


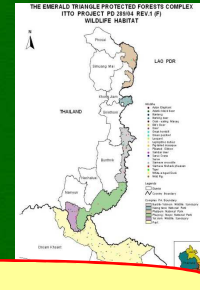
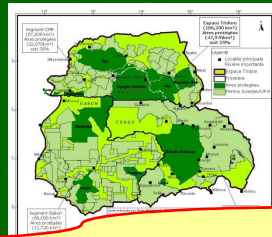
	<h2 style="text-align: center;">Governance and Forest Law Enforcement in Transboundary Protected Tropical Forest Areas</h2>	
	<p style="text-align: center;">Presentation at the International Conference on Biodiversity Conservation in Transboundary Tropical Forests Quito, Ecuador, 21-24 July 2010</p>	

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<h2 style="text-align: center;">Objectives of this presentation</h2>	
	<ul style="list-style-type: none">• To examine issues/challenges relating to TBCAs governance• To review the main pillars of TBCAs governance• To draw some final points.

The challenge of collaboration for TBCAs management

- A situation of contiguous areas in two or more countries, each with its ecological integrity, set aside or to be set aside as conservation areas (CAs) – Ex. The TNS area between Cameroon, ROC, CAR.
- A situation where all CAs are not contiguous but are found in variegated forest landscapes, with different land uses, under institutional fragmentation.



The challenge is to build a governance system that transcends political boundaries (international) and institutional boundaries (internal) by creating conditions for collaboration between countries and public and private actors within countries.

What does governance mean in the context of TBCAs management?

- In this context governance goes beyond mere signing of TBCA protocols.
- The interest is in the exercise of power at all relevant levels of authority, so that the TBCA process can lead to consensus decision making and sustainability.
- The success of governance process cannot be decreed but must be built-up by mainstreaming of the relevant tools into the TBCA management systems.
- Indeed it can be observed that formal protocols tend to follow top-down approaches and are not sensitive to local strategies for TBCA resource use.

My first assumption: To be successful, the design of TBCAs governance must pay attention to who have higher decision making power; how is power exercised and how decisions are implemented and enforced.

4 Pillars for TBCAs Governance

Effective TBCA Governance

Political will and institutional capacity

A TBCA vision and a clear cooperation agenda

Right institutional structures at transboundary level

A strategy for sustainable TBCA funding

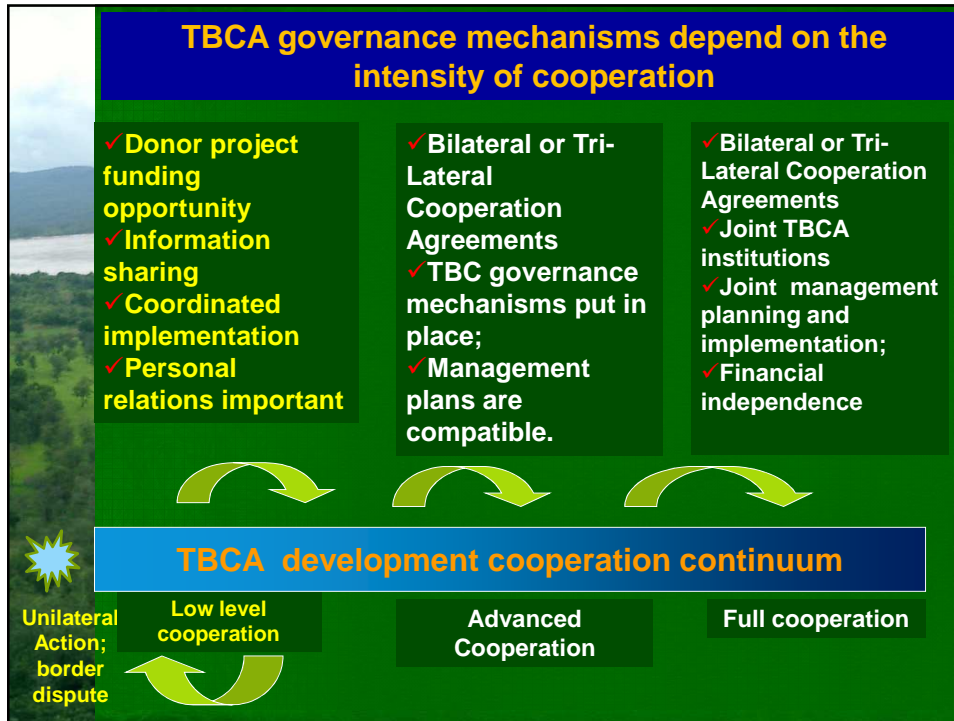
1. Political will from governments at relevant levels to enforce ratified conventions (CBD, ITTA, Ramsar, etc.).
2. Political vision and an agenda to address transboundary issues of **shared interest** through coordination of policies, institutions and TBCA management.
3. At transboundary level, there is a need of joint structures with clear mandates (Committees, Task forces etc.); at national levels, inter-institutional coordination and stakeholders participation mechanisms are needed.
4. A mixture of financing mechanism using national budgets, external bilateral and multilateral donors is often used.

