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TREATY ON THE CONSERVATION AND
SUSTAINABLE MANAGEMENT OF FOREST
ECOSYSTEMS IN CENTRAL AFRICA AND TO
ESTABLISH THE CENTRAL AFRICAN FORESTS
COMMISSION (COMIFAC)



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**TREATY ON THE CONSERVATION AND
SUSTAINABLE MANAGEMENT OF FOREST
ECOSYSTEMS IN CENTRAL AFRICA AND TO
ESTABLISH THE CENTRAL AFRICAN FORESTS
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TREATY ON THE CONSERVATION AND SUSTAINABLE MANAGEMENT OF FOREST ECOSYSTEMS IN CENTRAL AFRICA AND TO ESTABLISH THE CENTRAL AFRICAN FORESTS COMMISSION (COMIFAC)

PREFACE

The past decade was marked by profound policy and institutional changes relating to environmental problems at the national, regional and international levels. Consequently, the June 1992 Rio Earth Summit saw the coming into being of many international conventions on environmental protection and biodiversity conservation. Additionally, an international debate on forests was established, thus enabling the various regions of the world to become aware of the stakes and especially threats to the tropical forest ecosystems.

Conscious of their major responsibility with respect to mankind, Central African heads of State came together on March 17, 1999 in Yaoundé - Cameroon during the first ever summit on the conservation and sustainable management of the Congo Basin forests. At the end of this Summit, the heads of State signed a declaration known as the "Yaoundé Declaration" officially proclaiming their attachment to the principle of biodiversity conservation and the sustainable management of the forest ecosystems of Central Africa, as well as the right of their people to rely on forest resources for their economic and social development.

To concretise the commitments enshrined in the Yaounde Declaration, the Conference of Ministers in charge of Forests in Central Africa (COMIFAC) was established in December 2000 as a sub-regional reference body for the harmonisation of forest and environmental policies in Central Africa. COMIFAC directs, coordinates and makes decisions on subregional initiatives and actions pertaining to the conservation and sustainable management of forest ecosystems in Central Africa.

In order to acquire an internationally recognised legal status, COMIFAC member States decided to set up a Treaty to govern and consolidate sub-regional cooperation in the area of forest and environment.

Signed by the heads of State and government of ten countries of Central Africa during their second summit

(the Brazzaville Forest Summit) held on February 2005, in Brazzaville (Republic of Congo), this Treaty established the Central African Forestry Commission (COMIFAC).

The State Parties

- the Central African Republic;
- the Democratic Republic of Congo;
- the Republic of Burundi;
- the Republic of Cameroon;
- the Republic of Chad;
- the Republic of Congo;
- the Republic of Equatorial Guinea;
- the Republic of Gabon;
- the Republic of Rwanda;
- the Republic of Sao Tome and Principe;

Considering the 1986 Vienna Convention on the Law of Treaties between States and International Organizations or between International Organizations;

Considering the June 1992 Rio de Janeiro Declaration on all the types of forests and Chapter 11 of Agenda 21;

Considering the United Nations Convention on Biological Diversity;

Considering the United Nations Convention on Desertification;

Considering the United Nations Convention on Climate Change;

Considering the Declaration of the Heads of State of Central Africa of March 17, 1999 on the conservation and sustainable management of tropical forests, known as the "Yaounde Declaration", the basis of this Treaty and wherein the Heads of State declare:

- their attachment to the principle of biodiversity conservation and sustainable management of forest ecosystems in Central Africa;
- the right of their peoples to rely on forest resources to support their economic and social development efforts;

- their long-standing support for the need to reconcile economic and social development requirements with biological diversity conservation within the framework of subregional and international co-operation;
- their interest in the establishment by the international community, which is today increasingly aware of the ecological role of forests, of an international mechanism for the financing of a trust fund to lend sustainable support to the countries of the subregion in their efforts to manage, conserve and conduct research on forest ecosystems;
- their support to and solidarity with the Sahelian countries of Central Africa in controlling desertification;

Considering Resolution No. 54/214 of 1 February 2000 of the 54th session of the United Nations General Assembly taking note of the Declaration of the Heads of State of Central Africa, known as the “Yaounde Declaration”;

Considering the by-laws of the Conference of Ministers in charge of Forests in Central Africa (COMIFAC) adopted in Yaounde on June 28, 2002;

Aware of the need to build reliable and sustainable sub-regional co-operation bases in forest conservation and sustainable management;

Agree as follows:

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PART I: COMMITMENTS

Article 1

The State Parties to this Treaty undertake, within the purview of the conservation and sustainable management of forest ecosystems of Central Africa, to:

- include the conservation and sustainable management of forests as well as the

management of the environment in national priorities;

- adopt harmonised national forestry policies and speed up the putting in place of management instruments, notably internationally recognized certification systems approved by Central African States and develop requisite human resources for their implementation;
- adopt measures aimed at putting forest conservation and sustainable management actions in line with development programmes of other sectors, notably, reforestation, transport and agriculture;
- put in place, within each State Party, sustainable forest sector development financing mechanisms from revenue generated by forestry activities and international cooperation;
- encourage Governments to implement the priority actions of the Convergence Plan, namely: identification of priority conservation areas, creation of new protected areas; formulation and implementation of protected area management plans; ownership by States of the processes begun in the pilot programmes;
- develop an appropriate forestry taxation system and attendant implementation measures to sustainably support forest conservation, sustainable management and research efforts;
- speed up the process of creating transborder protected areas between Central African states and urge neighbouring countries to participate in the process by enhancing the management of the existing protected areas;
- step up efforts to increase the rapid participation of rural populations in the planning and sustainable management of ecosystems and allot adequate areas for their socioeconomic development;
- strive to further involve business operators in the sustainable management and conservation of forest ecosystems;

- adopt concerted actions to stop poaching and uncontrolled logging in the sub region, in conjunction with all stakeholders, notably business operators and local communities;
- promote and speed up industrialisation in the sector and establish appropriate national mechanisms for private sector financing with a view to maximising added value and creating new and better jobs without compromising sustainable management of forest resources;
- strive for the standardization of documents required for the circulation of forest and wildlife products;
- promote the organization of national and sub-regional experience sharing fora;
- foster networking among relevant forest research and development institutions;
- strengthen coordination and cooperation between all the national and international organizations involved in actions and reflections on the sustainable use and conservation of biological resources and forest ecosystems.

Article 2

For the implementation of the above commitments, the States undertake to:

- finance actions relating to sustainable forest and environmental management;
- develop partnership with the international community to mobilize requisite resources to finance the commitments set out in Article 1 of this Treaty.
- work collectively to secure the eligibility of programmes and actions initiated by the Member States to the Treaty to different new funding mechanisms.

2 PART II: MEMBERSHIP

Article 3

The following Central African States shall be States Parties to this Treaty:

- the Central African Republic;
- the Democratic Republic of Congo;
- the Republic of Burundi;
- the Republic of Cameroon;
- the Republic of Chad;
- the Republic of Congo;
- the Republic of Equatorial Guinea;
- the Republic of Gabon;
- the Republic of Rwanda;
- the Republic of Sao Tome and Principe.

Article 4

Membership is also open to any other Central African State which adheres to this Treaty in compliance with the provisions of Article 25.

3 PART III: IMPLEMENTATION

Article 5

A sub-regional international organization called “Central African Forests Commission” abbreviated COMIFAC is hereby established to implement this Treaty.

COMIFAC is an organization responsible for directing, harmonizing and monitoring forest and environmental policies in Central Africa.

CHAPTER I: HEADQUARTERS, DURATION AND DORGANS

Article 6

The Headquarters of COMIFAC shall be Yaounde. However, it may be transferred to another Member State upon the decision of the Summit of Heads of State and Government. COMIFAC is established for an unlimited period.

COMIFAC shall have the following organs:

- the Summit of Heads of State and Government;
- the Council of Ministers;
- the Executive Secretariat.

CHAPTER II: SUMMIT OF HEADS OF STATE AND GOVERNMENT

Article 7

The Summit of Heads of State and Government shall comprise Heads of State and Government of COMIFAC Member States or their representatives.

The Summit shall adopt the Organization's guidelines for the implementation of the commitments set out in Article 1 Part I of this Treaty.

Article 8

The Summit referred to in Article 7 shall hold at the behest of Heads of State and Government or at the request of the Council of Ministers. Its decisions shall be made by consensus. Otherwise, decisions shall be taken by a simple majority of members.

Meetings of the Summit of Heads of State and Government shall be held in camera.

CHAPTER III: THE COUNCIL OF MINISTERS

Article 9

The Council of Ministers shall comprise Ministers in charge of forests and/or the environment of each COMIFAC Member State.

Article 10

The Council of Ministers shall be the organ responsible for decision-making, coordination and control of the implementation of policies on the sustainable management of Forest Ecosystems of Central Africa.

