

Community-Based Forest Management: Legal Frameworks in Five Congo Basin Countries

Introduction

Around the world, various models of community-based forest management exist. These models are framed by national laws and relevant implementing decrees that allow different degrees of participation of local communities and indigenous peoples in decision-making processes regarding management of forest resources located on the lands they traditionally use and/or occupy.

This document presents legal frameworks for community-based forest management in five Congo Basin countries: Cameroon, Republic of Congo (Congo), Democratic Republic of Congo (DRC), Central African Republic (CAR) and Gabon. The comparison table looks at key themes around community-based forest management, such as the legal basis for community forests, their maximum duration, surface area, and the stages of the community forest allocation process etc. The document also includes a brief summary of key weaknesses of each legal framework to reveal some of the potential barriers to successful community forestry development in the region.

Given the variety of community-based forest management models and legal frameworks, this document is not meant to be exhaustive or to provide in-depth analysis of these legal regimes. Its purpose is to strengthen the understanding of the legal aspects of diverse community forestry models in order to steer thinking on the options and effectiveness of community-based forest management in Central Africa.

It should be noted, however, that ClientEarth is developing a more detailed analysis of the legal frameworks in Congo and Gabon as well as in selected countries in Latin America and Asia. This work, together with the preliminary research presented in this document, will constitute a body of legal research carried out by ClientEarth within the project "NGO Collaboration for Equitable and Sustainable Community Livelihoods in the Congo Basin Forests" (CoNGOs).¹

We would like to thank the members of the CoNGOs consortium who have made contributions and helped to enrich this document.

Comparison Table

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
What is the name of the model of community forestry / community forest (CF)?	Community forests	Community development zone / Série de développement communautaire (SDC) ²	Forest concessions of local communities	Community forests	Community forests
What is the legal basis for CF?³	Use rights ⁴	Use rights identified by forest concession management plans of forest management units (unité forestière d'aménagement (UFA)) ⁵	Customary land rights ⁶	Customary use rights ⁷	Customary use rights ⁸
What is the maximum duration of CF?	The duration of a management agreement and the associated simple management plan is 25 years ⁹	10-20 years ¹⁰	Permanent ¹¹	No mention of duration	No maximum duration. CF is granted for as long as the community complies with CF provisions ¹²
What is the maximum surface area of CF?	5000 ha ¹³	No relevant provision. The surface area of the SDC depends on the circumstances of each forest concession.	50.000 ha ¹⁴	50 ha minimum and 5000 ha maximum ¹⁵	No maximum surface area is set. The CF surface area is based on the customary land-use rights identified by participatory mapping. ¹⁶
What is a community?	The concept of a community is not explicitly defined in the Cameroonian legislation. ¹⁷	No definition in existing forestry legislation. However, the 2003 Law on territorial administrative organisation contains definitions of "urban	A local community refers to a population traditionally organised on the basis of custom and united by ties of clan or parental solidarity that underlie its internal	A village and indigenous community refers to a population organised on the basis of custom, and united by ties of clan or parental solidarity that underlie its internal	In the context of community forestry, the definition of a community differs from the general definition of a community laid down in the Forest Code.

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
		community”, “rural community” ¹⁸ and “village”. ¹⁹	cohesion. It is characterised by its attachment to a specific territory. ²⁰	cohesion. It is characterised by how long it has occupied the territory, its attachment to the territory and its strong economic, social and cultural dependence on the resources of the territory. ²¹	In the community forestry legislation, two definitions of communities are provided: <ul style="list-style-type: none"> • A village entity, a group of villages or a county organised as a recognised association;²² • A “residential community” composed of men, women and children linked by norms and values accepted by all, living in the vicinity of a forest where they exercise their economic and customary use rights.²³
Does the community need to have a legal personality?	Yes ²⁴	No ²⁵	No ²⁶	No ²⁷	Yes. The community must constitute a “legal entity” / be organised as an association. ²⁸
What are the key steps to obtain access to CF?	1. Awareness raising-information-education; 2. Creation of the management entity; 3. Delimitation of the community forest; 4. Consultation meeting;	There is no general decree on SDC that clearly outlines these steps. The provisions in the Order No. 5053 are vague and do not explicitly list steps	1. Identification of the local community and the person(s) customarily representing the community; 2. Submission of a map drawn in a participatory	1. Organisation of preliminary consultation meetings for the delimitation of the community forest and the participatory	1. Organisation of preliminary information and awareness raising meetings; 2. Participatory mapping of community’s customary use rights;

