the forestry code in the Gabonese Republic. Indeed, this law established community forests to promote participatory management of forest resources, in order to create income-generating activities for the benefit of riverside populations. This workshop comes at a crucial time as it takes place just after the establishment of the poverty reduction strategy outlined by Mr. the President of the Republic, Head of State, His Excellency Ali Bongo Ondimba, as part of the new social pact he proposes to the Gabonese people. As you can see, our sector of activities is entirely concerned by this urgent call from the highest authority of the country. That is why it is our duty to undertake actions to translate these orientations on the ground. Indeed, it appears that 45% of economically vulnerable populations live in rural areas and, by extrapolation, close to the forest. Consequently, this data calls upon

our sector in the responsibility that is ours in the fight against poverty, inequalities, and the precariousness of this segment of the population. To achieve this, we must change our paradigm and resolutely commit to an approach aimed at a better sharing of the benefits derived from forestry activities for the benefit of these rural communities. This undoubtedly involves strengthening the legal and regulatory framework in their favor and taking them into account in the management of forest resources. Only a few days after the transfer of responsibilities, I appreciated the efforts already made in this area, judging by the importance and quality of the regulatory texts and technical documents already developed. While acknowledging the work accomplished, I urge all stakeholders to continue the reflection. Time is of the essence to meet our ambitions. Ladies and gentlemen, it is worth recalling that the stakes of community forestry are enormous and its actions, which take into account not only social aspects but also those related to the sustainable management of resources, fit perfectly into the Gabon Emergent Strategic Plan (PSGE), the foundation of the policy of the President of the Republic, Head of State, His Excellency Ali Bongo Ondimba, to make Gabon an emerging country by 2025. I would also like to reiterate my sincere thanks to our various development partners, whose presence here is a testament to their multifaceted support. That is why I would like to invite them to continue this support that strengthens our local development actions. Convinced already of the relevance of the topics to be discussed during these meetings and the recommendations arising from your exchanges that will be formulated, I wish you great success in your work.

-- 35 of 64 --

National workshop on the rights of communities in the forestry sector in the Gabonese Republic - Libreville 2014 36 It is on this note of hope that I declare open the national workshop on "the rights of rural communities in the forestry sector". I thank you. 3. CLOSING CEREMONY 3.1. Final Communiqué: Rapporteur of the workshop Mr. the Minister Delegate, Excellencies, Ladies and Gentlemen, "The national workshop on the rights of communities in the forestry sector in the Gabonese Republic" was held on February 5 and 6, 2014: During these two days of work, this workshop brought together actors from different backgrounds, those from the forestry sector, those from the administration, those from national and international civil society, and representatives of communities. The first day began with an opening ceremony featuring several speeches, including those from representatives of international and national civil society. The speech of the Minister in charge of forests, the environment, and the protection of natural resources reminded us that the involvement of communities in forest management is in line with the Gabon Emergent strategic plan and that it is important to give communities the opportunity to express themselves about their difficulties and needs. At the start of the work, the participants present reflected on several themes, the results of which are as follows: In terms of community forest management, it is recommended to consolidate the institutional framework, notably to fill legal gaps such as: reviewing the definition of DFR; providing for the creation of a right of preemption: Enrich the draft decree establishing the right to reserve community forests Legal recognition of technical documents such as the Community Forest Delimitation Guide and inventory methodology Streamline the procedure and costs of creating community forests Develop other alternatives and solutions for managing rural forest areas; Gradually transition from the right to use the forest to the right to land; Support awareness-raising and education activities regarding community forests. In the context of exercising the rights of communities in protected areas, it is recommended to Clarify the difference between buffer zones and peripheral zones of national parks; Continue the process of structuring national parks by implementing tools such as CCGs, management plans, and land management contracts allowing for participatory and concerted management; Ensure accompanying measures for local communities in relation to human-wildlife conflicts; Recognize the usage rights of

communities living in buffer zones as well as inside parks. In the context of logging, the main recommendation concerns the adoption of a decree that makes mandatory and gives enforceable power to the contractual specifications.

-- 36 of 64 --

Annexes 37 We note that all interventions agree on two major recommendations: Strengthen the rights and procedures of local and indigenous communities: right to information, participation, and access to justice for local populations in terms of forest governance; Promote the strengthening of capacities (with documentary support) of local populations regarding their rights and duties. The work on the draft decree aimed at making the contractual specifications enforceable is in the finalization stage. The consolidated document will be provided to you in about ten days. Clarify the difference between buffer zones and peripheral zones of national parks; Continue the process of structuring national parks by implementing tools such as CCGs, management plans, and land management contracts allowing for participatory and concerted management; Ensure accompanying measures for local communities in relation to human-wildlife conflicts; Recognize the usage rights of communities living in buffer zones as well as inside parks. 3.2. Closing speech by the Minister Delegate for Forests, the Environment, and the Protection of Natural Resources Members of the Government; Ladies and gentlemen, Representatives of International Organizations; Ladies and gentlemen, Development Partners, Ladies and gentlemen, Representatives of national and international civil society; Gentlemen, Representatives of local communities; Distinguished guests, Ladies and gentlemen, dear participants, We have reached the end of our work which, over two days, has allowed for exchanges of experiences on "the rights of communities in the forestry sector in the Gabonese Republic". Through the documents produced, there is no doubt that the debates were intense and fruitful. I congratulate you, as these results sufficiently demonstrate the interest that each stakeholder places on this timely topic. The highest authorities of our country, led by His Excellency Ali Bongo Ondimba, President of the Republic, Head of State, have placed the fight against poverty as a strategic axis of the social pact he has just proposed to the Gabonese people. Since the forest covers 88% of the national territory, it therefore offers immense opportunities to improve the living conditions and well-being of our populations. Rest assured that I will convey to the Government of the Republic led by His Excellency Daniel Ona Ondo, Prime Minister, Head of Government, the conclusions you have reached. The Ministry in charge of forests will spare no effort to translate the recommendations made into action. Ladies and gentlemen, This is an opportunity for me to reiterate my thanks to all participants and experts for the work accomplished. I express my deep gratitude to national and international civil society for the fruitful collaboration that made these meetings possible. Our ministerial department, which has always maintained close relations with non-governmental organizations, remains open to all proposals in the interest of our country.

