Stocktaking: Status of Legal Tenure Recognition of Rights and the Role Community Territorial Mapping in Central and West Africa

GABON CASE STUDY

Rights and Resources Initiative and the Rainforest Foundation UK

Martijn ter Heegde

Forest Tenure in Gabon

Gabon is situated on the Gulf of Guinea in Central Africa. It has a national surface area of 267,667 Km². There are varying figures about the size of Gabon's forest cover, most ranging from 17 million to 21 million hectares (or some 60-80% of national surface area)[1]. However government estimates are that forests cover 85% of the national surface area (some 227,516km² or 22,751,695 hectares)[2]. The government estimates that one third of the Gabonese forests are in a primary state.

Gabon has a population of some 1,3 million inhabitants (2005, UNPD figures). This population includes many different ethnic groups including hunter-gatherer groups like the Babongo, Bakoya, Baka, Barimba, Bagama, Bakouyi and Akoa- commonly referred to as 'Pygmies'. The population of 'Pygmies' has been estimated as being between 7,000-10,000 by Schmidt-Soltau in 2005[3] but has been estimated up to 30,000 by other sources[4].

Clearly the flora and fauna of Gabon are very rich with a high number of endemic species. The flora of Gabon is one of the richest in tropical Africa with more than 6,000 tree species. The fauna of Gabon includes no less than 130 species of mammals, including some 19 primate species and important populations of large primates (gorillas and chimpanzees). The elephant population is estimated at 60,000.

Table 1: Forests in Gabon in figures (source FESP[5] program document 2005)

			Notes
Total forest estate in hectares (*domaine forestier*)		22,751,695	Government figures. The real size could be lower (estimates at low as 17 million hectares exist).
Total permanent state forest estate in hectares (*domaine forestier permanent de l'Etat*)	Totals	14, 000,000	
	Listed state-owned forests (*forêts domaniales classés*)	4,000,000	In fact, currently 3,758,107 hectares are either National Parks or protected areas
	Recorded state-owned production forests (*forêts domaniales productives enregistrées*)	10,000,000	This is a target figure. In fact in 2005 the FESP program document noted that 11,000,000 hectares were being used for production as Industrial Permits (PI), Temporary Logging Permits (PTE), and Railway Development Zone Permit (PZACF)[6]. Only 3,000,000 hectares of this total was equipped with a management plan.
Rural forest estate (*domaine forestier rural*)		8,000,000	This is what government policy (FESP) foresees.
Unaccounted for		993,588	This figure could be accounted for if the 2005 situation persists today.

[1] Food and Agriculture Organization of the United Nations (FAO), *State of the World's Forests, 1999* (Rome: FAO, 1999). Data from Tropical Resources and Environment Monitoring by Satellites (TREES) project, 1995

[2] Figures from the FESP Program Document, 2005

[3] Kai Schmidt-Soltau, Plan de Developpement des Peuples Autochtones, 2005

[4] Personal communication by Guy-Max Moussavou from IRSH-CENAREST in 2008

[5] Forest and Environment Sector Program, 2005

[6] All these categories of permits belong to previous forest codes so it is unclear how any could have survived into 2005, a good 4 years after a new forest code

Legal and institutional framework on forest tenure:
There are multiple laws and legal texts on forest tenure in Gabon. The constitution does not refer to forest tenure directly, but 4 other laws appear relevant:

- The 1963 Law on Land;
- The 2001 Mining Code;
- The 2001 Forest Code; and
- The 2007 National Parks law.

As the latter two laws are easily the most relevant this paper will treat them separately. The land regime in Gabon is guided by Law n° 14/63 of the 8th of May 1963 (determining the composition of the state domain and the rules that decide the forms of management and alienation) and Law n° 15/63[7] (determining the regime of land ownership), whilst forest tenure in Gabon is primarily guided by the Forest Code (*Loi n°16-01*) of the 31st of December 2001. This law stipulates that all forests are part of the national forest estate and exclusively owned by the state.
The previously mentioned law n° 14/63 and law n° 15/63 recognize two main types of ownership:

1. The private property of written law; and
2. The state property named 'National Domain', subdivided in public domain property and private domain property

It is important to stipulate customary land rights (user rights by communities neighboring forests) do not constitute a property in a legal sense as they are exercised in what constitutes a private state domain.

The 2001 Mining Code (*Loi no 512000 du 12 octobre 2000 portant code minier en République gabonaise)* is another piece of relevant legislation for forest tenure. The law states in article 3 that a 'mineral substance' is understood to be any substance coming from the soil and subsoil that, without transformation or after transformation, can be used as:

- Raw material for the industry or the craft industry;
- Materials for construction or public works;
- Land enrichment;
- Energy source

In article 4, the Mining Code states that all useful mineral substances contained in the soil and subsoil of Republic of Gabon are state property. While in article 21 it becomes clear that the existence of a mining concession prohibits the allocation of any other mining, petrol or logging concession (unless the titleholder agrees to this) in articles 128,129 and 130 it becomes clear that mining title concession holders are allowed to mount associate operations (lodging of staff, storage space, communication equipment etc) on land *outside* (in the periphery) of their mining concession. The law states such a mining concession holder should negotiate with a forest concession operator if present to allow that operator to be able to proceed with normal operations.
There appear to be many cases where mining concessions overlap with other concessions though the law seems to reject this by and large. There is also petrol extraction in the immediate periphery or Loango National Park. It's therefore unclear how the government is enforcing this part of the mining code. Finally article 77 is relevant as it prescribes that mining concessions are allocated for a period of 25 years by a presidential decree after a public enquiry and an impact assessment of the mining operations and their associated operations of the environment and local populations. The mining law states in articles 114 and 115 that at the request of a mining concession holder or in the general interest that area around mines and mining infrastructures (of all kinds) can be created into 'protection zones'. Access to these zones is prohibited for all but those in the possession of special permits. This final article

[7] Also of May 8th 1963

obviously has potentially serious implications for community customary rights and tenure. The 'protection zones' would include mining workshops, factories and all associated infrastructures, potentially covering very large surfaces. The criteria for the assessment of the impact of the mine on local populations are unclear and there appears to be no further legislation (decrees) towards clarifying this.

Legal and institutional framework- The Forest Code:

Current situation

The 2001 Forest Code fixes the conditions for the sustainable management of the forest sector so to increase its contribution to the economic, social, cultural and scientific development of the country. The national forest estate (*domaine forestier*) consists of a permanent state forest estate (*domaine forestier permanent de l'Etat*) and a rural forest estate (*domaine forestier rural*). The permanent state forest estate consists of listed state-owned forests (*forêts domaniales classés*) and recorded state-owned production forests (*forêts domaniales productives enregistrées*). The listed state-owned forests serve a purpose of preservation and consist of protection forests, forests for recreation, botanical and zoological gardens etc. The state-owned production forests are allocated forests (*forêts attribuées*) and production forest reserves (*réserves forestières de production*). The rural forest estate is composed of forests and lands that are reserved for the use of rural communities bound by legal requirements.

Any exploitation within the recorded state-owned production forests or within sensitive production forest or a forest bordering on the rural forest estate is subjected to the allocation of one of the following industrial permits:

1. The Forest Concession under Sustainable Management (*Concession Forestière sous Aménagement Durable*, CFAD) ;
2. The Associate Forest Permit (*Permis Forestier Associé*, PFA) ;
3. Permit by Mutual Agreement (*Permis de Gré à Gré*, PGG).

As all forests are owned by the state any exploitation, harvesting or transformation of natural products within a forest in Gabon is subject to prior authorization by the Forest and Water administration. However, in view of their subsistence, rural communities can exercise the use of their customary rights on forest and water resources, bound by legal requirements.

The Forest and Water administration is a paramilitary organization charged with the execution of the Forest Code. Its general mission is one of: information, sensitization, education, vulgarization, control, policing, and repression. The current name for the Forest and Water administration is the Ministry of Forest Economy, Water and Fisheries (*Ministère* de L'*Economie Forestière, des Eaux, et de La Pêche*) with a central office in Libreville and other decentralized offices.

The industrial permits in Gabon display the following characteristics:

The Permit by Mutual Agreement (PGG) is awarded to nationals for local transformation in the Rural Forest Estate. The administration can award the cut of up to 50 trees in zones previously identified and marked by the Forest and Water administration. The Permit by Mutual Agreement is not subject to any management plan or any formal impact assessment and there appears no limit to the number of Permit by Mutual Agreements awarded to one single individual or enterprise.

The Associate Forest Permit (PFA) is a surface permit reserved for nationals. It can be awarded for exploitation inside the permanent forest estate outside of the listed state-owned forests. The Associate Forest Permit can be awarded to a Gabonese national as part of a Forest Concession under Sustainable Management (CFAD) for up to 15,000 hectares. In this first case there is no requirement for a

management plan or any formal impact assessment. In second place an Associate Forest Permit can be awarded for up to 50,000 hectares if the title-holder commits to management.

The Forest Concession under Sustainable Management (CFAD) is awarded to any physical or moral entity (including foreigners) for the industrial exploitation of the state-owned production forests. It contains an obligation for local transformation and for forest management. The size of a Forest Concession under management can be anywhere between 50,000 and 200,000 hectares and a permit-holder cannot own more than 600,000 hectares in total in Forest Concessions under management.

Table 2: Different types of exploitation (logging) permits
Post 2001 Industrial Permits
• *Concession Forestière sous Aménagement Durable* (*CFAD)* 50,000—200,000 hectares (600,000 in total max per operator) • *Permis Forestier Associé* (PFA*)* 15-50,000 hectares reserved for nationals. Can be a part of a CFAD
Post 2001 Household Permits
• *Permit Gré à Gré:* (PGG) 50 trees
• *Community Forests* community ownership and management of community resources

Both PFA and CFAD are awarded for the minimum duration of a forest exploitation rotation, the award is renewable.

The Associate Forest Permit (PFA) when integrated into a CFAD is integrated in the management plan of the Forest Concession under Management. However if the holder of an Associate Forest Permit has the capacity for sustainable management and is able to conduct local industrial transformation himself he can develop his own management plan and need not integrate a Forest Concessions under Sustainable Management.

The Forest Concession under management is subject to multiple regulative stages. Firstly the operator needs to apply for an authorization for exploration with the Forest and Water administration. The authorization is exposed in public for 30 days and its validity is of 12 months after signature. During these twelve months the operator shall deposit at the General Direction for Water and Forests a proposal for a convention for management-exploitation-transformation and the result of the inventory of exploration. Within three months the administration needs to either approve or reject the application, if no reply is received in those three months by the operator the application is approved.
The authorization (convention) is delivered for a maximum duration of 3 years and allows the operation to conduct operations related to the elaboration of management plans and certain industrial activities. Within the 3 year period the convention holder has to deposit a request for a Forest Concession under Sustainable Management (CFAD) accompanied by a management plan and a related industrialization plan to the Minister of Water and Forests. The file is then transmitted to the Committee for the Industrialization of the Forest Sector who has 2 months to advise the Minister of Water and Forests who then disposes of another month to transmit the advise to the convention-holder. If the request is accepted the Forest Concession under management is attributed by a Decree from the Prime Minister.

The 2001 Forest Code also contained a new element of forest tenure: community forests (sub-section5, articles 156 to 162). Community forests are identified as being part of the rural forest estate intended for use by a rural community who can undertake activities or dynamic processes (sic) for a sustainable management of natural resources guided by a simplified management plan. The request for the creation of a community forest could come from one village, a grouping of villages or a large chieftaincy of multiple villages in the general interest of the rural communities concerned. The exploitation of resources within a community forest is subject to simple management plan and one or multiple contracts with local (timber) transformation companies. All work required for delimitation, research

and management would be offered free of charge by the Water and Forests administration. The exploitation could be undertaken together with third parties or entirely by third parties, all benefits of the exploitation should go to the community. Any request for a community forests should be addressed to the provincial inspector of Water and Forests and should contain a transcript of the organization representing the community and a map of the requested forest.
The 2001 Forest Code did not imply the suspension of existing logging permits awarded under the previous Forest Code, rather the Government of Gabon is transforming the old logging permits into new ones, and thus gradually old permits are disappearing. In April 2009 large numbers of old logging permits continue to operate in a complicated legal environment as they were created to comply with legal requirements that have been replaced by new legislation. The smaller logging permits from the previous regime will mostly be transformed in Associate Forest Permits (PFA) and most large logging concessions from the previous regime will be transformed into Forest Concessions under Sustainable Management (CFAD).
From the Forest Code it appears that all forests in Gabon are exclusively owned by the state. However the state does recognize customary rights of rural communities and has developed a number of ways for rural communities to participate in forest management (most notably through community forestry).

Forest management before 2001
Forest tenure in Gabon has undergone changes in forest codes but has also had a certain continuity. This continuity is most visible with the desire to increase revenue from industrial logging. This has reduced communities' forest tenure, while attempting to offer rural jobs and benefits from industrial logging. Rural communities were granted the authorization of the defense of their lands and their user rights under the 1982 Forest Code (Law 1/82 of 22/7/1982) but under the new 2001 Forest Code focuses rather on customary rights, when near protected areas such customary rights are conditioned by their respect for the environment. (Forest Code Art.252)

Forest management in Gabon is still very much a work in progress; Gabon has only conducted a limited exercise of zoning (*zonage*) of its forest estate. Between 1991-1996 the Direction of Inventories, Management and Forest Regeneration of the Water and Forests administration (*Direction des Inventaires, des Aménagements et de la Régénération des Forêts, Direction Générale des Eaux et Forêts, Ministère des Eaux et Forêts et du Reboisement*) worked on a project of forest stratification for the 1st forest zone.

Under the 1982 Forest Code Gabon's forests were split into the Permanent Forest Domain (Classified Forests), which includes logging concessions and protected areas, and the Non- Permanent Forest Domain (Protected Forests), which includes land to be converted to agriculture and other land use. The Permanent Forest Domain was divided into two logging zones. These 2 zones still appear to be in use as a concept as they are referred to in the Forest and Environment Sector Plan (see below).

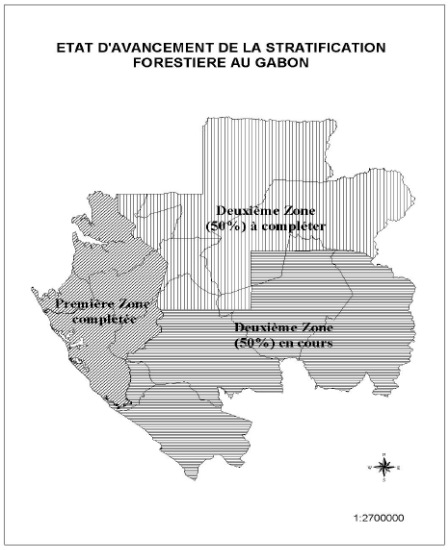
Zone 1 is essentially the coastal zone—the most easily accessible—and is theoretically reserved for Gabonese nationals. Zone 2 is the interior of the country. Within these two zones, a subzone was recognized as the Railway Development Zone. This zone was composed of large forest concessions allocated in 1972 and 1973 to help finance the construction of the TransGabonais railway.

A grant from the ITTO (International Tropical Timber Association) allowed the project to conduct a stratification of the 1st forest zone in 1991-1996 that identified different users, size, location etc. A map of the 1st forest zone was also produced. In 1999 a second project funded by the *Projet Forêts et*

Environnement started on the stratification of the 2nd forest zone. It is unclear whether this project was brought to completion.

