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Seeing the Wood for the Trees:

Forestry Governance in the DRC

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CONTENTS

About the Authors	4
Foreword	4
Abbreviations and Acronyms	5
Chapter 1 Introduction	6
Chapter 2 Overview of the formal logging sector in the DRC	9
Size and shape of the industry, 2008	10
‘No more loose atoms’: Implications of the conversion process for forestry governance	13
Chapter 3 National policy for forestry governance	15
A vision and a priority agenda	16
From vision and priority agenda to co-ordinated action plan	17
Chapter 4 Bringing diverse actors together: Examples of network governance	21
Chapter 5 Starting at the roots: A case study of forestry governance in Bikoro, Equateur Province	23
Research question and methods	24
Overview of Bikoro Territory	25
The IUCN forest governance project	25
Challenges for industrial logging in Bikoro Territory	28
Challenges of doing business in Bikoro	30
The 2008/09 global financial crisis	31
Squeezed from two sides: Taxes and corporate social responsibility	32
Benefits of the tripartite local governance initiative for the logging companies	34
Challenges faced by government in Bikoro Territory	35
Benefits of tripartite forestry governance structures for the local administration	36
Overview of civil society/the local community in Bikoro	37
Challenges faced by civil society/the local community in Bikoro	38
Benefits of tripartite local governance structures for civil society/ local communities	41
Tripartite structures a model for bottom-up governance?	41
What is beneficial about tripartite structures?	42
Chapter 6 Conclusion and recommendations	48
Endnotes	53
Bibliography	61

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FOREWORD

This case study on forestry governance in the Democratic Republic of Congo (DRC) forms part of a three-year project entitled Strengthening the Governance of Africa's Natural Resources, conducted by the Governance of Africa's Resources Programme (GARP) of the South African Institute of International Affairs (SAIIA). Funded by the Norwegian Ministry of Foreign Affairs, it aims to make a significant input into policy governing the exploitation and extraction of Africa's natural resources by assessing existing governance regimes and suggesting alternatives to targeted stakeholders.

The level and quality of governance within key states is central to the developmental trajectory of the entire continent. GARP examines the governance of a number of resource-rich African countries within the context of cross-cutting themes such as environmental change and sustainability issues. Addressing these elements is critical for Africa to avoid deepening the challenges of governance and reducing its vulnerability to related crises, including climate change, energy security and environmental degradation. The programme focuses on four natural resource sectors in four African countries, i.e. mining, forestry, fisheries and petroleum in Tanzania, the DRC, Angola and Sudan.

Based in Cape Town, GARP has partnered with in-country experts with a view to forming an African research network on natural resource governance. Field research for this case study in forestry was conducted by GARP researchers Mari-Lise du Preez and Kathryn Sturman from October 2008 to February 2009. Their research was facilitated by Joël Kiyulu, national co-ordinator for the International Union for Nature Conservation in Kinshasa and Bikoro, whose guidance and assistance throughout the research process is gratefully acknowledged.

ABBREVIATIONS AND ACRONYMS

AFD	French Development Agency
CAF	Country Assistance Framework
CARPE	Central African Regional Programme for the Environment
CBFP	Congo Basin Forest Partnership
CDF	Congolese franc
CDV	Committee for Dialogue and Vigilance
CIFOR	Centre for International Forestry Research
CIM	Inter-Ministerial Commission for the Conversion of Old Forest Titles
COMIFAC	Central African Forests Commission
DRC	Democratic Republic of Congo
EU	European Union
FIB	Industrial Forestry Federation
FLEGT	Forest Law Enforcement, Governance and Trade
FSC	Forest Stewardship Council
GARP	Governance of Africa's Resources Programme
GBP	UK pound
ICG	International Crisis Group
IMF	International Monetary Fund
IUCN	International Union for the Conservation of Nature
MENCT	Ministry of the Environment, Nature Conservation and Tourism
NGO	non-governmental organisation
PAP	Priority Action Plan
PNFoCo	National Programme for Forests and Conservation
PRSP	Poverty Reduction Strategy Programme
REDD	Reducing Emissions from Deforestation and Degradation of Forests in Developing Countries
SVBC	Strengthening Voices for Better Choices
UK	United Kingdom
US	United States
USAID	US Agency for International Development
WWF	World Wide Fund for Nature

CHAPTER 1

INTRODUCTION

Flying over the DRC's Equateur Province is like flying over the sea, except that the unbroken vista below is the dense, dark green colour of trees. At 145 million hectares, forests cover around two-thirds of the DRC's national territory.¹ Second in size only to the Amazon rainforest, the Congo rainforest is not only of national importance, but of global significance too. Tropical rainforests play a vital role in regulating global weather and mitigating climate change. The protection of such a resource is complicated when it is found within the borders of a *de jure* sovereign state. In a state like the DRC, where *de facto* sovereignty over the territory is weak, many of the real decisions are made at the local level. Governance of the forestry sector is a balancing act of international imperatives, national policies and local realities.

This report begins by identifying the governance challenges that are unique to forests as a natural resource. Contemporary theories of governance are examined, with a 'network governance' approach identified as an appropriate model for the forestry sector. An overview of forestry governance in the DRC follows, providing a descriptive account of the sector and an analysis of national policy and its implementation since 2002. This sets the scene for a case study of forestry governance in Bikoro Territory,² Equateur Province. Conclusions and recommendations are then drawn from the case study and the national policy analysis.

The ways in which tropical rainforests differ from other extractive resources lead to specific governance challenges and opportunities. Firstly, unlike mineral resources, a forest is potentially a renewable resource, but only if exploited sustainably. Secondly, while minerals have little intrinsic value unless extracted from the ground, rainforests have greater value 'in the soil' than they would as firewood or cabinets.

In the DRC, around 40 million people depend directly on the expansive Congo rainforest for their livelihood.³ The forest is rich with biodiversity, which helps regulate one of the world's largest river basins. As such, each tree in a rainforest also forms part of a larger ecosystem. On an even larger scale, tropical rainforests, found only between the Tropics of Capricorn and Cancer, play an essential role in regulating global weather patterns. Of global significance, tropical rainforests store carbon, produce a significant amount of the world's oxygen and slow climate change.⁴ Forests can serve as either carbon sinks or carbon sources. It has been estimated that, at 18% of global emissions, carbon emissions from deforestation exceed that of the global transport sector. It is for these reasons that reducing deforestation and degradation in tropical areas such as the DRC is seen as a high priority mitigation option for slowing climate change.

These characteristics of rainforests require an expansion of the traditional range of considerations related to natural resource governance beyond even that of sustainable exploitation for national benefit. Not least on this expanded list of considerations is the challenge of attaching a value beyond the traditional 'harvested value' to a resource that is a public good, both to those within the DRC and globally. In a country like the DRC, the idea of forest stewardship thus links the local level to national, regional and global imperatives.

Progress in the forestry sector can potentially leverage wider gains in good governance.⁵ Actors in this sector have more experience in addressing governance issues — at the local, national and international levels — than many others.⁶ Thus, while the complexity related to the governance of tropical rainforests poses particular challenges, the lessons learnt could have wider application.

Forestry, in particular, is a sector in which old modes of governance did not work. James Scott explains how, during the 18th and 19th centuries, centralised top-down control of the German forest led to what is called ‘Waldsterben’, or the death of the forest.⁷ While at first an increasingly ordered and ‘scientifically’ managed forest led to a growth in the forest area, with time this same approach led to an ecological disaster even as the forest became an inefficient source of timber for human use. Part of this failure can be traced to the early modern European state’s view of forests primarily through the fiscal lens of revenue needs, which led to states seeing instead of an actual tree with its vast number of possible uses, an abstract tree representing a volume of lumber or firewood. Related to this was the fact that foresters did not understand the complex ecological web that they were trying to manage.

The old-fashioned approach to governance is described by Bradford DeLong in the following terms: ‘people in rooms lined with green silk lay out complicated plans, which are then approved by the politically powerful, implemented with no regard for local conditions of local knowledge, and wind up as disasters.’⁸ The emergence of a hierarchical form of governance has to be understood in the larger context of the centralised state-making initiatives of that period. In the case of forestry, for instance, the German way eventually became the basis for forest governance in France, the UK, the US and the developing world. This type of forest governance has been criticised since the 1960s.⁹ Dissatisfaction came to the fore again in 1992 with the failure of deliberations aimed at achieving a global forest convention.¹⁰ As it became clear that natural forest systems do not react well to this kind of centralised control,¹¹ new forms of governance had to be found.

However, if hierarchical governance of forests did not work, neither does pure market governance. A free-for-all could result in a ‘tragedy of the commons’ scenario, as envisaged in the seminal paper by Garrett Hardin.¹² Fortunately, as some of the leading scholars of common-pool resources argue,¹³ considerable advances in understanding and managing commons problems have been made since Hardin’s article appeared in 1968. It has been shown, for instance, that the tragedy is real, but not inevitable. So too, some examples of users devising long-term, sustainable solutions for governing such resources have served to debunk the argument that the only successful solutions to commons governance are those imposed on users by external authorities.¹⁴ The specific characteristics of a common-pool resource influence the challenges of devising governance regimes. When it comes to a resource such as a forest, the interplay between ecosystems and social systems has led to commons governance increasingly being seen as part of a school of thought labelled ‘complex systems’ thinking.¹⁵ The complexities relating to challenges of multiple actors (with different, and sometimes competing, interests) at different levels (local through global) were mentioned above. In response to such challenges, forms of multi-stakeholder, multilevel governance, or network governance, have emerged. The goal of this form of governance is to match the complexity of the problem area with a form of organisation that copes better with complexity, i.e. the policy network.¹⁶

One of the fundamental challenges of a network type of governance relates to a revision of the roles and responsibilities of the different actors. While there are no one-size-fits-all blueprints in this world of network governance, in which the type of resource and the context play important roles, some common lessons have been identified. In terms of a revision of the role of the centre (state), for instance, some scholars have described it as that of a conductor that provides strategic vision.¹⁷ This description of the centre as conductor also alludes to a role of co-ordination, another central function in network governance.¹⁸ In addition, a study by the French Development Agency (AFD), critical of prescribing 'good governance' as a panacea, identifies these two concepts (strategic vision and co-ordination) as governance priorities in developing countries.¹⁹

Worldwide, national forest governance initiatives increasingly combine top-down goals with bottom-up implementation. With such initiatives, while the centre provides the framework and is broadly responsible for the 'what', the 'how' is specified at local level. This is in line with governance theory, which recognises that societies generate order through both central decision making (top-down control) and local (horizontal) interaction.²⁰ Often, network governance entails not only bottom-up implementation, but also creates space for stakeholder input in the policymaking process, hence the term 'policy networks'.²¹ Multi-stakeholder, multilevel network governance processes therefore require effective communication channels among actors and the different levels, or, as it has been labelled, 'vertical and horizontal linkages'.²²

Having identified network governance as the contemporary best practice for forestry governance, the report now turns to the specific context of this sector in the DRC.

CHAPTER 2

OVERVIEW OF THE FORMAL LOGGING SECTOR IN THE DRC

Logging in the DRC has always been constrained by the difficulties of moving heavy loads through a vast country without passable roads. The industry has historically been, and remains, small when compared to operations in other Central and West African countries such as Cameroon, Gabon and Ghana. Infrastructure development of roads and river transport is the missing ingredient for a viable logging industry in the DRC and, conversely, the greatest threat to its forests. Better transport would facilitate intensified industrial logging and open markets for charcoal production, which is an especially destructive artisanal activity.

The Congo River has been the most important conduit of logs, with heavier species loaded on boats and lighter wood bundled into rafts. Commercial logging began in the 1930s close to the port of Matadi, for ease of shipping to Europe. The surrounding forests of Bas-Congo were exhausted in the 20th century, and operations shifted to the interior. River ports like Mbandaka, Lisala and Bumba in Equateur Province and Kisangani, the capital of Orientale Province, were transport hubs and centres for trade.

