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Building Civil Society Legal Capacity in West and Central Africa

Regional Workshop Report - 19 and 20 February 2015

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Introduction

A Regional Workshop took place in Brazzaville on the 19 and 20 February 2015 under the aegis of a three year project "Africa Legal Empowerment project", funded by the Department for International Development. Fifteen participants from the three countries where activities were implemented, Gabon, Ghana and Republic of Congo, met for the first time to discuss and to assess the three year's project results and outcomes as well as progresses in forest governance that will continue beyond the life of the project itself.

Although the debate focussed specifically on project deliverables, it also gave an opportunity to discuss specific political and legal developments in the three countries.

The project

ClientEarth's (CE) Climate and Forests programme aims at protecting forests from deforestation and degradation in light of the function they play to reduce poverty, conserve biodiversity and address climate change. It is in line with the EU FLEGT Action Plan, which was created to tackle timber consumption from illegal sources. This plan provides opportunities to reinforce forest governance and combat illegal timber. To do so, the FLEGT Action plan created a set of measures to exclude illegal timber and timber products from the European market and to improve the supply of legal timber, including the passing of a new EU legislation to ban illegally-produced wood products from the EU market, known as the EU Timber Regulation (EUTR) and the signature of trade agreements between the EU and timber exporting countries, known as Voluntary Partnership Agreements (VPAs).

In this context, ClientEarth has implemented a three year project aimed both at addressing the issue of illegal trade of timber and timber products and reinforcing forest governance. We did so through working on an appropriate interpretation and implementation of the EUTR at the EU level on the one hand. On the other hand, ClientEarth worked with civil society partners in timber-producing countries in Africa (Gabon, Ghana and Republic of Congo) to support their increased informed participation to forest governance processes such as legal reforms. ClientEarth worked in a complementary and mutually reinforcing way on both streams, ensuring that demand focussed systems and procedures established by the EUTR are coupled with strong systems of governance in forested countries.

Funded by the UK Department for International Development (DfID) under the Forest Governance, Markets and Climate Programme (FGMC), ClientEarth developed the 'Africa Legal Empowerment project' in West and Central Africa with the objective to empower civil society organisations (CSO) with the necessary legal skills to both substantially participate to multi-stakeholder processes created by the VPA and to effectively contribute to strengthening the rights of indigenous people and local communities that depend on forests (IPLC) and of civil society. It is recognising that to promote good forest governance, it is necessary that the rights of all citizens, and in particular IPLC, are strengthened and those decisions around forests are taken in a participatory and accountable way.

The project started in April 2012 and will end in September 2015.

The primary target group for the project were CSO focusing on environmental and/or human rights issues relevant to forest governance, as well as representatives of indigenous people and forest communities. The program was built to develop their legal capacity, skills and knowledge so they could effectively and successfully trigger and/or engage in ongoing VPA and legal reform processes related to forest governance. Coordination with other international NGOs has also been crucial to increase impact and ensure results.

The ultimate beneficiaries of the project were both CSO and IPLC, by gaining greater involvement in decision-making around forest governance processes. As for IPLC, they were also considered as ultimate beneficiaries of the project, through having their rights better promoted and protected by the national Legislation.

ClientEarth Methodology

ClientEarth applied a specific methodology to build the capacity of Civil Society organisations in the three countries and to empower them to participate meaningfully to multi stakeholder processes, in particular law reform.

This innovative approach was constituted on the one hand by increasing the access to relevant forest legislation and on the other by providing national civil society with the necessary knowledge and capacity to strengthen its participation to multi-stakeholder processes, in particular law reform, with the ultimate goal of promoting forest governance and greater respect for Indigenous People and Local Communities' rights.

More specifically, ClientEarth's methodology was divided along the three components below:

- Development of in-country legal knowledge networks which aimed at building the capacity of civil society organisations (CSO) and working on key legal analyses with a pool of legal advisors and representatives of local communities, in particular to engage in the design and implementation of forest governance related legislation and policy.
- Development of a replicable analytical framework to inform meaningful law reform aiming at developing and using tools to enable civil society and representatives of local communities to analyse their national legislation, with a view to identify gaps and opportunities in IPLC's rights. Diagnostic tools and legal gap analysis have been used to highlight these gaps and to develop recommendations to fulfil them.
- Building civil society capacity to engage in law reform opportunities aiming at expanding the legal awareness of local communities and building the capacity of the wider civil society by helping them to develop greater capacity to defend their interests and exercise their rights.

