

Regulation and Implementation of Social Measures in Forest Management in the Congo Basin: an examination and critique of the forestry management regulations in four countries of the Congo Basin

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Abstract

This work evaluates the measures taken by the governments of the countries of the Congo Basin (CB) to guarantee the rights of dwelling communities as well as to ensure the communities' well-being during the exploitation of forest resources. The legal codes relating to forest management of four out of the six countries that make up the CB were studied. The first part of the work explores the legal framework relating to forest management. The second part analyses the mechanisms of implementation of the texts that regulate social benefits. We found that although modern law has ruled the State authority over forest lands, a legal framework grants rights of dwelling and use by indigenous communities, notably customary use rights in community forests as well as shares of revenue from forestry exploitation. We concluded that the state services should set indicators of the involvement of local communities in the management of concessions.

Keywords: Forestry legislation; social benefits; dwelling/indigenous people; customary use rights; timber royalties.

1. Introduction

The sustainable use of the forest hinges on what is generally known as *forest policy* – the regulation of forest exploitation. The legal basis for forest policy is forestry legislation, which designates and oversees forestry departments responsible for monitoring and implementing the measures provided for in the forestry legislation. The Congo Basin (CB) has an extensive tree cover. Approximately 57 % of its surface area is made up of almost uniform tree-covered forests that span the Democratic Republic of Congo (DRC), the Central African Republic (CAR), Congo, Cameroon, Gabon and Equatorial Guinea. These forests contribute to the protection of biodiversity and the regulation of the local climate. They also produce milled work for industrial use, non-timber forest products (NTFP) for construction, as well as crafts, food and medicine for local people.

These people also culturally depend on the forest, which hosts their sacred sites (Aubé, 1996, cited in Mayet, 2005). At the Earth Summit held in Rio de Janeiro in 1992, it was recommended that countries establish a forestry management code that would be based on a partnership model, inviting the participation of the local people in the development and implementation of the code. Over the two decades since then, the CB countries have developed new forestry and environmental policies as well as laws involving the local and indigenous people in the management process of natural resources and economic benefits as well as in biodiversity conservation (Koyo, 1999).

Forests in all Central African countries are regulated by ambitious legal frameworks, given the growing numbers of legal instruments. For example, one of the useful changes, Voluntary Partnership Agreements (VPA) under the Forest Law Enforcement, Governance, and Trade (FLEGT), is a joint initiative by the European Union (EU) and developing countries to monitor clandestine forest exploitation and the trade resulting therefrom. However, the existence of many legal instruments does not necessarily guarantee proper forestry management, given their inconsistent application and the nebulous contexts in which they exist (Bigombé, 2010). As a matter of fact, CB forests are still exploited illegally, causing extensive environmental and social damages. In this paper we examined the codes of four of the six countries in the Congo Basin (Cameroon, Congo, Gabon and DRC) to assess their adherence to the Rio conference recommendation. Our research evaluated the measures taken by the governments of the CB countries to fundamentally improve forest resources management while guaranteeing the rights and well-being of dwelling and indigenous communities. Our work is an essential first step in analysis of advances in forestry legislation regulating the rights and benefits of dwelling and indigenous communities toward the formulation of recommendations for improved implementation in the future.

2. Information/Data Collection And Analysis

2.1 Study area

The CB forest covers six countries (Figure 1), four of which were chosen for this study: from east to west, the Democratic Republic of Congo (DRC), Republic of Congo (Congo), Cameroon, and Gabon. They are the most extensive part of the CB and harbour the largest portion of the vegetation cover (Table 1). Furthermore, these countries have made the most significant progress in providing legal tools specifically intended to regulate the management of the forest cover.



Figure 1: Countries of the Congo Basin forest,

Source : http://www.acpf-sosforest.org/?page_id=136

Table1: Forest organisation of the Congo Basin by country

Forest	Country					
	DRC	CAR	Congo	Cameroon	Gabon	EG
Total surface (x 1 000 ha)	232,822.5 (100 %)	62,015.2 (100 %)	34,276.6 (100 %)	46,544.5 (100 %)	26,253.8 (100 %)	2,673 (100 %)
Dense cover of low-lying areas (x 1000 ha)	101,822. (44 %)	6,915.,2 (11 %)	17,116.6 (50 %)	18,640.2 (40 %)	22,324.9 (85 %)	2,063.9 (77 %)
Concessions for commercial logging (x 1000 ha)	12,184.1 (5 %)	3,022.8 (5 %)	12,669.6 (37 %)	6,381.7 (14 %)	9,893.2 (38 %)	NA

NA: Not applicable; EG: Equatorial Guinea

Source: http://www.acpf-sosforest.org/?page_id=136

2.2 Data collection and analysis

Data were obtained from three different sources:

- (i) professional experiences of authors as social workers and researchers in various countries and context in the Congo Basin;
- (ii) review of available documentation on the social dimensions of forestry regulation; and ;
- (iii) Critical analysis and experiences sharing among authors.