-- 37 of 64 --

National workshop on the rights of communities in the forestry sector in the Gabonese Republic - Libreville 2014 38 Addressing the representatives of communities from within the country, be assured that your rights will be strengthened in the context of the ongoing revision of the forestry code. Our commitment will soon translate into the generalization of the process of allocating community forests and the finalization of the model of contractual specifications that provide for the modalities of sharing the benefits derived from forestry exploitation. To our financial partners, find here all my gratitude for the multifaceted support you provide us. Finally, I cannot conclude my remarks without expressing my gratitude to ClientEarth, Rainforest, Fern, Agnu, Brainforest, and the CurFod and their partners, who have come together for the holding

and success of these meetings. Ladies and gentlemen, it is therefore on a note of hope that I declare closed the national workshop on "the rights of communities in the forestry sector in the Gabonese Republic". I thank you.

-- 38 of 64 --

Annexes 39 4. PRESENTATIONS BY NATIONAL EXPERTS 4.1. General legal framework for the protection of community rights

-- 39 of 64 --

National workshop on the rights of communities in the forestry sector in the Gabonese Republic - Libreville 2014 40

-- 40 of 64 --

Annexes 41 4.2. Forest concessions and community rights in Gabon

-- 41 of 64 --

National workshop on the rights of communities in the forestry sector in the Gabonese Republic - Libreville 2014 42

-- 42 of 64 --

Annexes 43

-- 43 of 64 --

National Workshop on Community Rights in the Forestry Sector in Gabon - Libreville 2014 44 4.3. Protected Areas and Community Rights in Gabon Communication from the National Parks Agency "Protected Areas and Community Rights in Gabon" Abagaha-Ollomo Patrick-Daniel Head of Local Community Involvement Service (ICL) Libreville, 05/02/2014 Introduction Context: Between the Earth Summit in Rio (1992) and Johannesburg (2002), a historic decision was made to create national parks representing more than 3 million hectares, or 11% of the national territory. Objectives: • Preserve Gabon's forest to address climate change; • Sustainably enhance Gabon's biological diversity; • Diversify and create wealth from biodiversity that can add value to GDP; • Develop a nature-based activity: ecotourism... Development strategies for the network: Raise awareness, inform, educate, and communicate to enable the national community, particularly rural areas, to support the project's success. Characteristics of the parks: all protected areas under the administration of the ANPN are representative of Gabon's landscapes (forests, savannas, plains, mangroves, marine...) and are distributed throughout the territory. Evolution of protected areas: based on existing reserves before 2002, as well as other newly created sites from conducted studies, protected areas have been established to reach nearly 35,000 km2 today.

-- 44 of 64 --

Annexes 45 General Presentation 1. Legal Bases and Legislative and Regulatory References • At the international level: international conventions on the environment and sustainable development (Principles of sustainable development, principle of participation, CLIP, CBD, Aarhus, Nagoya...) recognize the centuries-old dependence of rural communities on the forest. Principle 1 of Agenda 21: "Human beings are at the center of concerns for sustainable development. They have the right to a healthy and productive life, in harmony with nature." • At the national level: Several legal texts constitute the legal and regulatory framework governing the management process of protected areas. PSGE/Framework management plan for national

parks/Law No. 003/2007 of August 27, 2007/The law No. 16/2001 of December 31, 2001/The law No. 015/2005 of August 8, 2005.... Article 77 of the forestry code: "Article 77: in the periphery of each national park, a protection zone called a buffer zone is created, intended to mark the transition between the area of the national park and the zones where forestry, mining, hunting, or agricultural activities are freely practiced. The width of a buffer zone is at least five kilometers." 2. Definitions Based on Law No. 003/2007 of August 27, 2007 and international conventions, the following are defined: Protected Area: The term protected area is a generic notion that actually covers very varied types of zones officially dedicated to conservation. In Gabon, this category includes classified forests, national parks, hunting and wildlife reserves, and arboreta. According to paragraph 1 of Article 3 of the aforementioned law, a protected area is understood as a geographically delimited natural terrestrial or aquatic space that is defined, regulated, and managed for the protection and sustainable management of natural and cultural heritage. National Park: is a protected area established on a portion of the territory where terrestrial or marine ecosystems, geomorphological sites, historical sites, and other forms of landscape enjoy particular protection with the objective of maintaining biological diversity and natural ecological regulation processes while allowing regulated activities of ecotourism, scientific research, and education, all while contributing to the economic and social development of local communities. Delimitation of a National Park: three (3) distinct zones Central Zone (A) Buffer Zone (B) Peripheral Zone (C) Wetland refers according to the Ramsar Convention (Iran, 2/02/1971) to all wetlands of international importance, particularly as habitats for water birds. It is characterized by expanses of marshes, bogs, peatlands, or natural or artificial waters, permanent or temporary, where the water is stagnant or flowing, fresh, brackish, or salty, including marine waters where the depth at low tide does not exceed six (6) meters. This convention is complemented by that of Bonn (Germany 23/06/1979) concerning the conservation of migratory species belonging to wild fauna. It stipulates in its object "to ensure the protection of wild animal species whose migrations extend across more than one national territory." Population and/or local community refers to a group of people, regardless of race or religion, located and living in a specific region. Terroir refers to a homogeneous geographical area concerning its population, history, and organization. In this context, terroir refers to the areas of traditional activities of local populations. 3. Creation of Protected Areas and Community Rights 3.a Consultation of Communities History: In the 1990s, following guidance from the IUCN which identified ecologically viable sites, botanical, faunal, and socio-economic assessments were conducted over two years. The sponsors: Several administrations and international NGOs specializing in environmental issues participated in these studies, including: DFC (DGFAP); WCS, WWF... Since the creation of the parks: Consultation of populations within the framework of established structures: CCGL. Example: Zoning of the Gamba Protected Area Complex. All stakeholders participated in these meetings, including administrations, NGOs, civil society, the private sector, and local communities (village committees), all members of this consultation platform. 3.b Compensation Legal framework: Article 16 of Law No. 003/2007 summarizes the following: "In the peripheral zones of national parks, the exercise of customary usage rights, including fishing, hunting, logging, and capturing wildlife, agricultural and forestry activities, gathering plants, and collecting minerals or fossils is free, subject to compliance with applicable laws and, where applicable, the stipulations of land management contracts or the management plan." Upon the creation of national parks, populations living within the national parks were maintained! Major and cross-cutting issue: human-wildlife conflict and/or devastation of plants by wildlife (pachyderms). Observations: 1/ Phenomenon related to poaching (90% foreigners). 2/ Elephants outside national parks: responsibility of the DGFAP and the Ministry of Agriculture, which have limited means to sustainably resolve this issue. Solutions already recommended: physical protection through human presence; administrative culls; installation of physical barriers; creation of a fund to compensate for damages...