Objectives of the Regional Workshop

Within the project outlined above, a Regional Workshop took place on the 19th and 20th of February 2015 at the Ministry of the Foreign Affairs in Brazzaville.

The Workshop aimed at (i) assessing the overall results and methodology used to support civil society in the three focus countries along the three components above, (ii) informing future activities both in the three focus countries and beyond and (iii) formulating lessons learnt and recommendations.

To guide the discussion and to present the activities implemented along the three major components highlighted above, case studies and fact sheets explaining the specificities of the activities implemented in the three countries were developed. These case studies have given a preliminary assessment of the impact of three years' work on the actual law and institutional reforms in forest and land areas, as well as the strengths and weaknesses of the processes employed to develop them. The Fact Sheet provided a quick reference to the project and deliverable which guided the discussion during the workshop.

The Workshop methodology

The workshop has been carried out over two days. The first day assessed project results, methodology and contributed to the formulation of lessons learnt which have been summarised in this report. During the second day, time has been devoted to discuss about the sustainability of the project and future engagements.

The London lawyers and the ICAs have introduced the individual sessions, presenting commonalities among the three countries in relation to models and tools created to implement the project. Each presentation has been followed by an open discussion which aimed at drawing 'lessons learnt' in relation to the methodology and approach applied during implementation.

Lessons learnt and specific suggestions have been drawn in a participatory way and will be shared with a wider audience both in-country and at European level, during the upcoming EU symposium in September 2015.

Participants

The workshop gathered in Brazzaville members of the legal working group created by ClientEarth and representatives of the civil society platforms of the three countries. More specifically:

- From Congo:
 - Lilian Barros: in-country associate for ClientEarth
 - Roch Euloge Nzobo: CDHD
 - Maixent Hanimbat: FGDH
 - Ines Mvoukani: CJJ and member of the Legal Working Group
 - Brice Pongui: OCDE and member of the Legal Working Group

- From Ghana:
 - Clement Akapame; in-country lawyer for ClientEarth
 - Elvis Kuudaar: consultant
 - Alidu Abubakari: Shea Network Ghana
 - Patience Padikie: National Forest Forums Ghana
 - Kwame Mensah: KASA initiative Ghana

- From Gabon: Leonard Sossoukpe, Rose Ondo, Martial Djinang, Hubert Aimé Koumba, and Protet Essono Ondo.

Workshop structure

1 Session 1: Presentation of the Project Components

A brief presentation of the project components served to highlight specific deliverables and expected result and also to help frame the workshop discussion, with the view to assess whether ClientEarth's methodology throughout the project has been successful, to what extent and whether any adjustments should be foreseen for future activities and implementation. An analysis of the past work also helped draw lessons learnt and inform future prospects.

2 Session 2: Background information on the three countries

The second session consisted of a brief discussion on (i) the key aspects of each country forest governance (ii) opportunities for legal reform and (iii) the role played by civil society in the decision-making process regarding forest resources, in each of the three countries.

More specifically this session highlighted differences in the three countries in relation to:

- The legal frameworks, i.e. common law versus civil law system
- How the civil society is organized
- The status of VPA implementation
- The status of legal reform processes

The discussion allowed the participants to appreciate social, legal and political differences which are crucial to understand divergences of action in the three countries. Moreover, the sharing of ideas and learning encouraged cross-border and regional dialogue which could well benefit policy developments in forest governance.

3 Session 3: Preparatory activities

3.1 Mapping of actors (civil society and institutional actors)

The session highlighted that profiling key actors in civil society was a prerequisite to understanding the structure of civil society, its priorities and policy areas. The London lawyers presented the specific objectives of the two activities. Specifically:

- Identify the various key stakeholders in civil society working in forest governance and promoting the rights of LCIPs, and the current forest governance projects so that we can partner with them and capitalize on the experience civil society has acquired to date.
- Submit a detailed plan (containing an organigram) of the architecture of the legal, institutional and administrative organisation of each country, at both local and national level.

