



OCCASIONAL PAPER NO 50

Governance of Africa's Resources Programme

October 2009

Forest Governance in Africa

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South African Institute of International Affairs

African perspectives. Global insights.

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ABSTRACT

This paper sets out to provide an overview of key forest governance issues across the African continent. Due to limitations of length, it focuses particularly on the experiences in western, central and, to a lesser extent, eastern subregions of the continent. Particular emphasis is given to the divergence between the forest as a provider of means to rural people and governance mechanisms that have predominantly focused on national economic activities and political priorities.

The paper considers where the forests are, the main differences among them, their main uses and value to African people, and the main changes in their extent and condition. It summarises some of the key features and issues concerning African forest ownership and user rights. It considers issues and challenges around the state of knowledge of the continent's forests, describing several 'forest paradigms' that have played an important role in setting the current, or emerging, context for forest governance. The role of some of the key stakeholders in forest governance systems is considered, firstly addressing the 'problem' of local stakeholders, and then providing several short case studies of how political intervention by senior decision makers, or outright corruption and graft, have both undermined proper governance and marginalised other stakeholders. Recent trends in the development of forest policies and legal frameworks are described, and the key issue of the decentralisation of forest governance is discussed.

ABOUT THE AUTHOR

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ABBREVIATIONS AND ACRONYMS

| | |
|----------|---|
| ACPWP | Advisory Committee on Paper and Wood Products |
| AFLEG | African Forest Law Enforcement and Governance |
| CARPE | Central African Regional Program for the Environment |
| CBFM | community-based forest management |
| CIFOR | Centre for International Forestry Research |
| CPDM | Cameroon People's Democratic Movement |
| DF | Department of Forestry |
| DRC | Democratic Republic of Congo |
| EU-FLEGT | European Union – Forest Law Enforcement, Governance and Trade |
| FAO | Food and Agriculture Organisation (United Nations) |
| FCPF | Forest Carbon Partnership Facility |
| FERN | Forests and the European Union Resource Network |
| FSC | Forest Stewardship Council |
| GW | Global Witness |
| IDRC | International Development Research Centre |
| IIED | International Institute for Environment and Development |
| IMF | International Monetary Fund |
| IUCN | International Union for Conservation of Nature |
| JFM | joint forest management |
| MINEF | Ministry of Environment and Forestry |
| NFA | National Forestry Authority |
| NGO | non-governmental organisation |
| PROFOR | Program on Forests |
| REDD | reductions in emissions from forest destruction and degradation |
| SAP | Structural Adjustment Programme |
| SOCEBO | Congolese Society for the Exploitation of Timber |
| UN | United Nations |
| UNSC | UN Security Council |
| USAID | US Agency for International Development |
| VPA | voluntary partnership agreement |
| WRI | World Resources Institute |
| WRM | World Rainforest Movement |
| WWF | Worldwide Fund for Nature |
| ZANU-PF | Zimbabwe African National Union-Patriotic Front |

INTRODUCTION

This paper sets out to provide an overview of key forest governance issues across the African continent. Due to limitations of length, it focuses particularly on the experiences in western, central and, to a lesser extent, eastern subregions of the continent. Particular emphasis is given to the divergence between the forest as a provider of means to rural people and governance mechanisms that have predominantly focused on national economic activities and political priorities.

The paper considers where the forests are, the main differences among them, their main uses and value to African people, and the main changes in their extent and condition. It summarises some of the key features and issues concerning African forest ownership and user rights. It considers issues and challenges around the state of knowledge of the continent's forests, describing several 'forest paradigms' that have played an important role in setting the current, or emerging, context for forest governance. The role of some of the key stakeholders in forest governance systems is considered, firstly addressing the 'problem' of local stakeholders, and then providing several short case studies of how political intervention by senior decision makers, or outright corruption and graft, have both undermined proper governance and marginalised other stakeholders. Recent trends in the development of forest policies and legal frameworks are described, and the key issue of the decentralisation of forest governance is discussed.

THE SCOPE, LIMITATIONS AND CHALLENGES OF THIS STUDY

There are numerous challenges and limitations concerning the scope of this study:

- There are hugely varying circumstances across the continent relating to forest governance. In this respect, any generalisations are likely to be misleading or misrepresentative of circumstances in any one country. The study mostly focuses on sub-Saharan Africa, with examples mostly drawn from the Congo Basin and Southern-Eastern regions. Madagascar is not included in the study.
- The very definition of 'forest' presents something of a difficulty. For the sake of simplicity, this study uses the United Nations (UN) Food and Agriculture Organisation (FAO) definition (i.e. an area of land greater than 0.5 hectare with more than 10% tree cover).¹ Strictly applied, this definition would include very large areas of what are essentially savannah ecosystems that, in some African countries, comprise the entire 'forest' estate, but such countries have mostly been excluded from this study.
- Related to the above, distinctions need to be drawn between the governance of forests and the governance of 'planted forests' or 'plantations'. As the paper notes, few of these are recognised in Africa, although in some (mostly Southern) African countries, they play a significant economic role. The governance context of these mostly fast-growing, export-production-oriented, usually mono-specific plantations is rather unique and not covered in any great detail in this study. Hence, the paper concentrates of governance of 'natural' forests — although it is noted that the significance of long-term human agency in the establishment and management of some areas of these forests is often overlooked.

THE STATE OF AFRICA'S FORESTS²

Extent, location and types of forests

According to FAO data,³ roughly one-fifth of Africa, or about 6.3 million square kilometres, is covered by forests. This masks huge variation in the type and significance of forest cover, in part because, as noted above, the FAO definition allows for designation as 'forests' areas with very little actual woody vegetation.⁴ The FAO's definition also makes no distinction between naturally occurring trees and those that are deliberately planted. Hence, the data presented on the extent of forests in Africa could include everything from very small patches of farm scrubland or planted woodlot (although not trees used in agro-forestry, which are excluded from the FAO's definition), through to the large contiguous areas of closed canopy high forests found in the equatorial belt.

The FAO global forest assessments recognise three broad regions of forest in Africa: Northern; West and Central; and Eastern and Southern.⁵ These represent areas with broadly similar environmental and socio-economic conditions, although there is, of course, still significant variation within them. Nearly half of the subregion described as Western and Central Africa is forested, compared with only 8.6% of Northern Africa, and 27.8 % of Eastern and Southern Africa (see Table 1 on page 7). Combined, these represent some 16% of the world's forests. The broad characteristics and uses of the forests in each of the main subregions are set out in Table 2 on page 7.

The economic role of Africa's forests

Although difficult to calculate systematically, forests play a significant economic role at the continental, regional, national and local levels in Africa. Griffin and Ickowitz have stated that 'the importance of natural capital in the total stock of capital tends to vary inversely with the level of income per head',⁶ and it is unsurprising therefore that natural resources feature highly in many African's economies, where nearly half the population live on less than one dollar per day, and where typically between 60% and 90% of the labour force is in the rural sector.

A few specific illustrations can be used as indications of the broad picture:

- In 2006 African countries exported 7.6 million cubic metres of wood (roundwood equivalent), worth \$2 billion (excluding exports from South Africa).⁷
- In 2000, 870 000 Africans were employed in the formal forest sector.⁸
- One hundred and seventy thousand people are employed in South Africa's forest products industry.⁹
- In Eastern, Western and Southern Africa more than 90% of rural households are estimated to depend on fuel wood and charcoal for energy.¹⁰
- More than 80% of sub-Saharan Africans rely on natural medicines,¹¹ which are often derived from forest areas.
- Forests have been described by the World Bank as 'critical for the livelihoods' of around 40 million people, or three-quarters of the national population, in the Democratic Republic of Congo (DRC).¹²

- In the Congo Basin, 500 000 hunting-gathering Pygmies are directly dependent on forest resources.¹³

Table 1: Distribution of forests by subregion, 2005

| Region/subregion | Forest area (1 000ha) | % of global forest area | % of land area |
|--|-----------------------|-------------------------|----------------|
| Eastern & Southern Africa | 226 534 | 5.7 | 27.8 |
| Northern Africa | 131 048 | 3.3 | 8.6 |
| Western & Central Africa | 277 829 | 7.0 | 44.1 |
| Total Africa | 635 412 | 16.1 | 21.4 |
| East Asia | 244 862 | 6.2 | 21.3 |
| South & South-East Asia | 283 127 | 7.2 | 33.4 |
| Western & Central Asia | 43 588 | 1.1 | 4.0 |
| Total Asia | 571 577 | 14.5 | 18.5 |
| Total Europe | 1 001 394 | 25.3 | 44.3 |
| Caribbean | 5 974 | 0.2 | 26.1 |
| Central America | 22 411 | 0.6 | 43.9 |
| North America | 677 464 | 17.1 | 32.7 |
| Total North & Central America | 705 849 | 17.9 | 32.9 |
| Total Oceania | 206 254 | 5.2 | 24.3 |
| Total South America | 831 540 | 21.0 | 47.7 |
| World | 3 952 025 | 100.0 | 30.3 |

Source: FAO, 2006, *op. cit.*

Table 2: Broad characteristics of Africa's forest subregions

| Subregion | Main forest types | Main uses |
|----------------------------|---|--|
| Northern Africa | Woody shrubland; (open) dry forest; some mountain forests and subtropical dry forest | Grazing; fuel wood; local construction materials; shelter; anti-desertification |
| Western and Central Africa | Predominantly tropical rainforest, plus tropical mixed deciduous forest, with transition to dry open forest | Predominantly timber extraction in rainforests, with some rotational farming and hunting-gathering; grazing, fuel wood, shelter and some timber production in mixed deciduous forest |

Continued on page 8

| Subregion | Main forest types | Main uses |
|-----------------------------|--|---|
| Eastern and Southern Africa | Predominantly tropical mixed deciduous and woody shrubland/savannah woodlands; tropical dry forest, with some subtropical dry and subtropical humid forest on coasts | Grazing; fuel wood; shelter; some timber production; catchment protection |

Source: Adapted from FAO (UN Food and Agriculture Organisation), *Global Ecological Zoning for the Global Forest Resources Assessment 2000*, Final Report. Rome: FAO, 2001.

There is probably a tendency to understate the economic role of Africa's forests, partly because the collection of the relevant economic data is highly incomplete, and also because much of the economic value is not expressed in cash terms and is not reflected in national economic data, and thus tends to be overlooked. These issues are addressed in more detail in the sections entitled 'Knowledge of the forest resource' and 'Forest paradigms', below, as they relate to important governance weaknesses and distortions.

The state of forest management in Africa

According to FAO's data, very little of Africa's forests remain in a 'primary' condition (i.e. broadly, unmodified by humankind). The concept of primary forest in Africa is to some extent a misleading one, because most areas may have undergone some form of long-term historical anthropogenic modification; as will be discussed later, many that are now considered as 'natural' might actually be largely a result of human agency. However, the data shown in Table 3 does give an indication of the extent to which the continent's forest resources are subject to human pressure in comparison to the forests in other tropical regions.