Solutions recommended by the ANPN: 1/ Creation of a specialized unit to combat plant devastation by pachyderms. 2/ Pepper cartridges. 3/ Spatial planning of agricultural zones. 4/ Development of hybrid compensation systems partially funded by the ANPN. Partnership: process to be conducted with the Ministry of Water and Forests as well as the Ministry of Agriculture, in accordance with the National Strategy for managing human-wildlife conflicts. Consultation: All these proposals are debated in the General Assembly with CCGL members in the context of reviewing management plans.

National Workshop on Community Rights in the Forestry Sector in Gabon - Libreville 2014 46 4. Management of Protected Areas and Community Rights 4.a. Participation in the Local Management Advisory Committee Legal Framework: Law No. 003/2007 of August 27, 2007 specifies in its Article 18 "As part of the activities for the protection and sustainable valorization of national parks, park managers cooperate with local authorities, particularly within the local management advisory committees of the parks provided for in Article 45 of this law". Article 45: "In each national park, a Local Management Advisory Committee is established. The Advisory Committee assists the Conservator under the conditions set by regulatory means". Methodology: Socio-historical and economic studies; establishment of platforms (4); election of the Executive Bureau; Organization: 5 positions which are: President, 2 Vice-Presidents, 2 reporters, all representative of the departments attached to the park Missions: Interface performing the missions of CES-CE by giving its opinion on various issues concerning the management of a national park. Currently: 4 CCGLs exist: Loango, Moukalaba-Doudou, Mayumba, Monts de Cristal 4.b. Signature of management agreements (contracts) for local lands Legal Framework: Paragraph 4 of Article 3 of Law No. 003/2007 of August 27, 2007 regarding national parks defines the local land management contract as: "the contract entered into between the manager of a park and the rural communities of the peripheral area, defining the modalities of these communities' involvement in the conservation of the biological diversity of the park or its peripheral area in order to promote economic benefits for them". Meanwhile, Article 19: "Local land management contracts may be concluded between the administration of a national park and the local communities of its peripheral area. They are approved by the national parks management body before their entry into force and particularly concern surveillance, management, maintenance, cultural and tourism activities of the park or its peripheral area". Typical example of the rights of communities living near parks Methodology: In the near future, based on already developed tools, studies will take place to determine the following aspects: Data on socio-food activities; Evaluation of impacts and direct threats; Implementation of the project; Development of a local land management contract model.... All this work will be done with local communities. Tourist concessions Objectives: Collaborate with local authorities and communities; Develop socio-economic and cultural activities while respecting local customs Advantages: Recruitment, training, job creation; Construction of infrastructures (health centers, free healthcare; increasing education levels; Added value for communities in terms of improving living conditions... The principles of the National Agency for National Parks are to work with local communities so that the projects developed enhance their traditional know-how while reflecting the context, needs, and realities of those concerned. 4.c. Consultation in the development of management plans Legal Framework: Paragraph 9 of Article 3 of Law No. 003/2007 defines the management plan as: "the document and its annexes presenting, based on a five-year planning, the measures envisaged to ensure the conservation of a national park. As for Article 21: "Each park is equipped with a specific management plan developed by the park administration, after consultation with all interested parties, including communities from the peripheral area and those living, if applicable, inside the park at the time of its creation. It takes

into account the customary uses and rights of these communities". Methodology: The work of developing the management plan relies on two (2) cardinal references and on international texts: • Legal Reference: Law No. 003/2007 of August 27, 2007 regarding parks; • Political Reference: Gabon Emergent Strategic Plan (PSGE); • IUCN 2011 Guide on protected area management planning; • Guides from the World Commission on Protected Areas; • UNESCO Toolkits 2008; • USFS/USAID-CARPE/RAPAC Planning Guides; • OXFAM Guide on Free, Prior, and Informed Consent. ... Today: All management plans have been developed; Five (5) management plans have been validated by the Management Committee (Board of Directors) of the ANPN: Three (3) management plans have been submitted for review to the Local Management Advisory Committee (CCGL) The year 2014 should allow for the validation of all management plans by the ANPN Management Committee while submitting them for review to the Local Management Advisory Committee (CCGL) 5. Strengths and Weaknesses of the Process Strengths Promising discourse "I have created thirteen National Parks that will be areas for the preservation of flora and fauna, but this decision will not remain just a paper decision as some worry. The Gabonese forest, which represents an invaluable global wealth, will constitute one of the axes of my strategy to combat poverty. It will be managed rationally so that it generates jobs and income other than those provided by the exploitation of wood. This project is under my responsibility" Late Omar Bongo ONDIMBA. Structuring of the ANPN: provision of tools, means, and strategies that can enable it to operationalize its actions on the ground (legal framework, strengthening of human and material capacities, development of management plans...). Management process: implementation of actions in a diachronic and synchronous manner (in time and space); Consultation and pooling of efforts: to consolidate and preserve achievements Main weakness: The impatience of the populations with its corollary of negative actions on biodiversity, notably poaching. 6. Recommendations and Perspectives Workshop: Initiative to be continued as it allows for exchanging other viewpoints on a current issue; Theme: major issue, at the center of the concerns of the highest Authorities of the Republic; For the ANPN: priority in the management of protected areas

