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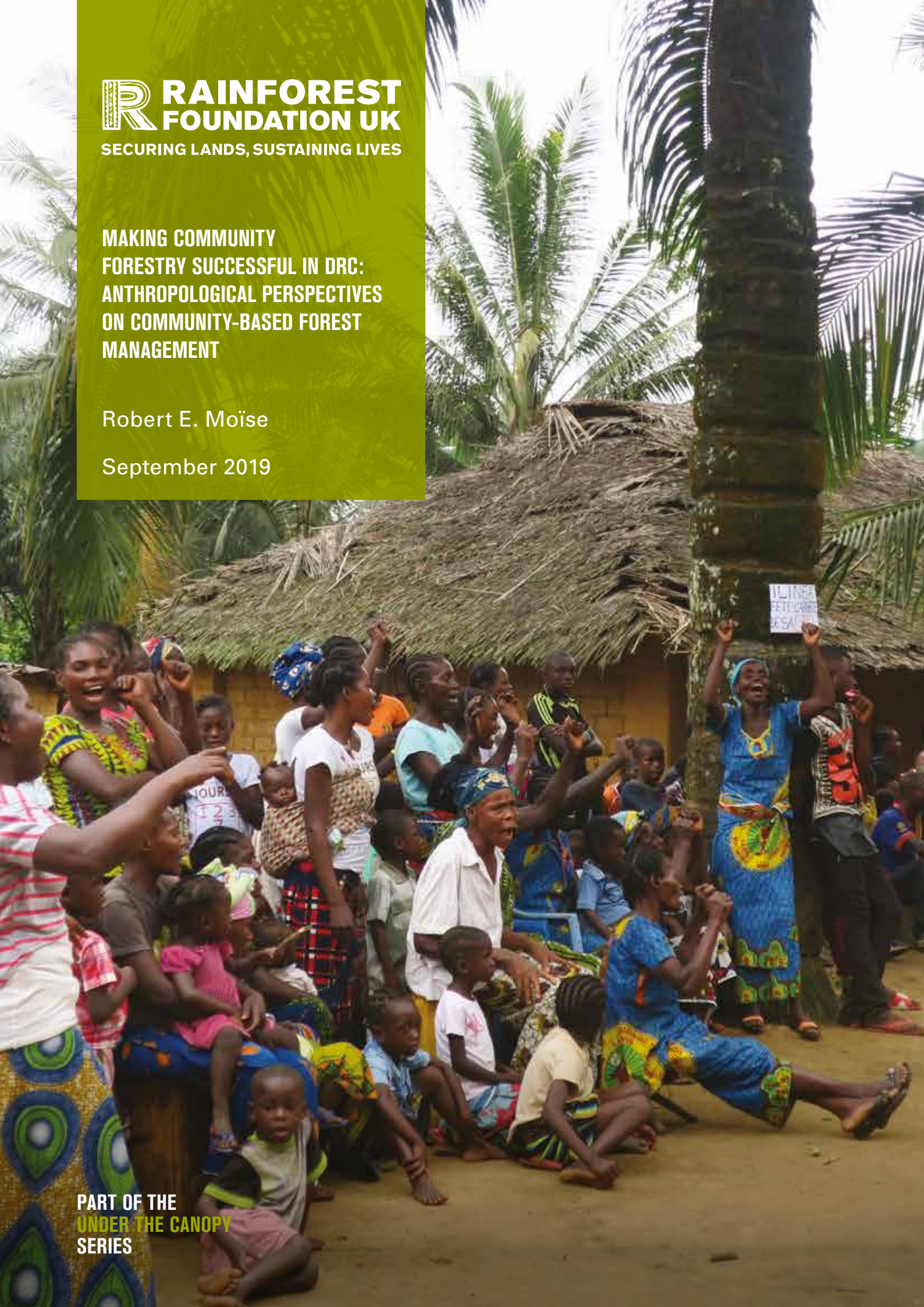
SECURING LANDS, SUSTAINING LIVES

MAKING COMMUNITY
FORESTRY SUCCESSFUL IN DRC:
ANTHROPOLOGICAL PERSPECTIVES
ON COMMUNITY-BASED FOREST
MANAGEMENT

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PART OF THE
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CONTENTS

EXECUTIVE SUMMARY

In 2014, the Democratic Republic of Congo (DRC) adopted ground-breaking legislation that enables forest communities to obtain "local community forest concessions" (CFCLs) of up to 50,000 hectares of their customarily owned lands, in perpetuity. The law also provides that these concessions can be devoted to multiple uses, thus enabling local communities to deploy a variety of activities according to their traditional practices and development aspirations.

Successful experiences of community forestry elsewhere in the world show that this is one of the most effective ways to both protect forests and promote local development, provided community forests are firmly anchored in existing governance structures and driven by communities themselves. Anthropological research undertaken for this study in the provinces of Equateur and Maï Ndombe as well as a thorough literature review shed light on the land management practices and modes of social organisation that community forests in DRC should build and improve on. This is a necessary point of departure to ensure that positive social and environmental outcomes are attained and to avoid commonly seen problems elsewhere including conflicts, elite capture and unsustainable use of resources.

First, community forests need to be firmly grounded in traditional land management practices. In DRC the "clan" (a group of several extended families sharing the same ancestor) is the basic land management unit, as it holds a determined forest area recognised by its neighbours where the clan leaders (*ayants-droit*) regulate livelihood activities, settlement and usage rights and mediate conflict. Ayants-droit also ensure that sustainable use practices are observed, including, for example, restrictions on hunting and fishing aimed at maintaining abundance. The clan is also a unit of cultural and emotional belonging. Therefore, the clan structure should be the basic building block of the geographic definition as well as social organisation of community forests.

CFCLs, however, are most commonly granted at a higher organisational unit- that of the "village". A village is a settlement usually composed of multiple clan groups, each of which may reside within a particular neighbourhood (*quartier*) within it. It is administered by an officially recognised "chief" whose main role is that of conflict mediation. However, villages as such do not necessarily carry out *any* collective activity. Many of the activities that prevailing discourses on community forestry presume to be carried out at the level of the "local community" - production, distribution, land-management, decision-making, etc. - are indeed carried out by the residents of a village, but they are managed at much lower levels of organisation: the household, the extended family, and the clan.
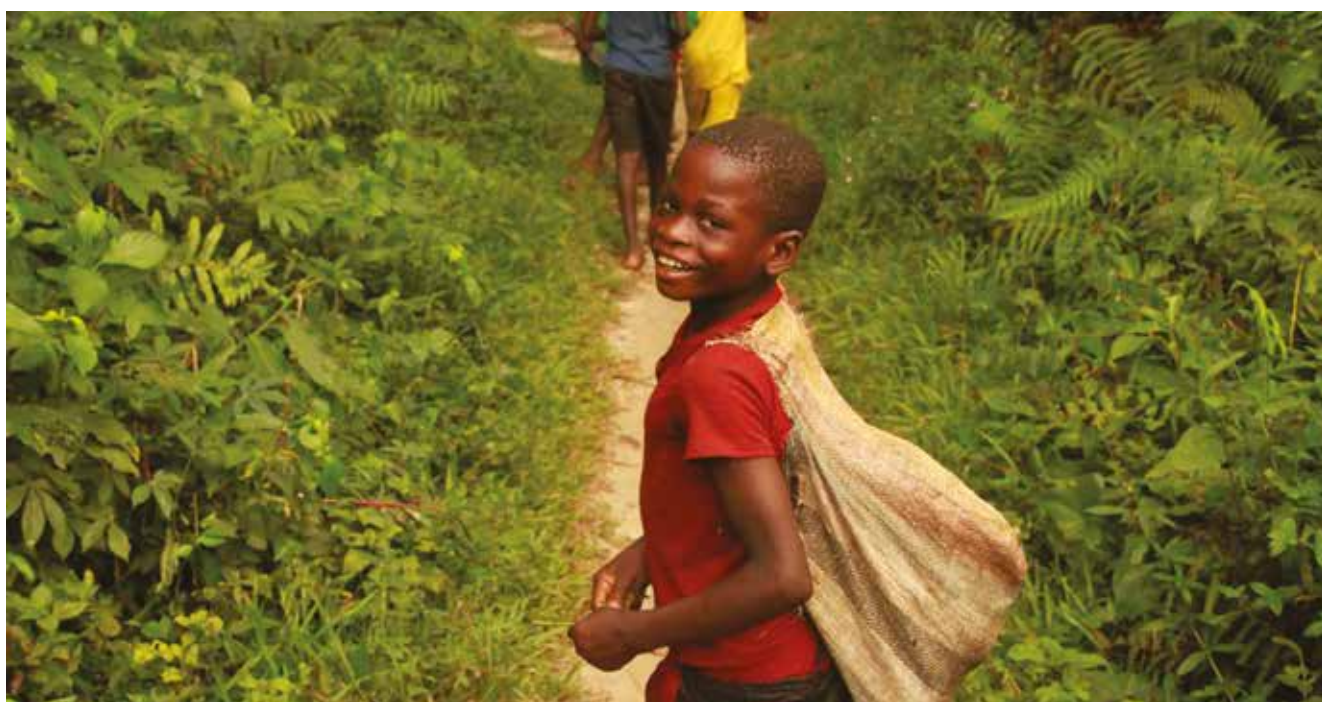
This has key practical implication for setting up CFCLs, including:

- Their limits should be based on traditionally recognised clan tenure boundaries. This is ensured by careful participatory mapping that brings on board all relevant clan representatives.
- The governance structures set up to manage the CFCL should build on current modes of organisation and include the *ayants-droit* and other figures normally taking part in village and clan level decision making.
- The forest-users that are not part of the clan structure should also document their forest activities and enjoy meaningful participation in decision making.