Post-independence logging was unregulated to the extent that legislators drafting a new Forest Code in 2002 had to refer back to colonial law from 1949. The Inter-ministerial Commission for the Conversion of Old Forest Titles (CIM), set up in 2006 to review the sector, had to look back even further in Belgian archives to find the original ordinance for commercial logging in the Congo, dated 1887.²³ A number of logging companies were established after 1970 during the Mobutu era. The largest of these was the state-owned FORESCOM, which was part-owned by Belgian, then later by Canadian, interests. The German timber company Danzer built a timber-processing plant in Maluku in 1976, which was the largest in Africa at the time.²⁴ Danzer expanded logging operations in the DRC through its subsidiary company, SIFORCO. By the mid-1990s official figures recorded peak annual exports of 240 000m³ of timber from the DRC.²⁵

Between 1997 and 2002 production ground to a halt as ‘war imposed a very effective logging ban’.²⁶ Field researchers in the forests of Equateur and Orientale in 1999 and 2000 noted that river transport to Kisangani had ceased and other bustling towns along the river had gone quiet.²⁷ Rebel groups controlled the greater part of the tropical rainforests in the north and east of the country. Although this put a stop to formal logging, the war drove millions of displaced people into the forests, with serious consequences of deforestation for fuel wood.²⁸ Some forest concessions were operated during the war in the government-controlled areas of Bas-Congo and Bandundu, and along the river south of Mbandaka in Equateur. But only four of the 20 logging companies operating in Bas-Congo in the 1990s were still there by 2002.²⁹

A surge of investment interest in the sector followed International Monetary Fund (IMF) and World Bank recovery plans for the DRC, which identified timber as a valuable commodity alongside diamonds, gold, copper, oil and other minerals with the potential to

drive economic growth through resource extraction. Increased demand for tropical timber was part of the commodities boom that accelerated growth in Africa from 2003 to 2008.³⁰

Table 1: Increases in production of and export of timber from the DRC (1 000m³), 2003–07

Production of timber in DRC	2003	2004	2005	2006	2007
Logs	130	155	180	205	205
Sawn wood	61	72	83	94	94
Veneer	1	1	1	3	3
Plywood	1	1	1	1	1
Export of timber from DRC	2003	2004	2005	2006	2007
Logs	58	110	144	178	178
Sawn wood	20	26	42	69	69
Veneer	1	1	1	2	2
Plywood	0	0	0	0	0

Source: ITTO, *op. cit.*

Yet the non-commercial value of tropical rainforests required a different form of governance for logging than for other extractive industries, as explained above. Policymakers across the spectrum from environmentalists to the World Bank agreed on the need to cancel many of the existing logging titles and to stop issuing new titles until after a comprehensive sector review. The ability of the new Congolese government to uphold such a ban was weak, however. The 2002 moratorium on new forestry titles did not prevent over a hundred concessions being granted thereafter, some of which were 'swaps' of unproductive forest areas for new, higher quality areas.³¹ When new contracts were granted in breach of the moratorium, the moratorium was reconfirmed by presidential decree in 2005.³² Production and export figures in the logging sector continued to rise from 2003 to 2007, reflecting timber's place in the commodities boom in the DRC.

SIZE AND SHAPE OF THE INDUSTRY, 2008

For a current snapshot of the logging industry in the DRC, the data provided by the title conversion process of the CIM is informative. From 2006 to 2008 the CIM received applications for 156 concessions owned by 76 companies and individuals. These concessions were situated primarily in Equateur Province (70 concessions), Bandundu (36) and Orientale (30), and a few in Bas-Congo (17) and Kasai (4). Only 15 of these companies owned three or more logging titles (see Table 2). The majority owned one or two concessions each, many of which were merely 'paper concessions' by the end of the war, where production had ceased or the title was obtained for speculative purposes.³³

Table 2: Top 15 logging companies in the DRC before (2006) and after (2009), the forest title review

Top 15 companies 2006 (pre-conversion)	Number of hectares	Top 15 companies 2009 (post-conversion)	Number of hectares
NST Group*	4 662 902	NST Group*	4 576 422
SIFORCO	1 927 726	SIFORCO	1 927 726
TRANS-M	746 000	SEDAF	668 033
SEDAF	668 033	SICOBOIS	394 750
ITB**	665 904	La Forestière	376 764
Amb Nkema Lilloo	593 280	ITB**	371 140
La Forestière du Lac	556 064	SAFBOIS	334 700
MOTEMA	500 000	SOEXFORCO	229 476
COCAF	475 300	SCIBOIS	229 400
Lumoo Emile	452 336	La Forestière du Lac	179 300
Reserve Strategique	421 978	Maison NBK Service	137 064
SICOBOIS	394 750	Compagnie des Bois	120 000
LEDYA	373 000	ONATRA	74 023
SOCIBEX	367 000	ENRA	52 192
CFBC	358 000	Riba Congo	48 256
Others (58 title holders)	9 870 813		

* SODEFOR, CFT, FORABOLA and SOFORMA.

** See the discussion of ITB in the case study of forestry governance in Bikoro Territory in Chapter 5, below.

Source: CIM documents; Communiqué Officiel No. 4973/CAB/MIN/ECN-T/15/JEB/2008; *Rapport de l'OI sur les travaux de la CIM: Examen des recours*, 14 January 2009.

What is apparent from the CIM's figures is that the logging industry in the DRC is dominated by five companies, four of which belong to the Lichtenstein-listed Nord-Sud Timber (NST) Group. These are SODEFOR, SOFORMA, FORABOLA and CFT. The largest is SODEFOR, which 'inherited' the parastatal FORESCOM when it was privatised in 1994.³⁴ All 16 of SODEFOR's concessions were converted following the results of the appeal process announced in January 2009. The second-largest player in the industry, Danzer Group subsidiary SIFORCO, has nine concessions, all of which were converted into 25-year titles.

The effect of the forest title conversion process has been to concentrate the logging sector into even fewer hands. Of the original 76 title holders, only 18 retained their concessions. As a percentage share of these titles, SODEFOR therefore went from owning one tenth to owning one quarter of the total number of logging concessions. The NST Group as a whole went from owning 24% to now owning 57% of the concessions in the logging sector. SIFORCO's share increased from 6% to 14% of the total concessions. Nine of the 15 biggest players — those with three or more concessions each — had most or all of their titles converted. Two smaller international companies, the American- and Belgian-owned SAFBOIS and the French-owned SCIBOIS, also made the final list of conversions, as did the state transport company ONATRA.

The largest company to have all its concessions cancelled was TRANS-M. This company was established in 2003 as part of the Lebanese-owned CONGOFUTUR Group.³⁵ It obtained three concessions in Equateur and Orientale Provinces during the post-moratorium period, although a case study of the company points out that 'their post-moratorium strategy [was] the same as the one used by many companies exploiting wood in the DRC: they inherit a site [from another company]'.³⁶ At the time of writing, TRANS-M was one of two companies that 'might still get onto the list' of converted titles, in recognition of its investment in the DRC.³⁷ The other company was ITB, which is examined in detail in the case study of forestry governance in Bikoro Territory. At the time of writing, a presidential decree on foreign investment in the DRC was expected to override the decisions of the CIM in respect of these foreign-owned companies.³⁸

Figure 1: % of total of companies' logging concessions, 2006

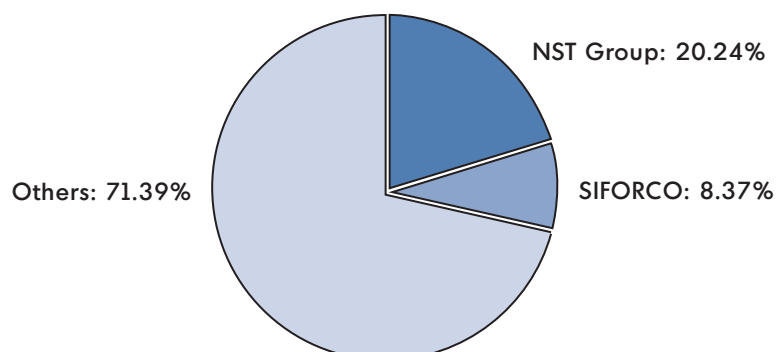
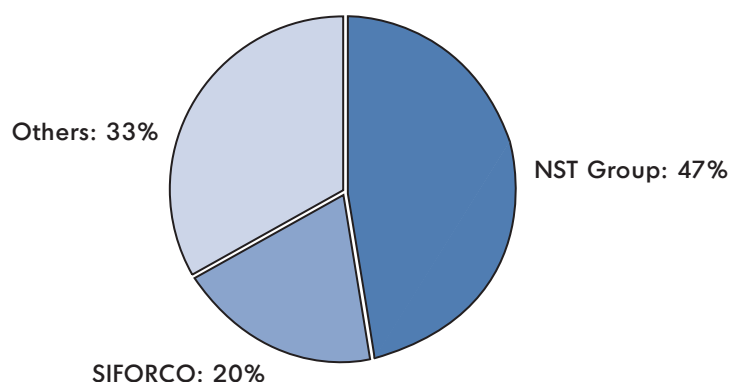


Figure 2: Companies' share of total logging concessions, 2009



'NO MORE LOOSE ATOMS': IMPLICATIONS OF THE CONVERSION PROCESS FOR FORESTRY GOVERNANCE

The concentration of the logging industry in the DRC will affect governance of the sector in several respects. These implications will become clearer as the decisions of the CIM are implemented beyond the corridors of the Ministry of the Environment, Nature Conservation and Tourism (MENCT) in Kinshasa, i.e. on the concessions themselves in remote territories of Equateur and Orientale Provinces (among others). The potential for conflict arising from job losses or the loss of the benefits that companies provided to local communities exists, although this will be ameliorated by the fact that many of the cancellations were of 'paper concessions'. At the same time, some gains should be made, as the few remaining companies have to negotiate new, more structured *cahiers de charges* (corporate social responsibility agreements) with local communities before logging activities may begin or resume.

It should be easier for the Congolese government to monitor the activities of a few well-organised logging industry players than a more diverse, disorganised sector. This argument was made by the secretary-general of the Industrial Forestry Federation (FIB), who quoted the minister of the environment, nature conservation and tourism, José Endundu, as saying that he wants 'no more loose atoms' in the sector. This was interpreted to mean not only that the many smaller operators should be shut down, but that all the remaining concessions should belong to members of the FIB 'syndicate'.³⁹ Certainly, the logistics of gathering information from and communicating with the logging industry in the DRC have been improved by this process.

Better governance of forestry in the DRC goes beyond simply monitoring and communicating with logging companies, however. It requires the enforcement of forestry policy, particularly when it is in conflict with commercial timber interests. The more concentrated, streamlined and organised logging industry in the DRC in 2009 is in a more powerful position to defend these interests than ever before. A coalition of international non-governmental organisations (NGOs), including Greenpeace, Global Witness and the Rainforest Foundation, has focused attention on how the forest title conversion process has consolidated the position of large, international logging companies in the DRC.⁴⁰

In their defence, the larger international companies argue that sustainable forest management is very much part of their long-term interests.⁴¹ Those that remain in the sector are under greater pressure to adopt self-regulation strategies than the smaller, mostly local companies that have lost their concessions. The two largest, SODEFOR and SIFORCO, have taken steps to comply with the timber certification process of the Forest Stewardship Council. Ironically, this compliance has been in response to consumer pressure from (primarily) European markets for certified sustainable timber products, which in turn followed the awareness campaigns of environmental NGOs. This demonstrates the point that the larger, international logging companies are more responsive to forestry governance initiatives than the smaller companies and individuals whose concessions were cancelled by the CIM.

Just as the war proved to be a more effective constraint on logging in the DRC than the moratorium imposed thereafter, the global financial crisis plunged the logging industry into crisis towards the end of 2008. Demand for tropical timber dropped in concert with falling housing markets and construction, while at the same time credit dried up for

timber buyers, particularly in the US and Europe. A general picture of the effects on the DRC's logging industry was not yet available at the time of writing.⁴² The case study of Bikoro provides anecdotal evidence of the economic downturn in this sector from logging companies working in this area.

CHAPTER 3

NATIONAL POLICY FOR FORESTRY GOVERNANCE

Even as a space for industrial logging remains, the fact that the public goods value of forests stretches from the local level to the global indicates the multi-use, multi-level significance of the resource. Around 40 million people depend directly on the expansive Congo rainforest for needs ranging from protein, medicine, energy and materials to cash income. Bush meat is a vital source of food in the DRC, with the Congolese consuming an estimated 1.1 to 1.7 million tonnes each year.⁴³ Informal loggers serve the domestic market's need for fuel in a country where wood and charcoal provides 80% of all domestic energy consumed.⁴⁴ Recent information has indicated that artisanal timber and derivative products are also being exported to neighbouring countries, including to Angola via the port of Boma and to Uganda, Kenya and Rwanda via Beni and Goma.⁴⁵ The prevalence of slash-and-burn agriculture in this forest-rich land furthermore attests the need for co-ordination between the agricultural and forest sectors.

The multi-stakeholder nature of the forest sector is an important consideration. In addition to the usual forest stakeholders, the fact that by 2006/07 at least 60% of the DRC's budget came from donor funding⁴⁶ means that the influence of donor states, with their related organisations and programmes, is considerable. These different actors have different, and often competing, interests. In terms of forest governance in the DRC, actors that have a stake in the way the forest is used include at least the following (with their interests in brackets):

- **government** (revenues from industrial logging and from the sale of non-timber forest products; sustainable development; conservation; income from alternative finance mechanisms, including future carbon market potential);
- **formal logging companies** (profit versus extortionate costs/taxes and low demand/prices);
- **local communities/informal logging** (sustainable livelihoods and non-timber forest products; a share of the income from logging, non-timber forest products and alternative finance mechanisms); and
- **conservationists** (preservation of biodiversity; preventing deforestation and climate change).

The following section outlines how national forestry policy in the DRC has addressed these different interests. In the context of earlier discussions (see 'Introduction', above), the section looks specifically at the role of the 'centre' in network governance, focusing on the strategic vision for forestry in the DRC and how that vision is translated into a co-ordinated action plan.

