



4.4 Local participation from VPA to REDD+ in Cameroon

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Introduction

Cameroon's engagement in REDD+ and FLEGT places national and international pressure on the country's government to increasingly include local forest communities in the design and implementation of forest policy. The multi-stakeholder participation of the negotiation of the FLEGT Voluntary Partnership Agreement (VPA) is often commended for successfully involving a wide gamut of stakeholders, including often-marginalized forest communities. In order to meet the strict social safeguards for REDD+, Cameroon requires the Free, Prior and Informed Consent (FPIC) of all forest communities potentially affected by REDD+ activities.

This article examines how the achievements and challenges of the VPA stakeholder involvement process can make REDD+ more inclusive and participatory and provide insights for the country's FPIC goals set out in REDD+. It is based on the authors' experience and peer-reviewed and grey literature,¹ including online media articles, informal interviews with key stakeholders and internal GIZ programme documents.



STAKEHOLDER ENGAGEMENT
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SOUGHT UNDER REDD+.

Participation in the Voluntary Partnership Agreement negotiation process

FLEGT VPA in Cameroon

In 2003, the European Council stated that the FLEGT process — and VPAs in particular — should, “strengthen effective participation of all stakeholders, notably of non-state actors and indigenous peoples in policy-making and implementation.”² In Cameroon, as in many other VPA countries, the degree of stakeholder participation that characterized the country's VPA processes is often cited as one of the greatest strengths of the FLEGT initiative (FERN 2013).

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The role of civil society

In order to organize and ensure the participation of those representing the wide range of non-state and not-for-profit interests in the VPA negotiation process, the EU funded the creation of a civil society platform. The European Community Forest Platform (ECFP) was supported by FERN, a European non-governmental organization (NGO). It gathered around 30 different Cameroonian NGOs active in forest and environmental issues, as well as those representing the interests of communities and indigenous peoples.

The VPA negotiation process has shown that given the diversity of Cameroon, it is often difficult to achieve consensus on certain topics among the interests of indigenous groups and forest communities. The VPA negotiation process, including informal negotiations, spanned a period of five years. In the case of REDD+, it will also take time for these groups to come to consensus in order to have more influence on the REDD+ strategy. Experience during VPA negotiations has shown that one consistent message delivered through the voice of a strong negotiator allows for a greater degree of stakeholder influence.

Adopting the same approach as FLEGT, civil society organizations have now established a national platform on REDD and climate change with the support of DANIDA/IUCN and CARPE. Members of the platform, including representatives of indigenous populations, have been involved at all stages of the Readiness Preparation Proposal (R-PP) formulation. This resulted in an unprecedented level of confidence and trust among local stakeholders and representatives of the Ministry of the Environment, Nature Conservation and Sustainable Development (MINEPDED), who were in charge of coordinating the national REDD+ strategy formulation. This cooperation has expedited the validation of the R-PP, which was presented to the participants' committee of the FCPF in October 2012 by a multi-stakeholder group of Cameroonian representatives, including two representatives of indigenous peoples.

Stakeholders and representatives

Forest communities and indigenous people living in Cameroon's forests did not participate directly in the VPA negotiations; the Cameroonian government considers that it is the role of civil society to represent these groups (Loggingoff 2010). This demonstrates the importance of the 30 NGO representatives in the ECFP. During negotiations, the collective voice of the ECFP was communicated through one negotiator/representative, who spoke on behalf of the ECFP. Interviews with those familiar with the negotiation process highlight the importance of electing a negotiator with a powerful personality who can influence the process.

It is obvious that for decisions to be reached in both the VPA and REDD+ process, it is simply not feasible to have all the stakeholders at the table all the time. Thus, it is important that representatives be identified who can help to present the collective interests and concerns of a group of stakeholders and ensure that they are aware of the options being discussed and the decisions made. Effective representation relies on

stakeholder groups identifying legitimate individuals and holding these people to account as their representatives. It also relies on the organizers of the process to ensure that the representatives have sufficient information to keep their constituents updated, and that they are given adequate notice to consult with the groups they represent.



In the context of REDD+, there is a great need for legitimate representation. On the one hand, forest communities require effective representation at the national level so that their voice is included in the REDD+ strategy development process. This may pose an important challenge; for example, there is currently no agreed mode of representation for Pygmy groups at the national level in Cameroon. On the other hand, to ensure the legitimacy of the FPIC

process for REDD+, local representatives of indigenous groups and communities affected by REDD+ activities must be selected in a transparent manner so that it is clear to all stakeholders how and why these persons are able to speak and make decisions on behalf of others.