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
	<p>5. Reservation of the community forest; 6. Development of the simple management plan (SMP); 7. Examination and approval of the SMP; 8. Signature of the management agreement; 9. Implementation of the SMP.²⁹</p>	<p>required for the creation of an SDC. The level of participation of communities in the designation of the limits of the SDC therefore varies from one forest concession to the next. Generally speaking, SDC are automatically created/designated by forest concession management plans. Forestry companies that draw up their management plans are obliged to designate SDCs around the villages located within the forest concession. Management plans are then approved by decrees adopted by the Council of Ministers.</p>	<p>manner describing the forest, which the community possesses based on custom, and accompanied by a sketch showing the precise limits of the forest concession sought and its approximate size; 3. Prior examination by the administration to check (1) and (2)³⁰</p>	<p>development of a simple management plan; 2. Submission of CF application;³¹ 3. Organisation of a formal consultation meeting; 4. Signature of the management agreement.</p>	<p>3. Organisation of a consultation meeting; 4. Submission of CF application; 5. Signature of a temporary management agreement; 6. Drafting and validation of the community forest simple management plan; 7. Signature of the final management agreement.³² The community can also opt for a prior reservation of the forest to guarantee that no exploiting permit is allocated to a third party while the community forestry procedure is being followed.³³</p>
<p>What are the types of activities that can be carried out in CF?³⁴</p>	<p>Timber harvesting for commercial purposes; protection; hunting; grazing; forestry; deadwood collection; agroforestry; agriculture; cash crops; ecotourism.</p>	<p>Agriculture, fishing, hunting, gathering, harvest of timber and gathering of non-timber products for domestic use (food, traditional medicine, construction, handicrafts).</p>	<p>Timber harvesting; gathering of non-timber forest products (NTFPs); exploitation of wood for energy (coal); hunting and fishing; conservation; environmental services; ecotourism.</p>	<p>Subsistence activities (hunting, fishing and gathering of forest products); wildlife protection; tourism, agricultural and logging activities.</p>	<p>Large scope of activities under final management agreement, subject to respect of the management plan, and the signature of procurement contracts with local processing companies.³⁵</p>

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
What are the governance structures around CF? How do they work?	Community forests are administered by committees which manage forests for the community. ³⁶	A multi-stakeholder body (consultative council or “conseil de concertation”) is in charge of managing the SDC. It is set up in every SDC according to the management plan. ³⁷ The council comprises of representatives of the local administration, forestry company, local communities and local NGOs. Decisions are adopted by consensus. If consensus cannot be reached, decisions are adopted by a 2/3 majority of the members present (with quorum of 2/3).	Two options: establishment of a “special management entity” ³⁸ or internal organisation comprising of a community assembly, a local management committee, a local monitoring and evaluation committee and a council of elders. ³⁹	Establishment of an organisational structure consisting of a customary council, a management committee and, as the case may be, an indigenous council. ⁴⁰	The community must create an association comprised of: <ul style="list-style-type: none"> • an executive committee and • a general assembly. <p>There are no detailed provisions regarding the functioning of these bodies.⁴¹</p>
Is gender taken into account in the legal framework?	No provision on CF specifically addresses the involvement of women.	Partially. Women quotas are provided for in some of the orders (arrêtés) ⁴² that create consultative councils but no general provisions exist.	No provision on CF specifically addresses the involvement of women.	The composition of the management bodies of the CF takes account of ethnic groups, tribes and clans, different socio-professional categories and gender. ⁴³	No provision on CF specifically addresses the involvement of women.
What type of control over the management of the forest is provided for?	Communities and administration have the power to monitor and control the management	Monitoring and evaluation committees are in charge of monitoring and evaluation of activities	Monitoring and evaluation of activities in community forest concessions is conducted by the local	Management control is exercised by the customary council and the forest administration. ⁵⁰	Administrative monitoring procedures are not specified by the legislation. ⁵¹

