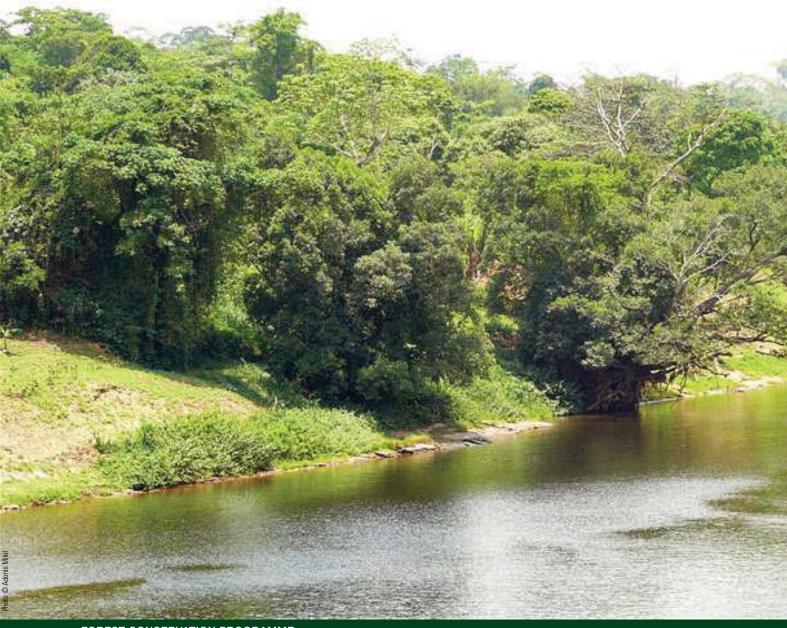


IUCN's role as facilitator in Cameroon's multi-stakeholder consultations for a Voluntary Partnership Agreement (VPA)

Jody Erikson The Keystone Center April 2009



FOREST CONSERVATION PROGRAMME



STUDY INTERVIEWEES

Cameroon government

- Mr Denis Koulagna Koutou, Secretary General, Ministry of Forestry and Wildlife (MNFOF) and Coordinator, VPA Technical Commission.
- ► Hon. Batoum Themotio, Chief, Division of Cooperation & Programming, Ministry of Forestry and Wildlife.
- Mr Samuel Ebia Ndongo, Director of Forestry, Ministry of Forestry and Wildlife, and Secretary, VPA Technical Commission.

Civil society

- Mr Samuel Nguifo, Secretary General, Centre for the Environment and Development (CED).
- ► Mr Symphorien Azanrsa, *CED*.

Private sector

- ► Mr André Jules Ndouga, *Syndicat des* Exploitants Transformateurs Industriels Exportateurs des Produits Spéciaux.
- ► Ms Blandine Ouoguia, *Groupement Filière* Bois au Cameroun.
- Mr Zacharie Wandja, Association Nationale des Jeunes Exploitants Forestiers et Transformateurs de Bois (AJEP).
- Ndzana Nkoa, Association Nationale des Trasnformateurs – Artisans et Vendeurs de Bois Débité du Cameroun (via email).

European Union

- ► Mr Marc Vandenhaute, German Technical Cooperation (GTZ).
- Ms Julia Falconer, European Commission.
 Mr Mathieu Bousquet, European Com-
- Mr Mathieu Bousquet, European Commission.

IUCN

- ► Mr Adonis Milol, VPA Programme.
- Mr Kenneth Angu Angu, Central African Regional Program for the Environment (CARPE).

he Voluntary Partnership Agreement (VPA) negotiations on legal timber with the European Union (EU) gave Cameroon an opportunity to improve forest governance and create a model for multi-stakeholder consultation on important national policy decisions. Both the EU and the government of Cameroon were committed to conducting transparent and participatory negotiations. Cameroon formed a multi-stakeholder technical commission to inform the development of their negotiating position. The EU and Cameroon tasked the International Union for Conservation of Nature (IUCN) with facilitating the participation of civil society and the private sector in the technical commission and the VPA negotiations in Brussels.