A VISION AND A PRIORITY AGENDA

Like the other sectors of government in the DRC, there is a legacy of mismanagement in forestry. As mentioned, forest regulation up until 2002 consisted of a colonial decree of April 1949, which, as it became obsolete, was replaced by *The Logger's Guide*, a technical document with no clear legal status. Many of the logging contracts signed before and during the war were problematic: most were speculative, concluded without consideration to the real value(s) of the resource, and without consultation. Furthermore, the logging areas specified in the contracts often overlapped with villages, farmland and biodiversity hotspots.⁴⁷ With fragile peace on the horizon, the need for a clean-up of this sector became apparent. One of the first steps of this process was the creation of a new forest code.

The 2002 Forest Code, written with the assistance of the World Bank, sets out a broad vision for forests in the DRC. Like many other countries that rewrote their forest codes in the 1990s and early 2000s,⁴⁸ the DRC defined the functions of forests in terms of both local and national needs.⁴⁹ In addition to maintaining the traditional rights of local communities, the Code makes provision for stakeholder involvement and consultation. Given the different interests at play, for governance to succeed, goals cannot be framed in mutually exclusive terms. The 2002 Forest Code, with its provision for exploitation ('permanent production forests'), conservation ('gazetted forests'), and community and alternative forest uses ('protected forests'), takes cognisance of this.

As befits a state that contains half of the second-largest rainforest in the world, part of the government's vision also entails that the DRC positions itself as a provider of environmental services to the global community. This approach is reaffirmed by a set of international policies referred to as REDD (Reducing Emissions from Deforestation and Degradation of Forests in Developing Countries). In addition to seeing REDD as the forest mitigation option with the largest and most immediate carbon stock impact, the Stern Review on the economics of climate change argues that it is a highly cost-effective way of reducing greenhouse gas emissions.⁵⁰ Solutions of the kind suggested by REDD have been labelled 'alternative (or innovative) finance mechanisms'. The nuts and bolts of most of these alternative solutions are still in the process of being debated and negotiated, with the current focus being the development of pilot schemes.⁵¹

In summary, the DRC's Forest Code of 2002 has been described as having three axes:

- 1 properly regulated industrial exploitation;
- 2 decentralisation and community involvement in forest governance; and
- 3 the safeguarding of biodiversity and the provision of environmental services.⁵²

The DRC's vision therefore encompasses both extractive and non-extractive uses for its forests. This is a significant shift in policy for the country. The Forest Code has been commended for acting as a 'first building block in what was essentially an almost complete legal vacuum'.⁵³ In addition to its broad vision, the Code provides for about thirty decrees to be adopted by government to allow for more specific regulation of the sector. Despite the changes mentioned above, in terms of relative weight attached to the different aspects of the vision, both the Code and the decrees passed to date have come under fire for being skewed in favour of regulating industrial logging,⁵⁴ thus risking (re-)creating the basis for the industrialisation of the DRC's forests.

Following the adoption of the 2002 Forest Code, a priority agenda for the relaunch of the forest sector was adopted as well. The priority agenda has the twin aims of implementing corrective and preventive measures to deal with the legacy of the past, and regulating the relaunch of the industrial logging sector. It also deals with measures that have to be taken to develop and implement a broader vision for multipurpose forest use, including such measures as participatory zoning, promoting non-extractive forest use and innovative finance mechanisms, and the rehabilitation of protected areas. Lastly, the priority agenda requires a rebuilding of institutions and a strengthening of national leadership.⁵⁵

At first glance, the actions flowing from the priority agenda seem to have slowed down the relaunch of the sector. This was not welcomed by all, as attested by the explanation by a representative in the MENCT of a disagreement between some in the government and the World Bank on the speed of relaunching the logging sector.⁵⁶ In the DRC, as in other high forest cover developing countries, forests tend to be seen largely through the lens of economic development.⁵⁷ This is borne out by the prominent role that the forestry sector is expected to play in the economic revival of the DRC.⁵⁸ This pressure is exacerbated in a post-conflict state where the government is seeking to reactivate the economy to keep the country from falling back into war.⁵⁹ Until very recently (as recently as pre-Forest Code 2002), the Congolese state (the legal owner of the forest) viewed the forest primarily through the fiscal lens of revenue needs. The idea of payment for environmental services is still a novel one. It has yet to find currency at the national level or among those who live in and depend on the forest; i.e. those who make the day-to-day decisions about forest use. At this stage, the benefits at the local level still seem uncertain compared to such tangibles as hospitals, schools and roads provided by logging companies. In addition, the local level will be wary if the benefits from the provision of environmental services are meant to flow to them via the 'black hole' of Kinshasa.⁶⁰

A representative in the MENCT admitted that the ideas of conservation concessions and community concessions as formal alternatives to logging concessions are new too.⁶¹ He explained that such texts had to be drafted with caution, as some of these ideas run the risk of being seen as being imposed from outside. That being said, it remains important for development partners to support efforts for conservation and environmental services in a sector of global significance that has to function in a country facing many immediate development needs.⁶² Added to these challenges is a ministry that displays effective political leadership and will, but is faced with a small budget and weak capacity. Network governance has the potential to incorporate the different kinds of knowledge and skills brought by the different actors. Yet the challenge of a co-ordinated action plan remains.

FROM VISION AND PRIORITY AGENDA TO CO-ORDINATED ACTION PLAN

Within the MENCT, the National Programme for Forestry and Nature Conservation (*Le Programme National Forêts et Conservation de la Nature* — PNFoCo) is the arm responsible for translating the vision for forestry into strategic priorities and a plan of action. PNFoCo has two broad objectives and four specific ones, namely:⁶³

- ensuring the legal, sustainable management of forest and fauna resources; and
- contributing to socio-economic development and poverty reduction in the DRC by, more specifically:
 - 1 ensuring that forests designated for commercial exploitation fulfil their economic, social and ecological functions, for the benefit of all;
 - 2 ensuring that forests reserved for local and indigenous people fulfil their economic, social and environmental functions for the benefit of rural communities by, among other things, enabling the active participation of stakeholders (including the public sector, local communities, the private sector and NGOs) in forest management, so enhancing legitimacy;
 - 3 ensuring that areas set aside for the preservation of biodiversity (the protected area network) provide environmental and social services in a larger proportion of the national territory; and
 - 4 enhancing the capacity of the forestry administration to implement the Forest Code.

To accelerate the achievement of these objectives, PNFCo has developed a 10-year operational programme based on the following six components:

- 1 institutional reinforcement;
- 2 cross-cutting support for participatory zoning and popularisation of the Forest Code;
- 3 nature conservation;
- 4 management and control of production forests;
- 5 rural (community) forestry; and
- 6 the environment.

From time to time, each of these components is updated in terms of the current state of affairs (including progress made and challenges faced), the activities to be undertaken, who has the responsibility for implementation, what the expected results are, and who the supporting partners are. The operational programme provides the strategic framework within which donor contributions are channelled. This feeds into a plan of action for the sector.

A programmatic approach, like PNFCo, that translates its objectives into an operational plan is in line with the Paris Declaration on Aid Effectiveness, and in particular with the commitment to the goal of the harmonisation of donor initiatives.⁶⁴ The indicators of progress towards this goal include the creation of a formalised process for donor co-ordination. Such a process has been identified as particularly important in fragile states like the DRC,⁶⁵ where, as mentioned, at least 60% of the state budget consists of donor funding.⁶⁶ In the DRC, a donor co-ordination process was formalised in the Country Assistance Framework (CAF) started in 2007. The CAF aligns its action matrices to the five pillars (*cinq chantiers*) of the DRC's Poverty Reduction Strategy Programme (PRSP). A Priority Action Plan (PAP) was prepared, and the Ministry of Planning was designated as being responsible for overseeing its implementation. To co-ordinate the implementation of the PAP, 15 thematic groups (*groupes thématiques* or clusters) were established.⁶⁷

The broad aim of the thematic groups is to create a formal framework for consultation and dialogue among the relevant ministries, non-state actors (including civil society and the private sector) and development partners. It also serves the specific objective of co-ordinating the actions of government and development partners in pursuit of the DRC's PRSP.⁶⁸ As such, the thematic groups are organised around the five pillars of the PRSP, with group 13 (GT13) on the environment, water, sanitation and forestry falling under the pillar of social services.⁶⁹ For increased efficiency, the group was split into two subgroups, one on water and sanitation (SG1) and one on forests and the environment (SG2).

According to the explanation above, the success or otherwise of donor co-ordination therefore starts with the thematic groups.⁷⁰ Despite broad criticisms levelled at attempts at aid co-ordination after the Paris Declaration⁷¹ and despite the fact that in most sectors of the DRC co-ordination still seems problematic,⁷² central co-ordination in the forestry sector has been relatively successful.⁷³ When pressed for explanations for this, all the development partner representatives interviewed attributed the relative success to good leadership,⁷⁴ starting with the minister of the environment, nature conservation and tourism and chairman of the thematic group, José Endundu Bononge, and the senior management in the MENCT. In the case of the forestry sector, both the MENCT and the development partners have embraced the idea of the thematic group.⁷⁵ This engagement of both development partners and public actors in the strategic co-ordination process is the first factor that contributes to its success.⁷⁶

The team leader of the thematic group dealing with forestry, Victor Kabengele of the MENCT, also pointed to the importance of regular meetings held by the group: each subgroup would meet six times a year and the bigger thematic group three times a year. Regular meetings are important for building trust and 'keeping the spirit of the group alive'.⁷⁷ With increased trust come increased opportunities for information sharing and co-operation. So, for instance, after taking some time to get off the ground,⁷⁸ a multidonor trust fund for the DRC forest sector established by the European Union (EU), Belgium, France, the UK and Luxembourg recently got off to a good start.

Funding for the rehabilitation of the MENCT is supplemented by personnel, as attested by the important role played by technical experts from the development partners in the MENCT. Although many challenges remain, the national level of forestry governance has benefitted from this attention to capacity building within the ministry.

Rainforests do not grow in isolation from the rest of the DRC, of course. Governance of the forests is intricately linked to other sectors, including mining, agriculture, finance and transport. In the language of the PRSP, the thematic subgroup on the environment and forestry is related to the other thematic groups, and in particular to at least the four thematic groups on governance (GT1–4), the group on infrastructure and transport (GT5), the group on energy (GT6), the group on mining and hydrocarbons (GT7), the group on agriculture and rural development (GT8), and the group on industry and services (GT9). Although a system for state-wide donor co-ordination is in place, intersectoral co-ordination remains problematic.⁷⁹ The responsibility for intersectoral donor co-ordination lies with the Ministry of Planning and with the last thematic group (GT15 *transversal*).⁸⁰

Improved co-ordination by the Ministry of Planning would, however, only solve a small part of the problem. Many of these sectors face serious challenges, starting with a lack of strategic vision and co-ordination within the individual sectors.⁸¹ So, for

instance, numerous agencies are responsible for macroeconomic planning, with little to no co-ordination among them.⁸² Another example of this challenge is to be found in the area of fiscal management. Intersectoral co-ordination between revenue agencies (plural) and natural resource sectors is a cross-cutting challenge, as illustrated in the case study with an anecdote about 'mixed messages' sent from different arms of government (tax collectors versus the MENCT) to the logging company LEDYA. Improving intersectoral co-ordination between forestry and related sectors is a major challenge that will have to be dealt with by first improving intrasectoral vision and co-ordination within each of these sectors.

CHAPTER 4

BRINGING DIVERSE ACTORS TOGETHER: EXAMPLES OF NETWORK GOVERNANCE

Most forestry governance initiatives in the DRC are of the multi-stakeholder kind, involving government and/or civil society/communities representatives and/or the private sector. There are various examples of this.