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
	of the community forest. ⁴⁴	taking place in SDC. No detailed procedural provisions exist. ⁴⁵ Structure varies depending on the SDC in question. Generally, local administration, Ministry of forestry, forestry company, local NGOs and communities are represented. ⁴⁶	monitoring committee. ⁴⁷ It is composed of representatives of all groups within the local community (one representative of each group) ⁴⁸ and resource persons ⁴⁹ chosen according to their expertise.		However, the community has an obligation to monitor the CF. ⁵² There is a possibility of CF management by a third person. ⁵³
What sanctions are provided for in the law?	<ul style="list-style-type: none"> • In case of violations of the law or specific clauses of the agreements, the administration can undertake <i>ex officio</i> the necessary work, at the cost of the community, or terminate the agreement without affecting use rights.⁵⁴ • All management plan violations committed within a community forest by one or more individuals who are not members of the community to which the community forest has been allocated, 	<ul style="list-style-type: none"> • Breaches of provisions provided in the management plan: 5.000.000 - 20.000.000 FCFA fine⁵⁷ • Non-execution of the annual investment plan: 20.000.000 - 50.000.000 FCFA fine⁵⁸ • Serious breach of provisions of the Forest Code and implementing decrees or breach of special terms and conditions of the concession agreement: suspension of permits 	<ul style="list-style-type: none"> • Offenses relating to the management of forest concessions are punished in accordance with the provisions of the <u>Forest Code</u>⁶¹ • The gravity of the offence may give rise to the suspension: <ol style="list-style-type: none"> 1. of either all of the contracts for the exploitation of the forest concession by the provincial governor after consulting the provincial administration in charge of the forests in the province; or 	<p>Offenses subject to penalties are the following:⁶³</p> <ul style="list-style-type: none"> • non-compliance with the CF allocation procedure; • violation of the provisions of the management agreement and the simple management plan; • non-respect of the area allocated to CF; • carrying out activities unrelated to the objectives of CF; • exploitation of a CF at the expense of its beneficiaries; • non-compliance with forestry and 	<ul style="list-style-type: none"> • In case of violation of the simple management plan by the community, the administration can suspend the CF management agreement.⁶⁵

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
	<p>are settled⁵⁵ or may lead to individual prosecutions according to the remedies available, whether the offenses are major or minor, or whether they are single or repeat offenses.</p> <ul style="list-style-type: none"> • Minor violations of management plans or management agreements committed by members of the community to which a community forest has been attributed are resolved by the community in accordance with its statutes. However, any re-offense is considered a major offense. • When an entire community is complicit in major breaches of the management plan and agreement, the first infringements result in the suspension of the 	<p>or concession agreements and ban for 1-5 years⁵⁹</p> <ul style="list-style-type: none"> • In case of re-offense, sanctions and fines provided by the Forest Code are always doubled⁶⁰ 	<p>2. a contract relating to a specific activity by the chief of sector, the chief of chieftaincy or the urban-rural mayor of the relevant area, after obtaining the opinion of the local forest service.⁶²</p>	<p>environmental regulations.</p> <p>The above-mentioned offenses are subject to the following penalties depending on their gravity⁶⁴:</p> <ul style="list-style-type: none"> • fine; • seizure of fraudulent products and materials used for the commission of the offense; • seizure of illegal activities conducted in CF; • termination of the CF management agreement by the forest administration; • withdrawal of CF authorisation. 	

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
	<p>management agreement for a period of one year, during which time all commercial logging is prohibited in the community forest concerned. Major re-offenses involving the complicity of the entire community lead to the cancellation of the management agreement of the community forest concerned. The suspension and cancellation of the forest management agreement is subject to Article 6(2) and Article 8 of the Model Forest Management Agreement.⁵⁶</p>				
<p>Does a dispute resolution mechanism exist?</p>	<p>There is no precision on this point in the legal texts.</p>	<p>Dispute resolution is mentioned as one of the functions of consultative councils but with no detailed provisions.⁶⁶</p>	<p>The council of elders is the body in charge of the prevention and settlement of disputes related to the management, use and exploitation of the concession and the sharing of benefits. The prevention and settlement of conflicts</p>	<p>Disputes are settled by arbitration. If dispute persists, the case is brought before the competent courts.⁶⁸</p>	<p>No.</p>