IUCN is looking to replicate and improve the implementation of its role as facilitator for civil society and private sector involvement in other countries' VPA negotiations. To that end, IUCN sought to learn from its experience in Cameroon and contracted The Keystone Center (TKC) to conduct an external evaluation of its role and make recommendations for improvement.

TKC is a non-governmental organisation based in the United States whose mission is to equip citizens, governments, civil societies and the private sector with deliberative frameworks, democratic processes, analytical information and critical-thinking skills to navigate tough problems and develop solutions. It is trusted for its independence and objectivity, and is a member of IUCN's Commission on Education and Communication.

Most recently, TKC worked with IUCN in Ghana to prepare an assessment and recommendations on how to conduct multi-stakeholder consultations and implement a stakeholder process. That assessment was conducted prior to negotiations and after the formation of a VPA Steering Committee. It was intended to help IUCN in their role as facilitator, and covered suggested roles and responsibilities for each of the major stakeholder groups involved in the negotiations; options for stakeholder consultations and communication tools, and their relative strengths

and weaknesses; and a proposed process and additional next steps.

Methodology

To prepare this report, TKC teamed up with Professor Amié Maboul Ebanga of the African Centre for Applied Research in Forestry and Development. Professor Maboul helped with the interviews and reviewed the draft report. TKC's team reviewed relevant documents and interviewed various stakeholders involved in the VPA process. Most interviews were conducted during TKC's trip to Yaoundé on 14–20 November 2008. A few interviews were conducted by telephone and email after the trip. A full list of the study interviewees is given in the opposite column.

The following questions were asked during the interview process. They were modified as appropriate to the interviewee and the flow of the conversation during the interview.

- How did you get involved in the multi-stakeholder dialogue (MSD) for the VPA? Who does your organisation represent?
- What was IUCN's role? Was it clear what its role was from the beginning?
- What activities did IUCN conduct in implementing its role?
- 4 How was IUCN successful?
- Were there any challenges with IUCN's role and how were they addressed?
- What improvements would you suggest IUCN make when playing a similar role in another country?

This report summarises the feedback from all the interviews. Although the discussions were extensive, they were not exhaustive. Interviews were conducted in English and in French (with interpretation). The draft report was sent to those interviewed for comments and suggested improvements. Interviewees were given three weeks to review the document. During this period follow-up telephone calls were made and offers given to meet again to discuss the draft. Only IUCN and the EU submitted comments.

This assessment of IUCN's role in Cameroon, conducted in the spirit of learning, has some limitations. Although TKC is a neutral organisation, our interactions with stakeholders were brief, potentially limiting the extent to which participants felt comfortable sharing information. This report reflects the majority view, which was positive. The minority view (outside Cameroon) saw IUCN as less effective than this report states. The discrepancy is possibly due to a different willingness to share critiques and different expectations of IUCN's role. Owing to reservations as to whether all criticisms were communicated, additional recommendations for the future are included based on the professional experience of TKC and not based on the failure or success of IUCN.

Background to Cameroon's MSD to develop a VPA

The VPA process began in 2005 with Cameroon's official request to the EU to begin collaboration. In November 2007 the Cameroon government created and initiated a technical commission to oversee and provide input to its negotiations. The membership and structure of the commission were established by the government. The commission originally consisted of ten members and was later expanded to fifteen. Its final make-up included various technical government ministries, private sector (industry) representatives and civil society groups. The commission provided input to help the Cameroon government develop and implement a negotiation position with the EU.

Beginning in 2007 the technical commission met once a month for two to three days at a time. The formal negotiations between the EU and Cameroon held in Brussels included ten people from the technical commission.