Annexes 47 Actions: continue the process of structuring protected areas by implementing tools (CCGL, management plan, contracts for local land management...) allowing for a participatory and concerted management of the issues encountered (human-wildlife conflict, zoning, local lands, customary usage rights...) Objectives: 1/ Contribute to the realization of the pillars "Green Gabon and Blue Gabon" of the Gabon Emergent Strategic Plan (PSGE) within the framework of the societal project "The Future in Trust" of the President of the Republic, Head of State, His Excellency Ali BONGO ONDIMBA. 2/ Improve the living conditions of the populations but above all, aspire to sustainable development through a well-known triptych: economic efficiency, social equity, environmental viability. Thank you for your attention 4.4. Community Forests in Gabon: Procedures, Issues, and Challenges State of play and perspectives of community forestry in Gabon December 2013 Quentin Meunier Project Coordinator DACEFI-2 Libreville – Gabon Workshop on community rights in the forestry sector in Gabon Session "Community Forest in Gabon: Procedures, Issues, and Challenges" February 5, 2014 Legal Context DACEFI-2 Creation Process Weaknesses to Consider Perspectives Conclusions State of play and perspectives of community forestry in Gabon Legal Context State of play and perspectives of community forestry in Gabon Village Law promulgated in 2001 Implementation decree in 2004 Order setting the procedures for allocation and management of CF in 2013 (January) Permits / Concessions DACEFI 1 and 2 DFR Legal Context State of play and perspectives of community forestry in Gabon The community forest is a space in which the community can exercise privileged rights, these being governed by the SIMPLE MANAGEMENT PLAN (PSG) It is

indeed a regulated access right to forest resources for a limited but renewable duration It is not a land title

-- 47 of 64 --

National Workshop on Community Rights in the Forestry Sector in Gabon - Libreville 2014 48 DACEFI-2 State of play and perspectives of community forestry in Gabon 1st phase (2006-2008) 2nd phase (2010-2014) DACEFI-2 State of play and perspectives of community forestry in Gabon Implementation of the community management concept in 12 pilot sites Propose techniques and management mechanisms that are adapted to Gabonese rural communities Propose legal adaptations in line with the resources of the forestry administration and that allow for the effective implementation of community forests at the national level DACEFI-2 State of play and perspectives of community forestry in Gabon DACEFI-2 supports administration, the communities and reports to national and international partners through technical sheets, expert reports, information letters, workshops, playful materials DACEFI-2 State of play and perspectives of community forestry in Gabon DACEFI-2 The work of the DACEFI-2 project (EU) and the DFC project (ITTO) has led to the signing of: 2 definitive management agreements (= 2 CF) Grouping of Ebyeng-Edzuaménième (Ogooué-Ivindo) Village of Nkang (Woleu-Ntem) 3 provisional management agreements Massaha, Nzé Vatican, and Hendjé (Ogooué-Ivindo) State of play and perspectives of community forestry in Gabon Creation Process Villages, groupings, cantons Association Mapping of spatial occupation Consultation meeting Request for creation Drafting of the simple management plan (PSG) Use of the community forest Provisional Management Agreement Definitive Management Agreement State of play and perspectives of community forestry in Gabon Villages, groupings, cantons Association Mapping of spatial occupation Consultation meeting Request for creation Drafting of the simple management plan (PSG) Use of the community forest Provisional Management Agreement Definitive Management Agreement Good social cohesion is indispensable ... but it is not always present in villages This management model may not suit all communities (and should therefore not be systematically promoted) Weaknesses to Consider

-- 48 of 64 --

Annexes 49 State of play and prospects of community forestry in Gabon Weaknesses to consider Villages, groups, cantons Association Mapping of spatial occupation Consultation meeting Request for creation Drafting of the simple management plan (PSG) Use of the community forest Provisional Management Agreement Final Management Agreement The legal structure of the association poses certain problems that have not yet been resolved at the Ministry of Water and Forests Several alternative options have been discussed Interest Groups (E or C) Cooperatives Small Forestry Enterprises State of play and prospects of community forestry in Gabon Weaknesses to consider Villages, groups, cantons Association Mapping of spatial occupation Consultation meeting Request for creation Drafting of the simple management plan (PSG) Use of the community forest Provisional Management Agreement Final Management Agreement This is the heart of the FC 1 template 1 user guide no legal anchoring to date The PSG refers to technical documents Technical guide for delimitation of gabonese FCs Inventory methodology adapted to gabonese FCs no legal anchoring fragility of methodologies State of play and prospects of community forestry in Gabon Weaknesses to consider Villages, groups, cantons Association Mapping of spatial occupation Consultation meeting Request for creation Drafting of the simple management plan (PSG) Use of the community forest Provisional Management Agreement Final Management Agreement Expected risks Social conflicts Diversions (material, financial) Lack of transparency (voluntary or not) Illegal practices (voluntary or not) Lack of training State of play and prospects of community forestry in Gabon Prospects 3. support the

first FCs allocated, propose model community forests for sharing experience; 4. support the Forest-Wood Sector Execution Agency for the national scaling up of the concept; 1. further consolidate the institutional framework, notably fill the last legal gaps (such as the definition of DFR); Priority actions to be taken 2. secure the technical documents useful for the different stages of the process of creating an FC; 5. develop other alternatives/solutions for managing the rural forest domain. State of play and prospects of community forestry in Gabon Conclusions After 12 years of waiting, the first FCs have emerged in Gabon. The application and respect of technical protocols A final optimization of the regulatory framework + the availability of a trained and equipped administration + are necessary conditions to promote their viability.