Professional experiences of authors were consisted of engaging stakeholders (companies, local communities, states and NGOs) for better consideration of social aspects of forest management in the CB in one hand. On the other hand as researchers, to evaluate ongoing processes related to the implementation of social commitment by different stakeholders and formulate adequate recommendation. All the data or information collected was synthesized with reference to legal framework and available literature (official reports, articles) and web sources. Critical and comparative analysis was done among authors based on their experiences, taking into consideration each specific context.

3. Social Measures Provided By Forest Management Laws In The Congo Basin Countries

3.1 Benefit sharing: the legal framework

Benefit sharing refers to a commitment to channel some kind of returns - whether monetary or non-monetary - back to the range of designated affected communities. In DRC, laws relating to the forest are founded on the Law No. 011/2002 on the Forestry Code of the DRC of August 29, 2002. This law requires that 40 % of the concession royalties should be given to the decentralised administrative entities of provenance of the timber or forest products (DRC, 2002). Article 9 of Law No. 011/2002 Forestry Code contains a special clause on the development of socio-economic infrastructures for local communities, particularly as concerns building and developing roads; repairing and equipping hospital and school structures as well as facilities for transporting people and goods. In addition, legal and regulatory provisions, notably the ministerial order No. 023/CAB/MIN/ECN-T/28/JEB/10 of June 7, 2010 which sets the model agreement in the social clause specifying the forest concession agreement, provide for sharing benefits from forest exploitation (DRC Ministerial order, 2010).

Similar legal and regulatory instruments designed to guarantee benefit sharing with local communities exist in the other three countries. In Congo, the Forestry Code of 2000, Decree 2002-437, Order No. 5053 of 2007, and the law 5 of 2011 attest to the existence of social considerations in Congolese forest laws. In its article 55, the Congolese Forestry Code of 2000 clearly states amongst other things that the forest management plan must lay emphasis on the consistency and the regulation of the measures required for the benefit of local people. Order No. 5053 of 2007 relating to national guidelines on the sustainable management of forest concessions spells out a series of community development actions in a bid to make the management of forest concessions contribute to the development of the economy of rural communities and to the alleviation of poverty. In 2011, a law known as Law 5 was adopted to protect the rights of indigenous people (ATIBT-FFEM, 2014).

In Gabon, the forest code has laid down new measures with highly social implications, notably the obligation for companies with concession rights to financially and materially commit to community projects in the country through written and signed agreements with local communities.

The contribution of companies is defined by article 251 of law 16/01 while Order 105 / MFEP / SG / SGF / DDF / SACF of May 2014 established the model of social agreement under section 251 of this law. In Cameroon, benefits were shared with local communities through allocation of 10 % of the Annual Forest Royalties (AFR) directly to them until the Finance Law for the year 2014. However, Law No. 243/026 of 23 December 2014, a finance law of the Republic of Cameroon for the year 2015, under Article 243 distributed the products of the AFR equally between the state and the city hall where the forests are exploited. Thus, the circular from the Minister of Finance No. 004 / MINFI / DGI / LRI / L of 28 January 2015, specifying the conditions of application of the tax provisions of Law No. 2014/026, cancelled the 10 %. Another mechanism of benefit sharing is the allocation of 30 % of the revenue from the exploitation of communal forests for the construction and maintenance of social infrastructure (roads, schools, electrification, potable water supply) for the local government entities (MINAT et al., 2012). Moreover, from the sales of standing volume, the tax of XAF1000 (about USD2) per cubic meter of timber was added for funding of social projects (Fomete, 2011).