IUCN's role and mission

IUCN is an international organisation focused on helping the world find pragmatic solutions to the most pressing environmental and developmental challenges through research, field projects and dialogue between government and non-governmental organisations. Its mission in Central Africa is to:

- ► improve the management of forest and wildlife resources including landscapes;
- ► preserve biodiversity through the harmonisation of policies and sub-regional and international cooperation; and
- promote concerted management of wetlands and good governance of natural resources to improve the livelihoods of the population (Conserving the Diversity of Life: The challenge of a sustainable future for Central Africa. 2007 IUCN-ROCA Annual Report, p.9).

As part of its mission, IUCN "provides sundry assistance to civil society organisations and other stakeholders in the entire process of negotiating voluntary partnership agreements (VPAs) under the purview of Forest Law Enforcement, Governance and Trade (FLEGT)." Specifically in Cameroon, IUCN has worked with the Ministry of Forestry and Wildlife (MNFOF) to "ensure that the parties concerned with the process [are] brought together on a tripartite basis (government, civil society and private sector), are effectively involved in the technical preparation of the VPA, and their contributions are taken into account by the administration responsible for formalising the partnership offer" (Ibid., p.26).

Assessment of IUCN's role in Cameroon

TKC's assessment of IUCN's role is based predominately on information gathered from interviews and

TKC's experience in convening and running MSD processes. The assessment focuses on the general similarities and discrepancies in the way interviewees described IUCN's role and does not articulate every success, challenge or suggested change that was mentioned. TKC wanted to know what people believed was IUCN's role, whether IUCN was successful in that role, whether there were any challenges, and what are some possible improvements for future

This assessment focused on IUCN's role in negotiations to develop Cameroon's position for the formal bilateral negotiations with the EU (Figure 1).

All those interviewed said IUCN played an important role in facilitating the process. IUCN was most helpful in: explaining the FLEGT and VPA processes; sharing information; organising and mobilising sectors; and ensuring sectoral involvement through funding meetings and travel for representatives. Sector-specific activities to implement IUCN's role are listed below.

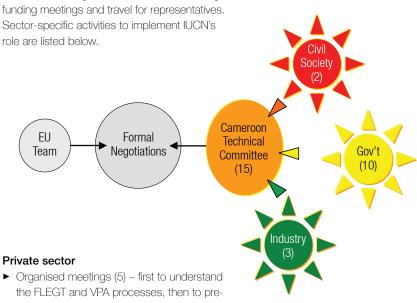


Figure 1. Cameroon's negotiations

Private sector

- pare for upcoming VPA meetings.
- ► Funded travel provided travel expenses for representatives to attend the meetings.
- ► Invited formally invited people to attend sector meetings and informed them of the VPA process and the opportunities to contribute their inputs.
- ► Generated meeting summaries/reports.
- ► Web tool developed a web tool for open discussion; people were able to read and post comments online.

Civil society

- ► Attended and co-funded a meeting of the Platform (the existing network for civil societies).
- ► Organised and funded a larger national civil society workshop - the intent of this meeting was to provide an opportunity beyond the Platform. This was seen as more open and inclusive because it was organised by IUCN and not by the Platform. The meeting allowed for other organisations to learn about the VPA process and have a voice.
- ► Funded travel provided travel expenses for representatives to attend the meeting in Brussels.

- Invited formally invited organisations to attend sector meetings and informed them of the VPA process and the opportunities to contribute their inputs.
- ► Generated meeting summaries and reports.
- ▶ Web tool developed a web tool for open discussion; people were able to read and post their comments online.

Strengths and challenges

The two most commonly mentioned strengths of IUCN's role were: 1) funding travel for representatives to attend meetings; and 2) organising sector meetings for people to understand the FLEGT and VPA processes, discuss issues, and prepare for upcoming meetings.

From TKC's perspective, it was valuable that IUCN used the existing civil society Platform and hosted a larger civil society meeting to give those organisations that had not heard of, were opposed to, or were intimidated by, the Platform structure a separate opportunity to understand the VPA process and be heard. At first this larger meeting was seen as unnecessary since the Platform is an open and informal organisation: why would there be a need to have an open civil society meeting when there already was an open civil society group? After the meeting, however, participants appreciated that it had created opportunities for other people to learn about the process and provide input.

