

PN-ACR-012

CONSTITUTION

OF THE

**CONFERENCE ON CENTRAL AFRICAN
MOIST FOREST ECOSYSTEMS
(CEFDHAC)**

June 2002

PREAMBLE

Ministers in charge of forests, Parliamentarians, representatives of non governmental organisations, the private sector and research institutions of Central African countries, meeting in an ordinary session of the fourth Conference on Central African Moist Forest Ecosystems (CEFDHAC),

- Considering the economic, ecological, social and cultural importance of Central African forest ecosystems, their spread and their great biological diversity;
- Considering the pressing need to harmonise sub-regional policies on the management of these ecosystems and strengthen sub-regional co-operation;
- Considering the political will and the determination of countries of the sub-region to unite their efforts for sustainable use of resources found in these ecosystems;
- Considering the need to further involve local communities and collectivities, non governmental organisations, the private sector and special social categories in the conservation and management of forest ecosystems;
- Considering the urgent need to institutionalise the Conference on Central African Moist Forest Ecosystems;
- Taking into account the Yaounde Heads-of-State Summit and the first Ministerial Conference to follow up its recommendations and resolutions and the recommendations of the third CEFDHAC Conference held in Bujumbura;

HAVE AGREED AS FOLLOWS:

PART I: GENERAL PROVISIONS

Article 1: Legal form and name

The signatory parties hereby decide to institutionalise the Conference on Central African Moist Forest Ecosystems, abbreviated as “**CEFDHAC**”.

The CEFDHAC shall be a sub-regional organisation made up of States, national and sub-regional non governmental organisations, and other stakeholders involved in the management of Central African moist forest ecosystems.

Its functioning shall be determined by this Constitution and its Rules and Regulations.

Article 2: Nature

The CEFDHAC shall concretise the will of stakeholders to arrive at a common vision on the conservation and sustainable use of the sub-region’s moist forest ecosystems.

It shall be designed equally as:

- A guiding forum that links up all actor groups intervening in the sub-region,
- A forum whose entire ideas and reflections contribute toward decision-making by political authorities involved in environmental and forestry issues in Central Africa,
- A forum for consultation and exchange of experiences open to all actors of the forestry sector, for equitable and sustainable management of Central African forest ecosystems.

Article 3: Objectives

The aim of CEFDHAC shall be to encourage0 actors involved in forest management in Central African countries to conserve the forest ecosystems and ensure that resources found therein are used sustainably and equitably.

To this end, the CEFDHAC shall specifically be charged with:

- Fostering harmonisation of interventions in Central African forest ecosystems;
- Making technical information available for use by Minister in charge of forest ecosystems in decision-making;
- Propose coherent regional programmes and initiatives for the conservation of Central African forest resources;
- Ensuring the dissemination of new ideas and experiences that favour the conservation and sustainable use of biological resources in Central Africa;
- Organising sub-regional and national ecological fora and open them to all actors concerned with or interested in biodiversity conservation in Central Africa;
- Facilitating taking gender into consideration in conservation issues in Central Africa;
- Brainstorming on ecological security, especially the management of transboundary and national conflicts geared toward Central African biological resources, including the management of parks for peace;
- Designing and proposing good governance programmes to institutions that manage forest ecosystems at local, national and sub-regional levels as an element of political, economic, legal and social environment;
- Animating discussions on the integration of baseline elements for harmonising forestry policies and laws, and developing transboundary protected areas in Central Africa into regional processes for the management of forest resources;
- Defining workplans to fight illegal exploitation of forest resources including fauna;

- Participating in drawing up and popularising national and/or transboundary laws that may contribute in regulating sound management of Central African national and/or transboundary forest ecosystems.

Article 4: Headquarters

The Headquarters of the Co-ordination of the CEDHAC shall be based in Brazzaville, in the Republic of Congo.

Upon a decision of the Conference, it may however be transferred somewhere else.

Article 5: Duration

The CEFDHAC shall have an unlimited duration, except the Conference, meeting in an extraordinary session, decides on an early dissolution. A quorum of 2/3 of the members shall be required to decide on its dissolution.

PART II: MEMBERSHIP

Article 6: Member States

The following Central African States who have signed the Brazzaville Declaration shall be CEFDHAC members: Burundi, Cameroon, Central African Republic, Republic of Congo, Democratic Republic of Congo, Gabon, Equatorial Guinea, Rwanda, Sao Tome and Principe and Chad.

However, CEFDHAC membership shall be open to any country that applies to become a member.

Article 7: Participation of Ministers

The Current and Out-going Chairs shall take part in the Conference. In case of necessity, the Current Chair shall invite other Ministers, depending on the items on the agenda.