3.2 Customary use rights

Customary use rights are rights for the use of forest resources that can be defined by local custom, mutual agreements, or prescribed by other entities holding access rights. These rights may restrict the use of particular resources to specific levels of consumption or particular harvesting techniques. Recognition of the exercise of community use rights is a major step forward in the consideration of the rights of forest people in forest exploitation in Congo Basin countries. The forestry law in the DRC defines the use rights of peoples living in or near the forest as those that result from local customs and traditions as long as they do not breach laws and public order.

In the Congolese forest laws, the customary use rights are recognised through the forest management plan, which is a site-specific plan developed by a company to address forest resource concerns on land where forestry-related conservation activities or practices will be planned and applied. Decree 2002-437 states that “the management plan, [...], shall include [...] a regulation of use rights, duties of local people and their participation in forest management activities.” It is these plans that define use rights (Art 40-41-42 Decree No. 2002- 437 of December 31, 2002 spelling out conditions for forest management and use) as they are currently exercised and as they may be regulated in the Forest Unit Management (FUM), with different goals depending on the management series: (i) the use rights may be regulated or prohibited in the production, protection and research components, (ii) the conservation series must be delimited, and (iii) the identification of sacred areas through which the customary rights and practices are promoted in the community development series (ATIBT-FFEM, 2014). Apart from these aspects, Congo has also included in its laws the notion of indigenous people having special rights.

Gabon's forest code provides for customary use rights (Republic of Gabon, 2002) whose conditions and limitations regarding forests, wildlife, hunting and fishing have been laid down (Republic of Gabon, 2004). The exercise of customary use rights according to their law is intended to meet the personal or collective needs of village communities (Article 252 of Forest Code). However, the law also provides the opportunity to sell some products collected through the practice of user rights known as economic use rights which are recognized by the state to local communities to market locally part of the collection of products from their customary use rights (Article 2 of Ordinance No. / PR / 2008 amending and supplementing certain provisions of Law No. 16/01 of 31 December 2001 on the Forest Code in the Gabonese Republic). The Forest Code (Articles 252-261) stipulates that these rights are exercised in terms of forest, hunting, and fisheries. As defined in the law, the rights of customary use do not give communities the ownership of the resource. Indeed, the Forest Code clearly states that the State is the sole owner of forests (Article 13).

In Cameroon, through the customary use rights, dwelling people have the right to exploit, for personal use with no commercial inclination, all forest, wildlife and fish products with the exception of protected species (MINEF, 1994). As such, customary use rights of communities, relics from colonial texts, have been maintained in third generation texts, and furthermore, their use is rather strictly regulated, with major limitations relating to the relevant resources, to the areas concerned, and to the purpose of the products collected (Bigombé, 2010). When the customary use right is suspended in favour of a logging company, a governmental decision recommends that the logging company and the local people should collaborate in the identification, mapping, and protection of the resources that are vital to the people under the exercise of their use rights.

3.3 Participatory forest management

In forestry, the term *participatory forest management* refers to community-based forest management where local people have secure devolved authority over forests as well as joint forest management where forests are co-managed between locals and state agencies (Roe et al., 2009). It is worth pointing out that consultation with dwelling people is the only way to guarantee social peace and the quiet enjoyment of the granted forests. In fact, forestry management in the DRC is a participatory process that involves local communities; the regulatory provision relating to the make-up and organisation of the consultative council provides for one representative for local communities. The DRC is developing the inclusion of social aspects in all sectors tied to the management of natural resources.

Gabon's Forest Code of 2002 spells out the mechanisms for the participation of communities in forest management. The Forest Code is complemented by many enabling laws. These legal instruments provide the means for including and safeguarding the rights of communities, notably customary use rights and sharing of tax income and forest royalties paid by companies operating in the locality and in community forests. However, the Congolese law gives extensive consideration to all the actors involved in forest management. In fact, it defines the national forest property and sets out the criteria and norms for its joint and participatory organisation and management. A major highlight is the involvement of local and indigenous peoples and even NGOs in forest management, alongside forest operators through the 2008 legal provision plans for the involvement of communities in the conservation and management of wildlife and protected areas.

In Cameroon, Law No. 94/01 of January 20, 1994 on forest, wildlife and fisheries systems and its enabling law of 1995 (Decree No. 95/531/PM of August 23 1995) regulate forest management. This legislation is reinforced by a series of decisions and orders mandating that state and dwelling and indigenous people living in and around forests take part in the decision-making process and in their management.