Some of the challenges with the IUCN's role in the MSD process included:

- ► Communication between representatives in the technical commission and their constituencies

 interviewees said that representatives were not consistently sharing information with their members or constituency, nor reporting on the progress of the discussions, nor gathering further input and direction from them to take back to the commission.
- Representatives sometimes represented their own personal interests instead of their constituency view.
- ▶ Initial confusion about IUCN's role the Cameroon government requested and defined IUCN's role through the document establishing the technical commission. Stakeholders learned about IUCN's role from IUCN. It was confusing when the list of representatives on the technical committee was published and IUCN was (and still is) listed as a civil society representative with a seat at the table. The IUCN programme leader has repeatedly told the government and others that they are not a negotiation representative and do not have a seat at the table.
- ▶ Directors of key logging companies were unavailable or lacked the information to follow the progress of the negotiations. As a result, coordination between the technical commission's work

- and the work done by logging companies outside the negotiations on similar issues was limited. IUCN is not as familiar to the business community as they are to the grassroots organisations or NGOs in Cameroon; their skills are honed for involving community and NGO perspectives.
- ► The web tool and online discussion did not work as well as they could have done. Although a great idea, it was hard to wade through and gather relevant information from the personal stories and pleasantries, and hard to follow a single topic.
- Confusion about leadership in the civil society sector (who was doing what) created some weakness in the sector's position.
- Meeting summaries and reports were not distributed or developed.
- ► The budget did not expand as the process expanded.
- Attempts to build agreement too soon in the process may have lead to some people's needs and interests not being heard.
- ► Consensus was sought without always communicating every conflict (which is sometimes necessary if all sides are to be heard).

Recommendations for future IUCN facilitation efforts

The goal of this assessment is to provide information for learning and improvement. To that end, informants were asked how IUCN might improve its work in the future. The following recommendations were shaped by the challenges and suggestions made in the interviews. TKC has also added some recommendations from its own experience of what makes good facilitation.

Each VPA negotiation is different, each country is different – the existing structure, willingness for transparency and involvement, etc. – yet there are common elements to be considered in all situations. These recommendations are in addition to IUCN's strengths in the Cameroon process.

- ► Capacity and role of representatives:
 - Criteria develop and distribute criteria for selecting and setting expectations for a good representative (see next section).
 - Training increase capacity of representatives to negotiate through training, monitoring and coaching (improving their role at the table and with their constituencies; and the link between the two).
 - ❖ Interests assist in identifying all sectors' needs and interests, and ensure that all interests are represented across sectors in the negotiation; sometimes there are various and conflicting interests within a sector and if the sector is not able to build agreement it is important that the different sector interests are heard at the table so the negotiation group can take the most informed decisions.



► Information sharing:

- Constituencies help representatives at the table consistently share information with their constituencies (provide updates on negotiation progress and materials).
- ♦ Meeting summaries/reports develop or make them available to all participants for review and revision in a timely manner.
- Data and government information encourage government to share data and information with all participants in the MSD.

► Funding:

- Flexibility create a flexible budget to allow for possible changes in schedule, number of meetings and number of representatives.
- Increase access more funding to allow more members of each sector to attend formal international negotiations (this improves the capacity of representatives and their team by allowing them to observe the process at first hand).
- ▶ Web communications provide rules on using the threaded discussion tool (example: to discuss a specific topic and not for personal stories; no need to say hello, goodbye, etc.); provide topics for discussion, either a different discussion thread for each topic or a set time (beginning and ending) for each topic; and provide a synthesis of each topic discussion.
- ► IUCN's role clarify and confirm with all parties up front and throughout the process, both in writing and verbally, IUCN's purpose and objectives, and an initial plan of action for implementing its role with each sector. This will create common expectations and decrease confusion.
- Use existing structures identify existing structures, networks, or organisations doing IUCN's proposed role; use and enhance them, but do not duplicate or give the impression of duplicating them.
- ► Business connection it is not always easy to access and influence businesses that already wield power. IUCN needs to recognise that in some situations they may not be best placed to influence these participants. IUCN may need to find a partner or champion with the connections necessary to persuade business directors to engage in the process. It is also possible that these businesses feel they have enough power to be engaged at a higher level (with higher level government officials). In this situation IUCN must consider whether to work harder to engage them or whether it is better to keep them informed of IUCN's role while spending more resources on smaller organisations who need more capacity building and access.
- ► Interaction between sectors IUCN has worked to mobilise within sectors, yet there is also value in creating opportunities to talk between sectors away from the negotiation table.