Table 3: Primary forest as percentage of total forest area, 2005

| | |
|-----------------------------|-------------|
| Eastern and Southern Africa | 5.7 |
| Northern Africa | 11.9 |
| Western and Central Africa | 11.6 |
| Total Africa | 8.7 |
| Total Asia | 15.3 |
| Total South America | 76.8 |

Source: Adapted from FAO, 2006, *op. cit.*

According to FAO's data, Africa's forests declined by an average of around 4 million hectares per year every year from 1990 to 2005. These represented a reduction in the forest area of about 0.5% per year in the Western/Central Africa region, and about 0.75% per year in both

the Northern and Eastern/Southern Africa subregions (see Table 4 and Annex 1, Figure A-1). The FAO data indicates that there has been an increase in the area of plantations over the 15-year period of only about 630 000 hectares (roughly the area of natural forest that is lost every two months), to a total of 10.7 million hectares (see Annex 1, Figure A-2).

Table 4: Annual changes in forest area by subregion, 1990–2005

| Region/subregion | 1990–2000 | | 2000–05 | |
|--|---------------|--------------|---------------|--------------|
| | 1 000ha | % | 1 000ha | % |
| Eastern & Southern Africa | -1 731 | -0.71 | -1 702 | -0.74 |
| Northern Africa | -1 013 | -0.72 | -982 | -0.73 |
| Western & Central Africa | -1 631 | -0.56 | -1 356 | -0.48 |
| Total Africa | -4 375 | -0.64 | -4 040 | -0.62 |
| East Asia | 1 751 | 0.81 | -3 840 | 1.65 |
| South & South-East Asia | -2 578 | -0.83 | -2 851 | -0.98 |
| Western & Central Asia | 34 | 0.08 | 14 | 0.03 |
| Total Asia | -792 | -0.14 | 1 003 | 0.18 |
| Total Europe | 877 | 0.09 | 661 | 0.07 |
| Caribbean | 36 | 0.65 | 54 | 0.92 |
| Central America | -380 | -1.47 | -285 | -1.23 |
| North America | 17 | n.s. | -101 | -0.01 |
| Total North & Central America | -328 | -0.05 | -333 | -0.05 |
| Total Oceania | -488 | -0.21 | -356 | -0.17 |
| Total South America | -3 802 | -0.44 | -4 251 | -0.50 |
| World | -8 868 | -0.22 | -7 317 | -0.18 |

Source: FAO, 2006, *op. cit.*

Given these high rates of loss and very low rates of establishment even of single-use plantations, FAO has summed up the African forest situation thus:

Overall, progress towards sustainable forest management in Africa appears to have been limited during the last fifteen years. There are some indications that net loss of forest area has slowed down and that area of forest designated for conservation of biological diversity has increased slightly. However, the continued, rapid loss of forest area — the largest of any region during this 15-year period — is particularly disconcerting.¹⁴

In practice, however, reliable data on rates of forest change is limited. The FAO data has repeatedly been challenged,¹⁵ and may be particularly suspect for Africa. Some of

the greatest areas of uncertainty about forest change — such as the long-term impact of rotational forest farming in and on the fringes of forests, and the impact on forest resources of the collection of firewood — relate to human activities that are almost universal in Africa's forests, but also subject to widespread myths and misconceptions. The FAO data relies heavily on self-reporting by governments whose actual capacity for monitoring their national forests is often either weak or non-existent (see the section on 'Knowledge of the forest resource', below).

One possible and independent 'proxy' indicator of the state of management of Africa's forests is the extent to which they have gained certification under the Forest Stewardship Council (FSC) scheme.¹⁶ Revealingly, whereas Africa has roughly 16% of the world's forest, it has only 4.1% of all FSC-certified operations by number, and only 2.9% of the FSC area certified worldwide. More than half of the certified area is accounted for by intensive pulp plantations in South Africa, and another quarter by a few very large, foreign-owned timber concessions in the Congo Basin region (see Table 5).

Table 5: FSC-certified forestry operations in Africa (as at February 2008)

| Country | Area (ha) | | | | |
|-------------------|------------------------|----------------|------------------|----------------|------------------|
| | Number of certificates | Natural | Plantation | Mixed | All |
| Cameroon | 2 | 356 620 | – | – | – |
| Republic of Congo | 1 | 296 000 | – | – | – |
| Kenya | 1 | – | – | 1 825 | – |
| Mozambique | 2 | 71 060 | – | – | – |
| Namibia | 3 | 219 623 | – | – | – |
| South Africa | 22 | – | 1 529 021 | 41 538 | – |
| Swaziland | 2 | – | 86 874 | – | – |
| Tanzania | 1 | – | 15 560 | – | – |
| Uganda | 1 | – | – | 112 100 | – |
| Zimbabwe | 3 | – | 108 431 | – | – |
| Total | 38 | 943 303 | 1 739 886 | 155 463 | 2 838 652 |

Source: Derived from FSC (Forest Stewardship Council), *Certified Forests*. Bonn: FSC, 2008.

Forest tenure

As will become clear later in this paper, questions of forest governance are very closely intertwined with those of forest ownership and usage rights. Virtually all forest in Africa is formally in public ownership (see Annex 1, Figure A-3). In most cases, the state lays claim to forest lands, and has done so since independence from colonial rule. In some cases, ownership is held by local authorities, while modern plantations are privately owned.

In practice, however, many, if not most, natural forest areas are subject to outstanding customary rights and claims. In some cases, ‘traditional’ uses are tolerated in certain forest designations, either in formal legislation or through informal arrangements, although such arrangements are often abused; typically, for example, local forestry officials might ‘turn a blind eye’ to forest product (including fuel wood) collection by local community members in forest designated for ‘protection’ or ‘production’, but collect a bribe for doing so. As is discussed in more detail in the section entitled ‘The “problem” of local stakeholders’, the conflict between formal state and customary ownership and usage rights is one of the key features of African forest governance systems.

FOREST GOVERNANCE

What does ‘forest governance’ mean?

Despite much discussion in recent years on the subject of forest governance, there is no clear agreement on exactly what this comprises, nor on how to assess whether it is being done well, or poorly (although there are many partial descriptions, and typologies of forest policies and institutions, etc.).

One possible direct indicator of the state of forest governance in Africa is the extent of illegal logging. This has been estimated as being around 50–60% of total logging activities in Cameroon, Mozambique, Equatorial Guinea and Ghana; 70% for Gabon; and 80%–90% for Benin and Nigeria.¹⁷ However, significant though this data is, it tells us relatively little about forest governance in much of Africa, as it only relates to one commercially traded forest commodity (timber), which, overall, is very minor in terms of the total economic value of the continent’s forest products. Moreover, it does not tell us anything about the quality of the laws that apparently are being broken: as a major study for the Centre for International Forestry Research (CIFOR) has pointed out, many forest laws are not observed because they are bad laws, often particularly because they are inequitable and fail to recognise customary tenure claims or usage rights.¹⁸

Table 6 sets out a simplified set of principles and criteria for forest governance. While it is beyond this paper to consider in detail each of the principles and criteria shown in Table 6 (on page 12), they will nevertheless be used a guide and reference point for the remainder of this paper.

Knowledge of the forest resource

Knowledge of the extent, state and trends in change of forest resources is clearly a key element of forest governance. It is difficult to assess actual levels of knowledge, as these often reside in individuals and repositories that are not available publicly. However, analysis of the way that governments collect, use and ‘value’ information about their forest resources can give us insights into policy priorities or biases. For the sake of this study, the data for forest sector information availability as compiled by FAO in its Forest Resource Assessment 2005 is used as a proxy for governmental knowledge of forest resources.

Table 6: Some principles and criteria of good forest governance

| Principle | Criteria |
|--|--|
| Roles of multiple stakeholders recognised and accepted, with different stakeholders properly informed and able to represent themselves | Knowledge of the forest resource and shared vision of its role exist |
| | Capable forest institutions and appropriate mechanisms are in place, enabling motivation, interaction and collaboration of all stakeholders |
| | Negotiation and conflict management systems exist |
| | Domestic and foreign sources of finance for the sector – commercial, non-governmental organisation (NGO) and public – identified, assessed and engaged with at the national level |
| Forest policies, standards and legislation for sustainable forest management in place | Agreed vision, roles and basic institutions to ensure optimal use of forest resources are recognised in central forest policies, laws and standards; clearly defined processes exist for how these are derived, monitored and can change |
| | Area of forest and its uses clearly designated, along with ownership and usage rights, covering 'livelihood' usage, protection and commercial production |
| | Stakeholders, including customary users have, and are aware that they have defensible rights to manage the forest resource |
| | Audit, certification, participatory reviews and independent monitoring are undertaken and feed back into forest governance systems |
| Coherent incentives and disincentives for sustainable forest management in place | Stakeholders aware of and able to use the various incentives and disincentives available |
| | Regulatory instruments are coherent, clear, practical, affordable and equitable; market instruments achieve equitable distribution of costs and benefits |

Source: Adapted from Mayers J, Bass S & D Macqueen, *The Pyramid: A Diagnostic and Planning Tool for Good Forest Governance*. London: International Institute for Environment and Development, 2002.

Most countries in Africa would claim to be able to provide data on the gross extent of their forest resources, although the likely range and uncertainty of the methodologies employed by them might call into question even the reliability of these key data sets. Many countries lack access to consistent remote sensing data, or capability in use of geo-technics such as graphic information systems. In some cases, such as the DRC, forest use planning has largely been based on maps that are both highly inaccurate and very out of date. Other countries have much more sophisticated capabilities, but these are likely to have been introduced and are largely managed by external agencies, which may add little to the capacity of either national or local governments.

From the outset, there appear to be large gaps in the knowledge of the forests in many African nations, which is likely to have an impact on the capacity for governance. Knowledge of and information about forest resources starts to drop off rapidly beyond aggregate information about how much forest exists within each national territory. Two of FAO's 'forest knowledge' datasets provide particularly interesting insights into

governmental priorities and perceptions in Africa. Almost all countries report being able to provide information about removals of wood from their forests (see Annex 1, Figure A-4). However, almost none of them, outside Northern Africa, are able to report on removals of non-wood forest products (see Annex 1, Figure A-5), even though such products are the mainstay of many rural African economies and are often vital in terms of the provision of sustenance, medicines and cultural well-being.

Similarly, almost all claim to be able to report on the level of carbon stocks in their forests (see Annex 1, Figure A-6), yet very few claim to be able to report on either the tree growing stock (see Annex 1, Figure A-7) or the occurrence of forest fires (see Annex 1, Figure A-8), which would be essential knowledge in terms of carbon stock assessment.

This reflects a commonly recurring feature of African forest governance: that government attention is principally directed to sectoral activities where there are real or potential flows of commercial revenues, especially in terms of international trade and foreign currency earnings, rather than to activities that may be much more significant in the lives of many of the countries' (often poor) rural and forest-dependent communities. While this skewing is not unique to Africa, the level of knowledge of forest resources here is the most incomplete in the world. In the case of the purported knowledge of carbon stocks, this appears to be related to the availability of global methodologies for assessment of land-based carbon within the context of the Inter-governmental Panel on Climate Change and the potential for future payments for forest carbon conservation — even though, as shown above, some of the key pieces of knowledge that would enable proper calculation of forest carbon stocks are evidently lacking.