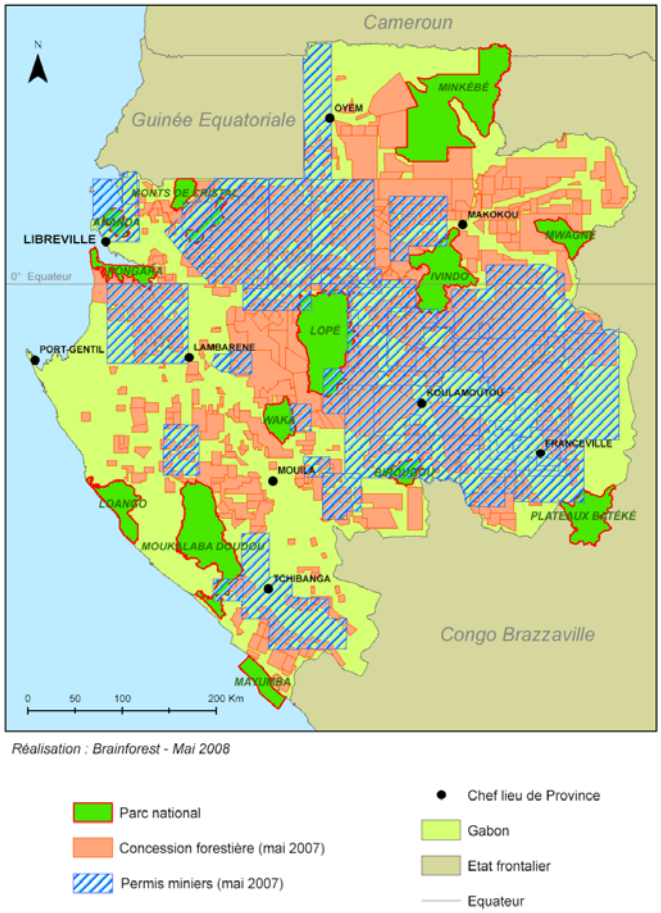
The Directorate of Inventories of the Water and Forests administration produced a land allocation plan for the 1st forest zone in 1996. The categories the project used to separate the State Forest Estate and the Rural Forest Estate were maintained in the 2001 Forest Code but it appears the land allocation plan was only used to inform the total surface area allowed for the different land uses. The whole operation was driven by a desire to identify zones with a high potential for industrial logging and to allocate them for this precise purpose. In fact areas with economic potential were recommended to go towards industrial logging, those with ecological interest should go to protected areas and all some of the remaining forests should go to community forests[8].

Map 1 (below): Advancement of forest stratification in Gabon (Nyare Essima, 2003). Note that the 1st Zone is marked as 'complete' following the 1991-1996 ITTO project.





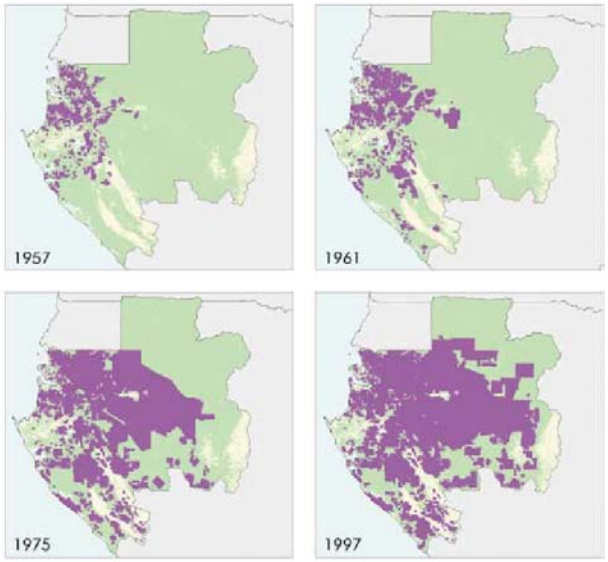
Map 2 (above): Forest zones in Gabon. Zone 1 and Zone 2 (R. Pourthier. 1989*)*

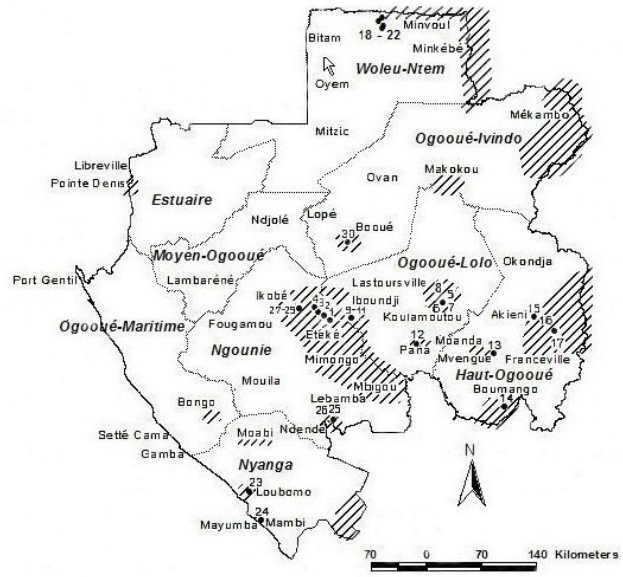


Map 3 (above) a map of Gabon showing National parks in dark green, Forest Concessions under Sustainable Management (CFAD) in orange and mining permits in blue (Brainforest, 2008)

[8] Report by the *Direction des Inventaires, des Aménagements et de la Régénération des Forêts, Direction Générale des Eaux et Forêts, Ministère des Eaux et Forêts et du Reboisement* for the ITTO Project PD 8/95 Rev.1(F): « *STRATIFICATION, CARTOGRAPHIE ET INVENTAIRE MULTIRESSOURCES EN VUE DE L'AMÉNAGEMENT DE LA PREMIÈRE ZONE FORESTIÈRE DU GABON - PHASE 1* », February 1998

Map 4 (below): Cumulate area awarded for logging concessions in Gabon. Logging concession in purple and forested area in green (WRI/GFW, 2000)





Map 5 (above): Demographic map of the Forest Peoples in Gabon by Judy Knight (1997/1998/ 2002). Numbers represent location of sites visited. Shading notes the approximate range of Forest Peoples' habitation zone.

Table 3: The forest stratification of the 1st Forest Zone (from the 1991-1996 ITTO project). The total surface area covered is almost 3,500,000 hectares. The 1st zone (as can be gathered from Map 1 is near the coast and around Libreville and thus not exceptionally important to industrial logging. The 2005 FESP figures show 11 million hectares as under industrial logging, the 1,2 million hectares under industrial logging in the 1st Forest Zone thus represents only 10%.

Occupation	Superficie (ha)
Aires classées de protection	
Réserve de Wonga Wongue	418 675
Aire rationnelle de faune de Sette Cama	515 263
Arboretum de Sibang	16
Sous-total	**933 954**
Aires classées de production	
Forêt classée de la Mondah	8 662
Forêt classée de la Mvoum	25 479
Forêt classée d'Ikoy-Komo	3 600
Forêt classée de la Nkoulounga	8 669
Forêt classée du Haut Como dont environ 50% en 2ème Zone	66 713
Forêt classée de la Maga	16 677
Forêt classée de la Bokoué	42 650
Forêt classée de la Mbiné	41 000
Sous-total	**213 450**
Périmètres de reboisement	
Plantations de la Mondah	1 120
Plantations de la Nkoulounga	4 176
Plantations de la Mvoum	8 596
Plantations de la Bokoué	10 071
Plantations du Haut Como	2 887
Plantations de la Mbine	863
Plantations de Ndouaniang	620
Sous-total	**28 333**
Mises en réserve et projets forestiers	
Massif du Sud-Estuaire	**263 100**
Massif de la Bokoué	**106 603**
Inventaires de la FFG	
Massif de la Remboué	**184 973**
Massif d'Evaro	**15 075**
Massif de Biwagnan	**21 604**
Massif de Nzilé	**4 609**
Massif de Rembo Rabi	**70 637**
Sous-total	**666 601**
Aires de protection proposées par l'UICN	
Akanda	**6 898**
Ozouri	**44 241**
Tchimbélé	**15 971**
Onangué (incluant les massifs d'Evaro, de Biwagnan et Nzilé)	**261 609**
Mondah	**740**
Sous-total	**329 459**
Concessions forestières	**1 260 348**

Developments and constraints

The 2001 Forest Code and associated policy tools have focused heavily on commercial logging of timber. Other policy options for forest tenure have barely been developed and none is currently operational (bar Protected Areas and National Parks). The Gabonese government clearly intended to promote the participation of nationals in a forest sector thus far dominated by foreign logging companies. The Associate Forest Permit was clearly designed to facilitate the participation of Gabonese nationals into larger Forest Concessions under Sustainable Management (CFAD). From the governments own documents[9] it is evident that senior government officials are engaging in logging, and this poses questions about potential political pressure and conflict of interest.

There is little public access to the current status of the different management forms within Gabon's forest estate. It is currently impossible to obtain a full map showing the use of the Gabonese forest estate. At present the World Resources Institute is in the process of developing a complete map of forest management with the Water and Forests administration.

The Water and Forests administration in Gabon did support the creation of the Information System for the Management of Water and Forests (*Système d'Information pour la Gestion des Eaux et Forêts*-SIGEF). The objective of SIGEF is to develop the contribution of the forest sector in the Gabonese economy. It is primarily charged with improving the management of forests and supporting the logging companies with this. They will also monitor the implementation of management plans and other legal obligations for economic operators; promote the development of new timber species and improving the collection of forest taxes. Finally SIGEF should play a key role in piloting the implementation of the 2001 Forest Code.

In principle the limits of the different units exploited within the state-owned production forests should be in the possession of the Water and Forests administration (*Ministere* De L'*Economie Forestiere* Des Eaux De La Peche). The boundaries of the rural forest estate are however less clear. A senior source within the Water and Forests administration admitted in 2008 that some 8 million hectares of the national forest estate should form the rural forest estate but that it is difficult for the authorities to ascertain whether these 8 million hectares have not been attributed or are under some form of exploitation other than those known by the Water and Forest administration (notably the Permits by Mutual Agreement). A publication by the Water and Forest administration in 2000[10] raised serious concerns about the lack of clarity over permit boundaries and non-respect of allocation procedures.

The Forest Code still lacks some essential Application Decrees (*Décrets d'Application*) necessary to specify the terms of application of the code. Quite notably the application decree(s) necessary to make community forestry operational are lacking. As such no community forests exist today in Gabon, more than 7 years after the promulgation of the Forest Code[11].

The customary rights of rural communities are subjected to a number of rules. Prescriptions (Administrative orders) are required on which weapons and traps can be used, which animals are

[9] Note from the Water and Forest Administration, 2004

[10] Ministère des Eaux et Forêts, de la Pêche, du Reboisement, en Charge de l'Environnement et de la Protection de la Nature, Direction Générale des Eaux et Forêts et l'Association pour le Développement de l'Information Environnementale (A.D.I.E.), *Mise en place d'un Système d'Information pour la Gestion des Eaux et Forêts (SIGEF)*SPECIFICATIONS TECHNIQUES, 19 septembre 2000

[11] It took Cameroon 4 years after the promulgation of the 1994 Forest Code to put in place the legislation and tools required for the obtention of a community forest

protected etc. The existence of such administrative orders, but also the access of rural communities to these texts is unclear. Crucially the customary rights are also subject to management plans for forest concessions and protected areas where they can be reduced (notably hunting and fishing in protected areas), this presupposes a clear determination (physical / visible) of the boundaries of concessions and protected areas and their knowledge by communities. It also requires management plans to be available and public.

The 2001 Forest Code succeeded and repealed earlier Codes notably Law 01/82 of the 22nd of July 1982. However in practice elements of the 1982 Code are still widely quoted by rural communities. This is notable for article 6 of decree 1205, of 1993 (Décret No 1205/PR/MEFPE) which stated that the forest estate included a five kilometer wide strip around villages and their crops was theirs for certain uses within certain limits. This text is not included in the 2001 Forest Code yet confusion is understandable as it was part of the Forest Zoning process in 1991-1996 which is still referred to in the active Forest and Environment Sector Plan.

The repealed 1982 Forest Code suffered from a lack of implementation and enforcement. Three-quarters of the planned application decrees were never produced, a great majority of logging companies never produced the required management plans, logging took place in protected areas, the required wood-processing rate was never achieved, concessions holders were exceeding limits on concessions available to them and the government lost taxes (WRI/GFW, 2000). A particular problem was *fermage*, a practice by which the permit owner, unable or unwilling to engage in logging activities, rents the logging rights for a concession to a third party in exchange for a fee. It creates disincentives to sustainable forest management by fostering rent seeking and uncertain short-term agreements[12] (potential loss of government tax revenue, likely lack of investment by permit owner and lack of responsibility by the third party).

Unfortunately some of the problems with implementation of the 1982 Forest Code persist today and are often recognized the Water and Forests administration itself. Most of the Forest Concessions under Sustainable Management (CFAD) do not hold management plans, *fermage* appears to continue, and application decrees have not been produced etc.

A new development over the 2006-2008 period has been the drive from logging companies operating in Gabon to obtain Forest Stewardship Council certification[13]. This certification scheme is much appreciated by logging firms seeking to add value to their timber sales. Rougier, a major French logging firm, obtained FSC certification for the major part of its forest concessions in Gabon on the 14th of October 2008. It obtained the FSC certificate for three of its Forest Concessions under Sustainable Management (CFAD) managed in Gabon: Haut-Abanga, Ogooué-Ivindo and Léké (allocated to CIFHO, a Group subsidiary). This means that a total of 688,262 hectares of forest concessions are simultaneously FSC™ certified.
Certification does not produce a meaningful change in forest tenure in Gabon but does produce developments that are not yet encapsulated in the Forest Code. The crucial principle of Free, Prior and Informed Consent from rural communities has to be applied in logging concessions under FSC standards. Certification should therefore mean that neighboring communities can say no to a logging concession.

[12] Quoted from WRI/Global Forest Watch: *A first look at logging in Gabon*, 2001

[13] The Forest Stewardship Council (FSC™) is an independent, nongovernmental, non-profit organization. It was founded in 1993 by forest owners, timber companies, social organization and environmental groups to promote responsible forest management around the world. FSC certification is based on 10 principles and 56 responsible forest management criteria. The respect of these standards is verified annually by independent certification bodies

The quality of the implementation of FPIC in Gabon is unclear though the fact that no rural communities have yet been able to reject logging on their lands is an indication. To effectively implement FPIC tool like mapping community land use, and clarifying customary rights can be used. Issues like these go beyond user rights as identified in the law.

Table 4: Named risks associated with Forest Management and Forest Tenure in Gabon (1998-2005)

Source	Risks	Notes
GEF Project Executive summary for GEF ID 1064, support to FESP 2005	Poor cooperation between key stakeholders (ANPN, MINEF, NGOs, private sector partners, communities)	Endorsed by the Ministry of Forest Economy, Fisheries, Environment and Protection of Nature
	Illegal exploitation of natural resources (timber and non-timber forest products)	
	Pressure to increase timber exploitation to compensate the decrease of oil revenue (Gabon)	
	Land tenure system not favoring investment from the private sector or from the local communities	
	Corruption and absence of transparent logging and mining concession attribution process	
FESP Indigenous Peoples' Development Plan report 2005	The usage zones of hunter-gatherers and their camps have no legal statute and thus no legal form of protection	Obstacle for IPDP
	The forest Code and National Parks law forbid hunting as illegal when practiced for income generation. Thus most indigenous peoples live off 'illegal' revenue	Obstacle for IPDP
Report by the *Direction des Inventaires, des Aménagements et de la Régénération des Forêts, Direction Générale des Eaux et Forêts, Ministère des Eaux et Forêts et du Reboisement* for the ITTO Project PD 8/95 Rev.1(F), February 1998	Dysfunctional administration	
	Non-respect of rules and regulations	
	No rules to stop *fermage*	*Fermage* creates disincentives to sustainable forest management by fostering rent seeking and uncertain short-term agreements[14] (potential loss of government tax revenue, likely lack of investment by permit owner and lack of responsibility by the third party)
	The determining role of political pressure when attributing logging permits	
	Explosion in the number of Household Permits attributed and logged through *fermage* without experience and only for maximizing profit	Household Permit (coupe familiale) was a permit under the 1982 Forest Code and bears some resemblance with the Permit by Mutual Agreement
	Weak impact of the policy on forest management	
Extension du processus de gestion durable a l'ensemble des Forêts de Production du Gabon : Note de Description du Projet. Agence Française de Développement, 21/02/2005	Insufficient field checks, systemic lack of follow-up on the progress of files (from the Water and Forests Administration), and a delayed enforcement of rules and regulations (related to the delay in adopting legal texts)	These are the grounds, according to the AFD, why many logging operators are hesitant in investing in forest management

Rural communities and forest tenure

[14] Quoted from WRI/Global Forest Watch: *A first look at logging in Gabon*, 2001

The rural population of Gabon is a smaller percentage of the total population than in most African countries. The figure is estimated between 20-40% of the total and thus some 260,000 to 564,000 individuals[15]. There is clear evidence the growth of the rural population is either at a standstill or in negative figures. A rural exodus to the cities appears underway[16].
Though not all of the rural population in Gabon extracts their income exclusively from the forest a considerable part uses forest resources (bushmeat, NTFP's) for consumption and income generation[17]. Most of the indigenous peoples depend largely on forest resources, though some have developed small-scale agriculture[18]. For rural communities currently the only way to obtain a legal title to a forest is by applying for a Permit by Mutual Agreement (*Permis de Gré à Gré*, PGG). This allows for a cut of 50 trees in the Rural Forest Estate. There is currently no way for a community to have a legal title to undertake any other activity other than logging trees. In fact while communities may obtain a Permit by Mutual Agreement they may equally find their village is situated outside of the Rural Forest Estate (a proposed 8 million hectares) and inside the 14 million hectares of the Permanent State Forest Estate and their usage zones thus attributed to industrial logging, a protected area or a national park. In all those cases their customary rights are restricted (by a management plan in case of a logging concession) or revoked (a protected area or a National Park).