- 1 **The Forest Stewardship Council (FSC)**, an international voluntary certification scheme for sustainable forestry, includes members from the private sector and civil society. The FSC was set up by these actors in reaction to the lack of progress in the international intergovernmental processes for sustainable forest use.⁸³ In response to the FSC, other certification schemes have been set up by the logging sector, largely with the support of their governments.⁸⁴ Among initiatives for sustainable logging, the FSC is unique in the way it balances its power among partners. The General Assembly of FSC Members consists of three chambers (economic, social and environmental), each of which has a third of the votes. Within each chamber, representatives from ‘Southern’ and ‘Northern’ countries each also have half of the votes.⁸⁵
- 2 **The USAID-funded Central African Regional Programme for the Environment (CARPE)**, focuses on both the subregional (ecosystems, landscapes) and country levels. CARPE is a 20-year initiative that began in 1995. It involves six countries and 11 ecologically significant landscapes. CARPE’s vision is to ‘reduce the rate of forest degradation and loss of biodiversity through increased local, national and regional natural resource management capacity’.⁸⁶ While its main aim is conservation, CARPE also sees commercial forestry as a significant development opportunity. Its definition of conservation is therefore not preservation, but sustainable use.⁸⁷ In the implementation of its vision, CARPE stresses the importance of proper land-use planning, which would provide for different priority uses, including permanent production (extractive) zones, protected zones and community zones. Ultimately, CARPE sees one of the biggest challenges of natural resource management across the Congo Basin as the ‘re-establishment of resource systems in which local people have tenure over the land, based on the ethic of self-regulation, to maintain the resource base they need and where un-regulated commercial off-take by outsiders is prevented’.⁸⁸ The International Union for the Conservation of Nature (IUCN) runs the CARPE governance component, which focuses on national policy reform, as well as building local NGO capacity.⁸⁹
- 3 **The Congo Basin Forest Partnership (CBFP)** was launched with the UN Commission on Sustainable Development at the 2002 World Summit on Sustainable Development. It is a voluntary multi-stakeholder initiative that contributes to the implementation of the Yaoundé Declaration, an intergovernmental commitment. This declaration also provided the legal basis for the Central African Forests Commission (COMIFAC), the

regional body in charge of forests and the environment. Members of the CBFP include the 10 member states of the COMIFAC, donor agencies, NGOs, scientific institutions and representatives from the private sector. In the spirit of the Paris Declaration on Aid Effectiveness, the objective of the partnership is 'to raise the effectiveness of the partners' programmes and initiatives through improved communication and collaboration'.⁹⁰ As such, the CBFP plays a meta-governance role, defined as 'strategic steering and coordination in the governance system'.⁹¹ The CBFP is supported by the multidonor Congo Basin Forest Fund, initially financed by a GBP 100 million grant from the Norwegian and British governments.⁹²

As can be seen from the above, there is a realisation within these initiatives that, in order for governance to succeed, the different interests and goals (mentioned earlier) cannot be framed in mutually exclusive terms. This leads to situations where traditional conservation NGOs will sometimes engage companies on sustainable logging practices, and companies will, in turn, increasingly feel the pressure to engage communities on issues of development. So, for instance, the national contact person for FSC certification in the DRC also works for Greenpeace. In a country, and a sector, faced with serious capacity constraints, such a 'wearing of multiple hats' is common. Despite this situation, it would be dangerous to assume that the different stakeholders have the same end goal in mind, or even, considering the different interests and power relations at play, that their interests are compatible.

Despite examples of regional co-ordination like the CBFP, mentioned above, it has been argued that the global forest governance landscape is characterised by an overall lack of co-ordination, i.e. that there are insufficient strategic links among initiatives.⁹³ At this stage it should be clear that, in order to avoid a spaghetti bowl of initiatives, the need exists for an overarching vision, as well as efforts for ensuring that the actions of the different actors are co-ordinated in pursuit of this vision. It is not within the scope of this study, nor for a single actor, to undertake such co-ordination; however, a network approach to governance is a useful starting point.

CHAPTER 5

STARTING AT THE ROOTS: A CASE STUDY OF FORESTRY GOVERNANCE IN BIKORO, EQUATEUR PROVINCE

The vast dimensions of the DRC's forests and the complexity of forest governance issues outlined above motivate for a case study approach in a report of this size and scope. National forestry policy is relatively accessible. The challenge is to know what happens beyond the corridors of the MENCT, and the press conferences and international workshops held in Kinshasa. For example, the forest title conversion documents and responses of international organisations and NGOs have been widely circulated and published on the Internet. Less well known is how laws, regulations and decisions are implemented 'on the ground', or, rather, 'in the forest'.

The local level is a crucial level of governance for the forests, for it is here where trees are harvested for timber or fuel, where caterpillars and mushrooms are collected for food, and where people's livelihoods come into direct conflict with one another. The aim of this case study is to focus narrowly on a single territory of the DRC: Bikoro Territory in Equateur Province. It is to assess how national forest policy relates to local practice on industrial logging concessions and in the remote towns and villages of forest-dependent communities.

Bikoro was chosen as a case study in local forest governance for three reasons:

- the primacy of the forest to commercial and subsistence activities of the area;
- the location of industrial logging concessions belonging to three different companies in relatively close proximity within the area; and
- the existence of a multi-stakeholder local forestry governance project in the area.

An EU-funded IUCN project has been establishing local forestry governance structures in Bikoro Territory since 2007 (see Box 1 on page 27, for a description of these structures). The IUCN project provided access to a range of stakeholders in forest governance at the local level. Moreover, it offered an opportunity to study relations among these actors participating in the project through observing the interaction of logging company staff, local community representatives, local administrators, NGOs and the church (representing civil society). Interviews with these actors were made possible by the facilitation of IUCN national co-ordinator, Joël Kiyulu.

RESEARCH QUESTION AND METHODS

The research question guiding the case study was as follows:

To what extent can local-level tripartite structures promote co-operation among forest-dependent communities, civil society, local government and the private sector to ensure the better governance of forests in the DRC?

The research methods of the case study consisted of semi-structured interviews following two lines of enquiry: (1) What are the challenges faced by the company, community or administration represented by the interviewee? and (2) How has participation in the IUCN project helped to overcome these challenges? In addition to individual interviews, research was conducted through observation of one informal and two formal meetings of local community representatives, company officials, local administrators and civil society. Field research was conducted during February 2009, with visits to two logging concessions, three company offices (in Kinshasa and Bikoro), the transportation depot of ITB, the local administration office and residence, two secondary schools, mission stations in Bikoro and Itipo, and the site of the IUCN forestry governance centre in Bikoro.

This section is structured so as to profile the challenges faced by the various stakeholders in forestry in Bikoro, namely, logging companies, local communities, government officials, the church and NGOs. This includes an assessment of the impact of the forestry title conversion process and consideration of the impact of the global financial crisis; whether falling demand for timber products has affected the local logging industry; and, consequently, forestry governance in Bikoro. The participation of each of these stakeholders and the benefits of this participation in the IUCN project are then assessed.



Pirogues on the Congo River at Mbandaka

OVERVIEW OF BIKORO TERRITORY

Bikoro is a rural town situated on the shore of Lake Tumba in the densely forested south-west of Equateur Province. Lake Tumba is 765km² in extent and flows directly into the Congo River. As part of the low-lying Congo River Basin, Bikoro Territory lies within the largest tract of floodable forest in the world, which ‘plays a key role in regulating the climate of Central Africa’.⁹⁴ Cyclical flooding makes the construction and maintenance of roads difficult. Extensive repair work by EU-sponsored teams of workers could be seen during the three-hour drive to Bikoro from the provincial capital, Mbandaka.⁹⁵

The population of Bikoro Territory is a sparse 24 people/km², or an estimated total of 128 000 people.⁹⁶ It is a young population, with more than half under 20 years of age. Farming, fishing and foraging for non-timber forest products are the main occupations, with only 15% of adults in permanent employment in education, local administration or the gendarmerie. These jobs are poorly paid and it is common practice for such people to supplement their incomes by living off the forest and lake. Fish is smoked and sold commercially in Mbandaka, Kinshasa and Brazzaville, although catches are low and certain known species of fish have disappeared from Lake Tumba.⁹⁷ Anecdotal evidence is that mosquito nets have been used for fishing.⁹⁸ This practice tends to catch juvenile fish in an unsustainable manner.

Non-timber forest products include raffia palm and rattan for basket weaving, fruits, mushrooms and caterpillars. Bushmeat such as tortoises and snakes was seen for sale. The town has a hospital and school run by the Catholic diocese of Bikoro, which has had a presence in the town since colonial times (the convent buildings date back to the 1930s). Agriculture is primarily for subsistence, and very little is grown for market. The exception to this rule is a large and bountiful plantation of pineapples, cassava, papaya and other crops overseen by the nuns in Bikoro.⁹⁹

The hospital has three doctors, who are assisted by the local nuns. The hospital is poorly equipped and doctors see an average of 40 patients a day. Between them they deal with surgery, paediatrics, obstetrics and all the other demands of a general hospital. Malaria is a common and serious health threat in the area. Medicines are in short supply, e.g. there are no antiretrovirals available for the treatment of HIV/Aids, and doctors rely on public education through the church, radio and schools to combat sexually transmitted diseases.¹⁰⁰

Bikoro Territory contains mostly older secondary forests, regenerated from harvesting no later than around 1975. Logging in the area is likely to have begun in colonial times, since the Belgian Institut de Recherche Scientifique en Afrique Centrale established a research station in the nearby Mabali Reserve in 1949 to, among other things, ‘study the regeneration of low altitude forest following timber extraction’.¹⁰¹ Species of tree harvested include tiama, dabema, afina and wenge, with wenge accounting for 75% of the timber logged in Bikoro Territory.¹⁰²

THE IUCN FOREST GOVERNANCE PROJECT

The IUCN Strengthening Voices for Better Choices (SVBC) initiative is an international project aiming to translate contemporary thinking on forest governance into practice.

In addition to the DRC, the primarily European Commission-funded SVBC project is implemented in five other countries, i.e. Brazil, Ghana, Tanzania, Sri Lanka and Vietnam. The project was formulated in response to a call for proposals by the European Commission to assist in its Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan.¹⁰³ SVBC works across different scales, from the local (field) level, through the national and regional, to the global. True to its name, the SVBC's primary activity is to support multi-stakeholder dialogues for improved forest governance in the target countries. In pursuit of this goal, the different initiatives in the six target countries focus on 'testing new ways to decrease illegal logging and other predatory activities through multi-stakeholder participation in decisions about forest management'.¹⁰⁴ The project also aims to analyse and disseminate the lessons learnt from the six target countries and their respective pilot projects.



Box 1: SVBC's bottom-up tripartite structures

At the core of the SVBC project in Bikoro are village-level Committees for Dialogue and Vigilance (CDVs). These committees have a remit to monitor forest exploitation, to build relationships between logging companies and surrounding communities, and to draw up and implement local development plans. The committee structure is adaptable, but members usually include local authorities (customary chief and elders), local organisations (including NGOs), traditionally marginalised groups (women, pygmies), members from other spheres of influence (the church, schools, health centres, local opinion leaders), and —

where a CDV stretches across more than one village — members of the relevant ‘*etuka*’ (approximating to a district), ‘clan’ or village. Traditional conflict resolution mechanisms play an important role in the CDVs, with the customary chief taking responsibility for arbitration.

To date, 32 CDVs consisting of 12–15 members each have been established in the Bikoro Territory. Each committee is responsible for identifying the most pressing issues related to forest governance faced by its community. In addition to the 27 general CDVs, five niche CDVs have been established to consider the following cross-cutting issues: non-timber forest products, artisanal logging, charcoal production, poaching and corporate social responsibility contracts (*cahiers des charges*). These niche CDVs consist of representatives from those village CDVs that consider the particular issue to be pertinent in their respective locations.

At the territorial level, SVBC supports Bikoro’s Consultative Council on Forest Governance (*Comité Consultatif*). This structure was created to engage civil society, logging companies and local government in constructive dialogue on forest governance problems and solutions. At the centre of the Consultative Council lies the College Executive, consisting of a representative of each of the stakeholder groups, namely the administration (the position is currently held by the administrator of the Bikoro Territory), the private sector (the position is currently held by a forest engineer from ITB) and civil society (the position is currently held by a priest from the area). The secretariat of the College Executive rotates, with the position currently held by Fr Joseph Mahonde, the civil society representative. From time to time



a bigger general assembly meeting is held where, among other things, specific issues identified by the CDVs are discussed.

At the provincial level, SVBC works with Equateur Province’s Network for Good Forest Governance (*Réseau pour la Bonne Gouvernance Forestière*). At this level too the aim is to engage the different stakeholders in constructive dialogue. SVBC takes this same approach to the national level, where SVBC supports a ‘national thematic forum for good forest governance’. The aim of this informal structure is to combat the illegal exploitation of forest resources and to strengthen communication among the local, provincial and national levels.

Community representative at a CDV meeting in Bikoro

Sources: IUCN SVBC, *op. cit.*; IUCN SVBC, *Premier Assemblée Générale du Comité Consultatif sur la Bonne Gouvernance à Bikoro*, meeting minutes, 5–6 December 2007; personal communication with Joël Kiyulu, national co-ordinator, IUCN SVBC, DRC, 2008–09.

Having outlined the mechanism through which local forestry governance has been established in Bikoro, it is necessary to consider the challenges and roles of the key actors in these institutions in detail.