Law reform

Cameroon has been engaged in a process of forest law reform since 2008. The multi-stakeholder participation achieved during the VPA negotiation was carried over into the forest law reform process, with the private sector, civil society and development partners being consulted. National and international civil society groups put significant pressure on the Government of Cameroon to respect international legal obligations (such as the UN Declaration on the Rights of Indigenous Peoples and the Universal Declaration of Human Rights) by enshrining the full bundle of property rights of forests for communities with customary rights to those forests and by incorporating the principles of FPIC into its revised forest law. Specifically to the VPA, civil society groups stress that the lack of de jure recognition of certain forest community rights is among the main underlying causes of illegal logging (Loggingoff 2010).

Recent research on REDD+ in Cameroon highlights the importance of resolving tenure ambiguity and ensuring community participation in project development and implementation (Awono et al. 2013). Global evidence indicates that community participation is required for successful REDD+ design and implementation. There is a risk that REDD+ schemes may result in government or project proponents carving up forest lands and pursuing forest protection approaches that marginalize forest people.

In many places, including Cameroon, land tenure reform is perceived as a precondition for conditional REDD+ payments to communities and thus for community member participation in REDD+ projects. A recent review of REDD+ projects in six villages in Cameroon shows that in most cases REDD+ clearly provided some new opportunities for securing local tenure rights; however, these piecemeal interventions at the local level are insufficient to influence broader national initiatives for land tenure reform. In the meantime,

the absence of official recognition of customary institutions and of customary rights to land and resources may hamper the implementation of REDD+ in Cameroon.

In Cameroon, the community forest concession model as enshrined in forest law (1994) is often seen as a weak response to customary claims, providing only temporary and easily revoked use rights to small and degraded forest areas. The community forest model could be reinforced by the two regimes, however, as it is seen as a promising option for procuring legal timber for the domestic/informal markets and as a model for payment for ecosystem services in the context of REDD+.

Access to information

Public access to information is required in order for Cameroon's civil society to effectively carry out its watchdog function in the forest sector. The country's legal framework relating to environmental management (1996) outlines the right of citizens to information concerning the environment.³ However, there is no implementing decree that spells out the procedure for access to this information (Njamnshi, Nchunu and Galega 2008). In consequence, civil society is limited in its ability to effectively participate in matters of public policy and forest governance. During VPA negotiations, the ECFP prioritized transparency, requiring that measures ensuring access to forest sector information be included in the VPA. Civil society achieved this goal through the integration of Article 21 (Published Information) in the VPA.

Now that the VPA has been ratified in national law, Cameroon's Forest Ministry is legally required to publish the information listed in Annex 7 (Published Information). The ministry is also required to respond to specific demands for information in a timely and systematic manner. Procedures regarding who is responsible for publishing which information and when are now being discussed within the Forest Ministry. Given that forest sector information is relevant to both REDD+ and FLEGT, the successful implementation of VPA Article 21 could be an important prerequisite for achieving the "Informed" principle of FPIC and could help to legitimize the REDD+ consultation process. Although the VPA and REDD+ may not always require the same set of information, the VPA would provide lessons for changing norms of public information sharing, which could be shared with other ministries.

Continuous stakeholder identification

Despite the positive feedback regarding multi-stakeholder participation during the VPA negotiations, it is possible that some groups were overlooked or dropped out of the process due to lack of support or weak representation at the national level. Although stakeholder mapping preceded VPA negotiations, certain stakeholder groups, especially informal operators serving the domestic timber market, received increasing attention. Research regarding the extent of small-scale commercial timber production for local markets made it clear that the informal forestry sector must be an important part of VPA design and implementation (Cerutti and Lescuyer 2011), although it is particularly difficult to find representation mechanisms for this sector. In the case of REDD+, Somorin

et al. (2013) have highlighted that actors involved in the main drivers of deforestation — such as agriculture at various scales, from subsistence to industrial — have not been sufficiently involved in the REDD+ process to date.

REDD+

Free, prior and informed consent (FPIC)

Free, prior and informed consent (FPIC) is a principle based on the collective right of communities to participate in decision-making and to give — or withhold — their consent to activities affecting their lands, territories and resources. Consent must be given freely, i.e., without coercion or manipulation. It must be obtained before activities are implemented. It also must be founded on an understanding of the full range of issues arising from the activity or decision in question (Colchester and MacKay 2004). International law now recognizes FPIC as a legal norm that imposes clear duties and obligations on states. As mentioned above, Cameroon has committed itself to upholding several international agreements related to FPIC.