The two activities were discussed separately to really highlight the different needs and use of these activities.

Discussion

Evaluating the mapping of civil society actors

- Do you think ClientEarth worked with the relevant stakeholders in civil society throughout the project?
- Do you think other actors could have brought their expertise to ClientEarth's project?
- Do you think the ClientEarth's project complemented current CSO-led projects?

Across the board, there was evident agreement that the mapping was comprehensive and useful to identify key partners, more specifically national and international NGOs active in the forest sector.

The mapping has proved crucial in countries where a record of NGOs is missing. This exercise helped identifying resource individuals or "personnes ressources", with a longstanding expertise in the forest sector who are not however affiliated to any particular institution. Establishing relationship with these individuals proved crucial all along the project in all three countries.

The mapping also permitted to identify the Platform of the civil society and its members, key to ensure national buy-in.

Finally, the mapping ensured complementarities of action with national NGOs in all three countries to support their legal needs for on-going projects.

Although the assessment of this activity proved extremely positive, some adjustment and improvements have been proposed. Namely:

- It is important to identify Civil Society Organisations beyond their participation in Platforms. This to widen the pool of expertise and the potential outreach outside the capital.
- Local communities' representatives and traditional authorities should also be mapped in order to ensure the appropriate links between national civil society and local communities and indigenous people and increase representativeness.
- Mapping should also go beyond NGOs to cover trade unions, media, academics and all associations that are involved in forest governance at any level. This to strengthen the knowledge base of any action.
- Mapping should only be considered as an initial assessment and will need to be updated and continued all along the project.

Evaluating the activity (institutions)

- Do you think that, in your country, the mapping of institutional stakeholders could have been used differently?
- Do you think a partnership between a government body and ClientEarth might be a good solution for by-passing the VPA block?
- Do you think a partnership between a government body and ClientEarth might make the pro-activeness of civil society more effective?
- Do you think a partnership between a government body and ClientEarth might be an obstacle to the role played by national civil society?

Relationships between Government authorities and civil society have taken different shapes and understanding in the three countries. In Gabon in October 2013 ClientEarth and the Ministry of Forestry and Water have signed a partnership agreement to recognise the technical role of the Legal Working Group to provide legal support to the work of the Ministry and to further a multi-stakeholder approach to forest governance.

It has been recognised that ClientEarth's partnership with the Government turned out being a very effective tool to empower and involve civil society in law making process even if the VPA was stalling and provided an opportunity to bring forward civil society contributions under a different cooperation framework. The partnership also gave NGOs legitimacy and credibility, it helped fast forward processes which were initially slow, and pushed the indigenous peoples' rights agenda forward.

Although not fully comparable, the institution of an independent observer in the Republic of Congo has been considered by the participants as another example of Government-Civil Society Partnership. However formal partnership with Government authorities may pose a risk in terms of independence, it has been recognised that outcomes may prove stronger.

The context of CSOs' relationship with Government would need to be assessed and fully understood to inform positioning within a country. A proposal could be for actors like ClientEarth to support or play a facilitation role to foster civil society direct relationships with Government.

3.2 Creating a legal database

To make free access to legal information easier and to update all national legislation relating to the forest sector, a legal database was created for each of the three countries.

Regarding the collection of laws, ClientEarth initially worked with a consultant to identify and collect all the legislative texts that applied to the various natural resources sectors (e.g. land, forest, water and fishing, the environment, fauna and protected areas and mines), with particular attention to the forest sector. The texts were sourced from a variety of official sources. ClientEarth then identified the various legislative texts currently in force, posted them online on its website and distributed them on USB sticks. The In-Country Associate regularly updated the database with new legal texts throughout the project.

In addition to this online access, legislative texts relating to forest law have been published in paperback in Ghana. A consolidated version of forest laws (an updated version of legal texts amended after coming into force) has also been published in Gabon with the buy-in of the Gabonese government.

Discussion

Evaluating the activity

- Have you used the legal database online or on USB sticks?
- Have you used the paper database? (applies only to Gabon and Ghana)
- From your country's perspective, what words would you use to describe the creation of a legal database?
- When contributing to drafting new legislation or regulations, have you found having access to this legal database helpful?