CHALLENGES FOR INDUSTRIAL LOGGING IN BIKORO TERRITORY

Bikoro offers a view of a cross-section of the logging sector. The three companies operating in the territory are representative of a large (SODEFOR), medium-sized (ITB) and small enterprise (LEDYA). SODEFOR is the industry's giant and obtained two concessions amounting to 86 000ha in 2003, which it has yet to begin logging. The Industries de Transformation de Bois (ITB) has been operating in the territory since 2005 on 294 764ha and has become engaged in local community projects. The company owns a total of 665 904ha of logging concessions in Equateur and Orientale, ranking eighth in size in the logging sector. LEDYA has been logging under the company name of LEDI-TAC since 2005 on a concession of 123 000ha. This is one of two concessions belonging to this Congolese company, which together totalled 373 000ha before the forest title conversion process was finalised.¹⁰⁵

The starting point of the case study was to determine the legal status of these logging concessions in the territory following the forest title conversion process. This initially appeared straightforward from interviews with government officials in Kinshasa, but became less clear once representatives of the companies themselves were interviewed



Ferdinand Mayumbi, LEDYA showing company logo on logging truck at Bikoro

in Kinshasa and Bikoro. The information publicised in press conferences and posted on the Internet by the MENCT in October 2008 stated that two of the three companies operating in Bikoro, LEDYA and ITB, had not been successful in their applications for conversion. ITB had appealed against this decision. On 19 January 2009 the results of the appeal process were announced by Environment Minister Endundo. The decision regarding Bikoro concessions was reiterated: that only SODEFOR would be entitled to 25-year logging concessions in this area. In Kinshasa, a senior official within the MENCT confirmed that this decision was final and said that all the companies had been notified of the outcome of the process. He was adamant that logging would be stopped on concessions that have been cancelled.¹⁰⁶

In Bikoro, LEDYA was found to be operating 'business as usual'. A local community representative for the village adjacent to LEDYA's processing depot knew that the concession had been cancelled and stated that the reason for this was because 'they did not pay their taxes'.¹⁰⁷ This shows that the basic information about the decision had reached the local level, but perhaps that the justification for it had not been explained to or understood by the locals. The LEDYA manager claimed not to know the outcome of the appeal process, however. According to the CIM's report of October 2008, this concession in Bikoro was cancelled because LEDYA had not provided evidence that it had sole ownership of LEDI-TAC, the name it was operating under in Bikoro. The manager said that he had written to the CIM to explain the 'misunderstanding' about his company's name and was still waiting for a response.¹⁰⁸ He pointed to a company truck, which had two logos on the cab door: LEDI-TAC and LEDYA. The LEDYA logo appeared to have been recently painted on.

By all indications, LEDYA had no intention of halting logging operations in Bikoro. The company had 168 employees on the concession and planned to open a sawmill in Kinshasa. It was planning to negotiate *cahiers de charges* with the local community 'soon', according to F Mayumbi, a company representative. These intentions voiced by the manager were undoubtedly influenced by the visit that same morning from the General Directorate for Administrative, Judicial, Property and Share Revenues provincial tax office, demanding that he pay taxes. With different agencies of government communicating different messages to this company, it was unsurprising that the manager was hedging his bets about the company's future plans. This demonstrates a serious challenge for logging companies and for forest governance more generally, of a lack of co-ordination and communication between the MENCT and other government departments at the national, provincial and local levels.

Revenue collection agencies are likely to be a barrier to the implementation of the CIM's decision to close down many logging companies in the DRC, as this example illustrates. They have every incentive to operate in a rent-seeking way, rather than in line with national policy. The planned decentralisation of revenue management in the DRC is likely to further complicate this situation.

The status of ITB's concessions at the time of writing was that they were likely to be converted despite the decisions of the CIM to the contrary. This was indicated by the secretary-general of the FIB in February 2009. It was also discussed at a workshop held in Kinshasa in March 2009, which ITB attended along with most of the logging companies whose titles had been converted by the CIM.¹⁰⁹ In Bikoro, ITB had stopped felling trees

temporarily, but there were several reasons for this besides their legal entitlement to log, which are discussed below.

There is potential for conflict if and when the cancellation of these concessions is implemented. Job losses would affect workers for LEDYA and ITB equally, although both companies were criticised by the church for paying low wages.¹¹⁰ ITB would have a stronger case than LEDYA to make that loss of corporate investment would impact negatively on the area if it were shut down, given ITB's participation in the local forestry governance programme of the IUCN. However, loss of income and investment for local communities needs to be weighed against the long-term interests of both these local communities themselves and the national and international interests of sustainable forestry.

The practical question facing the MENCT is not whether to implement the CIM's decisions to cancel LEDYA's and ITB's logging titles in Bikoro, but how to do so when the national government's weakness is pitted against resistance from local communities, companies, and even other agencies of local and provincial government. Key to overcoming such resistance would be a detailed plan of how the socio-economic effects of the closures could be mitigated.

CHALLENGES OF DOING BUSINESS IN BIKORO

Business was quiet for the industrial loggers of Bikoro Territory in February 2009. Apart from the storage of logs awaiting transportation, there was little sign of activity. SODEFOR's operations had yet to begin, as the company still has to finalise its forest management plan and negotiate *cahiers de charges* with local communities. Visits to the ITB forest concession and transportation site on the shore of Lake Tumba, as well as to the LEDYA processing site, revealed the precarious situation of these two companies. Numerous challenges to doing business here were described in interviews with the production managers and forest engineers of ITB and LEDYA.

The most obvious challenge is the near total absence of public infrastructure — roads, river transport, electricity or telecommunications. The ITB director-general, Sarrouf Fouad, rated lack of infrastructure as the greatest problem and cost for his company in the DRC.¹¹¹ Companies have to provide for all their infrastructure needs, purchasing and maintaining their own electricity generators, building and maintaining their own roads into the concessions, and using satellite phones for communications. One cellular telephone network, TIGO, had built a transmission tower close to the LEDYA concession, which provided network coverage to the Bikoro Territory for a short time. However, the network was cut off in January 2009. The Chinese company had discontinued service to Bikoro due to unprofitability.¹¹² It was not clear whether it had done so in response to the announced cancellation of two logging concessions in this territory and the expected reduction in calls that would result, or whether the cessation of services was simply a coincidence related to wider national or global business considerations.

Climate conditions and the terrain of the floodable rainforests make road access into the forest concessions difficult and unreliable. For example, unseasonally heavy rains in January and February 2009 prevented ITB from transporting logs out of its concession to the loading depot for river transport on Lake Tumba. The roads were flooded in places, and were being extensively repaired during the period of case study research. The weight

of trucks loaded with giant logs is approximately 24 tonnes, which is so heavy that it destroys the roads in wet weather.¹¹³ The ITB engineer reported that the ‘small dry season’ of January–February usually provided a window period for the transportation of logs out of the forest concessions, which had not been possible this year.¹¹⁴ The ITB production manager, Ali Bofoud, said that cutting trees in the forest was not a problem during wet weather, but that no logs had been transported out of the concession in 2009.¹¹⁵



Logs stored at ITB loading site, Lake Tumba

According to Bofoud, road conditions were not the only reason ITB production had halted. The company had stopped cutting logs in December 2008 because the title was cancelled. He said that ITB was permitted to transport previously felled logs out of the concession when the roads became passable, but that ‘to cut more trees we need permission from the government and we are still waiting for them to bring their decision [on the appeal process]’. This was verified to the extent that all the logs awaiting transportation to Kinshasa at the ITB beach on Lake Tumba were date stamped 2008. No logging activities were observed during a two-hour drive through the ITB concession.

THE 2008/09 GLOBAL FINANCIAL CRISIS

All three of the companies operating in Bikoro had felt the effects of the global financial crisis. In Kinshasa, Richard Garrique of SODEFOR expressed the views of the sector when he said, ‘*c’est une véritable catastrophe*’. He said the company had ceased any new investments in 2009. At the time of writing, SODEFOR had stock of approximately 15 000m³ of logs and processed timber, ‘which we cannot sell’. This company is more acutely affected by the downturn in global markets than most, since it exports 60% of its product. Of this total, 60% is sold in Europe, 30% in Asia, and 10% in the Middle East and the US.

At the other end of the spectrum, LEDYA exploits timber mainly for domestic consumption. Mr Mayumbi of LEDYA had different concerns about the state of the sector. He said: 'We know there are fewer orders for timber recently. We are concerned about this because if timber does not sell the World Bank won't accept continued exploitation (of the forests). But we think this recession is only temporary.'

The ITB director-general, Mr Fouad, reported that the company has been seriously affected by a drop in orders for timber from abroad. He said the company was operating at 50% of its capacity, with no orders coming in. He said that 'we felt that something was going wrong in August last year, but we assumed that business would pick up again after the European summer holidays. It has not done so, however.'

SQUEEZED FROM TWO SIDES: TAXES AND CORPORATE SOCIAL RESPONSIBILITY

Besides the high infrastructure costs of doing business, logging companies in Bikoro are subject to a myriad of taxes. At the national level, ITB pays a *redevance proportionnelle* (proportional royalty) according to the number of logs harvested in the concession. It is also required to pay an area tax of \$25 per hectare for the concession of 295 000ha. It pays more than eight different taxes to the provincial administration in Mbandaka annually and three local taxes: vehicle tax, depot tax and tax on petrol. ITB is charged \$300 a month for rental of the beach loading area on Lake Tumba.¹¹⁶

It has been agreed through the Consultative Council that ITB's rental fee for the loading site on Lake Tumba be used by the local administration to fund the radio station of the Forestry Governance Centre, in order to raise environmental awareness and increase information-sharing among local communities. This is a good example of the value of the tripartite governance structure, as it has not only ensured that this fee paid to the local administration is spent wisely and to the benefit of local forest-dependent communities, but that it is *seen* by all actors to do so.

The transportation of logs out of Bikoro has many costs, such as fees paid to a state-owned company that is meant to clear sandbanks in the Congo River. The sandbanks are hardly ever cleared, making the river difficult to navigate, according to Fouad. From Kinshasa, it costs ITB \$1,500 to send a 15-tonne container to Matadi. To put these domestic transport costs into perspective, this is the same price as shipping the container overseas from Matadi to Antwerp.¹¹⁷

SODEFOR spokesperson Richard Garrique pointed out that its competitors in Gabon, Cameroon and the Republic of Congo had received tax relief from these countries' governments in response to the global financial crisis. The government of the DRC had done the opposite.¹¹⁸ The tax burden described by ITB and SODEFOR was confirmed by information compiled by the FIB, listing some 172 taxes on logging companies. The FIB was challenging a proposed increase of an annual tax from \$2,000 to \$10,000 in February 2009.¹¹⁹

Rationalising and reducing this tax regime was part of the World Bank's forestry sector proposals for the DRC, but this has not been implemented. Yet the government's forestry policy gives logging companies a central role in the socio-economic development of local communities through negotiated *cahiers de charges*. Logging companies are

therefore squeezed from two sides: to pay high taxes to the government and to make more substantial corporate social responsibility payments to local communities. This threatens to drive companies out of business altogether, especially in the current economic climate. A sounder strategy would be to reduce their tax burden in proportion to their demonstrated commitment to corporate social responsibility agreements with local communities.

High expectations of assistance from local communities are regarded as a challenge by the representatives of ITB, LEDYA and SODEFOR. Of the three companies, LEDYA was the least engaged in corporate social responsibility initiatives. However, Mayumbi said that the establishment of a CDV structure in the area had helped to ‘make peace’ between his company and local communities. He said that the problem with *cahiers de charges* was that communities wanted things done immediately, while LEDYA planned to make improvements to their lives over time, ‘not in one week’.¹²⁰

ITB manager Bofoud made an effort to explain his company’s commitment to local development.¹²¹ He showed a number of photographs of the 50km road from Bikoro to Itipo before and after ITB had improved it. He also showed photographs of a mud and thatch school building along this road, replaced by ITB with a more permanent building. He said that before ITB arrived there was no market in Bikoro and hardly any money in circulation. The free transportation of people and goods in the ITB boat was beneficial to the community. It was a problem that some people were trying to profit from the free transport, and even tried to stow their goods on the boat at night before the ITB logs were loaded.



LEDYA logging yard in Bikoro Territory

BENEFITS OF THE TRIPARTITE LOCAL GOVERNANCE INITIATIVE FOR THE LOGGING COMPANIES

The benefits of the IUCN project for logging companies were simply expressed by ITB's Fouad: 'Thankfully we have the IUCN to talk to the people.' Smoothing company relations with local communities was the primary reason ITB gave for participating in the local forestry governance institutions. Bofoud, the production manager in Bikoro, agreed that the IUCN had 'made it easier to negotiate *cahiers de charges*'. He said that 'before the forest owner (usually the customary chief) demanded whatever he wanted: a car, for example. Now the communities understand that *cahiers de charges* are restricted to things like tools, schools and hospitals.'

The role of the IUCN in Bikoro was regarded as a mediating one, but also one that could represent and 'back up' the position of logging companies. Fouad commented that 'the ITB is in partnership with the IUCN so that if there is a misunderstanding with local communities. Joël [Kiyulu] explains to them that we are not a substitute for the state.'¹²² He offered a practical example:

When our boat gets to the lake people want to load their goods onto it first. We don't have the authority to stop them, since we are not the state. The IUCN can explain to the people that if they load first and there is no space left for the company's logs, the ITB will go out of business and the boat will no longer help them with transport.

SODEFOR was not as reliant on external mediation, having the resources to appoint a team of consultants to plan corporate social responsibility for its Bikoro concessions. The team included a sociologist and an agricultural engineer, as well as a pygmy representative, who were travelling through the territory to consult with local communities. The role of the IUCN was that it was commissioned by SODEFOR to establish focus groups that included women, youth and pygmies and to facilitate the negotiation of *cahiers de charges* with these groups. Garrique of SODEFOR said that 'we hope this collaboration with the IUCN will improve our relations with local communities'.