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
			takes place in accordance with the legislation in force and local traditions and customs. ⁶⁷		
What are the main issues with the current legal frameworks? ⁶⁹	<p>1. Issues regarding forest beneficiaries: no mechanism is provided to guarantee the representation of various parts of the community.</p> <p>2. Not taking into account particularly disadvantaged social groups: Cameroonian legislation lacks principles that would address the marginalisation of disadvantaged social groups, such as indigenous peoples and women in the community forestry process.</p> <p>3. Community forest acquisition process is increasingly complex and costly: Bureaucratic and costly procedures put community forests beyond the reach of the</p>	<p>1. No community initiative: SDC model differs from the CF model that is truly community-led and managed insofar as the SDC are created by companies rather than communities.</p> <p>2. Limited recognition of communities' use and land rights: The recognition of their rights is limited, particularly with respect to land tenure and the rights of use of natural resources (no ownership, no sense of accountability).</p> <p>3. Limited decision-making power of the community: Management of the SDC is entrusted to a multi-stakeholder body in which the communities are one of the</p>	<p>1. Limitation of rights and legal coherence: Forest concessions are, by definition, dedicated to timber production.⁷⁰</p> <p>2. Benefit sharing and legal representation: The question of legal responsibility suggests significant risks of capture by elites. The established system is based on one or more 'customary representative(s)' assigned within the community (as legal entities), but it does not specify how these representatives are appointed nor the way to prove their connection with the forest.⁷¹</p> <p>3. Legal gaps and negative incentives: Flaws in the legal texts regarding third-party</p>	<p>1. Non-recognition of land rights: The land remains the property of the State as national land legislation does not recognise customary property rights over land.</p> <p>2. No mention of the duration of the attribution: lack of precision could be problematic as communities need a guarantee for the sustainability of their rights in order to develop long-term economic and / or conservation strategies for sustainable community forestry.⁷²</p> <p>3. Limitation of community forests to 5000 ha: This could be detrimental to some communities, including indigenous peoples, who, for example, would</p>	<p>1. Identification of areas for community forest management: issues related to the identification of the 'rural forest domain', the areas where community forests can be created.</p> <p>2. Identification of the community: Terminological inconsistencies regarding the groups allowed to develop community forestry activities could be problematic, and potentially exclude indigenous people.</p> <p>3. Allocation process: Length and complexities of community forest allocation procedures make it difficult for communities to access community forestry.</p>

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
	<p>majority of communities. Although the procedure itself has been simplified at the level of the Ministry of Forests, it is still poorly adopted by the communities. The problem that remains is the interference of local forest authorities that have the potential to block the process at their level.</p> <p>4. Inadequacy of legal texts for different ecological zones: the legal regime governing the allocation of community forests is articulated as if the country had only one ecological zone, namely the southern forest zone. This legal regime is poorly adapted to the northern areas, which partly explains the low number or absence of community forests in the northern and far northern provinces.</p> <p>5. Problems with zoning plans: the analysis of the provisions of the law in</p>	<p>stakeholders and do not have the full power to make decisions. Moreover, the councils are usually dominated by local authorities.</p> <p>4. Representation of communities: community representatives in consultative councils are often village chiefs (not elected but appointed by the prefectures and as such representatives of State) who have no reporting obligations to the communities (only to the body that appointed them).</p> <p>5. Designation of SDC area:</p> <ul style="list-style-type: none"> • SDC are created by forest concession management plans. If a forest concession does not have a management plan, the SDC cannot (formally) exist. • The delimitation of SDC is often done 	<p>support may encourage corruption and promote profit-seeking behaviour. Areas of 50,000 ha represent potentially very lucrative business units and could be used to circumvent the moratorium on the allocation of logging concessions, in place since 2002.</p> <p>4. Institutional weaknesses: The race to establish community forests over the next few years (for example, by forestry companies seeking access to timber, NGOs working on community development and REDD+ projects) could well exceed the level of institutional capacity of the central administration, and even more so at provincial or local levels.</p>	<p>like to contribute to the sustainable conservation of large tracts of land while preserving their right to access to resources. This limitation would also prevent many villages from jointly managing large areas of forest where they share common interests, which could increase fragmentation and weaken the ability of communities to withstand potentially damaging external factors.⁷³</p> <p>4. Complex attribution procedure: It can be difficult for communities to access CF without external support.</p>	<p>4. Absence of legal requirements for conservation and sustainable forest management: Conservation and sustainable forest management requirements are based only on management plans on a case-by-case basis.</p> <p>5. Absence of safeguards against elite capture of the community forest: Legal regime governing community forestry lacks a provision aiming at ensuring the representation of all parts of the community in decision-making processes and conflict resolution.</p>

	Cameroon	Republic of Congo	Democratic Republic of Congo (DRC)	Central African Republic (CAR)	Gabon
	<p>force shows that the traditional right of property on village soil is not strictly speaking taken into account in the delimitation of the community forest. These provisions take into consideration traditional activities on the land; however, that does not necessarily confer ownership. It would appear that the law does not address land ownership issues.</p>	<p>without sufficient involvement of communities and does not always correspond to the area of customary use of land.</p> <ul style="list-style-type: none"> • Rather than being designated based on participatory mapping of rights and uses, SDCs are designated based on the formula that only takes into account the agricultural use of the land, not other activities such as hunting. 			