My second assumption: Effective TBCA management starts at national level where inter-institutional coordination and stakeholders participation are essential.

1st Pillar: Enduring symbols of political will are useful

- Symbols like the inauguration of TBCA initiatives by high authorities are seen as enduring support to the process.
- Example: The joint 'Transboundary Peace Park' project, officially launched in May 2009 by the Presidents of Liberia and Sierra Leone.





Examples of political obstacles to TBCA governance development

- ✓ States may hesitate giving power to non-state actors such as NGOs to influence decisions on natural resource use;
- ✓ States may be afraid of devolving power and territory to ethnic groups spanning international borders;
- ✓ One party may suspect a hidden agenda if a richer or more powerful neighbor takes the TBCA development initiative;
- ✓ National agenda on exploration and exploitation of non renewable natural such petroleum and minerals;
- ✓ Influence of political constituencies and allied economic operators to avoid exposure of illegal activities as TBCA may make forest law enforcement more effective.
- ✓ Tensions between logging companies and local communities wanting a TBCA to protect their homeland.

My third assumption: TBCA governance process may start without formal agreements, using other informal ways to build-up trust until full institutionalization is reached.



2nd Pillar of TBCA governance: Clear Vision and cooperation agenda

- ✓ TBCAs are designed to achieve conservation of biodiversity and natural heritage and to promote sustainable development across political borders.
- ✓ For implementation of the TBCA initiative, the collaboration agenda may comprise, in addition to conservation activities:
 - Reducing tensions resulting from past conflicts or disputed borderlands, and prevent escalation.
 - Forest law enforcement.



Peacebuilding and conflict prevention agenda

- Former UN Secretary General Boutros Ghali defined peacebuilding as “actions to identify and support structures which tend to strengthen and solidify peace in order to avoid relapse into conflict”.
- In post-conflict situation, TBCA governance may deal with:
 - ✓ How implementation design includes peacebuilding objectives and outcomes and provides monitoring instruments;
 - ✓ Responding to grievances related to rights of access to resources by local people;
 - ✓ Participatory democracy in the management of TBC.

