



SECURING LANDS, SUSTAINING LIVES

**MAKING COMMUNITY FORESTS
WORK FOR LOCAL AND
INDIGENOUS COMMUNITIES
IN THE CENTRAL AFRICAN REPUBLIC:
ANTHROPOLOGICAL PERSPECTIVES
ON STRATEGIES FOR INTERVENTION**

Robert E. Moïse

in collaboration with Marjolaine Pichon

May 2019

**PART OF THE
UNDER THE CANOPY
SERIES**

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LIST OF ACRONYMS

CAR	Central African Republic
CdG	Comité de Gestion (Management Committee)
CSO	Civil Society Organisation
DfID	Department for International Development (British government)
DRC	Democratic Republic of Congo
FPIC	Free, Prior and Informed Consent
IP	Indigenous People
MEFP	Maison de l'Enfant et de la Femme Pygmées
NTFP	Non-Timber Forest Product
PA	Protected Area
RFUK	Rainforest Foundation United Kingdom
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples

GLOSSARY

Anthropological terms

- **Bayaka:** also referred to as 'Aka', they are the most numerous of the three indigenous groups living in the forest areas of southwestern CAR. Since all our indigenous respondents were Bayaka, we also use it as a more general term for the indigenous peoples of the southwest.
- **Land-holding group:** the collection of individuals who share access rights to a particular forest territory. Depending on how land tenure arrangements are handled in a particular area, the land-holding group may include: a single clan, a single village (comprising multiple clans and quarters), or a group of villages.
- **Local community:** The term 'local community' is often used in discourses on community forestry, but with very little precision about what it actually refers to. In this study, it is used to refer to the village, or group of villages, that share rights of access to a particular forest territory and who, by virtue of this fact, may seek official recognition of their rights to the resources in that territory through a community forest.
- **Quartier:** a French term used to designate a particular 'neighbourhood' within a village.
- **Pygmy:** the term commonly used by outsiders to refer to the indigenous inhabitants of the Congo Basin rainforest. Since it can be used in a pejorative sense, we refer to these groups with the term 'indigenous'.

Terms defined in the document « Concept and vision for community forestry in the Central African Republic », adopted by the CAR Forest ministry in 2010

- **Indigenous and village community:** population traditionally organised upon the basis of custom and united by bonds of solidarity based on clans and close kin, and which give it its internal cohesion. In addition, it is characterised by its attachment to a specific land.
- **Customary use rights:** legally recognized rights for peoples living near a forest with a view to a free subsistence exploitation of forest products, except protected species. Customary use rights allow populations to practise gathering, subsistence hunting, traditional fishing, timber collecting and exploitation for individual or family usage.
- **Community forestry:** every situation in which local and/or indigenous peoples are involved in the participatory management of forest resources.
- **Community forests:** parts of the national forest estate which are subject to a management agreement between an organised and concerned village and/or indigenous community, on the one hand, and the government, represented by the Forest Administration, on the other.

EXECUTIVE SUMMARY

As the Central African Republic (CAR) is entering a decisive phase that could lead to the allocation of the country's first 'pilot' community forests, the Rainforest Foundation UK (RFUK) and CAR civil society groups are supporting local communities in their application processes. These pilots will also allow lessons to be learnt and inform the revision of the legal framework, so that communities can officially manage and sustainably benefit from the forests they have been preserving and depending on for generations.

The failures of previous community forest initiatives in the Congo Basin should not be viewed as proof that community forestry cannot work in the region and should, therefore, be abandoned. Rather, critical analysis of past experiences reveals the shortcomings of previous approaches and allows new approaches to be developed that can effectively realise larger policy goals, while simultaneously benefiting local communities, governments, and the forest environment.

To offer community forestry a better chance of success in CAR, this study intends to contribute to the national discussion by providing policy-makers and other actors involved in designing

and implementing community forests with a better understanding of the local milieu. This includes the goals of local people as they seek to obtain and manage their community forests; their customary institutions that are key to affecting the outcome; and the challenges that forest communities, especially indigenous peoples, will most likely have to overcome.

It is only by taking into account the milieu in which community forest processes unfold that an alternative vision of community forestry can be developed and achieve its objectives: i.e. sustainable forest management models responding to the needs of forest communities and maintaining healthy subsistence economies, while preserving biodiversity and protecting the rights of indigenous peoples. Outlining such an approach, and how it can work in practice, is a major goal of the present study.

The analysis and the recommendations have been developed based on anthropological research with local communities in southwestern CAR – where the country's indigenous peoples and tropical forests are concentrated – as well as on lessons learned in the Congo Basin more widely.



GOALS, BENEFITS, AND CHALLENGES FOR COMMUNITY FORESTRY IN CAR

In a context where the rights of forest peoples are being infringed upon by a variety of actors – protected areas, loggers, miners, and commercial hunters, whether holding a concession or carrying out an illegal trade – the primary goal expressed by local communities during the research is to return to a situation of *'local forests for local people'*. They see community forestry as an official means of doing so – a kind of 'social contract' with the government that would allow them to regain control over the management of their forests – for example, by undertaking surveillance activities to regulate third parties' access to their territories in order to prevent over-exploitation and the depletion of forest resources. This official recognition would also help create networks for support to develop livelihood initiatives, such as the commercialisation of Non-Timber Forest Products (NTFPs).

For the local and national authorities, the allocation of community forests will present the advantage of 'delegating' forest management to the actors who have the most vested interests in the preservation of resources – i.e. the local communities who rely on them for their livelihoods. In addition, provisions for community forestry demonstrate the political will to meet the State's commitment to the principles of sustainable development and forest management, as enshrined in the CAR Forest Code and other national and international agreements.

There is, however, a structural contradiction in the position of national governments, whose official policies of sustainable forest management are in direct conflict with pressures exerted on them by a range of economic interests (such as the appeal of taxes generated by industrial logging, etc.). If those policies are not clearly articulated and executed through specific measures, such as comprehensive support to communities and regular monitoring of forest resources, an 'exploitation mentality' can take over. This is because different parties may seek to take advantage of the opportunities for enrichment to the detriment of customary owners and users. The experience in Cameroon over the last 20 years is a major example to learn from, in order to overcome this 'elite capture' phenomenon.

Other challenges include the complexity of the administrative process which must be followed by communities in order to obtain a community forest, as well as the potential opposition of more politically influential third parties who may try to obstruct community forest initiatives. These are even more pressing issues for indigenous peoples who, due to their lower social status and levels of literacy, may have more difficulties going through the meandering of modern bureaucracies, and to meaningfully participate in decision-making processes to negotiate their agenda.

UNDERSTANDING THE PEOPLE: BANTU-INDIGENOUS RELATIONS

Anthropological evidence indicates that Bantu and indigenous peoples have been sharing forest areas in the Congo Basin for several thousand years. If their relationship appears to have been one of relative equality during the early period, over time Bantu became more occupied with the spheres of political power, warfare, and the emerging forms of wealth. Although they placed a high value on the forest knowledge of indigenous groups and on the forest-related goods and services they provided, the Bayaka later came to occupy a subordinate position.

Today, despite various forms of collaboration that have been maintained between the two populations, marginalisation and human rights abuses remain a significant part of daily life for most indigenous peoples.

The Bayaka (indigenous) people interviewed were unanimous in the opinion that they could collaborate with local Bantu in matters concerning the protection of their shared forest from exploitation by outsiders, but that if distribution of material resources was involved, Bayaka and Bantu should always be dealt with separately.

This study aims to highlight some general trends, but the relationship a specific indigenous group has today with its Bantu neighbours needs to be fully understood before any joint initiative is considered.

UNDERSTANDING THE PEOPLE: CUSTOMARY SOCIAL ORGANISATION

The present study also provides a comprehensive picture of what a 'local community' can be (it may vary according to the context) and how it functions as a multi-layered social organisation, composed of several units:

- **Extended family:** network of close kin that resides together, and acts as a labour pool for childcare, daily productive activities and benefit sharing;
- **Clan:** cornerstone of social identity which engenders an ethos of solidarity and independence;
- **Village:** unit of residence but not necessarily of political action, often a 'consortium' of allied clan groups which have retained their sovereignty;
- **District:** highest-level unit in pre-colonial social organisation, set of villages that could act collectively to protect its members against external threats, and occasionally engage in large-scale productive activities (collective net-hunts).

A key aspect of both Bantu and Bayaka social organisation is that collective activity – the sharing of labour, resources, decision-making, etc. – is very common at lower levels of organisation, but much rarer, and potentially problematic, at higher levels.

UNDERSTANDING THE POLITICS: CUSTOMARY DEMOCRACY

Each social unit is represented by a leader (*chef de famille, chef de clan, chef de village*). Yet, while those with authority have the right to give advice, which is listened to respectfully by others, the actual decision about whether or not to follow it rests with the individual. The 'democratic' aspect of these decision making and conflict resolution processes should be employed as the foundation for community forest efforts, with the public assembly having final say over whether proposals for collective action are accepted or not. This principle is key, as it can serve as a check on any attempts at elite capture.

However, because collective mobilisations feature the talents of skilled orators before a large public, they tend to mitigate against lower-status individuals (indigenous peoples, women,

etc.) freely expressing themselves, unless special provisions are made to increase their participation.

UNDERSTANDING THE LAND: CUSTOMARY FOREST MANAGEMENT

Depending on the area, the land-holding group, i.e. the social unit possessing rights to a specific customary territory, may vary from the clan to the district level.

Yet despite such variation, there are certain basic principles underlying customary management systems:

- No individual has the right to alienate any collective land for his/her own purposes (sale, commercial exploitation, etc.);
- Rights to land are transmitted by birth, through marriage, and by being passed on as a 'gift' to allies;
- The land is 'owned' by the ancestors, used by the living, and safeguarded for future generations.

Thus, the customary system is an inherently 'preservationist' regime of forest management.

LEVERAGING CUSTOMARY INSTITUTIONS TO CREATE SUCCESSFUL COMMUNITY FORESTRY

At the level of the 'local community' (village or district), there is often very little joint participation in collective activities. This is however commonplace within the units of household and extended family, characterised by daily contact and strong affective ties.

If a group of villages share the same forest territory, it may make sense for them to apply jointly for a community forest – not doing so would potentially generate conflicts. But if this level of organisation is weak in a political sense, one should not burden it with a range of challenging and difficult tasks (land use planning, benefit sharing, etc.). In such circumstances, management functions should be assigned to lower level units according to what works best at which level.

As a rule, communities should always manage their forest in the way they are most accustomed to, and no alien administrative institutions should be imposed on them, or this may encourage elite capture.

IMPROVING COMMUNICATION WITH EXTERNAL ACTORS

In southwestern CAR, all forested land has been allocated by the state for protected areas and/or logging, mining and commercial hunting activities, without having obtained prior consent from local resident communities. This may not only generate social conflict, it also fails to respect the principle of free, prior and informed consent (FPIC) which is key in international law and jurisprudence.