Article 8: Categories of CEFDHAC members

The CEFDHAC shall be made up of founding members and ordinary members.

8.1- Founding members shall be partners who signed this Constitution.

8.2- Ordinary members shall include representatives of various partners, viz.:

- government structures involved in the conservation and sustainable management of Central African forest ecosystems;
- Parliamentarians of member countries;
- the private sector specialised in the exploitation of resources of Central African forest ecosystems;
- para-governmental organisations;
- international co-operation agencies;
- national and international non-governmental organisations;
- sub-regional organisations involved in environmental and forestry issues;
- training and research institutions;
- local and/or indigenous communities, etc.

Article 9: Admission of new members

Any candidate for any of the categories cited in Article 8.2 above wishing to become a member of the CEFDHAC shall submit an application to the National Correspondent.

The National Correspondent shall forward the candidate's file, with his opinion, to the Current Chair who shall submit it to the Conference.

Any candidate whose application for membership shall be rejected shall not be allowed to resubmit another before two years, following the rejection date.

Article 10: Suspension – Resignation – Expulsion – Readmission – Referring matters

10.1- Suspension

Any CEFDHAC member shall be suspended in case of violation of any provisions of Article 11.2 below.

Suspension proposals shall be made to the Conference through the Chair.

The Conference shall vote in an ordinary session by 2/3 majority of members present and shall also state the duration of the member's suspension.

10.2- Resignation

Any member shall have the right to withdraw from the CEFDHAC for its own reasons. In this case, it shall inform the National Correspondent in writing, with a copy to the Current Chair of the Conference.

10.3- Expulsion

In case of repeated violations by a member, of provisions of Article 11.2 below, the Current Chair shall submit a motion for its expulsion to the Conference. The later shall vote by 2/3 majority of members present.

10.4- Readmission

Any member expelled from the CEFDHAC shall be allowed to apply for readmission after a period of four (4) years from the date of expulsion.

Application for readmission shall be subject to the same procedure for admission.

10.5- Referring matters to the Chair

Any CEFDHAC member shall have the right to refer a matter to the Chair in case another member violates the obligations.

Article 11: Rights and obligations of members

11.1- Rights of members

CEFDHAC members shall have the right to:

- take part in executing CEFDHAC activities at all levels;
- take part in biennial sessions;
- receive all documentation on CEFDHAC activities;
- access freely or onerously to publications and reports on CEFDHAC meetings;
- table recommendations and resolutions to the CEFDHAC.

11.2- Obligations of members

CEFDHAC members shall have the obligation to:

- contribute in accomplishing CEFDHAC objectives and activities;
- submit their progress reports on activities defined by the CEFDHAC and those in which they are involved to the Facilitating Agency;
- contribute in preparing and conducting CEFDHAC meetings;
- contribute financially to the running of the CEFDHAC.

PART III: ORGANS AND FUNCTIONING OF THE CEFDHAC

Article 12: The main organs of the CEFDHAC shall be:

- the Conference;
- the Chair;
- the Co-ordination;
- National Contact Groups;
- National Correspondents.

Chapter 1: The Conference

Article 13: Definition and composition

The Conference shall be the supreme organ of the CEFDHAC. It shall bring together all representatives of various stakeholders of the CEFDHAC.

Each stakeholder of the CEFDHAC shall designate its representative to the Conference. This representative shall have to be duly mandated by his/her structure. Stakeholders shall, as much as possible, avoid changing their representatives taking part in these Conferences in order to ensure harmonious follow up of activities.

Funding bodies that contribute in financing CEFDHAC activities and any other individual or corporate body likely to contribute in discussions shall be invited as observers.

The Conference shall meet in ordinary session and in an alternating manner after every two years.

It shall meet in extraordinary session should CEFDHAC interests so requires.

The Conference shall be made up of plenary sessions and stakeholders' closed-door sessions.

Article 14: Functions

- The Conference shall be an organ to support and control CEFDHAC activities;
- The Conference shall have the following functions:
 - Approving CEFDHAC annual workplans and budgets prepared by the Facilitating Agency;

- Verifying annual accounts to be presented for approval to the ordinary Conference;
- Monitoring of CEFDHAC property;
- Supporting the preparation of technical and financial documents to be submitted to the Conference in conjunction with the Facilitating Agency;
- Appreciating sub-regional strategies for the management of Central African forest ecosystems;
- Seeking the involvement of States and membership of other potential partners interested in CEFDHAC activities;
- Appointing the Co-ordinator upon the proposal of the Facilitating Agency.