A danger for both of these cases is if the IUCN is regarded by local communities as favouring the interests of logging companies over their own interests or needs. The neutrality of the IUCN is at especially at stake if it is paid by SODEFOR to do commissioned work. It would be important for the IUCN to retain external and relatively independent funding for its work, in order to retain the trust and participation of local communities, as well as the local administration.

Greater access to information was a second benefit for ITB of participation in the tripartite forestry governance structures. The variations between logging companies of different sizes translated into different levels of knowledge and skill in sustainable forest management. SODEFOR had a sophisticated forest management plan for its Bikoro concessions and a team of experts scoping the concession, and could afford to commission the IUCN to assist in negotiating its *cahiers de charges* with local communities. By contrast, local staff at the established ITB concession were less well informed of national forestry policy and sought further information, training and support from the local forestry governance programme.

A third benefit of participation in tripartite governance was improved relations with government. This was expressed by both the ITB and local government representatives on the Consultative Council.

CHALLENGES FACED BY GOVERNMENT IN BIKORO TERRITORY

State weakness and lack of accountability are the defining problems of governance in the DRC. Forestry governance in Bikoro Territory is no exception to this rule. The local administrator for Bikoro Territory, Mr Longilima, had been incumbent in the position for five months. He was welcoming and open to research on forestry governance in the territory. He had little to say on the matter, however, during interviews and in the meetings with civil society and the private sector. The impression given was that the local administration was not opposed to participatory forest governance, but that it was unlikely to initiate better governance measures or exercise leadership in this area. The local community representatives and logging company representative were the more dynamic partners in the tripartite committee structure.

When prompted by the facilitator, Longilima said that unregulated charcoal production was the most serious challenge for forestry governance in Bikoro. He planned to regulate this activity by introducing a permit system for charcoal production and by sensitising people to the problem. When he reiterated this at a meeting with the CDV local community representatives, he was challenged from the floor. It was pointed out that many officials within the local and provincial government were themselves profiting from charcoal production. Longilima did not mention any need to monitor or regulate industrial logging, saying that the presence of ITB since 2005 had contributed to the social upliftment of Bikoro. He also associated the ‘investment’ of international NGOs (such as the IUCN) with the presence of industrial logging in the territory.

Bikoro Territory has a supervisor of the lake and forests, who has been working for the local administration since 1965.¹²³ He has 20 staff working for him, but only five receive salaries. The other 15 members of this office are unpaid, ‘because they were only recently appointed — in 2002’, according to their supervisor. Besides low salaries or no salaries at all, they were reportedly completely unequipped to conduct their duties of supervising exploitation of the lake and forests, lacking vehicles and boats. The supervisor said that if he needed to inspect activities on Lake Tumba, he was forced to ask ITB for permission to borrow its boat. He required a motorcycle to inspect the logging concessions, which he did not have. The only monitoring that takes place is at the ITB loading site on Lake Tumba, where they inspect the ITB boat before it leaves for Kinshasa. Clearly, the supervisor’s office was in no position to control the activities of either formal or informal logging, either for timber or charcoal production. The inspection of the ITB boat appeared to be an opportunity for rent seeking by poorly paid officials rather than an exercise in forest management.

It would be incorrect to generalise from two interviews that local government in Bikoro is weak. However, a third interview indicated that the territory’s most talented leadership was not to be found at the local level, but in Kinshasa. At the national level of government, the member of parliament (MP) for Bikoro, Joseph Ipakaka Yobwa, is chairperson of the Foreign Affairs Committee and the Environment Committee of the National Assembly.

He belongs to the relatively small *Démocratie Chrétienne Fédéraliste* (Federalist Christian Democratic) Party, which is in coalition with the *Convention des Fédéralistes*.

Yobwa was well informed of national forestry policy and participates in a regional network of parliamentarians for forestry governance. His perspective was that industrial logging is a necessary part of an economic strategy to diversify the DRC's exports. When asked about the conservation imperatives of forestry policy, he commented that international NGOs are 'tough critics and sometimes unfair. Their recommendations are a luxury for our poor country, which needs development before conservation.' He added that allowing logging companies to exploit the DRC's forests in a controlled fashion opens roads and brings with it clinics and schools. Yobwa argued that 'from a Western perspective, this may not be much, but it means a great deal to the locals'.

Yobwa had recently returned from a visit to Bikoro Territory. He said that elected representatives are meant to go back to their constituencies at least once every three months during the parliamentary recess. It was his duty to find out about local problems and voice them in Kinshasa. In addition, MPs had a role in popularising the Forest Code and forestry policy in general. The problem was that 'most MPs are novices who may not understand the sector well themselves'. Yobwa praised the IUCN project for facilitating participatory forest management. He said this was not an easy task in Bikoro, since it was not in the customs of local communities or the local administration to do so.

Yobwa described the challenges of his constituency as 'typical of all the rural areas of the DRC — a lack of roads, schools and hospitals. There are high unemployment and low salaries, supplemented by unsustainable practices like overfishing of Lake Tumba.' Logging companies in the area needed better infrastructure and had to pay too many taxes. Much of the revenue from logging goes to other departments of government and not towards improving the forest management capacity of the MENCT.

BENEFITS OF TRIPARTITE FORESTRY GOVERNANCE STRUCTURES FOR THE LOCAL ADMINISTRATION

The tripartite approach to local forestry governance assists in strengthening both the capacity and the accountability of local administration in Bikoro Territory. By participating in meetings with the private sector, the church, NGOs and local communities, the administrator has a structured opportunity to consult people and demonstrate that he is 'doing something' besides collecting taxes and a salary. It is also an opportunity for people to question the administration, as demonstrated in the CDV meeting about charcoal production described in Box 2.

Since it has not yet been possible to hold local government elections in the DRC, these institutions are an alternative for a form of accountability, albeit on a narrow range of issues relating to forestry. The issue-specific nature of the meetings do serve to depoliticise interaction among the administration, communities and business, while building trust on which broader political dialogue could take place. Further, it was clear from the interactions between the IUCN national co-ordinator and the local administrator that the process helps to inform and build the capacity of local government to take better care of the forests.

OVERVIEW OF CIVIL SOCIETY/ THE LOCAL COMMUNITY IN BIKORO

This case study uses a broad definition of civil society, which (like the IUCN SVBC project's definition¹²⁴) includes NGOs, community-based organisations and forest-dependent communities.

In addition to the minority Batwa pygmy population, there are three Bantu ethnic groups represented in the Bikoro Territory, namely the Ngele Antando/Mongo, Ntomba and Ekonda. The territory is characterised by social stratification, with pygmy populations usually living on the outskirts of the villages. Equateur is the poorest province in the DRC. Whereas in the DRC as a whole just over 70% of the people can be classified as living in absolute poverty, in Equateur the figure is higher than 90%.¹²⁵ As mentioned, livelihoods in the area depend largely on fishing, foraging and some farming. For many in Bikoro Territory, the only means of income is charcoal production. That this poses a particular threat to the forest is reflected in the fact that more than half of the village-level committees established by SVBC have identified charcoal production as one of the pressing issues that need to be dealt with (see Box 2 for more on this).

The church occupies a central position in the territory, as it does in the rest of the country, and even beyond the DRC in the rest of the continent. Kelsall notes, for instance, that in Africa the church and related religious organisations are often some of the few self-sustaining organisations, even compared to the state or secular NGOs.¹²⁶ In the DRC, the church is one of the main providers of social services, including schools and health care.¹²⁷ Around 50% of Congolese are Roman Catholic, 20% Protestant, 10% Kimbanguist and 10% Muslim.¹²⁸ In Bikoro, for instance, the Catholic mission supports a school and a hospital, while the civil society representative in the Executive College of the Consultative Council on Forest Governance is a local priest, Fr Joseph Mahonde.

The fact that the civil society representative on the council mentioned above is the priest points in part to the importance of the church in the local community, and in part to the weakness of other local civil society organisations. The fact that, within the DRC, civil society has too often in the past been seen simply as a 'gateway to power'¹²⁹ (politics)

*Community representative at
CDV meeting in Bikoro*



has served further to erode communities' understanding of and trust in these kinds of organisations.¹³⁰

In Bikoro Territory, the church dominates civil society, as no local NGOs are active. The church should not be regarded as monolithic on issues of forest governance, however, as the nuns teaching at the Bikoro Secondary School voiced decidedly more critical opinions of logging in the area than were heard from Fr Mahonde. Two of the nuns interviewed said that ITB had done little for the community. When asked about the school built by ITB in Manga, they pointed out that there weren't enough exercise books or equipment for the pupils. A visit to the school in question found pupils engaged in woodwork, but no other subjects were being taught at the time. Joël Kiyulu raised this problem with the headmaster and agreed to place the provision of notebooks on the agenda of the Consultative Council.

Since the church had provided most, and the best, schools in the area for many years before ITB arrived in Bikoro, the nuns' disdain for ITB's 'corporate social responsibility' efforts was to be expected. There was more to their criticism than rivalry, however, as they were experienced social workers in the area and well read in issues of conservation and governance.¹³¹ Several of the nuns had lived and served in Bikoro for over 25 years — far longer than any NGO or private sector engagement. They were lecturing their secondary school students on the importance of conserving the forests, which bodes well for the future involvement of the Bikoro youth in forestry governance.

In terms of international NGOs, the IUCN is the most active in the territory at the moment. Before the IUCN, the International Rivers Network ran a project in the area. As the IUCN project comes to an end in July 2009, the search for organisations to pick up where this pilot leaves off has started. One option is to work even closer with the CARPE landscapes project.¹³² Bikoro falls within the bigger Lake Télé–Lake Tumba CARPE landscape, which involves, among others, the World Conservation Society and the World Wide Fund for Nature.¹³³

CHALLENGES FACED BY CIVIL SOCIETY/ THE LOCAL COMMUNITY IN BIKORO

The challenges faced by the local communities in Bikoro, as identified by them, are reflected in the five niche committees created by the SVBC project. The single biggest cross-cutting challenge faced by these communities is poverty. Related to this is the fact that there are currently few alternatives to the status quo. In the medium term, a lack of infrastructure contributes to the lack of alternatives, even as it serves to isolate the community. In this context and as mentioned above, the church and the private sector are the primary providers of much-needed social services. So, for instance, one of the logging companies built a road in the area, thus opening it up for small-scale contact and trade. For the locals, contact with Kinshasa — besides that with higher-level bureaucrats and the occasional aid worker who can afford to fly to Mbandaka and then drive the last 120km or so — relies on the monthly logging ship trip to the capital. Sometimes, despite the fact that it is formally forbidden, members of the community make use of this ship to transport their goods to the market in Kinshasa. More often than not this would entail the transport of charcoal for sale in the capital.

Wood and charcoal provide 80% of all domestic energy consumed in the DRC. The DRC's fuelwood consumption has been estimated at around 72 million m³ per year. This means that the overwhelming majority of the wood harvested in the DRC is used locally for heating and cooking.¹³⁴ At the core of the challenge lies the lack of alternative livelihoods. Not only are there no alternative sources of energy, there are usually also few alternative sources of income. Charcoal is used where it is produced in rural areas like Bikoro, but it is also a tradable good exported to the more urban areas. And selling charcoal makes economic sense. Anecdotal evidence put the price of a bag of charcoal at CDF1,000 in the village, CDF1,500 in Mbandaka and CDF4,000 in Kinshasa.¹³⁵ A 2005 study by the Centre for International Forestry Research (CIFOR) found that households in Equateur Province that sold six non-timber forest products (including wood charcoal) had an average monthly income equivalent to that of a civil servant. For the traders, profits from wood charcoal was the highest, generating an average monthly income of \$216, compared to an average salary of \$50–\$70 for a secondary school teacher. This income is multiplied many times over for those products reaching Kinshasa.¹³⁶

At the national level, the DRC's response has been the formulation of a decree for regulating charcoal production. The final product will aim to do so by requiring permits for charcoal production. Once the decree has been passed, the challenge will be to communicate it to the local level, and then to implement it. There are also pilot projects with international support, such as the Ibi-Batéké Carbon Sink Project, which has as one of its aims sustainable charcoal production from plantation forestry.¹³⁷ In the final analysis, all these solutions require practical implementation at the local level, where charcoal production currently provides one of very few income-generating alternatives.



CDV meeting on charcoal production at Bikoro, February 2009

Box 2: Niche CDV meeting on charcoal production

That charcoal production is a particular threat to the forest in Bikoro Territory is reflected in the fact that more than half the village committees were represented at a meeting of the niche CDV on charcoal production held in February 2009. Some of the CDVs represented at the meeting came from as far away as the other side of Lake Tumba. The 31 representatives at the meeting included 10 women and 21 men. Participation was lively and active, with women and men, young and old, and Bantu and pygmy contributing voluntarily. This can be attributed in part to the familiarity of the context — village problems are usually dealt with in similar meetings — and in part to competent facilitation provided by the co-ordinator of the IUCN SVBC project in the DRC.