As these allocations leave virtually no geographical space for community forests, the related legal framework would require revision to allow communities to apply for an area that corresponds to their customary territories, regardless of their size and location, even when they overlap an existing concession.

In such a context, measures should be taken to facilitate communication and cooperation between the involved parties, to ensure that the activities of concessionaires will not be to the detriment of local communities.

RECOMMENDATIONS

The vision of community forestry recommended here is based on a two-pronged approach to sustainable development in the forests of CAR:

1. The Forest Ministry participates with local communities and civil society organisations to deliver sustainable forest management: maintaining ecosystems and reviving local subsistence economies.
2. The Forest Ministry encourages sustainable commercialisation activities and equitable distribution at the local level.

Community forestry therefore presents an opportunity to build bridges between governments and local forest communities.

The legal framework for community forestry in CAR is in place. However, it needs to be tested through implementation with pilot communities to inform the revision and development process.

For governments

- Recognise the rights of local communities to their customary forest territories.
- Humans have lived in the Congo Basin rainforest for over 40,000 years and, during this vast expanse of time, the forest environment was managed sustainably through customary management practices. Accordingly, the rights of local peoples to their lands, who not only have a direct interest in preserving them, but operate out of a conception of the forest environment that is preservationist in both its spirit and its practical effects, should be recognised.
- The spaces available for the attribution of community forests should not be limited to 'Séries Agricoles' or other small 'castoff' spaces. Rather, customary territories should be made the basis of the allocation of community forests, an approach which has already been institutionalised in DRC.
- This approach will require a change in the existing legal framework, which limits community forests to the size of 5,000 hectares or less.
- When community forest spaces overlap with existing concessions or PAs, they could be transformed into 'shared use' zones in which governance of natural resources is shared between local communities, on the one hand, and concessionaires/PAs on the other in a manner that is both meaningful and substantive.¹
- Local rights to food security should be recognised and support provided to efforts to revive subsistence economies.
- Help reduce poverty by facilitating sustainable commercialisation of NTFPs.

¹ Karsenty and Vermullen, 2016.

- Recognise local customary institutions, to create a framework for shared forest governance – with provisions regarding the modalities of land management, decision making processes, etc.
- Test and review the legal framework and community forest procedures and tools, with simplicity and flexibility as core principles, to enable the national scaling up of community forests, and not limit them to the communities who can secure external support.
- Protect indigenous rights by respecting international principles, such as FPIC, in relation to the lands that IPs use, including by testing and revising specific measures within the community forest legal framework.

For civil society organisations

- Provide support to local communities to fulfil the administrative requirements of community forestry: mapping, application for the community forest, etc.
- Develop sufficient knowledge of customary institutions to be able to work effectively with local people to help them achieve their

community forest goals: facilitating the functioning of organisational structures, providing support to ensure the participation of groups and individuals with a perceived lower-status (IPs, women, youth, etc.), carrying out management activities and sharing the benefits, etc.

- Seek ways to provide the various forms of additional support that will be needed by local communities to make community forestry successful: developing alternative economic activities, creating rules for sustainable management, marketing NTFPs, monitoring their production to ensure sustainability, and so on.



1. INTRODUCTION

THIS STUDY OFFERS CONCRETE PROPOSALS TO CONTRIBUTE TO THE ONGOING TESTING AND REVISION OF THE LEGAL FRAMEWORK FOR COMMUNITY FORESTRY IN THE CAR. IT IS BASED ON ANTHROPOLOGICAL RESEARCH WITH LOCAL COMMUNITIES IN THE SOUTHWEST OF THE COUNTRY AS WELL AS LESSONS LEARNED IN THE CONGO BASIN MORE WIDELY. IT SEEKS TO DEVELOP STRUCTURES AND PROCESSES FOR COMMUNITY FORESTRY THAT RESPECT THE RIGHTS AND NEEDS OF LOCAL COMMUNITIES AND HARMONISE WITH LOCAL CULTURAL INSTITUTIONS, IN ORDER TO ENSURE THE GREATEST POSSIBLE CHANCE OF SUCCESS.

Archaeological evidence indicates that the Congo Basin has been inhabited for over 40,000 years.² During this long expanse of time, its forests were managed according to customary management systems and this was done in a sustainable manner, as indicated by the abundant flora and fauna encountered by European explorers upon their arrival in the region in the late 19th century.³

During the last few decades, however, as forest management has been placed in the hands of international institutions, their policies – based on large-scale industrial logging, combined with ‘people-free’ protected areas (PAs) – have had profound consequences for the region’s lands and peoples:

- Logging and its secondary effects have caused widespread environmental degradation;
- Rural poverty has increased, as logging has undermined local subsistence economies;
- Forest dwellers have become squatters on their own land, due to the lack of official recognition of their customary rights;
- The creation of protected areas has produced large numbers of ‘conservation refugees’ - people who, having lost their land, have had to migrate elsewhere;⁴
- ‘Eco-guards’, employed by PAs, have committed serious human rights abuses against local peoples seeking to use their traditional lands now under PA designation;⁵

- Indigenous peoples (IPs), whose livelihoods are forest-dependent, have been even more severely impacted and must now contend with various social and public health problems: poverty, malnutrition, disease, alcoholism, etc.

The most effective way to secure the rights and livelihoods of the 50 million people who depend on the forests of the Congo Basin as their economic and social safety net is to reform national laws governing land rights, whose cornerstone is the colonial legal principle that the state owns and controls all land that is not covered by a property title. Land reform processes have been initiated in CAR, Cameroon, and the Democratic Republic of Congo (DRC), but, until such reforms are enacted, local communities cannot secure rights to their customary lands. However, they can secure rights to own and manage the resources found on them by applying for community forests.

Thus, community forestry remains the primary institutional means available to help secure local rights as well as to achieve the overarching goals of forest policy in the Congo Basin: sustainable forest management and sustainable development. To date, however, community forestry efforts in the region have failed to utilise its potentials to achieve such goals. In fact, for the most part, these initiatives may have done more harm to local livelihoods than good.

² Clark 1982, and Cornelissen 2002.

³ Parke 1891, and Stanley 1885.

⁴ In the area of the Tumba-Ledima reserve in DRC, for example, which is managed by the World Wildlife Fund (WWF), the health status of local communities barred from using their lands by the park became so

dire they had to apply for food aid from the UN’s World Food Program (Pyhälä et al 2016:81).

⁵ In the Mbaéré-Bodingue National Park in the CAR, which has been managed by ECOFAC, there have been various reports of human rights abuses by eco-guards (MEFP 2011:28).

Research carried out during the two decades that community forestry has been implemented in the Congo basin (primarily in Cameroon),⁶ has identified some of the basic flaws of the current approach, which have led to these negative outcomes:

- A short-sighted model of forest management, in which 'management' is equated with commercialisation of timber resources through industrial logging;
- Administrative structures artificially created at the local level which favour those with education, resources and political connections – i.e. elites;
- Lands available for community forests have been 'island' spaces near the road network, rather than customary territories deeper in the forest;

- Community forests have been limited to parcels of 5,000 hectares or less (considerably smaller than most customary territories).

Although the current approach to community forestry has failed largely because it is ill-adapted to realities at the local level, this is entirely consistent with the international management regime, for which conditions at the local level remain largely unknown and decision-making from afar is standard practice.



Photo credit: Robert Moise

⁶ Djeumo 2001, Geschiere 2004, Ichikawa 2006, and Karsenty et al 2010.

STEPS TAKEN TOWARDS COMMUNITY FORESTRY IN THE CENTRAL AFRICAN REPUBLIC (CAR):

On 3 December 2015, the Transition Head of State signed Decree n°15-463 on the allocation and management of community forests in CAR, seven years after the notion of community forestry was introduced in the 2008 Forest code. The decree also adopted the '*Manual of allocation procedures for community forests*'.⁷ With this new legal framework, communities are now allowed to officially apply for, be allocated, and manage - according to their own needs and traditional practices - the forests that have been their customary territories for centuries or millennia.

In 2010-11, a document entitled '*Concepts and vision for community forestry in CAR*' was developed by national stakeholders – with RFUK's support –⁸ and adopted by the Forest Ministry. Among other concepts and principles, it clarified the distinction between community forestry and community forest (see glossary, p.4).

The community forest application process, as defined in the *Manual of Allocation Procedures*, was then elaborated with the participation of various stakeholders, including local and indigenous communities, civil society organisations, government officials, and other institutional actors, both national and international. This was the product of multiple missions to forest areas in the south eastern and south western parts of the country, two national workshops in the capital of Bangui, as well as a testing phase and a revision process.

However, in order to be better suited to local and indigenous communities' needs and capacities, the current CAR legislation is meant to undergo:

- A second, more in-depth testing phase, leading to the official allocation of the first community forests in CAR;
- A revision process with the participation of all stakeholders based on the lessons learned during the testing phase (as set out in article 7.33 of the *Manual*).

OBJECTIVES OF THE STUDY

One of our primary goals is to provide the reader with the necessary information about the local level so that community forestry can be designed and implemented from a position of informed understanding, offering it a much greater chance of success. More precisely, the study seeks to provide the diverse set of stakeholders involved in designing and implementing community forestry in CAR, such as policy-makers, donors, the Forest Ministry, civil society organisations (CSOs), etc. with a basic understanding of:

1. The goals of local people as they seek to obtain and manage their community forests;
2. The challenges that the local level presents to community forestry;
3. The principles and practices of those customary institutions that are key to affecting community forest outcomes; and
4. The particular challenges that IPs face in community forestry efforts.

⁷ Manuel de procédure d'attribution des forêts communautaires en République Centrafricaine.

⁸ These activities were undertaken as part of a project on participatory mapping of community lands, funded by the British Department for International Development (DfID). RFUK provided support to the

Ministère des Eaux, Forêts Chasse et Pêche (MEFCP - Ministry in charge of the forests) and CAR civil society, to develop the concepts of community forestry and the legal framework for the allocation and management of community forests.

The second major goal of the study is to employ this information as a knowledge base for developing an alternative vision of community forestry, one which:

- Can effectively achieve global goals because it takes into account the local milieu in which community forest processes unfold;
- Is able to take advantage of the opportunities community forestry presents without falling prey to the myriad pitfalls and unintended consequences it can generate;
- Places the needs of forest communities and the health of subsistence economies at the centre of its strategies;
- Protects the rights of indigenous peoples and minimises the risk of their marginalisation in community forest processes.

To realise such a vision, the approach most likely to succeed is one which views community forests as opportunities to develop fruitful and equitable collaborations between local communities, forest authorities, and CSOs. Outlining such an approach, and how it can work in practice, is the third major goal of the study.