For CFCL management, this means that rather than presuming that every activity in the CFCL must be the business of the community as a whole, each function should be tackled at an appropriate organisational level. For example, the local community or village level should be tasked with applying for and obtaining the CFCL, protecting it against external threats and carrying out occasional civic projects (such as building a school or refurbishing a mill), while each clan would be in charge of ongoing management and land use decisions within their own tenure.

While the clan-based structure is generally a solid point of departure for community forest initiatives, context-specific strategies are needed to address special situations and changing dynamics, including:

- When *ayants-droit* don't reside in their clan lands they can be more inclined to engage in unsustainable practices or to promote alienation of community forests for personal gain. In this case, special provisions are needed to ensure the actual residents and users of the land consent to community forestry initiatives and participate in decision-making, even if they are not customary land holders.
- Similarly, when "landless" migrants form part of the population of a village (something very common in the context of widespread internal migration and displacement), their participation needs to be ensured too.
- Notably, women and indigenous peoples (IPs) have been traditionally marginalised from land management and decision making processes and community forest governance should take concrete steps to counter these trends.

In order to increase the participation of these actors, two key strategies can be recommended:

1. Create separate structures or spaces (e.g. a discussion group or 'sub-committee') in which they feel comfortable enough to reflect on their needs and goals, so they can develop concrete proposals to be put to the community forest management committee.
2. Ensure they have ample representation in all management organs.

Community forestry legislation in DRC remains sufficiently flexible (for example, in its very open definition of what constitutes a "local community") to allow for a variety of governance options and accommodate different social realities.

INDIGENOUS PEOPLES

Countering traditional discrimination against and marginalisation of indigenous peoples to ensure they reap the benefits of community forestry poses particular challenges. These include:

- Their daily subsistence activities take place over much larger areas of forest than those of Bantu, and they are rarely recognised as the traditional owners of those lands;
- Like women, they are marginalised actors who are hesitant to speak in public venues, such as before a village assemblies; and
- They suffer from the same problem as women in distributions of collective resources: the risk that Bantu (men) will allocate them a lesser share of resources – particularly money - based on their subordinate social status.

In order to overcome this, two main strategies are recommended:

1. Documenting and articulating their use of the forest and their planned land use;
2. Providing spaces for genuine participation in CFCL management and decision making.

Batwa indigenous people from Maï Ndombe province

Specifically, this entails producing participatory maps with indigenous populations separately, as well as specific land-use maps and management proposals for the parts of the forest they use. These should then be integrated into the broader map and management plan that the community develops for the CFCL as a whole. This process might require careful facilitation. In practice, indigenous peoples would need to agree on mutually acceptable land and resource use plans with each land owning clan. Dealing with each clan separately would enable them to assert their views from a position of more relative equality than if they had to do it in front of the community as a whole.

For the needs of the indigenous people in a "mixed" (Bantu/IP) community to be addressed, it is essential that they be adequately represented in the management organs of the CFCL. In practice, this could mean that each management organ includes one or two indigenous representatives, and provisions are taken to enable these representatives to express their views in community-wide structures, notably the general assembly. At the same time, it is highly recommended that indigenous peoples are supported to create their own "associations" so they have the time and space to reflect on key issues that concern them in the community forestry process.

NEW CHALLENGES TO FOREST COMMUNITIES

Community forests provide legal certainty as well as resource management rights, which is an unprecedented achievement for forest peoples in DRC. However, community forestry cannot be based solely on the traditional subsistence economy, as this has been significantly deteriorated by various factors, such as the presence of industrial logging. As such, there are several aspects where external support will be most urgent, including:

- Rehabilitation of transportation infrastructure: a pervasive claim of forest communities is the need for better transport infrastructure to facilitate access to markets and also to services such as health and education.
- Monitoring and security assistance: communities will require tools and training to be able to monitor activities in their territories and protect them from external actors, while enhanced law enforcement will be essential to make this effective.
- Poverty alleviation: significant resources and technical support are needed to enhance the livelihoods of forest communities and in general to ensure that CFCLs will be economically self-sustainable. This is one of the main challenges that community forestry in DRC will have to tackle in the coming years.

INTRODUCTION

Community forestry offers significant opportunities for creating sustainable forest management and reducing the poverty of local forest populations in the Congo Basin. Yet where it has so far been implemented in the region (ie. in Cameroon), it has usually failed to achieve these goals. It has been argued that the 'top-down, one-size-fits-all' approaches to community forestry that have generally been applied in the region have proven ill-adapted to the needs and customary practices of forest peoples, and have failed to promote tenure security. Moreover, costly bureaucratic procedures have made community forests inaccessible for many communities, which has often led to elite-capture of "community-run" forests and the introduction of exploitative commercial arrangements[1].

Many community forestry initiatives have been marked by a profound lack of knowledge of local-level or "traditional" institutions on the part of those designing and implementing them. Along with a general reluctance to recognise local rights to land, there has been a tendency to view local institutions as survivors of a "primitive" past that have little relevance for systems of modern management.

Yet for community forestry to be successful in realising the shared goals of sustainable management and poverty reduction, forestry professionals, national governments and international institutions must be willing to build on governance systems that are already in place. This will entail being truly open to transferring management responsibilities to the local level, and gaining an understanding of the management institutions already operating in the local setting. Only if such an effort is undertaken can the considerable opportunities that await community forestry in the Congo Basin be realised.

This report is based on the premise that developing an understanding of local social structures, customary institutions and forest management practices is key for outside actors seeking to support participatory and inclusive community forestry in the Congo Basin. It provides a description of the customary social institutions and management practices of forest-dwelling communities in the Democratic Republic of Congo (DRC), based on anthropological field research carried out in the *Territoire de Lukolela* (Equateur province) and the *Territoire d'Inongo*

(Maï Ndombe province), as well as the broader literature on Congo Basin forest societies. In particular, it describes: customary tenure arrangements and management institutions; customary social organisation and decision-making processes; and the specific needs of commonly marginalised social sectors, including women, indigenous peoples (IPs) and migrants.

It then builds on these insights to develop concrete strategies for: creating management structures and processes that are democratic and inclusive, ensuring the full participation of all social sectors; preventing elite capture of collective resources; managing collaboration between the diverse social groups that can comprise local communities; and addressing the specific needs of marginal social sectors. In this way, the study aims to provide external partners supporting community forest efforts with the knowledge necessary to avoid the various pitfalls of community forestry and to develop a form of forest management that protects local economies and forest lands, distributes rights and benefits within communities in an equitable manner, and increases opportunities for a "sustainable commercialisation" that benefits all social sectors.

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[1] Eisen et al 2014.

1.   BACKGROUND

COMMUNITY FORESTRY IN DRC

Community forestry is in its infancy in DRC. Although the 2002 Forest Code enshrined the concept of community forests in law, it was not until much more recently that the full legal framework for the granting and management of community forests was put in place. In 2014 a Presidential decree was signed laying out the process through which community forests concessions (*Concession Forestière des Communautés Locales – CFCL*) can be applied for by local communities[2]. This was followed in 2016 by the signature of a Ministerial Order (*Arrêté 025*) on the management of community forests[3].

Under the community forest legislation, communities first have to make the collective decision to apply for a CFCL, before making any decisions about management. The request has to be supported by the individuals or families with tenure rights (*'les représentants coutumièrement attitrés'*), creating a link between the traditional tenure system and the decision to create a CFCL. The maximum area that can be applied for is 50,000 hectares, considerably more than in other countries in the region. Once a CFCL has been granted, communities are required to create various bodies to manage the concession, as outlined in *Arrêté* 025, notably: a Community Assembly (*Assemblée Communautaire*), which selects or elects a Management Committee (*Comité de Gestion - CdG*), whose role is to carry out daily management of the concession and any funds it generates. A simple management plan (Plan Simple de Gestion) should also be developed, outlining the main land-use zones and management arrangements for the CFCL.

The roll-out of community forestry is currently in a five-year experimental phase, as defined in a National Strategy on Community Forestry that was adopted by the DRC's Environment Ministry in March 2018. The central tenet of this strategy is that Community Forestry in DRC should be developed in a phased manner, with different approaches to community forestry being tested through a limited number of officially-recognised pilot projects. The experimental phase will also require legal, institutional and operational capacity-building for the various actors involved in the community forestry process[4].

According to the DRC Environment Ministry, the current number of CFCLs granted in DRC is around 65, with over 100 additional community forestry initiatives in the pipeline (and at least 20 of these officially submitted for approval) at the time of publication. The vast majority of these initiatives have been supported or accompanied by international or Congolese NGOs.

RESEARCH METHODS

Underpinned by an extensive review of the literature and primary documentation, field research for this study was conducted in several forest communities between late 2017 and early 2018. Individual interviews, focus groups and participant observation were carried out in seven communities in the sectors of Bokatola, Duali, Lusankani and Mpama, Equateur province.

In order to ensure inclusion and representation of all views, work in each village targeted the following groups:

- *Ayants-droits* or "rights holders": elder males (decision-makers) and members of the extended families and clans who hold customary management rights over the land;
- Those enjoying user rights;
- Women: natives and those married-into the target communities, junior and senior;
- Indigenous people[5], where present;
- Youth: male and female.

In addition, interviews and informal discussions took place with a range of stakeholders and key informants, both in the field as well as in Mbandaka and Kinshasa. These included: customary authorities, state authorities for the region (at *groupement*, sector and territory levels), as well as NGOs.

The study also draws on the author's previous anthropological research carried out in the province of Maï Ndombe in 2013.

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[2]   *Décret n°14/018 du 2 août 2014 fixant les modalités d'attribution des concessions forestières aux communautés locales.*

[3]   *Arrêté ministériel n°025/CAB/MIN/ECN-DD/CJ/00/RBM/2016 du 9 février 2016 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales.*

[4]   RFUK 2018.

[5]   Traditionally, indigenous peoples in DRC lead a semi-nomadic lifestyle based on hunting and gathering of forest products. They self-identify as ethnically and culturally distinct from the majority Bantu population and are often referred to by the generic term "Pygmies".