Based on the interviews TKC believes IUCN has done a good job of helping civil society and the private sector take their place at the table, understand the process, have an opportunity to be heard and mobilise to develop their voice. The next step is to provide support to and build negotiation capacity within each sector and with each representative. Building capacity within the sector will give the sector the knowledge to select the best representative for negotiation and know what to expect of their representative. This capacity will also help a sector identify and possibly prioritise their needs and interests, giving them greater confidence to communicate those interests. To build this capacity, IUCN needs to improve the knowledge and skills of participants in elements of good negotiations and good representation, and to continue to share the technical aspects of the VPA negotiations.

Elements and criteria of a good representative

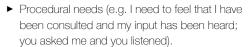
The following are elements of good negotiation and what a good representative needs to be aware of or promote within their own sector or at the negotiating table. IUCN should work to ensure that these elements are present during negotiations through various activities and monitoring. IUCN can also help build capacity in these elements within sectors and with individual representatives. The elements can be considered when identifying the needs that IUCN could fill in any VPA process in the future.

Interest-based negotiation

Interest-based negotiations identify and address the underlying interests and issues associated with the implementation of an agreement, not just the positions presented by the parties at the table. For example, if a negotiation is trying to resolve how funding will be shared across two parties, rather than bargain over a numerical split (e.g. I get 80%, you get 20%), the parties ask questions of how the funding will be used or why it is important that they re-

ceive the funding. This may reveal areas of common interest, issues of recognition and rights that are less about the money involved and more about respect and creative ways to achieve more goals.

Interest-based negotiations can be more effective at addressing systemic changes and enhancing long-term relationships than traditional bargaining. Another example: two people negotiating for a single orange. In traditional bargaining they each have a position or favourite solution, in this case their positions are: "I want the orange", "No, I want the orange." The solution may be to cut the orange in half (50/50) or to try to negotiate a different numerical split based on severity of impact or need, how much a party deserves a larger share, etc. In interestbased negotiations parties learn the interests or why a person wants a favoured solution. In the case of the orange, one party's interest may be to be healthier through the vitamin C from the juice, whereas the other party's interest may be to use the peel to make an orange cake. When looking at interests you can create win-win solutions – solutions where both parties are able to fulfill their interests and needs (one gets all the orange peel and one get all the orange juice). Interests can further be defined as (Figure 2):



- ► Relationship needs, (e.g. I trust this man, so I will work to find common ground rather than get in an argument).
- Substantive needs (e.g. a portion of the taxes collected should go to local communities).

Often if a negotiation process is not addressing the first two levels of interest (procedural and relationship), it is difficult to make progress on the substantive negotiations.

Both the EU and governments are approaching VPA processes as interest-based negotiations. So it is important to all parties that the negotiations identify, understand and address their underlying interests associated with establishing a system for defining and validating legal timber for export.

➤ Recommendation: IUCN can play an important role in helping sectors identify and understand, as well as document, their interests and whether they are procedural, relationship or substantive in nature. IUCN should also help sectors learn and understand the interests of others around the negotiating table.