Information about forest resources has largely been the preserve of governments, and largely to date interpreted by the UN lead body responsible for forestry, FAO, although this is starting to change. Independent bodies such as the World Resources Institute are now collecting, preparing, analysing and interpreting data, often from remote sensing images, and sometimes in collaboration with governmental agencies, such as in Cameroon.¹⁹ Agencies such as the London-based NGO Global Witness (GW) are increasingly being employed as 'independent observers' of the forest sector, providing detailed third-party information on the basis of ground verification on specific forestry activities. This provides African governments with potentially new and relatively cheap or even cost-free information, but how much of it is actually being used to shape or inform policy is less clear. Government agencies may also question the political motivations behind external actors collecting and analysing data about their forest resources.

Forest paradigms

Certain paradigms have played a key role since colonial times in underpinning forest governance systems, and, indeed, there have been several 'phases' of thinking behind African forest sector governance. Arguably, they have largely been externally imposed, and it is noticeable that they have all tended to have serious repercussions for government relations with local stakeholders. Later sections of this paper (see the section entitled "Stakeholders" and rights holders', below) suggest that there is a serious disconnect between current forest governance systems and the actual users of the resource, and there are some grounds to believe that the origins of this lies in the imposition of the paradigms that are described briefly below.

Industrial logging

The first among the paradigms has been the development of forest-based industries reliant on logging of natural forests for timber production, which have aimed to satisfy demand, particularly from Europe, for a relatively small number of high-value timber species, which are mostly selectively extracted from the forest. This industry developed firstly along the coastal belt of what is described as the Guinean forests, stretching from Sierra Leone to Côte d'Ivoire, but also has long historical roots in the accessible regions of the Congo and Oguooue Basins (now Gabon) and other parts of the continent. Exploitation of the timbers of Western-Central Africa stretches well back into colonial times, but only accelerated during the 1950s into what could be called an industry, with the advent of powerful motor saws, tractors, skidders and bulldozers capable of dealing with the tropical rainforest conditions found in the area.

The growth of industrial logging activities during the post-independence period is illustrated by one country, Gabon. The trend observed here is not unusual for much of the forest eastwards from Liberia, even if the times at which this expansion has occurred and its scale may have varied from country to country. The only country in this region that has not seen the majority of its forests allocated to logging companies in the last three or four decades has been the DRC, where there are particular infrastructural challenges to the development of the logging industry (as well as all the national governance issues that have held back economic activities of every description). Nevertheless, 'industrial logging has become the most extensive land use in Central Africa, with more than 600 000 square kilometres (30%) of forest currently under concession'.²⁰

Typically, large areas (up to several million hectares) of state forest were allocated on a 'concession' basis — fixed-term leases of between 15 and 40 years — to mostly foreign operators, sometimes in conjunction with requirements (often ignored) for the development of local wood-processing facilities. Initially, there were generally few requirements concerning sustainability of management of the resource, although these have become more common since the 1980s. Timber operators were generally allowed free rein to develop infrastructure as required, including logging access roads and worker settlements, employing either local workers or importing them from elsewhere. In effect, many of these operations became self-governing 'mini-states', being effectively beyond the reach of any meaningful state controls and providing services — such as education and health facilities — that would normally be the provenance of the state.²¹ While the state profited from taxation revenues from timber exports, it also ceded control of large areas of national territory, often for strikingly low levels of rent.

However, the industrial logging paradigm is increasingly recognised to have had major flaws. Already by the late 1980s doubts were growing, and in 1987 the FAO senior director of forestry, Jack Westoby, admitted that:²²

Over the last two decades, massive tracts of virgin tropical forests have come under exploitation, in all three under-developed regions. That exploitation, with a few honourable exceptions, has been reckless, wasteful, even devastating. Nearly all the operations have been enclavistic, that is to say they have had no profound or durable impact on the social and economic life of the countries where they have taken place Local needs are not being met; the employment opportunities are trifling. A significant part of the exports, as logs or as primary processed timber, is exported within the firm, and transfer values are fixed to

facilitate the accumulation of profits outside the country The contribution of forestry to improving the lot of the common people has been negligible so far.

This realisation, which was considered to be somewhat heretical at the time, resulted in little actual change in the paradigm, and indeed, as noted below, various international agencies and interest groups, allied with local decision makers, have continued promoting and pursuing it in Africa regardless. But with the evidence of minimal positive and often negative impacts (in terms of economic and social development, and environmental change) even the World Bank has been forced to admit recently that:²³

industrial timber production has a poor track record in Africa. Over the past sixty years, there is little evidence that it has lifted rural populations out of poverty, or contributed in other meaningful and sustainable ways to local and national development.

Nevertheless, as will be discussed below, many of the institutions, policy frameworks and governance tools are still heavily orientated around this paradigm, especially in the Congo Basin. As will be seen from a number of examples given in the section below on ‘Decision makers and profit takers’, the ‘industrial logging paradigm’ in Africa has historically been closely interwoven with forest misgovernance. There may even be a relationship between the presence of substantial timber resources and trade with wider governance problems. Andy White of the Rights and Resources Initiative has noted that, with the exception of Ghana, African countries that are producer members of the International Tropical Timber Organisation score lower for general regulatory quality, government effectiveness and control of corruption than other (non-timber exporting) countries in the continent.²⁴

In recognition of the seemingly close link between extensive forest industries and misgovernance, the international community has more recently started various initiatives to reduce illegal timber felling and trade. This has ostensibly been motivated by the high economic cost to African countries (and elsewhere) of their seeming inability, or unwillingness, to effectively ensure that timber companies operate within the law. In 2003, with the support of the US State Department, a continental inter-ministerial summit was held in Yaoundé, Cameroon, to address African Forest Law Enforcement and Governance (AFLEG), leading to the issuing of a declaration to tackle forest sector illegalities.

The AFLEG conference lacked any concrete follow-up mechanisms, but a parallel initiative by the European Union – Forest Law Enforcement, Governance and Trade (EU-FLEGT) initiative has made more progress, and is backed up by potential future restrictions on trade in forest products where defined levels of legality are not achieved. Timber exporting countries are invited to enter into a ‘voluntary partnership agreement’ (VPA) with the EU, under which timber will be subject to scrutiny against an agreed definition of legality and allowed access to EU markets.²⁵ ‘Non-legal’ timber will be prohibited from entry into the EU. EU-FLEGT processes have started in Cameroon, Central African Republic, the DRC, Gabon and Liberia. As at February 2009, most of these were still at a very preliminary stage, although in September 2008 Ghana became the first country to sign a VPA.

The mandate granted to the European Commission by the Council of Ministers allows for broad interpretation of the policy and institutional factors that can be taken into account by the commission when negotiating national definitions of ‘legality’ with

timber-exporting countries and when considering remedial measures — including considerations of equity of forest policy, tenure issues and the validity of customary claims to forest resources.²⁶ In addition, multiple stakeholders, including civil society and indigenous peoples' representatives, should participate in the development of these national definitions of 'legality'. This policy instrument thus offers an interesting opportunity for reform of forest governance structures. However, a notable feature of the preliminary FLEGT discussions in most African countries has been both their slowness and inconclusiveness, as well as the difficulty of ensuring consistent engagement of non-state actors.

Biodiversity conservation

Another mostly externally driven paradigm — biodiversity conservation — is also playing out, and has heavily influenced the forest governance context, especially in the wetter regions of the continent.

This also has historical roots in the colonial era, when large areas of forest were designated as 'wildlife and hunting reserves', such as Dja Reserve in Cameroon. As the engagement of mostly North American and European conservation biologists has increased in the Congo Basin region over the last 20 years, calls for the protection of 'charismatic megafauna' such as forest elephants, gorillas, bonobos and okapi have grown, and strictly protected forest reserves have been designed and demarcated with protection of these species as their objective. The conservation groups associated with these schemes have also mushroomed in number, size, influence and wealth, and have worked increasingly as implementing agents of foreign donors such as the US Agency for International Development (USAID), the World Bank and the EU;²⁷ they now represent an important influence over approaches to forest governance in the Congo Basin region, and also, to a lesser extent, in other parts of the continent.

The significance of this can be gauged by the large areas covered by the so-called Congo Basin Forest Partnership — a collaborative programme developed principally between USAID and major US conservation groups such as the Worldwide Fund for Nature (WWF), Wildlife Conservation Society and Conservation International.²⁸ Focused on existing or planned strictly protected biodiversity conservation areas, many of which are already effectively under the management of US- or European-based conservation organisations, these landscapes represent some 40% of the entire area of the Congo Basin forests.

The conservation paradigm has played an important role in shifting the balance of stakeholder relations in the African forest sector. Typically, the areas protected for biodiversity under such programmes have been subject to a strong 'command and control' form of governance, with regulations against the hunting or poaching of wildlife or other forest resources, being enforced by locally based and sometimes heavily militarised 'eco-guards'. As almost all forest-dwelling communities in Africa are, to some extent, dependent on hunting, there have inevitably been widespread conflicts between protected areas' authorities and local people.²⁹

This paradigm has also increasingly been questioned. The perceived 'biodiversity crisis' of the 1990s and early 21st century is often at odds with local cultural values and perceptions, which, as Jerome Lewis has shown in the case of Ba'Mbenjelle 'Pygmies' of northern Congo, places greater emphasis on the forest as a source of great wealth and

abundance, rather than as one of scarcity and crisis, as in the ‘conservation paradigm’.³⁰ One study in 2003 found for a sample of 12 protected areas in the Congo Basin region (11 of them promoted and in some cases managed by international conservation organisations) that more 50 000 local people had been displaced or disenfranchised.³¹ The authors of this study also reported that this subjugation of local stakeholders’ interests to those of external agencies was likely to be counter-productive with regard to the ostensible reasons for which the conservation projects were established:³²

Eviction of resident people eliminates the customary protector, and it is doubtful whether ‘the state’ can be as effective against other users, local or remote (commercial interests) In sum, we point to the research findings that signal that the consequences of the displacement and resettlement process itself have in turn a set of degrading effects on forest ecosystems.

Reducing (carbon) emissions from deforestation and forest degradation: The new forest governance paradigm

The overlay onto African forest governance systems of paradigms deriving from external agendas is currently entering into a new phase, as international agencies seek to engage tropical governments in debates and programmes of action to reduce carbon emissions from deforestation in order to tackle global climate change. The World Bank, through its Forest Carbon Partnership Facility (FCPF), is becoming a key actor in this new paradigm. It has asked most of the major tropical forest-owning nations to develop ‘readiness plans’ for how they can start to implement ‘reductions in emissions from forest destruction and degradation’ (REDD). Ten African countries, including the DRC, Cameroon, Gabon, Ghana, Kenya, Liberia, Mozambique and Madagascar, have agreed to commence planning for programmes with FCPF support. These could be significant drivers of future forest governance and policy, as they will aim to substantially reduce deforestation and increase the flow of financing for forest conservation.