The creation of a legal database has proved extremely helpful to provide important legal reference, in all its forms, i.e. USB, online resources and paper version as access to legislation in all three countries can be difficult. Hard copies were useful in particular in field missions and in remote/rural areas. It has been used to support the legal working group analysis, in particular for the forest code revision, for the creation of the position papers, for the preparation of workshop on local communities' rights, to support the analysis around the legality grid.

It has not only been used by our direct partners or within the legal working group, but also by other interested parties and university students engaged in forest governance (ex. Develop a curriculum on Natural Resources).

All in all, it is important to note that the impact and use of the legal database has gone beyond our direct beneficiaries and has indeed provided the building block for meaningful civil society participation.

To explore further outreach options, it has been proposed to locate a legal data base in the library of local government department and encourage institutions and other platforms to endorse/publish the legal database and consolidations.

The database could be expanded to mining, agricultural and infrastructure.

Moreover, to directly address local communities and indigenous people and help bridging the knowledge gap between civil society in the capital and rural communities, since legal terminology is perceived as arduous, outreach materials simplifying legal provisions should be prepared.

3.3 ClientEarth presence in each country: The In-Country Associate

ClientEarth deemed necessary to have a regular presence in the country to ensure that project deliverable and results were constantly adapted to country needs. To this end ClientEarth issued

a call for applicants to look for a candidate with legal expertise, preferably in the area of natural resources and the ability to work with a wide range of stakeholders (CSOs, the private sector, institutions and government).

Having an In-Country Associate has proved essential in coordinating the work of LWGs. The In-Country Associate, in fact, organises group meetings to which he brings his own legal expertise. Taking on a moderator role has enabled the establishment of a good work dynamic between the various members of the LWG, the LWG and the rest of civil society, and even between civil society and government. Furthermore, the In-Country Associate has played an important part in building the legal capacity of civil society, particularly through the training given to CSOs and LWGs, and legal advice given.

Discussion

A regular presence through the role of the ICA has been gauged crucial both in terms of coordination of the legal working group but more importantly to bring specific legal expertise, otherwise lacking. A regular presence has contributed to increased impact, results and effectiveness of action. It has also permitted CE to keep its neutrality and independence.

In terms of future outlook and sustainability, a partnership between ClientEarth and a local NGO has been suggested to provide for the necessary resources and the logistical framework for the LWG to operate. However it has been recognised that such course of action may also undermine neutrality.

In fact if future actions may go in this direction, costs and credibility of action should be seriously weighted and even in case of partnership, the role of the ICA should be continued to provide for the necessary legal expertise.

4 Session 4: Creating a knowledge network – The Legal Working Group (LWG)

ClientEarth created a Legal Working Group to develop the legal knowledge of civil society representatives as well as those of the LCIPs in the forest sector and to build its capacity to develop tools and/or recommendations for improving forest governance. LWGs are engaged in an in-depth analysis of national legislation for natural resources governance, with particular reference to forest resources, and relay the results to the CSOs platform/Coalition, to encourage and enable CSOs to have a say more easily in the planned legislative reforms in the forest sector.

The capacity of LWGs is built through the continuous, ongoing research and analysis work that has thus far been carried out in the ClientEarth team, backed up by the analysis and thoughts of members of the LWGs on the various topics dealt with, as well as through specific training.

ClientEarth has focussed specifically on the composition of the LWG (6 to 20 members), it being essential for each group to have members with complementary strengths, depending on their area of expertise (the environment, natural resources, forests, human rights) and on the role

they play in civil society (NGO representatives of the indigenous population, representatives of the traditional authorities). The membership of an LWG is unpaid and depends on the voluntary commitment of its members.

Lastly, ClientEarth wants to encourage women to have a say in each LWG and encouraging to reach equality soon. To this end specific travel policies were crafted to ensure that mothers of young children could easily travel to attend the LWG meetings even if they were organised over the course of several days.

Discussion

Evaluating the activity

- In your opinion, has belonging to this LWG enabled you to develop your legal knowledge in the forest sector?
- Do you think that creating the LWG has improved your ability, and civil society's general ability, to offer advice/formulate legal proposals?
- Do you think the work the LWG has done has been given due consideration/made use of by the CSO platform/Coalition?
- In your opinion, what are the strengths and weaknesses of the LWG?