The document is divided into five sections. The first outlines the goals, benefits and challenges of community forestry in the Congo Basin. The second examines why community forests in the region have failed to achieve their goals. The third describes the various customary institutions that are key for producing successful community forest outcomes. The fourth makes use of this knowledge to develop structures and processes for community forestry that are most likely to produce such outcomes. It offers general strategies to follow, as well as specific adjustments to make in community forest structures and processes, so that this new vision can become a reality. This is followed by a conclusion and a set of recommendations to both the Forest Ministry and CSOs on how they can best facilitate successful community forestry in CAR.

METHODOLOGY

Three months of in-depth field research was carried out by anthropologist, Robert E. Moïse, with a range of Bayaka⁹ and Bantu communities in the forests of southwestern CAR, before the political and security crisis began. The data were then revised and updated. The primary focus of the research was obtaining the point of view of local peoples on what would be required to make community forestry work effectively in their communities. In addition, the author draws on three decades of experience working with local communities in the Congo Basin to develop the insights offered here.

The relevance of the study is due to current steps being taken by the CAR government to elaborate community forestry strategies as part of its overall forest management policy. The publication of the study is intended as a contribution to that process. In addition, although the focus of the study is community forestry in CAR, an effort is made to generalise its findings so they are relevant to the Congo Basin as a whole.

A NOTE ON TERMINOLOGY

In this study, the term 'Bantu' is used for the majority population of the Congo Basin. Although this term is linguistically inaccurate, as it includes speakers of Bantu, Oubangian, and Sudanic languages, it reflects local usage, as it is the global term these groups use to refer to themselves. The term 'indigenous' is used here to refer to the various ethnic groups commonly called 'Pygmies' by outsiders, as the latter term can be considered pejorative. In Bantu oral traditions, Pygmy populations are commonly considered to have been the first occupants of the forest,¹⁰ so calling them 'indigenous' is consistent with local usage. However, it must be pointed out that Bantu groups, though not 'indigenous' in a strict sense, have lived in the forests of the Congo Basin for several thousand years.¹¹

⁹ 'Bayaka' (or 'Aka') is the general term commonly used for IPs living in the forest areas of southwestern CAR, but there are actually three groups in the region: (1) Bayaka, the most numerous, who are found throughout the area; (2) Bofi-Aka, a small group in Lobaye Prefecture; and (3) Babenzélé, a small group in the far southwest of the country (Sangha-Mbaéré Prefecture). However, these groupings are based on

language differences and they are basically similar in cultural terms. Since all the indigenous respondents interviewed for the study were Bayaka, we use it here as a general term for IPs of the southwest.

¹⁰ Klieman 2003.

¹¹ Eggert 2005, Ehret 2001, and Vansina 1995.

2. GOALS AND CHALLENGES OF COMMUNITY FORESTRY

Community forestry involves the participation and collaboration of a range of actors: the Ministry of Forests in the capital, forestry officers in the field, local rural authorities and local communities. Before exploring the most effective means to carry out community forestry activities, it is important to understand: (1) what the motivations and goals of the different actors are; and (2) what benefits they hope to gain from the creation of community forests.

GOALS AND BENEFITS

Goals for local communities

The primary goal expressed by the local communities we visited during our research was that they wanted to return to a situation of 'local forests for local people' and saw community forestry as an official means of doing so – a kind of 'social contract' with the government that would allow them to regain control over the management of their forest territories.

This was in direct response to a historical trend experienced in recent years throughout southwestern CAR – and across the Congo Basin – in which local economies have been severely compromised by the impact of outside forces, i.e. industrial logging, protected areas, mining, and commercial hunting. This combination of powerful forces has rendered local people mere 'spectators of history',¹² who must stand by and watch as their traditional lands are degraded and/or taken away.

Benefits for local communities

- **Provide official recognition:** community forests can provide official recognition of the right of local peoples to manage their forest territories according to their own needs, creating a sense of empowerment in local communities.
- **Reduce pressure on resources:** it can realise an ecological benefit, for example by removing outside commercial hunters from the pool of users of forest lands, or regulating their access to them, and thereby reduce pressure on faunal populations.
- **Create networks for support:** by creating a network of cooperation between local communities, government and CSOs,

community forestry can create the potential for new sources of support in the pursuit of common goals: sustainable forest management, sustainable commercialisation of forest products, and so on.

- **Protect indigenous rights:** the Forest Codes of most countries in the region, along with their related legislation, provide limited protections for the rights of indigenous peoples. However, when these laws are combined with the provisions of Convention No. 169, ratified by the CAR Government in 2010, as well as the United Nations Declaration of the Rights of Indigenous Peoples (UNDRIP), which all regional states have endorsed, they provide a legal framework that offers substantial protections for indigenous rights. If this legal framework is taken into full consideration during the processes of allocating and managing community forests, it will be an ideal opportunity to adopt measures that would place the principle of free prior and informed consent (FPIC) of communities at the centre of every intervention, and provide enduring protections for the rights of indigenous peoples to continue using their traditional lands.

Goals for governments

Forest codes in all countries of the region are based on a commitment to the principle of sustainable development of forest areas. In addition, the inclusion of provisions for community forestry display the political will both to engage in community-based forest management and to extend the benefits of forestry practice to the local level.

Benefits for governments

- **Extend capacity:** community forests can extend the capacity of the Forest Ministry to manage forest lands and resources, by developing a model of multi-actor collaboration that can help implement national management policies at the local level.
- **Promote sustainable management:** as this formal collaboration pursues its goals, it can harmonise the spaces classified as community forests with the long-term goals of national forest policy.

¹² Fernandez 1982.

CHALLENGES

Although community forestry can provide benefits to both sides in this collaborative effort, there are various challenges that must be addressed before it can hope to succeed in this mission.

Challenges at the national level

In CAR, as in all Congo Basin countries, forest management is a pluralistic proposition – a mixture of two very different, and often conflicting, management regimes:

- The customary management regime, which has facilitated the sustainable management of the region's forests for millennia;
- The modern management regime, an inheritance from the colonial era, whose effect in recent decades has been widespread forest degradation and the undermining of local subsistence economies.

Unless the modern management regime can learn from the unfortunate lessons of its recent past, and take into account the needs and customary rights of forest communities, it is destined to continue with this same approach, producing negative impacts at the local level.

There are structural contradictions in the position of national governments, whose official policies of sustainable forest management are in direct conflict with pressures exerted on them by a range of outside economic interests. In southwestern CAR, this is a major challenge, considering:

- That 80% of forested land has been allocated to industrial logging companies;¹³
- That 14.8% of forested land has been allocated to PAs managed by foreign agencies, whose funding has often been used to implement a strict conservation approach to the detriment of local peoples;¹⁴
- The emergence of numerous artisanal and illegal mining sites.¹⁵

If a policy of sustainable management is not clearly articulated and executed through specific measures, such as comprehensive support to communities and regular monitoring of forest resources, an 'exploitation mentality' can take over, as different parties may seek to take advantage of the opportunities for enrichment offered by the new system, to the detriment of customary owners and users. The primary example of this is what happened to community forests in Cameroon.

The lands that local peoples want to protect and manage are their customary territories. However, in CAR, there are a number of legal restrictions, including a size limit of 5,000 hectares (50 km²) per community forest, as well as provisions prohibiting the creation of community forest within territories classified as PAs or allocated to logging or mining concessionaires. Knowing that this is the case for almost all forested land in southwestern CAR, one of the main challenges is that no space is left for communities, except in what is referred to as '*Séries Agricoles et d'Occupation Humaine*:' parcels of land, usually close to human settlements, that loggers are required to allocate to communities within their concessions. However, these areas are often extremely small and degraded, making it difficult, if not impossible, for communities to satisfy their subsistence needs. For community forests to have a significant chance of success, these limitations must be reconsidered.



¹³ Agence Française de Développement, Fiche 5/10.

¹⁴ Sources :

- 18 200 ha pour la réserve de biosphère de Basse Lobaye, voir <http://www.unesco.org/mabdb/br/brdir/directory/biores.asp?mode=all&code=CAF+01>

- 86 690 ha pour le Parc National Mbaéré-Bodingue, selon la Loi N°07.008 de 2007,

- 120 000 et 335 000 ha pour le Parc Dzanga-Sangha et la réserve spéciale, selon la Loi N°90-017 de 1990.

¹⁵ Matthysen and Clarkson 2012: 34-35.

Challenges at the local level

Administrative requirements

At the local level, the first challenge presented by community forestry is a product of the administrative process, as practiced in Cameroon and integrated into the CAR legislation.¹⁶ Although this process may make perfect sense to government officials, it poses various challenges for local people, many of whom lack the levels of literacy and education needed to make sense of administrative requirements.

Power differentials

Execution of the kinds of management plans discussed by the communities we visited during the research would require certain forms of power, as there are various forces – locally and more widely – who could put up resistance to putting these plans into practice. As such, communities would need:

- Access to political power – to negotiate their agenda when other powerful actors oppose it;
- Assistance with enforcement – to counter the efforts of powerful actors who oppose local management plans (commercial hunters, etc.).

Cultural and political challenges

As a result of historical trends occurring since Independence, particularly migration, the composition of 'local communities' can be very complex and their constituent elements may have very different agendas:

- Local Bantu and indigenous communities who simply want a functioning economy, a stable existence and the sustainable means to earn a basic livelihood;
- Labour migrants – in many cases, now unemployed – and commercial hunters, who see forests as a source of revenue, but often lack the knowledge and the will to exploit the resources in a sustainable manner.

Challenges for indigenous participation

There are also a range of challenges to the successful participation of indigenous communities in community forestry. First, the challenges posed by administrative requirements are an even greater obstacle for them, given their even lower levels of literacy and education, as well as the cultural distance between their own practices and those of modern bureaucracies.

In addition, there are challenges posed by their low status in regional societies:

- How does one guarantee indigenous participation in decision-making processes within local management committees when the tendency is for indigenous individuals to be marginalised from decision-making in 'mixed' (Bantu/IP) contexts?
- How can one make equal distributions of any collective community forest revenues to indigenous communities when, in Bantu political culture, distributions of material resources are considered to reflect social status (those with high status receiving more, those with low status receiving less)?



¹⁶ Although the CAR Manual of procedure was elaborated with the participation of all stakeholders with the intent to make the administrative requirements as simple as possible, the level of complexity remains significant and should be addressed during the next revision process.