Activities: Two activities that will increase capacity to understand a sector's interest are: 1) training in interest-based negotiations to understand the difference between an interest and a position; and 2) assisting in the development of a list of interests (both a list within each sector and a list that includes all sectors). Identifying interests is best

done in a meeting format so all can hear and discuss them. It can also be done through interviews that lead to a draft list of interests that is reviewed and revised by all.

Transparent communication at the negotiation table and with constituencies

It is important to be clear and transparent about the process and the interests of different sectors. It is also imperative that the representative keeps their constituents informed about the evolution of the process.

- ► Process transparency For successful participation everyone needs to fully understand the purpose of the negotiation, the process and structure, the requirements, and how input will be used. It is important not only to understand the purpose, but also to get agreement on the purpose from all participants. For example, the purpose of the Cameroon technical commission was to give advice to Cameroon's government about its negotiating position. It was not to decide the position. The difference comes in the expectation of the representatives that their input must be taken or may be seriously considered. Process transparency also means being clear about the time and logistical requirements of each participant. For example, in Cameroon VPA representatives met once a month for two to three days. To meet participants' procedural and relationship needs it is important to be transparent about how input will be used, e.g. how it will be considered, used to develop, used to revise, codified in a document, or why it has not been used.
- ► Interests transparency In interest-based negotiations one cannot negotiate without understanding one's own interests and those of the other parties. Interests need to be identified within each sector and then communicated to all parties in the negotiations. It is important to communicate not only the sectors' substantive interests, but also their procedural interests (example: meeting duration, number of meetings, using smaller working groups, any aspect of the process that will give the sector a greater sense of comfort in providing and discussing input) and their relationship interests (example: how to build relationships and what is considered as showing respect; and creating opportunities to socialise with other negotiation members over food or drinks).
- ➤ Transparency with and from constituency good negotiation is an evolution from arguing across the table through to building small then larger agreements into a single collective agreement. It is about the path of understanding different interests and the necessary trade-offs made when interests are in conflict. These trade-offs make

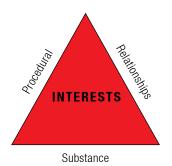


Figure 2. The interests triangle

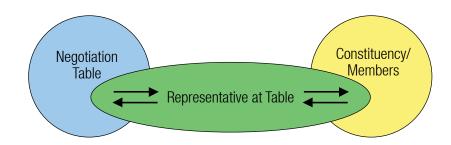
sense to the people who have been fully discussing those interests and sharing information. It is an evolving process and to accept the tough tradeoffs one must understand the path that led to the conclusion.

Therefore, it is imperative that representatives bring their constituents along by describing the negotiation path, consistently updating them on the progress of the discussions and how the process is evolving. The representative is the link between the negotiating table and their constituency, bringing them both along the path towards agreement. If that link is broken, and information is not being shared, then when the agreement is reached constituents will not understand why trade-offs were made and may feel angry and reject the agreement.

► Recommendations:

- → Process transparency IUCN was praised in Cameroon for their ability to explain the FLEGT and VPA processes, and should continue doing that in the future. Depending on the needs of the situation, IUCN may have to request clarification of the process from the governing body and ensure that this is communicated. Activities: This may require IUCN to request or develop a written document that outlines the MSD's purpose and process, and to disseminate it to stakeholders. IUCN should also explain the process to people in person to answer questions and clarify assumptions. IUCN should also explain their role in the process in writing and verbally.
- ♦ Interests transparency IUCN can help sectors communicate their interests by helping them understand their interests (see above discussion of interest-based negotiation). Activities: IUCN could set up and run a sector meeting specifically to discuss, develop and prioritise a list of interests and formulate a negotiation strategy. IUCN may assist in producing the document for each sector to review and revise, and making interests documents available to all parties in the negotiation. IUCN may be able to do this for all three sectors civil society, business and government.
- → Transparency with constituencies This is where IUCN could make the most improvement. This is often a hurdle in interest-based negotiations, so IUCN should not assume that it is automatically being done. It should talk with constituents (with the acceptance or knowledge of the negotiation representative) to ensure that information is being communicated to them.