Schmidt-Soltau's Indigenous Peoples Development Plan report (2005) advocates community forests for Indigenous Peoples of at least 1km² per capita. If we use the figure of 10,000 men, women and children as an indication of the total number of Indigenous Peoples in Gabon, this would mean 10,000km² or 1,000,000 hectares for all indigenous peoples. According to the PSFE/FESP Gabon has reserved 8,000,000 hectares of the Rural Forest Estate that can be used for community forestry.

It's relevant to look at the example of Gabon's northern neighbour Cameroon[19] where community forests are allowed a maximum size of 5,000 hectares. This size has been criticized as arbitrary because it does not take into account the social realities (population size of a community or communities jointly applying for the community forest) or the ecological realities (quality of the forest, ecological and geological characteristics). As community forestry in Cameroon has been developed largely to promote community forest exploitation (logging) the limits on the size of the community forest means that responsible and economically viable logging is difficult. It is also questionable whether community forests should focus on logging trees which requires a lot of technical expertise and is alien to most communities and is a short term economic solution (logging concessions in Cameroon can be up to 200,000 hectares for the same 25 year period, whereas community forests need to get 25 years out of 5,000 hectares). Truly participatory work with communities would lead to a more appropriate identification of a suitable model for community forestry.

If we apply Schmidt-Soltau's suggestion of 1km² per capita for Indigenous Peoples and Cameroon's 5,000 hectare limit on community forests, one 'Cameroon-sized' community forest would have 50 users (5,000 hectares: by 1km² or 100 hectares = 50 users) in Gabon. This would indeed be a small number of users, especially compared to the hundreds of users of many community forests in Cameroon. Clearly a lot of reflection and discussion is needed to develop viable community forestry in Gabon.

[15] Èarthtrends/WRI, 2003 and ww2.unhabitat.org/habrdd/conditions/midafrica/gabon.html
[16] Idem
[17] http://www.fao.org/docrep/V7540e/V7540e15.htm
[18] Schmidt-Soltau, 2005
[19] The relevance is because of broadly similar legislative objectives but also because both countries belong to the Central African Forests Commission (COMIFAC) a sub-regional organ aimed at harmonizing legislation between member states

In Gabon, the World Wildlife Fund (WWF) and Nature + have worked on a project Developing Community Alternatives to Illegal Logging (*Développement d'alternatives communautaires à l'exploitation forestière illégale* - DACEFI) to promote community forestry in Gabon and test models of community forestry between 2005 and 2008. An EC grant of nearly 2 million Euros allowed for a 3 year project, with a Cameroonian and a Gabonese component. This project has just ended but there is still no application decree for community forestry and thus no way for Gabonese rural communities to obtain a community forest.

Table 5: Assorted figures on logging and forest tenure in Gabon[20]

Figure	Represents	Notes	Reflection
127,000,000,000	Amount in CFA (€193 million), accounted for by logging in Gross Domestic Product in 2006	Logging represents 4% of GDP	Close to half of Gabon's national territory (10 million hectares) is used for logging but the contribution to GDP is only 4%. Cameroon has 14 million hectares of Forests under logging and the logging sector contributed 500 billion CFA or 6% of GDP[21]
15,337	Number of people employed in logging in 2006	Rose by 2.7% in 2005-2006. Gabon's population is of 1.3 million. Other sources talk of 11,000	14,500-22,000 jobs in logging formally in Cameroon, 23,000 informally.
150	Businesses in the forest sector in 2005	133 formal businesses	
84	Businesses involved in actual logging in 2005		
28	Operators of logging concessions under some form of management in December 2006	The Forest Concessions under Sustainable Management (CFAD) are slowly being created out of previous PI and ZACF. Ten (10) existed in December 06	
10	Operators of the logging concessions under some form of management actually disposing of a validated management plan in December 2006	The forest law was passed in 2001. Thus after 5 years not even half of the operators had management plans, in flagrant violation of the law	In Cameroon in 2006 out 98 Forest Concessions under Management (UFA) 54 had approved management plan (52%). Most allocated in 1997-2001.
3,080,718	Number of hectares under management in December 2006	10,000,000 hectares total of production forests in Gabon	
7,200,048	Number of hectares supposed to be under management		
2,768,952	Small permits for logging that will not have a management plan	A project to amend this is foreseen	Nearly one third of production forests in Gabon is without any form of sustainable management
0	Community forests in Gabon	Law of 2001 (7 yrs ago) required the creation of community forests	In Cameroon the law of 1994 (14 yrs ago) required community forests; a 120 community forests exist today
688,262	Number of hectares in FSC certified ROUGER Forest Concessions under	Note the contrast with the 1km2 per inhabitant suggested	

[20] Sources: Denis Koulagna Koutou /Ministry of Forests and Wildlife, 2007. Dr Viviane Magnagna Nguema/Ministre de l'Economie forestière, 2007. http://www.cameroon-info.net/cmi_show_news.php?id=23787

[21] http://www.cameroon-info.net/cmi_show_news.php?id=23787

	Sustainable Management	in the IPDP. The surface of Rougier's concessions would be sufficient for 6882 people.	
45	Percentage of timber transformed in Gabon	The 2001 Forest aims for 75% of timber transformed in Gabon	
34,446,180,20	Amount in CFA handed to rural communities in 2000-2005 from logging taxes	The 1994 Cameroon Forest code gives rural communities near concession 10% of the surface tax	Gabon does not hand back taxes to communities nor does it publish any figures on decentralized taxes
€32,733,311 or US$**42,308,142**	Funding for work on forest and national parks provided by the World Bank/Global Environment Facility and the French Development Cooperation (AFD) over the last few years	Funds needed for the execution of the Indigenous Peoples Development Plan are US$ 455,000- or less than 10% of the funding already available	Gabon collected US$50,000,000 from logging taxes in 2004

Legal and institutional framework- The National Parks Law:

The 13 National Parks of Gabon were created by President Bongo on the 4th of September 2002. Though these parks included areas that had previously been protected areas of some sort, important parts of the Gabonese forest estate went towards the creation of some parks. Until 2002 some 2,900.000 hectares were listed as protected areas, some 10.8 % of the national surface area of Gabon. The creation of the National Parks increased this percentage to 14.04% of the national surface area, and the total number of 'protected' hectares to 3,758,107. So some 858,107 hectares of previously unprotected National Forest Estate were added to create the 13 National Parks. Protected areas other than National Parks were reduced from 2,900,000 hectares to 744,265 hectares.

Table 6: Forests and protected areas in Gabon

Total surface area of the country (in hectares)	26,766,670
Total protected surface area (in hectares)	3,758,107
National Parks (in hectares)	3,013,842
Other protected areas (in hectares)	744,265
Percentage of the national surface area as protected area	14.04 %
Percentage of the national surface area established as national parks	11.26%
Source: FESP Program Document 2005	

Initially the national parks were part of the 2001 Forest Code but in 2007 the Government promulgated the Law 003/2007 relative to the national parks (*Loi n°003/2007 du 27 août 2007, relative aux parcs nationaux*). These national parks are now managed by the newly created National Agency for National Parks (*Agence Nationale des Parcs Nationaux*-ANPN) created in January 2008 (*Décret n°00019/PR/MEF du 9 janvier 2008*). The ANPN is administratively attached to the Ministry of Tourism.

The National Parks law aims (Heading 1, article 2) within the framework of the process of developing the conservation of natural and cultural national heritage to promote a policy of protection and durable promotion of the national parks by:

- Environmental information, education and communication and by ecotourism and scientific research;
- The definition of the term of state intervention and those of different partners in the management of the parks;
- The reinforcement of sub-regional and international collaboration and cooperation, in conformity with international conventions.

Visibly the Parks law offers an opening for partners in the management of the parks. This is further clarified in heading 1, article 3 which mentions land management contracts (*contrat de gestion de terroir*). Such contracts would be between the park manager (an ANPN employé) and rural communities in the park's periphery and define the terms of the intervention of the communities in the conservation of the biological diversity of the park and its boundary, with the view of improving economic benefits for these communities. Ecotourism should also include an equitable redistribution of benefits to rural communities (heading 1, art. 3). The law actually defines what 'land' (*terroir*) is understood to be: "a geographical space, homogeneous with regards to its population, its history and its organization".

Though activities from rural communities within the park are forbidden lest they develop tourism activities and enter into an agreement with the ANPN, the park boundaries should explicitly avoid any prejudice to community customary rights. The park peripheries are fixed at 5km around the park. Under

the principles of the National Parks under heading 2 in the law it is stated that any draft law or proposed law aimed at creating, classify or at partially or totally de-classifying a national parks is subject to consultation with local communities and authorities. Article 7 of the National Parks states that any modification of park limits or of the limits of the peripheral zone has to be preceded by an impact assessment study and consultation with local authorities and communities. Within the peripheral zones the park administration can establish and formalize management relations for a concerted management of natural resources with local communities when this contributes to the realization of the objectives of the Parks law (heading 2, article 17).

The law foresees the creation for each park of consultative committees for local management (*Comité consultatif de gestion local*) between park authorities and local authorities (Heading 4 Article 45). The management plans all parks should dispose of should be drawn up after consultation with neighboring communities and should take into account the uses and customary rights of the communities (Heading 2, article 21).

The Parks Law also foresees that park boundaries can be shifted for a period of five years after promulgation (so until 2012. Heading 7, article 69). Finally the law states that associations and Non-Governmental Organization who specifically work on the defense of the environment and nature protection can constitute a plaintiff in any process regarding the violation of the National Parks legislation (Heading 8, article 72).

All parks should dispose of a management plan, but currently only two Parks have approved management plans: *Lopé* and *Plateaux Batéké*. Park management involves two major international organizations present in Gabon, the World Wildlife Fund (WWF) and the Wildlife Conservation Society (WCS). Both organizations have head offices in Libreville and field offices scattered throughout the country. WWF most notably works near the parks of Minkébé and Loango (including the surrounding areas), whereas WCS works with the parks of Lopé, Waka, Monts de Cristal, Ivindo and others. Lopé National Park is also Gabon's only UNESCO World Heritage site and is supported as a site in the EC funded *Ecosystèmes d'Afrique Centrale* (ECOFAC) program.

The influence of WWF and WCS on the management of Gabon's national parks is considerable as both organization have successfully mobilized substantial funds for park management and have an operational experience going back further than the newly created ANPN.

The National Parks law firstly is a tool to further regulate the creation of the 13 National Parks in Gabon. The creation of these parks in 2002 involved substantial parts of the National Forest estate. Though some areas, previously protected areas, had major restrictions for community use and customary rights in all cases the creation of the National Parks meant a total end to community use and customary rights.

Table 7: National parks and affected populations

National Parks	Size in hectares	Affected people inside parks and park periphery (estimations, Schmidt-Soltau, 2005)
Akanda	54,000	200
Birougou	69,000	1,417
Ivindo	300,000	1,568
Loango	155,000	400-650
Lopé	497,000	2,000
Mayumba	8,000	350
Minkébé	756,000	2,600
Monts de Cristal	120,000	400
Moukalaba-	450,000	1,500-1,700
Mwagné	116,000	400
Plateaux Batéké	205,000	89
Pongara	87,000	300
Waka	107,000	400
Situation in 2005	3,013,842	11,850
Possible new parks		3,500
Total	3,013,842	15,350

These customary rights involved those of the hunter-gatherer Babongo, Baka, Bakoya, Barimba, Akoa and other peoples commonly referred to as 'Pygmies'. Whereas a large part of the Gabonese population live in the cities of Libreville and Port-Gentil, the Babongo et al live in many of the areas now claimed by National Parks.



Map 5: showing the National parks in green and indigenous territories marked by red lines (Schmidt-Soltau 2005).

So the transformation of part of the National Forest Estate in National Parks has translated into a substantial reduction of forest access and use for communities. The study Schmidt-Soltau conducted in 2005[22] estimates over 10,000 people in these communities have lost access, user rights or might be forced to resettle.

On a more positive note the 2007 National Parks law is much more precise about consultation with and the participation of other stakeholders; notably communities. It foresees the creation of land management contracts for the parks and their peripheries with local communities and the creation for each park of consultative committees for local management. These measures would give communities a say in managing what is still part of the National Forest Estate, and goes far beyond any provisions in the 2001 Forest Code applying to the same National Forest Estate. It could be interpreted as a de facto recognition of community tenure and the relevance of collaboration with communities for achieving sustainable parks. This goes far beyond the customary rights referred to in the 2001 Forest Code. Though the National Parks Law is still a work in progress (with application decrees missing) it does offer interesting options to develop work on community forest tenure and community participation.

The ANPN is a small organization with a limited number of staff and a very substantial mission. The National Parks law requires many Application Decrees (*Decrets d'Application*) necessary to specify the terms of application of the law. The complexity of the National Parks Law, which has new elements (land management contracts, consultation etc) not before seen in forest management in Gabon, requires very substantial technical and financial resources.

Legal and institutional framework- The Forest and Environment Sector Program:
Since 2002 the Gabonese government has started working on a Forest and Environment Sector Program (*Programme Sectoriel Forêts et Environnement*- PSFE) which became operational in 2005. The overall FESP objective is stated as to sustainably increase the contribution of the forestry, fisheries, conservation of nature and environment sectors to the national economy. The FESP has identified some specific objectives regarding economical, environmental and social issues. The FESP identified the following stakes:

- The need to increase the contribution of the of the forestry, fisheries, conservation of nature and environment sectors to the national economy;
- The need to develop the forests, fisheries, national parks and environmental domains while preserving the natural resources, biological diversity and transmitting the benefits to local populations;
- A lack of private investment and a limited capacity for borrowing;
- An institutional framework that needs reinforcement.

The FESP consists of five components:
1) Sustainable forest management including wildlife in production landscapes;
2) Fisheries and coastal zone management;
3) Development of the national parks network;
4) Valorization of other environmental goods and services; and
5) Institutional strengthening research and training

[22] Kai Schmidt-Soltau, PSFE- Cadre de Politique de Réinstallation et cadre procédural de réinstallation,2005

Some of the activities planned in the FESP have the potential to impact forest tenure. Under the first objective of the FESP (Sustainable forest management) we find activity 3.1.5.1.1 to define and mark the State Forest Estate (*Domaine forestier de l'Etat*) – Participatory Zoning (*Zonage participative*). This activity would update the allocation of land in Zone 1 and would complete the allocation of land in Zone 2. It would thus produce the adoption of a national land allocation plan. The activity should be executed in a participatory manner. The work would also allow to check the conformity (with the Forest Code) of the implementation of management plans where these available or being elaborated.