3.4 Community forests

A community forest is a part of the rural forest property legally ceded to a village community on the basis of an exploitation plan of sustainable use of the natural resources. The major objectives of the exploitation of community forests are centred on profit for the local community, decentralisation of resource management, management and free exploitation of forest products. Community forests are one of the major changes in forest exploitation in Gabon in that only management rights are transferred to the beneficiary communities. The community forest is a portion of the rural forest estate assigned to a local community living nearby, to conduct or undertake operations for the sustainable management of natural resources based on a simple management plan (Article 156 of the Forest Code and Article 2 of the Decree establishing the conditions for the creation of community forests). According to the Forest Code (Article 157), the community forest is to be created in the rural forest estate and more specifically on the ancestral lands of the communities concerned. The income from the exploitation of community forests is the property of the community (Article 161 of the Forestry Code) and therefore, it must be invested in the general interest of village communities concerned (Article 157 of the Forest Code). However, the government still has the right to monitor the management, which should be performed in accordance with norms established for forest exploitation.

In Cameroon, the establishment of community forests is one of the mechanisms for dwelling people to have access to forest property (pre-emption right) and to take over a forest area for their own needs. Revisions to forestry law have enabled community associations and cooperatives to acquire the exclusive rights to manage and exploit up to 5,000 ha of customary forest, under a 15-year contract, resulting in the creation of over 100 new community forests. Other mechanisms for access to forest property include council forests, sale of standing volume permits and special permits. However, dwelling communities are not directly involved in forest management under conceded permits and in the management of funds accrued from their exploitation. In Congo, the Forest Code distinguishes between two types of community forests, namely (i) those assigned for community development, that is, part of a forest management unit intended for production, protection, conservation and community development and (ii) council forests and other local government entities or a forest that was classified for such a local government entity. As of August 2, 2014, the Congolese government (DRC) through the Prime Minister issued Decree No. 14/018 establishing the rules for granting forest concessions to local communities. This text both supports the legal framework for forest management by communities themselves and strengthens the effective involvement of the local communities in the management of the sector. However, for the application of this text to be effective in the field, some regulations laying down implementing measures must follow.

That decree succeeded a draft regulation proposed by the NGO Forest Monitor that now proves unsuited to the current context of logging on the one hand and no longer complies with the vision of the new decree on forest concessions to local communities on the other hand. Currently, the Ministry of Environment and Sustainable Development (MEDD) is engaged in a process of updating and harmonization of the draft text taking into consideration expectations of all actors working in the sector.

4. Implementation Of Social Measures In Forest Laws In The Congo Basin

4.1. Application of legal social measures in the Congo basin countries

Table 2 shows the legal social measures being implemented in each country. Differences exist among the ways of implementation of the listed measures that are highlighted in this section.

Table 2: Application of legal social measures in the Congo basin countries

Countries	Social measures			
	Benefit sharing	Customary rights	use Participatory management	Community forests
Congo (DR)	√	√	√	?
Congo (R)	√	√	√	√
Gabon	√	√	√	√
Cameroon	?	√	√	√

Congo (DR): Democratic Republic of Congo; Congo (R): Republic of Congo; √: social measure applicable in the country. The table shows that *benefit sharing* is implemented in Congo (DR), Gabon and Congo. In fact, in Gabon, local people are given a share in forestry and wildlife tax incomes. The concessionaire finances community projects identified by the village concerned through a fund called the local development fund. The amount of the financial contribution paid by the concessionaire is XAF800/cubic meter for all harvested species (Article 5 and 6 of Order 105). In Cameroon, however, benefit sharing with local communities is no more in effect through allocation of a part of the Annual Forest Royalties (AFR). So far, the 10 % of AFR which was attributed directly to the communities has been cancelled. Hence, people who protect forests and whose lives depend on the forests have been excluded from profit sharing.

In Congo, the two types of benefits sharing apply to (i) profits arising from forest exploitation and (ii) profits arising from the use of forest genetic resources and traditional knowledge. Two ways of sharing are stipulated in this case: through legislation or through specific agreements between concession holders and local communities. Benefits consist of (i) paying to the communities a percentage or a set amount per harvested cubic meter of wood, (ii) providing schools, hospitals and other social services with working materials, and (iii) implementing a local development fund used by the community to develop projects of common interest, to name a few. In practice, however, there is a real distortion because generally, concessionaires provide for the above-mentioned direct profits mostly in the forest management planning phase but rarely during the exploitation phase. In DRC, benefit sharing is guaranteed through a social agreement negotiated between the concessionaires and local communities. In the four countries, *customary use rights* of forests are implemented in different forms in accordance with the different laws which authorise collection of forest products only for household use and prohibit commercial use. For example, in Congo, although the recognition of the customary use rights is evident, its control is part of the concessionaire's forest management plan.