However, external assessment of these national FCPF ‘REDD-readiness plans’, known as ‘R-PINS’ has revealed that many of them have been heavily influenced, if not completely written, by a variety of external actors, including international conservation NGOs such as WWF, researcher institutions and consultancies such as the Woods Hole Research Center and Foret Ressources Management, and official aid agencies such Agence Française de Développement.³³ Concerning the ‘readiness plan’ for the DRC, one external reviewer noted that³⁴

it is this reviewer’s opinion that an urgent issue is [for the government of the DRC] to take real control of the process and the thinking behind it. This R-PIN submission shares 87 identical paragraphs with that of another central African country reviewed by this reviewer.

Perhaps significantly, the world’s largest ‘governor’ of tropical forest resources, the government of Brazil, has declined to engage with the FCPF, and, indeed, rejects the notion of international trading of the carbon stored in its forests, evidently because of concerns that this could compromise its sovereignty over its forest resources.³⁵ African nations have evidently felt fewer qualms, and view the new climate-related imperatives as a potential source of funding for national economic activities.

Structural adjustment

Though not a 'forest governance paradigm' in itself arguably, a further external factor has played a continuing role as these various other paradigms have played out: that of macroeconomic and sectoral adjustment as promoted by the World Bank and International Monetary Fund (IMF). Analysis of this is beyond the scope of this paper, and there are strong arguments suggesting that the effects have been both positive and negative, but the case of Tanzania is perhaps instructive. The country's agreement to an IMF-backed structural adjustment programme in 1986 included promotion of export crops in order to help service the country's high foreign debt. During the 15-year period of the structural adjustment programmes, 25% of the country's forests were lost, often to make way for export crops, such as in the district of Simanjiro, where over 50 000 hectares of land were cleared to give way to the production of beans.³⁶

As will be noted below, while macroeconomic adjustment has placed emphasis on export crop promotion — perhaps often at the cost of forest land — it has also emphasised reductions in central government bureaucracies and may have served to undermine national institutional capacities at precisely the time when forest resources were coming under increased pressure.

Thus, external paradigms have played a key role in setting the context in which forest governance in the independent African states has developed. The remainder of this paper will consider how these paradigms are manifest in forest governance at the national and local levels.

'STAKEHOLDERS' AND RIGHTS HOLDERS

People and forests

The previous section has given a few illustrations of the economic importance of forests in many peoples' lives. It is probably an indication of the disconnect between the (potential) agents of forest governance and the means to actually exercise such governance that the number of people dependent on or currently living in and around Africa's forests is not known with any accuracy at all. Nevertheless, it is important to appreciate that some forests in Africa have been inhabited for very long periods of time, including the Congo Basin, into which Bantu people migrated between 2 000 and 3 000 years ago, and in which 'Pygmy' people may have already been living for several thousand years.³⁷ Research is increasingly showing that active land management has helped create what are now perceived as natural forests, both in the sub-Saharan belt of Western Africa³⁸ and the Congo Basin region.³⁹

Unsurprisingly, this very long-term occupancy is reflected in what can be highly complex and overlapping systems of customary usage rights and tenure, including socially differentiated patterns of resource management,⁴⁰ wherein 'traditional management systems carried precise control instruments and mechanisms based on shared norms, values and regulations that were based on community-specific customary laws'.⁴¹

The 'problem' of local stakeholders

Accompanying the varied physical and administrative impositions of particular forest governance paradigms as set out in the section entitled 'Forest paradigms', above, has often been a marginalisation and sometimes active discrimination against rural peoples' knowledge and customary forest management practices. Arguably, there has been a long-term impact from 1970s Club of Rome-style 'resource catastrophism' thinking about forest resources, especially in the drier regions of the continent. This has probably tended to reinforce notions of imbalance between population and forest resources, and has been particularly reflected in what was called the 'firewood crisis'.⁴² But the crisis has mostly failed to materialise, despite the fact that little was actually done to address it (although there are some areas around major urban centres in Africa that have been seriously affected by fuel wood collection).

In one view, 'conventional technocratic views of environmental degradation, the impacts of population growth and of local capacity and capabilities have significantly impacted approaches, institutions and the distribution of rights mostly in ways that have been negative for local people'.⁴³ As has been observed in Zimbabwe, 'Old assumptions about the environmentally-destructive livelihood practices of people in communal areas have been used to justify continuation of centralised regulatory control in those areas'.⁴⁴ Another perspective holds that these assumptions are rooted in colonially imposed structures of governance, which emphasised gazettement and bureaucratic administration of forest resources, in which the long-standing customary usages rights were 'suppressed through forced removals, fines, and even worse punishments, or accommodated by permitting certain forest-based activities to continue as "privileges", subject to strict controls'.⁴⁵

Typically, forest-dependent and forest-using communities have been viewed by governmental agencies as being a 'problem', 'backward' and in need of bringing into modern cash economies. Often, (to a greater or lesser extent, enforced) the transition to being 'non-forest dependent' has been accompanied by the erosion or complete extinction of any customary rights that forest communities may have had. This process is not unique to Africa, and it has been reinforced by sometimes decades of international aid and technical assistance programmes, including those referred to in the preceding sections.

In Cameroon, for example, the process of relocation of dispersed forest dwelling people out of the forest to more easily accessible, concentrated and taxable roadside communities commenced under French colonial occupation, but continued after independence, and remains a de facto policy to this day.⁴⁶ The dispossession of forest peoples of any customary rights to the forests they had long inhabited was then reinforced through the establishment of a new formal legal structure, the 1994 Forest Law, and the creation of a Forest Zoning Plan, which together effectively put large areas of forest 'off limits' to its former inhabitants. These developments were driven principally by, respectively, the World Bank and the Canadian International Development Agency.⁴⁷

These problems of policies skewed against local stakeholders pertain across the continent. In Zimbabwe, it has been observed that:⁴⁸

Who you are and where you live determine whether or not you have access to forests and forest decision-making Inequitable land distribution and anachronistic policies combine

to provide the wealthy with incentives for forest land management, while the poor are ensnared in a web of contradictory regulations.

DECISION MAKERS AND PROFIT TAKERS

Whereas local stakeholders have often been marginalised in forest governance systems, state actors — including decision makers and officials — have often assumed a highly dominant role. This section does not address the official forestry institutions, which are considered below in the section entitled 'Forest institutions and policies', but considers the individual role that such actors have played. By its very nature, this can be a difficult matter to assess, as the boundary between 'political intervention' and outright corruption and perversion of forest governance systems can be quite indistinct. However, it is often key to understanding how the official institutional and policy arrangements work, as well as the wider role of other stakeholders. Despite the difficult issues of 'poor governance' and corruption that this subject raises, there have been numerous instances across the continent where direct intervention in forestry activities by political leaders and decision makers, often in pursuit of personal, vested or political interests, has been well documented.

Given the sometimes long history of inter-relationship between logging companies and power elites in some countries, it is hardly surprising that logging has sometimes played a critical role in shaping the dynamic of the complex of 'state' and elite actors' interests within a neo-patrimonial context. One view is that this role is more important than forestry's role as a means of raising tax revenue, creating jobs or bringing about rural development. Counsell and Labrousse have detailed a long list of political functions that control over forest resources — and, in particular, the allocation of lucrative commercial logging concessions — can serve to fulfil, completely outside of any stated objectives within the forest sector itself.⁴⁹ These include personal enrichment of the ruling political elite; rewarding political and business cronies for services rendered; financing election campaigns; financing and facilitating armed conflict; placating political rivals; and sedentarising nomadic people. Some of these are illustrated by examples below.

Gabon

Possibly the longest and deepest association between forestry activities and political leaders can be seen in Gabon. Marcus Colchester has argued that here the logging industry played an instrumental role in shaping the newly independent state from the very outset:⁵⁰

In Gabon, French interests played a determining role in selecting the future leadership. The long-standing alliance between the Mpogwe coastal elite ... the coastal Fang *evolué* led by future Prime Minister Leon Mba and French loggers formed the nexus of power. The loggers poured money into Mba's election funds for the Territorial Assembly in 1957 in order to head-off the leadership bid ... headed by the more democratically inclined Jean-Hilaire Aubaume. A key figure from the French side was logger Roland Bru, who threw his support behind Mba and became a prominent advisor to Mba after independence and even secured an official post in the government.

The continuing close engagement and perpetuation of personal vested interests by senior decision makers in the forest sector has clear implications for governance. An April 2005 report by the Gabonese government showed that, of 468 valid forestry permit holders, 299 (or around 62%) had failed to pay the due taxes. The lost revenue represented about FCFA 8 billion, or around EUR 12 million, annually. It was found that the list of non-paying forestry concession holders included President Omar Bongo and his son; the prime minister, Jean-François Ntoutoume Emame, along with his wife and son; the minister of water and forests, Emile Doumba; the minister of public works, Idriss Ngari; the director of water and forests, Gabriel Azizet; and many other ministers, senior officials and their families.⁵¹ A study for USAID concluded that⁵²

current [Gabonese] leaders evidently respond more to short-term incentives to extract value from forest resources for their personal accounts. It is not inconceivable that they also believe efforts to move French-owned forestry firms in directions that would benefit the Gabonese economy risk alienating France and perhaps weakening Gabon's military relationship with its former colonial power. Those relations, it must be admitted, provide valuable insurance to contemporary leaders against potential military coups.

Cameroon

Similar situations have pertained in Cameroon. A briefing for the UK government in 1997 explained that:⁵³

The DF [Department of Forestry] has long had the reputation as a lucrative posting for civil servants due to its gate-keeper role in allocating timber concessions. A focus on commercial timber exploitation continues to dominate the concerns of DF personnel, as in MINEF [Ministry of Environment and Forestry] more generally, and issues of social forestry are a minority interest at best. At present, key senior postings in the DF ... are in the hands of persons with connections to President Biya (who are usually members of the Bulu-Beti-Fang ethnic block). It is these senior civil servants, along with the influential members of Biya's ruling CPDM [Cameroon People's Democratic Movement] party presently benefiting from forestry revenues as political perquisites, who are most immediately threatened by the spirit of the 1994 Forest Law Indeed, so important is the forest sector as a source of financial perquisites that, at times, in the recent past, the allocation of timber concessions has been (illegally) carried out at the level of the Prime Minister's office, or the Presidency, without reference to the usual inter-ministerial technical committee.

Again, these relationships have major implications for sector governability. One of the more progressive and aggressive measures to improve forest governance in Africa in recent years has been the establishment of an 'independent observer' of the sector in various countries. This concept was pioneered in Cameroon where, with the support of the World Bank and European Commission, the NGO GW was installed, with the agreement of the government, to conduct independent inspections of forest activities. Accompanying forestry officials on missions to check that commercial forestry operations were complying with the relevant laws, the independent observer was granted a mandate to publicly document any infractions found. The government, for its part, was set a clear procedure

for dealing with these infractions, including the costing of 'damages' done and the levying of fines to offenders.