Authors

Tanja Venisnik

Law and Policy Advisor
ClientEarth, Climate and Forests
tvenisnik@clientearth.org
www.clientearth.org

Inès Gady Mvoukani

Associate
ClientEarth, Climate and Forests
Programme Coordinator
Comptoir juridique junior (CJJ)
inesgady@yahoo.fr

Michael Mwanikemba

Junior Associate
ClientEarth, Climate and Forests
Consultant
Comptoir juridique junior (CJJ)
mwanikemba@hotmail.fr

Benjamin Ichou

Lawyer
ClientEarth, Climate and Forests
bichou@clientearth.org
www.clientearth.org

For more information on our work on community forestry, please contact:

Nathalie Faure

Community Forestry Lead/
Law and Policy Advisor
ClientEarth, Climate & Forest
nfaure@clientearth.org

Notes

¹ The CoNGOs project, which is funded by the UK Government, aims to promote community forestry models in Gabon, Cameroon, Republic of Congo, Democratic Republic of Congo and the Central African Republic. It is implemented by a consortium of organisations <http://pubs.iied.org/pdfs/G04056.pdf>.

² Community forestry as such is not recognised by national legislation in Congo. A form of participatory forestry provided for by national legislation is known as “séries de développement communautaire” (SDC). SDC are areas that logging companies are obliged to set aside for local communities to undertake subsistence farming or development activities within the concession. These areas are generally set around established villages and use rights areas. As such, SDC are not to be viewed as community forestry as their creation does not depend on community initiative but is left to the discretion of the concessionaire (see below for more details).

³ This issue is important because it determines the rights on which access to the community forest depends (for example, customary land rights, use rights, etc.).

⁴ Article 27 of Decree n°95/531/PM of 23 August 1995 on the implementation of the forest regime (“[Décret n° 95/531/PM du 23 août 1995 fixant les modalités d'application du régime des forêts](#)”).

⁵ The Forest Code (“[Loi n°16-2000 du 20 novembre 2000 portant Code Forestier de la République du Congo](#)”) does not include any provision on the SDC. A general mention of the SDC can be found in Article 24 of Decree n° 2002-437 of 31 December 2002 on the management and use of forests (“[Décret no. 2002-437 du 31 décembre 2002 fixant les conditions de gestion et d'utilisation des forêts](#)”) (“*The forest management unit, following the results of the baseline studies carried out, is divided into different management zones, including production, protection, conservation and community development zones*”). The legal definition, objectives and the guidelines concerning the SDC can be found in the Order n°5053 of 19 June 2007 defining national directives for the sustainable management of forest concessions (“[Arrêté no. 5053 du 19 juin 2007 définissant les directives nationales d'aménagement durable des concessions forestières](#)”) (Articles 18-20). These provisions are very general and vague and do not define concrete steps for the creation of the SDC.

⁶ Articles 2 and 3 of Decree n°14/018 on the terms and conditions for granting forest concessions to local communities (“[Décret N°14/018 fixant les modalités d'attribution des concessions forestières des communautés locales](#)”) stipulates that any local community can obtain a forest concession on some or all of the forests it **regularly possesses based on custom**.

⁷ Article 136 of the Forest Code (“[Code forestier](#)”): “Forests that are subject to management agreements are those located on the periphery or near one or more organised and interested village and / or indigenous communities, and **in which populations concerned conduct their subsistence activities**.”

⁸ Article 3 of Order n°018 of 31 January 2013 on the community forests allocation and management procedures in Gabon (“[Arrêté n°018/MEF/SG/DGF/DFC du 31 janvier 2013 fixant les procédures d'attribution et de gestion des forêts communautaires au Gabon](#)”).

⁹ CED, FERN, FPP, IIED, Okani, 2016, Community Forestry in Cameroon: Diagnostic Analysis of Laws, Institutions, Actors and Opportunities). According to Article 30(3) of the Decree n°95/531/PM of 23 August 1995 on the implementation of the forest regime (“[Décret n° 95/531/PM du 23 août 1995 fixant les modalités d'application du régime des forêts](#)”), the management agreement is renewed at the end of the agreed period, provided that the community has respected the commitments entered into. It is reviewed at least once every five years. It is renewable at the end of its period of validity, provided the community has respected the commitments entered into.

¹⁰ As the SDC is created by the forest concession management plan, it exists during the period of validity of the plan. These plans are approved by Council of Ministers' decrees for a period of between 10 and 20 years (Article 56 of the Forest Code).

¹¹ Article 2 of Decree n°14/018 on the terms and conditions for granting forest concessions to local communities (“[Décret n°14/018 du 2 août 2014 fixant les modalités d'attribution des concessions forestières aux communautés locales](#)”).

