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## Emerging without submerging: the challenge of international policies on the environment in Central Africa

Central Africa is flooded with regional and international initiatives to manage its natural resources. In this forest region par excellence, the combination of these initiatives directly or indirectly affects the forest sector. The most active instruments of this kind are definitely the Voluntary Partnership Agreements for Forest Law Enforcement, Governance and Trade (FLEGT), and Reducing Emissions from Deforestation and Forest Degradation, conservation, increased carbon reserves and sustainable forest management (REDD+). The first, product of a 2003 European Union policy change to limit illegal forest exploitation and its harmful effects in producer countries, was the subject of agreements with Cameroon, the Congo and the Central African Republic (CAR). The Democratic Republic of Congo (DRC) is currently in negotiations; meanwhile Gabon began negotiations but later stopped them. As for REDD+, all countries in the region have accepted this initiative with varied results. The DRC is at the forefront; meanwhile Gabon has paused development of the mechanisms necessary to implement REDD+, even though it approved a Sustainable Development Law in 2014 to facilitate carbon trading, among other things (1).

In addition to FLEGT and REDD+, countries in the sub-region are gradually adhering to certain forest-related initiatives that, while not directly related to the forest sector will strongly impact the forests. This is not least because all of these countries have forest cover of approximately 50% of their respective territories. The Tropical Forest Alliance (TFA 2020) and the African Forest Landscape Restoration Initiative (AFR 100) are among the most important initiatives. We can also mention supposed innovations in the fight against climate change: The Green Climate Fund, the 2015 UN Paris Agreement on the climate, etc. All these initiatives officially have excellent intentions to develop the sub-region, making it unsurprising that all governments have accepted them. However, previous experience with international initiatives presented in the most colorful terms should teach us to be very cautious.

Above all, we should be concerned about rural communities in general, and forest communities in particular; since when they are not mere spectators of these major initiatives, they are often the most affected. It is important to examine cases of REDD+ projects in other African sub-regions (Kenya, Uganda, Mozambique, etc.). In Uganda for example, 22,000 people were uprooted from the districts of Mubende and Kiboga to enable installation of a massive REDD+ project. Closer to home, there are already examples of REDD+ projects that seriously threaten the survival of indigenous groups, which we will discuss below. After taking a retrospective look at the lessons learned from REDD+ and FLEGT in our countries, we will identify the risks associated with these new initiatives, and we will know whether such lessons were taken into account. Finally, we will propose some provisional measures to prevent these new development initiatives from becoming instruments of death.

### **Forest communities, REDD+ and FLEGT: lessons from the past that inspire distrust, or at least caution**

There have been several analyses in recent years on the efficacy of these two

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instruments/mechanisms. The results are unanimous: while they did allow for a gradual opening of the political space, and awakened a greater interest in forest policy in the population, neither instrument has proven satisfactory nor fully responded to its own initial objectives.

FLEGT: Created to combat illegal exploitation of forests, this mechanism/instrument is far from achieving its initial objectives. When the CAR and the Republic of Congo signed Voluntary Partnership Agreements in 2009 and Cameroon in 2010, most actors were hoping the countries would be granted FLEGT licenses in 2013, coinciding with enactment of the European Union Timber Regulation. Three years later, no FLEGT license has been granted. To understand this, it is necessary to explain that these licenses would confirm that relatively good governance exists in the forestry sector, in particular due to better law enforcement. In other words, between 2009/2010 and 2016, States have failed to show that they are better managing their forests. So what does this mean for communities, in practice?

A positive change to highlight from this instrument/mechanism, is that civil society and communities have gained a better place at the negotiating table. Now they can express their opinions, on both the development of laws and policies and their implementation. For example, in Cameroon, civil society and indigenous communities are officially part of the monitoring bodies of the Voluntary Partnership Agreements. Yet beyond participation, it is important to examine how much participants' opinions are actually taken into account. Indeed in all countries, civil society and communities' opinions are frequently discarded with no real explanation. And despite FLEGT's arrival, living conditions in communities have not improved and in some cases have even worsened. Since 2015, communities in Cameroon are no longer receiving their annual share of forest royalties. While this change is not due to FLEGT, forest communities' numerous complaints about not receiving their share of royalties have failed to change anything. Finally, forest exploitation in general has not diminished in any country in the sub-region. Cases of illegal timber shipments to Europe and China have been the subject of numerous reports. One of the most sensational cases occurred in 2013, wherein a shipment confiscated on Belgian soil contained *Afromorsia*, a species of tree on the CITES list (2).