In 2003 GW documented a number of serious infractions of the forestry legislation by a company called Ingénierie Forestière, including logging beyond its legal boundaries and disguising illegally logged timber with marks from another logging area. The company then illegally seized the independent observer's videotape recordings that proved the company's illegal activities.⁵⁴ At the time, Ingénierie Forestière was owned by Franck Biya, the son of the Cameroonian president.⁵⁵

Liberia

In 2001 GW reported that the timber industry in Liberia was being used as a means for President Charles Taylor to finance both internal conflict and rebel groups in neighbouring Sierra Leone. It was found that 'at least seven out of the 25 logging companies recorded in the Forest Development Authority's annual and semi-annual reports have direct links with either arms supply or the funding and provision of armed militias for Taylor's military use'.⁵⁶ This abuse of forest resources resulted in 2003 in the imposition by the UN Security Council of a complete moratorium on trade in Liberia's timber,⁵⁷ which stayed in force until 2006 and was the only occasion on which this measure has been used in respect of forest products.

Uganda

In Uganda, the personal support of President Museveni in the proposed de-gazettement of 7 100 hectares of the Mabira forest reserve near Kampala, reportedly one of the few sizeable areas of natural forest left in the country, to the Mehta industrial group for conversion to sugar plantations led to widespread opposition and protests. One demonstration against these plans in 2007 ended in some of the worst civil disturbances seen in Kampala for many years, in which three people were killed and much damage to property occurred.⁵⁸ According to the International Institute for Environment and Development, the Mehta group is 'alleged to have been a major contributor of funds to [Museveni's] ruling party over the years'.⁵⁹

Democratic Republic of Congo

In the DRC, high-level political developments and forest resources have been closely entwined. In 1998 Laurent Kabila granted logging rights over 33 million hectares of the country's forest (i.e. more than one-third of the country's total estimated exploitable area of forest) to a company called Congolese Society for the Exploitation of Timber (SOCEBO), a joint venture between himself and Osleg, one of the Zimbabwe African National Union-Patriotic Front (ZANU-PF)/Zimbabwean Defence Forces group of companies, in exchange for military assistance given to Kabila by President Mugabe of Zimbabwe during attempts by the governments of Uganda and Rwanda to overthrow the newly installed Kinshasa authorities.⁶⁰ In 2006 a further arrangement was made according to which, through SOCEBO, ZANU-PF would supply 50 tons of cotton per week to Joseph Kabila in the run-up to the Congolese presidential elections for the preparation of election materials

such as T-shirts. (The first batch of cotton was personally handed over to the DRC ambassador in Harare by the ZANU-PF secretary for administration, Didymus Mutasa.)⁶¹ Mugabe has since been seeking financing in Malaysia to commence operations within the concessions.

In addition, between 2002 and 2006 the minister of forests, Anselm Enerunga, allocated some 15 million hectares of forest to logging operators in contravention of a governmental moratorium on the issuing of any new logging titles.⁶² The proceeds of these illegal arrangements were reportedly used to finance the 2006 presidential election campaign of former rebel leader Jean-Pierre Bemba, in whose political faction Enerunga was active.⁶³ A World Bank-backed process to review the legality of all DRC logging operations led in 2008 to a government decision to cancel many of these logging allocations,⁶⁴ but there are doubts about the extent to which actual halting of logging activities will be possible, given that several tens of thousands of people have now found employment in these operations and that forced cessation without adequate forms of adjustment could cause serious dislocation and conflict. It thus appears that the resolution of post-conflict political dynamics in the DRC, and especially the contesting of the 2006 presidential election, will have a lasting impact on the governance and governability of nearly 50 million hectares of forest, or roughly half the country's rich closed-canopy rainforests.

Thus, high-level intervention and involvement of decision makers and officials has been a common characteristic of forestry across Africa. As will be noted below, as well as undermining forest governance, such intervention can and has had a demoralising effect on the staff of forestry institutions.

FOREST INSTITUTIONS AND POLICIES

The institutional context: Colonialism, centralisation and corruption

While states claim forest ownership rights, almost nowhere in Africa do governments have much capacity to exercise any real control over the forest resource. Broadly speaking, the technocratic and centralised forestry bureaucracies inherited from colonial regimes have persisted, although in a context in which the necessary resources to maintain functioning institutions have not been forthcoming, where predatory exploitation of the sector has often taken precedent over proper regulatory controls, and where the pernicious effects of 'political intervention' and outright corruption have constantly undermined institutional integrity. As the USAID-funded Central African Regional Program for the Environment (CARPE) has concluded for the Congo Basin,⁶⁵

concentration of management authority in the hands of a few powerful politicians and private sector actors results in inequity in the distribution of benefits derived from the forest, ignores resource use concerns of the majority, encourages people to flout unpopular and illegitimate laws, and promotes unsustainable forest resource use.

In one interpretation, the failure of forest governing institutions is due to the mismatch between the 'command and control' structures established during the colonial era with the

realities of multi-party independent states, followed by virtual collapse due to the ensuing economic problems across the continent.⁶⁶

It is now evident that the classically structured resource management institutions established during colonial administration (and the authority it commanded), has progressively weakened under changing state and administrative frameworks in post-colonial times, particularly during the democratised multi-party era. With the forest workforce and field patrol force reduced in numbers, as a consequence of downsizing under the Structural Adjustment Programmes (SAPs), a decline in operating funds due to budget cuts, and demoralisation arising from loss of job security and low pay, state forest services are unable to cope with new demands and challenges of enforcement.

At the subnational level, as CARPE has also noted, the present system in which supposedly 'modern' (but ineffective) forms of governance and institutions have supplanted traditional institutions 'offers neither the economic efficiency of a modern governance system, where laws and regulations structure economic transactions, nor the social stability of kinship-based systems, where norms and social control keep people in line'.⁶⁷

Whatever the impact of externally imposed constraints such as structural adjustment policies, some of the institutional problems have also been self-inflicted, particularly through the interventions of decision makers in pursuit of vested interest, as described in the section above entitled 'Decision makers and profit takers'. A report for USAID has concluded with respect to Cameroon that the failure to tackle illegalities and corruption in the forestry authorities⁶⁸

may have inflicted broader damage. According to outside observers, there are younger foresters in Cameroon who seem concerned about greater efficiency and transparency, but if they are not supported and encouraged by outside pressure, they could well be subverted by the corrupting influence of their seniors. Every time the government is allowed to get away with breaking the law, the prospects for real change diminish, and the hopes of this group of professionals fall.

In Uganda, personal involvement of President Museveni in the de-gazettement of the Bugala forest reserve for conversion to a palm oil plantation 'caused many forestry professionals at the National Forest Authority to resign in protest at the abuse of law and due process'.⁶⁹ In such cases, the international community also needs to consider its responsibility for allowing misgovernance to continue by failing to apply or enforce sector conditionalities. In both the cases given above, for example, substantial sums of international development financing had been directed towards reform of the forest sector institutions that have subsequently been undermined.

A further notable weakness in the institutions charged with day-to-day governance of Africa's forests has been an all-pervasive 'silo' way of working. In reality, the use of forests is determined by policies and actions across a range of sectors, including agriculture, infrastructure, industry, planning and even some of the social development functions of government. Yet very few African governments appear to have functioning, cross-departmental mechanisms such as working groups or committees relating to forest resources. Not only does this pose the risk that policymaking within the sector can

easily be made irrelevant by actions outside the sector (a typical example might be the construction of roads through forested areas for mineral extraction that result in greater access being given for illegal and uncontrolled timber extraction), but it also means that wider developmental opportunities might be foregone because of a lack of linkages between forestry institutions and other sectors. A typical case (a graphic example of which was observed by the author in Cameroon in the late 1990s) would be where rural development and infrastructure ministries are completely oblivious to the construction by forestry companies of extensive (and sometimes relatively high-quality) road networks that remain completely unconnected to the national transport network or regional economic centres.

Policies and legal frameworks

It is beyond the scope of this paper to consider the formal forest policies of all African countries in any detail. However, some general trends can be observed.

Firstly, a process of ‘modernisation’ of forest policies has been proceeding across Western-Central Africa for most of the last 15 years. This has largely been driven by the World Bank, sometimes in collaboration with other donor agencies. Broadly speaking, these developments have aimed to establish a coherent top-level policy framework, superseding sometimes ‘accreted’ pieces of policy that were often fragmented, incomplete, overlapping or contradictory. In the Napoleonic legal systems of Francophone Africa, these forest codes, as they have mostly been termed, would require the subsequent issuing of typically 30–40 specific ‘implementation of decrees, norms or directives’ in order to give the relevant main policy objectives actual force of implementation. In a number of cases, the passage of these new framework policies has been linked to the disbursement of forest sector credits or programmes by the World Bank and other donors.

The adoption of these new forest codes has no doubt proven useful in clarifying the overall goals and structure of national forest policy, and in setting a clearer framework for distribution of rights and responsibilities. However, these codes have not been without problems. In the case of Cameroon, the effectiveness of the new policy was (and 15 years later, continues to be) challenged on the grounds that it was heavily driven by the World Bank and lacked a strong sense of ownership by local stakeholders.⁷⁰ This is probably also the case in other countries, although one has to consider that any form of rationalisation of forest policy is likely to have found its detractors, particularly where the new policy served to limit or regulate access to forest resources by various interest groups, such as logging companies and associations that hitherto might have enjoyed almost unfettered access to decision makers through ‘informal processes’.

In a number of cases, such as the DRC, the drafting and adoption of the implementation decrees has lagged many years behind the adoption of the forest code itself. Typically, the specific implementation decrees relating to the allocation and management of large-scale industrial concessions will have been developed first, with those relating to, for example, community forest tenure and management, user rights, and trade in non-timber forest products following later (if at all). By thus providing the legal basis for the issuing of forestry concessions, but not, for example, community forests, these new forest codes have risked codifying what this paper has described above as a cultural and institutional predisposition to favour large-scale forestry operations over those that actually generate wider benefits for rural communities. In cases such as the DRC, and in the absence of any formal mechanisms

for designating national forest land for specific purposes on the basis of a prior bio-physical assessment of suitability, this piecemeal approach risks the establishment of a de facto national forest zoning plan in which most of the forest is captured by the logging industry, as it is the only 'stakeholder' that has a legal basis for its activities.

Moreover, while the legal basis for large-scale forestry operations has been formalised — sometimes associated with progressive policy measures to increase the transparency of and revenue from the sector — the sector's control mechanisms, both in terms of administrative procedures and institutional capacity, have also often lagged far behind. The overall aims of the new policies — typically, increasing the contribution the forest sector makes to the national economy — has thus been extremely elusive. In Cameroon, for example, it was only in 2003 that the World Bank was able to report 'significant increases' in revenue capture from the forest sector, some nine years after the country had reformed its policies through the 1994 Forest Law.⁷¹ Numerous additional measures had to be pursued in the meantime, including the instigation of an official 'independent observer' of the forest sector and the use of aid conditionalities to force the auctioning of logging permits rather than their allocation through mainly informal processes. Nevertheless, serious anomalies remained within the logging concession allocation system, which have been detailed by the World Resources Institute⁷² and which served to undermine the objective of increasing forest sector revenues and governability.