Activity 3.1.5.1.8 prescribes the creation of community forests. It foresees the creation of a community forest management unit within the Forest administration charged with the initiation, support and evaluation of pilot experiences in co-management and the creation of community forests.

Finally activity 3.1.5.7 would allow for the identification and evaluation of other sites of biological and touristic interest. This exercise would include the mapping of sites of biological and cultural interest.

FESP received a substantial grant from the Global Environment Facility (GEF)[23]. The objective of the GEF funded *'Strengthening Capacity for Managing National Parks and Biodiversity'* project is to protect and manage biodiversity in a sustainable way and contribute to the diversification of national economy through strengthened capacities of parks and wildlife authorities. The GEF project is designed to complement the Gabon's Forest and Environment Sector Program (FESP), specifically to support components 1 and 3 of the program. The GEF project will intervene in the Loango, Moukalaba-Doudou, Mayumba, Lopé and Plateaux Batéké National Parks and their periphery.

Gabon also received a loan from the International Bank for Reconstruction and Development (IBRD, a World Bank branch) in November 2005[24]. The IBRD loan will support component 1, 2, 4, and 5 of the FESP. The GEF project will have its own project management and institutional arrangement with a Project Implementation Unit, separate from the IBRD loan program.

The Natural Resources Management Development Policy Loan aims to improve the efficiency of natural resources management in Gabon, to increase its impact on poverty alleviation, to protect the environment, and to reduce the country's dependence on declining oil resources. It covers renewable natural resources-forests, fisheries, biodiversity and environment-as well as the country's mining (mostly manganese) and oil sectors. With regard to forest, fisheries, biodiversity and environment, the proposed loan will support the reform agenda set forth in the May 2004 letter of Sector Policy which will be implemented through the FESP. Policies supported by the proposed loan focus on enhancing transparency, accountability and law enforcement, on improving the business climate, on ensuring equitable sharing of revenues, and on protecting the resource-base and natural ecosystems.

Even though funding is now available, the implementation of the FESP is at best very gradual. The level of commitment from the government to the FESP is unclear[25]. Many parts of the FESP are not being

[23] The GEF grant was of 10,000,000 US Dollars (http://gefonline.org/projectDetailsSQL.cfm?projID=1064) final approval was on March 29, 2006. The grant has GEF ID 1064

[24] The IBRD loan was for 15,000,000 US Dollars (http://web.worldbank.org/external/projects/main?pagePK=64283627&piPK=73230&theSitePK=352109&menuPK=352141&Projectid=P070196) . The project ID is P070196

[25] A senior advisor to the ministry in Libreville voiced his concern in 2008 the FESP had primarily been developed by the Government of Gabon to receive the World Bank funds

executed[26], most worryingly, many parts of legislation are still not operational for lack of legal texts (e.g. community forestry). The Government of Gabon has continued its focus on furthering industrial logging via avery recent announcement of a tender for 1,371,480 hectares of forest available for industrial logging[27]. Similarly the execution of parts of the Forest Code is imperfect, notably on the obligations regarding the management plans for the Forest Concessions under Sustainable Management (CFAD).

Legal and institutional framework- IBRD and GEF Safeguard Policy OD 4.20 on Indigenous Peoples:
The funding received from IBRD and GEF for the FESP (IBRD loan till 12-2009 and the GEF grant till 2010[28])was and is subject to the operational safeguards of both institutions. As such these safeguard policies have resulted in the prescription of new policy on forest tenure. The implementation of these policies lies squarely with the government of Gabon and more precisely with the Ministry of Forest Economy, Water and Fisheries and the National Agency for National Parks. Any failure to implement these policies should be raised by the World Bank/IBRD and GEF with the appropriate authorities.

As indigenous peoples were present in the project area, Operational Directive (OD) 4.20, a policy that aims to protect the interests of Indigenous Peoples was triggered. The OD calls for the preparation of an Indigenous Peoples Development Plan (IPDP) in projects that "affect" indigenous peoples with a view to ensure that they do not suffer adverse effects during the development process, and that they receive culturally compatible social and economic benefits. Thus Gabon had to develop an IPDP (as it is the Borrower's responsibility). The Gabonese authorities contracted a consultant, Kai Schmidt Soltau who produced his report for the IPDP (or in French *Plan de Développement des Peuples Autochtones* – PDPA) in June 2005. The document was reviewed by the World Bank before project appraisal. The World Bank's OD clarifies that the IPDP should be based on a comprehensive diagnosis of the socioeconomic context and that it should involve the informed participation of the IP, potentially affected by project actions. In the Gabonese context such information participation appears not to have taken place. The lead consultant (Schmidt-Soltau) only met with indigenous peoples' associations in three meetings which took place in an undisclosed location (presumably Libreville). He admits in the report that the short timeframe of his consultancy did not allow for full consultation and instead used data gathered in 2002 by another research team (which was not in the framework of an IPDP).

A summary of Gabon's IPDP reveals that the objective of the indigenous peoples' development plan for the Forest and Environment Sector is to ensure that the PFSE and the GEF project respect the dignity, rights, and culture of the indigenous people in Gabon and provides them equal and culturally appropriate benefits. Schmidt-Soltau's report discusses strategies for achieving this aim. The indigenous people of Gabon are identified as the Babongo, Bakoya, Baka, Barimba, Bagama, Bakouyi, and Akoa - the 'Pygmies'. According to the report the risks resulting from this project which threaten to impact these people include:

- loss of control over traditional land;
- becoming even more marginalized in society;
- disintegration of the decentralized system of administration;
- less assistance received from government services;
- fewer capacities to defend their legal rights;

[26] A non exhaustive list of PSFE activities not being executed: 3.1.5.1.1.; 3.1.5.1.2.; 3.1.5.1.6.; 3.1.5.1.8.; 3.1.5.5.; 3.3.5.1.4.; 3.3.5.1.5.; 3.3.5.2.2.; 3.4.6.5.; 3.4.6.6.; 3.5.4.1.3.; 3.5.4.7.
[27] http://www.gaboneco.com/show_article.php?IDActu=12528
[28] http://www.gefweb.org/Documents/Council_Documents/GEF_C25/BD-GabonPSFE-ExSummary-18April05.pdf

- dependency on other ethnic groups;
- loss of cultural and social identity.

To offset these potential risks, the plan proposed equal legal opportunities, technical opportunities, financial opportunities, organizational opportunities, and cultural opportunities. Among the activities planned are:

- putting in place capacity and structure;
- providing Pygmy people with ID cards;
- recognizing their settlements as villages equal to other settlements;
- establishing community forests;
- recognizing and protecting the land use areas of indigenous people;
- announcing a national policy on illegal immigrants;
- enabling the indigenous people to actively participate in natural resource management;
- improving intercultural communication;
- improving research to provide baseline information;
- ensuring indigenous people receive a fair share of the redistribution of forest revenue;
- facilitating forest-related decision-making;
- etablishing a participatory monitoring and evaluation system.

The FESP, the GEF project and the Gabonese Government have agreed on 19 activities intended to reduce the risks to indigenous peoples. Some of these activities have a direct impact on forest tenure. Today the execution of the Indigenous Peoples' Development Plan has not taken place though the GEF funding of which it was a part has been received.

Establish equal legal opportunities

- Put in place the capacity and structures needed to implement the indigenous people development plan in accordance with the OP 4.20;
- Provide the indigenous people with ID cards and establish through that equity in the legal domain for the Babongo, Bakoya, Baka, Barimba, Bangama, Bakouyi and Akoa;
- Recognize the settlements of indigenous people as villages equal to all other settlements;
- Establish community forests for the indigenous people with at least 1 km2 per capita;
- Recognize and protect the land use areas of indigenous people – especially within national parks and protected areas - and legalize access and utilization (subsistence as well as income generating);
- Elaborate a national policy on how to address illegal immigrants;

Establish equal technical opportunities

- Provide the indigenous people with the capacities to participate actively in the management of natural resources;
- Enhance the capacities of the Ministry of Forest Economy, Water and Fisheries- MEFEP/ National Agency for National Parks -ANPN staff and all other relevant civil servants in intercultural communication so that they can actively cooperate with the indigenous people;
- Enhance research on indigenous people to provide baseline information for a well informed decision making process;

Establish equal financial opportunities

- Make sure that indigenous people receive a fair share of the redistribution of forest revenues;

- Offer special conditions for indigenous people to receive employment in jobs being established in the context of the FESP (Eco guides etc.);
- Assist in the establishment of priority access to jobs in the forestry sector for indigenous people;

Establish equal organizational opportunities

- Facilitate the participation of indigenous people in all forest related decision making processes;
- Assist the indigenous people to create independent structures to represent and communicate their interests and needs;
- Invite indigenous people to participate in all relevant structures of the FESP;
- Establish a participatory monitoring and evaluation system for the IPDP of the FESP;

Establish equal cultural opportunities

- Sensitize the indigenous people on the risks of the development process;
- Support the indigenous people associations in the area of capacity building to protect their traditional knowledge, their culture and their livelihoods;
- Promote the establishment of discussion fora in which indigenous people and their neighbors can discuss relevant issues.

The main actors of the IPDP are the Ministry of Forest Economy, Water and Fisheries, the National Agency for National Parks, national and international NGOs working on indigenous peoples issues in Gabon, the associations of the indigenous people and the Babongo, Bakoya, Baka, Barimba, Bagama, Bakouyi, and Akoa themselves.

Schmidt-Soltau's assessment in 2005 was that none of the stakeholders had the capacities to implement an IPDP in accordance with the OD 4.20. He deemed an initial training and the assistance of an international technical advisory body necessary to enhance the organisational, technical and financial capacities of the stakeholders. The implementation should be coordinated by an interdisciplinary steering committee, which embodies all stakeholders.

The assumption in 2005 was that the 19 activities of the IPDP of the FESP would have a financial volume of US$ 455,000 (<0.4 % of the overall FESP budget for more than 5% of the rural population). According to Schmidt-Soltau the allocation of the required budget would guarantee that the FESP is executed in accordance with the OD 4.20 and that the FESP:

- strengthens traditional systems of governance and natural resource management and embraces the notion of community dialogue and traditional rights for all ethnic groups of Gabon within the process of sustainable development;
- reduces poverty for all ethnic groups and lowers the degradation of natural resources;
- installs an effective management system of the natural habitats, which offers positive impacts to the entire population and the biodiversity (pro poor conservation);
- respects the dignity, rights and culture of the Babongo, Bakoya, Baka, Barimba, Bagama, Bakouyi, and Akoa;
- assures that the IP receive an equal or higher benefit from the FESP than other ethnic groups;
- assists the IP to increase their legal, political, societal, economical, cultural and psychological situations.

Legal and institutional framework- IBRD and GEF Safeguard Policy OD 4.12:

The GEF funding of the PSFE also triggered another safeguard policy. This was because the project impacted on the livelihoods and incomes of those living in or near protected areas in general and those living in or near national parks in particular, with a probable reduction in access to resources. The safeguard triggered was thus Operational Policy (OP) 4.12 on involuntary resettlement. The implementation of the policy tools prescribed by the World Bank will have significant consequences for forest tenure. The elaboration of a Resettlement Process Framework is prescribed by the World Bank's OP 4.12.

As the detailed impacts cannot be determined before the evaluation of the program, the World Bank's OP 4.12 requests also the elaboration of a Resettlement Policy Framework. Gabon recruited a consult to design both these frameworks. Once again Kai Schmidt-Soltau was hired and produced a report on both frameworks in July 2005. Schmidt-Soltau concludes in his report that it was at the time not possible to specify exactly how many people will be affected by the FESP and the GEF project in the form of physical and/or economic displacement. These impacts will result from the management plans, which will determine the level of human activities still be allowed in the national parks and the buffer zone. These management plans will be only elaborated within the context of the FESP and GEF project and are were not available in 2005. He suggested that detailed mitigation measures be developed in the context of Resettlement Action Plans for all national parks and protected areas in 2006 and in coordination with the elaboration of the management plans. In 2009 only two National Parks dispose of a Management Plan and there is no clear evidence of the existence of Resettlement Action Plans.

Schmidt-Soltau identified the following categories of project affected people:
a) those living permanently or temporarily in national parks and protected area;
b) those living outside national parks and protected areas, but whose livelihood depend nearly entirely (more than 50%) on these resources;
c) those living outside national parks and protected areas, but whose livelihood depend to a certain degree (less than 50%) on these resources;
d) those living outside national parks and protected areas, but who have traditional rights to these resources (safety net function of forests); and
e) indigenous people, who depend partly or entirely on the resources of the protected areas and national parks.

In his study Schmidt- Soltau states the global lesson learned that mitigation strategies for one group are not necessarily the best solution for others. He concludes that it is important to address the different groups separately to assess their specific needs and interests.

Nevertheless, the FESP and the GEF project are responsible for the full and timely restoration of the livelihoods of all project affected people to a level which is at least equal to their living conditions before the establishment of the national parks and protected areas.

The National Agency for National Parks (ANPN) is in charge of restoring the livelihoods of the people affected by national parks, while the Directorate for Wildlife and Hunting of the Water and Forests administration (DFC) is in charge of those living in or near other protected areas.

Schmidt-Soltau's report did not determine whether the project must restore villages, along with providing land as compensation. But his report suggests that to minimize impacts and reduce costs, it may be possible to reform the laws to allow human activities in the national parks unless villages prefer

establishing new sites outside the park. In 2009 there is no indication of any advances along the suggested lines. Schmidt-Soltau's report prescribes furthermore that:

- The Project Affected Persons (PAPs) whose livelihoods are entirely based on the park should also be provided new income opportunities that are non-land-based and guaranteed the incomes they had in the pre-park situation;
- People whose livelihoods are only partly based on the park should be provided the capacities and infrastructure to increase the marketing of their products, and the use and maintenance of protection measures against the growing animal population in the park, such as community hunting zones;
- Those people who have only traditional rights to park and protected area resources should be given cash based compensation together with some capacity building to invest this;
- Indigenous people, who depend on park or protected area resources should be allowed free access as much as possible, including a special right of the Baka people to hunt elephants under park supervision; The Baka should also be offered social services for free in exchange for a ban on commercial hunting on protected species or large scale hunting.

In 2009 none of the reports prescriptions or suggestions has apparently been followed up. No resettlement has apparently taken place.

Role of Gabon's partners in Forest Tenure

Some of the main partners supporting work in the forest sector in Gabon are the European Union, France and the World Bank. These organizations have together invested tens of millions of Euro's over the last 10 years into the forest sector. They've all identified the logging sector as being a priority for diversifying the Gabonese economy.

The World Banks regional integration assistance strategy for Central Africa states that: d*ue to the presence of petroleum in some countries, average per capita incomes vary widely* (,,) *however, highly skewed income distribution means that the bulk of the population in every country, whether statistically middle or low income, is poor by any standards*. It goes on by stating that: *more revealing perhaps than income figures, the social and social indicators are very low, with an average life expectancy at birth of 50 years and an infant mortality rate of 89 per 1000. Remarkably, social indicators in the oil-exporting countries, notably Gabon, are not significantly different from those of other countries in the region or from Sub-Saharan African averages.*

The World Bank concluded that while oil could greatly contribute to lifting the people of the sub-region out of poverty, actual practice tells a story of improperly allocated revenues due to fiscal mismanagement. It also stated that while governance is not strictly a legal issue and is essentially a national rather than regional concern, it is highly relevant to the quality of the business environment. Multilateral donors should now working with the government to direct Gabon's resources towards poverty alleviation, improved social outcomes, and better governance.