The rationale for selecting the members, common to the three countries, has been to include as various expertises as possible. This has ensured a credible and pertinent legal analysis. More can be done to ensure more geographical representation, especially NGOs not based in the capital, and ensure that weaker members are accompanied throughout the work of the legal working group. Gender representation within the LWGs has been well evaluated. However more could be done to encourage women participation. Finally, as participation relies on a voluntary basis, availability and motivation has been challenging. In fact some participants proposed that LWG be paid to ensure continuous commitment. Others however strongly support the voluntary basis to ensure true independence of views.

In the three countries, the setting has been different in terms of frequency and coordination. Some have gauged the frequency insufficient whereas others have considered it satisfying. In the future, whenever possible, the frequency of the meetings will be increased or other means will be explored to keep the discussion open, such as Skype or other types of technological platforms. The role of the ICA in coordinating and organising the meetings has been considered extremely helpful to maintain the work schedule and regularity of meeting.

Framing the work of the LWG around the six focus rights¹ helped prioritize and define needs in terms of protection and reinforcement of rights.

All members of the LWG report that their knowledge over specific legislation has dramatically increased over time. The legal knowledge was applied to a variety of actions and in particular:

¹ The identification of six focus rights as a legal framework for analysis will be explained in the next session.

- To increase understanding on how to analyze a legal text and its field of application in the three countries.
- To deepen understanding of the meaning of the Free Prior and Informed Consent in the three countries;
- In Gabon, for example to amend the legality grid for VPA negotiations, to create a first draft of a Benefit Sharing Agreement template further turned into a ministerial decree for the implementation of Article 251 of the Forest Code, or also to reform the forest code or to support the platform in the legal analysis of the Law on Sustainable Development. Moreover, the members of the LWG have been identified in the set up a group of experts on forestry to the COMIFAC.
- In Ghana to formulate a briefing on the legality of various logging permits, to draw up a transparency list with details of the logging documents that need to be made public, to fully understand Act. 571 establishing the forestry commission which allowed the creation of specific position papers (e.g. benefit sharing, the obligation to pay compensation in the event of crop damage, tree felling, property, plantations, etc.); to strengthen the role played by the Civil Society during the JMRRM.
- In Congo, to propose amendments to the Forest Code, to develop 5 diagnostic tools for analyzing the extent of consideration given to the six focus-rights for LCIPs in the latest version of the Forest Code (prior to any parliamentary debate), to outline a model of benefit sharing agreement between concessionnaires and communities.

During the discussion, suggestions were made as to include other regional NGOs and actors from the region to ensure greater impact of the LWGs group and to build bridges between capital and community level.

The sustainability of the LWG has been greatly discussed but a unique position has not been reached. One way to reach further sustainability could be to build the legal working group in each and every one of the projects carried on by civil society. It could be informal and on an *ad hoc* basis depending on the needs and be complemented with technological platform to allow continuous exchange during times when the LWG does not meet.

To overcome the project approach which always bears a question of sustainability when the project is over, one solution would be to enlarge the participation to other actors of civil society who are less funding dependent, such as academics, university laboratories and other institutions.

5 Session 5: Analysis of forest and land law. Legal analysis and diagnostic tools

To inform the creation of an analytical framework for contributing to legal reform, to highlight the strengths and weaknesses of national legislation and to build up civil society's legal knowledge ClientEarth proceed to carry out a thorough legal analysis and to develop diagnostic tools.

Civil society in the three countries decided to focus on building the rights of LCIPs in terms of managing forest resources. The legal support given by ClientEarth focussed on six areas of law:

Procedural rights:

- Access to information
- Participation in decision-making
- Access to the justice system

Substantive rights:

- Property rights
- Rights of use
- Right to a share in profits

The aim of ClientEarth's analysis was to create an overview of these rights. ClientEarth created a diagnostic tool in the form of a series of questions as an aid to understand the country's legal framework in terms of natural resources and the LCIPs' place in their management. This tool was supposed to be used to set the criteria for good forest governance.