The facilitator led the participants through a participatory problem-solving exercise, starting with the identification of the effects of charcoal production, to the problems and causes, and finally to proposed activities leading to a solution. Some of the effects of charcoal production identified include the 'death' of the forest and the accompanying destruction of non-timber forest products like caterpillars and mushrooms (food that often also has medicinal properties). This leads to both a food crisis and changes in the weather, which could both contribute to an increase in disease. The underlying causes of an increase in production were identified as poverty and uncontrolled commerce, caused in part by a lack of regulation. This meeting identified the identification of charcoal buyers and sellers as one of the first steps towards a solution. As an interim measure, and while the community awaits the national decree on charcoal production, the activity has been declared forbidden by the administrator. It was also decided that logging companies must stop transporting charcoal. Earlier, a meeting of the general assembly of the consultative group also identified some alternative livelihoods, including agriculture and small-scale livestock farming. That meeting also discussed reforestation and the imposition of fines for illegal charcoal production as part of the solution.

The difficulties of implementing such measures were highlighted by a statement of a forest monitor that, should charcoal be confiscated, some of it would be sold and the money given to the administrator, and the rest given to family members. At the February meeting of the niche CDV, a traditional chief added, 'How do we implement a ban if some administrators are themselves involved in charcoal production?' While this serves to confirm the challenges, it also shows the communication channels opened by these village meetings. Practically, the control of charcoal production by policing seems problematic, especially if this is not coupled with the introduction of alternatives in terms of both sources of fuel and income. The export of agricultural products, too, can make economic sense. Like charcoal, a pineapple costs more in Mbandaka than it does in Bikoro, and more in Kinshasa than it does in Mbandaka.

Pineapples, peanuts, maize or cassava — like charcoal — need to be transported; however — unlike charcoal — foodstuffs are perishable. Also, the introduction of alternatives could lead to alternative threats to the forest, e.g. slash-and-burn agriculture. The abovementioned challenges require creative solutions, examples of which are being developed all over the world. Participatory problem solving of the kind practised by the SVBC project has the potential to integrate local sources of knowledge even as it ensures community buy-in. Once solutions have been proposed, the challenge becomes implementation.

BENEFITS OF TRIPARTITE LOCAL GOVERNANCE STRUCTURES FOR CIVIL SOCIETY/LOCAL COMMUNITIES

True to the name of the pilot project visited, one of the main advantages of tripartite structures relates to their potential to ‘strengthen voices’, particularly those of the marginalised community members. By incorporating the different kinds of knowledge brought to the process by different groups (and especially that brought by traditionally marginalised groups), such structures also have the potential to lead to ‘better choices’. Related to this, and by virtue of the regular face-to-face contact among different groups represented in these structures, it could aid in breaking down stereotypes and building trust, both within civil society, and between civil society and the administration and private sector. This does, however, not happen automatically. The success of multi-stakeholder structures depends on several factors, including the design of the structures, the decision-making procedures followed and the good facilitation of meetings.¹³⁸ Such issues are particularly important considering the unequal power relations at play in these kinds of structures. Even if all these things are taken into account, building multi-stakeholder structures takes time.

Another major advantage of local level tripartite structures relate to the exchange of information. These structures create channels for exchanging knowledge and views on forestry and community development-related issues among different stakeholders. Communities can express their expectations of the private sector, as well as discuss their frustrations. The companies can, in turn, respond with their perspective on the issues, or even introduce new issues. The administration can do the same and, in addition, it is also responsible for communicating and translating policy decisions and their implications from the national level to the local.

While local-level tripartite structures could go some way in strengthening the voice of communities, as mentioned, in Bikoro very few organised local civil society organisations exist outside of the church. This was a specific challenge identified in the territory, where the proposed solution includes a workshop on civil society (‘What it is, and what it is not’, ‘The role(s) of civil society’, etc.). Also, just as tripartite structures provide benefits to civil society, so too civil society can provide benefits to the structures. So, for instance, the involvement of the church has been identified as a factor that should increase the project’s sustainability.¹³⁹ This is in line with research that points to the church as one of a few self-sustaining structures in many African countries.¹⁴⁰ In addition, the success of any local-level multi-stakeholder structures depends, of course, on buy-in from communities.

TRIPARTITE STRUCTURES A MODEL FOR BOTTOM-UP GOVERNANCE?

The beginning of this report on forestry governance identified a global shift in thinking on the nature of such governance. As it became clear that top-down, hierarchical control of such complex systems does not work, a gradual shift to multilevel, multi-stakeholder (network) forms of governance can be discerned. Furthermore, the question guiding this section¹⁴¹ is in line with research findings that indicate that, when it comes to governance,

institutions (and in the case of common-pool resources, particularly local institutions) matter.¹⁴² The potential benefits of local-level tripartite structures for each of the three stakeholder groups were discussed in the sections above. This last section will focus on general governance-related benefits of such structures, the lessons learnt and some of the challenges faced.

WHAT IS BENEFICIAL ABOUT TRIPARTITE STRUCTURES?

Influential, but informal traditional institutions exist in a realm parallel to that of formal rules and regulations in the DRC, as they do elsewhere in Africa. The UN Economic Commission for Africa is of the opinion that successful development is unlikely to occur under the existing duality of institutions, and argues instead for the integration of the parallel systems of formal and informal, traditional governance.¹⁴³ This is part of a heated debate as to whether, and how, traditional institutions are relevant for the transformation of African economies and governance systems.¹⁴⁴ However, even if we decide to design wholly new institutions, scholars like Skjøsvald argue that the design of robust systems often requires the bringing of elements from the past system into the new system.¹⁴⁵ So, for instance, Botswana adapted its institutions of parliament, councils and village committees to include elements of a tribal traditional meeting called a '*kgotla*'. A *kgotla* is in essence a democratic process with historical roots in which the village chief would consult with local villagers, who in turn have a right to express their views and concerns.¹⁴⁶

Traditional institutions of governance are particularly salient in rural Africa, where people often feel alienated from the state.¹⁴⁷ In a country as large as the DRC, where as



Joël Kiyulu (right) at the forestry centre's ebanga (meeting place)

much as 70% of the population live in rural areas,¹⁴⁸ this alienation is exacerbated by a lack of infrastructure. In this context, tripartite structures, particularly those at the local level, provide an opportunity to marry the formal and informal, or at least to incorporate elements of one in the other. To do this, it is important to include representatives from both the formal sphere of governance (e.g. the local administrator) and the informal sphere (e.g. the local elders). The SVBC project offers some practical examples of ways to integrate the formal and informal. In the DRC context, village meetings are a familiar and accepted way of solving problems and making decisions. Therefore, despite forming part of a global NGO project, the local committees for dialogue and vigilance (CDVs) are not foreign to the rural DRC context. In the CDVs, the responsibility for conflict resolution lies primarily with the customary chief, as it does traditionally.¹⁴⁹ The fact that conflict resolution has been identified as an area in which traditional institutions have demonstrated success supports an argument for their retention.¹⁵⁰ Also, in the area set aside for a community centre in Bikoro, both an *ebanga* and a *paillot* are being constructed. Both are meeting places. Traditionally, an *ebanga* is the place where the chief receives guests and where conflicts are resolved, while the local administrator at Bikoro entertains guests at a *paillot*.

Secondly, by allowing for the regular input of diverse stakeholders into decision-making processes, local-level tripartite decision-making structures are, in design, closer to participatory democracy.¹⁵¹ These structures also provide the opportunity to solve immediate and specific grassroots problems that cannot be solved at the national level (see Box 3 for examples). This is even more important in the context of the DRC: a large state that — by virtue of its very limited capacity — has no effective ‘reach’ to the largest part of its territory.

Box 3: Solving water conflict

When the logging company ITB decided to build a road to one of its concessions in the Bikoro territory, one of its biggest challenges was water. The area has no real dry season, as reflected in the fact that the forests in the territory are known as floodable or swamp forests. This led to the building of four dykes (levees or stopbanks) on the 50km stretch of newly built road. However, the fishing traps set by community fishermen obstructed the water of the river, causing it to dam up and so increasing the pressure on the dykes. If the situation were to continue as it was, the road would wash away. ITB was upset with the fishermen, and they were upset in turn, arguing that the company was trying to sabotage their fishing activities. In another case, a community was unhappy with the same company, arguing that it polluted their water by allowing its employees to wash their clothes at the community's water source.

Both these issues were discussed at multi-stakeholder community meetings. After being identified at CDV level, the issues were referred also to the consultative group. In the case of the dykes, a facilitated dialogue between the stakeholders led to a discussion on the effects on the community if the road were to wash away. Agreement was reached that the road was a good thing, as it opened up the area for increased contact and trade. A

decision was made not to use fishing traps in the area of the dykes. The implementation of this decision would be the responsibility of the local administrator. In the case of the polluted water source, the company agreed that its employees would stop washing their clothes there and instead do it somewhere else.



Meeting of local chief (seated left) and ITB engineer (centre) on the ITB forest concession

Sources: IUCN SVBC, 'Premier Assemblée Générale du Comité Consultative sur la Bonne Gouvernance à Bikoro', meeting minutes, 5–6 December 2007; interviews with community members of Bokongo village, 23 February 2009; interview with F van de Ven, FIB, 18 February 2009; interviews with ITB representatives, 23–25 February 2009.

Tripartite structures of the kind established by the SVBC project serve to open up communication channels among stakeholders, whose interactions, if unmediated, easily become unproductively confrontational. While the existence of tripartite structures does not prevent conflict, it does provide a framework for working towards constructive resolution at the grassroots level. Increasing the contact among the different stakeholders also has the potential to build trust. One view of trust is that it emerges in groups as a 'by-product of shared social identity'.¹⁵² The argument goes as follows: groups (or individuals) that share a social identity (e.g. a similar culture and religion) will find it harder to anticipate aggressive intentions towards them from an inherently 'good', that is similar, group (or individual). This view of trust could go some way in explaining distrust between local communities and foreign logging companies, for instance. However, social identity trust is not the only type of trust. In fact, in negotiations, social identity trust usually takes a back seat to so-called 'calculative' or 'exchange trust'.¹⁵³ Exchange theories of trust 'focus attention on utilities — material, social or psychic — evaluated and weighed

by the actor in deciding whether it is in the actor's interest to give or honour trust'.¹⁵⁴ Hardin explains how exchange trust can be increased: trust is a product of knowledge.¹⁵⁵ An actor who repeatedly acts according to expectations (in other words, predictably) will become trustworthy. Exchange trust demands a track record; and a trustworthy track record, in turn, depends on reiterated interactions. This type of trust thus develops as repeated interactions produce expected outcomes. With continued interaction, the actors 'know' that they can trust one another and exchange trust grows. Therefore, by increasing the interaction among the administration, communities and the private sector, multi-stakeholder structures can aid in building exchange trust.

One of the main lessons learnt is that, in addition to a need for material resources, such a process is both time and labour intensive. While a bottom-up process has the potential to empower communities, the redefinition of roles and responsibilities that it entails requires a mind shift not only at the national (central) level, but also at the local level. Even as a sense of stewardship over the forest and its resources has existed in pockets at this level for some time, it takes time for the local stakeholders to develop a sense of ownership over the broader, inclusive process of governance. A member of the body in charge of evaluating the bigger IUCN project explained it as follows: 'It takes a long time to create the confidence [for the community-level actors] to be creators.'¹⁵⁶ Building confidence takes time, and so does building trust. By way of illustration, one of the first community meetings at Bikoro entailed a three-hour discussion revolving around a missing carton of sardines.¹⁵⁷ One might have been tempted to cut that meeting short, not realising that it was in fact a crucial part of a process of trust building, i.e. that a three-hour discussion about some sardines could lay the groundwork for future discussions about bigger issues. Then, once the discussions are over, the challenge of implementing the decisions remains.

At all stages of the process, the importance of good leadership cannot be overstated. To a significant extent, the successes of the project thus far can be attributed in large part to the capable and committed leadership and facilitation of the project's co-ordinator. This leads to particular challenges related to the sustainability of the project. Ideally, eventually full responsibility for the project's sustainability should lie with the community. Local ownership of the process requires effective and accountable local leadership. In the case of the IUCN project in Bikoro, there used to be a group of men in the territory who designated themselves as the unofficial 'committee' through whom most development assistance activities were to be channelled. Experience proved, however, that this group was largely ineffective in the carrying out of this unofficial mandate. In an effort to prevent entrenched interests from hijacking the process, the SVBC project made the decision to replace this group of men with others. This new group is now being given a chance to prove itself. Unfortunately, and as can be expected, the new group faces some opposition from the old one. Managing the negative fallout requires particular facilitation and conflict mitigation skills.