The World Bank's Executive Board has adopted a new Country Assistance Strategy (CAS) for Gabon in May 2005. The two key development challenges addressed in this 2005-2009 CAS are: (i) strengthening the management of public resources (both natural and financial) for improved social outcomes; and (ii) fostering non-oil, private sector-led growth, by improving the climate for investment and helping to build capacity in the private sector, in order to counter declining oil production. Two lending operations planned in the 2005-2009 CAS are at an advanced stage. An IBRD $ 15 million Natural Resource

Development Policy Lending operation was just approved by the Board, and the GEF program to support reform efforts in the forest, biodiversity, fisheries and mining sectors is scheduled to be approved soon. Gabon does not yet have a Poverty Reduction Strategy Paper and the Bank has been helping the authorities to complete its final PRSP.

Some of the lesson learned from the Bank's evaluationg of its own performance in Cameroon's forest reform are highly relevant to Gabon, notably:

- The Bank did not attempt all the right and relevant things prescribed by its 1991 forest strategy. In particular, the Bank abandoned rural development in Cameroon and thereby missed an opportunity to promote the participation of rural people in resource expansion and intensification.
- The Bank made several strategic mistakes in Cameroon:
    - First, it relied too heavily on the executive branch of the government to deliver on the promised reforms.
    - Second, in both agriculture and forests, the Bank neglected the creation and dissemination of knowledge and information that was crucial for policymaking and implementation.
    - Third, the Bank rightly recognized institutional weaknesses in Cameroon, but preferred to rely heavily on technical assistance to deal with the issue. Failure to develop local institutions undermined the sustainability of any achievements.
    - Finally, the Bank had good intentions in trying to promote the interest of local communities, but it did little to gather their views and to design mechanisms that would ensure that those views were taken into consideration. The Bank should have made a truly participatory approach a cornerstone of the policy-based lending program.

The evaluation concluded that because of weak institutional development, the achievements (of forest sector reform in Cameroon) were unlikely to be sustained. It suggested the Bank should focus its future reform efforts in Cameroon on the collection and dissemination of relevant and reliable information, working with a larger set of stakeholders, and using more Cameroonian expertise to gain local perspective and build capacity.

The French Development Agency (*Agence Française de Développement*-AFD) and the French Global Environmental Facility (*Fonds Français pour l'Environnement Mondial* – FFEM) are among the other large donors. These funds have contributed millions of Euros in developing forest exploitation in Gabon. The focus has been on promoting 'sustainable forest management' and several projects have focused on the production of management plans for logging permits. The particularity of these funds is that they have directly channeled substantial funding to private logging operators and have met a large part of the cost of the production of management plans. Interestingly funds have also been allocated to funding logging firms to support local development projects.

The oddity of these AFD and FFEM interventions is that in other countries, logging firms, of similar size and sometimes part of the same parent companies in Europe, have executed these activities out of their own means. It has to be remembered that logging firms in Gabon are generating healthy profits.

According to one government document[29] logging firms have invested 142 billion CFA or 216 million Euros in 1995-2005 in Gabon, mostly into industrial facilities. Almost all large concessions holders that have so far been supported through AFD and FFEM funding are foreign-owned.

Though the AFD and FFEM funds are noted as part of the Gabonese FESP they only focus on those sections regarding industrial logging and do no support other work like the FESP program on participatory zoning or implementing community forestry.

[29] Dr Viviane Magnagna Nguema/Ministre de l'Economie forestière, 2007

Compilation of rights-recognition mapping in Gabon—a review of community maps produced and corresponding analysis and write-up

Rights-recognition mapping is a rarely used term in Gabon. The current forest legislation and policy offers a yet little space for community rights to forests; other than user rights and potentially community forestry. Some promising texts furthering community forest tenure in the National Parks Law and the Forest and Environment Sector Program are yet to be practically implemented. However over the course of the last 3 years Gabon has had some experiences in what could be described as Participatory Mapping. Participatory mapping can be defined as "the identification in the field, and by the communities themselves, of the spaces and resources that are important to them and their positioning on a geo-referenced map.

The experiences in this study are those where mapping has taken place of community lands and resources in Gabon. There appear to be four cases where substantive work has taken place:

- The World Wildlife Fund (WWF) community mapping near Makokou for the DACEFI project;
- The Wildlife Conservation Society's community resource use mapping near Birougou, Waka and Lopé National Parks;
- The participatory or social (sic) mapping by logging company Rougier around its concessions (Forest Concessions under Sustainable Management (CFAD): Haut-Abanga, Ogooué-Ivindo and Léké);
- A CIFOR and IRET research mission in 2005 carried out within the framework of the management and development of the Ivindo National Park for the Sector Program for the Promotion of National Parks in Gabon (*Programme Sectoriel de Valorisation des Aires Protégées au Gabon*- PSVAP).

Please note that during the course of the research it has become evident that several other Gabonese logging companies (notably *Compagnie des Bois du Gabon*-CBG and *Compagnie Equatoriale du Bois*-CEB) are involved in FSC certification schemes and are probably engaged in some form of social or participatory mapping. The information for this work is not in the public domain. The experience of Rougier with social mapping provides considerable insight in such operations in Gabon.

DACEFI

The World Wildlife Fund (WWF), Belgian NGO Nature + and the Belgian Gembloux Agricultural University (*Faculté Universitaire des Sciences agronomiques de Gembloux*) have worked on a project Developing Community Alternatives to Illegal Forest Exploitation (*Développement d'alternatives communautaires à l'exploitation forestière illégale* - DACEFI) to promote community forestry in Gabon and test models of community forestry between 2005 and 2008. An EC grant of nearly 2 million Euros allowed for a 3 year project that started on the 1st of January 2006, with a Cameroonian and a Gabonese component. In early 2009 it has become clear that the DACEFI projet will have a second phase, more precise information is as yet unavailable.

The objectives of the DACEFI project were:

1) New community forests equipped with sustainable management plans are created;

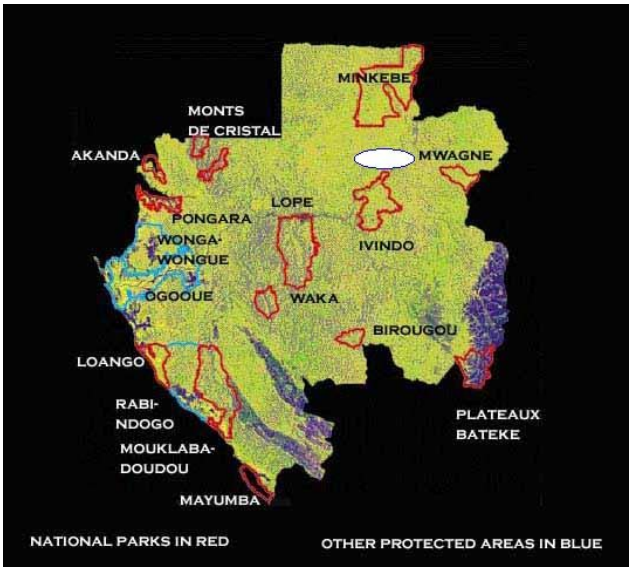
2) The resources of community forest are improved;

3) The forest resources are better developed for the benefit of local populations;

4) The local management capacity for Community forests reinforced;

5) The experiences and lessons learned from community forest are capitalized and made accessible.

In Gabon the DACEFI project aimed to insure the promotion of social forestry (sic) in its different forms at an institutional level and in the field and to inform local communities about their rights and obligations under the new forest law. The project had the ambition of testing three pilot community forests in the periphery of Minkébé National Park and to support communities in realizing the creation of community forests. The project also wanted to promote the use of simple techniques in the field to support a sustainable form of agroforestry that would allow the diversification of local income.
The choice for Minkébé, or rather the corridor between Minkébé, Ivindo and Mwagne National Parks, is unexplained but might be explained by the fact the Minkébé is one of WWF's flagship projects in Gabon. However it has to be noted the DACEFI sites are actually much closer to Ivindo National Park.



Map of the Gabon and its national parks. The DACEFI intervention area is in the white ellipse.

The DACEFI project proposed the development of a few pilot sites for community forestry. These sites were all on the Ovan-Makokou-Mékambo road just north of Ivindo National Park. Within a year of the project a feasibility study for the creation of pilot community forests was undertaken. This phase comprised three studies in three potential project sites on "Identification of land and village boundaries: census, history, spatial occupation and associations". The studies resemble extended Participatory Rural Appraisals. The studies were undertaken by three junior DACEFI consultants in the sites of Ntsenkele, La Scierie and Ebe-Messe-Melane. All of the studies contained a "participatory mapping"[30] exercise for each of the villages, thus 5 villages were covered. According to the studies the maps produced were necessary to show the spatial occupation of land by a community (former villages, cash crops, firearms hunting zones, zones for trapping animals, fishing zones, former farm lands, names of rivers, sacred sites, sites for gold panning, zones for collecting Non-Timber Forest Products etc.) and community boundaries (*finages*).

The DACEFI project ended in January 2009 and a final report has been made available[31], it shows how the maps have supported the choice of two definitive pilot sites for community forestry (La Scierie and Ebe-Messe-Melane). The maps produced were used to inform the size and shape of community lands

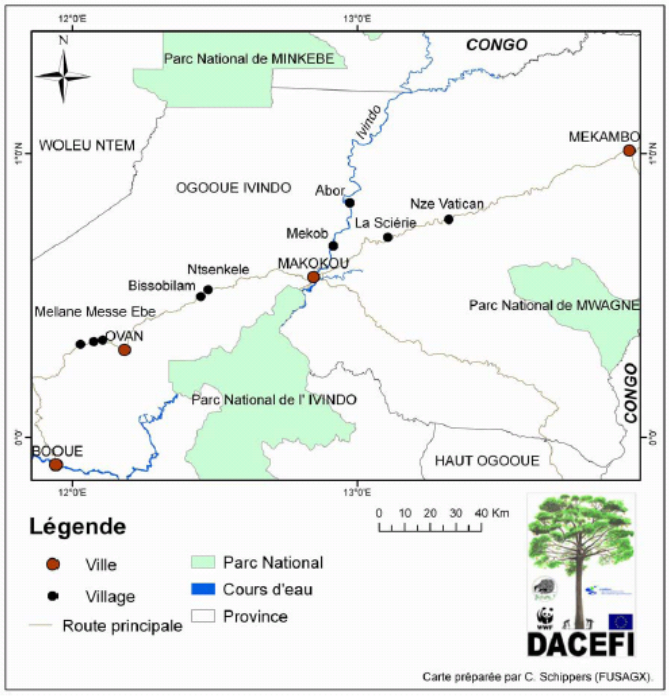
[30] Also referred to as Participatory Rural Appraisal mapping
[31] C. Vermeulen and J-L Doucet (eds), 2008

and the proposed size and location of a community forest for both sites. The final report thus integrates the data obtained in a few fairly simple maps showing:

- Existing logging permits
- Village boundaries (*finages*)
- Spatial occupation polygon
- Village farming and forest-based activities
- Villages
- Roads
- Rivers
- The potential community forest

The only other relevant documents available are the three studies from January 2007. These contain a total of 7 maps, all drawn by hand on large sheets of paper with no geo-referencing. The maps are:

- A participatory map of the land of Ebe village;
- A participatory map of the land of Messe village;
- A participatory map of the land of Melane village;
- A participatory map of the land of Ntsenkélé village (no. 1);
- A participatory map of the land of Ntsenkélé village (no.2);
- A participatory map of the land of La Scierie village.



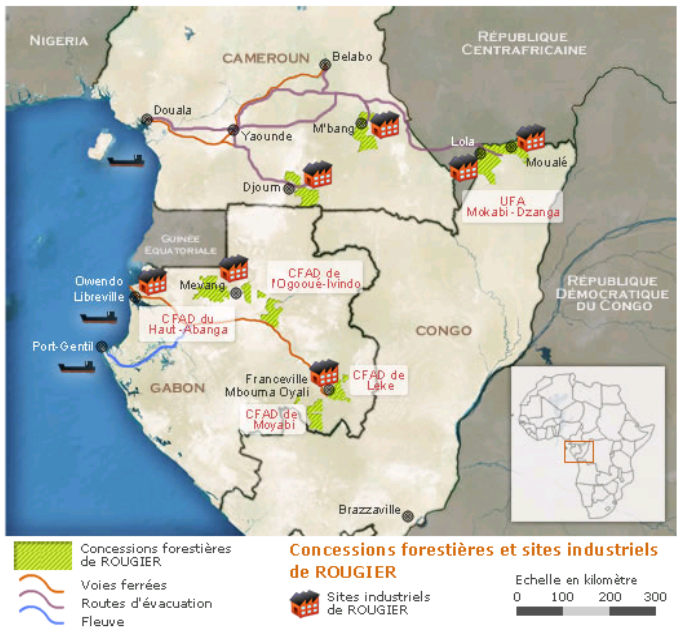
Map of the DACEFI intervention zone

In 2007 the maps were not truly analyzed by the authors in the reports but rather used as a reference to highlight spatial occupation. The maps appear to have facilitated the identification of village resource use zones and boundaries that were subsequently visited to take GPS data. The GPS data was taken by the consultants and the geo-referenced maps are not included in the reports nor are they available. It appears that no geo-referenced maps were restituted to the communities, nor that the ownership of the maps produced was discussed.

Overall the 2007 exercise was used in 2008 to compare village/community boundaries with logging permits. This exercised concluded into determining which part of the village boundaries could actually be used for community forestry (as only parts of the village boundaries of the two trial sites were in the Rural Forest Domain). The 2007 reports simply describe different zones and sites of interest, contained in the maps, in a matter of fact way. The focus of the maps appears to be on resource use and landscape feature (rivers etc). Thus the maps show fallows, farming plots, cocoa fields, zones where PFNL are gathered, hunting and fishing zones and camps and the sites of former villages. None of the maps contains any sacred sites.
The 2007 reports mention how the data from the studies was inserted in a Microsoft Access database and therefore the focus seems to be on quantitative information gathering for future use. The 2008 definitive maps (5 included in the final report) were all produced by C. Schippers at the Belgian Gembloux Agricultural University. The DACEFI project covered two countries and could thus be described as a regional initiative, however the objectives in both countries were very different. The final project report clearly emphasizes this and focuses mostly on the Gabon component.

ROUGIER

The logging firm Rougier (French owned) is one of the larger logging companies currently active in Gabon. The firm obtained FSC certification for the major part of its forest concessions in Gabon on the 14th of October 2008. It obtained the FSC certificate for three of its Forest Concessions under Sustainable Management (CFAD): Haut-Abanga, Ogooué-Ivindo and Léké (allocated to CIFHO, a Group subsidiary). This means that a total of 688,262 hectares of forest concessions are simultaneously FSC certified.



Map of Rougiers logging and transformation sites in Central Africa.

Rougier has put in place a Social Policy Strategy for its operations (WHICH YEAR?). The social policy consists of two parts, the first of which is relevant for this paper and target the preservation and

valorization of traditional use and knowledge[32] through the creation of participatory management models of the forest. Broadly speaking Rougier aims to reconcile its logging activities and the preservation of populations' rights, uses and traditional knowhow. The tool to achieve this is (participatory) social mapping[33].

The social mapping should take place wherever communities are living or using the resources inside Rougier's Forest Concessions under Sustainable Management (CFAD). The process is guided by a small management team within Rougier, composed notably by three sociologists.
Rougier has also collaborated with CENAREST (National Centre for Scientific and Technological Research) for the Moyabi Forest Concession under Sustainable Management, this work with the Babongo "Pygmies" focused on identifying and specifying traditional knowledge and assessing the feasibility of projects that may benefit from future support or contributions on behalf of Rougier Gabon. It allowed for the mapping of village territories and boundaries (following the realization of transects in the field with the populations' participation).
The (participatory) social maps are produced for the areas where Rougier is logging or planning to log: the so-called *Assiette Annuelle de Coupe* or annual allowable cut. Thus the mapping is a gradual process. Currently mapping has taken place on the land of 8 villages in annual allowable cut in Forest Management Unit 1 (*Unité Forestière de Gestion*-UFG). It is ongoing in villages in another 5 villages. All of these are in the Léké Forest Concession under Sustainable Management in the Haut-Ogooué province. Similarly in the Ogooué Ivindo Forest Concession under Sustainable Management Rougier has mapped the land of 5-6 neighbourhoods (quartiers) in the area of Ovan.

