

**EXECUTIVE NOTE**

**THIRD NATIONAL FORUM<sup>1</sup>: COMMUNITY CONSERVATION**

**DATE: 21<sup>ST</sup> – 22<sup>ND</sup> AUGUST 2009**

**Participants**

Organised in synergy with Conservation International (CI), this national forum was attended by: three traditional community leaders (*Bami*) from North Kivu, active in the field of community conservation where they have formed the Union of Gorilla Conservation Associations for Community Development (UGADEC)<sup>2</sup> in Tayna; the head of the legal department at the Ministry in Charge of Forests; the Director of the Department of Forest Inventories and Management; representatives of ICCN, WWF, the Bonobo Conservation Initiative (BCI), and CARPE USAID; the former director of ICCN; representatives of the CREF Network; members of national civil society, including RRN and CODELT, and a number of jurists and legal practitioners.

**Main results**

1. The Forum noted that “community conservation” is an activity that is already pursued by some local communities, especially in the east of DRC where it involves some areas over 40,000 hectares, hosting species such as mountain gorillas.
2. Experts attending the forum also noted that the concept of “community conservation” does not yet exist in Congolese law: draft decrees and “*Arrêtés*” being prepared on community forests do not refer to this concept, despite the fact that community conservation is one of the potential management options for local community forests.
3. The term “community conservation” was clarified and in-depth discussions were held on its content, legal form, mode of operation, as well as on the role of the State and of other conservation actors such as international agencies.
4. Community conservation was understood to be complementary to the actions of traditional conservation actors such as the state or international agencies. Community conservation could therefore lead to a new partnership between the state and communities and repair and/or improve the poor relationships that exist between communities and the conservation sector.
5. The creation of community conservation areas also tallies with the government policy of creating synergies between the sustainable management of forests and poverty alleviation.

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<sup>1</sup> The National Forums serve as a platform where experts, practitioners and researchers can discuss and analyse technical and legal concepts and ideas related to community forestry.

<sup>2</sup> In French : *l'Union des Association de Conservation des Gorilles pour le Développement Communautaire à l'Est de la RD Congo - UGADEC*

Community conservation could generate important revenues and promote development in rural areas.

### **Summary of discussions and points of consensus**

- 1. Community conservation in Congolese law:** Community conservation is a new concept that has not yet been defined in Congolese law. The draft law on conservation does not make provision for conservation by local communities nor does the Forest Code use the phrase “community conservation”. Rather the code provides for the creation of local community forests within which various types of forest activities can be carried out. The draft decree and “*Arrêté*” on community forests do not regulate community conservation. This is a gap in the law that needs to be filled.
- 2. Implementation of community conservation in DRC:** In spite of this legal gap, community conservation is already being implemented by some local communities. Working with the Union of Gorilla Conservation Associations for Community Development (UGADEC) since 1999, local communities have created community conservation zones for gorillas. Two of these zones now have natural reserve status and are the subject of management contracts between ICCN and the concerned communities. Other local communities in eastern DRC have already marked the boundaries of their customary land and are now waiting for the law on community forests to be established so that they can formally create so called “community conservation zones” within the forests allocated to them.
- 3. Clarification of the concept of “community conservation”:** The concept of “community conservation” is understood as a legal mechanism by which a local community can decide to allocate part of its customary land as a conservation area. This can be managed by the community itself or with others, in order to generate income while also conserving the diversity of their land. “Community conservation” therefore differs from the participative management of protected areas and as such “community conservation” complements the conservation efforts of traditional actors (the State and conservation agencies). For example the UGADEC zone, located between Maiko and Kahuzi Biega National Parks, lies outside the boundaries of the national parks, but it hosts gorillas as well as other species, the conservation of which is guaranteed by local communities.
- 4. Land or forests for community conservation:** Community conservation zones will be created on customary territories, otherwise known as “local community forests” or “protected forests”. The practical means by which the communities or individuals concerned can allocate their customary land to community conservation were also discussed drawing on experiences from eastern DRC, but it was noted that realities could be quite different in other parts of the country.
- 5. Status of the land or areas under community conservation:** The Forum allowed for the distinction between two options for “community conservation”. Firstly, “community conservation” can be implemented through the transformation of customary land into protected areas or gazetted forests, the management of which is the subject of a contract between the communities and the national agency in charge of conservation (*l’Institut Congolais pour la Conservation de la Nature* (ICCN)). At the end of this process, customary territories become state owned land. Alternatively, “community conservation” can be implemented in protected forests or in local community forests. This option, which is still being developed in some parts of the country, will require the finalization and publication of the legal texts on local community forests. However, some provisions in the current draft texts are not compatible with community conservation. For example, the draft decree and “*Arrêté*” set the maximum area of a community forest at 10,000 hectares, but experience in eastern DRC shows that much larger areas are needed for the conservation of some species such as gorillas.

6. **Procedures, rules and applicable principles:** It was highlighted that each community wishing to create a community conservation zone will need to acquire a legal personality. This would not only enable access to services, in particular financial services, but it would also reinforce communities negotiating power and their capacity to interact with other subjects of national and international law. The “ASBL” designation (*Association sans but lucrative* – non-profit making organisation) was not considered appropriate for communities and so the option of having a text regulating the legal status of local communities was noted. The need to have a local development plan was also raised. Amongst other things, this should cover: the sharing of income generated by conservation activities; the management plan to guarantee both community needs and conservation objectives; the need for legal guidance on partnership contracts between local communities and other actors; and the need for effective monitoring of the community conservation zones.

### **Conclusion**

The third National Forum was an opportunity to outline the notion of “community conservation” and its importance. Unfortunately, “community conservation” is not yet regulated in DRC despite its potential and its effectiveness as an approach for some Congolese communities. A consensus was reached on the need to integrate this notion into the regulations currently being drafted on community forestry.

The topic of the next forum will be “community forest exploitation”. This will reflect on appropriate norms for the diverse management options for community forests.

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