National workshop on the rights of communities in the forestry sector in the Gabonese Republic-Libreville 2014 50 4.5. Framework for action and support of civil society FRAMEWORK FOR ACTION AND SUPPORT OF THE GABONESE CIVIL SOCIETY FOR THE PROMOTION OF THE RIGHTS OFTHE PROMOTION OF THE RIGHTS OF FOREST COMMUNITIESFOREST COMMUNITIES DJINANG Martial Brainforest SOME ACTORS PRESENTSOME ACTORS PRESENT • The International Civil Society: The RainforestFoundationUnitedKingdom (RFUK),g ( ) ClientEarth and FERN • The National Civil Society: Brainforest, AGNU, GabonMaTerreMonDroit CURFOD etcGabonMaTerreMonDroit, CURFOD, etc. WORKING AXES AND STRATEGIES WORKING AXES AND STRATEGIES L ti d d it f i d d it• The promotion of land rights, forest and wildlife rights, and civil rights to some extent;to some extent; • Strengthening the capacities of actors; • Supporting the establishment of dialogue• Supporting the establishment of dialogue and consultation frameworks regarding these rights; • Contributing to the improvement of the legal framework and• Contributing to the improvement of the legal framework and processes for managing natural resources;; • Developing activities at the local and national levels. SOME PROJECTS AND ACTIVITIES IN PROGRESS L j t R f t d ité l t t l The project "Capacity building for the respect and promotion of the rights of forest communities" developed by the NGO Brainforest in partnership with RFUK, f éensures the strengthening of legal and organizational capacities of local and indigenous communities for the realization of their rights. This project has been funded forp p j p more than two years thanks to funding from the British Department for International Development DfID. The community lawyers based on the ground supportcommunity lawyers based on the ground support the communities in knowing and using their different rights. This work is carried out with the involvement of the local authorities and emphasizes a participatory approach authorities and emphasizes a participatory approach to promote the rights of communities. SOME PROJECTS AND ACTIVITIES IN PROGRESS L j t A t i ti d té l' tili ti dThe project: "Empowerment of communities through the use of the law". Implemented by ClientEarth, it aims to provide the necessary legal clarity and strengthen civil society members in terms of substantial economic and social rights (propertyterms of substantial economic and social rights (property, usage rights, benefit sharing) and procedural rights (access to justice, access to information, participation) of local and indigenous communities. This is to facilitate their mastery of the law for a indigenous communities. This is to facilitate their mastery of the law for a true awareness of their rights to help them better fight against poverty. ClientEarth, through the creation of a Legal Working Group and the consultation of the civil society platform, is currently working on developing proposals for reforming the forestry code that take into account more of these procedural and substantial rights. This initiative has been é é 'consolidated by the recent signing of a Partnership Agreement with the Ministry of Forests. SOME PROJECTS AND ACTIVITIES IN PROGRESS L j t 'P i l b d lThe project 'Promoting good governance in the forestry sector'. Funded by DfID, this project with FERN has been accompanying for several years

the dynamics of the□p g □p □q □q □y □q civil society concerning debates on forestry and land governance. Its efforts aim to strengthen technical and analytical capacities as well as the des capacités techniques et d analyse, ainsi que la production of publications and their dissemination through advocacy strategies. This close collaboration should allow the GabonMaTerreMonDroit platform to fully and effectively participate in multi-actor debates on ongoing forestry policies in order□acteurs sur les politiques forestières en cours dans le but to promote the rights of communities and to contribute to the improvement of governance.

-- 50 of 64 --

Annexes 51 SOME RESULTS ACHIEVED□SOME RESULTS ACHIEVED • L □ti □t l dé l □t d □ét □j idi□• The promotion and development of legal skills on the rights of forest communities in particular and on the Law of natural resources in general; L’ □i à l □é ti □d □i ti □t i□• Support for the creation of community associations; • More active participation of civil society in the various processes and reforms involving the rights of communities; • Improvement of the daily lives of communities based on the knowledge and use of their rights provided by the forestry legislation; • Establishment and functioning of a Legal Support Group of Civil Society; • Development of documents and analytical supports by the civil□pp □y □p society to contribute to the ongoing forestry reform. SOME DIFFICULTIES□SOME DIFFICULTIES iffi □l é □d’ d □h i □é i l l□• Technical and material difficulties: the specificity of the issue addressed which is the law, □la □particularité □de □l’approche □de développement □basée □sur □le □droit, □la disponibilité □des □ressources □ humaine □et material. • Contextual difficulties: a poor interpretation sometimes of the work developed by□interpretation sometimes of the work developed by civil society. I THANK YOU□I THANK YOU

-- 51 of 64 --

National workshop on the rights of communities in the forestry sector in the Gabonese Republic-Libreville 2014 52 5. □REGIONAL EXPERT PRESENTATIONS 5.1. □Benefit sharing in DRC The mechanisms for benefit sharing from forestry exploitation in DRC. By Me Alphonse LONGBANGO NGBANDOMA Summary□Summary • Legal framework for benefit sharing, • sharing of public revenues□sharing of public revenues • sharing of revenues from natural ll□natural resources • Conclusion Legal framework for benefit sharing□Legal framework for benefit sharing i □i □d □fé i □d l□• Constitution of February 18, 2006 of the Democratic Republic of Congo, • organic law on decentralization n° 08/016 of October 7, 2008,, • law n° 11/11 of July 13, 2011 relating to public finances□public finances. • law 08/012 of July 31, 2008 laying down fundamental f □d □t □l tif à l lib □d i i t ti□principles relating to the free administration of provinces SHARING OF PUBLIC REVENUES□SHARING OF PUBLIC REVENUES. • Article 175 of the constitution decides on the distribution of national revenue□p or the sharing of public revenues as follows: 60% for the public treasury□as follows: 60% for the public treasury (Central Power) and 40% for the Province. SHARING OF PUBLIC REVENUES□SHARING OF PUBLIC REVENUES. Two categories of national revenue tt □d i i t ti revenues from taxes collected in provinces□revenues administrative, judicial and domain collected in provinces provinces administrative, judicial,□, j □, domain and participation revenues collected at the level of the central power, (ii) customs and excise revenues, (iii) tax revenues collected on the□ 40% are withheld at source and □( ) □p great enterprises, and (iv) revenues from producing oil companies. credited to the province generating the revenue 40% are returned to the provinces SHARING OF PUBLIC REVENUES□SHARING OF PUBLIC REVENUES. Provincial Power 40% of the share of revenues of a national character received 40% of provincial taxes and national interest□of a national character received from the central power to provincial territorial entities of interest common to decentralized territorial entities