The maps focus on the parts of the forest used by or important to communities:

- Villages, inhabited areas;
- Farm lands (fields and fallows);
- Hunting zones for hunting with nets or traps;
- Rivers used for fishing;
- Ritual, cultural or sacred sites;

The maps also show what kinds of activities are executed on the land by communities like gathering. For each community a map is thus produced that also shows the historical presence of the community in the forest (by focusing on abandoned previous villages). The maps are made in close collaboration with the communities and are restituted to the communities for approval. Relevant community sites or usage is marked with paint. It is unclear whether all the sites are marked and

After the restitution of the maps the community concerned and Rougier discuss management rules for the forest that lead to the drawing-up of an agreement between the community and Rougier. For Rougier the discussions on forest management with the community allow for the community's Free, Prior and Informed Consent for the forest management of the affected area, a crucial part of the FSC certification process.

The maps thus produced are integrated into Rougier's logging operations and the staff of the company is informed of which sites should not be affected by logging operations. The maps are geo-referenced, they use simple visual legend and symbols to indicate different sites. .

[32] Knowledge and use of the forest by local communities
[33] Mostly Rougier refers to social mapping (cartographie sociale) but the word participatory is sometimes added.

A sample map made available (as an example) by Rougier shows the three maps for the village of Ondili:

1. The first map shows the 'detailed history' of previous occupations in the Ondili area (abandoned former villages);
2. The second map shows the village lands of Ondili, focusing on the sites of: temporary settlements, fishing zones, hunting zones for hunting with nets, and hunting zones for hunting with firearms and traps (all GPS marked). The map also includes the village, and activity zones (for hunting, fishing and gathering) and the limits of the Léké Forest Concession under Sustainable Management;
3. The third, and final, map shows the sacred sites of Ondili, notably the tombs, mounts and cemeteries.

Wildlife Conservation Society

The Wildlife Conservation Society (WCS) is a primary player in nature conservation in Gabon. It has been in country since 1985 and has played a major role in the creation and management of its National Parks. According to WCS[34] it works on:

Management Assistance in:

- Lopé National Park
- Waka NP
- Birougou NP
- Ivindo NP
- Cristal Mts NP
- Mayumba NP
- Loango NP
- Bateke Plateau NP

Technical Assistance in:

- Akanda NP
- Pongara NP
- Capacity building for Gabon Nat'l Parks Office
- Park delimitation
- Biological and socio-economic monitoring
- Training of conservation professionals
- Bushmeat issues
- Reduced impact logging
- Wildlife health
- Reduced impact logging

WCS close involvement with National Parks has translated into work on determining relations between communities living in and around National Parks and the National Parks.

WCS is interested in understanding the socio-economic dimensions of the bush-meat traffic and its potential impact on wildlife WCS claims it might not be possible or desirable to completely stop hunting by villagers for their own consumption, but wants better control of the commercial hunting done by outsiders. WCS has worked with Darwin Initiative on allowing communities greater control over the wildlife resources in their traditional territories.

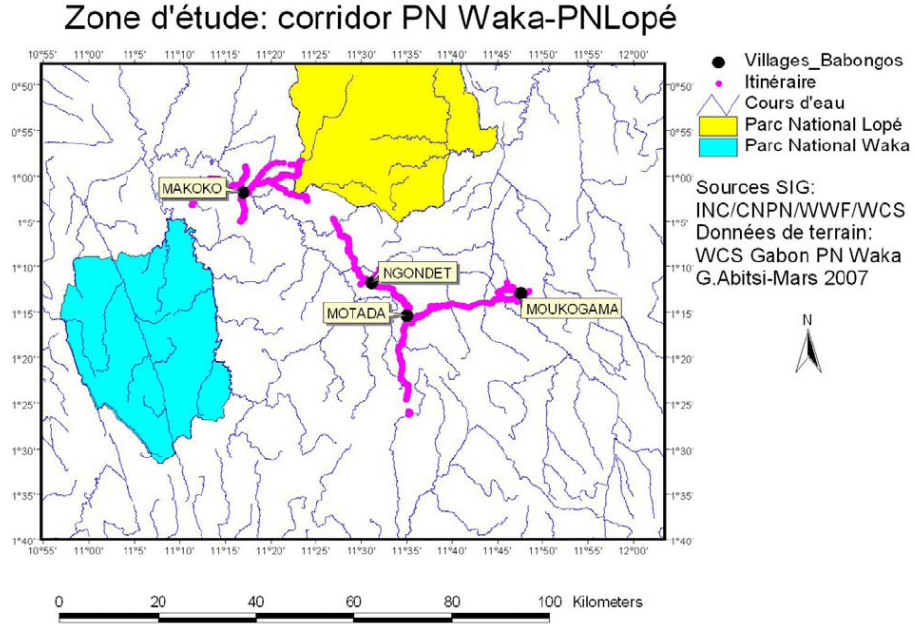
WCS is thus interested in the impact of hunting on National Parks but also in evaluating the socio-economic impacts of these parks on the livelihoods of nearby villages. WCS works with the MacArthur Foundation and Boston College on this aspect.

Though the National Parks legislation foresees mapping of community use of the parks, WCS has started to conduct participatory mapping of National Parks and their peripheries to elaborate effective

[34] http://www.wcs.org/gabon

strategies to deal with community needs and conservation imperatives[35]. This is particularly true for the corridor between Lopé and Waka National Parks.

WCS has also led a detailed program of land-use mapping in communities near Birougou National Park to assess potential conflicts. Such conflicts were expected as the bigger Chaillu Massif was covered with villages in colonial and pre-colonial time. Currently the park's periphery is densely populated, - primarily by the Nzebi people. Many Nzebi trace their ancestry to former village sites inside the park. This means that many areas inside the park have cultural and spiritual significance for people living nearby, and several families still maintain camps in the Birougou.
The WCS-led consortium[36] has been active in the field in Birougou since 2004. WCS has conducted comprehensive participatory mapping surveys in the majority of the 50 adjacent villages, completed the first ever surveys of wildlife distribution and human impact.
The study made available by WCS for this paper concerns a study on the village lands and hunting in the corridor between Lopé and Waka National Parks. This was a study conducted by two WCS staff in early 2007[37].



Map of the area for the 2007 WCS/ Abitsi and Lepemangoye study.

The authors explain that it was a socio-demographic study of the region as well as an evaluation of hunting activities, and the distribution and use of village lands. In the margin the study also attempted to gather data on the area's wildlife. For the authors the study would contribute to allowing park manager to elaborate effective strategies to manage the needs of the Babongo "Pygmy" population and conservation. The context of the study is the "*near absence of objective strategies to reduce the pressure exercised by hunting in the area*" (Abitsi and Lepemangoye, 2007).

[35] Gaspard Abitsi and Franck Lepemangoye-Mouleka, 2007

[36] Partners are: Gabon National Parks Agency, Gabon Ministry of Water and Forests, Missouri Botanical Garden, Mac Arthur Foundation, Central African Regional Program for the Environment, Smithsonian Institute and Boston College

[37] Gaspard Abitsi and Franck Lepemangoye-Mouleka, 2007

The objectives of the study were:

- Mapping the Babongo settlements and their trails to the South of Lopé NP and in the corridor between Lopé and Waka National Parks;
- Estimate the number of Babongo regularly using this area;
- Evaluate the impact of the activities of the Babongo, in particular on great apes;
- Estimate the diversity, the distribution and the relative abundance of wildlife;
- Produce an inventory of Babongo society today in the area.

The study by Abitsi and Lepemangoye focused on 4 Babongo villages: Makoko, Motada, Ngondet and Moukogama. For three of the villages maps are produced with the communities, these are hand drawn maps showing village usage zones. The village of Moukogama does not have a map included.
The maps show:

- Village sites;
- Abandoned villages sites;
- Hunting and fishing camps;
- Plantations and fallows;
- Seasonal fishing camps;
- Camps for the extraction of “bitter wood” (a Non-Timber Forest Product);
- Roads and tracks;
- Rivers.

The maps are not geo-referenced but GPS points were taken for the villages, hunting, fishing and NTFP extraction sites and camps. Further GPS points were taken for hunting traps and cartridges found in the study area.
The study includes three further maps produced solely by the autors:

- Distribution of indicators of hunting activities;
- Distribution of signs of human presence;
- Distribution of camps for exploitation of ‘bitter wood’.

The study did examine village lands, notably the limits and the size and provided geo-referenced data. However the village lands are not part of the maps in the study.

The study was clearly linked to hunting and resource use by the Babongo villagers and its impact of the two National Parks. The maps, or rather the GPS points taken mentioned above, allowed the authors to shows that only one village (Makoko) actually considers part of the Southeast of the Lopé National Park as their land and is using the area for resource extraction. The study authors advocate a study to explore this in more detail.
The study also concluded that the size of the village lands is not linked to demographics (feeble in each village) but by the type of activities undertaken and the final destination of the products from these activities. The fact that the village of Makoko has the largest lands is explained by the authors by their extraction of “bitter wood” (*bois amer*); whereas the village of Motada, which has the smallest lands, is relying on gold washing.
Furthermore the study also notes that most of the village lands are used almost permanently. The village territories are separated by rivers or crests (of the mountainous surroundings). The Bantu communities also present in the area often use the same lands.
Finally the study notes how hunting is mostly for auto-consumption. Only in Moukogama and Motada do locals work seasonally with outsiders directly. Hunting with firearms seems most prevalent in Motada

and Moukogama. Moukogama is the site where hunting with traps is most common. The authors explain all of this by noting that the lands of Moukogama are used by their Bantu neighbours from the village of Iboundji and that the Babongo in Motada are provided with firearms by the Bantu village of Massima, who also use the same area themselves for hunting.

CIFOR/IRET

In the framework of a joint project[38] by the Center for International Forestry Research (CIFOR) and the *Institut de Recherche en Ecologie Tropicale* (IRET)/ *Centre National de la Recherche Scientifique et Technologique* (CENAREST) to rehabilitate a research station near Ivindo National Park a research mission was undertaken between the 23rd of March and the 2nd of May 2005 by two researchers (Marieke Sassen and Meilinda Wan) to look at 'Biodiversity and local priorities in a community near the Ivindo National Park'. This exercise is less one of rights-recognition than of use-recognition but is nonetheless relevant for this paper as it offers approaches that would complement other mapping exercises.

This study fitted with one of the objectives of this project, notably to support research that will inform and promote the sustainable management and development of Ivindo National Park. The study wanted to identify and understand what local people find important in their natural environment and look beyond conservation, natural resources or economic values in any conventional sense.

The context to the study was how the creation of the park and the subsequent changes affected and worried local communities residing close to the park (particularly those people living in the town of Makokou and along the road north of the National Park). The authors noted that these communities were not involved in the establishment of the park or in its future management plan.
CIFOR and IRET note how little efforts have been made to link local people's livelihood priorities and conservation objectives. Studies of local communities' uses and perceptions of forest resources in the area are few and focused on hunting.
The authors of the study made a preliminary visit to the area in 2004 and meetings in three villages (Epassendjé 1, Mbolo 3 and Loaloa) revealed feelings of uncertainty, fear and powerlessness with regard to the park but also to logging around their villages.

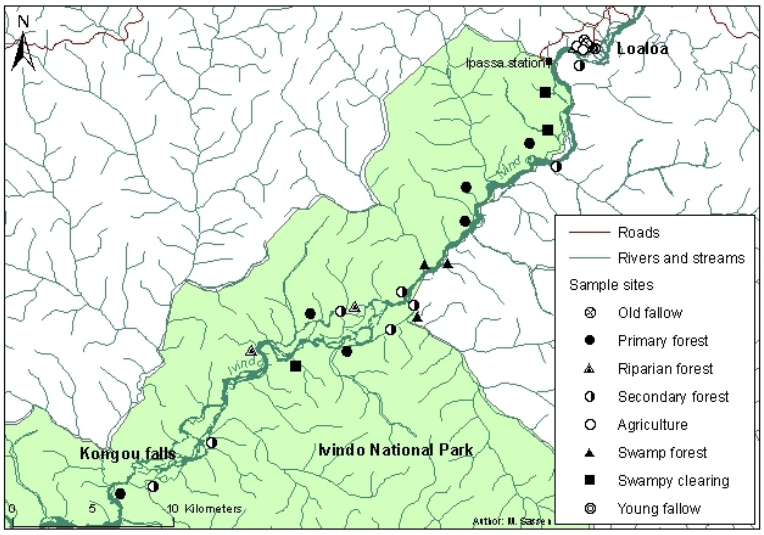
The final study focused only on the community of LoaLoa. The study used a set of methods combining classical biodiversity assessments with information on local people's perceptions, needs and preferences (developed by CIFOR). Community Mapping was part of the methods used. The mapping exercise was did not focus on land rights but rather on community resource use and knowledge.
The authors produced the map by:

- Asking people to add all the tributaries of the Ivindo and important places to map showing just the Ivindo river;
- Asking people to list the different land types they distinguished as well as the resources they found there and draw them on the map.

The exercise of community mapping was done by women and men separately. Thus in total two maps were produced. The community maps are hand drawn and not geo-referenced. The subsequent map

[38] Project IRET/CENAREST and CIFOR: Réhabilitation et Re-dynamisation de la Station de Recherche de l'IRET à Makokou/Ipassa, Composante II du Programme Sectoriel de Valorisation des Aires Protégées au Gabon PSVAP, 8ACP GA 009 - FED

highlighting the location of sample plots (and based on the community maps) is geo-referenced and the resources were precisely located through GPS points.



Map showing the sample plots, Ivindo National Park, Ipassa station and Loaloa village. The extent of activities from the villager deep into the park is evident.

The mapping exercise included the listing of resources and important sites. The exercise and lists and maps were analyzed by the authors who concluded that:

- No major changes in land use or availability seem to have taken place recently, except for the establishment of the park;
- Some fields were abandoned because of crop raiding by elephants;
- The forest they use has changed, old village and camp sites are still used but people do not usually go as far as the Mingouli falls anymore;
- Most activities are restricted between Loaloa and the camps just below Kongou falls, where fishing is best;
- The perceived decline in fish between the village and Kongou was due to an increasing number of fishermen;
- The diminishing game because of hunting was mentioned as a threat to the community;
- The availability of other forest products such as fruits and mushrooms reportedly remained the same.

Finally the maps were used to select a substantial number of sample plots were a mixed team at scientists looked at local biodiversity values from the villagers' perspective. The plot selection focused on different land types indentified in the mapping exercise, though primarily looking at different types of forest.

The studies conclude that: "*the high importance of the forest for people's livelihoods is obvious from the results of both ethno-botanical survey and scoring exercises (...). Species rich land types and those containing most trees had most uses: primary forest types were richest in tree species, they contained the most useful species and, in the scoring exercises, they were the most important forest type for almost all uses*."[39]

[39] Marieke Sassen and Meilinda Wan, 2005, pp 41

They continue by concluding that: "*the category «medicine» included the most non-tree species and they were often found in fields and fallows. However, scoring exercises showed a preference for forest for medicinal uses. Preference is thus not only based on quantity or access (fields and fallows are nearer than forest) but also on quality, i.e. the importance of the species found. Another indicator of the importance of forest for people for all use and values is the fact that trees and forest mammals dominate the list of most important plant and animal species as listed by the people from Loaloa*."[40]

Finally they mention how the Ivindo river is also: "*an essential component of the landscape and has an importance as the basis of people's history. Old village sites along the river are important culturally, as part of people's collective memory and history*."[41]

The study does not produce any direct recommendations on the recognition of community rights to land or tenure issues. In fact the issue of community rights and tenure is almost entirely absent from the study. The study does however highlight the extent of community resource use inside the National Park.

