

SUMMARY REPORT

SECOND PROVINCIAL FORUM, MBANDAKA, EQUATEUR

DATE: 13 - 14 MAY 2010

Introduction

The second Provincial Forum in Mbandaka was organised by the Diocesan Commission for Natural Resources (CDRN) of the Diocese of Basankusu.

Fifty people participated in this forum, representing different stakeholders in the community forest implementation process in the DRC, namely: public institutions (provincial government and parliament, administrative departments); national and international civil society; indigenous peoples' support structures and the local media (Radio Lisanga, Okapi, Mambenga).

Presentation of the community dialogues and local forums held in Bongandanga and Djolu

The Forum's first day of discussions began with three presentations:

- Summary of the community dialogues and local forums at Bongandanga and Djolu;
- Presentation of the pilot results of the participatory mapping at Bobambo/BSK;
- A summary of the national forums held in Kinshasa.

Following these presentations, there were discussions on the following issues:

- The protection of forests that are not allocated either to local communities or indigenous peoples;
- Carbon payments;
- The contribution of community forests (CF) to poverty alleviation and local development;
- Compensatory measures to be proposed to communities whose village lands are in the forest titles that have been converted to concessions;
- Consideration of indigenous peoples in the dialogues in Equateur;
- The importance of participatory mapping to clarify situations on the ground and the capacity of local communities and indigenous peoples to be able to use this tool at little cost, for use in the State's allocation of forests;
- The role of national and international NGOs in community forest management;
- The devolution of power within the sector in recognition of the legal status of a community forest's management body;
- The allocation by the State of abandoned agricultural and forestry plantations or concessions;
- The timetable for project activities to implement the concept in the DRC.

Discussions and recommendations

Working groups were established to consider three issues which had not been previously discussed at community level:

- Reconciling individual uses and the collective nature of community forests;
- Dealing with conflicts related to community forest management;

- The role of the customary authorities in community forest management.

After validating the results in plenary, a number of issues that need to be taken into account when producing the legal and institutional framework for community forests were noted as follows:

Reconciling individual uses and the collective nature of community forests:

- The individual uses that are compatible with a community forest are: subsistence agriculture, small-scale production of dug-outs and paddles, gathering and collecting of non-timber forest products, subsistence fishing and hunting, charcoal production using felled trees from one's own fields, etc. These activities may only be undertaken individually. The following activities should be strictly prohibited in a community forest: poaching, bushfires, the felling of caterpillar trees, water pollution and/or fishing with toxic plants, charcoal production outside of one's own fields.
- The collective uses of a community forest include: artisanal logging of wood for construction (for sale, building schools, health centres, churches, bridges...), charcoal production using trees from plantations, perennial crops (coffee, cocoa, oil palm, citrus...), conservation activities (biodiversity, sacred sites and carbon capture) and socio-cultural activities (sites of initiation into ancestral rites). These activities may only be undertaken within a community forest if they are collective as they would need to form the main source of community income for local development.
- The rules for resource management within a community forest should be defined by a management committee that will need to be established. Its mandate should be to ensure that the forest management rules are produced in a participatory manner, that the benefits of activities are shared, and that penalties are established for offenders.

Dealing with conflicts related to community forest management:

- This should be dealt with by customary institutions, namely: the family, village, clan or village grouping, depending on the different degree and level of conflict to be resolved.
- These local-level conflict management institutions operate on the principle of a peaceful resolution of conflicts within what is defined as the local community, with the aim of keeping social relations within that community intact.
- Traditional methods of conflict resolution include seeking the advice of the elders and engaging in discussions around the customary chief.
- Recourse to the courts and tribunals should only occur if: (1) there is a persistent disagreement between the parties to the conflict; (2) one party feels truly wronged; (3) the methods of resolution listed above prove ineffective.

Role of customary authorities in community forest management

- The customary authority traditionally: plans the community's forest activities, acts as the guarantor of forest territory boundaries; defends the community's interests; arbitrates on forest conflicts within the community; approves access to the forest by outsiders; provides the channel of communication between the ancestors and the community; and passes judgement on offences committed in the forest.
- Ways to reinforce these roles include: respect for the community's legal status by the administrative authorities of the Decentralised Territorial Entities (DTEs) or Decentralised Administrative Entities (DAEs); and respect for the traditional succession rules on the part of the above stated authorities, should the chief die.
- The negative practices of customary chiefs include: dictatorial behaviour, injustice, insensitivity to the grievances of community's members, weakness in defending the community's interests and alienation from customary powers in favour of the political/administrative authorities, which have turned customary chiefs into mere State officials.

- To minimise these negative roles, the participants proposed: (1) use of a regent in case of succession of an under-age chief; (2) recourse to the 'notables' of the community in the case of dictatorship, injustice or insensitivity on the part of the customary chief and (3) recourse to the power of the ancestors to punish an irresponsible and stubborn chief.
- The customary authority needs to be restored to its original status in relation to the political/administrative authorities in order to enable the chief to play a positive role in local development and, above all, in the sustainable management of community forests.

Recommendations on the proposed decree

Participants were invited to analyse and comment on the proposed decree establishing methods for allocating forest concessions to local communities, this having been previously discussed at two national forums in Kinshasa held in February and March 2010.

After group work and validation in plenary, the participants agreed that the proposal had been well written and faithfully reflected grassroots aspirations, although some changes were suggested as follows:

- Point 3 of Article 4, Chapter I should be rewritten as follows: “ - Provide a **sketch and/or a map** produced participatively in cooperation with neighbouring communities and other stakeholders **and with the support of the relevant forestry administration**, describing the forest owned by virtue of custom and accompanied by a sketch giving the precise demarcation of the forest concession requested, along with elements for pinpointing the forest in relation to known points featured on the administrative map.”

Local communities and indigenous peoples do not have the financial means to undertake such technical work, which is also outside their expertise. It was therefore recommended not to create obstacles for them by demanding a geo-referenced map, although those local communities that have the support of external partners could produce such a map. The map should therefore not be compulsory and could be replaced by a sketch, which the forest administration could improve at the time of the expert appraisal by taking GPS points of landmarks that might be useful.

- Paragraph 2 of Article 14, Chapter III, Section 3 should be rewritten as follows: “The decision of acceptance is taken in the form of a forest concession contract signed between the provincial governor and the local community in question, **represented by its chief or his representative**. The forest concession is granted freely.”

It was also highlighted that the government has an obligation to ensure that those communities whose lands are in converted forest concessions are sufficiently supported in the negotiation of the social agreements (*cahiers de charge*), in order to avoid conflict with those who can easily obtain their community forests.

Conclusion

The second provincial forum at Mbandaka was widely attended by the province's political and administrative officials. Having analysed the proposed decree on the allocation of forest concessions for local communities, the participants commented that they would have liked to comment on the provisions of the ministerial order (*arrêté*) which lays out the management rules for community forests in the DRC.

The forum received wide media coverage via the local radio stations: Lisanga, Okapi, Mambenga and the Agence Congolaise de Presse (ACP).

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