-- 52 of 64 --

Annexes 53 SHARING OF REVENUES FROM NATURAL RESOURCES Regarding mining exploitation Regarding mining exploitation 60% will remain with the60% will remain with the Central Government 25% is paid into an account designated by the Provincial Administration where the project is located 15% into an account designated by the City or Territory within which the exploitation operates. SHARING OF REVENUES FROM NATURAL RESOURCES In the oil sector There is no formal legal requirementg imposing revenue sharing production sharing agreements that are concluded between the Congolese State and oil exploitation firmsg p p provide for the payment of an annual fee of 150,000 USD to 200,000 USD for the benefit of local populations for the financing of social projects for the benefit of communitiesfinancing of social projects for the benefit of communities local entitled SHARING OF REVENUES FROM NATURAL RESOURCES In the forestry sector 60% to the Public Treasury specific clause related to 40% returned to decentralized territorial entities the realization of socio-economic infrastructures for the communitiesterritorial entities of origin of the wood local communities in the specifications of the forest concession Thank you 5.2. Profit sharing in Cameroon MECHANISM FOR SHARING MECHANISM FOR SHARING PROFITS FROM FOREST EXPLOITATION IN CAMEROON Jean ABBE ABESSOLO Tel: +237 99 47 15 56, E-mail: rfc_centre@yahoo.fr SUMMARYSUMMARY • INTRODUCTION • RECOGNITION OF USAGE RIGHTS • ALLOCATION OF TERRITORIES AND SPACES • ALLOCATION OF TERRITORIES AND SPACES FOREST ’• RETURN OF A PART OF THE REVENUES FINANCIAL • IMPACT OF PROFIT SHARING ON LOCAL DEVELOPMENT • ANALYSIS OF STRENGTHS AND WEAKNESSES • SOME RECOMMENDATIONS• SOME RECOMMENDATIONS

-- 53 of 64 --

National workshop on community rights in the forestry sector in Gabon - Libreville 2014 54 INTRODUCTION • Adoption of law n° 94/01 of January 20, 1994, relating to the regime of forests, wildlife, and fishing, supplemented by decree N° 95/531 of August 23, 1995, setting the application modalities of the forest regime in Cameroon. Its importance: Introduction of the notion of "decentralized forestry/participatory forestry" (art 8); Facilitation of the allocation of territories and forest spaces to local actors (art 30);local actors (art 30); Facilitation of the return of a part of the financial revenues from forest management to local actorsfrom forest management to local actors. • It is therefore important to involve local populations in all phases of resource management by integrating them in an optimalp g g ç way. Recognition of usage rights for local populations • Usage right (customary): recognition for local populations Usage right (customary): recognition for local populations along the rivers to exploit all forest, wildlife, and fishery products (fishing, hunting, gathering firewood and non-timber forest products, fruits,gathering firewood and non-timber forest products, fruits, food products, medicinal plants, etc.) except for protected species to meet their personal needs. • In the forests of the national domain, local populationsIn the forests of the national domain, local populations retain their usage rights (collection of secondary forest products, firewood and construction wood, a number of trees corresponding to their actual needs)number of trees corresponding to their actual needs). NB: They must justify the use during forest controls and cannotj f f p en any case commercialize or exchange the wood from these cuts. Allocation of territories and forest spaces to local actors: Tenure regimes and their codification Two main sets of allocationTwo main sets of allocation Permanent forest domain: lands permanently allocated to the forest and the habitat of the Wildlife. Non-permanent forest domain equivalent to “ Non-permanent forest domain, equivalent to “ protected domain”: forest lands that can be allocated to uses other than forestryto uses other than forestry 1 Permanent forest domain1. Permanent forest domain • Municipal forests: fall under the private domain d Ell t d f êt f i tdes communes. They are forests that are subject to a classification act for the benefit of the

municipalities or that have been planted by them. 2. Non-permanent forest domain • Community forests: a portion of the non-permanent forest domain ceded by the State to a community that requests it and manages it□community that requests it, and manages it on the basis of a management agreement signed with the State (maximum of 5000 hectares)□l State (maximum of 5000 hectares). • Zone of interest for hunting□• Zone of interest for hunting community management (ZICGC): □espaces de chasse allocated to village communities. They are the□g product of a local experimentation of a participatory management mechanism approved and t □l □i □t □d □Mi i tè□supported by the central services of the Ministry concerned and (40,000 to 140,000 hectares) Return of a part of the financial revenues from the management of forests to these local actors□from the management of forests to these local actors • Annual forest fee: 2,500 francs per hectare for□Annual forest fee: 2,500 francs per hectare for the sale of cuts and 1,500 francs per hectare for the concessions. L □d □d i d □l □d □f □iè□The shares of the product of the annual forest and wildlife fee (RFA): 50% for the public treasury; 20% to the local municipality; 20% centralized at FEICOM or any other organization responsible for the centralization and redistribution of tax revenues, fees, and dues to Municipalities, for the benefit of all other municipalities; 10%□Municipalities, for the benefit of all other municipalities; 10% to the local village communities. • Contribution to the realization of social and economic infrastructures, is defined in the specifications or in approved management plans by the□p □g □pp □p Administration responsible for Forests