In this respect, it shall:

- ensure the implementation of measures taken by the Summit of Heads of State and Government;
- propose the venue, date and agenda of the Summit of Heads of State and Government;
- appoint and dismiss members of the Executive Secretariat;
- direct and appraise the work of the Executive Secretariat;
- examine and adopt the budget of the Executive Secretariat;
- approve and audit accounts;
- approve the remuneration of the various staff categories;
- ensure discipline in conjunction with the Executive Secretariat.

Article 11

The Council of Ministers shall meet in ordinary session once every two years.

Ordinary sessions shall hold in every Member State on a rotational basis according to French alphabetical order.

The agenda of the next Council of Ministers meeting shall be prepared during every session.

Extraordinary sessions may be convened by the Chairperson at the request of 2/3 of the Member States.

The Council of Ministers may validly conduct business only when 2/3 of its members are present. Otherwise, a new session shall be convened subsequently regardless of a quorum.

Decisions of the Council of Ministers shall be taken by consensus. Otherwise, they shall be taken by a simple majority of members.

The Council of Ministers shall meet in camera.

It may invite any person on account of their expertise to shed light on a specific agenda item.

Article 12

The Chairperson of the Council of Ministers shall be the Minister in charge of forests of the country chairing COMIFAC. The Chairperson shall have a two-year term of office.

The Chairperson shall:

- convene meetings of the Council of Ministers;
- direct deliberations of the Council;
- ensure the implementation of decisions and recommendations of the Summit of Heads of State and Government and of the Council of Ministers;
- represent the Council of Ministers in-between sessions and act in consultation with other Ministers in charge of forests and/or the environment;
- coordinate the preparation of meetings of the Council of Ministers.

Article 13

The Executive Secretariat shall comprise an Executive Secretary, a Deputy Executive Secretary - Technical Coordinator and a Director of Administration and Finance.

The Executive Secretary, the Deputy Executive Secretary - Technical Coordinator and the Director of Administration and Finance shall be appointed by the

Council of Ministers on the proposal of the Minister in charge of forests and/or the environment of the country of origin of each candidate.

The Deputy Executive Secretary - Technical Coordinator and the Director of Administration and Finance shall be appointed upon reception by the Executive Secretariat of three applications sent by Minister in charge of forests and/or the environment of the country of origin of each candidate.

The Council of Ministers may decide to create other statutory positions to strengthen the capacities of the Executive Secretariat.

The duration of their mandate shall be 4 years renewable once.

However, in the event of duly established incompetence, the Council of Ministers may prematurely terminate the duties of any member of the Executive Secretariat.

In an effort to involve the grassroots in monitoring and evaluating the implementation of this Treaty, the Executive Secretariat shall have a sub-regional Forum and national fora gathering NGOs, government services, development partners, donors, private sector, civil society and Members of Parliament at the various levels.

The rules of procedure of COMIFAC shall spell out the organization and functioning of these fora.

To strengthen operational capacity, the Executive Secretariat may have recourse to consultants and partners through memoranda of understanding. The establishment of such memoranda shall be subject to the prior approval of the Chairperson of the Council of Ministers.

Article 14

The Executive Secretariat is the implementing organ of COMIFAC. In this respect, it shall perform the following duties:

- coordinate the implementation of COMIFAC activities;
- implement decisions of the Council of Ministers.

Article 15

The Executive Secretary shall:

- represent COMIFAC in all civil matters;
- coordinate the implementation of the activities of the Executive Secretariat;
- ensure the promotion of COMIFAC at the international level;
- supervise and coordinate all activities concerning the organization of meetings of the Council of Ministers;
- attend meetings of the Council of Ministers in an advisory capacity. He shall be the rapporteur;
- prepare the agenda of meetings of the Council of Ministers in consultation with the Chairperson;
- implement decisions of the Council of Ministers;
- prepare programmes, draft budgets and accounts for consideration by the Council of Ministers.

Article 16

The Deputy Executive Secretary shall be the Technical Coordinator of the Executive

Secretariat. In this respect, he shall:

- implement, supervise and coordinate technical work of the Executive Secretariat;
- prepare terms of reference for studies and recruitment of experts;
- prepare the annual programme of activities;
- prepare technical reports of the Executive Secretariat and ensure the quality and regularity thereof.

He shall deputize for the Executive Secretary in his absence.

Article 17

Under the authority of the Executive Secretary, the Director of Administration and Finance shall manage the human, material and financial resources of COMIFAC.