In terms of good leadership, at least two factors are important: firstly, good leaders should be legitimate and accountable; and, secondly, good leaders are those who care about the issue. It is important to note that there are different ways to recognise and ensure legitimacy and accountability, and that competitive elections held every few years are neither an exclusive nor always a sufficient solution.¹⁵⁸ It makes sense to identify those leaders that already enjoy local legitimacy rather than trying to create new ones.¹⁵⁹ Asking 'Who cares?'¹⁶⁰ and starting with those who would answer in the affirmative is the second

condition. In the case of the SVBC project, one way this was done was by relocating the *per diem* payments when it became clear that attendance of meetings was being influenced by these payments.¹⁶¹

Finally, multi-stakeholder processes should take a learning approach and provide for some degree of flexibility in implementation.¹⁶² A suggested approach is that of action learning.¹⁶³ This is based on the logic that learning (L) is based on programmed knowledge (or the things that we can be taught, P) plus questioning skills (or the ability to apply what has been taught to 'messy' real-life problems, Q); thus, $L = P + Q$. An action learning approach allows specific solutions to fit the context as they adapt to local conditions and changes. Such an approach contributes to the building of robust institutions.¹⁶⁴ While robust institutions might not be the most efficient, they are more likely (than less robust, but more efficient institutions) to survive when confronted with external disturbance or internal stresses.¹⁶⁵ The use of such an action learning approach in the SVBC pilot countries was explicitly built into the original IUCN project design.¹⁶⁶

Box 4: Adaptive learning in action

At the beginning the SVBC project, the project budget included an allowance for *per diems* to be paid to attendees of CDV community meetings. With time, it became clear that for many the money served as greater motivation for attendance than did the forest governance issues under consideration. In addition, it was noted that the kind of community meetings established by the project was not a wholly novel idea, and that problems in local communities have been solved in similar meetings for generations without payment. A decision was made to stop paying the *per diems*, and instead to use the money on a project that would show concrete results.

In Bikoro, the overarching challenge faced by communities has been identified as poverty. Related to this is also inequality. A practical manifestation of this is the fact that most children cannot afford to buy enough notebooks for school. While a lucky few have one book per subject, for many a single notebook has to suffice for all subjects. Notebooks are imported from Kinshasa, which means that, unlike charcoal, plantains and pineapples, notebooks cost more in Bikoro than in the capital. In the past, free notebooks distributed by NGOs had the unintended consequence of distorting the local market. Realising that they were selling fewer books, local businesspeople reacted by increasing their prices in an effort to keep their incomes stable.

The problem described above was that which the SVBC project decided to address with the old *per diem* money. A decision was made to build a small shop (canteen) that would sell school supplies. As part of its corporate social responsibility, a local logging company agreed to bring school supplies, bought with the old *per diem* money, on its ship from Kinshasa. These books would be sold at near cost price, and the money made used to buy more supplies from Kinshasa. A mechanism was also put in place that entitled each child to buy as many books as he/she has subjects, and no more. This mechanism would be administered by the schools. In order to earn some money (e.g. for buying books), older children would be taught how to grow plantains (bananas). The logging company also agreed to transport the plantains from Bikoro to Kinshasa to be sold. This could replace

some of the charcoal produced by the community that the company used to transport, and that they agreed to stop.

Following the introduction of the school canteen project, the CDVs continued to meet, albeit without the participation of those who attended only for the money. At the same time, the canteen project serves to reduce both poverty and inequality at the household level. The participation of children means that they are proactive in the governance process. In addition, if they started to sell plantains in Kinshasa, it could go some way in weaning the community off its dependence on charcoal money. In turn, a reduced dependence on charcoal exports addresses one of the main challenges of sustainable forest governance in the area.

CHAPTER 6

CONCLUSION AND RECOMMENDATIONS

Approaches to forestry governance in a country like the DRC require negotiations with and the accommodation of many actors besides government officials. Different interests, although implicitly present in all discussions, are rarely acknowledged explicitly by stakeholders. Such differences underlie even an all-inclusive vision such as that articulated in the DRC Forest Code.

When compared with other sectors, co-ordination within the forestry sector has, to date, been relatively successful. This can be attributed to good leadership and commitment from both the relevant government ministry and the international development partners involved. However, forestry does not exist in isolation. It is intricately linked to several other sectors, including at least mining, agriculture, transport and finance. Co-ordination between forestry and these sectors is lacking.

Recommendation 1

Co-ordination of forestry governance initiatives with other relevant areas of governance in the DRC should be strengthened, through regular interministerial meetings initiated by the MENCT.

Recommendation 2

Future negotiations on forestry governance issues should build on the relationship of trust that currently exists between officials in the MENCT and the thematic group on forests and the environment (GT13). In this relationship, the MENCT, and specifically PNFoCo, should assume greater ownership of the process.

This would go some way in deflecting criticisms that these kinds of relationships, initiated as they are by the Paris Declaration on Aid Effectiveness, are externally driven.¹⁶⁷ At the same time, sustained international commitment to the forestry sector remains crucial. This is particularly important considering the global public goods value of the Congo rainforest, coupled with the fact that the DRC state faces many immediate priorities, including economic development and poverty alleviation. This means that in the DRC, as in other high forest cover developing countries, forests tend to be seen first and foremost through the lens of economic development, while developed countries tend to pay greater attention to issues of environmental sustainability and conservation.¹⁶⁸

Recommendation 3

International partners should maintain their levels of engagement in forestry governance initiatives in the DRC and further co-ordinate their efforts through, among other things, the multidonor trust funds created for this purpose.

Despite initial appearance to the contrary, the dual recommendations mentioned above can complement each other. In practice, it could entail that the MENCT increasingly initiates discussions on the framework into which interventions — including contributions by development partners — are to fit, instead of trying to squeeze whatever individual plans the development partners have into its sector framework. Even so, the vision and resulting framework would still be negotiated among stakeholders. Greater country ownership would not mean that international perspectives are sidelined, but it might well assist in a proposed division of labour.¹⁶⁹ Related to this, strategic steering and co-ordination (or meta-governance) is important also at the regional and international levels, where initiatives like the Congo Basin Forest Partnership and the FLEGT processes are developments to watch.¹⁷⁰

As climate change is elevated on the global agenda, forests found in the developing world are increasingly valued as global strategic resources. This realisation has given rise to innovative finance mechanisms for forests (such as REDD) in climate change negotiations. The framework that results from these negotiations will influence the terms of foreign engagement with the forest sector in countries like the DRC.

Recommendation 4

At the regional and global levels, the DRC government should play a proactive role in negotiations on forest-related issues, particularly in its capacity as a member of COMIFAC, but also as a member of the Southern African Development Community and the African Union.

While serious challenges of capacity remain, those efforts directed at the central level of the DRC's MENCT appear to be paying off. The glaring need for capacity building at the provincial and local levels is brought into sharper focus as plans for decentralisation take shape. These plans include both the decentralisation planned for the DRC as a whole and the effect that global trends towards bottom-up forest governance is having on forest governance initiatives in the DRC.¹⁷¹

Capacity building for decentralisation in the DRC is a mammoth task to be undertaken with limited resources. For this reason, this report highlights the importance of prioritising. Efforts should be concentrated in (1) those areas where the need is most urgent, and (2) those areas where limited inputs are most likely to have a significant impact. If such interventions yield some relatively quick and visible results, they could serve to create a momentum for positive change. In terms of decentralisation, improving communication between the local and provincial levels and the national level is a crucial first step. Another related, but more specific need relates to the communication and management of the decisions of the CIM on the cancellation of forest titles.

Recommendation 5

Communication channels among the relevant ministries at national level and representatives of the administration at the provincial and local levels should be improved. A mechanism should be put in place to monitor this communication so as to ensure the effective dissemination of information from the national level downwards.

Recommendation 6

The MENCT should draft and communicate a clear plan of how the socio-economic effects of the cancellation of forest titles are to be mitigated.

In order to prioritise, it is also important to match the content of proposed governance initiatives with the context. This report suggests that, in a context of limited resources, successful initiatives are those that manage to harness the different kinds of positive capital brought by multiple stakeholders, while mechanisms are put in place to prevent the process from being hijacked by entrenched interests. The forestry case study discussed provides some practical suggestions for ways to implement this suggestion at grass-roots level.

In addition to a limited availability of resources, an important part of the DRC context relates to the role played by informal institutions, often in parallel to that of the formal ones. Informal, traditional institutions are even more salient at the local level, and particularly so in rural areas. This means that, at the local level, *de facto* leaders include not only the local members of the administration. In order to make the best use of limited capacity, governance initiatives would therefore benefit from a more nuanced division of labour. So, for instance, the local administration could be responsible for the communication of the regulatory framework from the national level downwards, as well as for its implementation. In turn, the customary chiefs could continue to fulfil their traditional role by taking responsibility for resolving day-to-day conflicts that arise in their communities, but that fall outside the broad framework provided by the law.

Recommendation 7

New forest governance initiatives should, as far as possible, build on existing local institutions.

The SVBC deliverables in the DRC include both tangible, bricks-and-mortar assets, like the information centre and the radio station, and those of the institutional kind, like the channels for improved stakeholder engagement provided in the form of, among others, the CDVs and the Consultative Council. To date, the greatest assets delivered by the SVBC project are these institutional ones. However, even well-designed institutions take time to become consolidated. The project reiterated that, in addition to the material resources required to launch a sustainable governance initiative, it is also a labour-intensive and time-consuming exercise.

In terms of the two forums for stakeholder engagement mentioned above, the following should be noted: the fact that, by design, multi-stakeholder decision-making structures at grassroots level are closer to participatory democracy is a good thing. In rural DRC, village committees are the customary way of engaging community members to solve problems. In institutional design, therefore, the SVBC CDVs are largely familiar to local communities. Because of this, and if such committees are shown to provide benefits for community members, they have the potential to become self-sustainable.

To date, the way in which the Consultative Council engages the administration, the private sector and communities has also shown signs of improving forest governance. Even more so than the CDVs, however, this council is the result of conscious design: it did not form by itself and neither will it automatically sustain itself. It was noted that, even as

inclusive processes have the potential to give voice to a broad spectrum of views, turning that potential into tangible benefits requires skilful facilitation. This is important not least because of underlying power relations. So, for instance, there is always the threat that one stakeholder is marginalised (e.g. communities and in particular marginalised members like pygmies), while another's perspective (e.g. the private sector's) dominates. In addition to issues of institutional and process design, the crucial role played by a facilitator in dealing with such challenges was noted.

Recommendation 8

The constitution of multi-stakeholder forestry governance structures should make provision for the role of a neutral facilitator who is trained to mediate discussions among the private sector, the administration and civil society.

Those who design governance initiatives should recognise that it usually takes longer than initially planned for institutions to become consolidated. This should be taken into account in project time lines. Considerations relating to sustainability should also be built into project design from the very beginning. Then, once a project is up and running, it is important to identify where the dynamics for sustainability will come from. In the case of the SVBC pilot in the DRC, it was noted that the prospects for sustainability are enhanced by involving the church. This could also be relevant in other cases, considering the fact that the church is often one of the few self-sustaining organisations in Africa. So too, designing initiatives that build on existing institutions will serve to enhance prospects for longer-term sustainability. It is also a good idea to involve the youth. Lastly, it is recommended also to build into any project design an exit strategy, or a last phase for handing over.

Should something like the SVBC model be replicated in other areas where logging companies are active, funders should remain engaged for long enough to ensure at least some degree of consolidation. If village committees build on local institutions and show some positive results relatively quickly, they are potentially self-sustainable. At the territorial level, neutral facilitators should be trained in facilitation/mediation skills and consultative processes. These facilitators should remain even after the donor-funded project ends. The training and salaries could be funded by the provision of environmental services (alternative finance mechanisms/REDD). This would be an appropriate use of such funds, considering that these facilitators could also assist in building communication channels between the local and provincial levels and the national level. This would include the communication of forest policies and regulations from the national level down to the local level, something identified as an urgent need.

Recommendation 9

Sustainability considerations should be built into project design and should also be considered throughout the life of any local forestry governance initiative. Clear and transparent governance of the funding of such initiatives should be a priority. A financial governing body should be established by each consultative council to control and account for the funds designated for local forestry governance.

Recommendation 10

Local youth should be encouraged to participate in forestry governance projects such as those at Bikoro, e.g. through the use of innovative fundraising ideas for school canteens and notebooks.

In conclusion, local-level tripartite structures have been shown to work well as a network governance approach to the forestry sector. This report has revealed the importance of communication of forestry policy from the national to the local level in the DRC. Not only did local communities need to be empowered with greater knowledge of national policy, but logging companies and local administration also needed information and training. The lasting impression is how labour intensive, complex and challenging the improvement of forestry governance in the DRC is and will be. Placing the urgent local needs witnessed in a context of national reform and global imperatives, forestry governance would be best served by growing these institutions from the roots up.



School children at Bikoro

ENDNOTES

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- 56 This representative is also the one in the MENCT responsible for drafting the Forest Code and the implementation decrees. He explained that the World Bank's idea is to extend the moratorium so as to slow down the granting of new concessions, even as some contest the validity of the moratorium. This reflects a tension even among the main actors involved in the drafting of the legal texts (the Forest Code was drafted with substantial assistance from the World Bank).
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