Annexes 55 Reallocation of part of the financial revenues from the management of forests to these local actors Tax on the products of Timber Recovery Authorizations: Transfer of a compensatory contribution to the benefit of the local municipality called "tax on recovery products". This tax is paid by the owner of the recovered products at a rate of 2,000 F.CFA per m3, distributed as follows: 30% for the realization of development infrastructures intended for the riverside village communities; 70% intended for the municipalities concerned by the forest for development actions throughout the territory of the municipality, including operating costs. • Revenues from the exploitation of community forests are returned 100% to the concerned communities. • Lease taxes on hunting areas based on forest concessions and/or protected areas: 50% for the public treasury; 40% for the benefit of the municipalities concerned; 10% for the riverside village communities. Recovery and reallocation circuit of the RFA in Cameroon FOREST OPERATORS - Formulation of their offers - Declaration of the RFA MINFOF - Granting of cutting sales and UFA - Issuance of checks for the state (50%), municipalities (40%), and riverside communities (10%) after analyzing the offers from different potential operators. SIGIF - Title of exploitation - Base of RFA - Issuance of three notification bulletins of titles PRSF - Validation of the amounts of RFA to be recovered - Recovery of the respective shares of the state, municipality, and communities - Reallocation to beneficiaries Payment Transmission MUNICIPAL RECEIVER - Retains 20% for the municipality PUBLIC TREASURY - Retains 50% Transmission Project - Collection of the 20% due to the local municipality - Collection of the 20% due to FEicoM - Collection of the 10% due to rural communities Reallocation of the 50% due to the state, of which: - 45% of the amount feeds the Special Fund for Forest Development - The remaining 55% goes to the treasury COMMISSIONER OF ACCOUNTS Management of RFA funds and responsibilities and roles of different actors Administrative aspect • For the revenues intended for municipalities President: The Mayor of the concerned municipality; - Vice-President: A representative elected by the concerned riverside village communities; - Rapporteur: The President of the Commission in charge of social or infrastructural development of the Municipal Council; - Members: at least 4 • For the revenues intended for riverside communities - President: A personality elected by the concerned communities; - Vice-President: A traditional chief, elected

by his peers; - A Rapporteur: A municipal councilor, elected and from the locality; - Members: at least 6 Management of RFA funds and responsibilities and roles of different actors • Financial operations • Article 11 of this decree specifies that a maximum of 30% of forest revenues should be allocated to the functioning of the municipality and a minimum of 70% to investments. • Article 22 specifies that a maximum of 20% of the shares of revenues allocated to communities is allocated to the functioning of the riverside committee and a minimum of 80% to the realization of social and economic works of said communities. • However, for community forests, a maximum of 10% is allocated to the functioning of the concerned legal entity and a minimum of 90% to the realization of projects contained in the Simple Management Plan. Management of RFA funds and responsibilities and roles of different actors • Financial operations (continued) • The expenditure authorizer is the mayor and the president of the entity • The person who keeps the money is the Municipal Receiver who acts as the financial agent • However, in the context of community forests, the President of the concerned legal entity is the authorizer of expenditures from the revenues. • In order to contribute to transparency in the management of these revenues, the Mayor of the local municipality and the president of the legal entity, each in their respective capacity, are required to prepare every six (06) months reports summarizing the financed achievements. • Copies of these reports are sent to all Municipal Councils, to the departmental delegate of Forests and Fauna territorially competent, to the departmental financial controller territorially competent, to the Prefect of the territorially competent department, and to the president of the communal or riverside committee as the case may be for examination within the committee. Structure for managing forest revenues in Cameroon Municipality Communal Committee Riverside Committee Local Development Committee Local Development Committee Local Development Committee

National workshop on the rights of communities in the forestry sector in Gabon - Libreville 2014 56 Impact on local development • Today, only 20% of the forest revenues intended for municipalities and riverside village communities are effectively invested in local development actions. • In addition, several voices are currently rising to strongly denounce the centralized management of the RFA (of the 40% and 10%) at the level of the municipal executive, which generally does not account for its management to the populations. Analysis of the strengths of the mechanism • A dynamic institutionalization of local management of forest revenues that is well established and effective; • Effectiveness of the transfer of funds from the State to rural municipalities responsible for managing forest royalties (for example, since 2000, 70 municipalities and forest communities have received more than 60 billion FCFA in forest royalties); • A manifest willingness of the State to empower municipalities and village communities in steering local development. • Existence of legal mechanisms to sanction misappropriations. Analysis of the weaknesses of the mechanism • Insufficient publicity of the regulations; • An appropriation of management committees by mayors; • Discrepancy between the funds received, the financed projects, and the needs of the beneficiary populations; • Irregularities in the meetings of management committees; • Use of funds for purposes other than those provided for by the regulations; • Absence or weak accountability of fund managers; • Non-operationalization of the representation of MINFOF and forest operators in the management committee; • Marginalization of certain social groups, such as "Indigenous Peoples"; • Lack of capacity to identify development needs on the part of communities; • Lack of capacity to execute projects; • Institutional difficulties in controlling the management of municipalities; • Problem of centralization of management at the municipal level, which generally does not account to communities for the use of the 10% that they are entitled to; Some recommendations • Strengthen the capacities of the municipal executive involved in this

management and the members of the management committees; • Broaden the definition of social works in order to finance individual initiatives such as income-generating activities with RFA funds; • Disseminate self-evaluation tools for the use of RFA funds among various municipal councilors and communities; • Seek funds to support municipalities in effectively holding self-evaluation sessions for the use of RFA funds; • Support NGOs in the ongoing monitoring of municipalities and communities in their various development activities; • Organize training for mayors and municipal councilors on the design and management of development projects; • Withdraw the management of the 10% of the RFA from the municipal executive and return it to the populations. • All members of the committee must come from the village community. THANK YOU FOR YOUR KIND ATTENTION