Activities: IUCN may help with communicating with constituencies in many ways, for



instance providing opportunities through update meetings (possibly regularly), drafting and distributing printed or electronic update letters, or developing a web site for posting updates and negotiation documents. These may be accessed and used by all representatives and their constituencies in the negotiation.

Mutual definition of the problem

Negotiations are most successful when representatives understand that the problem is not simply how it impacts them, but how a solution will impact everyone. All participants need to see that other sectors' needs are legitimate, and that any solution has to address those interests as much as their own. Participants must appreciate that they are working to solve the same problem. They need to move from talking about "my interests" or "your interests" (either/ or) to "how do we create a solution that addresses my interests and your interests?".

► Recommendation: In TKC's experience this is very difficult to teach or force, even in the best of circumstances, but it is a part of every successful negotiation. It comes from an evolution of thinking based on participating in discussions and a true willingness to hear the needs and interests of others, and to resolve them along with one's own. Activities: First, IUCN can provide negotiation training that will explain this element in more detail. Second, IUCN needs to understand and verify its understanding of each sector's interests. Third, it can provide a coaching function by reminding representatives during discussions (at meetings or one-on-one) of the need to develop a solution that meets everyone's interests. IUCN can make sure to talk about all interests and ask questions about how a possible solution meets other people's interests as much as one's own. IUCN can play a neutral role, helping all sectors gain a better understanding of the interests to create the best solution.

Balancing/creating power

In TKC's experience, for people to be heard there needs to be a balance of power while knowing that power is never shared equally. In most cases that means enhancing or creating power in the least powerful around the negotiation table. In this report



Figure 3. The link between negotiation and organisation is the representative



TKC sees three types of power: decision-making power (example: Cameroon government and EU); power to implement or stop implementation (example: timber syndicates/associations and civil society groups); and the power that comes from the number of people represented (example: civil society groups and timber syndicates/associations).

If the power is imbalanced there is no incentive for decision makers to listen to other parties. In the case of the VPA negotiations, the EU has helped to balance power by insisting on the involvement of civil society and timber associations. IUCN has further helped balance power by mobilising the private sector and civil society to increase the number of organisations and people behind the representative at the table.

Recommendation: IUCN has been balancing and creating power in Cameroon by mobilising different sectors to come together and build coalitions to speak with a louder voice. It needs to consider the power balance and continue to help if there is an imbalance.

Activities: In future processes, IUCN should consider and assess the power balance and how it can increase the power of certain sectors through

mobilisation, understanding and (if possible) improving legal rights.

Conclusions

A majority of those interviewed (predominately in Cameroon) felt that IUCN performed its role well and was important for the involvement of civil society and the private sector in the tripartite development of Cameroon's negotiating position with the EU. The two key elements of success were: 1) organising meetings within each sector to discuss issues and prepare for the technical commission and negotiation meetings; and 2) providing the financial support to attend those meetings.

A minority of those interviewed felt that although IUCN's role was important, they were not as effective as they could have been and the exact impact of IUCN's involvement is uncertain.

In light of the minority opinion, IUCN could go further in preparing civil society, the private sector, and government (where possible) for involvement in VPA negotiations by:

- Assessing each situation according to the elements of successful negotiation to see where it can be most useful.
- Increasing parties' capacity to negotiate by articulating and training people in what is expected of successful negotiation representatives.
- Continuing to explain the negotiation process and mobilise different sectors as it has done in Cameroon.

As VPAs move into implementation IUCN could promote continued stakeholder and government interaction in implementation and monitoring. IUCN could also consider the role it can play beyond the negotiation agreement. An important step in implementing an agreement is promoting the general public's awareness and buy-in. IUCN could support public awareness campaigns on the process, the agreement, and how the agreement affects them. The best public engagement efforts are made at the grassroots level, as IUCN knows well, so it may be uniquely qualified to promote and implement a public awareness strategy using civil society groups and other local networks.





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