4

PART IV: RELATIONS WITH OTHER ORGANIZATIONS AND MEMORANDA OF UNDERSTANDING

(Article 18)

COMIFAC may establish partnership agreements with other regional or sub-regional organizations for the performance of its missions.

Such regional or sub-regional organizations shall include:

- the Organization for the Conservation of Wildlife in Africa (OCFSA), for biodiversity conservation and transborder poaching control;
- the International Agency for the Development of Environmental Information (ADIE), for sub-regional environmental information management and dissemination to all partners;
- the Conference on Humid Forests Ecosystems of Central Africa (CEFDHAC), for the management of consultation processes within the Sub-Regional Forum, National Forum and their specialized committees;
- the African Timber Organization (ATO), in specific issues on the forest economics, certification and trade in forest products;
- the Network of Central African Protected Areas (RAPAC).

Article 19

COMIFAC may establish Protocols or Agreements with other international organizations under the terms of this Treaty.

Agreements signed before this Treaty by State parties under the implementation of the “Yaounde Declaration” of March 17, 1999 shall stand and considered as Agreements within the meaning of subparagraph one of this article.

5 PART V: RESOURCES AND FINANCIAL MANAGEMENT

CHAPTER I: RESOURCES

Article 20

COMIFAC shall be financed through mandatory contributions from Member States on an egalitarian basis or according to financing arrangements based on a rate levied on total revenue derived from exports of forest and wildlife products.

However, COMIFAC may mobilize additional funds, notably from development partners.

The amount of the mandatory annual contribution of Member States shall be determined by the Council of Ministers based on a budgetary proposal prepared by the Executive Secretariat.

Any State which does not fulfil its financial obligations shall be disenfranchised and cease to receive support from the Organization, until the fulfilment of such obligations.

COMIFAC may receive gifts and legacies.

COMIFAC shall welcome any other funding option that may boost its resources to the extent that it does not jeopardize its objectives.

Article 21

Summits of Heads of State and Government and Councils of Ministers shall be jointly funded by the host country and COMIFAC.

Article 22

The Executive Secretariat shall be funded by COMIFAC.

CHAPTER II: FINANCIAL MANAGEMENT

Article 23

The procedures of financial management shall be defined by the rules of procedures which shall be drawn up by the Executive Secretariat and submitted to the Council of Ministers for approval.

Article 24

The accounts shall be audited every year by a licensed and independent accounting firm selected by the Council of Ministers, on the proposal of the Chairperson, through a selection procedure.

6 PART VI: MISCELLANEOUS AND FINAL PROVISIONS

Article 25

This Treaty shall be ratified, accepted or approved by Member States in accordance with their respective national procedures.

It shall be open for accession to other States as from the date of the signing of this Treaty by the last originating Member State.

The instruments of ratification, acceptance or accession shall be deposited with the Depository.

Article 26

This Treaty shall enter into force on the thirtieth day following the deposit of the fourth instrument of ratification, adoption or accession.

Article 27

The working languages of COMIFAC shall be French, English, Spanish and Portuguese.

The original of this Treaty shall be deposited with the Executive Secretariat of COMIFAC, which shall be the Depository.

The Executive Secretariat shall notify Member States of the dates of deposit of the instruments of ratification, acceptance or approval and shall register this Treaty with the African Union and United Nations.

Article 28

Any Contracting party may propose amendments to this Treaty. The Summit of Heads of State and Government shall adopt such amendments unanimously or by consensus.

Proposals for amendment shall be written and sent to the Executive Secretariat which shall forward such to the other parties.

Article 29

COMIFAC shall enjoy, on the territory of each Member State, the legal status, privileges and immunities necessary for the achievement of its objectives.

The representatives of Member States and COMIFAC staff shall enjoy the privileges and immunities accorded to the international organizations in technical matters in accordance with the provisions of the Vienna Convention on Diplomatic Relations.

Article 30

Members of the Executive Secretariat shall abstain from any activity that is incompatible with their status of international civil servants.

In the exercise of their duties, they shall not request or receive instructions from any Government.

They shall be bound by the rules of discretion and professional secrecy.

Article 31

In the event of disagreement between contracting parties with respect to the interpretation or application of this Treaty, the parties concerned shall resolve such through negotiation.

Where the parties concerned fail to reach an agreement by way of negotiation, they may jointly call upon the good offices or the mediation of a third party.

Done at Brazzaville on 5 February 2005

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