-- 56 of 64 --

Annexes 57 6. EXPOSURES OF LOCAL COMMUNITIES 6.1. Rights of communities and forest concessions Before the arrival of loggers, the populations freely practiced their fishing, hunting, and gathering activities, despite the difficult conditions related to isolation in certain localities. The arrival of logging companies was generally coordinated by the administrative and political leaders of the locality, and the villagers merely observed. During the exploitation, in other environments, loggers created associations to help communities develop their villages. At this level, the advantages and disadvantages vary over time. Before the arrival of certification in certain localities, the advantages included: The opening up of villages; Income from family logging; Employment for young villagers. With evolution, loggers: Build houses; Electrify villages; Construct public buildings; Raise awareness among populations about the protection of fauna and flora; Create associations for the management of forest royalties. Despite these advantages, the disadvantages include: Anarchic exploitation of forests without respect for agricultural zones; Disturbances to elephants in their natural habitat. Recommendations: Provide communities with texts regarding the laws in force; Sign conventions by NGOs to help the state develop the country; Autonomy in managing revenues and community projects; Protect communities from the influences of these policies by legalizing them; Plan support measures for plantations devastated by elephants and gorillas; Plan support measures during hunting and fishing closures; Involve key stakeholders in monitoring development projects; Raise awareness among communities about new reforms. 6.2. Rights of communities and protected areas Before the creation of national parks, communities lived off fishing, hunting, and gathering without restrictions. Upon the creation of national parks, communities were not involved. The boundaries of the parks are not marked. There are villages located next to or even within the parks. These communities no longer benefit from their areas where they used to plant, fish, hunt, and gather. We are disturbed by elephants. Since the creation of national parks, communities have been in conflict with the managers of the national parks, who have yet to find a solution to their grievances, especially regarding support measures. Personally, I represent the Loaloa community. It is a village located in the Ivindo National Park. Before the creation of the Ivindo National Park, we were in conflict with the Ipassa reserve. For those who do not know the village of Loaloa, on the left side we have the Ivindo River located 300 meters from the village, and on the right side is the Ipassa reserve. Currently, the Ivindo National Park has been added. This is why we have seen a strong repression of elephants coming behind our houses.

-- 57 of 64 --

National workshop on the rights of communities in the forestry sector in Gabon - Libreville 2014 58 At the moment, with the arrival of the new conservator who is trying to establish dialogue with the communities, and the meeting chaired by the governor regarding the establishment of

the local management advisory committee, things are evolving. The Loaloa community pays tribute to Brainforest thanks to the arrival of the lawyer who did everything to ensure we have an association. We request the intervention of the competent authorities to find a solution for the communities living next to and within the national parks. We also wish for the establishment of the local management advisory committee in all national parks. Thank you. 6.3. Populations and community forests Speaking honestly about community forests in Gabon, after Cameroon in Central Africa, the Ebyeng-Edznomenière association, which I represent here, is involved in the exchanges and experiences of knowledge, being a beneficiary of the first community forests in our country. The long process has not been easy, had it not been for the technical support of the Dacefi2 Project in Gabon. The awareness campaigns, information, and free training have enabled young people, adults, men, and women to await the start of agroforestry and agropastoral activities, the valorization of non-timber forest products (NTFPs), trackers, loggers, sawyers, nurserymen, cube measurers, treasurers, and auditors to engage in their respective roles. The first community forest (a2E) is materialized by the planting of Terminalia. Work meetings have multiplied at a2E and with neighboring villagers to delineate the ancestral forest, with a view to requesting a community forest. Sometimes the meetings were aborted, sometimes they were effective. The development of the simple management plan, the mapping of the community forest, the revision of the work done, and the submission of the file have faced administrative delays. This is just a sad memory of the past at a2E, despite the wait of two years. What is a community forest? It is a space managed by all the villagers, the community, grouped in a dynamic and legal association. Each member, men, women, and children, is involved in contributing to major decisions for the healthy and sustainable management of our human resources, so that everyone finds their share of the cake. The advantages of a community forest include: It is recognized by the state; It is managed by the communities themselves in accordance with the convention signed with the Ministry of Water and Forests; It creates jobs to break rural exodus and curb poverty; Taxes from community forest products are not collected by the state; It promotes the establishment of social structures, schools, transit houses, health clinics, and listening posts; It promotes tourism. The disadvantages of a community forest include: The absence of some members at consultation meetings; Non-compliance with the management convention; Non-execution of activities; Conflicts; The cessation or suspension of work by the Ministry of Water and Forests. Recommendations: Village communities wish for the reduction or exemption of application fees for the legalization of an association or the legal request and granting of a community forest; The reduction of administrative delays; Expeditious handling of damages caused in fields and compensation for victims, as elephants are fully protected. The support of NGOs, Dacefi2, Brainforest, and others in technical guidance and professional training. Awareness campaigns on forest legislation, so that our green Gabon thrives! Thank you for your kind attention.

Annexes 6.4. Attendance list 6.4.a. Scientific committee Names and first names Function Institution E-mail Dr. Cécile Duclaux-Monteil OTT Lawyer/Consultant Client Earth ocecha77@yahoo.fr DJINANG Martial Lawyer Brainforest martialdjinang@yahoo.fr Dr. Rose Ondo Née Ntsame Sociologist CURFoD/UoB rose.ondo@yahoo.fr Hubert Aimé Koumba Executive Director AGNU hubertaime@yahoo.fr Sam Nziengui Project Assistant Brainforest sam@brainforest-gabon.org Eugenio Sartoretto Lawyer Client Earth esartoretto@clientearth.org Laurence Duprat Program Coordinator RFUK laurenceD@rainforetuk.org 6.4.b. Other participants Name Function Institution E-mail/ Phone NTOUMO Nicolas President of the association oKiLA 06197099/04243466 MBADINGA

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61 Notes ----------

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62 notes ---

-- 62 of 64 --

63

-- 63 of 64 --

European Union Cooperation Service And Cultural Action (Scac) National Workshop on the Rights of Communities in the Forestry Sector in Gabon February 5 – 6, 2014, Libreville. Report

-- 64 of 64 --