2. THE WORLD OF THE LOCAL COMMUNITY: CUSTOMARY INSTITUTIONS AND PRACTICES EXPLAINED

This section outlines some key features of Congo Basin forest societies, particularly based on anthropological field research in the provinces of Equateur and Maï Ndombe, that have implications for community forestry initiatives.

THE MEANING OF THE FOREST LANDSCAPE FOR LOCAL COMMUNITIES

Anthropological studies have shown that, as well as being a vital source of food and medicine, the forest has broader cultural, historical and spiritual significance for the peoples that inhabit it, which profoundly influences their approach to forest management[6]. Since members of forest communities grow up using their customary territory on a daily basis, they come to know its places and spaces intimately. Almost anywhere one goes within it, locals will have a story to tell about some past event that occurred in that place. In this way, the forest territory acts as a space of sentiment and memory, of histories personal and collective - of family, clan and village. Furthermore, the forest is generally considered home to the community's departed ancestors, the true "owners" of the land, who reside within it and care for their descendants by ensuring it remains fertile and abundant. In all these respects, the forest territory is a cultural patrimony of the community - one owned by the ancestral past, used by the living in the present, and guarded for the use of future generations.

These beliefs have significant implications for land management because they situate the forest territory within a long-term, kin-based local history, they create a long-term perspective for land-use and land-management in which an abundant forest territory must be preserved for future generations. Moreover, the fear of mystical retribution - for doing something with the land that would displease the ancestors - acts as a strong deterrent to environmentally-destructive land-use. In this way, customary models of the forest environment are very much a conservative, preservationist force.

THE TENURE SYSTEM: RIGHTS TO USE AND MANAGE THE LAND

A central feature of customary land tenure that is key for community-based forest management is the relationship between customary land rights and the clan-based structure of Congo Basin forest societies. A customary forest territory can belong to either a single village or a group of villages, but it is usually divided up among the major clans comprising the settlement, as the clan generally serves as the land-holding unit in Congo Basin forest societies[7]. Thus, each customary territory is usually divided into multiple sub-territories managed by each of the major clans within the settlement. In the words of one villager from Maï Ndombe:

> "All the residents of the village have the right to hunt and fish anywhere in the forest belonging to the village, but if you catch something in the forest of another clan, you have to recognise their rights over that forest. So you give them a share of what you've caught."

These compensation payments are referred to with the French term, *redevances* (usage fees), and are made whenever individuals hunt, fish or farm in the forest of another clan. Such payments are, in turn, shared with the clan as a whole. The *redevance* system thus acts as a public display of clan rights over land.

Although the clan is the land-holding group for a given area, clans are usually composed of a few "lineages" - smaller social units based on common descent from a particular ancestor. In addition, it is usually only one lineage within the clan that is considered to have management authority over the clan forest - the lineage recognised as being descended from the particular clan ancestors who participated in the settlement's founding. This lineage is referred to as the *ayants-droit* (ADs), meaning those individuals with customary management rights over the clan forest. Each such lineage appoints a representative to carry out management functions, which include: allocating agricultural land within the clan forest, resolving conflicts over land within the community of users, and maintaining proper relations with the spiritual owners of the land to ensure its ongoing fertility. The representative of the ADs is considered to possess certain forms of mystical power which enable him or her to communicate with the world of the spirits and act as mediator between it and the world of the living. In some places, this individual is referred to as the *chef de terre* (land chief), but, in others, he or she is simply referred to with the term *ayant-droit*.

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6   Giles Vernick 2002, Lewis 2008a, Takeuchi 2013.

7   Hewlett 1996b, Ichikawa 1978, Schultz 1986, Vansina 1965.

Colonial ruins, village in Equateur province

The mystical power of the AD produces an attitude of deference on the part of others and in general community members embrace the notion that the rights of ADs should always be respected. Although this relation of respect and deference seems like it could lend itself to abuses of power, there are several factors which mitigate against this. First, the cultural construction of the forest – as a collective patrimony belonging to the spirit world, which provides the living with access to its fruits – encourages an approach focused on long-term stability. Second, the emotions associated with the spirits (respect, fear, etc.) discourage any behaviour which might displease them. Third, the AD's role does not confer on him the ability to alienate land for personal benefit (as the true "owners" of the land reside in the spirit realm) and his role is simply that of "guardian" of a collective patrimony. Fourth, his peers do not tolerate abuses of power. As one *notable* from Equateur explained, "if you are a bad manager (favouring personal over collective interests), you will be removed." In addition, his peers do not tolerate incompetence. As a villager from Maï Ndombe explained:

"If we noticed a shortage (e.g. of game to hunt), we would complain to the chef de terre and the chef de village. In principle, it is the chef de terre who would deal with it. If it was the result of him letting too many strangers come here and use the forest, the community would say he is not doing his job and they would take action against him."

Although rights to manage clan forests are conferred on specific individuals, rights to use the settlement's forest territory are much more inclusive. One of the pillars of Congo Basin customary regimes is the universal right of every individual to have access to a customary territory as an on-going source of food security for self and family. Each individual has usage rights to the forests of his/her father and mother. In addition, once individuals grow up and marry, they gain access to the territories of the mother and father of their spouse. Furthermore, individuals can gain access rights through the forging of social alliances with the ADs in a settlement, who then give them permission to use its territory.

In general, the customary system is a rather inclusive model of access for forest use. Yet even though usage rights are quite flexible, they are very far from creating a condition of "open access". Use is limited to those born in the local community, or married into it, and those who have been given permission by the managers of the land. In this way, Congo Basin customary management regimes are consistent with systems for managing common lands throughout the world[8].

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[8]   Ostrom, 1990.

THE SUBSISTENCE ECONOMY: PRODUCTION AND DISTRIBUTION

Subsistence production

The subsistence economies of both Bantu and indigenous groups in DRC are "mixed", being based on hunting, gathering, fishing and small-scale agriculture. Several of the techniques employed are based on collective action and necessitate the sharing of proceeds amongst members of the community. Understanding the social practices around these activities can provide insights that are useful for community forestry initiatives.

For collective hunting, the most common technique is the small group spear hunt with dogs, which are used to find and chase the prey. An additional technique is the net hunt, a much larger collective hunt in which nets are used to encircle an area, after which the game is driven towards hunters waiting at the nets. Historically the net hunt was practiced by both Bantu and indigenous peoples (IPs) but has declined markedly, especially in areas with significant pressure on local fauna[9].

For fishing, various techniques are used. Individuals usually set fish traps or use a line and hooks. Setting traps can also be a collective endeavour, normally done by small groups. Nets are also used, often by two individuals operating from a dugout canoe. In addition, a collective technique of considerable economic and cultural importance is dam-fishing (*kopepa* in Lingala). It is a dry season activity carried out by a large group, which usually involves an extended stay at a fishing camp. A nearby stream is dammed, the water removed, and the fish are gathered, usually by groups of women. The catch is then shared among the residents of the camp or transported back to the village for sale.

A wide variety of forest products are the object of gathering expeditions, both individual and collective. The principal food items are mushrooms, honey, caterpillars and *gnetum*, a wild leaf that supplies greens to a main meal. Among these, caterpillars are usually gathered in large groups at forest camps established for this purpose. Honey gathering is the specialty of IPs. In addition, various wild fruits and nuts are gathered, as are *ngongo* leaves (used for wrapping food), construction materials, plants used in traditional medicines, and firewood.

Mobilising labour, distributing proceeds: the social relations of production and distribution

As the mobilisation of labour for collective activities and the distribution of collective proceeds are key issues for community forests, these aspects of the subsistence economy deserve mention. Among Bantu groups, one finds two different styles of mobilising labour for collective endeavours. The first is informal and is used for small-group hunting and fishing expeditions. These are usually organised without regards to kinship and tend to occur spontaneously or are arranged the day before. Here, a man from Equateur describes how a small group spear hunt is organised:

> "Somebody will get the idea for a hunt with dogs and go around to others saying, "Let's organise a hunt." And then people will start volunteering, but from anywhere in the village."

The second style of collective mobilisation is used for seasonal activities that occur with regularity - at the same time of year, in the same spot and usually with a particular kin group (i.e. an extended family or clan). The mobilisation of the group to carry out such activities is usually initiated by someone in authority and is something of a formality, as many in the community have planned on it in advance. Here, another man from Equateur describes the organisation of a clan's annual fishing expedition:

> "The (clan) chief will bring up the idea before the clan. If enough people are interested, they will prepare themselves for a trip into the forest. The group that ends up going could be only a dozen or as many as eighty people and they could stay for a few weeks."

Among indigenous peoples, the mobilisation of labour usually occurs during public discussions held in the evening or early morning, in which elders make speeches to inspire their co-residents to participate in the proposed collective activity -- e.g., a net hunt. Whether or not their efforts are successful is seen the following day, when the members of the community either participate or abstain[10].

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9 Hart 1978, Schultz 1986.

10 Moïse 1992.

In terms of the distribution of proceeds from collective activities, each has certain customary practices associated with it. Here, a man from Equateur describes how the distribution process unfolds for small group spear hunts:

"Once the animal is caught, you kill it with a spear. Then it's time for the distribution. First, you give a portion to the owner of the dog(s). They get the heart, the head and a thigh. After that, you divide the rest of the animal equally, but the portions are given out in order of age (from oldest to youngest)."

For *kopepa*, the collective fishing expedition employed during the dry season, another man from Equateur describes how its proceeds are distributed:

"First, you remove the portion for the AD (10% is standard). Then you count the number of people who are present (including unborn foetuses in women's wombs). The elders get a bigger part, but then everybody else (including the foetuses) gets an equal portion."

