THE RAINFOREST FOUNDATION UK
SECURING LANDS, SUSTAINING LIVES

Briefing
November 2011

Mapping and Community Forests in the Central African Republic

CAR Forest Policy Moving in the Right Direction Under Challenging Conditions

The Central African Republic (CAR) has some 5 million hectares of dense moist forests (8% of the national territory) located in the south-west and south-east of the country. Despite substantial natural resources which include diamonds, uranium, gold, oil and timber, CAR ranks 159th of 169 countries in the UNDP's Human Development Index (2010). The indigenous and forest-dependent communities in the south-west are considered to be the most disenfranchised of the population with many lacking secure access to traditional lands, resources and public services. In order to address this situation, the Government developed a Poverty Reduction Strategy which promotes the participation of local populations in the sustainable management of forest resources and has put in place a legal and policy framework to promote this.

The Forest Law adopted in by the CAR Government in 2008 contains a number of progressive elements including provision for community forestry and certain safeguards concerning the rights of communities around areas protected for biodiversity. More recently, the Government has taken the important step - a first in the Congo Basin region - of ratifying Convention No. 169 of the International Labour Organization, which places a legal obligation on the Government to protect the rights of indigenous peoples, such as the Bayaka living in the south-western forests. Full compliance with ILO Convention No. 169 would allow for the recognition of indigenous community ownership or possession of lands and ensure indigenous peoples' right to be consulted about initiatives that affect them.



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Taking traditional decision making and governance into consideration

CAR's Forest Law opens up new opportunities to secure resource rights for forest communities. Rainforest Foundation UK (RFUK) has been working over the last two years with CAR's Ministry of Water, Forests, Hunting and Fishing, to develop a Manual of Procedures to ensure implementation of the community forests provisions in the Forest Law. Although the provisions for community forests in the Forest Law place limitations on the length and strength of possession or ownership rights that forest communities can benefit from, we believe they are an important step in the right direction.

The Ministry of Forests has worked closely with local communities, NGOs and the RFUK to explore what specific policy instruments and governance structures need to be put in place to ensure proper development and management of community forests. The emerging policies and programmes can make an important contribution to the implementation of a Voluntary Partnership Agreement with the European Union under the Forest Law Enforcement, Governance and Trade (FLEGT) programme.



Photo Credit: RFUK



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Making community forests work for indigenous communities too.

The work we have done with the CAR Government reflects its willingness to engage in progressive participatory approaches to new policy formulation and implementation. As well developing the most progressive community forest polices in the region, it has also started to tackle the particularly difficult problem of how to ensure proper opportunity and involvement of non-Bantu indigenous forest communities such as the Bayaka. This has involved extensive anthropological research and consultation with indigenous forest communities (and other traditional forest inhabitants), with a view to ensuring that the procedures for acquiring and managing community forests are consistent with their forms of social organisation and decision making structures, and their capacity to follow administrative processes.

Some of the challenges inherent in this work are:

- How to guarantee participation of Bayaka in decision-making processes within local management committees when the overriding tendency is for Bayaka, as low status actors, to be marginalized from decision making in "mixed" (Bantu/Bayaka) contexts, especially when local Bantu power-holders are involved.
- How to make equal distributions of collective Community Forest revenues to Bayaka when, in Bantu political culture, distributions of material resources reflect social status – those with high status receiving more, those with low status receiving less.

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Our work on has also been based on the evidence we have produced through extensive participatory mapping of local and indigenous communities' land and resource use and customary laws over the last 3 years in CAR, which has clearly shown the extent of community customary rights and use of forest land, as well as its overlap with other forms of land use such as logging concessions and protected areas. It also shows the areas where different communities share the same resources.

"We hope that with the commitment of all stakeholders and support from development partners, the manual of procedures for the allocation of community forest in CAR will result in improved livelihoods of local and indigenous peoples."

"Working for two years with civil society and the Rainforest Foundation UK as part of the participatory mapping project in the Congo Basin is exemplary and it seems to me it can provide a model of collaboration between government and civil society at national and sub regional levels."

Rubens Nambaï, Director of Cabinet of the Ministry of Water, Forests, Hunting and Fishing of the Central African Republic (extract from his speech at the national workshop on the guidelines for allocation of community forests, Bangui, August 2011)



Photo Credit: RFUK

Recognizing customary rights in the establishment of community forests

The outputs from the work described above have played an important role in the development by the Ministry of Forests and collaborating civil society groups of a draft Manual of Procedures for community forests, which sets out exactly how the provisions of the new Forest Law's provisions on community forests will be implemented. As another first for the Congo Basin region, these procedures allow for recognition of customary and traditional forest community rights and social organisation as a basis for the establishment of officially designated community forests.

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The recommendations from this work have largely been taken into consideration in the official process for defining community forest allocation procedures, which is awaiting official adoption. Among these are:

- Procedures to access community forests should address indigenous peoples' specific considerations so that they can effectively decide about community forest objectives, participate in the allocation and management of community forests, and benefit directly from the potential income generated by those forests. This includes:
    - A provision for indigenous-specific community forest management "councils" for cases where mixed communities apply for community forests. This is to ensure that indigenous peoples are able to discuss and make decisions without threat of intimidation or marginalisation, and in accordance with their own social structures; and
    - Additional provisions to ensure that indigenous decisions are taken into account in the overall management plans for community forests.
- Simplification of the administrative procedures is necessary for allowing communities to easily access community forests.
- All the communities involved in the fieldwork have clearly expressed their desire to obtain access to community forests as a mean to protect their environment.



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