Chapter 2: The Current Chair

Article 15: Functions

- (1) The Current Chair shall be the Minister in charge of forest ecosystems of the host country of the last Conference.
- (2) He shall be assisted by a Vice Chair, the Minister of the host country of the next Conference.

Article 16: Duties of the Chair

The Current Chair shall be charged with:

- Promoting the CEFDHAC to member countries and donors;
- Monitoring CEFDHAC activities;
- Opening and closing inter-session meetings, guiding discussions, seeking consensus on subjects under

discussions, deciding on procedural issues and ensuring that discussions are conducted properly and in serenity;

- Drawing up the tentative agenda of the Conference's sessions, upon the proposal of the Facilitating Agency, after consultation with the Co-ordination;
- Analysing audit reports of CEFDHAC's accounts;
- Delegating some of his functions to the Facilitating Agency and the Co-ordinator;
- Defending the interest of the CEFDHAC.

Article 17: End of the Current Chair's term of office

The term of office of the Current Chair shall come to an end with the holding of a new CEFDHAC Conference.

Chapter 4: National Contact Group

Article 18: Members

In each member country, administrations, governmental organisations, the private sector, parliamentarians, the civil society, local communities, intergovernmental organisations, bilateral and multi-lateral co-operation agencies, training and research institutions, NGOs, individuals and other persons interested in the conservation of forest ecosystems, shall constitute the National Contact Group.

Article 19: Duties of National Contact Groups

National Contact Groups shall be organised in each member State by the National Correspondent.

Under the supervision of National Correspondents, National Contact Groups shall have the following duties:

- Contributing in the implementation of Conference's decisions in each member country;

- Contributing in projecting CEFDHAC activities in each country;
- Collecting, analysing and disseminating information on the conservation of forest ecosystems;
- Drawing up draft workplans and budgets of the CEFDHAC at national level in collaboration with National Correspondents;
- Circulating information to the population;
- Proposing project ideas to National Correspondents;
- Analysing and presenting the state of forest ecosystems in each member country to the ordinary Conference;
- Organising thematic brainstorming circles, especially on the management of protected areas, fauna, forest management, biodiversity, non-timber forest products and community forestry;
- Animating discussions on environmental and forestry issues in each country;
- Contributing in drawing up laws and regulations governing the sustainable management of forest ecosystems;
- Electing the Deputy National Correspondent.

Article 20: Functioning

Each National Contact Group shall draw up its rules and regulations and submit them to the Minister for appreciation before adoption, in keeping with the principles stated in this Constitution.

Chapter 5: The National Correspondent

Article 21: Election

In each member country, the National Correspondent shall be designated by the Minister for a period of four years. He shall be assisted by a Deputy from the civil society.

Article 22: Duties of the National Correspondent

The National Correspondent shall be in charge especially of:

- Animating and co-ordinating National Contact Group activities;
- Monitoring technically the activities of the CEFDHAC in his/her country;
- Circulating information to CEFDHAC partners at national level;
- Reporting to the Minister in charge of forestry and environmental issues on the state of progress of CEFDHAC activities;
- Raising funds at national level;
- Preparing CEFDHAC meetings at national level;
- Encouraging project identification and proposals on biodiversity conservation by members of the National Contact Group;
- Drawing up workplans and the budget of the National Contact Group;

- Liasing and exchanging experiences between his/her Group with those of other member countries.

Article 23: Duties of the Deputy National Correspondent

The duties of the Deputy National Correspondent shall be specified in the rules and regulations of the Group.

Article 24: Inter-session

During the inter-session period, National Correspondents shall hold consultation meetings every time the Current Chair or the Facilitating Agency deems it necessary.

Chapter 6: The Co-ordination

Article 25: Identity

The Co-ordinator shall be appointed by the CEFDHAC and seconded by two Technical Assistants and a Financial Assistant, contracted by the Facilitating Agency.

Article 26: Duties

The Co-ordination's duties shall be:

- Following up the recommendations and resolutions of the Conference;
- Ensuring technical monitoring of the activities of National Correspondents in collaboration with the Facilitating Agency;
- Organising CEFDHAC meetings in consultation with the Current Chair;
- Taking initiatives to implement CEFDHAC decisions in agreement with the Current Chair;

- Gathering, analysing, summarising, stocking and disseminating baseline data on the conservation and management of Central African forest ecosystems;
- Facilitating communication with other sub-regional initiatives;
- Monitoring the implementation of adopted strategies;
- Vitalising members and promoting CEFDHAC accomplishments;
- Facilitating partnership with other countries.