3. WHY COMMUNITY FORESTRY EFFORTS HAVE FAILED TO ACHIEVE THEIR GOALS: THE CASE OF CAMEROON

At the most basic level, community forestry in Cameroon failed to achieve its stated goals because the approach used by the government did not take into account customary management regimes nor the needs of its citizens living in forest areas. In particular, its design and implementation included four basic flaws that led to the destructive consequences experienced by local communities:

- 1. Management approach:** it employed a very short-sighted model of forest management, in which 'management' is equated with commercialisation of timber resources through industrial logging.
- 2. Administrative style:** it required the creation of administrative structures at the local level - committees, associations, cooperatives, etc. - which:
 - (1) Operated according to bureaucratic principles and procedures that have no cultural precedents in the local setting; and
 - (2) thereby favoured those with education, resources and political connections (i.e., elites).
- 3. Selection of land to protect:** the only areas which were eligible to become community forests were located in 'island' spaces near the road network, rather than customary territories deeper in the forest.
- 4. Small size of community forests:** limited to parcels of 5,000 hectares or less – considerably smaller than most customary territories.

LEARNING FROM PREVIOUS EXPERIENCES

In CAR, the *Manual of allocation procedures* was elaborated after having observed, and learned from, community forestry experiences in other countries (see page 7 of the manual).

This led the CAR legislators to adopt a different approach for some aspects, in order to avoid the pitfalls observed in Cameroon. For example, a wide range of forest activities were considered rather than focusing on logging, and the creation of administrative structures by communities did not become a legal requirement.

However, some other limitations were maintained, such as the size limit and other constraints related to the types of land eligible for the creation of community forests. In the interest of addressing these limitations, community representatives, CSOs and government officials came to the understanding that the testing phase, allowing for the allocation of pilot community forests, would be the opportunity to document evidence of, and present justifications for, further reforms (see article 7.33 of the manual).¹⁷

Recalling the lessons learned in other countries is not only essential for the revision of the legal framework, but also for each phase of the implementation process. However beneficial laws can be to communities in theory, they will have a difficult time achieving their goals and may produce unintended negative consequences, unless they are adapted to the realities of the local setting.

¹⁷ From the Manual of community forests allocation procedure: "7.33. The applicability of the present Manual will be evaluated at the end of each period of three (3) years after the signing of its regulatory text. Considering the results of this evaluation, the Manual will be revised if necessary, in collaboration with all stakeholders."

Although official documents embraced the need for sustainable forest management, once community forests were created in Cameroon, the forest administration treated the commercialisation of forest lands through industrial logging as a key component of the program – presented as a measure to facilitate the ‘reduction of poverty’ among local peoples.

What this led to in practice is what Karsenty *et al*¹⁸ refer to as a ‘de facto privatisation process’, in which lands formerly shared within larger communities were divided up into smaller units and rights to them were sold to outsiders for timber exploitation.

As Djeumo¹⁹ notes, logging companies (and many forest experts) in Cameroon came to think of the community forest as ‘another type of logging permit,’ which facilitated a broader range of timber exploitation.

In addition, as the sale of forest territories gained momentum, few locals wanted to be left out of the process and they became ‘eager to exploit them via community forests’.²⁰ In this way, a program intended as a path to ‘sustainable development’ devolved into a commercial ‘feeding frenzy’, whose only contribution to local empowerment was the democratisation of environmental destruction.

Yet because the individuals profiting from such activities were mostly elites, this democratisation was quite limited. In addition, it was at the expense of local and indigenous communities, whose forest-based economies were sacrificed for short-term gain by elites.



¹⁸ Karsenty *et al* 2010: 2.

²⁰ *Ibid.*

¹⁹ Djeumo 2001: 11.

4. CULTURAL AND HISTORICAL CONTEXTS FOR COMMUNITY FORESTRY IN CAR

To avoid making the mistakes that were made in Cameroon, we propose a very different approach - one grounded in the principle of sustainable forest management and one that is sensitive to the needs and aspirations of local communities. Yet to carry out such an approach, one needs sufficient knowledge of Congo Basin forest societies to be able to determine what are those needs and aspirations. In particular, one needs a basic understanding of:

- The everyday workings of economic, social and political life at the local level;
- The customary institutions that are of direct relevance to community forest processes: social organisation, forest management, decision-making, and so on;
- The unique status of indigenous peoples in regional societies and the complexities of the Bantu/IP relationship.

Knowledge of all these areas is necessary if one is to create an effective form of collaboration, in which management functions are shared equitably between the central government and local communities. In this section, we provide a basic introduction to those areas of local life which are key to successful community forestry.

THE LAND: CUSTOMARY FOREST MANAGEMENT

Over the broad expanse of time that humans have lived in the Congo Basin, different systems of land management have emerged in different parts of the region. In some places, particularly around newly-created settlements, rights of access to the surrounding forest can be very open and flexible. Yet in many areas, population density and other factors led to the emergence of clearly-defined, formal systems of land tenure:

- As Karsenty et al note: *"(i)n some cases, lineages have a strong authority on the forest territory they claim, access is well codified and boundaries are precisely known."*²¹
- And as Hewlett states for southwestern CAR, *"(e)very local villager or forager knows the limits of different patrilineal territories. The limits are distinguished by small streams or particularly large trees and/or a particular species of tree."*²²

At the same time, formal systems of tenure exhibit variety in terms of land-holding groups, i.e. the social units possessing rights to customary territories:

- A single village can exercise rights over a particular forest territory;
- Clans within a village can exercise rights over particular spaces within the village territory (although a same clan can also exist within multiple villages);
- A much larger area of forest can be shared by several villages within a region, even though their interrelations may be amorphous and vague. In such situations, what may bind this larger 'community' together is simply the fact of personal recognition among its members: locals will proclaim that *'on se connait'* (we all know one other).

Yet despite such variation, there are certain basic principles underlying customary management systems that are found throughout the Congo Basin:

- Access to a particular forest territory is limited to the land-holding group (clan, village or group of villages), their relatives and visitors, and those who have been given their permission.
- Even though certain sites within a community's territory can belong to individuals or families – garden plots, fishing holes, caterpillar trees, etc. – no individual has the right to alienate any collective land for his/her own purposes (sale, commercial exploitation, etc.).
- The customary territory is 'held' by a particular community, or group of communities, and is passed on to their descendants to sustain their livelihoods. In this way, each forest territory is very much a 'commons'²³ and the community with rights to it acts as a 'trustee' of a collective patrimony that is passed down through the generations.
- The actual 'ownership' of the territory lies in the mystical realm, as spirits are considered to act as 'guardians' of the land, maintaining its fertility and providing the living with access to it. Here, one finds variation across the region in terms of the spirits considered to play this role: spirits of the ancestors; local land spirits; the spiritual being that created the forest.

²¹ Karsenty et al 2010: 2.

²² Hewlett 1996b: 3-4.

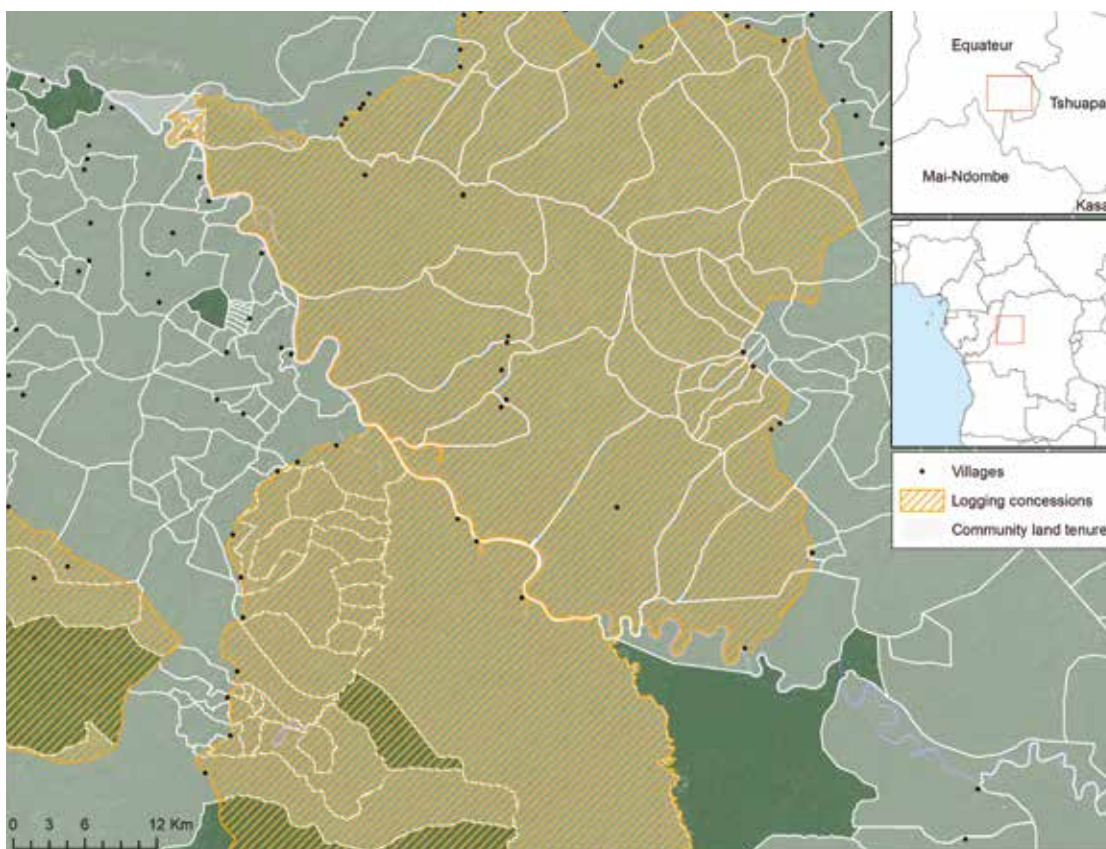
²³ Ostrom 1990.

- Rights to land are transmitted by birth (each individual enjoys access to the territories of his/her mother and father), through marriage (each individual acquires access to those of his/her spouse's mother and father), and by being passed on as a 'gift' to friends or partners in alliance relationships.
- Knowledge of the territory – its boundaries, resources, and lore – is transmitted to youth by their elders in the course of daily subsistence activities carried out within it.

Although the Congo Basin rainforest is represented as a vast, uninhabited expanse of

green on most maps, such graphic conventions mask a fundamental human reality. The region comprises a vast network of collectively-held 'commons' – spaces which local communities depend on for their daily subsistence, which are managed according to long-established customary practices, and rights to which are passed down from generation to generation. Organisations like RFUK strive to support communities in the elaboration of 'participatory maps'²⁴ (see example below), in order to make this reality visible and understandable to all, and provide a material basis to support their claims to their customary territories.

FIG. 1. EXAMPLE OF CUSTOMARY TERRITORIES OVERLAPPING LOGGING CONCESSIONS, EQUATEUR PROVINCE, DEMOCRATIC REPUBLIC OF CONGO.