The diagnostic tool was developed in two stages:

- Stage 1, development of a complex tool for all natural resources. This tool was considered too complex to use. This stage nevertheless made it possible for the main criteria to be selected for assessing the level of recognition of the rights of LCIPs in terms of the management of forest resources.
- Stage 2, creation of a diagnostic tool to analyse the current state of recognition of the substantive and procedural rights of LCIPs in the forest sector. These tools have been developed for each right and are intended to be used as checking tools when land and/or forest legislation is reviewed, such that the various parties involved are aware of the key provisions affecting the LCIPs that should be in the legislation. These diagnostic tools have been developed using international and regional guidelines for sustainable forest management and were country specific.

The questions arising from Stage 1, mentioned above, helped ClientEarth to carry out a detailed gap-analysis of the above-mentioned six rights of LCIPs in the national legal frameworks. This analysis took the form of legal briefings. Each briefing comprised a definition of the analysed focus right(s), analysis of the international treaties and agreements relating to this right/these rights in the country in question and an analysis of national legislation.

Detailed questions in the diagnostic tools, as with the legal briefings, enabled to highlight the degree to which the substantive and procedural rights of the LCIPs had been incorporated into the forest legislation, and to evaluate the conformity of national legislation with regional and international standards in a simple and effective manner.

The diagnostic tools and legal briefings were used in different ways in the three countries:

- In Ghana, to train the LWGs and CSOs on the rights of the LCIPs in forest law and to members of the Forest Commission on offences provided for by forest law (contained in the briefing on access to justice);
- In Congo, to propose recommendations and amendments to the Forest Code draft law and to draw comprehension diagrams on land and forest domains in Congo;
- In Gabon to create the Forest Code Reformulation Table by the LWGs for procedural and substantive rights and the consolidated proposal of amendments to the Forest Code Reform made by the civil society platform; to present the legal analysis for the Law on Sustainable Development and to draft of the decree on benefit sharing.

ClientEarth chose to adapt the material to the situation in each country and to the needs of civil society to help them contribute to legal reform. Thus, in Ghana, only the stage 1 diagnostic tool was used as a guide to create briefings. Also, at some stage two diagnostic tools were developing Ghana but CSO partners preferred to concentrate on the creation of position papers instead as this was considered a more efficient approach.

Discussion

- Did you use the legal briefings?
- Did you use the diagnostic tools?
- Can you give examples of how you used the briefings and/or diagnostic tools?

Both the legal briefings and the diagnostic tools have been considered extremely useful to support the legal analysis and the formulation of specific legal proposals in legislative reform with the view to strengthen community rights in various fields. The Diagnostic Tools were considered quite complex in a first place. For this reason it was strongly suggested to craft a specific training module.

Beyond law reform the tools have also been used for different outreach and training purposes. They have for example supported

- In Gabon, socio-economic assessment studies for local communities and the drafting of the Benefit Sharing Agreement and the revision of the legality grid in Gabon
- In Ghana the development of community training manuals and the development of a position paper on the compensation for loss of access to land and damage to crops due to harvesting;
- In Congo it supported the analysis of conversion timber and the analysis of community forest rules and regulations.

Briefings have also empowered LWG members to participate to regional and international think tanks, such as the COMIFAC where Gabonese LWG members have been identified as members to a Group of Experts.

Having a consolidated overview of the focus rights has proven crucial to granting coherence in approach to their protection across multiple sectors and legislation. In common law systems they have been useful to understand the various levels of protection in the hierarchy of laws.

The discussion underlined that the DT and briefings should be a mean to frame legal analysis, not a self standing deliverable. In this sense they need to be accompanied by proper legal drafting training and legal theory. They need to be followed by a strategy and work plans outlining how and when the legal analysis will be used.

For future adjustments and improvements, in common law countries DT could be developed according to the hierarchy of law and a colour-code can be introduced to measure not simply the existence of a legal provision but also to monitor whether the legal provision is being fully

implemented. Diagnosis should also not be limited to law but be applied to policies and policy considerations.

Finally, it has been reported that the production of a video which simplifies the 6 focus rights in a more accessible medium has contributed to sensitise local communities around often arduous legal knowledge and concepts.

6 Session 6: Building the legal capacity of civil society to participate in legal reforms: Legal training and advice

Besides creating a LWG and analysing the rights of LCIPs, the project involved building the legal capacity of civil society through legal training and advice upon request. Training was given over a number of sessions and was organised either by ClientEarth or in conjunction with other partners. They covered a variety of subjects, from substantive and procedural rights of LCIP to the legality of logging permits or the protection of Shea trees.