From these accounts, it is clear that customary distribution practices usually include certain nods to protocol or social hierarchy, but the general distribution that follows is done on an equal basis, which can even extend to the unborn. In addition, these practices are well-established and constitute a precedent for what is expected and considered fair.

Bosongo men indicating boundary between their forest and that of Ilinga

CUSTOMARY SOCIAL ORGANISATION

The myth of the "local community"

The tendency in administrative and policy discourses on community-based forest management is to imagine all the users of a particular customary territory, whether they comprise a small village of 200 people or a large settlement of 9,000, as a "local community." In addition, this "community" is viewed as a single, coherent social unit that routinely carries out political functions: decision-making, land management, etc. In short, it tends to be thought of as a political unit, with a chain of command, capable of executing collective projects around common goals, such as managing a community forest.

In reality, most settlements in the forests of the Congo Basin are loose agglomerations of varied social groups who have come to reside with one another due to the vagaries of history – colonial resettlement, migration, etc. – and they do not necessarily carry out any collective activity, political or otherwise[11]. In several respects, they are much more like "towns" with the village chief acting as a "mayor."

Many of the activities that prevailing discourses on community forestry presume to be carried out at the level of the "local community" - production, distribution, land-management, decision-making, etc. - are indeed carried out by the residents of a settlement or village, but they are managed at much lower levels of organisation: the household, the extended family, and the clan. That is, the issue of scale, or organisational level, is critical to understanding how customary institutions work. For example, in the case of forest management, even though rights of access to the forest exist at the level of the village, the actual task of forest management takes place at the level of the clan, with leadership in this activity occurring at the level of the lineage (i.e., the '*ayants droit*'). In the case of economic activity, most production unfolds at the level of the individual or household and when collective production occurs (e.g. hunting and fishing expeditions), it often takes place within the extended family or clan. Thus, according to customary social organisation, there are no collective productive activities at the level of the entire village or distribution of the proceeds from

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[11] Geschiere, 2004.

any activities at this level.

In this way, daily life in a "local community" – production and distribution, decision-making, forest management, etc. – unfolds at a scale considerably lower than that of the village as a whole. Thus, to understand how Congo Basin forest societies manage these activities, one has to understand how things operate at these lower levels of organisation. Without such an understanding, the development of community forestry initiatives could have dangerous consequences: encouraging elite capture, inhibiting understanding of the position of marginalised groups, and maintaining too broad of a focus to address internal conflicts and social tensions. The key levels of customary social organisation for DRC forest societies are shown below in Figure 1.

Fortunately, DRC legislation on community forests defines local communities in very loose terms, providing flexibility to accommodate a variety of types and levels of governance under the figure of community forest concessions. The 2014 Decree defines a local community as "a population traditionally organised based on custom and united by family or clan-based solidarity links which underpin its internal cohesion. Furthermore, it is characterised by its attachment to a determined territory" (article 2, RFUK translation)[12].

The extended family

The core of the extended family usually consists of a set of siblings who grew up together. It comprises several households and, in a patrilineal system, may include: a set of brothers (as sisters marry out); their wives and children; their widowed mothers; their divorced sisters and their children; and their younger married sons with their wives and children. It is an intimate network of close kin that resides together, acts as a labour pool for collective productive activities (*kopepa*, spear hunts, farming), shares the responsibilities of child-rearing and the associated benefits of bride wealth, has a leader (*chef de famille*) to represent it in broader public discussions and possesses mechanisms for resolving disputes that arise within it (*réunions familiales*).

FIGURE 1: KEY LEVELS OF CUSTOMARY SOCIAL ORGANISATION FOR DRC FOREST SOCIETIES
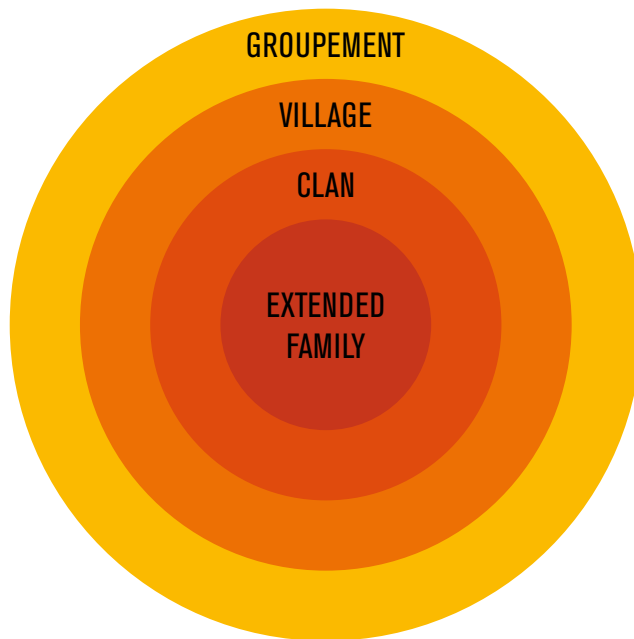
The cornerstones of social organisation in DRC- Community forest concessions are often requested at the village level by agreement of the different clans. Thus one community forest can encompass several clans' lands.

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12 The original legal text in French reads: *« communauté locale: une population traditionnellement organisée sur la base de la coutume et unie par des liens de solidarité clanique ou parentale qui fondent sa cohésion interne. Elle est caractérisée, en outre, par son attachement à un terroir déterminé ».*
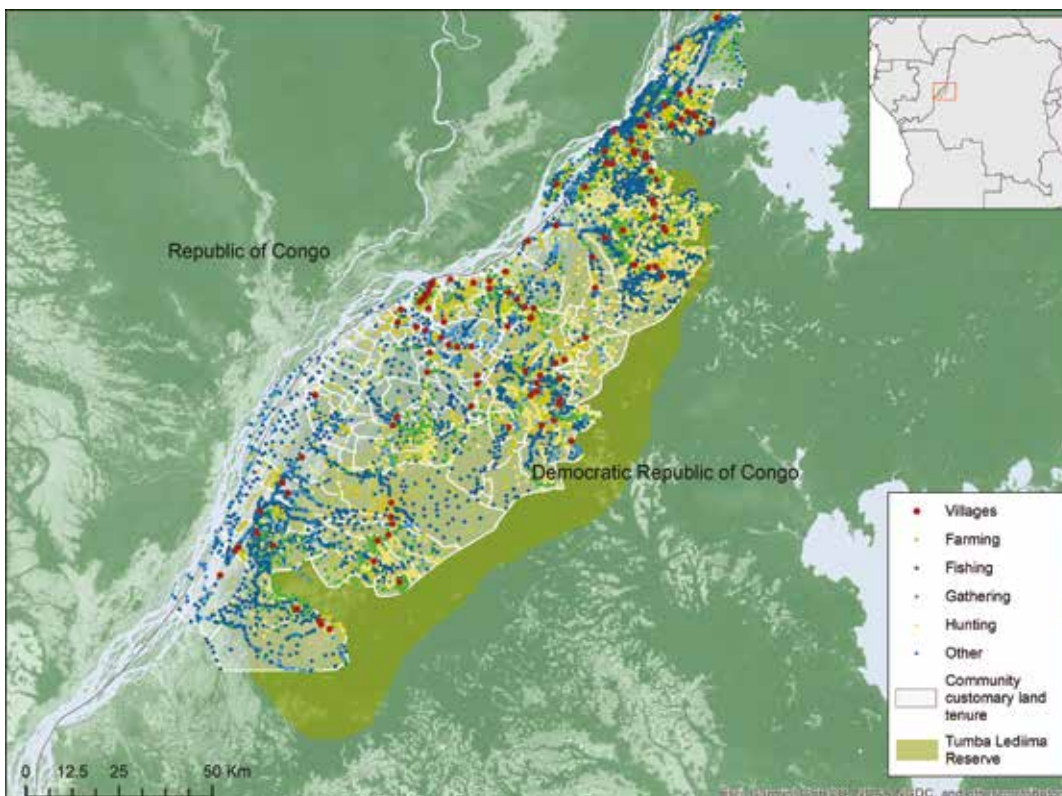
The clan

The clan is an assemblage of several extended families and lineages, all of whom are considered to share a common ancestor - the founder of the clan. In the forest societies of the Congo Basin, the clan is a cornerstone of social identity and marriage is permitted only with those belonging to clans other than one's own. Its psychological importance is illustrated by the fact that Barthélémy Boganda, the leader of the independence movement in the Central African Republic, compared the role it plays for the individual as similar to that played by the nation in the modern West – i.e., a fundamental unit of cultural, emotional and psychological belonging[13].

Yet not only does the clan offer individuals a moral and psychological foundation, it functions as an organisational unit in a range of domains: it often has its own "neighbourhood" within the village, it holds a forest territory and, in the pre-colonial era, it was politically autonomous.

In his description of the traditional social organisation of the Mongo peoples south of the Congo River bend, Vansina considers the clan (*etuka*) to have been the most important political unit in village life. He states:

"The etuka was led by a patriarch, possessing insignias of authority, administering the domain, mediating internal conflicts, deciding blood feuds and wars, all with the consultation of the elders of lesser lineages. The etuka were independent, even if they were grouped in a single village... the etuka always remained sovereign[14]."

Although the colonial experience superimposed various structures of authority over the village sphere, eroding the political sovereignty of the clan, it continues to provide a sense of psychological and emotional belonging to its members, offers mechanisms to resolve their disputes, occupies a particular space within the village, serves as a land-holding group, possesses its own sacred sites, undertakes collective forest activities, selects its own leader, carries out land management, and engenders an ethos of solidarity and independence. Moreover, in most forest areas in DRC, customary tenure is clan-based and thus clans are the basis for traditional land management practices. Participatory mapping shows that clans have well defined territories or "tenures", which are known and in most cases respected by neighbouring clans. For that reason, anchoring community forestry organisation in the clan system is crucial.

Map showing clan boundaries and livelihood activities of communities in and around Tumba Lediima Reserve in Equateur.