REDD+: Like FLEGT, REDD+ has facilitated the participation of groups usually excluded from decision-making processes. At each stage of Investment Preparation, civil society has mobilized to convey the importance of respecting communities' rights. Yet while part of the message was understood, in particular on the need for social and environmental safeguards, the rest seems to have fallen on deaf ears. Participation is considered to be a favor. Indeed, without a clear definition of what is meant by "participation," it is very easy to devalue this term. A clear example comes from the Republic of Congo, where in 2014 the government decided to draft an instruction manual on REDD+ safeguards for forest communities. It only presented the educational material to civil society at the last minute, despite the fact that civil society should have been contributing their expertise at each stage of its creation. More recently, the government of Cameroon also distorted the meaning of participation, when it invited civil society to comment on its strategic document on REDD+ project investments in one week. In a week, a diverse civil society in a majority francophone country had to comment on an English document of about 100 pages. Finally, it is always crucial to question the legitimacy of "participants" wherever the case may be. Apart from indigenous associations and traditional leaders, no forest populations participate in these discussions, which will nonetheless affect their way of life.

Unlike FLEGT, which has not yet had direct negative impacts on forest communities, REDD+ has caused suffering in the DRC. Indeed, the projects in Ibi-Bateké and Maï-Ndombé show us that communities in the entire sub-region are at great risk. Neither of these projects sought Free, Prior Informed Consent from local indigenous communities (Batwa), even though they have customary

rights to the lands the projects are using. In both cases, the companies exploiting carbon credits used the “divide and conquer” approach. One sector of the communities, mainly elites and village leaders, receive a portion of the income generated. This allows the company to claim it equitably shares benefits, even though most of the population is deprived of such income. And most significantly—in Maï-Ndombé for example—this has created tension between those who vehemently oppose the project and those who defend it. Finally, as with FLEGT, REDD+ has not proven effective in achieving even its most basic objectives: to reduce deforestation and forest degradation. Assessments of the above projects, which grant carbon credits, reveal that forest deterioration has significantly advanced. (3)

Neither FLEGT nor REDD+ has contributed to real and substantial change in terms of communities' rights. In the Republic of Congo, a law on indigenous peoples was passed when the FLEGT Voluntary Partnership Agreements came into practice; yet its implementation remains impossible due to the absence of regulating text. In the DRC, despite grand promises, REDD+ has failed to move forward basic reforms on: land use planning, land ownership management, etc. While one could identify a link between civil society's interest in participating in the REDD+ process and the enactment of a decree favorable to forest communities in 2015; yet the reality is that this decree is not clear, nor is its true interest in communities. In this context, how can we trust new instruments, especially when they so strongly attract governments' attention? And when once again, as with FLEGT and REDD+, the role of forest-dependent communities is not clear from the start?

### **Current initiatives cannot address root causes**

The reason that neither FLEGT nor REDD+ can profoundly change forest communities' current situation, is because these instruments are not intended to make profound changes. For communities to ultimately benefit from forests, three necessary changes stand out: to recognize and guarantee customary land rights; to build true and undeniable participation around benefits; and to ensure access to justice, in particular compensation for damages. However, if these fundamental changes are not part of the FLEGT or REDD+ mandates, they will be less so in the case of TFA 2020 or AFR 100.

Recognize and ensure customary rights to forest lands: in many cases communities have been unable to take action against illegal exploitation or an unjust REDD+ project, simply because of the rights recognized on lands where these activities take place. While communities claim customary rights to over 70% of lands, less than 10% are officially recognized. This discrepancy is very useful for forestry sector investors. In the aforementioned REDD+ projects, communities were displaced or saw their access restricted based on the erroneous principal that the State owns the lands and therefore can transfer them at will. Moreover, currently only the right to use forests is recognized throughout the sub-region, making it difficult and even impossible for communities to bar the way of an investor who has invaded their forests. Additionally, there is little transparency in the forestry sector; communities are often forced to go to the administration in order to identify companies logging on their lands.

Access to compensation and true benefit sharing: While all forestry and territorial laws contain rules on compensation in the event of damages or loss, in practice the reality is quite different. Compensation amounts are often far less than the real benefits communities used to derive from their lands. This is the case in Cameroon, the Republic of Congo and even in Gabon. Moreover, respect for laws—weak as they might be—is very problematic. As for access to benefits, current rules allow communities in all countries except Cameroon to receive a proportional share of the revenues generated from logging and carbon trading. These benefits usually arrive very late at the community

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level and are not always managed effectively, since communities have little financial management capacity. The reality is that companies, NGOs that promote REDD+ projects and intermediaries continue to be the primary beneficiaries.

Overall, there is inconsistency between good forest management goals and the development needs of countries. After the hunger crisis of 2008, the “emerging vision” flourished in the Congo, Gabon, Cameroon, Democratic Republic of the Congo and the Central African Republic, placing these countries in competition for how fast they could develop. Thus, Cameroon's ambition is to become an emerging country by 2035; the DRC set its goal for 2030; the Republic of Congo and Gabon set the date for 2025. Equatorial Guinea is even more ambitious: this country foresees its economic emergence for 2020. The main development option these countries have chosen is based on capital valuation from natural resources. This means not only remaining dependent on oil, which in all these countries accounts for over 60% of national wealth, but on diversifying valued natural resources. One indicator of this trend is the gradual conversion of forests to industrial agriculture, mining or infrastructure purposes. Considering that in the last ten years, approximately 2 million hectares of forest have been allocated to non-forestry investments (agriculture, mining, infrastructure, etc.), it can be stated bluntly that there will be massive forest destruction in the coming years. Similarly, the permits granted in 2011 to extract oil in the Virunga conservation park—the oldest conservation park in the DRC—are yet another example of the contradictions of governments in the sub-region in issues related to the environment.