¹² Article 9 of Decree n°1028 of 1 December 2004 on the conditions for creation of community forests ([Décret n°001028/PR/MEFEPEPN du 1er décembre 2004 fixant les conditions de création des forêts communautaires](#)).

¹³ Article 27(4) of Decree n°95/531/PM of 23 August 1995 on the implementation of the forest regime (“[Décret n° 95/531/PM du 23 août 1995 fixant les modalités d'application du régime des forêts](#)”).

¹⁴ Article 18 of Decree n°14/018 on the terms and conditions for granting forest concessions to local communities (“[Décret n°14/018 du 2 août 2014 fixant les modalités d'attribution des concessions forestières aux communautés locales](#)”).

¹⁵ Article 9 of Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic ([Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine](#)).

¹⁶ Article 10 of Order n°018 of 31 January 2013 on the community forests allocation and management procedures in Gabon (“[Arrêté n°018/MEF/SG/DGF/DFC du 31 janvier 2013 fixant les procédures d'attribution et de gestion des forêts communautaires au Gabon](#)”).

¹⁷ However, as part of the National Guidelines for Obtaining Free, Informed and Prior Consent (FPIC) in REDD+ in Cameroon, validated in 2014 ([http://178.170.117.40/observatoire/donnees-comp/autres/environnement/DIRECTIVES%20NATIONALES%20POUR%20L%27OBTENTION%20D%27UN%20CONSENTEMENT%20LIBRE,%20INFORME%20ET%20PREALABLE%20\(CLIP\)%20DANS%20LE%20CADRE%20DU%20REDD+%20AU%20CAMEROUN.pdf](http://178.170.117.40/observatoire/donnees-comp/autres/environnement/DIRECTIVES%20NATIONALES%20POUR%20L%27OBTENTION%20D%27UN%20CONSENTEMENT%20LIBRE,%20INFORME%20ET%20PREALABLE%20(CLIP)%20DANS%20LE%20CADRE%20DU%20REDD+%20AU%20CAMEROUN.pdf)), the term “community” covers all the populations concerned, regardless of sociological group, gender or

social component, whose territory is covered in whole or in part by the REDD+ process or initiative area, either in a village, a city or a town. It includes indigenous communities, local communities and mixed communities.

¹⁸ Articles 24 and 25 of Law n°3-2003 of 17 January 2003 on the administrative territorial organisation ("[Loi no. 3-2003 du 17 janvier 2003 fixant l'organisation administrative territoriale](#)").

Rural community is an administrative entity constituted by a group of inhabitants of the same rural agglomeration having a level of development characterised by the presence of a minimum of basic infrastructures and public services (schools, markets, health establishments). The rural community includes a number of neighbouring villages on a defined perimeter.

¹⁹ Articles 31 and 32 of Law n°3-2003 of 17 January 2003 on the administrative territorial organisation ("[Loi no. 3-2003 du 17 janvier 2003 fixant l'organisation administrative territoriale](#)").

Village is the basic administrative entity of the rural community. It is made up of inhabitants united by a community of economic, social, cultural and historical interests. The same definition is repeated in Article 4 of Decree n°2010-792 of 31 December 2010 on neighbourhood and village administration ("[Décret no. 2010-792 du 31 décembre 2010 relatif à l'administration du quartier et du village](#)"), however, it is slightly enlarged (the village can also be a basic administrative unit of a district). In addition, according to Article 5 of the decree, the minimum number of inhabitants of a village is fixed at thirty (a group of less than thirty inhabitants is a hamlet).

²⁰ Article 2 of Decree n°14/018 on the terms and conditions for granting forest concessions to local communities ("[Décret n°14/018 fixant les modalités d'attribution des concessions forestières des communautés locales](#)").

²¹ Article 4 of Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic ("[Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine](#)").

²² Article 2 of Decree n°1028 of 1 December 2004 on the conditions for creation of community forests ("[Décret n°001028/PR/MEFEPEPN du 1er décembre 2004 fixant les conditions de création des forêts communautaires](#)").

²³ Article 3 of Order n°018 of 31 January 2013 on the community forests allocation and management procedures in Gabon ("[Arrêté n°018/MEF/SG/DGF/DFC du 31 janvier 2013 fixant les procédures d'attribution et de gestion des forêts communautaires au Gabon](#)").

²⁴ Article 28(3) of Decree n°95/531/PM of 23 August 1995 on the implementation of the forest regime ("[Décret n° 95/531/PM du 23 aout 1995 fixant les modalités d'application du régime des forêts](#)"). Recognised legal entities are: associations, cooperatives, common interest groups and economic interest groups (Procedure manual for the allocation and the management of community forests of 2009, Annex 1 ([Manuel de procédures d'attribution et des normes de gestion des forêts communautaires](#))).