²⁴ Over the past 15 years, RFUK has been supporting local and indigenous communities in the production of their own maps, by combining modern cartography tools with participatory methods. Participatory maps represent a socially and culturally distinct understanding of landscape and include information that is excluded from mainstream or official maps. Maps created by local communities represent the place in which they live, showing those elements that they perceive as important such as customary land boundaries, traditional natural resource management practices, sacred areas, and so on. It is based on the premise that local inhabitants possess expert knowledge of their local environments, which can be expressed in an easily understandable and universally recognized geographical framework.

Through a programme called MappingForRights, RFUK and local partners have been empowering forest communities to: (a) demonstrate their long-term presence in the forest and therefore their customary rights over their lands and resources; (b) convince national decision-makers and the private sector to recognise those rights; (c) convince the international community in designing programmes to ensure that forest communities are equitable beneficiaries of future developments. MappingForRights, RFUK

In addition, because the land is 'owned' by the ancestors, used by the living, and safeguarded for future generations, the customary system is

an inherently 'preservationist' regime of forest management.

IMPLICATIONS FOR COMMUNITY FORESTRY

- The customary forest territory acts as the fundamental safety net for individual and family in forest communities throughout the Congo Basin.
- The inhabitants of different communities possess customary rights over particular forest territories, which are recognised by everyone in the local setting.
- These rights should be respected by outsiders – in the context of community forestry, logging concessions, PAs, etc. Such a practice is entirely consistent with international principles such as FPIC.
- Institutional processes that give exclusive rights over forest territories to small groups of individuals – as is the case with community forests in Cameroon – are in direct conflict with customary practices governing rights to land.
- Any commercialisation of forest products undertaken within a community forest must respect the principles and practices of the customary regime. In particular, it should not decrease or nullify the ability of others within the community to gain a subsistence from the land.



Photo credit: Robert Moise

THE HISTORICAL CONTEXT: RELATIONS BETWEEN BANTU AND INDIGENOUS PEOPLES

The migration of Bantu-speaking peoples into the equatorial forest was well underway by 1,500 B.C.E., but it was another few millennia before they had established themselves throughout the region.²⁵ During this early period, the material conditions facilitating later domination of indigenous groups were absent and relations between the two populations appear to have been one of intimate association and relative equality in political terms, as suggested by evidence for extensive language borrowing and gene flow between the two groups, as well as material exchange from the beginning of their contacts.²⁶

Over the course of the 1st and 2nd millennia C.E., however, a 'big man' political culture emerged, which produced chiefdoms, principalities, and kingdoms in some areas, with other areas becoming subject to regional hierarchies based on a widespread warrior culture; with the rise of the Atlantic trade in the 17th century, these processes only intensified.²⁷ These transformations produced new divisions between immigrants and autochthons: Bantu became occupied with the spheres of political power, warfare, and the emerging forms of wealth, while indigenous groups remained focused on the material resources and mystical powers issuing from the forest. As increasing levels of political, economic, and military power became necessary to hold one's own in the regional environment, and indigenous groups failed to keep pace with this escalation, they came to be seen as 'men of no worth',²⁸ deserving only of a position of subordinate clientship – i.e., mere 'Pygmies'.²⁹

In this new regime of social inferiority, the majority of indigenous groups came to depend on their Bantu neighbours for the military and political protection that the new environment required. But because Bantu provided their indigenous acquaintances with protection, they expected them to exhibit the kind of deference displayed by political subordinates. In addition,

their relative statuses were expressed in the realm of exchange: in keeping with a wider cultural logic whereby distributions of material resources reflect social status, indigenous groups received less in exchanges of certain material goods.³⁰

Yet despite these formal expressions of lower status, inequality was limited to specific contexts, and there were a number of domains in which sharing and collaboration occurred between the two groups:

- In the economic realm, Bantu provided indigenous groups with iron, agricultural food, and trade goods, while indigenous people provided meat, honey, ivory, and other forest products in return;
- In relation to land, Bantu and indigenous groups shared rights of access to forest territories;
- In the realm of security, Bantu provided military protection, while indigenous groups provided forest reconnaissance and fought alongside their 'allies' in battle;
- The supernatural realm, indigenous groups provided Bantu with access to the invisible world through various ritual services;
- In the realm of leisure, indigenous groups used their music and dance skills to liven up Bantu social gatherings.³¹

In this way, the lives of pre-colonial Bantu and indigenous groups were intertwined in several critical dimensions and *the relationship was very much one of mutual support*.

During the colonial era, indigenous groups were never 'colonised', in large part because they were able to elude colonial armies and administrations 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 modern institutions and practices that the colonial experience introduced into African life: school, church, modern medicine and so on. As a result, they entered the post-colonial era with a distinct lack of access to modern resources, a situation that, for the most part, endures still today.

²⁵ Klieman 1997, and Vansina 1984.

²⁶ Bahuchet 1993a and 1993b, Cavalli-Sforza 1986, Klieman 2003.

²⁷ Vansina 1990.

²⁸ Laburthe-Tolra 1981.

²⁹ Moïse 2014.

³⁰ Douet 1914.

³¹ Moïse 2014

One of the primary cultural values of indigenous groups is autonomy, which manifests itself in a variety of ways: (a) keeping their distance in residential arrangements (making separate settlements from their Bantu neighbours or residing in distinct quarters on the edge of Bantu settlements); (b) a general preference for forest residence (to avoid the labour demands and identity projections of Bantu); and (c) an 'egalitarian' political culture in which no individual has the right to force any other to do anything against his/her will.³²

In sum, indigenous groups often face a dilemma: either seeking to preserve their autonomy by choosing settlements deeper in the forest, making them even more marginalised; or living closer to Bantu villages with a relative access to health and education, but risking to be subject to various types of domination. Either way, marginalisation and discriminations remain a significant part of daily life for most Bayaka people, as noted for example by the African Commission's Working Group on Indigenous Populations / Communities, which has found:

*" The indigenous Aka people suffer from extreme marginalisation, they have a high level of illiteracy, they experience a lack of legal protection of their ancestral lands, logging still impacts negatively on their livelihoods, the practice of servitude remains, women are often subjected to violence and sexual abuse, the HIV/AIDS epidemic has reached Aka settlements, there is a lack of access to primary health care and a lack of enjoyment of citizenship rights on a par with the rest of the population in the Central African Republic."*³³

In particular, forced labour, sexual exploitation and servitude remain common practice, with Bantu individuals ('the masters') considering 'their pygmies' as property.³⁴

Although the study aims at highlighting some general trends, the relationship a specific Bayaka group has today with its Bantu neighbours is often the result of a unique history, and characterised by various degrees of both mutual support and domination/submission, which needs to be fully assessed and understood before any joint initiative is considered.



³² Moïse 2011

³³ African Commission's Working Group on Indigenous Populations / Communities 2009: 15-16

³⁴ Ibid, p.44-45:

'The practice of 'Pygmies' masters' still persists in the Central African Republic. This consists of an individual or a family holding Aka individuals or entire Aka families in their home or on their lands. The beneficiaries of this practice often talk about the Aka as 'my Pygmies', implying a proprietary relationship. [...] The provision of gifts and the incurring of debts means that many of these relationships with the 'Pygmies' become relationships of servitude. This may relate, in particular, to a 'master' paying a 'Pygmy's' dowry, to providing him with second-hand clothes, or to representing or defending him before the authorities. [...]

In return for the 'assistance' provided, the 'Pygmies' carry out work in the fields for their 'masters' for little or no remuneration, and they cannot complain as they would often suffer from all sorts of violence. [...] The 'master' is accountable to no-one for his treatment of his 'Pygmies', not even to the local authorities or the police. In fact, for many, the 'Pygmies' are not even considered human beings like the rest of the population.

This phenomenon of 'masters' is particularly common in some of the provinces that have a large Aka population. In the prefecture of Lobaye, for example, which is said to have the highest concentration of 'Pygmies', a survey by development and human rights NGOs in 2004 revealed that 59.7% of 'Pygmies' still had 'masters'.'

IMPLICATIONS FOR COMMUNITY FORESTRY

- The relationship between indigenous forest peoples and Bantu is complex and multi-stranded. IPs share a great deal with Bantu in some domains, which can provide a common ground for joint activity, but in others, they are treated as social inferiors and seek to distance themselves from Bantu whenever possible. Which scenario pertains depends entirely on context.
- In the realm of material exchange, because Bantu regard IPs as social inferiors, they invariably give them less in exchanges.
- In the political realm, this entails IPs are often marginalised in decision-making processes.
- In the realm of forest use, however, the relationship between the two groups involves considerable sharing and interaction. In addition, Bantu place a high value on the forest knowledge of IPs, whom they depend on for a range of forest-related goods and services.
- As a result, Bayaka we interviewed were unanimous in the opinion that they could collaborate with local Bantu in matters concerning protection of their forest from exploitation by outsiders, but that, if distribution of material resources was involved, Bayaka and Bantu should always be dealt with separately.

THE PEOPLE: CUSTOMARY SOCIAL ORGANISATION

The myth of the 'local community'

The tendency in administrative and policy discourses on community forestry in the Congo Basin is to view the 'local community' 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 actions around common goals. In reality, many local communities in the Congo Basin forests 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.³⁵ Often, they are much more like 'towns' with the village chief acting as a 'mayor.'

Many of the activities that administrative and policy discourses presume to be carried out at the level of the local community - production, distribution, land-management, decision-making

- are indeed carried out by residents of the local community, but they are managed at much lower levels of organisation: the household, the extended family, the clan, etc. The issue of scale, or organisational level, is critical to understanding how customary institutions work.

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 community 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, policy-makers, governments and CSOs are easily led astray by the myth of the local community because they misunderstand how rural communities actually operate. In addition, when this myth serves as the starting point for the development of Community Forestry structures and processes, it can 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.

³⁵ Geschiere 2004

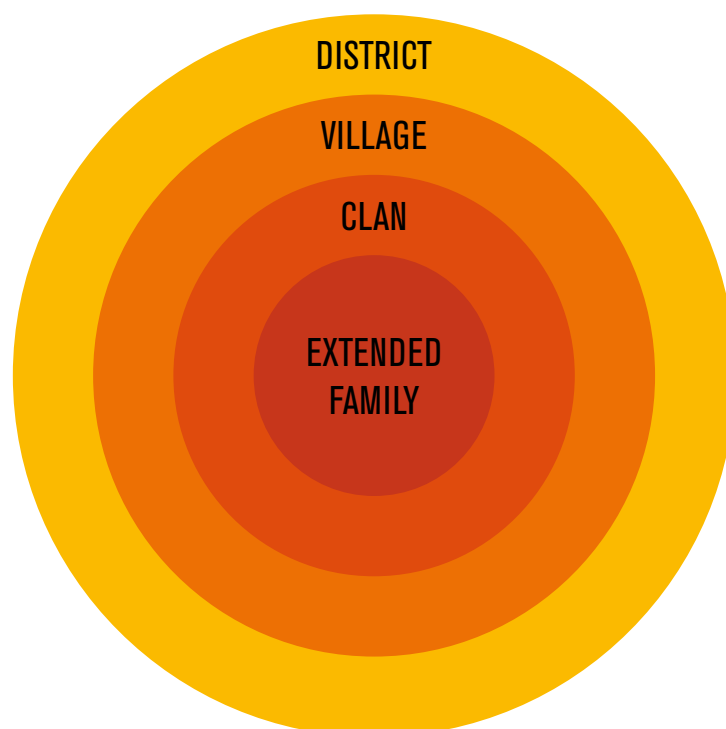
To avoid these outcomes, the key levels of customary social organisation for Congo Basin forest societies are described in this section. Since social organisation for Bantu and IPs is in many ways similar, we present a general model for both groups, but point out the particularities of each when it is relevant to community forest activities.

