

Community forestry as a lever for sustainable rural development in the Democratic Republic of Congo

Recommendations for CSOs



Summary

- In the Democratic Republic of Congo (DR Congo), the government, with the help of civil society organizations (CSOs), has developed a legal, institutional and operational framework to support community forestry.
- Communities can apply for community forest concession titles (CFCLs), which give them perpetual legal rights over the land and its resources.
- We interviewed representatives of government agencies and CSOs as well as community members, and asked them about their experience with the application of the CFCL model, the factors that have influenced its development, and the extent to which communities have been able to access CFCLs. After that, we organized a workshop to discuss ways in which CSOs can help to improve the outcomes.
- The area under CFCLs has been growing, empowering local communities to increase control over their forest areas (protecting them from land and resource grabbing and predation by external actors) and to engage in community forestry activities.
- A lack of resources among government agencies and reluctance of powerful individuals and local government officials to devolve rights to local communities are hampering the CFCL application processes.
- CSOs can help to improve the outcomes of the CFCL model through: knowledge gathering and dissemination (e.g. on CFCL processes, governance, and entrepreneurship); support for communities to develop productive forest-based activities that are economically feasible, ecologically sustainable, and socially acceptable; and lobby and advocacy to improve the policy environment.

Introduction

Community forestry can serve as a lever for sustainable development in rural areas, offering an alternative for industrial exploitation and strict conservation. To promote community forestry, the government of the Democratic Republic of Congo (DR Congo) allows communities to apply for so-called community forest concessions (CFCLs). CFCLs are located outside of strictly protected areas and industrial logging

concessions, and can be up to 50,000 hectares each. Within a concession, a community is allowed to exploit the forest for subsistence and commercial purposes, forever, as long as it follows a management plan that has been approved by the authorities. Each concession is governed by a village forest committee, which consists of several elected community members. By July 2020, there were 70 officially registered CFCLs, across

seven provinces, with a total surface area of over 1.36 million hectares.

In 2020 we conducted a review of the CFCL model in DR Congo. The study meant to find out the extent to which CFCLs have had the desired outcomes in terms of rural development, and to identify the main barriers, as well as the conditions for success (in terms of improvements to livelihoods, self-determination and forest conservation). The study consisted of a literature review, and consultations and discussions with community members and representatives of government agencies and civil society organizations (CSOs). The focus was primarily on the Provinces of Tshopo and Maniema. Based on this study we organized a workshop with CSOs to discuss ways in which they could improve the outcomes of the CFCLs. In this briefing paper we summarize some of the main results of the study and the main recommendations that came out of the workshop.

Results

So far, DR Congo's efforts to promote community forestry have had several positive outcomes:

- There is now a legal, institutional and regulatory framework, providing a solid basis for the development of community forestry (see Box 1).
- CFCL titles have given communities more control over their customary forests, enabling them to prevent spoliation of their forests by chiefs and other powerful people.
- Lands within a CFCL cannot be sold to other parties, but communities are allowed to enter into joint ventures with (or rent the land to) other parties for the sustainable production of forest products. Within CFCLs, communities are empowered to prevent illegal exploitation of forest resources and minerals.
- There is increased involvement of local communities in the management and operation

of CFCLs (community-based governance bodies have been set up and logging activities have been initiated), and there is increased community-level awareness related to various aspects of sustainable forest management.

Our review also identified a number of obstacles to the process of adjudication of CFCLs, including:

1. CFCL application processes require money and technical skills, making communities dependent on support from NGOs.
2. Local government agencies are responsible for several aspects of the CFCL application process (including the identification of communities, and preliminary investigations), but they do not have sufficient resources to take on these tasks.
3. Corruption, e.g. when civil servants charge extra for services related to CFCL application processes.
4. Abuse of power, e.g. when certain individuals (such as traditional authorities, local business men, or military officials) sabotage CFCL application processes, because they are afraid to lose their access to forest resources.
5. Legal documents are in French and therefore not accessible to local stakeholders, who often only speak local languages.