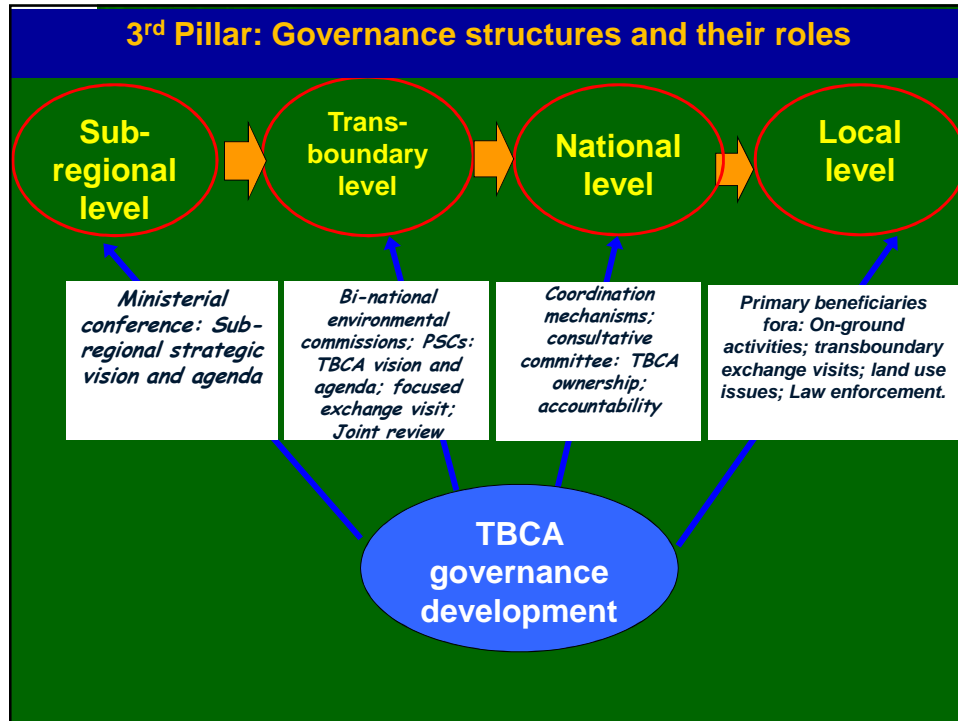
Challenge for TBCA governance in post-conflict contexts: How to reform natural resources governance in order to address the under-lying causes of conflicts.

Forest law enforcement agenda

- Taking the example of Central African countries: some of the pressing law enforcement problems in TBCA relate to flows of illegally sourced timber and non-timber products, and bush meat.
- This leads to governance issues of organizing forest certification and timber tracking, and controlling illegal hunting.
- The obstacles include:
 - ✓ Different approaches regarding ban of export of unprocessed logs leading to log laundering;
 - ✓ Liberalization of hunting weapons in a country and not in its neighboring country;
 - ✓ A species may be totally protected in a country and not in the neighboring country (ex. Elephant)


Example of transboundary collaboration in forest law enforcement

- The COMIFAC Treaty is a sub-regional illustration of **Responsible sovereignty** over natural resource governance.
- The treaty became a springboard of new important TBCA governance and forest law enforcement initiatives:
 - A trilateral agreement or “TRIDOM Agreement” was signed between Cameroon, Gabon, and ROC to protect 14.6 million hectares of forests, the equivalent of 7.5% of the entire Congo Basin.
 - A trilateral agreement between Cameroon, CAR and Congo concerning the Sangha Tri-National Conservation Area.
- **These Agreements on TBCAs allow park staff between the three countries to work across international borders to counter illegal logging and poaching.**



The problems of power imbalance between different levels of authority

- ✓ At transboundary level, the higher administrative and technical authorities tend to favor top-down approaches in decision making, which hijacks the TBCA process:
 - Many influential actors may see no reason to be enthusiastic about a process that bypasses ordinary political procedures of cross-border negotiations.
- ✓ At national level and local levels:
 - Weak involvement of local levels of authority reduces ownership of TBCA process;
 - The trend towards projectization weakens sustainability.
 - The civil society is not empowered to be a full partner, and local communities are not fully empowered to be TBCA stakeholders.



Final points

- TBCA governance processes are essentially political and their success depends very much on the political climate between parties concerned.
- Based on this there are no blueprints for TBCA governance.
- There are tensions in TBCA governance when power between different levels is not adequately distributed.
- For success of TBCA governance processes, focus should be on issues of shared interest. Besides conservation issues, attention should be paid to forest law enforcement and peacebuilding where the contexts justify.
- **For the future TBCA governance should be re-imagined to give sufficient role to non-state actors and to devolve an adequate share of power for the governance of TBCAs.**



**Thank you for
your attention!**