Source: MappingForRights, GASHE, CADEM, RRN.

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[13] Kalck, 1971.

[14] Vansina, 1965, p. 87.

The village

The size of villages can vary considerably, but normally they are amalgamations of multiple clan groups. The pre-colonial era witnessed significant variation in village size - from small, isolated hamlets to large, fortified villages - but the colonial and post-colonial eras have driven the growth of village size through such processes as colonial resettlement and post-colonial migration (see section "Challenges to customary institutions: modern transformations"). A key fact for understanding the traditional role played by the village in Congo Basin forest societies is that, even though it was a unit of residence, it was not necessarily a unit of political action, as the clans that comprised it retained their sovereignty. In this way, it always remained a "consortium" of allied clan groups.

In the present, the village is primarily a space - a settlement - in which a set of clan groups reside. Yet it also contains various institutions that function at the village level, including a state-recognised village chief, a tribunal to resolve disputes among its residents, and, if it is large enough, structures providing social services: schools, health centres and churches. In some case, the clan customary tenures attached to a village encompass smaller villages that for political purposes are represented by the central village chief.

The Groupment

Groups of villages can also create a higher level of organisation -- what Vansina (1994) terms the "district" for the pre-colonial era, but which today is referred to with the French term, "*groupement*." In the pre-colonial past, one of the primary functions of the district was to act as an alliance of villages to respond to external threats by enemy groups. However, in the contemporary era, the *groupement* is represented by the Chef de Groupement, who is tasked with mediating conflicts between villages and addressing general problems within his jurisdiction. At the same time, the *groupement* does not have a legal personality and the smallest administrative unit is therefore the "sector" or its equivalent "chefferie", which is the entity in charge of receiving community forest applications, identifying the applicant communities and transmitting these to the sector-level authorities, where the decision to grant or refuse a concession is made.

This overview of customary social organisation provides some key insights that are of direct relevance to contemporary community forestry:

- A significant degree of daily cooperation takes place within local communities. However it is rarely organised at the level of the whole community, but instead occurs at lower levels of organisation (households, extended families, clans);
- The clan is a key unit for political action and forest management;
- The lower the organisational level, the easier it is to carry out cooperative activity, while the higher the level, the more cooperation becomes a political achievement.

In general terms, community forestry initiatives in DRC have so far been based on the village as organisational structure, which, as explained, is also one of the weaker and more diffuse levels of traditional governance. Therefore, for CFCLs to succeed in setting up good governance structures and sustainable forest management practices, two initial recommendations ensue:

1. The territory claimed corresponds to the tenures of the clans represented in the village in question. A thorough participatory mapping exercise therefore needs to form the basis of CFCL applications;
2. The governance structures set up to manage the CFCL should build on current modes of organisation, and include the *ayant droits* and other figures that normally take part in village and clan level decision making, as well as make provisions to include traditionally marginalised social groups in these processes.

This second point is explored further below.
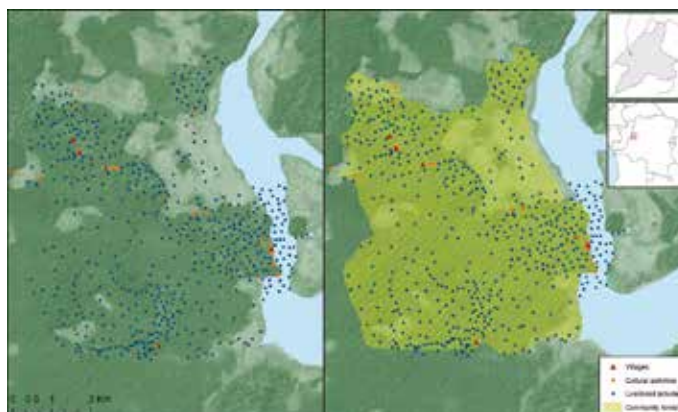
Ilinga Ina Bomboyo Community Forest, Equateur.
The concession area corresponds to the customary tenure of the three local clans and to the forest lands used by local people for livelihood and cultural activities.

CUSTOMARY DEMOCRACY: DECISION-MAKING AND POLITICAL PROCESS

Since community forestry is a process that involves numerous collective decisions, it is important to understand customary decision-making and political processes. These are considered below, in order to see how they can be built upon to ensure the full participation of all social sectors in community forest decision-making.

Structures for decision-making

In the daily life of Congo Basin forest communities, "decision-making" is primarily concerned with building a consensus for collective mobilisations, with acceptable proposals for collective action receiving displays of public support and unacceptable proposals being met with disinterest or abandoned entirely. Here, two important contexts for decision-making are described to show how it operates within local communities.

Collective mobilisations

In the course of daily life in a village, various situations arise that require some form of collective action, such as the need for agricultural labour, an extended-family or clan going into the forest to procure seasonal resources, or the desire to provide hospitality to visitors. When such situations occur, individuals address assemblies of the relevant social group – extended-family, clan, village – and offer their proposals for collective action to be taken in response.

Although there are no rules about who can speak in such assemblies, there are clear tendencies. Usually, it is elders, experienced orators, or those with some degree of influence or authority who speak publicly, especially in assemblies at higher-levels of organisation – e.g., the entire village. These individuals make oratorical addresses in which they formulate proposals for collective action and attempt to inspire their co-residents to carry them out. Although they have the authority to present such proposals, they in no way have the power to coerce their fellows into following their directives; all they can do is offer advice[15]. It is then up to the assembly as a whole to give

its consent, or withhold it, for any proposal by following through on it or not. In this way, the right to speak publicly and advance proposals for collective action belongs to those with political authority, but the right to make decisions about them belongs to all. It is in this sense that Congo Basin political culture has been described as "a profoundly democratic vision of society"[16], although field work experience shows that several caveats apply to that assertion, including the relatively undemocratic standing of groups such as women and indigenous peoples.

Some collective mobilisations that are relatively easy to organise are productive activities in the forest, such as collective hunting and fishing expeditions. As described above, these vary from one-off events improvised on the spur-of-the-moment to seasonal activities occurring with regularity. Other attempts at collective mobilisations might focus on getting the youth in the village to pitch in for community projects (clearing a road of fallen trees, cleaning a neighbourhood), enlisting help with agricultural work in a peak season, and so on. On the other hand, more political, or ambitious, mobilisations may be more difficult to organise or may never get off the ground.

Dispute resolution

In the daily life of a village, there is no shortage of conflicts and disputes – disagreements that arise and which, if not resolved, can jeopardise social harmony and have political repercussions (if families or factions get angry and move away, for example). Such situations also involve collective decision-making, as the community must decide what action to take to avoid further social rupture.

In dispute-resolution, the participation of the public is greater, even though the process is more firmly in the hands of political authority. Dispute-resolution proceedings are initiated by claimants, who bring a problem before the appropriate authority: *chef de famille*, *chef du clan*, *chef du village*. The complaint is then addressed before an assembly of the relevant group: family, clan, or village. The plaintiff and defendant give their versions of the relevant events, while spectators chime in as witnesses and advisors, with those in authority asking questions. Once this process has run its course, the authorities go off to

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[15] Geschiere 1982.

[16] Kalck 1971.

deliberate, make a decision about the complaint and any appropriate restitution recommended, and return with a judgement. Whether the judgement is accepted or not depends entirely on the disputants. If they agree to it, they pay any compensation that may be required and offer a communal drink or meal, in which all participate, signalling that the dispute has been resolved.

The roles of political authority and the public in decision-making processes

In the decision-making processes just outlined, those with political authority and the broader "public" both have key roles to play. In collective mobilisations, those with political authority are able to speak before the public assembly and recommend proposals for collective action. Yet it is the assembly itself that has the final word on whether such proposals are acted upon or not, as they always require public consent. In dispute-resolution processes, those with political authority have the right to assess the conflict brought before them, question witnesses and offer their judgement on the matter. Yet the final decision is based on both the presiding authority's judgement and the disputants' response to it. In addition, the public assembly plays an active role in the entire process, as they freely offer their testimony and opinions on the dispute. In this way, political authority has important responsibilities and key roles to play, but final control over outcomes always rests with the public.

The more "democratic" aspects of these processes should be employed as the foundation of collective decision-making in community forests efforts, with the public assembly having final say over whether proposals for collective action are accepted or not. At the same time, the participation of the assembly is more active in dispute resolution proceedings than collective mobilisations. Since the latter feature the talents of skilled orators before a large public, it tends to mitigate against community members, especially traditionally "lower-status" individuals, freely expressing themselves. Will such actors – women, indigenous peoples, migrants - experience this same vulnerability in community forest processes? Since these are envisioned to take place at the level of the entire community – where

those of lower status are often reticent to speak publicly – this could indeed occur, unless special provisions are made to increase their participation.

Decision-making, social status and the issue of scale

In order to develop means to ensure the maximum participation of marginalised actors, the issue of the scale at which meetings are held is key. During interviews, women explained that they felt comfortable talking in front of men in more intimate social settings such as meetings of the extended-family, but in front of large groups they felt a certain reticence - a sense of "shame" (embarrassment) that discouraged them from speaking. As one woman in Equateur explained:

> "Women can't speak in front of men. (Why?) That's how it's been since our ancestors! If there's a dispute between a husband and wife, they can talk in front of the (extended) family meeting, but not "in public."

The implications that this has for community forest management is that a space must be created in more intimate (non-public) settings for the voices of women, and other marginalised actors, to be heard. This argues for separate structures which allow these social sectors to express themselves freely, so their aspirations are articulated and their own proposals developed. Once this occurs, these proposals can be discussed in larger, more 'public' meetings of the entire community. In parallel, support should be provided when women do wish to play a more active role in public life, something that is becoming increasingly common in forest communities in DRC and elsewhere in the Congo Basin[17].