For the communities that have successfully acquired CFCLs, some other obstacles remain. These are mostly related to conflicts in leadership, competing interests and corruption, and a lack of human and financial resources. Also, sometimes local people show little interest to participate in collective activities, because they cannot see the benefits. Finally, due to competition and a lack of policy coherence between different ministries (Environment, Land, Mines, Agriculture, Rural Development, etc.), overlapping and conflicting claims exists at the local level, for example when the Ministry of Agriculture issues agricultural concessions within CFCLs.

Box 1. Elements of the legal, institutional and operational framework supporting community forestry in DR Congo

- Law 011/2002 on the Forest Code, allowing the formalization of the rights of communities to customary forest lands.
- Decree 14/18 of August 2014 on the terms of allocation of CFCLs.
- Decree 025 of February 2016 on the mode of management and operation of CFCLs.
- A national community forestry strategy.
- Several implementation tools, such as an operational guide for the development of simple management plans.
- The Community Forestry Division (DFC) and its focal points in the provinces.
- Several multi-stakeholder consultation frameworks at the national and provincial level.

Because of such obstacles, the short-term benefits for communities (in terms of increased income from agroforestry and forestry activities within the CFCLs) are not yet clearly visible. Still, the CFCLs are providing communities with more control over their customary lands and resources, and helping them to prevent appropriation by other actors. This is an important outcome in itself. It will take more time for communities to translate the improvements of their rights into improvements of their living conditions.

Recommendations for CSOs

CSOs have a role to play in the process of adjudication as well as in the implementation of the CFCL model. In general terms, CSO support is needed in three areas: (i) the generation and dissemination of evidence-based knowledge and learning; (ii) direct support of communities to help develop forest-based practices that are economically feasible, ecologically sustainable, and socially acceptable (fitting the local context and needs, and with broad support from community members); and (iii) lobby and advocacy to improve government regulation. Below we mention some examples for each.

Knowledge gathering, dissemination and learning

- CSOs need to work with research centres, conducting action research within CFCLs, among others to explore innovative productive activities that enable the communities to generate revenues from the forest without clearing it (e.g. techniques to process non-timber forest products to increase value and reduce spoilage), and disseminate results with the relevant stakeholders.
- Develop more inclusive local forest governance systems and organize exchange meetings that involve representatives of different communities with CFCLs as well as government officials, to allow for learning among different communities, and between communities and government officials.

Direct support

- CSOs should support local communities with developing sustainable and viable community forestry practices, by developing value chains for forest products, building financial and marketing skills, and helping with developing bankable business plans, among others.
- CSOs should make sure that people living in the rural areas (who usually do not speak French, and many of whom are illiterate) have access to information about CFCL application processes and community forestry. It requires, among others, translation of formal documents into the four national languages (Lingala, Kikongo, Kiswahili and Tshiluba) and awareness building campaigns.

Lobby and Advocacy

CSOs should engage in lobby and advocacy efforts aimed at improving the regulatory and policy environment for community forestry. Some of the main lobby and advocacy goals are:

- National and provincial governments, as well as Decentralized Territorial Entities (ETDs), should take community forestry into account in their development planning.
- The government needs to align budgets for community forestry at the national, provincial and ETD levels.
- Currently the costs of the adjudication process are high, and communities depend on external support. The state and CSOs have limited capacity to provide this support at scale, and private enterprises may try to use the CFCL model to seek cheap access to natural resources, weakening the position of communities. To prevent this, the cost of the process of requesting a CFCL should be reduced to allow for further upscaling of the number of communities with CFCLs.
- There should be a national fund for community forestry, with a provincial focus. This fund should be used to finance the management and operation phase of CFCLs, while also supporting the operationalization of the Community Forestry Division (including focal points at the provincial level).
- To facilitate economic development, the state would have to release community-based enterprises of taxes during the first five years after establishment.
- To increase policy coherence, CFCLs need to be integrated into ongoing reforms of laws and policies that are related to lands, forests and minerals, and in particular those related to REDD+ and land-use management plans.
- To harmonize the forest code and the law on land rights that is in development.
- There is a need for periodic consultations between sectoral ministries, in order to facilitate the harmonization of views, approaches and policies.
- The government should prohibit the exploitation of subsoil resources (e.g. minerals, oil, gas) by external actors (including the state) within CFCLs.



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