In fact, the local people of Congo have the right to collect perches, poles and other non-timber products needed for the building and maintenance of their homes, manufacturing of furniture, household utensils and tools. They have access to the forest to collect dead wood and plants with a cultural, food or medicinal application, to hunt and to fish. They also have the right to practice farming, bee-keeping and animal breeding. In Gabon, customary use rights aim at meeting personal or collective needs of village communities. Therefore, village communities have been empowered to use trees as timber and dead trees or branches as firewood. They are also authorised to collect secondary forest products, such as bark, latex, mushrooms, medicinal or food plants, stones and lianas. In addition, they are allowed to carry out subsistence farming, small-scale hunting, fishing in the rivers, grazing in savannah areas, and to use branches and leaves as fodder. However, customary use rights cannot be exercised in protected areas. In Cameroon, the main activities chosen under customary use rights are subsistence hunting and fishing, collecting non-timber forest products (NTFP) (Figure 1), agriculture, collecting firewood, and collecting timber.

Nevertheless, agriculture is limited to farmlands that existed before the forest classification, prohibiting all expansion. It must be noted that customary use rights are not permanent. In fact, in addition to limitations relating to rightist exercise, the forest legislation states that the ministries in charge of forests, wildlife and fisheries may, for public interests and in consultation with the relevant people, temporarily or permanently suspend the exercise of the customary use rights. However, local communities are yet to enjoy this right due to the lack of legal instruments regulating access to forest products.



Figure1: Collection of non timber forest products (NTFPs) by indigenous people in Cameroon

The communities' participation in the management of forest is in effect in all four countries. In Cameroon and Gabon, the involvement of local communities in forest management starts with the information meeting of forest resources management stakeholders prior to the award of an agreement to a concessionaire. Unfortunately, provisions relating to this involvement are still relatively limited. There is no legal instrument that clearly spells out the conditions and modalities of their involvement in the management of forest from the preliminary studies to the communication to all the stakeholders of forest area allocated to a concessionaire. Indeed, in Cameroon, the opinion of dwelling people is purely consultative. Creation of Peasant Forest Committees (PFC) and sensitisation of people is *a posteriori* the allocation of the forest area (MINEF, 1999). More seriously, in Congo, people are consulted only after the classified project has been developed (Figure 2). Modalities for community involvement in the concessionaires' selection process as well as in the negotiation of the agreement and that of the special specification are to be defined. The current study found that considerable efforts must be made by the government to ensure effective involvement of local communities in the management of forest resources. In DRC, effective participation in forest management is guaranteed during the preparation of the social agreement on the profit sharing negotiated with communities as a prerequisite for signing of the forest concession contract.



Figure 2: Consultative meeting with local communities upon completion of project development in the north of Republic of Congo

Allocation of *community forests* is in effect in Cameroon, Congo, and Gabon. However, the notion of *community forests* is not a tool through which rights of occupation of forest areas can be affirmed, given the portion of reserved landholdings included in community forests. There is usually a problem of boundaries between community forest and concessions located not far away from the areas sought after by communities. Nevertheless, implementing the concept of community forests is supported by legal instruments that are increasingly clear on the methods they are awarded and managed. Such an effort has not yet been made in Congo where there are still hurdles to be overcome in order to ensure that the concept of community forest is not perverted and diverted from its primary goal of serving dwelling village communities. Community forests are not yet either defined or attributed in DRC. The Decree is recent and regulations need to be developed.

In Gabon, legal instruments currently regulate community forests. However, the enabling laws do not clearly define the legal nature of the managing entity as well as the mechanism for ensuring that the entire village community is represented in their management. Furthermore, they do not clearly state:

- (i) That exploitation of community forests must be of small-scale to be sustainable;
- (ii) That shifting cultivation, source of food for the people, is authorised in community forests;
- (iii) That special simplified inventory and management norms differ from standard management norms;
- (iv) Criteria for distributing revenues from community forests, such as the association's fund and for redistributing profits within the village community (Vermelen et al., 2008).

