

**Africa Forest Law Enforcement and Governance (AFLEG)
Pre-Ministerial Planning Meeting
Proposed Elements of a Ministerial Declaration**

ENGLISH

Brazzaville, Republic of Congo, 18th – 20th June 2002

On the last morning of the Africa Forest Law Enforcement and Governance Pre-Ministerial Planning Meeting, government delegates met in a closed session to discuss possible elements for a Ministerial Declaration, based on priority issues identified during the previous days of the meeting. In the afternoon, governmental delegates, civil society and private sector representatives met to discuss these elements together. The following document, "Proposed Elements for a Ministerial Declaration," in both French and English, presents the results of these deliberations. Please note that the English and French translations have not yet been 100% reconciled.

This document outlines only preliminary ideas based on discussions held at the Brazzaville pre-ministerial planning meeting. During the months leading up to the Ministerial conference (date and located to be determined), this list and the wording of these elements will be re-drafted multiple times by government representatives, who will also rely on input from other stakeholders such as NGOs and the private sector. Comments and input from such groups should be sent to Kerstin Canby at the World Bank (kcanby@worldbank.org or fax 001-202-614-0475), so it can be shared with the government representatives working on the draft declaration. Questions on the AFLEG process should also be directed to Ms. Canby.

Africa Forest Law Enforcement and Governance (AFLEG) Proposed Elements of a Ministerial Declaration

Drafted by participants in an expert meeting,
AFLEG Pre-Ministerial Planning Meeting,
Brazzaville, Republic of Congo, 18th – 20th June 2002

Countries of the African and other regions represented at this Ministerial Conference:

[proposed elements:]

- Recognising the diversity of Africa's forest ecosystems and these forests are essential for the livelihoods of African people, especially the poor. Further recognising that these forests are of global environmental value as a habitat for wild fauna and flora and for their role in climate regulation, in the regulation of water supplies and protection of soils.
- Deeply concerned at the serious global threat posed to African forests by violations of laws relating to land conversion, sustainable forestry and trade in forest products
- Further concerned at the serious economic and social consequences of illegal forestry activities particularly for the rural poor
- Recognising further the complex social, economic, cultural and political causes abuse of forest laws
- Convinced of the pressing need of achieving good governance of forest resources as the only sustainable solution to the problem of forest law enforcement
- Recognising further that all countries, both exporters and importers of forest products have a shared responsibility to combat forest crime and
- Emphasising the urgent need for effective co-operation to address these problems at sub-national, national, regional and international levels

DECLARE THAT WE WILL:

On information: [proposed elements:]

Recognising the value of comprehensive and freely available information in ensuring the transparency of activities relating to forests and in particular the importance of:

- Establishing data bases on forests and promoting the international sharing of experience and information on forest resources and their management
- Strengthening the capacities of public administrations, the private sector and civil society to communicate on issues relating to forest law enforcement and respect for land use plans
- Further developing the role of civil society in ensuring broad participation and transparency in the development and application of forest policies and laws
- Using the media to raise awareness of the harmful impacts of illegal forest practices

- Ensuring the full participation of all relevant stakeholders, including local communities, NGOs and the private sector in all decision making in the forest sector thus ensuring equity, reducing the influence of privileged groups and reducing the possibility of corruption
- Undertaking forest resource monitoring and evaluation activities at local, national and international levels using tools such as remote sensing and GIS and guaranteeing stakeholder participation in these activities. Further ensuring that information on legal forest boundaries is placed in the public domain

Legislative reform: [proposed elements:]

Recognising that in many African countries laws relating to forests are poorly adapted to present conditions and are often unfavourable to the interests of poor rural populations. We therefore undertake to evaluate the need for legislative reform and notably to:

- Define framework laws for the forest sector and ensure that these are consistent with laws dealing with the environment and other aspects of rural land use
- Ensure that traditional and customary laws and the informal laws of rural institutions are taken into account in developing national framework laws
- Conduct inventories of existing tenure rights and of rights relating to trees, wildlife and land and ensure that they are recognised in national legal frameworks
- Recognise the need to ensure that the legitimate interests of all sectors of society are taken into account in developing a legal framework for forests and that decentralisation and devolution of responsibility for forests is often desirable
- Recognise that good law enforcement requires that information on legal questions is freely available, that penalties are applied and that law enforcement institutions are well represented on the ground and are subject to rigorous internal and external control
- Recognise the potential value of public – private partnerships in sustainable forest management and that this may require new legal arrangements for instance to favour collaborative arrangements between governments and local communities and/or the corporate sector
- Encourage the development of codes of conduct for different groups of actors such as the timber industry, charcoal burners, NGOs etc and promote the wide application of these codes.