REDD+ and FPIC

Numerous countries engaged in REDD+, including Cameroon, have proposed integrating FPIC in the development of national REDD+ strategies to ensure that all future REDD+ activities meet FPIC requirements. Although the interpretation and application of FPIC in the context of REDD+ is still evolving, it has the potential to shift the balance of power and give local forest communities a strong voice in national decision-making processes and influence over the development of the REDD+ strategy. FPIC implies that the rights holders, including often-marginalized indigenous peoples and forest communities, must say “yes” or “no” to all REDD+ activities (Colchester and MacKay 2004).

Cameroon’s REDD+ Secretariat is developing national FPIC guidelines with the support of national and international environmental NGOs and development partners. The guidelines will be the standard for how potentially affected local communities are consulted during the development and implementation of the REDD+ strategy. They will also be required for all REDD+ projects and actions in order to ensure that the consent of affected communities has been properly acquired. It is hoped that the experience gained during VPA negotiations will influence the development of these guidelines.

FLEGT and REDD+

Most people agree that the stakeholder participation achieved to date through the VPA negotiation process in Cameroon has been commendable. However, the degree of stakeholder participation proposed for the development and implementation of the REDD+ strategy arguably goes even further in seeking to require the free, prior and informed consent of all forest rights holders to any REDD+ activities that affect their forests.

Capacity reinforcement

Stakeholders need the capacity to not only understand the issues and options, but also to present their ideas and concerns in a way that can feed directly into the process. In the case of Cameroon, civil society has called for the direct participation of local communities and indigenous populations during VPA implementation (Loggingoff 2010). This requires identifying and reinforcing a legitimate representation structure for forest communities, especially those indigenous groups who do not have such a mechanism.

Similarly, R-PP implementation will require the participation of these stakeholders in order to ensure that the REDD+ strategy integrates their interests and that the national REDD+ meets FPIC principles. Effective stakeholder participation requires a certain level of capacity and organization of stakeholders and facilitators. Achieving that takes time, resources and external support, without which these communities may be unable to effectively participate or provide consent. In the early stages of the REDD+ process it is particularly important to ensure that stakeholders understand basic concepts and that suitable structures are established to promote discussion, with appropriate individuals to represent the various stakeholder interests. Individuals who represent remote communities or minority interests may have little experience and it is important that they are not excluded from the process due to their lack of capacity or familiarity in how to engage.

Effective feedback mechanism at the national level

In order not to lose momentum or interest in the process, stakeholders must see the impact of their efforts at the national level. Ensuring that stakeholders have influence over the process and its result — whether VPA or REDD+ — requires the commitment of government ministries (MINEPDED in the case of REDD+ and MINFOF in the case of the VPA) to show that they have paid attention to the contributions of the various stakeholders. Agreement and clarity are needed on what issues can be raised and discussed in the context of these forest policy instruments and what is beyond their scope. At the same time, there needs to be a commitment by those making decisions that the results of participation will be respected in order for stakeholders to want to commit to engaging with the process. During VPA negotiations, trust was built between stakeholders and the government because stakeholders knew that although not all of their points of interest were directly incorporated into the VPA, they at least had been addressed and responded to. Stakeholders will engage in a process only if it is relevant to them and if they believe they can truly influence it. The engagement of civil society in preparing the R-PP indicates a level of mutual trust between civil society and government organizations. This momentum must continue during REDD+ strategy development and implementation.

Equitable land tenure reform

Although land reform processes can easily span decades, the clarification of land tenure for both REDD+ and FLEGT must be addressed as soon as possible. In the context of Cameroon, reinforcing community customary land rights is a promising approach to avoiding large-scale forest conversion by agro-industrial investments. It can help prevent large amounts of illegal timber entering the supply chains and avert significant forest

carbon emissions. In the dense and high biodiversity forests of Southwest Cameroon, for example, much hype related to the American palm oil company Herakles has led to efforts by international environmental activists such as Greenpeace to recognize that communities have not given their consent or permission to the company to operate on their customarily owned lands.⁴ The strengthening of community land tenure is on the agenda of both REDD+ and FLEGT in the immediate term in Cameroon in order to avoid the illegitimate loss of large areas of forests that marginalized forest communities call their home.

Endnotes

1. Grey literature is informally published written material (such as a report) that may be difficult to trace via conventional channels such as published journals and monographs because it is not published commercially or is not widely accessible. It may nonetheless be an important source of information for researchers, because it tends to be original and recent (http://en.wikipedia.org/wiki/Grey_literature).
2. See Council Conclusions, Forest Law Enforcement, Governance and Trade (FLEGT) (2003/C 268/01).
3. See Article 7 in Law No. 96/12 of 5th August 1996 Relating to Environmental Management.
4. For more information, see www.greenpeace.org/international/en/campaigns/forests/africa/deforestation.

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