²⁵ There is no explicit legal obligation for SDC beneficiary communities to be formally organised or recognised.

²⁶ Article 20 of Decree n°14/018 on the terms and conditions for granting forest concessions to local communities ("[Décret n°14/018 fixant les modalités d'attribution des concessions forestières des communautés locales](#)"). The community does not need a legal personality to obtain a forest concession, but the commercial exploitation of the concession (for example, logging) requires the establishment of an association / cooperative / local development committee with legal personality.

²⁷ Article 7 of Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic ("[Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine](#)"). Community forests are allocated to communities that are "organised and legally recognised by the administration", but there is no provision that requires the creation of a particular form of organisation, with statutes and registration with the administration. Communities must appoint a customary council, an indigenous council (if any), and a management committee, which are "legally recognised" upon signing of the management agreement (a simple form signed by 3 community representatives and the administration (Article 10)).

²⁸ Article 162 of the Forest Code ([Loi n°16/2001 du 31 décembre 2001 portant Code Forestier en République Gabonaise](#)); Article 2 of Decree n°1028 of 1 December 2004 on the conditions for creation of community forests ("[Décret n°001028/PR/MEFEPEPN du 1er décembre 2004 fixant les conditions de création des forêts communautaires](#)").

²⁹ Articles 28-30 of Decree n°95/531/PM of 23 August 1995 on the implementation of the forest regime ("[Décret n° 95/531/PM du 23 aout 1995 fixant les modalités d'application du régime des forêts](#)").

³⁰ Articles 4 and 7-16 of Decree n°14/018 on the terms and conditions for granting forest concessions to local communities ("[Décret n°14/018 fixant les modalités d'attribution des concessions forestières des communautés locales](#)").

³¹ Article 5.1 of the Procedures Manual ([Manuel de procédure](#)). Article 11 of Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic ("[Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine](#)") specifies that the application for the allocation of a community forest is composed of the following documents:

- application for allocation addressed to the Minister in charge of forests by the village and / or indigenous community concerned;
- simple management plan developed in a participatory manner and approved by the community;
- management agreement signed by three representatives of the interested community; and
- minutes of the official consultation meeting drawn up by a local officer in charge of forests (the Regional Director or the Prefectural Inspector).

³² Article 7 of Order n°018 of 31 January 2013 on the community forests allocation and management procedures in Gabon ("[Arrêté n°018/MEF/SG/DGF/DFC du 31 janvier 2013 fixant les procédures d'attribution et de gestion des forêts communautaires au Gabon](#)").

³³ Order n°106 of 6 May 2014 on the right of a village community to reserve a forest ("[Arrêté n°106/MEFPRN du 6 mai 2014 portant droit de réservation d'une forêt par une communauté villageoise](#)").

³⁴ The information presented here is based on current practices in community forestry.

³⁵ Article 158, Forest Code ([Loi n°16/2001 du 31 décembre 2001 portant Code Forestier en République Gabonaise](#)).

³⁶ Article 28 of Decree n°95/531/PM of 23 August 1995 on the implementation of the forest regime ([Décret n° 95/531/PM du 23 août 1995 fixant les modalités d'application du régime des forêts](#)) stipulates that any community wishing to manage a community forest must hold a consultation meeting bringing together all the parts of the community concerned, in order to designate the entity responsible for the management and to define the objectives and the boundaries of the forest in question. There is little information on the type of structures that manage community forests in Cameroon or their functioning.

³⁷ See, for example, Order n°9335 of 27 June 2011 on the establishment, organisation and functioning of the consultative council of the community development zone of Loundougou-Toukoulaka forest management unit ("Arrêté no. 9335 du 27 juin 2011 portant institution, organisation et fonctionnement du conseil de concertation de la série de développement communautaire de l'unité forestière d'aménagement Loundougou-Toukoulaka").

³⁸ Article 20 of Decree n°14/018 on the terms and conditions for granting forest concessions to local communities ("[Décret n°14/018 fixant les modalités d'attribution des concessions forestières des communautés locales](#)").

³⁹ Article 5 of Ministerial Order n°25 on specific provisions regarding the management and exploitation of local communities' forest concessions ([Arrêté ministériel n°025 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales](#)). The powers and functions of each body are determined by the same ministerial order (Articles 7, 9, 12, 15).

⁴⁰ Article 7 of Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic ([Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine](#)).