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 (farming, spear hunts, collective fishing), shares

the responsibilities of child-rearing and the associated benefits of bridewealth, 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*).

Although extended-family groups comprise the building blocks of settlements for both Bantu and IPs, one important difference between the two groups is that the extended family also functions as a 'unit of mobility' for IPs. Although extended-family groups join with other such groups to create larger settlements among both Bantu and IPs, IPs residential arrangements are more flexible and when their settlements go through a change in composition, it is usually because particular extended-family groups have either joined or split off from the settlement. Among IPs, therefore, it is always the members of the extended family who decide where and with whom they shall live.



The cornerstones of customary social organisation



Photo credit: Robert Moise

Members of a Bayaka extended-family group, CAR

The clan

In the forest societies of the Congo Basin, the clan is a cornerstone of social identity; 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 CAR, 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.³⁶

The clan not only offers individuals a moral and psychological foundation, it functions as an organisational unit in a range of domains: it often has its own 'neighbourhood' (quartier) within the village, it holds a forest territory, it acts as a unit of mobility, and, in the pre-colonial era, it was politically autonomous, especially for Bantu. In his description of the traditional social organisation of the Mongo peoples living south of the Congo River bend, Vansina considers the clan (etuka) to have been the most important political unit in village life.³⁷ He states:

"The etuka (clan) 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."³⁸

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 providing access rights to both Bantu and IP users, 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.

The village

The size of villages can vary considerably, but they normally are amalgamations of multiple extended-family and 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. 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 terms of social organisation, the village is primarily a space - a settlement - in which a set of clan groups reside. Yet in the contemporary era, it can also contain 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, such as schools, health centres, and churches.

³⁶ Kalck 1971.

³⁷ Vansina 1965.

³⁸ Vansina 1965: 87.

The district

One important difference between the customary social organisation of Bantu and IPs is that the level of the 'district'³⁹ seems to have been more formalised among Bantu groups. It was the highest-level unit in pre-colonial social organisation and is probably best described as a set of villages – geographically-dispersed, but within a particular locality – whose members had forged alliances with one another, either through intermarriage, ritual blood pacts, or other means. The members of the district could engage in occasional, large-scale productive activities, such as collective net-hunts, but districts were particularly important for creating a large-scale military organisation that could act collectively to come to the aid of its members for defence against external threats. In addition, they provided an important venue for regional social life, such as dances, marriages, funerals, and so on.

As a collection of dispersed-yet-local groups sharing common interests that allowed them to act collectively in relation to outside forces, the district is the pre-colonial precedent – the parallel



The members of a district gather on the Congo River for a wrestling match, c. 1908

in Congo Basin historical experience – for the kind of organisational structure one is trying to create in a contemporary community forest. As a result, its various features, such as its modes of creating collective unity, the kinds of contexts in which it did or did not act collectively, etc. should be taken seriously by those engaged in contemporary community forestry efforts.



³⁹ Vansina 1990

IMPLICATIONS FOR COMMUNITY FORESTRY

- A key aspect of both Bantu and Bayaka social organisation is that collective activity – the sharing of labour, resources, decision-making, etc. – is very common at lower levels of organisation, but much rarer, and potentially problematic, as one reaches higher levels.
- Thus, at the level of the land-holding group (the clan, the village, or the district in some cases) there is often very little joint participation in the collective activity. In this way, the land-holding group is at a level higher than those characterised by daily contact, strong affective ties, or joint collective activity – things that are commonplace within the units of household and extended family.

POLITICS: DECISION-MAKING, LEADERSHIP AND CUSTOMARY ‘DEMOCRACY’

Autonomy and leadership

Political life in Congo Basin forest societies is a product of the interaction of two forces:

1. A strong cultural value on individual autonomy; and
2. A structure of authority relations that confers limited political authority on leaders

A commitment to individual autonomy is the cardinal principle of political life among Congo Basin IPs. As noted by one observer, who spent the first decade of the 20th century in close contact with Bayaka in present-day CAR:

*“The guiding principle of the Babinga (Bayaka) is to live free and to submit to someone else only if he chooses to... above all, the Babinga prefers liberty.”*⁴⁰

Similar observations have been made by scholars working with IPs across the region.⁴¹

Although more formal structures of hierarchy and authority are found among Bantu groups, individual autonomy remains a cornerstone of political life. As Ngoa states, in pre-colonial Bantu forest societies, ‘dignity consisted in total liberty of action.’⁴²

This profound emphasis on autonomy has direct implications for the forms taken by leadership. Among both Bantu and IPs, social units at all key levels of organisation are represented by a leader: the extended family has its *chef de famille*, the clan, its *chef de clan*, and the village, its *chef de village*. Yet at all these organisational levels, the interplay between authority and autonomy is such that those with authority have the right to give advice, which is listened to respectfully by others, but the actual decision about whether or not to follow it always rests with the individual. In this way, leadership lacks coercive power and operates forever in an advisory role.⁴³ We now consider two important decision-making contexts to show how this political style plays out in daily life.

Structures for decision-making

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, the desire to provide hospitality to visitors, etc. 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.

⁴⁰ Douet 1914: 20,29

⁴¹ Bahuchet 1985, Dodd 1983, Hewlett 1991, Moise 2011, Putnam 1948, Turnbull 1965b

⁴² Ngoa 1968: 70

⁴³ Geschiere 1982: 45

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. 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’ (Kalck 1971).

Some collective mobilisations that are relatively easy to organise are productive activities in the forest, such as collective hunting and fishing expeditions. 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). 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 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. But 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. But 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 forest efforts, with the public assembly having final say over whether proposals for collective action are accepted or not. This principle is key, as it can serve as a check on any attempts at elite capture.

At the same time, because collective mobilisations feature the talents of skilled orators before a large public, they tend to mitigate against community members, especially lower-status individuals, freely expressing themselves. Will such actors – women, IPs, immigrants - 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.

IMPLICATIONS FOR COMMUNITY FORESTRY

- The pervasive value of autonomy in Congo Basin political culture, coupled with the nature of social organisation, means that the higher the organisational level, the more collective decision-making is a political achievement. This strong emphasis on autonomy argues for employing very particular organisational structures for community forest efforts. The most effective forms of organisation would be those:
 - That provide a high degree of autonomy to the various social units (extended families, clans, etc.) participating in the community forest;
 - In which the bulk of daily decision-making is carried out at lower levels of social organisation – extended family, clan, etc.
- Like collective mobilisations in customary decision-making processes, all proposals for collective action to be undertaken in a community forest should be approved by a public assembly that includes all the users of the forest territory. Not only is this consistent with customary decision-making, it will act as a hedge against any attempts at elite capture.
- Because it is unlikely that the particular needs and goals of lower-status actors will be expressed in large public assemblies, smaller-scale venues – women’s and IP’s committees, or any other type of marginalised individuals’ gatherings – should also be created for them to freely express themselves and to develop their own particular goals for community forestry.

5. LEVERAGING CUSTOMARY INSTITUTIONS TO CREATE SUCCESSFUL COMMUNITY FORESTRY

Having described the customary institutions at the local level that are of particular relevance to community forestry, we now consider their implications for developing community forest structures and processes. In particular, we consider how to leverage these institutions to create a form of community forestry that:

- Promotes sustainable forest management;
- Is 'community-friendly';
- Facilitates sustainable commercialisation; and
- Protects indigenous rights and ensures indigenous participation.

In this section, we offer suggestions on how to achieve these goals and in the next section, we identify areas in which local communities will require additional support.

PROMOTING SUSTAINABLE MANAGEMENT

Leverage customary regimes to achieve sustainability and revive local subsistence economies

Given that customary regimes are inherently 'preservationist' in nature (see pp. 14 - 15), and served as the basis for sustainable forest management in the Congo Basin over the millennia, they should be leveraged to create sustainable management in the contemporary era. This will require paying attention to local subsistence economies, which have been significantly compromised during the last few decades by the activities of external actors. Thus, efforts should be made to assist local communities in reviving their subsistence economies so the traditional guardians of the land can once again enjoy food security and economic stability.

Improve communication between locals and external actors

Since the major portion of the southwestern forest has already been allocated to concessionaires and PAs, it is inevitable that many community forest spaces will need to be regarded as 'shared-use' zones (Karsenty and Vermeulen 2016), in other words spaces which are shared between local communities and external actors. In such a situation, one of the first steps in community forestry will be developing effective communication between locals and these actors.

One of the most troubling aspects of the current management regime is that all sorts of initiatives are carried out by external actors on the customary lands of forest communities, many having serious impacts on their well-being, without obtaining their consent. External actors consider themselves to have the right to pursue their agendas because they have negotiated an agreement with the government in the capital city. But because the necessary preliminary steps have not been taken at the local level, forest communities can be completely uninformed of change of management regime and de facto 'ownership', and it is in such situations that resistance, and violence to dispel it, occurs. Not only does this lack of communication have the tendency to generate social conflict, it is also illegal, as FPIC is now considered to be a key principal in international law and jurisprudence. Loggers, miners and park managers who are holding concessions overlapping forest peoples' customary territory, should seek to obtain their consent before planning new activities that may affect them.

In a similar way, when a local community applies for a community forest that would overlap an existing concession, provisions should be made for the involved parties to meet, discuss, and agree on how they will use the shared space: what resources matters to whom, when and where do they need access to them, what measures can be taken to ensure that the exploitation of a given species will not affect another's livelihood on the short or long term, etc. A written document, such as a protocol of collaboration, should also be drawn up to clarify the rights and commitments of both parties, and to create permanent channels of communication.

In such a context, a certain level of cooperation is necessary to ensure that the activities of concessionaires will not be to the detriment of local communities.

Industrial logging

If, for larger policy reasons, the government deems it necessary to carry out industrial logging in an area, do it in such a way that local subsistence economies can be preserved:

1. Coordinate with communities about planned logging activities (where, when and for how long), so they can plan their own activities

within the concession: hunting, fishing, gathering of non-timber forest products (NTFPs), i.e., any activity that does not affect timber production.