The study does highlight the risk the park's creation causes resentment, feelings of powerlessness and of losing "ownership" among local people and the possibility this leads to intensification of exploitation.

The authors also advocate park management shows people their opinion matters and is taken into account. They insist on: "*the need to share the insights from their study with all relevant stakeholders, develop them and use them in more democratic decision making processes where local needs are taken seriously and compromises are sought on all sides. In the end, considering local communities as potential allies seems to be the only realistic and viable option for biodiversity conservation in this type of environment*."[42]

Description of the total area covered, using different sources of information or in reference to specific boundaries or statutory designations

DACEFI

The DACEFI project covered 7 villages in the Ogooué-Ivindo province in Northwestern Gabon. The area was situated in the corridor between Minkébé and Ivindo National Parks. Since the three available studies (from January 2007) cover 5 villages and all focus on a village or villages, and the maps (and other data) on land occupation were produced for each village, the size of the village's land contained in the studies is understood to be the area covered. The three different studies reveal the following:

- The village land of Ntsenkélé covers some 616km² or 61,600 hectares according to the 2007 study;
- According to the 2009 study the village land of La Scierie covers 27,655 hectares;
- The 2009 study of the villages of Ebe, Messe and Melane[43] indicates the size of the village land as being 12,612 hectares.

[40] Marieke Sassen and Meilinda Wan, 2005, pp 41-42
[41] Marieke Sassen and Meilinda Wan, 2005, pp 42
[42] Marieke Sassen and Meilinda Wan, 2005, pp 44
[43] These villages border on each other in a relatively compact area

With the information available it's possible to estimate the area covered for 5 communities (though for two more villages no data is available nor is it clear if they were mapped). The combined lands of Ntsenkélé, la Scierie, Ebe, Messe and Melane is 101,867 hectares.
The sources used for the maps include most notably the participatory mapping with the communities and this involved taking GIS points for relevant sites. Other sources used include the boundaries of logging concessions and national parks.
Though DACEFI documentation generally stresses the vicinity to Minkébé National parks actually (and shown on the map) all the villages covered by DACEFI are situated closer to the Northern boundary of Ivindo National Park, the village of La Scierie is located halfway between the Northern Boundaries of Ivindo and Mwagne National Parks. The area covered contains parts of the Rural Forest Domain but also some logging concessions (notably Forest Concessions under Sustainable Management-CFAD). The 2007 documentation did not integrate their studies on community forest tenure into maps showing other forest uses (logging concessions, mining concessions) but the villages themselves and their immediate vicinity are inside the Rural Forest Estate. This is confirmed by the much more precise 2008 for only 2 of the villages where the presence of some logging concessions is made visible. This presence actually impacted the DACEFI proposals on the size and shape of the community forest.
The initial 2007 maps were hand drawn and not geo-referenced. The final (2008) maps produced for the village of La Scierie and Ebe-Messe-Melane are formal maps and geo-referenced.

Rougier
Currently mapping has taken place on the land of 8 villages in annual allowable cut in Forest Management Unit 1 (*Unité Forestière de Gestion*-UFG). It is ongoing in villages in another 5 villages. All of these are in the Léké Forest Concession under Sustainable Management in the Haut-Ogooué province. Similarly in the Ogooué Ivindo Forest Concession under Sustainable Management Rougier has mapped the land of 5-6 neighbourhoods (quartiers) in the area of Ovan. Finally Rougier is collaborating with CENAREST on the Moyabi Forest Concession under Sustainable Management.
Since Rougier is mapping communities' use within its logging concessions, the mapping work will eventually encompass the majority of its Forest Concessions under Sustainable Management. By Rougier's own admission the only exception might be the Haut-Abanga Forest Concession under Sustainable Management as according to Rougier it is not used by any communities and human presence is extremely weak[44].
The space thus far covered by Rougier is the entire surface of current annual allowable cut within Forest Management Units in the Haut-Ogooué and Ogooué-Ivindo provinces. The total surfaces is near 30,000 hectares for the Haut-Ogooué province (Moyabi and Léké Forest Concessions under Sustainable Management) and 50,000 hectares for the Ogooué-Ivindo province (Ogooué-Ivindo Forest Concession under Sustainable Management).
The size of the territory of each village covered by the social mapping appears much smaller; from the Obili case (see above) it appears to be around 4,000-5,000 hectares per village. Rougier's mapping only focuses on specific zones and not on the entire village boundary (*finage*).
So the total size of the village lands (for 14 villages) covered could be around 56,000-70,000 hectares.

Rougier's maps are all geo-referenced and all of the key sites are precisely mapped with GIS points.
The maps produced by Rougier are all situated inside its Forest Concessions under Sustainable Management.

WCS

[44] Personal communication by Eric Chezeaux of Rougier

The area covered by WCS is within and around Birougou National Park for which no data is available. The work in the corridor between Lopé and Waka National Parks covers a large area of some 60 by 25 kilometers. However the study focused on the village lands of four communities: Makoko, Moukogama, Motada and Ngondet. For these communities the following information is available:

- Makoko has village lands of 26,503 hectares;
- Moukogama has village lands of 9,735 hectares;
- Motada has village lands of 23,108 hectares;
- Ngondet has village lands of 16,224 hectares.

The total area covered by the study is thus some 75,570 hectares.
The information used was obtained by using community resource people to identify hunting and fishing camps and other use zones. Further information came from WCS itself concerning the overall geography of the area covered.

The maps showing village activities (for three of the four) are not geo-references and hand drawn. However the three maps by the authors showing hunting and fishing sites and the presence of cartridges or traps are geo-references and computer generated. The GPS point gathered with the community members showing the presence of the aforementioned sites are integrated.

The studies focus on the nearby National Parks is evident in the three maps produced by the authors all showing the boundaries of Lopé and Waka National Parks. Other administrative boundaries are absent though logging roads are shown (highlighting the presence of industrial logging in the area).

CIFOR/IRET
The CIFOR/IRET study covers a large part of the Ivindo National Park but essentially focuses on the village of LoaLoa and the resources they use. The sample plots covered in the study were all based on community mapping highlighting community use of these areas. The sample plots were mostly located around the Ivindo river between LoaLoa and the Koungou falls. Ivindo National Park covers 300,000 hectares but the study covers only the Northern extremities of the park.

The study does not specify the size of LoaLoa's lands. The distance between LoaLoa and Koungou falls is some 35-40 kilometers and no plots were more than two kilometers from the Ivindo river. An estimate for the area the study covered is some 6000-8000 hectares.

The sources of information came from the community maps and the plot selection this allowed. Most information in the study came from the inhabitants of LoaLoa. The authors of the study produced a geo-referenced map for the sample plots. The sites of the sample plots were marked with GPS points. The great majority of the area covered in the study is inside Invindo National Park with a few sites in the immediate (Northeastern) boundary of the park, near the village of LoaLoa itself.

The entire study was done in Ogooué-Ivindo Province in the Ivindo department.

Comparison of the philosophy and methodology, and interaction between this mapping information with the official and statutory information on ownership, access and use rights, and land or resource use administration

DACEFI

The DACEFI project clearly positions itself within the government policy to create community forests. The objectives of the DACEFI project were:

1) New community forests equipped with sustainable management plans are created;

2) The resources of community forest are improved;

3) The forest resources are better developed for the benefit of local populations;

4) The local management capacity for Community forests reinforced;

5) The experiences and lessons learned from community forest are capitalized and made accessible.

In Gabon the DACEFI project aimed to insure the promotion of social forestry (sic) in its different forms at an institutional level and in the field and to inform local communities about their rights and obligations under the new forest law.

The work has focused notable on the development of a few pilot sites for community forestry. An important part of the identification of pilot sites was a feasibility study for the creation of pilot community forests (undertaken in late 2006-2007). This comprised three studies in three potential project sites on "Identification of land and village boundaries: census, history, spatial occupation and associations".

The work in the field studies has used a Participatory Rural Appraisal Methodology based on a training course conducted in September 2006 and traducing the process in 5 steps:

1. Produce a schema of the village;
2. Conduct a census;
3. Produce a village history;
4.1. Gather typology of space in local language;
4.2. Participatory Mapping of village's spatial occupation;
4.3. Positioning all the villages' activities;
4.4. Positioning all village sites for gathering and NTFP's;
4.5. Gather the village activities' calendar;
5. Village associations.

The DACEFI project went as far as producing a typology of different terms related to tenure:

Land (*terroir*) is interpreted as being the whole of the land submitted to a farming cycles (including fallows and returning forests), divided into assigned geometric plots, the land within the village boundaries where forms of soil occupation are dominant.

Village boundaries (*finage*) are interpreted as being land reserves that can harbor forested lots or pastures and on which user rights can be exercised.

From the final project report (in 2008) is becomes apparent the GIS points have been downloaded into a geo-referenced map. The geo-referenced map therefore traces all the aspects of the village land covered and shows the boundaries of logging concessions near to the villages.

The DACEFI project initially focused on studies, whether on feasibility of sites or on environmentally suitable forms to develop community forests. After studying the local use of NTFP's the project examined planting fruit trees and agro-forestry for the creation of revenue from community forestry.

The project philosophy is also illustrated by its name focusing on alternatives for illegal exploitation. This assumes the communities involved in community forestry need an alternative for current or potential illegal exploitation of forest resources. The focus on the periphery of a National Park might be explained by WWF's (who is responsible for substantial work around Minkébé N.P.) desire to prevent such illegal exploitation. The final report proposed the size and shape of potential community forests for 2 areas (4 communities).
The maps produced in the 2007 studies are insufficient to influence government policy and would only serve to inform users of different resources used and the spatial distribution of these resource usage zones. The absence of a scale or of maps including GIS waypoints is a major handicap. The 2008 maps are geo-referenced and clearly suggest the presence of community territories' vis-à-vis logging concessions. In fact the 2008 report suggests how community forests shape and size would need to be adapted from the initial community territory so its remains within the Rural Forest Domain.
The project focused on the government policy of developing community forestry in the Rural Forest Estate, though the legislation for the actual creation of community forests in Gabon was (and remains) absent. The project thus produced an experience which closely followed government policy and the objectives of WWF and associates in preventing/halting illegal exploitation of forest resources. It's important to note the project was managed by three foreign agencies and only included stakeholders for punctual activities. The project did not challenge the prevailing ownership, access and user arrangements but community forestry would enshrine a new form of community use of the Rural Forest Estate (as foreseen in the 2001 Forest Code).

According to its own documentation the DACEFI project obtained the following results in Gabon[45]:

- Seven feasibility studies for the creation of pilot community forests have been conducted;
- A method for the production of cost-effective and simple exploitation inventories have been developed and conducted in a first pilot site;
- The construction of 3 village plant nurseries with an overall capacity of 9,000 plants;
- The completion of a training cycle on the techniques of the production of fruit trees and agro-forestry trees and the edition of 5 vulgarization brochures;
- Collaboration with the National Water and Forestry School (*Ecole Nationale des Eaux et Forêts*-ENEF): practical and theoretical training and the reception of interns;
- The reception and training of students from Belgium and Gabon for their studies.

Evidently the project produced substantial amounts of knowledge on community land tenure, legislative options and operational procedures.
The project did not create a community forest in Gabon nor did it witness the promulgation of the necessary application decrees to make community forestry possible. It is hard to assess whether the project has mobilized government to support community forestry. The support for community forestry within government has thus far only come in the shape of policy documents and the Forest Code but the real litmus test would be the promulgation of the necessary legal text and the creation of community forests.

The 2008 report clearly highlights the importance of developing further legislative tools. The authors note how there is currently no clear zoning for those forests that are available to communities (within the Rural Forest Domain). The risk is thus that any third party could be awarded with forests directly in

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http://www.fsagx.ac.be/gf/recherche/Recherches%20en%20cours/rechencours_jui08/okrcours20_for%20ill%E9g%20dacefi.htm

the periphery of a village. Particularly noted by the authors is thus the necessity to create a right of first refusal (*droit de preemption*) whereby communities can reject such an occupation of their lands.

The three pilot site studies from 2007 all highlight the need to ' change' the communities, encourage community organizations that are seen as absent, encourage farming to the detriment of hunting etc. It is difficult to establish whether the projects objectives are internalized by communities and will survive the end of the project.
Should the project have succeeded in creating community forests it remains a question whether the availability of agro-forestry or fruit trees would have diminished or prevented the perceived illegal exploitation of forest resources. The proliferation of wire traps and fire-arms and the considerable importance of hunting noted in all three feasibility studies seems to indicate that even a successful creation of community forests might have resulted in conflict between communities and the authorities (Water and Forest Administration and the National Parks administration) and possibly WWF.

Rougier
The social mapping Rougier has conducted is clearly linked to its work in obtaining and maintaining the FSC certificate. The methodology thus followed is quite similar to other logging firms in a similar situation.
The social mapping was initiated by Rougier and Rougier remains the primary driver, it determines the work program and the types of maps produced. The communities are associated in highlighting the sites that are of significance to them. The initial choice of such sites, notably sacred or cultural sites, comes from meetings with community resource people. However the types of sites chosen for mapping are very similar between different FSC certification attempts.
The actual taking of GPS point is done by Rougier staff accompanied by village resource people, the final maps are restituted to the communities and then the subject of a convention on forest management norms. The whole process of mapping is directed within criteria set by Rougier (as Rougier has engaged into the FSC process voluntarily) and thus communities act only as participants in the process, unable to determine any other outcome than an agreement on the preservation of sites of significance to them.
The driver for Rougier to conduct social mapping is the FSC certification. Rougier is by no means legally required to conduct social mapping. During the preparation of the management logging firms wanting to operate Forest Concessions under Sustainable Management need to conduct as socio-economic study. The community's customary rights to forest resources in such logging concessions are maintained by the law but nowhere the law states an obligation for the logger to preserve sites of importance to communities, as it is the case for Rougier now. The forest law still lacks an approved application decree for article 251, the article which touches on social and development contributions by logging firms.
So the social mapping of Rougier goes beyond what the forest code prescribes and the consequences of the social mapping, the protection of special sites for communities in the concession, is even more alien to the current legal framework. The preservation of sites of significance for communities is much more concrete than the access to forest resources offered by the Gabonese Forest Code.
The social mapping conducted by Rougier is thus developing new forms of forest management not foreseen in the law and not directed by any law.

WCS
The work undertaken in the corridor between Lopé and Waka National Parks was done from the perspective of contributing to allow park manager to elaborate effective strategies to manage the needs of the Babongo "Pygmy" population and conservation. Thus the work is clearly linked to the management of National Parks and their periphery. None of the WCS studies has looked at communities that are not in the vicinity of a National Park.

Abitsi and Lepemangoye state in the introduction of their study that the pressures exercised by hunting (red. on the National Parks) is because of the activities of Babongo "Pygmies" in the area. Thus the work by WCS in this case, and presumably in others, is driven by the need to highlight how community livelihoods impact the National Parks and how Parks are affecting community livelihoods.

A particular focus is on hunting seen as a threat on the wildlife in the area. The context of the study is the "*near absence of objective strategies to reduce the pressure exercised by hunting in the area*" (Abitsi and Lepemangoye, 2007).

The methodology in the study is geared to gathering data for the benefit of WCS and park management. The benefits for the communities of the mapping are unclear, though presumably the information could be used to address their needs. The GPS points were taken by WCS staff and the maps were also produced by them. There is no reference to any restitution of the maps to the communities.