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[17] For instance, in community forest initiatives that RFUK has supported in the Central African Republic, women decided to form a special committee or "women's council" aimed at enabling deliberation exclusively amongst women and tasked with representing women's views in community-wide management organs (see RFUK 2019).

CHALLENGES TO CUSTOMARY INSTITUTIONS: MODERN TRANSFORMATIONS

During the past century, both customary social organisation and land management have displayed remarkable resilience in the face of pressures from external forces. However, some of these forces have been transformative, with direct implications for community forestry.

Colonial resettlement

The colonial policy of *regroupement*, carried out in all the equatorial colonies in the 1920s and 1930s, consisted of a massive resettlement programme in which much of the forest population was forcibly relocated from its ancestral living sites to points along the colonial transportation network for the sake of administrative efficiency[18]. Not only was this process brutal and destructive, it disrupted local customary arrangements, as numerous communities were moved far enough from their ancestral territories that they were no longer able to use them. As a result, they were turned into *de facto* "immigrants" and were obliged to seek access to new territories, sometimes being forced into compromised relationships with *ayants-droit* in their new locations.

In addition, the disruptions of *regroupement* also meant that some of these *ayants-droit* became "absentee" -- i.e. living at a distance from their own customary territories. In such cases, social solidarities could be eroded, with users being reduced to "tenants" of intractable "landlords." For example, villagers in the Basengele Sector of Maï Ndombe, who used the forest territories of *ayants-droit* who lived at a distance, complained that their *ayants-droit* had sold rights to collective land to herders that failed to respect the rights of users who had been living on that land for generations, resulting in poorly-managed livestock wandering into farms and destroying property. As one villager put it:

> "The chefs de terre (ayants-droit) just want money. They'll sell the land to pastoralists without considering the farmers."

What these cases illustrate is not only the tendency of some *ayants-droit* to alienate collective land for personal profit, but also the conditions under which this can happen. When the *ayants-droit* and the community of users are co-residents – all living in the same village – various personal ties can be brought to bear by the community to influence the *ayants-droit*. Yet if the *ayant-droit* lives outside the community, such

Indigenous Batwa chief addressing his community in Maï Ndombe province.

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18 Geschiere 1982, Moïse 2003.

processes can be lacking and the needs of forest users can easily be overlooked by *ayants-droit*. In areas where *ayants-droit* are not living in or near to their tenure area, they may be motivated more by commercial concerns rather than sustainable management of the forest, with obvious risks for any community forest initiative.

Migration

Although there was considerable movement of people in the pre-colonial era, the colonial and post-colonial eras introduced additional drivers to migration. Some groups moved willingly to seek out new economic opportunities, others were moved by the administration, and still others left home because of conflict. For migrants to be accepted in their new home, they had to fulfil certain conditions. First, they had to respect the position of the local *ayants-droit* by asking their permission to settle in their lands and use their forests, making any necessary *redevance* payments. Second, they needed to respect local subsistence practices and not

cause any significant strain on local resources. If these conditions were met, and social relations between migrants and their hosts remained amicable, they were able to integrate themselves into their new homes.

In settlements where migrants have become sufficiently numerous, they create their own neighbourhoods (*quartiers*), which then become "satellites" of those of the core clan groups in the settlement. Yet even if they succeed in integrating with their neighbours, they never attain management or decision-making rights over the land, as all they possess is usage rights. When their numbers are small, this may not present a problem. However, in some cases the migrant residents of a settlement may outnumber its original inhabitants. As a result, the "migrant question" is an issue that must be addressed in community forests efforts, at least in settlements where they are sufficiently numerous. In this case, special provisions should be made to ensure their voices are heard in community forests processes.

3.   THE IMPLICATIONS OF CUSTOMARY INSTITUTIONS FOR COMMUNITY FORESTRY INITIATIVES IN DRC

Having described the customary institutions at the local level that are of particular relevance for community forestry, we now consider their implications for developing community forest structures and processes.

MANAGEMENT STRUCTURES: MAKING THEM DEMOCRATIC AND INCLUSIVE

Models for CFCL management committees

The DRC's legal framework envisions the local management committee (*Comité de Gestion - CdG*) for any community forest as a highly-formalised structure which contains a small number of members holding "bureaucratic" positions: president, vice-president, treasurer, etc. In contrast, rural villagers all have in common that they envision the CdG as an "association" of representatives of the constituent social groups - clans and *quartiers* - that make up the village.

When we asked community members in Lukolela Territory who should be in the CdG, they invariably answered, "a representative from each clan (or *quartier*) within the village." Women usually proposed two such representatives - one male and one female. Many indigenous peoples and Bantu males interviewed also supported this suggestion.

In this way, the overwhelming tendency for rural villagers in the Congo Basin seems to be to imagine the CdG as an association of leaders of the social groups within the village. Given that local people live in a world where such institutions form the social foundation of daily life, they see no need to bypass them and substitute with an alien administrative institution. In addition, they seem to feel that the only way their locality (clan or *quartier*) will have a voice in community forest processes is if their leaders are representing them in the CdG.

Although the decision whether to have these representatives selected by clan or *quartier* is up to the members of the community itself, basing it on the quartier would be much more effective for ensuring the participation of lower-status actors. That is, in the case of the original inhabitants of a settlement, their *quartier* is often made up of the members of their clan, so that

clan and *quartier* are synonymous. However, for both migrants and indigenous peoples, their *quartier* may have little to do with their clan identity. Thus, if the clan is considered to be the unit that needs to be represented in the CdG, it will ensure representation for the original inhabitants, but migrants and indigenous peoples could well be left out. Thus, to ensure maximum participation of all social sectors in community forests processes, it is recommended, at least as a general model, that the membership of the CdG include two representatives - 1 male, 1 female - of each of the major *quartiers* in the settlement[19]. Again, it is up to the members of the community to create the management organs that make most sense to them, but based on research on this issue across the region, this is the solution most commonly proposed by local people.

Strategies for ensuring the participation of marginalised actors

In order to increase the participation of these actors, including women, migrants and indigenous peoples, two key strategies can be recommended:

1. Create separate structures or spaces for these actors (e.g. a discussion group or 'sub-committee'[20]) in which they feel comfortable enough to reflect on their needs and goals, so they can develop concrete proposals to be put to the community forest management committee.
2. Ensure they have ample representation in the management organs[21]. Some women interviewed in Lukolela said that, not only should the CdG contain a male and a female representative from each clan, it should include the village chief and representatives from any marginalised social sectors that want to participate. Thus, even though two representatives from each *quartier* should form the core of the CdG, it could also include representatives from the different marginalised groups, if they felt it would enhance their participation, as well as certain key leaders and elders. It should be up to the community to create its own management structures, but this is one strategy that could offer greater representation to marginalised actors.

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[19] The arrêté 025 foresees a maximum of 9 members for the CdG (article 10), which might be sufficient to accommodate all quartiers for some communities but not for others. Accumulating experience in community forestry during the experimental phase will inform the need to revise this and other aspects of the current legal framework.

[20] See note 17

[21] Some studies suggest that a "quota" of at least 30% female representation creates the critical mass necessary for women to overcome misgivings about speaking in public and take active part.

In short, if marginalised groups feel it would contribute to their participation in community forest management, such spaces should be created, to increase the possibility that their needs and goals will receive maximum consideration.

MANAGEMENT PROCESSES: STRATEGIES FOR PRODUCING COLLABORATION WITHIN LOCAL COMMUNITIES

CFCL management and the question of scale

The best way to avoid conflict between the various social units (clans, *quartiers*, etc.) that comprise a community, and to produce effective collaboration between them, is to promote management models based on local-level realities. For example, the "community"-based - or "collectivist" - vision of *Arrêté* 025 provides an overall view of the "community" as a unified entity that must agree on all community forest initiatives: the management plan, the composition of the management organs, their mandate etc. Yet it does not go into detail about the activities usually carried out at lower levels of organisation, such as forest management, land-use planning, revenue generation and distribution, etc. The insights presented in this briefing show that, when it comes to the issues that matter in a community forest - avoiding conflict, enhancing participation of the marginalised, distributing resources - the question of scale is paramount.

The approach recommended here is that, rather than presuming that every activity in the CFCL must be the business of the community as a whole, the members of the community, along with those supporting their effort, should pose the question:

What functions work best at which organisational levels?

If the level of the community is weak in an organisational and political sense, one should not burden it with a range of challenging and difficult management tasks. That is, just because the CFCL belongs to the community as a whole, one should not try to impose a "*collaboration forcée*" (forced cooperation) which may end up producing social conflict and working against the long-term goals of the CFCL. Instead, management functions should be assigned to the different organisational levels on the basis of what they do, what their character is, and what their skills are. If one

follows such an approach, the management structure of the CFCL might resemble Figure 2.

Of course, these organisational units do not exist in isolation and many CFCL initiatives would engage multiple levels, but the principle that organisational level matters, and that certain functions work best at certain scales, must be central to management arrangements if a CFCL is to succeed.

FIGURE 2: LEVEL OF INSTITUTION AND THE MANAGEMENT STRUCTURE OF CFCLS

Organisation Level	Function
Local community	- Obtaining the CFCL from the forest administration - Protecting it against external threats - Carrying out occasional civic projects for the common good
Clan	- Ongoing management of, and land-use decisions for, clan forests
Voluntary associations, congregations, etc.	- Mobilisation of labour for collective projects that address the needs of particular interest groups within the CFCL

Balancing the rights of clans and the needs of communities

As suggested above, there is a built-in tension in community forestry between the needs and rights of the community, on the one hand, and the needs and rights of the land-holding clans, on the other. As one Congolese civil society professional put it:

> "It seems to me that there's a fundamental conflict between the rights of ayants-droit and the rights of communities. I don't see how the ayants-droit will be satisfied with resources from their forests going to the community as a whole."

Similarly, during a discussion about the tension between clan and community rights, a young villager from Equateur said:

" Should we sacrifice our (clan) forest (by logging it) to build a new road for the village? Future generations are going to need that forest."