The development of community forests in those countries faces many challenges including (i) difficulty for a village association to remain united, (ii) inability of local people to prepare a management plan, and (iii) administrative bottlenecks, to name a few. In fact, we believe that the future of these community forest areas depends on the nature and quality of support received from the administrations in charge of forestry department. It is also closely tied to the future of the FLEGT action plan for timber production which calls on those countries involved to strengthen forest legislation and curb illegal logging.

It is sad to note that the implementation of some regulatory and legal provisions of social importance is not yet effective due to political and administrative problems encountered in forest management in the Congo Basin. It has been observed that most concessionaires fulfil their responsibilities sequentially, creating unpleasant feelings amongst the people and making it difficult to verify and monitor the implementation of social agreements.

4.2. Evaluation of the application of legal social measures in Congo Basin countries

The assessment of the regulatory framework of the sampled countries shows that States are aware of the importance of forest resources for the local and indigenous dwelling people. In fact, modern law has made them users of forest areas, recognising the fact that the people who have lived in the forest, sometimes since before independence, still depend daily on many resources that forests offer. Legal systems generally aim at giving dwelling people access to the forest resources and, to a lesser extent, to their management in providing (i) customary use rights, (ii) community forests, (iii) sharing of revenue from forest exploitation (timber royalty), (iv) validation of a specification containing social agreements favourable to local people, (v) participation in the national consultative forest council, and (vi) creation of rural forestry property.

Following (Table 3) are six rights and legal provisions that give dwelling people access to forest resources or interests in case of transfer of concessions to timber companies. This number differs from one country to another, showing the discrepancy in social benefits within the same CB forest area.

Table 3: Rights and legal provisions for access or compensation of forest dwelling people in four forest countries of the CB

Right or legal provision	DRC	Congo (R)	Gabon	Cameroon
(i) Customary use rights	✓	✓	✓	✓
(ii) Right to timber royalty	✓	✓	✓	✓
(iii) Possibility to get community forests	✓	✓	✓	✓
(iv) Specification of social agreements	✓	na	✓	✓
(v) Participation in the national consultative forest council	✓	na	na	na
(vi) Creation of a rural forestry property	na	na	✓	na

DRC: Democratic Republic of Congo, Congo (R): Republic of Congo, ✓: applicable in the country, na: not applicable in the country. The customary use right, the possibility of ownership of forests (community forests), and the right to timber royalty are measures that have been unanimously accepted in these countries. Although the people have the right to collect products from the forest for their household use, prohibiting them from commercialising the collected products represents a limitation on a community's opportunity to improve its income. Non-timber forest products can also be found in abundant quantities in rural areas where, unlike in forest areas, locals are allowed to sell them. In fact, taking them to urban areas where selling prices could be more attractive would procure more money for local communities. Village communities are so extremely poor that even ending the prohibition on the commercialisation of forest products would force dwelling people to choose between household consumption and sale. We recommend freeing the exploitation of forest and wildlife resources for both the household use and the lucrative use under the customary use rights. The direct financial benefits from the forests would enable locals and indigenes to better meet their needs.

Similarly, forest royalties have been created to provide financial resources to rural people in order to enable them fulfil basic social needs (e.g. water supply, rural electrification, basic health care). A number of problems are related to forest royalties. First, there is failure to apply legal instruments, coupled with the complexity of calculating forest royalties or simply the failure of the main beneficiaries to understand the calculation process. Second, payment via local governmental entities also suffers the same fate as when they are paid to the central government because of prevailing corruption and embezzlement. Third, there is the problem of non-allocation of funds to and the lack of transparency in their use for social projects. State departments should therefore rethink the use of forest royalties which are designed to improve the living standards of forest-dwelling people but which, in fact, may not do so; they are called into question by dwelling people, who most often lack basic social project management skills.

The social model chosen by CB countries for the management of forest resources is quite unclear. This model is considered herein as a coherent group made up of various forest sector institutions and partners in charge of applying laws meant to conserve/protect the local people and their life styles as well as their ties with the forest. It is worth asking at this point (given the on-going decentralisation) whether CB States want to use their forests (i) to provide revenue for the construction of social infrastructures for the people, (ii) to conserve a potential for forest products that feed, heal and protect dwelling people or (iii) for land-use restrictions generating services connected to Reducing Emissions from Deforestation and Forest Degradation (REDD+) with compensation that matches the sacrifices made by the local population. In this regard, the words "cooperation", "consultation" and "participation" of dwelling people used in the laws should include alternatives that allow for a negative opinion from locals.