The Gabonese National Parks law addresses issues of community resource use outside and inside parks:

- Land management contracts between the park manager and rural communities in the park's periphery would define the terms of the intervention of the communities in the conservation of the biological diversity of the park and its boundary, with the view of improving economic benefits for these communities.
- Activities from rural communities within the park are forbidden (except tourism activities)
- The park boundaries should explicitly avoid any prejudice to community customary rights.
- Any draft law or proposed law aimed at creating, classify or at partially or totally de-classifying national parks is subject to consultation with local communities and authorities.
- Any modification of park limits or of the limits of the peripheral zone has to be preceded by an impact assessment study and consultation with local authorities and communities.
- Within the peripheral zones the park administration can establish and formalize management relations for a concerted management of natural resources with local communities
- The creation for each park of consultative committees for local management between park authorities and local authorities
- Park management plans should be drawn up after consultation with neighboring communities and should take into account the uses and customary rights of the communities
- Park boundaries can be shifted for a period of five years after promulgation

In the WCS study these parts of the law are not explicitly referred to but the study clearly highlights areas for intervention. WCS states that it does not want to halt hunting for auto-consumption but does

want to limit commercial hunting, and wants to strengthen community control of wildlife resources in their traditional territories[46].

The focus of the study on hunting, and the discovery of the use of part of a National Park by a community touch on sensitive issues. The communities in the study evidently rely on hunting and some of it (use of firearms, hunting of protected species) is in clear contradiction with the law. Those community members from Makoko accessing Lopé National Park for their activities are actually infringing on the National Parks law.

The community of Makoko that claims part of Lopé National Park are their lands were obviously not consulted on the creation of the park and might want to consider addressing the government for a revision of the park boundaries.

However most clearly from the study arises the complete ignorance of the communities of any legislation, due to their relative isolation and the absence of the government in the area. The WCS team clearly did not rely on community information alone as they went looking for gun cartridges and traps.

CIFOR/IRET

The CIFOR/IRET study was conducted to support research to inform and promote the sustainable management and development of Ivindo National Park. The study wanted to identify and understand what local people find important in their natural environment beyond conventional values (conservation, natural resources or economic).

The context to the study was the creation of Invindo National Park and how subsequent changes affected and worried local communities. The authors note the progressive Gabonese National Parks legislation and its lack of implementation. They specifically note that local communities were not involved in the establishment of the park or in its future management plan. Though the authors do not say this explicitly, this situation is a violation of the Gabonese legislation on National Parks.

CIFOR and IRET also note how little efforts have been made to link local people's livelihood priorities and conservation objectives. The study notes how studies of local communities' uses and perceptions of forest resources tend to focus on hunting.

The study used a set of methods combining classical biodiversity assessments with information on local people's perceptions, needs and preferences (developed by CIFOR but never tested in Africa). The authors refer to 'Community Mapping' as one of the methods used. This exercise, done separately by men and women, focused on community knowledge and perception of their natural environment and their use of natural resources.

Interestingly the authors of the study note how relations between community members and conservation organizations like WWF and WCS are poor, with communities complaining about harassment, confiscation of game and arrests. The authors note how their work in supporting the government in managing National Parks is confusing villagers' perception of these NGO's.

[46] http://www.wcs.org/gabon

However the study was done 'within the framework of the management and development of Ivindo National Park'. The study clearly determines that the village of LoaLoa is using resources deep inside the National Park, and in fact most of the plots studied are inside the park. Whereas the authors do refer to 'traditional user right' and 'customary rights of use', when referring to community use of resources inside the park, they do not elaborate on these other than noting the lack of precision and understanding.
The study was obviously conducted before the arrival of the 2007 National Parks law. The current legislation foresees that park boundaries can be shifted for a period of five years after promulgation (Heading 7, article 69), and such a measure would seem sensible considering the mapping work of the CIFOR/IRET study.

The study notes how communities' absence from decision making processes, their lack of alternatives sources of income and the fear among communities of the effects of law enforcement, all contribute in increasing the risk of conflict between communities and park management. In fact, the authors note, the perceptions of enforcing authorities and conservations NGO's are already very negative among communities. In fact the authors note how the village did not understand the intentions of the study and confused them with park authorities and conservation NGO's.

A source of immediate conflict between the community and the park concerns the raiding of crops by elephants. This is highly significant as famine is identified as the main threat to the community by villagers. The authors note that agriculture might constitute an important source of income for the communities but also note how communities have abandoned fields because the raids by elephants.

The study highlights important reflections:

- The village of LoaLoa was not involved or consulted for the creation of Ivindo National Park or its management plan;
- The village of LoaLoa uses resources primarily inside the national park;
- Law enforcement is leading to conflict between the village and authorities and their allies- such enforcement is taking place in a context where customary rights have not been identified;
- Elephants from the National Park are raiding community fields, no measures have been taken, and beyond farming only hunting, sand extraction and fishing constitute important sources of income.

Though the authors of the study call for further studies and sharing their data among all stakeholders, and in particular park management, it is unclear in this happened. Certainly the boundaries of Ivindo National Park have not been modified, though the 2007 law offers that option. A Participatory Rural Appraisal in LoaLoa in 2008 still highlighted the negative impacts of elephant crop raiding on the village.

A rough estimation of the extent of customary tenure rights and/or the tenure contestation in areas of forest designated as part of the public domain

1) A rough estimation of the extent of customary tenure rights and/or the tenure contestation in areas of forest designated as part of the public domain, that is documented through these mapping initiatives and describe how is this documented (to the extent that conclusions were drawn and or the organizations are willing to share them, and compared to geo-referenced maps where these counter maps are available;

All of the forests in Gabon are owned by the state; the state can grant other users (logging companies, communities) certain forms of legal access and use in the form of logging concessions or recognizing customary user rights. The origins of the state's exclusive ownership of the forest are in the colonial era and thus very entrenched in thinking about forests and their management. In effect none of the stakeholders in Gabon currently questions the state ownership of the forest and discussions over tenure rights are rare.

Some elements clarifying ownership and tenure of forests in Gabon	**Notes**
The French Colonial authority seized all of Gabon's forests and nullified the rights of the inhabitants of the forests	The Gabonese authorities maintained the seizure of all forests after independence For some one hundred years this has now been the status quo
The French Colonial authority displaced sizeable parts of the Gabonese rural population by force thus depriving them of their ancestral land rights	The Gabonese authorities have not addressed or reversed this situation, including in areas where forest zoning has taken place
The French Colonial authority favored industrial logging as the model for 'managing' Gabon's forests as early as the 1920's	Government policy in Gabon today promotes the expansion of industrial logging and has attributed most of the Forest Domain for this purpose
None of the donors supporting the Government's policy on forests with significant aid have called into question the state ownership of the forest	Though the FESP and the Forest Code prescribe the creation of community forests and the FESP prescribes participatory zoning of part of the Forest Estate neither has been enacted
Gabon was a one-party state until 1991 with very little space for contestation	Foreign observers remain critical of the rights to freedom of expression in Gabon[47]
Even by the governments admits the lack of respect for the law and the importance of political pressure	Foreign observers have highlighted how even the judiciary is not truly independent[48]
illiteracy is common among rural populations, with limited possibilities to access information	Almost every document on Gabon mentions the lack of knowledge of rural populations of their rights and obligations with regards to the forest

Gabon is not at all unique in its focus on state ownership of the forest; all other countries in the region have a similar system. As Gabon has known fast economic growth (if clearly unequal in its benefits) and peace there has been little attention to forest governance.

Tenure rights before the 2001 Forest Code included the 5km provision for community use (see page 9) and overall the customary user rights of communities were exercised without too much obstacles. The study by Judy Knight (Knight, 2002) describes the haphazard government interpretation of legal and

[47] The US government lists the following elements in its Gabon country report on human rights: "*the following human rights problems were reported: limited ability of citizens to change their government; arbitrary arrest and detention; an inefficient judiciary susceptible to government influence; restrictions on freedom of speech, press, association, and movement; widespread government corruption*". Source http://www.state.gov/g/drl/rls/hrrpt/2007/100482.htm

[48] Idem

illegal exercise of customary rights. Overall the government policy towards user rights is characterized by the lack of enforcement of the law. When the law is enforced it can still be characterized by random interpretation. The latter becomes clearly apparent by the CIFOR/IRET study of 2005.

The 2001 Forest Code does contain the promise of community forests but appears to have terminated the 5km for community use arrangement. Furthermore it is handing out more land to logging concessions, a major overall trend for government policy. While customary user rights for communities extend in logging concessions, the quality of these forests for community use is likely to be affected. The DACEFI studies note:

- The disappearance of the Moabi trees (Baillonella Toxisperma) because of excessive logging regardless of the usefulness and appreciation of the tree for local communities (bark, fruit etc);
- The way loggers have deceived communities by bribing them with small amounts of money while exploiting the communities' forests at a maximum in a disorganized and abusive way (sic).

The maps produced by the DACEFI project do not challenge prevailing policies on ownership and use. In fact they stick closely to the stated government policy to develop community forest in the Rural Forest Domain. The final DACEFI report proposes how community forests should be adapted around existing logging concessions, even if this means awarding the community only a fraction of their community lands as a community forest.
The maps and the studies from DACEFI do highlight how often communities have important livelihood activities at substantial distances from the village. This would challenge the notion that a 5km band for village use (see page 9) would somehow be sufficient for village livelihoods. Similarly the CIFOR/IRET study shows how the village of LoaLoa is using important parts of the Ivindo National Park and, though not explicitly stated in the report, considers them as part of their village lands.

The WCS/Abitsi and Lepemangoye study of the corridor between Waka and Lopé National Parks again shows communities using large tracts of land, Moukogama with 9700 hectares accounting for the smallest village lands in the study.

The CIFOR/IRET study is quite clear on the existing animosity and conflict between villagers and park management (and it's WWF and WCS allies). The other cases in this report do not address conflicts directly. However it's fair to state that all the mapping exercises presented show some level of contestation. In all the cases presented community lands extend inside logging concessions and national parks.

Only the CIFOR/IRET study makes the link between the absence of legislation or the lack of application and community rights (on customary land rights) but the WCS study also shows the ignorance of communities and therefore the evident lack of community consultations during the creation of the two national parks covered. The national parks covered in the cases presented have not taken any visible measures[49] to address community access and rights inside the parks though the (National Parks) law instructs the authorities to do so – in management plans for example.

The size of the village lands presented in the different case studies and the fact that in almost every case these lands overlap with other uses would strengthen the case of a participatory zoning exercise to review the current use of the forest domain. It's seems probable that an extension of the rural forest

[49] No measures are presented in the cases though the different authors offer suggestions

domain would guarantee community customary user rights. It might also reduce conflicts as those evidenced by the CIFOR/IRET study.

Finally the size of village lands evidenced by this report should inform government policy on community forests. The DACEFI project proposes community forests that constitute 58% and 75% respectively of village boundaries (of their two test villages). The DACEFI maps clearly show many community usage zones as outside of their proposed community forest.
Though the social mapping done by Rougier would seem to advocate the possibility of a peaceful cohabitation between loggers and villagers, such a model raises questions. A primary question is the inequality evidenced by all cases, where communities are always obliged to 'adapt' to legislation constructed for others (logging concessions, national parks). Inequality also where legal protection for community use is either absent or not enacted. Clearly in practically all the cases presented communities where totally uniformed of their rights and obligations.

The mapping undertaken by logging firms for their FSC certificates is improving our knowledge of the forest. However who is responsible, and how is equality guaranteed, when making the key decisions on what trees or sites to preserve? It is clearly a process driven by the logging firm and the uniform timeframe and approach might not do justice to the complex use of the forest and forest resources by communities (as evidenced by the CIFOR/IRET study).

And finally there is inequality when most studies of community use of their lands or resources, the enactment of their customary rights, seems to focus only on those activities of interest to other users of the same spaces. The CIFOR/IRET study dryly notes how community studies have tended to focus on hunting.

The CIFOR/IRET study is the only case whereby community use of resources was identified from a primarily positive angle, focusing on community knowledge and value systems. There is no evidence that is recommendations were enacted upon in the 4 years that have passed since the study.

The government's focus on developing industrial logging and the creation of the national parks system have not been matched by sufficient attention to the development of the Rural Forest Domain and more specifically to community customary land rights. Some legislation that is available to the government could offer some solutions. Such promising avenues are offset by the developments that could prove detrimental to community customary rights:

- The extension of logging concessions and the creation of new permits in the Rural Forest Domain all while forests available to communities are not delimited and communities do not have the right of first refusal;
- The enactment of National Parks legislation and the development of management plans without adequate consultation of communities. A lack of consultation could see community use of resources within National Parks barred and the CIFOR/IRET case highlights the already inadequate situation whereby communities were not consulted on the creation of the park.

So though none of the cases presented in the study searched to highlight tenure contestation, they all contain evidence of the potential or presence of precisely such contestation.

The presence of most resources used in this report in the public domain and the willingness of authors to share any further data should make the use of these maps by decision-makers an easy and necessary

step. The legislative and policy options available to government to address many of the tenure issues in the report should offer substantial improvement to the current state of affairs.

Information on the area involved, the numbers of communities and households/people

DACEFI

The project covered 7 villages and extensive documentation is available for 5.

Name of village	Area	No of households / houses	Population	Contradictions	Lessons to be learned
Ebe	Together 12,612 hectares	19	158	92 permanent residents and 66 non-permanent residents	For all communities large numbers of non-residents.
Messe		1			
Melane		5	39	13 permanent residents and 26 non-permanent residents[50]	
La Scierie	27,655 hectares	19	340	167 permanent residents and 173 non-permanent residents[51]	
Ntsenkélé	616km² or 61,600 hectares	61	715	325 permanent residents and 390 non-permanent residents	

Rougier

Rougier's social mapping has covered 14 villages and is ongoing in 5 more villages. The number of inhabitants of these communities is unknown but unlikely to exceed 2,500 for all 14 villages covered.

The space thus far covered by Rougier is the entire surface of current annual allowable cut within Forest Management Units. The total surfaces is near 30,000 hectares for the Haut-Ogooué province (Moyabi and Léké Forest Concessions under Sustainable Management) and 50,000 hectares for the Ogooué-Ivindo province (Ogooué-Ivindo Forest Concession under Sustainable Management).

The size of the territory of each village can be judged from the Obili case (see above) it appears to be around 4,000-5,000 hectares per village. Rougier's mapping only focuses on specific zones and not on the entire village boundary (*finage*) as DACEFI.

So the total size of the village lands (for 14 villages) covered could be around 56,000-70,000 hectares.

WCS

The WCS/ Abitsi and Lepemangoye study covers 4 villages.

Name village	Department	Province	Number of inhabitants	Size of community lands (hectares)	Number of households
Makoko	Tsamba-Magotsi	Ngounié	88	26,503	14

[50] In the 2008 report the combined permanent residents for Ebe, Messe and Melane is listed as 103

[51] In the 2008 report the permanent residents for La Scierie are numbered at 162

Ngondet	Ogoulou	Ngounié	90	9,735	14
Motada	Ogoulou	Ngounié	93	23,108	21 habitations
Moukagama	Offoué-Onoye	Ogooué-Lolo	85	16,224	11

WCS has also conducted mapping in and around Birougou National Park and speaks of 50 communities covered there.

CIFOR/IRET

According to the last published census (1993) the population of LoaLoa is of 237 people in 47 households. The study covers a substantial part of Ivindo National Park. The study does not specify the area covered but an estimation is somewhere between 6000-8000 hectares.

Conclusions and recommendations and way forward

There is an urgent need to review community use of forest resources to increase government knowledge of community use but also to capture community knowledge for future management. The approach presented by CIFOR/IRET could offer important clues.

All those communities in the periphery of or inside National Parks should participate in participatory mapping of their village boundaries.

The participatory maps thus produced should feed into the created consultative platforms (including adequate grassroots representation) to discuss a review of Park boundaries.

The participatory zoning mention in the FESP should take place and cover the entire forest domain.

The participatory zoning should offer a platform to discuss the attribution of forest concessions and the creation National Parks vis-à-vis areas for community use. Areas available for community use should be clearly marked and discussed with communities.

The legislation on community forests should lead to a participatory process with all stakeholders to identify the realization of community forestry; notably by the creation of adequate legislation and structures.

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