That is, if fulfilling a need at the level of the entire community is going to destroy an enduring subsistence economy for a clan, it can hardly be considered successful community forest management.

Given this tension between land-holding clans and the broader community, it is recommended that, for any proposal for management decisions affecting a given area of a CFCL, the customary owners (_ayants droit_) of the area should have the first and last word on whether or not to carry it out. For example, if people want to dedicate part of the forest to conservation, the process becomes a negotiation between the clan that holds the land and the broader community. Unless both parties are satisfied with the outcome, disputes could arise that would jeopardise the functioning of the CFCL.

Rule-making in a CFCL: likely tensions and potential solutions

Once a CFCL is attributed and community members start making rules for its management, two key tensions may arise. First, if in an effort to rehabilitate their subsistence economies, communities attempt to create new usage rules that limit the activities of external commercial actors who use the CFCL without their permission, this will surely cause conflict. Here, outside institutional support will clearly be necessary (see section V).

Second, internal differences between the goals of different factions within the community may arise, e.g. between clans or individuals who favour logging, and those opposed. In such cases, the strategy of respecting clan autonomy outlined above should help dispel a lot of these conflicts. That is, it is not necessary for all clans to agree on a single set of management rules for the entire CFCL. Rather, each clan should be free to create rules to manage their own forest. If such a model is followed, many of these tensions can probably be managed.

COMMERCIALISATION: GENERATING AND DISTRIBUTING REVENUE IN AN EQUITABLE MANNER

The pitfalls of an exclusive focus on commercialisation and monetisation

Forest environments are much more valuable intact than degraded. When intact, a forest territory can feed, house and provide health care for an entire village for generations. However, a purely monetary view of the environment prevents one from recognising these non-monetary functions, which, if not protected, can be lost forever.

The obvious danger of commercialisation is that, by commercialising natural resources beyond sustainable levels, the CFCL will become degraded, thereby undermining the subsistence economy.

Generating revenue in a sustainable manner

Field research undertaken in Lukolela Territory gave certain insights into communities' priorities for economic activities to be pursued in the context of a future CFCL. The tendency among most communities was to limit the use of natural resources to the realm of the subsistence economy. That is, few community members talked of engaging in such things as a commercial trade in timber or game. The major revenue-generating activity discussed was agricultural production for sale to local and regional markets, reflecting the fact that this is an activity that many people are already engaged in. While various communities expressed interest in using their forests for "Payments for Ecosystem Services" (PES) arrangements, there was a general hesitancy to engage in logging, especially on the part of communities who had already experienced its destructive effects. Finally, people were open to the production of non-timber forest products to generate revenue, but, if put into practice, this would have to go hand-in-hand with a method to monitor resource levels to avoid over-exploitation, which would require putting additional investments in monitoring and likely outside technical support.

Distributing revenue in an equitable manner

Avoiding elite capture

Structures that are put in place to manage a CFCL, namely the management committee (*CdG*) and other bodies described in the legal framework (*Arrêté* 025), could facilitate elite capture of forest resources, particularly in situations where the resources of a CFCL are monetised and pooled. By giving to a small group of individuals decision-making power over how resources are exploited and how funds are used, as well as a platform from which to negotiate with outside interests, one creates a much greater risk of elite capture. This arrangement also runs the risk of producing social conflicts over how collective funds should be spent. Thus, where there is a commercial aspect to the CFCL, and revenue is generated that must be managed or distributed, these are risks that will have to be addressed. Some strategies for doing so are outlined below.

Challenges to managing collective funds and potential solutions

Revenue that is generated at the level of the household or individual, as in agricultural production, is the "safest" kind of revenue to manage because funds are distributed within social units that can easily manage it without producing conflict. In addition, there are customary practices for distributing natural resources (fish and game) that are managed at the level of the extended family, clan, or voluntary "work-group." However, there is very little precedent for revenue generation and distribution at the level of the entire community. At this level, the distribution of revenue is much more challenging politically and must be managed with care and wisdom to avoid producing conflict.

Part of the challenge lies in the nature of cash, as opposed to natural resources. As noted above in the discussion of the subsistence economy, traditional subsistence activities that generate resources - group spear hunts, collective fishing, etc. - carry with them protocols for how their proceeds should be distributed, which, if followed, conform to local expectations about what is fair. As mentioned, such protocols usually include a nod to social hierarchy, followed by an egalitarian distribution.

On the other hand, distributions of cash have no such protocols to regulate them and seem much more complex politically, especially when they involve members of different status groups. For example, when women in Lukolela Territory were asked about the potential distribution of collective revenues from the CFCL within the village, a typical response was: "No way. We can never have our money shared with that of the men." The reason for this seemingly extreme position is that, in such distributions of cash, it is suspected that the men will give more of a nod to social hierarchy than to equality (taking a larger portion for themselves), whereas the women seek a distribution done on a strictly equal basis. In this, they are not alone: one finds the same phenomenon with distributions of cash between Bantu and indigenous peoples. That is, indigenous peoples always insist that, if there is cash to be distributed within the village, the portion for Bantu is separated from that for indigenous peoples and the indigenous portion is given to them directly, so they can manage its distribution. In this way, if distributions of collective revenues are to be carried out among a pool of individuals of different standings, one should avoid making joint distributions and instead give separate shares to each specific group: Bantu men, Bantu women, and indigenous peoples.

Some of these complications can be avoided, however, if one refrains from turning the collective revenue into cash for general distribution and puts it aside for community use. That is, if one can keep the funds out of distribution, and stored in a safe place, they can be withdrawn later, when a specific need arises in the community. In many cases, however, storage poses a major challenge, due to the lack of security in the village. In urban areas, banks serve this purpose, but rural villagers do not have that option. Yet local alternatives can also be found, as some villages in the study area had trust in the local Catholic mission to store their funds. This is not to say that all villagers would trust church organisations or that all church organisations would merit that trust, but it does demonstrate that local alternatives may also present themselves.

In general, a pre-requisite for equitable management of collective funds is a relationship of trust between the various parties involved. While every community is different, this relationship is more likely to emerge where the members of the management organs have been selected with the aim of ensuring all groups, clans or quarters are represented, as described above.

4. INDIGENOUS PEOPLES AND COMMUNITY FORESTRY

BACKGROUND

The distribution of indigenous groups in DRC

The national territory of DRC is vast and much of it is forested. As such, it is home to various indigenous peoples. Their principal ethnic communities include: the Mbuti and Efe in the northeast (Ituri Province), the Twa of the Great Lakes region (North Kivu Province), the Cwa in the Kasai (Kasai Province) and Twa/Cwa in the Mongo region (Equateur and Maï Ndombe Provinces). In addition, there are various smaller groups, some of whom live in savanna environments in the south of the country. Some indigenous people live in "independent" communities, inhabited solely by indigenous peoples and recognised by local Bantu as having customary rights over their own forest territories. However, it is more common for indigenous peoples to live with Bantu in "mixed" (Bantu/indigenous) communities, in which indigenous peoples comprise one or more *quartiers* within the settlement and enjoy usage rights to the territories of their Bantu neighbours. Although sharing and collaboration between the two groups is enshrined in customary management regimes, indigenous peoples are generally viewed by Bantu as social subordinates.

The indigenous "difference:" what is unique about indigenous cultural practice?

Throughout the Congo Basin, indigenous peoples are considered in oral traditions to be the first inhabitants of the rainforest[22] and, under President Mobutu, they were dubbed "*les premiers citoyens*" (the first citizens) of the nation of Zaïre. Their role in regional society is that of "masters of the forest," as they possess a wealth of knowledge about the forest environment: animal behaviour, plant use, sources of mystical power, and so on. As such, they have played the role of hunters, healers and ritual specialists throughout the history of their interaction with other Congo Basin peoples[23].

Their traditional economy was based on hunting and gathering, with farming being practiced rarely, if at all. To obtain goods they did not produce themselves, they traded with their Bantu alliance partners.

One of their primary cultural values is autonomy, which manifests itself in a variety of ways: keeping their distance in residential arrangements (making separate settlements from their Bantu neighbours or residing in distinct *quartiers* on the edges of Bantu settlements);

Batwa men with fish traps, Maï Ndombe province.

[22] Klieman 2003.

[23] Moïse 2014.

a general preference for living in the forest; and an "egalitarian" political culture in which no individual has the right to force any other to do anything against their will[24].

It is also important to note that most indigenous peoples were able to elude "colonisation" during the colonial era, by residing deep in the forest. Although this provided them with much greater autonomy than the majority of colonial subjects, it also meant they lacked exposure to the various institutions that the colonial experience introduced into African life, such as school, church, and modern medicine. As a result, they entered the post-colonial era with a lack of access to such resources - a situation that largely endures until today.

CHALLENGES FOR INDIGENOUS PEOPLES IN COMMUNITY FORESTRY AND STRATEGIES FOR OVERCOMING THEM

Challenges to doing community forestry in mixed communities

There are three major challenges to doing community forestry with indigenous peoples:

1. The daily subsistence activities of indigenous peoples make much more extensive use of the forest, so their patterns of land-use and their needs are different from Bantu and will need special attention to ensure they are articulated.

2. Like Bantu women, they are marginalised actors who are hesitant to speak in public venues, such as before a village assembly. As a result, their views on community forests could easily remain invisible unless specific actions are taken to elicit them.

3. They suffer from the same problem as Bantu women in distributions of collective resources: the risk that Bantu (men) allocate them a lesser share of resources – particularly money - based on their subordinate social status.

Articulating indigenous needs and goals

Although community forestry could offer some important benefits to indigenous peoples, their unique social position in Congo Basin forest societies obliges NGOs supporting community forestry initiatives to employ special strategies in working with them. The approach recommended here is that a space must be created for them to be able to reflect on their own needs and goals for community forestry and develop these into coherent land-use proposals that can be put forward to the broader community. This would involve: the production of their own land-use maps, the development of their own management plans, and the creation of their own association(s), while ensuring their adequate representation in the organisational structures of the CFCL.