Faltering reforms towards decentralisation of forest management responsibilities

As will already be evident from much of what has gone before, the decentralisation and devolution of authority has been one of the key tensions in forest sector governance in much of Africa for a considerable period of time. As Ribot has explained, the drive to decentralise formal forest governance responsibilities rests on the following proposition:⁷³

If institutional arrangements include local authorities who represent and are accountable to the local population and who hold discretionary powers over public resources, then the decisions they make will lead to more efficient and equitable outcomes than if central authorities made those decisions.

Fulfilling this proposition, however, has proved challenging. In practice, it is probably true that most governance of forests goes on through informal local traditional mechanisms, especially where the state has limited or no presence. In one view, 'local communities and user groups have made dramatic achievements in organising sustainable, equitable forest management systems. They have developed management plans for natural forests that include apiculture, gum and fruit harvesting, livestock husbandry and sustainable wood collection'.⁷⁴

According to one estimate, however, less than 1% of Africa's forests was under what could be described as formal community control at the start of the 21st century.⁷⁵ Nowhere on the continent has there been wide recognition of traditional forest rights through policy or the institutions established to promote such recognition. Even where there are examples of policy provisions for 'modern' forms of community forest management, these have tended to be highly prescriptive, bureaucratically burdensome and technically difficult.

Nevertheless, Liz Alden-Wily's 2002 review of participatory forest management in Africa was generally upbeat about progress towards greater decentralisation, noting that 'the trend is towards more, rather than less, power sharing with communities'. One report has noted that community-based forest management (CBFM) was 'underway in over 35 countries' in Africa by 2002⁷⁶ — although this estimate must rely on a very broad definition of CBFM — and also notes that 'only about 20 countries' were actually practising CBFM and had enabling policies and legal instruments to support it.

Table 7 provides some examples of relatively recent changes in the formal forest policy structure of certain Western and Central African countries, indicating the extent of recognition of devolved forest management responsibilities. Given the previous reliance in most of these countries on informal community management (usually on the basis of 'promissory' or informal tenure or user rights to the resource, within formally designated state forest lands), there have been a number of progressive developments.

Table 7: New forestry policy frameworks in selected Western and Central African countries, with information on tenure devolution where available

| Country, title of policy, year of adoption | Main innovations in terms of devolution of management responsibility | Forest tenure devolution & community forests, state of application |
|--|---|---|
| Cameroon Forest Law 1994 | Provision within the 1994 law for community forests and other designations for devolved forest management responsibility, but with marked limitations, such as size and location. Community forests limited to max. 5 000 hectares, only in 'non-permanent forest estates'. Approved for 25 years, renewable for a further 25years. | Existing law is relatively well applied, and a growing number of titles for devolved forest tenure now exist. Onerous technical requirements on communities, expense and administrative obstacles. |
| Central African Republic Forest Code 2008 | Has provision for community forests. Draft legislation for the 'protection' of 'Pygmy' communities under preparation. | Application decrees and norms currently under preparation. |
| DRC Forest Code 2002 | Has provision for recognition of community forests and other devolved tenure designations. | Application decrees for some aspects for community tenure and devolved management have been drafted, but not yet adopted. Forest Code starting to be applied in relation to large-scale concessions — and, to a limited extent, the associated requirements in relation to neighbouring communities — but otherwise community forest provisions not yet applied. |

| Country, title of policy, year of adoption | Main innovations in terms of devolution of management responsibility | Forest tenure devolution & community forests, state of application |
|--|---|--|
| Gabon Forest Code 2001 | Provision for community forest designations. | Not yet applied. |
| Liberia National Forestry Reform Law 2006 | Potentially allows for recognition of community usage and tenure rights, but these not defined, and no mechanisms established for clarifying them before process of industrial concession allocation commenced. | Not implemented. Law to be complemented by a Community Rights Law, which in February 2009 had been passed by parliament and was awaiting signature of the president. |
| Republic of Congo Forest Code 2000 | Provision for recognition of community forests and other devolved designations. Draft legislation for the 'protection' of 'Pygmy' communities likely to be adopted shortly. | Only applied on an ad hoc/ voluntary basis, such as by specific forestry enterprises. Application decrees on community engagement in forestry not yet in preparation. |

Some governments are starting to formalise wider devolution arrangements, through joint forest management agreements, such as in Tanzania; ownership or control of village forest reserves by rural communities, such as in Ghana; or complete transfer to forest resources, such as is starting to occur in Gambia.⁷⁷ In Tanzania, control of forests has been partly devolved to village-level authorities, following the 'villagisation' process promoted during the 1970s and 1980s. Village forest reserves now cover more than 19 million hectares.⁷⁸ Following the revision of the Tanzania forest policy in 1998, local communities have been encouraged to co-manage forest reserves with the government through joint forest management (JFM) agreements. A number of forests are at various stages of JFM development. In addition, 'the National Forestry Programme is piloting state-people co-management in more than 30 national forest reserves'.⁷⁹

In Gambia, the vision set out on the 1995 Gambia Forest Management Concept attempted to reverse decades of highly centralised governance of forest resources — which had resulted in the alienation of local communities from forests and very high rates of deforestation over several decades. A full restructuring of the Forest Department had already taken place a year earlier, and a review of the forest policy followed in 1996. In 2001, the ten-year National Forest Action Plan was established, ushered in requirements for communities to become involved in the management of the existing gazetted (state) forest reserves, either through the establishment of community forests (in which, importantly, communities are allowed to commercialise forest products) or through joint forest park management agreements. By 2005 these covered 22 100 hectares and 17 300 hectares, respectively.⁸⁰ In South Africa, the Forest Law of 1998 allowed for communities to apply to manage any forest by agreement with the government. Accompanying these changes, 'a Participatory Forest Management Strategy and support unit operates under

the Department of Water Affairs and Forestry, working through Focus Groups in various parts of the country'.⁸¹

Notwithstanding these important specific developments, however, many reforms are notable by their limitations, rather than their scope. For example, even in the best of cases, there have been strict (actual and de facto) limits on the amount and location of land available under the new devolved tenure arrangements or their permitted duration, often on a seemingly arbitrary basis that bears no relationship to the actual size of forests that communities might inhabit and utilise or claim under customary rights. To its credit, in 1994 Cameroon became the first country in the Congo Basin region to enact legislation permitting formal community control of forest resources. Yet community forests are constrained to a maximum of 5 000 hectares within the land designated as 'non-permanent forest estate' (which is mostly already degraded, limited in extent and under much competition from other land uses), require the approval by the state of a highly detailed management plan and the establishment of a formal management entity, and are only granted on a (renewable) 25-year lease. Unsurprisingly, these provisions have not proven a strong incentive to sustainable community-based forest management. Because of the costs and difficulties involved in setting up, they have tended quickly to be 'sub-leased' to local logging companies or captured by urban elites.⁸² Similar policy provisions for technocratic models of 'community forests' are now being developed, or implemented, in several other countries in the Congo Basin, including the DRC.⁸³

As Odera has observed,⁸⁴

despite much rhetoric about decentralisation and devolution, power and responsibility for Community Based Forest Management [CBFM] continues to evade local institutions ... Participation rather than devolution is still the majority norm in the implementation of CBFM. Decentralisation without clarity as to who has the rights and responsibilities is common. Many countries settle for dispersal of power from the centre to the districts, as the new locus of power, without defined links to communities and their institutions.

Practical experience over the last 15 years or so has tended to bear this out. As one commentator has pointed out, 'experience has shown that the first round of decentralisation is marked by laws that are non-participatory, bureaucratic, poorly-grounded in knowledge of local institutions, elite-dominated, and politically controversial'.⁸⁵ In respect of Zimbabwe, it has been observed that:⁸⁶

The state's control of forestry is now under challenge from alliances in the private sector and civil society. Yet, while local people have begun to be recognised as adept managers of trees, there are major political and economic tensions in devolving authority to the local institutions that might be truly motivated for good forest resource management.

Liz Alden-Wiley has pointed out that 'institutional issues' 'pose the most challenge to the development of effective and democratic norms of local level governance over forests'.⁸⁷ In practice — and despite often sustained attempts by donor agencies to encourage 'institutional restructuring' — Africa's forest sector institutions have often remained, on the one hand, bloated, centralised bureaucracies that rarely have any real outreach into

forest areas, but serve as a rich source of patronage benefits; or, on the other hand, have been allowed to deteriorate to the point of almost total non-functionality.

In very few cases have African forestry institutions successfully adapted themselves to engage equitably with multiple stakeholders, to establish a clear and shared vision for the country's forests, or to deliver enabling (as opposed to restrictive and prescriptive) policies that allow benefits to flow freely to local forest managers. In Ghana, for example, the 1994 Forestry and Wildlife Policy was heralded as ushering in the concept of 'collaborative forest management' and 'community-based natural resource management'. The country is also credited with opening political space in which multiple stakeholders can engage in negotiation,⁸⁸ and for the establishment of 'cross-institutional forestry working groups'.⁸⁹ However, the inequities in power relationships among forest stakeholders have proven much harder to overcome. A recent NGO report has stated that 'Ghana's forest sector is in deep crisis' and that despite the seemingly progressive policies, 'the workings of the sector are, however, determined largely by the substructure of exploitative and repressive relations between the corporate timber industry and the state on the one hand and forest-dependant communities and the public on the other'.⁹⁰

Another case often cited is that of Uganda, which undertook a major programme of forest sector reform from 1999 to 2004. Following policy reforms, the Forest Department was replaced by a new National Forestry Authority (NFA) that would 'focus on poverty reduction and an environment favouring decentralised service delivery, with key roles for local governments and producers'.⁹¹ While the new NFA brought a new approach to forest governance — and, as noted in the section above entitled 'The institutional context: Colonialism, centralisation and corruption', often then found itself in conflict with entrenched political and vested interests — research has failed to find any empirical evidence that these reforms actually brought about any livelihoods benefits for forest users.⁹²

One reason for the apparent failure of forestry institutions to successfully adapt to the devolution of real management authority appears to be actual, or perceived, lack of capacity at the local (community) level to practise sustainable forest management. This has tended to result, justifiably or not, in the promotion of highly prescriptive legislation, which, in turn, establishes a 'self-fulfilling prophecy' as communities struggle to comply with what can be technically very demanding requirements. Linked to this, another challenge of decentralisation has been that actual governance responsibility simply shifts from one part of the state to another. As one observer has noted, 'distrust in local capacity and knowledge on the part of powerful external actors may be leading to the creation of rural bureaucracies and organisational proxies for powerful interests'.⁹³

Overall, the impression is that what limited progress there has been in devolving forest management responsibilities has often been achieved despite the formal forest governance regimes rather than because of them. What has made these changes somewhat different from earlier paradigmatic changes described in the section above entitled 'The "problem" of local stakeholders' is that they seem to be at least partly emerging from grassroots village-level action. In Tanzania and Gambia, a change in attitude by the state came after communities had taken over the management of community forests on a trial basis, ahead of policy change. The reality, however, is often that community-based forest management initiatives start with donor agency or NGO support, and in some countries would almost certainly not have advanced without it.⁹⁴ As Ribot notes, the trend towards decentralisation

of natural resource management will involve a long-term struggle to reform existing centralised institutions.⁹⁵

The institutional arrangements of decentralisation are embedded in a larger political-economic set of struggles and relations that must be understood and engaged. The promoters of decentralisation can only move toward getting the local institutions right by confronting resistance and by identifying and seizing opportunities — again and again.