Law enforcement and situations of armed conflict: [proposed elements:]

Recognising that armed conflicts have had disastrous impacts on many forest areas in Africa, illegal logging has been a source of funding for conflicts and conflicts have resulted in the destruction of both traditional and modern forest management institutions thus rendering law enforcement impossible. We therefore urge:

- All parties to take all possible measures to avoid or stop armed conflicts particularly by cutting off supplies of arms, funds and troops to conflict situations

- The international community to monitor the movements of and apply sanctions to individuals instigating conflicts
- Importing countries to declare forest products from conflict areas illegal and to support the work of international organisations and NGOs in detecting illegal forest activities in conflict zones
- Humanitarian organisations to recognise the role of displaced populations and refugees in causing forest resource degradation and to ensure that camps for these populations are located away from sensitive forest areas, that forest specialists are involved in planning humanitarian activities and that these populations are provided with alternative energy sources and employment in the rehabilitation of degraded areas
- Organisations charged with post-conflict management to recognise that forest crimes are frequent in such situations and that investments in creating employment in sustainable forest management and rehabilitation of degraded areas may yield valuable social and environmental benefits

Capacity Building: [proposed elements:]

Recognising that in many parts of Africa traditional local forest management institutions have been seriously weakened by periods of colonial rule, conflict and inappropriate post-colonial development assistance activities and that the capacity for the application of forest laws is extremely weak we commit our governments to work with international development assistance agencies to:

- Strengthen the capacity of all institutions concerned with forests and take measure to ensure that there is an appropriate level of coordination and coherence amongst these institutions in particular by building bridges between forest departments and other natural resources agencies
- Strengthen specialised national and regional training institutions in all aspects of forest management but with special emphasis on issues related to the application of laws and the promotion of good governance
- Ensure that appropriate measures are taken to motivate and reward forest law enforcement staff
- Provide material support for forest law enforcement particularly accommodation, transport and state of the art communications and technologies for detecting and monitoring illegal forest activities
- Ensure that structural and sectoral adjustment programmes are used to strengthen, and not weaken, forest institutions

Associated Measures: [proposed elements:]

Recognising that the ability to enforce forest laws is dependent on many conditions outside the forest sector we undertake to:

- Ensure respect for property rights, guarantee the independence of the judiciary and ensure that all law enforcement and customs bodies are sensitised to the need for special efforts to protect forest resources

- Provide better economic opportunities for people dependent on forest resources so as to lessen the pressure for them to indulge in illegal activities
- Re-examine policies in the entire rural sector and particularly national land allocation policies and plans to ensure that they are consistent with achieving the objectives for the forest sector and particularly to ensure that there are no perverse subsidies for forest degradation or destruction
- Give special attention to the need to use trade regulatory bodies to support efforts to discriminate against illicit forest products whilst ensuring free and fair access to markets for legal forest products. The institution of measures for prior notification for shipments of legal forest products could provide a valuable instrument in support of ensuring that all traded forest products come from legal sources

Immediate Steps: [proposed elements:]

In order to move rapidly to reduce illegal activities in the forest sector we undertake to:

- Establish a regional task force to follow up on the implementation of this declaration
- Invite NGOs, forest industries and civil society to form an advisory group to assist the work of this task force
- Reconvene a Ministerial meeting in 2005 to evaluate progress in eliminating illegal forest activities in the African region
- Continue to work with the countries that import forest products from Africa and others concerned to conserve Africa's forest resources to strengthen national and international efforts to ensure that Africa's forest ecosystems are managed legally and sustainably for the benefit of all humanity

ANNEX

Actions required: **[proposed elements:]**

To achieve effective decentralisation or devolution: **[proposed elements:]**

- Define the sovereign function of the state
- Define operational responsibilities
- Adapt decentralisation and devolution to the specific conditions of the country
- Clarify the roles and responsibilities of different actors
- Define those rights that are given to communities and those given to other actors