Some training/workshops were organised exclusively by ClientEarth (CE). Others were co-organised by ClientEarth and other national and/or international NGOs or in conjunction with a civil society platform/coalition (CE+CSOs). Lastly, some training/workshops were facilitated by ClientEarth but organised by LWG members (LWG). The choices of training/workshop organisation depended on the situation in country and circumstances. People attending training/workshops were typically members of civil society. Nevertheless, some training/workshops were organised both for members of civil society and representatives from the private sector, the government or other institutions.

ClientEarth has also responded to ad hoc requests for legal support from LWG members and other civil society members. More specifically:

- In Congo support was provided to analyse various models of community forests in the Congo basin region and beyond, to production of an explanatory booklet on the Congo VPA and to develop tools to understand technical concepts related to forest management, such as the procedure for recognizing customary land rights.
- In Gabon support was sought to complete the analysis of various models on benefit sharing from logging, of the bill on Sustainable Development and of the current situation regarding land rights with particular focus on property acquisition methods, and to present recommendation for the legality grid for the VPA being negotiated.
- In Ghana legal advice was provided for drawing up of a 'transparency list' (list of documents which, according to civil society, should be in the public domain), to understand the different logging permits and their legality under the VPA and the European Union Timber Regulation, to support the analysis of the system for verifying the legality of timber and the timber legality verification manual, and to strengthen CSOs representation in institutional bodies.

Discussion

Evaluation

- Was the training adapted to the needs of civil society?
- Did the training help to build civil society's ability to contribute to the legal reform process?
- Did the training help to build civil society's ability to contribute to the VPA implementation process?
- Did the legal advice given by ClientEarth meet the needs of civil society?

Civil society made use of training and legal advice in different ways in the three countries, from advocating changes in the law, to proposing new texts and strengthen the role played by civil society in VPA related bodies and beyond.

An improvement of legal capacity within civil society has been confirmed across the board. Training and legal advice has not only increased participation but has also improved the quality of amendments proposals to reinforce rights of IPLC reflecting on the relationship between the civil society and the Government.

The increased legal capacity reflects beyond forest law and law reform as it is transferrable to other sectors such as socio-economic studies, community protocols and training and other legal sectors.

It is also strongly believed that legal training and capacity could encourage access to justice and possible enforcement activities.

To ensure legal advice and training provided, it has been suggested to evaluate them in few years time to assess their continuous relevance and whether refreshment and follow up should be envisaged.

7 Session 7: Future developments

The very last session of the workshop focused ways forward and concentrated on two main topics:

- Increased awareness of EUTR to enable civil society to participate in its implementation
- Timber originating from forest conversion which greatly affects the livelihood and the rights of Indigenous People and Local communities and has now become an important driver of deforestation.

With a starting point on the high need for more training on EUTR, it has been raised that illegality remains an issue while no certainty around the licences exists yet. In as much as there is knowledge on the EUTR, it remains unclear from the African perspective on what is happening at EU level. In this sense, there is an understanding that the EU is working on the EUTR implementation but the producing countries remain unaware of its results. As the NGO sector does, the private sector also requires thorough training on the EUTR.

Raw timber is changing direction and going towards Asia and therefore it is crucial to ensure that timber and its products are traced all the way to Europe. Credible information is absolutely crucial to this end. For this reason, CE is working on toolkits on EUTR requirements. To ensure EUTR impact however, it is also important that civil society is able to input and participate. At the moment, governments are keeping the information and blocking action rendering civil society action difficult.

Subsequently, the question on how to tackle other drivers of deforestation, such as palm oil, and trees outside forests was addressed. Even if agriculture infrastructure does not directly fall within forest legislation and policy framework, they nonetheless impact on forest and on people's rights, greatly affecting their subsistence. It is therefore important to understand the various legal frameworks governing the production of various commodities to understand whether the timber coming from these activities is legal or not.

8 Conclusion and Lessons Learned

The Regional Workshop has proven a great opportunity not only to discuss achievements and impact but also to confer together with partners what will be the most pressing issues of concern in the future.