CONCLUSIONS

Although there is huge variation across the continent, insofar as one is able to make generalisations, good forest governance in Africa is hindered by a number of factors. These include the following:

- There is inadequate knowledge of most of the key data about the resource, how it is used and how it is changing. Particularly problematic is that public bodies are mostly focused on and orientated around commercial/export activities and functions of forests, rather than those that relate to the livelihoods of rural people.
- Paradigms of forest governance and forest management have been strongly influenced by external drivers, including international views on the (im)balance between rural populations and fuel wood, and forest users and biological diversity. As a result, policies and programmes have often been skewed towards the demands of international actors rather than what has been of relevance or use to local stakeholders.
- There is lack of clarity in the vision for the forests, and often a lack of adequate policy and regulatory frameworks.
- Generally, the more that forests play a role in generating hard currency earnings, the less participatory are the governance mechanisms and the more direct the role played by the state.
- There is lack of clarity over tenure and rights rules and processes.
- There is conflict between the state's claims to ownership and traditional/customary rights regimes.
- There is direct and indirect 'political intervention' in operational decisions affecting forest resources — perhaps largely due to the pursuit of vested economic interests on the part of decision makers and officials.
- There are very few models of good forest governance anywhere on the continent, and very few elsewhere from which to draw.

Overall, it is difficult to avoid the conclusion that in much of Africa there has often been an inverse relationship between government intervention in the forest sector and good governance. There have, however, been some promising signs of a more devolved approach to forest governance and management responsibilities — although in few cases have these been commensurate with the significance that forest resources have in the livelihoods of many African rural communities.

ANNEX 1: TABLES AND FIGURES

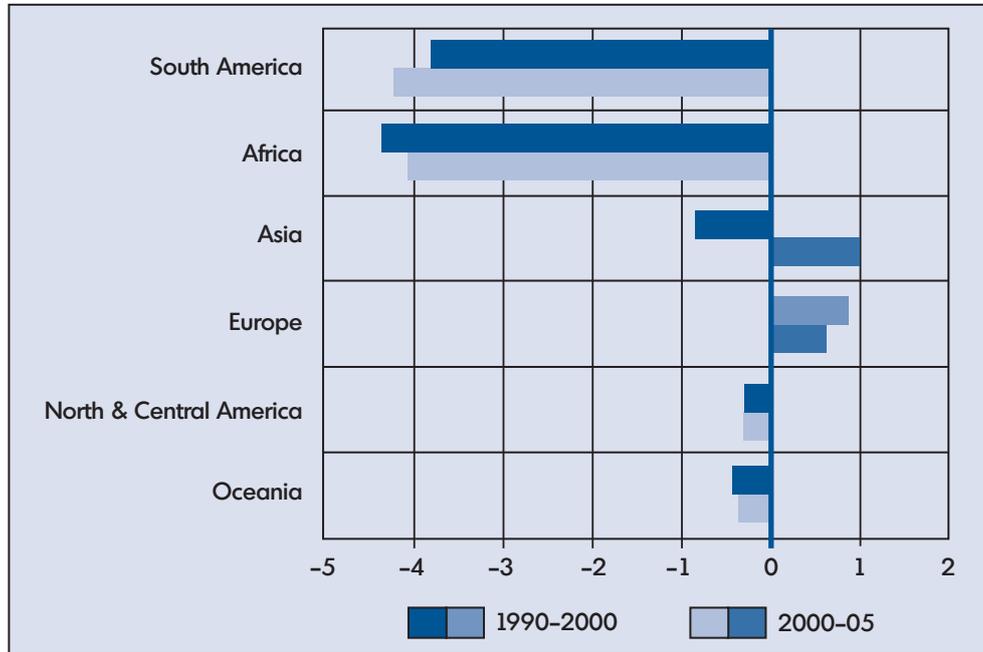
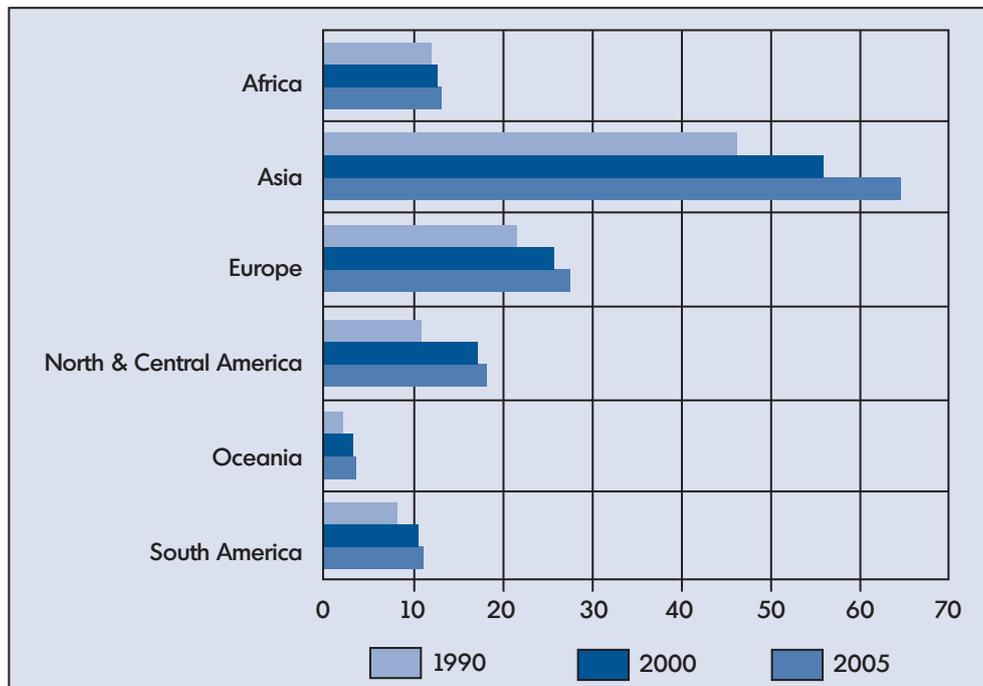
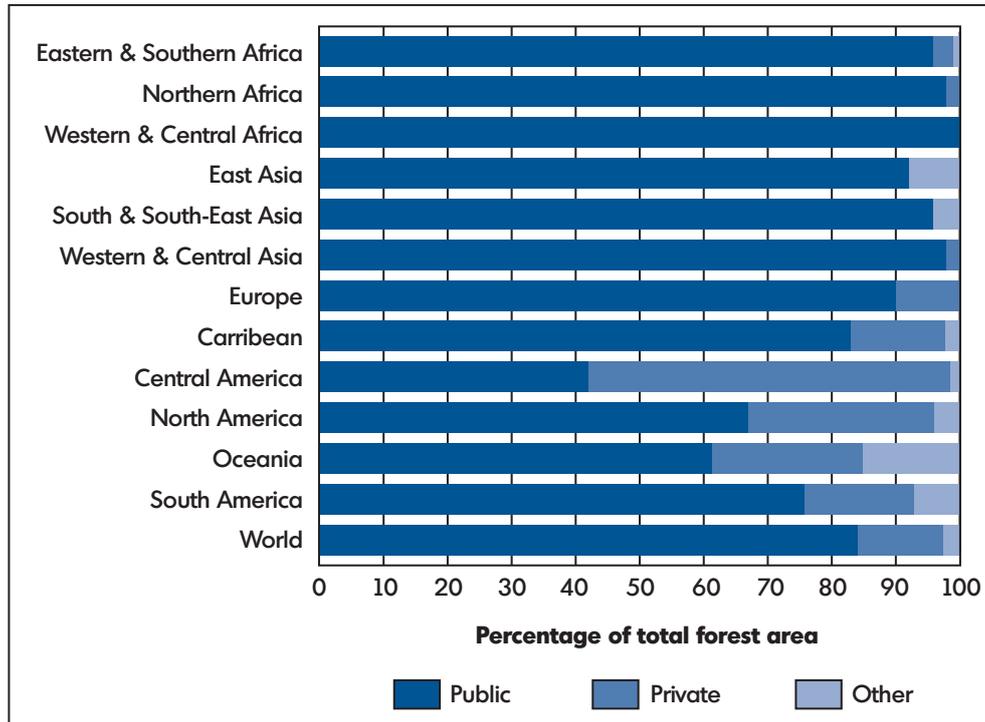
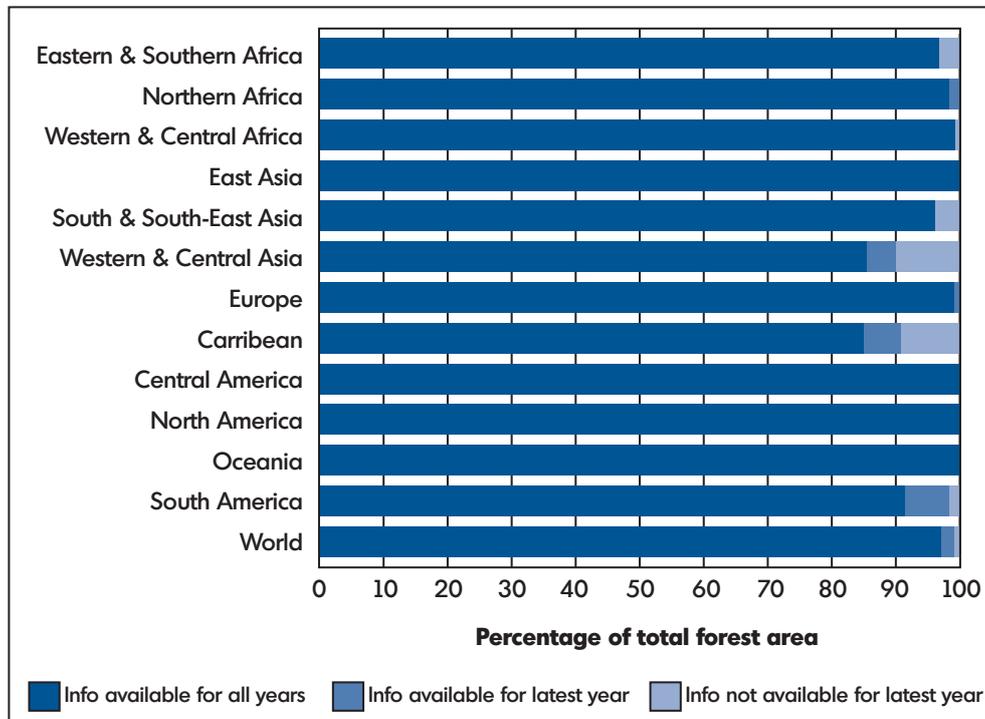
Figure A-1: Annual net change in forest areas by region, 1990–2005 (million ha per year)Source: FAO, 2006, *op. cit.***Figure A-2: Changes in forest plantation area, 1990–2005 (million ha)**Source: FAO, 2006, *op. cit.*