### **What to do?**

As we have seen, REDD+ and FLEGT are not very operative and are literally unable to meet their own objectives. When not adversely impacting communities, they contribute little to improving their situation or resolving the problem of forest loss; this is mainly because they leave intact the root causes we briefly described, and to which we could add a long list. TFA 2020 and AFR 100, like so many other programs, will run into the same problems. These are bandaid initiatives that exist for brief periods and do not address the bigger problems of the natural resources management. TFA 2020, with its goal of “developing sustainable agriculture based on public-private partnerships,” also foresees helping small-scale farmers. This will mainly involve one-off assistance to develop plantations. Yet there are no plans to address structural causes.

As for AFR 100, it is still too early to assess its capacity to impact forest communities in Central Africa. Its goal to “restore 100 million hectares of forest land between now and 2030” is very ambitious, and certainly laudable for communities that could see their environment restored. However, the modalities of access to land have not yet been specified. On the World Resource Institute's webpage on AFR 100, it indicates that some States have already agreed to “restore” 41 million hectares. (4) These states include the DRC and CAR. So far no consultation process with people of these countries has been initiated; yet it is clear that the land to “restore” will be community lands, as neither the DRC nor CAR government can claim to own such extensive areas of land free of community use. It seems reasonable therefore to question who will gain from forest “restoration.” The goal seems noble, but the risks are significant. Examples of REDD+ projects in the DRC are enough to prove that a restoration initiative can be harmful both to the environment (e.g. destruction of biodiversity in the Savannah being replaced by monocultures) and to communities (land-grabbing and destruction of essential resources).

Based on the above, it is easy to imagine that TFA 2020 and AFR 100 could follow in REDD+ and FLEGT's footsteps and negatively impact communities, or not significantly improve their standard of living. This is not a sufficient reason to discourage communities and civil society from participating in

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its implementation. It is well known that there are those who believe it is better not to sit at a bad negotiating table, and those who believe that if you do not sit at the table, you will become dinner. For our part, we believe that sometimes it is necessary to be involved in such processes, or at least be informed about them, in order to have the necessary tools to improve them when possible, or fight them if necessary. For now we can recommend three measures to take regarding these initiatives, which will no doubt multiply in the coming years:

Develop your arguments before sitting down at the table: one problem we have observed is that civil society and communities rarely manage to define the agenda. Yet environmental and social safeguards—nowadays almost mandatory for any REDD+ mechanism—are proof of these actors' ability to influence the program, as long as they are prepared to defend their positions. Therefore, it is necessary to achieve good internal consensus beforehand.

Aim for thts: FLEGT's main contribution in the Congo Basin was adoption of a law on indigenous peoples. Other changes in the Congo Basin and elsewhere involved less consistent or intangible rights, such as the right to participate in certain decision-making spaces. It is important to encourage reforms that truly aim to change the lives of communities, such as those that would ensure customary land rights, better distribution of benefits, or guaranteed access to compensation in the event of damages, etc.

Compare, “name and appreciate” good examples: NGOs in the sub-region should document positive examples of natural resource management in other countries more, in order to propose concrete and feasible solutions. Governments often oppose proposed laws that would better respect traditional rights, arguing that “they are not feasible.” However the region is full of positive examples. Cases from Ghana, Botswana and Burkina Faso show that it is possible to recognize important territorial rights for peoples without slowing national development. This kind of lesson is what prompted the African Community Rights Network to publish a comparative report in 2014 on community rights, REDD+ and FLEGT (5). The Network has just developed an index to rate the degree of land rights protections in Africa. They have already completed a first analysis using their rating index in eight countries; and presumably the results will show what is working, in order to encourage States to improve their position.

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(1) <http://gabonreview.com/blog/developpement-durable-les-inquietudes-de-la-societe-civile-sur-la-nouvelle-loi-dorientation/>

(2) <http://www.radiookapi.net/environnement/2013/11/28/allemanne-saisie-de-deux-cargaisons-de-bois-illegalement-exporte-de-la-rdc>

(3) <http://wrm.org.uy/articles-from-the-wrm-bulletin/section2/congo-basin-rainforest-project-communities-leery-of-conservation-revolution/>

(4) <http://www.wri.org/our-work/project/AFR100/restoration-commitments#project-tabs>

(5) <http://www.cedcameroun.org/flegt-redd-et-droits-des-communautes-aux-forets-et-a-la-terre-en-afrique-lecons-apprises-et-perspectives/>