In terms of relevance, ClientEarth's partners have regarded the legal support, advice and capacity building provided as filling a knowledge vacuum which contributed to substantially increase civil society proposition force and overall strengthened the confidence to participate in VPA bodies and more widely in governance processes in the three countries. Evidence clearly shows that the credibility of civil society has been reinforced in the three countries.

Moreover, the legal tools and databases created have filled a knowledge gap in University curricula and have provided Government authorities and institutions with up to date comprehensive legal information.

In terms of effectiveness, it appears from the Regional Workshop discussion that the project objective was achieved in all three countries.

Despite the different political context and the different setting of the Legal Working Group in the countries, it has indeed proved able to present the required technical assistance to civil society and community leaders to increase participation and civil society engagement in forest decision making processes. The Regional Workshop has provided the opportunity to assess the approach to capacity-building and legal support through the work of the LWG and how it has been directed to specific deliverable. Although some modifications and adjustment could be foreseen in relation to the specific political context, such a model could be replicated in different countries where legal reform processes are on-going. The role of the In-Country Associate has also been deemed functional to the efficacy of action of the LWG.

Despite different approaches in the three countries, it is safe to state that the analytical framework designed to strengthen a community inclusive approach to forest management and governance has been successfully informing programme activities as well as activities beyond

the specific project deliverables. In this sense, the use of the legal tools have proved useful also for the Academia and the private sector, and we believe they could also be replicated in countries other than the ones for which they were developed, with the relevant adjustments.

Finally, Civil society, equipped and empowered through training, legal advice and support, demonstrated its capacity to engage effectively in law reform processes and decision making relating to forests. Specific examples of legislative proposals drafted and put forward by civil society have been provided throughout the Regional Workshop.

Overall we consider that the project has profoundly impacted the way forest-related decisions are taken. Civil society is now considered not only an indispensable actor in forest governance but has shown capacity and technical knowledge to be a crucial actor in multi-stakeholder processes. Although direct support to Indigenous People and Local Communities will require greater attention overall ClientEarth action has substantially benefitted to the protection of the rights of the people who live in and around forests.

It is undeniable that the sustainability of the project goes hand in hand with the maintenance of political will and engagement by both the civil society and government authorities to further the forest governance agenda. The framing of action and analysis around key human rights, will likely contribute to the continuation of advocacy and lobbying activities by civil society.

The legal tools and advice developed will continue to be available on the website and other shared resources. This could continue to serve as a legal reference whenever legal analysis and action is required. An assessment few years down the line could provide evidence as to whether the legal capacity continues to bear fruits.

9 Recommendations

From the Regional Workshop Discussion and from direct feedback from our partners some recommendations for future actions can be drawn. The list however has no intention to be exhaustive or set in order of importance and should be revised regularly to assess its relevance.

On the In-country presence:

- In light of the specific legal support provided by the ICA, its presence should be continued in its present form to ensure neutrality and independence from political agenda.

On the Legal Work:

- As the work of the LWG has proved crucial, its continuation should be promoted. However, different settings, composition and organisation could be envisaged in the future. Continuing to frame the legal analysis around the six key rights also ensures that the legal analysis remains relevant to the needs of Local Communities and Indigenous People.

On the legal tools and advice:

- Developed legal tools should be accompanied by training on their use and legal drafting skills. As it appears that forest governance lies upon the natural resources legal framework as a whole, a more comprehensive legal analysis should be carried out.

On reaching out to local communities:

- Direct participation of local communities and indigenous people should be further strengthened and new methodologies to include these groups in all action explored. In this sense the creation of paralegals outside the capital level to provide the liaison between national civil society and local realities could provide a solution. A strategy for the restitution of the work and analysis carried out at capital level to local communities should also be envisaged.

On the relationship between Government and Civil Society:

- The relationship between Government Authorities and Civil Society should be further encouraged. Direct partnerships or partnership through an international organisation could provide an opportunity to open dialogue.

On dialogue beyond specific countries:

- Exchange of experience and good practices in forest governance should be continuously encouraged at regional level and beyond. To this end some interactive platforms and new communications methods should be explored.

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ClientEarth is a non-profit environmental law organisation based in London, Brussels and Warsaw. We are activist lawyers working at the interface of law, science and policy. Using the power of the law, we develop legal strategies and tools to address major environmental issues.

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