Figure A-3: Ownership of forests by subregion, 2005



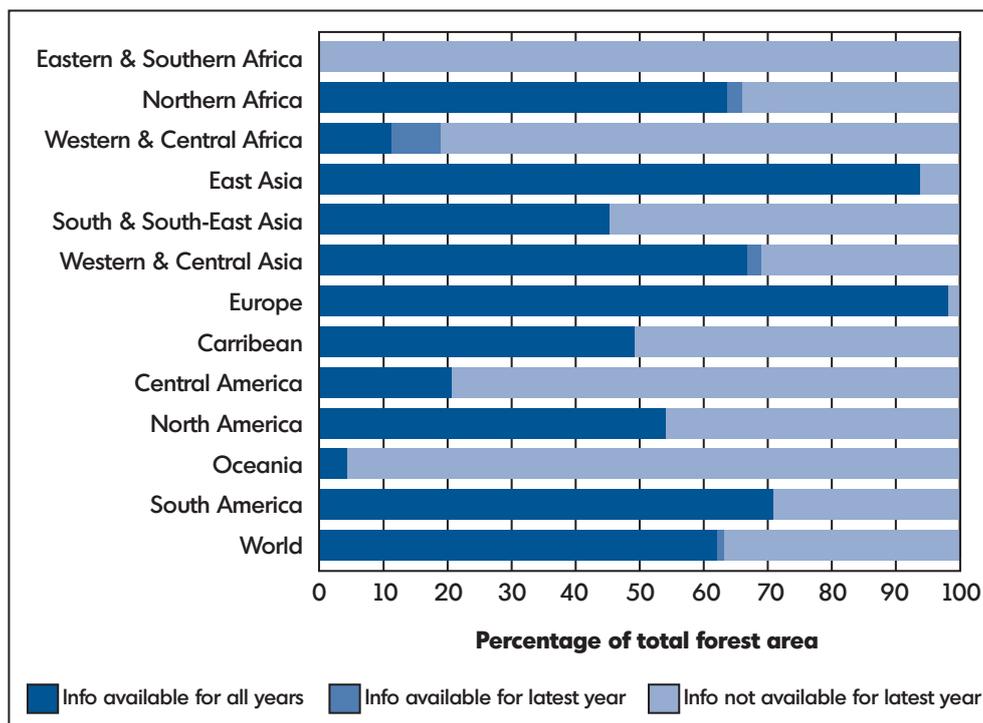
Source: FAO, 2006, *op. cit.*

Figure A-4: Information availability: Wood removals



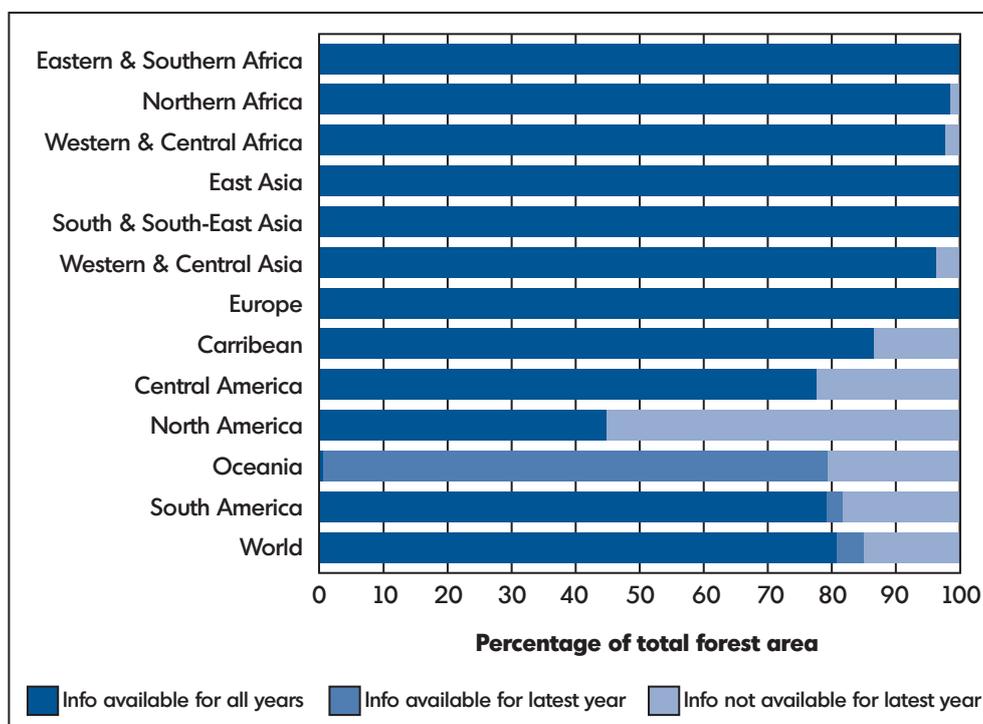
Source: FAO, 2006, *op. cit.*

Figure A-5: Information availability: Non-wood forest products removals



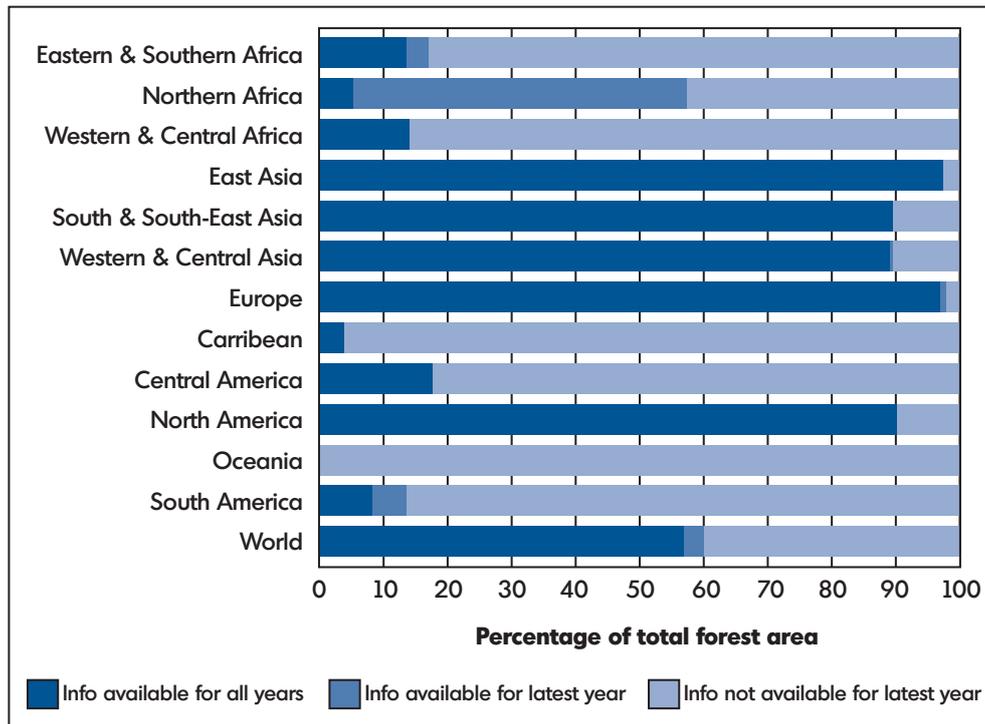
Source: FAO, 2006, *op. cit.*

Figure A-6: Information availability: Carbon stock in forest biomass



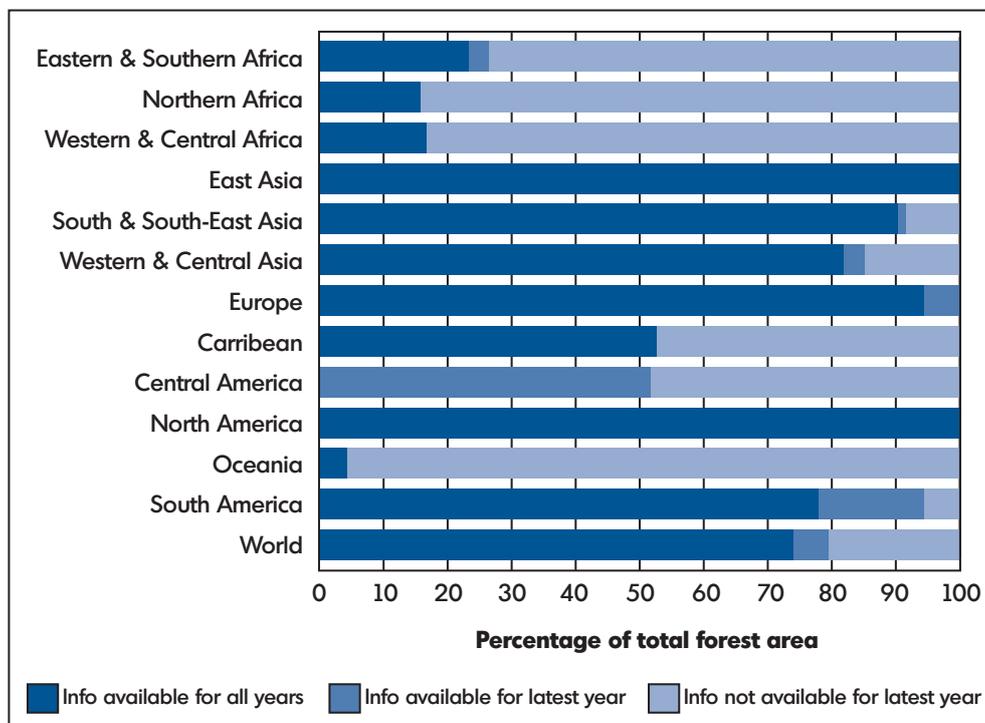
Source: FAO, 2006, *op. cit.*

Figure A-7: In formation availability: Composition of growing stock



Source: FAO, 2006, *op. cit.*

Figure A-8: Information availability: Forest fires



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SAIIA'S FUNDING PROFILE

SAIIA raises funds from governments, charitable foundations, companies and individual donors. Our work is currently being co-funded by AusAid, the Bradlow Foundation, the Department of International Development (DFID), the Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), the European Commission, the Finnish Ministry for Foreign Affairs, the Ford-Foundation, the Friederich Ebert Stiftung (FES), the Graduate Institute of International Studies (GIIIS), the International Development Research Centre (IDRC), the International Institute for Sustainable Development (IISD), INWENT, the Konrad Adenauer Foundation, the Organisation for Economic Co-operation and Development (OECD), the Royal Norwegian Ministry of Foreign Affairs, the Royal Danish Ministry of Foreign Affairs, the Royal Netherlands Ministry of Foreign Affairs, the South Centre, the Swedish International Development Agency (SIDA), the Sustainable Development Policy Institute (SDPI), the United Nations Conference on Trade and Development (UNCTAD), the United Nations International Research & Training Institute for the Advancement of Women (INSTRAW), the South African Department of International Relations and Cooperation (DIRCO), Trade and Industrial Policy Strategies (TIPS), the Department of Environmental Affairs (DEAT) of South Africa and the South African Revenue Service (SARS).

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