2. Do not take *moabi* trees, which are a critical species for the local diet and for traditional medicine.
3. Make provisions to control the secondary effects of industrial logging: create an enforcement apparatus that allows locals to control the influx of outsiders - especially commercial hunters - generated by the building of logging roads into remote forest areas.
4. Assist communities in monitoring the actions of logging companies in relation to the *cahier de charge* process, i.e. use community forest structures to hold companies accountable.

Protected areas

In the eyes of conservationists, the major point of contention between local communities and PAs is what is referred to as 'poaching' – the procurement of game that is 'endangered' or otherwise forbidden because it is within the boundaries of a park. Accusations of poaching have led to numerous human rights violations committed by park rangers.⁴⁴

However, the major reasons that poaching of endangered species continues is: (1) parks lack the resources and manpower to control the vast spaces they encompass and (2) locals are so alienated by the park's confiscation of their lands that they are willing to let poachers operate, or even assist them in their efforts, due to their current state of impoverishment brought about by the creation of the park (this is particularly the case with IPs).

Protected areas should always be managed with full participation of local and indigenous communities, and in full respect of their rights, including rights to lands and resources. For instance, if affected communities were hired by the park and allowed regulated subsistence use, there could be an 'alignment of interests' for the two parties, allowing for effective collaboration. This is consistent with the findings of a report

issued by CAR civil society and RFUK to promote the sustainable management of the *Parc National de Mbaéré-Bodingué* in the southwest (MEFP 2011). A more 'collaborative' approach to conservation would be based on:

1. Allowing traditional subsistence hunting in park areas (especially by IPs).

During our research, one Bayaka community who had lost their customary territory when a PA was established in the area proposed that they be allowed to hunt within it periodically. They suggested that the park could decide how often hunts would take place, what species would be taken, the number of animals allowed, etc. When their proposal was brought to the attention of one of the park officials, he acknowledged that species such as the blue duiker (*cephalophus monticola*) were numerous in the park and could be subjected to periodic hunting without posing any threat to the population. Such an approach would be feasible in an ecological sense, would reduce the nutritional problems faced by the community, and would help to establish collaborative relations between locals and the park.

2. Employing members of local communities as 'forest monitors' who could patrol their own customary lands that fall within areas designated as PAs.
3. Find other subsistence territories for communities whose lands fall within 'no-use' zones and/or give them first priority for wage employment in the park.

Commercial hunting

Commercial hunters pose a serious threat to the subsistence economies of local forest communities, but their status as outsiders is markedly different from that of the external actors just discussed. Whereas logging companies, PAs and some hunting companies obtain official permission to use a specific concession for a specific purpose, most commercial hunters operate completely outside the purview of state authority – they are opportunists taking advantage of increased access to forest resources afforded by logging roads.

⁴⁴ Pyhälä, Orozco, and Counsell 2016; MEFP 2011.

The approach recommended here is to empower local communities to patrol their own forest territories and to monitor encroachments on them by commercial hunters, which should then be dealt with by the enforcement apparatus set up for community forestry. If the Forest Ministry can successfully tackle the problem of commercial hunting unleashed by the construction of logging roads, it would significantly reduce the destructive effects of logging on local economies, while substantially improving relations with local communities.

MAKING COMMUNITY FORESTRY 'COMMUNITY-FRIENDLY'

Models for the management committee

The legal frameworks developed for community forestry in several Congo Basin countries have taken for granted that the local management committee (Comité de Gestion, or CdG) will be a 'bureaucratic' organisation, containing a small number of members holding positions deriving from modern bureaucratic culture: president, vice-president, treasurer, etc. In striking contrast, rural villagers in various Congo Basin countries have all had in common that they envision the CdG as an 'association' of representatives of the constituent social groups - clans and quarters - that make up the village (or villages).

During our CAR research, when we asked members of local communities, 'who should be in the CdG?' they invariably replied, 'a representative from each clan (or *quartier*) within the village'. The variation that emerged was simply whether this should consist of one representative or two - the latter consisting of one male and one female, to ensure the full participation of both genders. Women often proposed two such representatives, as did various Bayaka.

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 representatives are in the CdG. Thus, the state, or other external actors, should not try to impose alien administrative institutions on local communities that fail to meet their needs and may also encourage elite capture.

In this respect, it is commendable that the CAR government has revised its community forest manual, to allow local communities to create their own management structures. What remains is for the state, and supporting CSOs, to gain a basic familiarity with such structures to know how best to engage with them.

Appropriate scales for management activities

As noted in the discussion of customary forest management (pp. 17 - 19), some local communities in the southwest forest region have tenure systems in which an area of forest belongs exclusively to the clan that manages it and is not shared with other clans residing in the settlement. In other systems, although the clan still functions as the management unit, the various clan forests in a given area also constitute a single territory, to which any resident of the village (or group of villages) has access. In the latter case, the social complexity of the land-using group could easily lead to conflicts, if special measures are not put in place to manage such large community forests. The points and recommendations in this, and the following section, are made with this latter case in mind: the socially-complex settlement, whose land-using group consists of multiple clans (or even villages).

In such communities, the best way to avoid conflict between the various social units (clans and *quartiers*) that comprise the land-using group, and to ensure mutually-beneficial collaboration between them, is to abandon management models based on the myth of the 'local community' (see pp. 22) and replace them with models based on local-level realities. For example, the 'collectivist' vision of much community forest discourse presumes that the community as a whole must agree on all aspects of the community forest: the content of the management plan, who is in the management organs, what they consist of, etc. In addition, it presumes that since the community forest belongs to the community as a whole, the bulk of its tasks will be carried out at the level of the community: forest management, land-use planning, revenue generation, and distribution, etc.

Rather than presuming that every activity in the community forest must be the business of the community as a whole, the members of the local community, along with those supporting their effort, should pose the question:

What functions work best at which organisational levels?

If the level of the local community is weak in an organisational and political sense, one should not burden it with a range of challenging and difficult management tasks. Rather, 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 a community forest might look something like Figure 2.

FIGURE 2: EXAMPLE OF FUNCTIONS TO BE UNDERTAKEN AT DIFFERENT LEVELS OF THE LOCAL SOCIAL ORGANISATION

Organisation Level	Function
Local community	<ul style="list-style-type: none"> - Obtaining the community forest from the forest administration - Protecting it against external threats - Carrying out occasional civic projects for the common good
Clan	<ul style="list-style-type: none"> - Ongoing management of, and land-use decisions for, clan forests
Voluntary associations, congregations, etc.	<ul style="list-style-type: none"> - Mobilisation of labour for collective church projects that address the needs of particular interest groups within the local community

Balancing the rights of clans and the needs of communities

In communities whose land-using group is large and composed of multiple clan groups, there is a built-in tension between the needs and rights of the land-holding clans, on the one hand, and those of the community as a whole, on the other. During community forest research in DRC, one young villager addressed this tension and asked:

“Why 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.”

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

Given this tension within large communities, between the settlement as a whole and the land-holding clans that comprise it, it is recommended that, for any proposal for collective action to be undertaken in a community forest, the customary owners of the affected area should have the first and last word on whether or not to carry it out. For example, if members of the local community want to make a community farm or a conservation reserve in their community forest, the process would involve a negotiation between the clan that holds the land and the community as a whole, in which each party must obtain satisfaction. If not, the clan/community tension risks to create serious social ruptures that could jeopardise the very functioning of a community forest.

In addition, given the fact that collective action becomes ever more difficult at higher levels, proposals for community-level actions will likely be most effective for issues enjoying a broad public consensus:

- Collective protection against external threats;
- Improvement of collective well-being: infrastructure, improving household income, etc.

FACILITATING SUSTAINABLE COMMERCIALISATION

The pitfalls of an exclusive focus on commercialisation and monetisation

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

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

Generating revenue in a sustainable manner

Almost all local communities to whom we spoke expressed the desire to re-establish a functioning subsistence economy. Beyond that, the major revenue-generating activity discussed was agricultural production for sale to local and regional markets. People were also open to the production of NTFPs to generate revenue. However, if this is put into practice, it would have to go hand-in-hand with a method to monitor resource levels to avoid overexploitation, which would require additional investments in monitoring and possibly outside technical support (see p. 37).

Distributing revenue in an equitable manner

Avoiding elite capture

Elite capture is made possible when the resources of a community forest are monetised and pooled, with additional structures put in place that allow them to be monopolised. Such a situation never arises in the daily life of a community, but it can be created by outside interventions and imposed on the local setting, if small group of individuals running the management committee is given decision-making power over how community funds are used.

Challenges to managing collective funds and potential solutions

The pooling of collective resources, and the putting of structures in place that allow them to

be monopolised, is not only an invitation to elite capture. It also runs the risk of producing social conflicts over how collective funds will be spent. In this regard, the 'safest' revenue generation is at the level of the individual or household – as in agricultural production – because revenue is distributed within social units that can easily manage it without producing conflict. Once one reaches the level of the community as a whole, however, revenue generation and distribution become much more challenging politically and must be managed with care and wisdom to avoid producing conflict.

Part of the problem lies in the nature of cash, as opposed to natural resources. Traditional subsistence activities that generate natural resources - group 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. 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 (men, women, IPs, etc.).

Such 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 local community. In this case, however, storage poses a major challenge, due to the lack of security in the village. Of course, banks serve this purpose in urban areas, but rural villagers do not have this option. Thus, alternatives for secure storage of funds must be found.

In general, the pre-requisite for equitable sharing of resources, and the management of collective funds, appears to be that there is a relationship of trust between the participants and they are committed to acting in good faith. This can emerge in various times and places among various groups of people, but there is no guarantee that every community will be characterised by such an environment. As a result, each community will have to find its own particular solution to this problem, but outside institutional support will probably be key.



Photo credit: Robert Moise

PROTECTING INDIGENOUS RIGHTS AND FACILITATING INDIGENOUS PARTICIPATION

Overcoming the challenges to community forestry in 'mixed' (Bantu/IP) communities

There are at least four main challenges to doing community forestry with IPs living in mixed communities:

1. Due to their much lower level of access to education, if IPs are to become truly active participants in community forest processes, they may require the assistance of a facilitating CSO that can provide information and technical assistance.
2. Their daily subsistence activities make much more extensive use of the forest, so their patterns of land-use and needs are different from Bantu and will require special attention to articulate.
3. Like women, they are lower-status actors who are hesitant to speak in public venues, such

as before a village assembly. As a result, their views on community forestry could easily remain invisible unless specific actions are taken to elicit them.