PART IV: FINANCIAL PROVISIONS

Chapter 7: CEFDHAC resources

Article 27: Sources

CEFDHAC resources shall be derived from:

- Contributions from members;
- Contributions from foundations, donors of international financial institutions, international governmental organisations and NGOs interested in the management and preservation of Central African moist forest ecosystems;
- Contributions from support projects developed and negotiated by the Facilitating Agency or by other stakeholders;
- Contributions toward capacity building activities of projects developed and executed by various sub-regional initiatives in support of conservation and sustainable management of Central African moist forest ecosystems;

- Projects and programmes developed and financed for the conservation of Central African forest ecosystems by the Global Environment Fund (GEF), Trust Funds, other financial institutions and contributions from various forestry funds set up by members States;
- Contributions from any other interested donor.

Article 28: Fund-raising

The Facilitating Agency, by delegation from the Current Chair, shall be in charge of raising financial resources needed for the running of the CEFDHAC.

Chapter 8: Management

Article 29: Procedures and principles

The budget of the Co-ordination shall be made up of States contributions and other sundry resources.

The Co-ordination shall be authorised to open bank accounts needed for its functioning.

These bank accounts shall be opened in the name of the CEFDHAC.

Management of funds from the Facilitating Agency shall conform with its rules and procedures and the requirements of donors.

Article 30: Accounting

The running of the CEFDHAC shall be kept in annual accounting records showing expenditures, outputs and a balance sheet for the year.

Article 31: Auditing

CEFDHAC accounts shall be audited by an auditing firm.

Article 32: Adoption and monitoring of the budget

Each year, the budget shall be adopted by the Conference. During its execution, semester financial statements shall be drawn up.

At the end of the financial year, the financial report prepared by the Co-ordination shall be approved by the Current Chair of the Conference.

However, some financial partners shall have the right to make specific management prescriptions.

PART V: MISCELLANEOUS PROVISIONS

CHAPTER 9: Relations between the CEDHAC and other sub-regional initiatives in the area of forestry and the environment in Central Africa

Article 33: Co-operation

The CEFDHAC shall determine, in consultation with other sub-regional initiatives in the area of forestry and the environment in Central Africa, practical modalities for co-operation.

Chapter 10: The existence of CEFDHAC partners' networks

Article 34: Partnership

- One or several specialised networks shall be acceptable within the CEFDHAC in order to ensure that they take active part in the sustainable management of Central African forest ecosystems;
- The organs and modalities for the functioning of the networks shall be laid down by Rules and Regulations.

PART VI: FINAL PROVISIONS

Article 35: Official Languages

Official languages used in various CEFDHAC meetings shall be French, English, Spanish and Portuguese.

Article 36: Rules and Regulations and Manual of Procedures

This Constitution shall be completed by Rules and Regulations.

A Manual of Procedures shall govern relations between the CEFDHAC and the Facilitating Agencies.

The Rules and Regulations and the Manual of Procedures shall be approved by the Conference meeting with at least 2/3 of its members

Article 37: Dissolution

The dissolution of the CEFDHAC shall be declared by an extraordinary Conference.

The extraordinary Conference that shall declare the dissolution shall designate one or several liquidators empowered to recover assets and settle liabilities.

The assets shall be transferred to a body or association that has similar objectives as those of the CEFDHAC.

Article 38: The Facilitating Agency

The Facilitating Agency shall be an internationally recognised Organisation with qualified staff and efficient logistics.

It shall be designated by the Conference on the basis of the criteria mentioned below.

The Facilitating Agency shall have the following duties:

- Promote the CEFDHAC at sub-regional and international levels;

- Raise funds to support activities of CEFDHAC organs and its specialised networks;
- Support the implementation of CEFDHAC recommendations;
- Animate national and sub-regional fora in conjunction with COMIFAC.

The IUCN, through its Regional Office for Central Africa (IUCN/ROCA) based in Yaounde, Cameroon, shall be the Facilitating Agency. In this regard, it shall mobilise its specialised networks to implement programmes defined by the Conference.

The Conference shall grant the IUCN the mandate to raise funds to implement CEFDHAC resolutions.

Article 39: Amendments

Amendments to this Constitution shall be examined in ordinary or extraordinary sessions and validated after approval by 2/3 of the members.

Article 40: Transitory provisions

During inter-sessions, the Current Chair of the CEFDHAC and the Facilitating Agency shall analyse operational modalities to set up the Co-ordination.

While awaiting the effective setting up of the Co-ordination, the Facilitating Agency shall continue to ensure the Secretariat of the CEFDHAC.

Article 41: Entering into force

This Constitution shall enter into force after adoption by the fourth Conference.

Thus adopted in Kinshasa, this 12th Day of June 2002.