Access to forest resources has been regulated. Communities are involved in the sharing of compensation revenues. Forests can be legally attributed forest areas (community and communal forests).

Although these approaches can be used jointly to secure the interests of local communities, they do not complement each other in the field. For example, people whose forests have been classified as Cameroon's permanent forest property cannot obtain a community forest even if it is necessary for them. On the other hand, the desire of States to enable communities owning forests seems to be nothing more than a wish. In fact, forest management is generally controversial. Day-to-day management is ensured by a small number of persons who enrich themselves and manage funds to the detriment of social initiatives that could have been beneficial to the community. Other issues such as the State-controlled exploitation of communal forests (notably in Cameroon), small-scale exploitation of community forests, and resale of products from these forests to large-scale operators or the lack of transparency in the distribution of revenue from community forests give the impression that the State is not implementing any informed strategy on this front. In addition, specificities of the needs of indigene Pygmies are not taken into account and no consideration of their interests is visible. In fact, they are generally the most fragile community and are themselves subject to exploitation and domination by Bantu peoples.

Although it has been acknowledged that people are important and consideration of their interests has been accepted by the respective States, much remains to be done practically. In Congo, participatory management has been formalised, but the country is yet to have a document that specifically deals with the participatory management of forest resources (Boukoulou, 2006). The opinion of people in the CB, unlike that of the other stakeholders (State, timber companies), is purely consultative. They do not take part in the preparation of the contract specification (known as "Cahier de charges").

In principle, participatory approaches and models would be seeking solutions to problems that arise from the lack of protection of forest land rights. As a matter of fact, since States are unable to monitor forest resources, participatory models have come under some form of privatisation of resources in a bid to ensure sustainable management (Nguinguiri, 1999).

The contribution of Voluntary Partnership Agreements (VPA) with European Union to improving timber traceability and to the fight against illegal logging seems to have been understood by timber companies. However, we have observed that VPAs have contributed less to improving the rights of local and indigenous people. On the contrary, sustainable forest management certifications that go beyond legal requirements are very particular about issues regarding the consideration of local people in general and indigenes in particular. Ratification of the FLEGT/VPAs that is done on a case by case basis has failed to answer even slightly two questions: harmonisation of the laws over countries of a sub-region of a same continuous forest area and the desire of the respective countries to break new ground in favour of their people who depend on forest resources for poverty alleviation.

5. Conclusion

Countries in the forest area of the Congo Basin have for more than two decades decided to use their forest resources sustainably with due regard for the rights of the people who live exclusively off the forests and to effectively partner with them in resource management. Reforming forest systems for the benefit of rural communities and for the development of the local economy has witnessed major improvements as regards laws. Unfortunately, these laws are yet to be clearly defined and are applied differently from one country to another. Several measures contained in the laws that aim at taking into account the rights and interests of communities on the forests and protected areas are not effective. Therefore, the will to develop a participatory system in the management of forest natural resources, to consult and to involve local communities in the entire forest exploitation and preservation activities is limited. In fact, sometimes communities do not know their rights as laid down in forest and wildlife laws. They also lack skills to exercise these rights. Through an analysis of the concept of decentralisation-participation in forest management, problems identified in these four countries of the Congo Basin include (i) insufficient codification of the rights and obligations of companies and governments in the various forest areas regarding local people, (ii) heterogeneity and overlapping of legal systems that regulate forest management, and (iii) disregard of the rights and knowledge of the people.

It is desirable for the state services to set indicators of the involvement of local communities in the management of concessions. The indicators would be attention to all information, to consultation, negotiation meetings and Free, Prior and Informed Consent (FPIC) for the implementation of forestry projects. To enable a rigorous implementation of legal and regulatory provisions, governments must reinforce checks on forestry departments with the support of the Independent Observatory and mete heavy sanctions to operators in breach. They would also have to detail provisions relating to the respect of the rights of communities and small-scale forest exploitation.

A better coordination of the actions of various institutions be they governmental or private, relating to the management of forest resources in of paramount importance.

Concessionaires should develop realistic social programmes on the basis of the needs of local communities. They should contribute to improving local skills in planning, executing and monitoring development projects. Concessionaires could request assistance from the Centre of Social Excellence (CES) project, initiated by the international NGO, The Forest Trust (TFT), which for over seven years now has trained young social experts who are working with companies to set up coherent social programmes.

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