Given the political environment of mixed communities, however, this is not an easy task. Bantu villagers living in mixed communities can be wary of outsiders' intentions toward their indigenous neighbours: fearing that outsiders may try to undermine their position in the Bantu/indigenous exchange relationship, or turn indigenous peoples against them. At the same time, these challenges may largely be overcome by paying particular attention to scale when developing the procedures for mapping indigenous forest use and creating (indigenous) management plans.

Mapping indigenous land use

Participatory mapping is a key stage in setting up a CFCL. Because the land-use of indigenous peoples can differ markedly from that of their Bantu neighbours, it is essential that the full extent of their usage of the forest territory is properly documented during the mapping process. In order to do this, it is recommended that participatory mapping is carried out separately with indigenous peoples and that their maps are then integrated into those of the broader community.

Developing indigenous peoples proposals for forest management

It is recommended that indigenous peoples are supported to produce specific land-use maps and management proposals for the parts of the forest they use. These can then be integrated into a broader management plan that the community develops and adopts for the CFCL as a whole.

Once the separate maps and management proposals of the indigenous peoples within the community have been produced, the work would begin of integrating these into the broader

management plan for the entire community and CFCL. Although this will require diplomacy and negotiating skills, the essential starting point is for indigenous land-use and goals for land-management to first be clearly articulated. Once this has occurred, indigenous and Bantu sectors of the community will need to harmonise their respective plans. In practice, this means that indigenous peoples would need to agree on mutually acceptable land and resource use plans with each land-owning clan. Dealing with each clan separately would enable them to assert their views more from a position of more relative equality than if they had to do so in front of the community as a whole.

While the Bantu/indigenous relationship has deeply unequal aspects, there are also many areas of collaboration. Since this collaboration has historically revolved around shared forest use, the harmonisation of land-use plans and access rights to the forest may be unproblematic. It is in other domains, especially the division of monetary resources that disputes are likely to arise.

### Ensuring indigenous participation in decision-making

Indigenous peoples representation in management structures

For the needs of the IP sector of a mixed community to be addressed, it is essential that they be adequately represented in the management organs of the CFCL. In practice, this could mean that each management organ includes one or two indigenous representatives, and provisions are taken to enable these representatives to express their views in community-wide structures, notably the general assembly.

At the same time, it is highly recommended that indigenous peoples are supported to create their own "associations" when these don't already exist, so they have the time and space to reflect on key issues that concern them in the community forestry process. In the Central African Republic, for example, the official Manual of allocation procedures for community forests recommends the creation of an "Indigenous Advisory Council" which should serve as interface between indigenous groups and the

different management bodies, where indigenous representatives also participate[25]. Although the exact form this should take is best decided by indigenous peoples themselves, supporting NGOs can provide logistical and technical support for this, as needed.

Indigenous peoples can also hold responsibility for specific tasks in day to day management. One unique contribution that indigenous peoples could make to the management of a CFCL is the monitoring of breaches of the management rules, such as unauthorised hunting, fishing or logging. Scouting was always one of the primary roles played by indigenous peoples for their Bantu alliance partners during the pre-colonial era of tribal warfare, since they continually circulated throughout the territory while hunting or gathering. Given that indigenous peoples generally circulate more widely in the forest than their Bantu neighbours, they could play a similar reconnaissance role today.
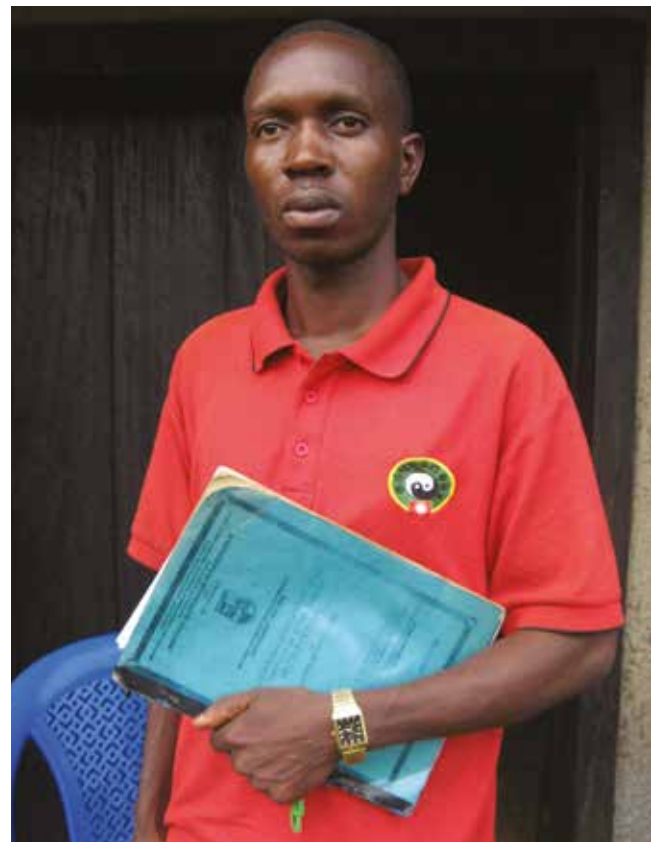
Masters student specialised in conflicts between communities and industrial loggers, Maï Ndombe province.

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25 See Moïse, 2019, pp. 34-36.

5. NEW CHALLENGES TO FOREST COMMUNITIES

Although customary institutions and practices can provide a useful foundation for community forest management, there are various contemporary challenges facing forest communities in DRC that need to be taken into account in the context of community forestry initiatives and for which external support will likely be needed.

In rural DRC, where subsistence economies have suffered significant damage from logging, and the state provides very little in the way of services, communities are likely to look to outside NGOs – including those supporting community forest initiatives – to help address these various challenges, as outlined below. The following does not provide an exhaustive list, but a snapshot of the recurrent themes arising from our field work.

Rehabilitating decayed transportation infrastructures

In several of the communities we visited in Lukolela Territory, the subsistence economy had been seriously compromised by logging, as well as commercial hunting and fishing. In response, locals were obliged to shift their economic strategies towards producing agricultural products for sale in local and regional markets. However, this process is handicapped by the extremely poor state of the transportation network linking the communities to markets. As one woman explained:

> "Transportation is the big problem. The president (of the women's association) created a big cocoa farm, but she had to abandon it because there were no buyers that came as far as the village and there was no efficient way for her to get her produce to market."

Of course, rehabilitating transportation infrastructure presents major challenges both logistically and politically, and may be beyond the scope or expertise of many NGOs supporting community forestry initiatives.

Yet in the context of rural DRC, there may be quite simple interventions that can make a difference to local communities, such as clearing dead and fallen trees from paths not more than a few kilometres long, and river beds of similar length, opening these up to motorbike and boat traffic. In such cases, small amounts of funding to pay for equipment and salaries for work crews could be sufficient to address this issue. However, such efforts need to come hand in hand with support to ensure increased access won't lead to deforestation and unsustainable exploitation of forest resources.

Providing CFCLs with monitoring and security assistance

Issues of security are rarely raised in technical discussions about community forestry. Yet, from the local perspective, the provision of security for a community forest is a key issue, as hunting, fishing or logging by groups that have come from outside the area can be a real threat to local livelihoods and resources. In Lukolela Territory, for example, incursions by fishermen from outside the community have had a very damaging effect on local fisheries. If a community is to "manage its resources sustainably" as a CFCL in the face of such threats, security is therefore an issue of paramount concern. Thus, once respondents started getting specific about their plans for their CFCLs post-attribution, they readily brought up the security issue. As one man stated:

> "Our presence at the fishing spots in the dry season prevents strangers from fishing on our lands during that time. We are already sending people to our forest camps to keep their eyes out for strangers. (Once our CFCL is approved), we will put guards there to enforce it."

In terms of security, there seem to be at least two elements involved in the enforcement of regulations within a CFCL: (1) monitoring and (2) actual enforcement. Realistically, local communities can only be tasked with monitoring, while enforcement should be in the hands of someone with a certain degree of authority and/or judicial power. In the political context of rural DRC, where actors who hold such power are often weak and/or predatory, this is obviously fraught with challenges.

In any case, it will certainly involve partnering with outside actors for support with enforcement (most likely the state), as well as a certain budget -- e.g., to pay forest monitors a basic salary and to provide them with some means of transportation to circulate within their territories. Although huge challenges remain (corruption at different levels

of administrations being one of them), ongoing RFUK forest monitoring initiatives[26] show that communities are often very motivated to stop illegal activities in their territories. In many cases, authorities at different levels have also appreciated receiving alerts from community members and have shown willingness to act on them when provided adequate support.

Addressing poverty

Because of the compromised nature of many local subsistence economies, the need for the introduction of some sort of development activities to address local poverty – such as training in enhanced farming techniques or livestock-raising - is likely to be expressed during the development of most CFCLs. In the words of one man in Lukolela Territory:

> "We are in crisis here! The project (a community forest initiative) has to distinguish between goals that are urgent and goals that are long-term. Or maybe short-term, medium-term and long-term. Short term is fixing the poverty we've fallen into. Medium term would be development activities, like building a school. And long-term would be securing the forest and protecting it from outsiders."

Again, many of these activities may go beyond the usual mission of a facilitating NGO partner, but they may still have the means to create partnerships with outside development organisations that could provide such support - offering technical assistance with agriculture and livestock-raising, connecting local producers to buyers and markets, etc. In addition, supporting NGOs could assist communities in developing livelihood activities based on non- timber forest products to bring in revenue, but without compromising sustainability or producing conflict.

Fallen tree blocking road in Equateur province.

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[26] See https://www.rainforestfoundationuk.org/rtm.

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