4. IPs suffer from the same problem as women in distributions of collective resources: the portion that Bantu (men) think women and IPs deserve is invariably less than what they think they deserve, creating further challenges for distributions of collective revenues in mixed communities.
5. Bantu people living in mixed communities can be wary of outsiders' intentions toward their indigenous neighbours: fearing that such outsiders may try to undermine their position in the Bantu/IP exchange relationship, or provide IPs with special treatment or benefits, etc.

To ensure that indigenous communities have a voice in local forest management processes and their rights to forest lands are protected, a set of principles, structures, and processes are recommended.

The proposed approach is to create a space for IPs to be able to reflect on their own needs and goals for community forestry and to develop these into a coherent program of land-use that can be employed in community forest negotiations within their community. This would involve: the production of their own maps of land-use, the development of their own management plans, the creation of an Indigenous Council for community forest processes, and the adequate representation of IPs in the various management structures of the community forest. Given the political environment of mixed communities, however, this will not always be an easy task.

Indigenous Council

The organisational structure that the Manual of allocation procedures recommends establishing, at the local level to encourage the active participation of IPs in community forest processes, is the *Conseil Autochtone* or Indigenous Council. It would act as the principle organisational structure providing an interface between the indigenous sector of the local community and community forest processes. It should include the indigenous representatives in the local Management Committee, but could consist of as many individuals as the indigenous sector of the community desires. In addition, the various social sectors – elders, leaders, women, youth, etc. – should be well-represented.

Mapping IP land use

Because the land-use of IPs 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. In order to do this, it is recommended that the research for map-making be first carried out by IPs separately.

Although some Bantu villagers may view this as a 'special treatment', it is entirely justified by the fact that IPs would most likely not be well heard, if the mapping exercise were to be undertaken immediately at the scale of the whole community. The intent is to ensure that they are able to present their views with a strong voice, on a more equal footing with Bantu, after deliberating amongst themselves.

Developing IP management plans

Once the land use of IPs has been mapped, the next step would be to develop the equivalent of IP Management Plan(s) for the lands used by the indigenous sector(s) of the community – a statement of indigenous needs and goals. Again, it is recommended that this be first developed by IPs separately. Their maps of forest-use should be built on to help them articulate their goals and plans for the different spaces within the territory.

Once the IP map(s) and management plan(s) have been produced, one would try to integrate them with those of their Bantu neighbours. If initial negotiations between Bantu and IPs happen at a small scale, among individuals well known to one another, they should have much more chance of success than if the needs of IPs were negotiated at the level of the community as a whole.

Once the IP management plan(s) have been drawn up, the Indigenous Council can submit it/ them to the management committee.

Then, once the management plan for the wider community has been developed, the management committee would hold several meetings (*réunions préliminaires de consultation et de concertation according to the Manual of allocation procedures*) that would include the members of the management committee, the customary council (*Conseil Coutumier*) and the Indigenous Council. The members of these bodies would attempt to combine these Management Plans – the one of IPs and the one of the wider community. If they are successful, the combined document would become the management plan for the whole community. If not, a third party could be called in as a mediator to help resolve their differences.



IP representation in management structures

For the needs of the IP sector of a mixed community to be addressed in community forest processes, it is essential that they be adequately represented in the different management organs for the community forest. In terms of the management committee, most respondents recommended that it should take the form of an association of representatives from the different clans and/or *quartiers* that make up the village. If such a structure was put in place, and each IP group was able to select one or two (male and female) representatives for it, this should allow the IP sector to achieve equitable representation. In addition, IP respondents emphasised that, in selecting individuals as their representatives for community forest structures, it will also be important to include youth, as their higher levels of literacy will be an advantage for dealing with the various written documents involved.

Revenue distribution in mixed communities

The issue of revenue distribution has already been addressed (see pp. 33), but how this applies to the case of IPs deserves mention. In general, the safe-keeping of revenues for use in community-level projects avoids the political complexities of distributions of material resources (cash, etc.). When such distributions are necessary, however, the method suggested by all of our Bayaka respondents was to separate the sums for the IP and Bantu sectors of the community and to let the IP sector carry out its own distribution. As they stated repeatedly:

“We can collaborate with the Bantu to protect our forest, but if there is any money to distribute, we must be given our own share to divide among ourselves.”



6. AREAS REQUIRING ADDITIONAL SUPPORT

Technical assistance for administrative processes

Since many local communities lack sufficient levels of literacy and legal knowledge to carry out the various administrative procedures required by the community forest legal framework, they will need additional technical assistance for this task. Although the revision of the application procedure and the elaboration of management norms should aim at reducing the paper work to its bare minimum, literacy and knowledge of the administrative apparatus are likely to remain vital.

Technical assistance to develop rules for sustainable use of NTFPs

Although forestry professionals, governments and international partners readily talk about the potential that community forestry has for reducing local poverty through the commercialisation of NTFPs, any such activity will require both preparation and follow-up to ensure that resources are exploited in a sustainable manner. Inventories should first be made of what resources a community forest contains with potential for commercialisation. If resources with such potential are found, some form of monitoring system must then be put in place to ensure their exploitation does not surpass sustainable levels. Although local systems are already in place that can be built upon for monitoring, outside support and technical assistance may likely be necessary if such efforts are to be successful.

Assistance with poverty-reduction initiatives

Due to the compromised nature of many local subsistence economies, the need for the introduction of alternative economic activities to address local poverty - training in enhanced farming techniques, livestock-raising, etc. - was a regular theme expressed during the interviews. Many of these activities may go beyond the usual mission of a facilitating CSO, but they may still have the means to create partnerships with outside development organisations that could provide such assistance.

In addition, supporting CSOs should assist communities in developing economic activities based on NTFPs that can bring in revenue, but do not compromise sustainability or produce conflict. One component of this is the monitoring of these activities to ensure sustainability, but an additional means through which outside

actors could aid such efforts is by leveraging their access to wider political and economic frameworks to connect communities to commercial networks: buyers, markets, micro-credit loans, etc.

Security assistance

From the local perspective, the provision of security for a community forest is a key issue, especially since outside commercial actors exploiting local lands are often much better-armed than villagers themselves. In addition, if a community seeks to return to sustainable management of its natural resources, and prohibit unregulated exploitation by outside actors, security is an issue that will have to be addressed. Thus, once respondents started getting specific about their plans for their community forest 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 community forest is approved), we will start telling our neighbours that there is no more free entry into our forest. And we will put guards there to enforce it.”

In the current context, security is clearly an issue throughout the country, but the forests of the southwest - one of the two regions that have the potential to engage in community forestry - are quite stable from a security point-of-view.

In this regard, there seem to be at least two elements involved in the enforcement of regulations within a community forest: (1) monitoring and (2) actual enforcement. Realistically, probably the only thing that local communities should be tasked with is monitoring, while enforcement should be in the hands of parties with a certain degree of military and political power.

7. RECOMMENDATIONS



Photo credit: Robert Moise

The vision of community forestry recommended here is based on a two-pronged approach to sustainable development in the forests of CAR:

1. The Forest Ministry participates with local communities and civil society organisations to produce sustainable forest management: maintaining ecosystems and reviving local subsistence economies.
2. The Forest Ministry encourages sustainable commercialisation activities and equitable distribution at the local level.

Community forestry therefore presents an opportunity to build bridges between governments and local forest communities.

The failures of previous community forest initiatives in the Congo Basin should not be viewed as proof that community forestry cannot work in the region and should be abandoned. Rather, critical analysis of past experiences reveals the shortcomings of previous approaches and allows new approaches to be developed that can effectively realise larger policy goals, while benefiting local communities, governments, and the forest environment.

The legal framework for community forestry in CAR is in place. However, it needs to be tested through implementation with pilot communities to inform the revision and development process.

For governments

- Recognise the rights of local communities to their customary forest territories.
Humans have lived in the Congo Basin rainforest for over 40,000 years and, during this vast expanse of time, the forest environment was managed sustainably through customary management practices. Hence, the rights of local peoples to their lands, who not only have a direct interest in preserving them, but operate out of a conception of the forest environment that is preservationist in both its spirit and its practical effects, should be recognised.
- The spaces available for the attribution of community forests should not be limited to '*séries agricoles*' or other small 'castoff' spaces. Rather, customary territories should be made the basis of the allocation of community forests, an approach which has already been institutionalised in DR Congo.
- This approach will require a change in the existing legal framework, which limits community forests to the size of 5,000 hectares or less.
- When community forest spaces overlap with existing concessions or PAs, they could be transformed into 'shared use' zones in which governance of natural resources is shared

between local communities, on the one hand, and concessionaires/PAs, on the other, in a manner that is both meaningful and substantive.⁴⁵

- Local rights to food security should be recognised and support provided to efforts to revive subsistence economies.
- Help reduce poverty by facilitating sustainable commercialisation of NTFPs.
- Recognise local customary institutions, to create a framework for shared forest governance, with provisions regarding the modalities of land management, decision making processes, etc.
- Test and review the legal framework and community forest procedures and tools, with simplicity and flexibility as core principles, to enable the national scaling up of community forests, and not limit them to the communities who can secure external support.
- Protect indigenous rights by respecting international principles, such as FPIC, in relation to the lands that IPs use, including by testing and revising specific measures within the community forest legal framework.

For civil society organisations

- Provide support to local communities to fulfil the administrative requirements of community forestry: mapping, application for the community forest, etc.
- Develop sufficient knowledge of customary institutions to be able to work effectively with local people to help them achieve their community forest goals: facilitating the functioning of organisational structures, providing support to ensure the participation of groups and individuals with a perceived lower-status (IPs, women, youth, etc.), carrying out management activities and sharing the benefits, etc.

- Seek ways to provide the various forms of additional support that will be needed by local communities to make community forestry successful: developing alternative economic activities, creating rules for sustainable management, marketing NTFPs, monitoring their production to ensure sustainability, and so on.



Photo credit: Robert Moise

⁴⁵ Karsenty and Vermullen 2016.

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The CoNGOs project, “NGOs collaborating for equitable and sustainable community livelihoods in Congo Basin forests”, is managed by an IIED-led consortium, which aims to achieve improved governance and practice in community forestry in the Congo Basin. The geographical focus of the initiative is Cameroon, Central African Republic, Republic of Congo and Democratic Republic of Congo (DRC), with some policy and legal reform engagement work in Gabon. Dialogue, learning and advocacy activities are also carried out at the regional level. The members of the consortium are International Institute for Environment and Development (IIED), ClientEarth, Fern, Forest Peoples Program (FPP), Rainforest Foundation UK (RFUK) et Well Grounded.



This report has been funded by the UK government. The information contained in this report is the sole responsibility of its authors and does not necessarily reflect the UK government’s official policies.

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FOUNDATION UK**
SECURING LANDS, SUSTAINING LIVES

2-4 The Atelier, Old Dairy Court,
17 Crouch Hill, London N4 4AP
+44 (0)20 7485 0193
info@rainforestuk.org

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