⁴¹ Article 2 of Decree n°1028 of 1 December 2004 on the conditions for creation of community forests ([Décret n°001028/PR/MEFEPEPN du 1er décembre 2004 fixant les conditions de création des forêts communautaires](#)); Article 5 of Order n°018 of 31 January 2013 on the community forests allocation and management procedures in Gabon ("[Arrêté n°018/MEF/SG/DGF/DFC du 31 janvier 2013 fixant les procédures d'attribution et de gestion des forêts communautaires au Gabon](#)").

⁴² For example, the participation of at least five women out of twenty-six representatives of the village communities is provided for by Article 3 of Order n°2672 on the establishment, organisation and functioning of the consultative council of the community development zone of Ngombe forest management unit ("Arrêté no. 2672 portant institution, organisation et fonctionnement du conseil de concertation de la série de développement communautaire de l'unité forestière d'aménagement Ngombe).

⁴³ Article 4.12. 4) of the Procedure manual for the allocation of community forests in CAR ([Manuel de procédure d'attribution des forêts communautaires en RCA](#)).

⁴⁴ Article 38(2) of Law n° 94/01 of 20 January 1994 on forests, fauna and fishing ([Loi n° 94/01 du 20 janvier 1994 portant régime des forêts, de la faune et de la pêche](#)) stipulates that "the implementation of the community forest management agreements is the responsibility of the communities concerned, under the technical control of the forestry administrations and, where appropriate, the wildlife". Article 32(2) of Decree n°95/531/PM of 23 August 1995 on the implementation of the forest regime ("Décret n° 95/531/PM du 23 août 1995 fixant les modalités d'application du régime des forêts") further provides that "monitoring of a community forest is the responsibility of the community concerned, according to the procedures it sets. It informs the forest administration accordingly".

⁴⁵ For example, the evaluation committees of Kabo and Ngombe meet twice a year, but no specific monitoring activities are mentioned (or their frequency).

⁴⁶ It is important to note, however, that communities are not always represented in SDC evaluation committees, for example in Kabo and Pokola.

⁴⁷ Article 13 of Ministerial Order n°25 on specific provisions regarding the management and exploitation of local communities' forest concessions ([Arrêté ministériel n°025 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales](#)).

⁴⁸ Each of the socio-ethnic groups constituting the local community: clans, lineages, families, women, indigenous peoples, professional groups, etc. (Article 2 of Ministerial Order n°25 on specific provisions regarding the management and exploitation of local communities' forest concessions ([Arrêté ministériel n°025 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales](#))).

⁴⁹ Any person with proven knowledge of the organisation, management and / or logging (Article 2, cited above).

⁵⁰ Articles 2.11 and 7.21 of the Procedure manual for the allocation of community forests in CAR ([Manuel de procédure d'attribution des forêts communautaires](#)).

⁵¹ Article 11 of Decree n°1028 of 1 December 2004 on the conditions for creation of community forests ([Décret n°001028/PR/MEFEPEPN du 1er décembre 2004 fixant les conditions de création des forêts communautaires](#)).

⁵² Article 12 of Decree n°1028 of 1 December 2004 on the conditions for creation of community forests ([Décret n°001028/PR/MEFEPEPN du 1er décembre 2004 fixant les conditions de création des forêts communautaires](#)).

⁵³ Article 160 of the Forest Code ([Loi n°16/2001 du 31 décembre 2001 portant Code Forestier en République Gabonaise](#)).

⁵⁴ Article 38(2) of Law n° 94/01 of 20 January 1994 on forests, fauna and fishing ([Loi n° 94/01 du 20 janvier 1994 portant régime des forêts, de la faune et de la pêche](#)).

⁵⁵ Settlement procedures are defined in Article 146 of Law n° 94/01 of 20 January 1994 on forests, fauna and fishing ([Loi n° 94/01 du 20 janvier 1994 portant régime des forêts, de la faune et de la pêche](#)) and Article 136 of Decree n°95/531/PM of 23 August 1995 on the implementation of the forest regime ("[Décret n° 95/531/PM du 23 août 1995 fixant les modalités d'application du régime des forêts](#)").

⁵⁶ Procedure manual for the allocation and the management of community forests in Cameroon ([Manuel de procédures d'attribution et de normes de gestion des forêts communautaires au Cameroun, p.64-67](#)).

⁵⁷ Article 155 of the Forest Code (Code forestier).

⁵⁸ Article 155 of the Forest Code (Code forestier).

⁵⁹ Article 156 of the Forest Code (Code forestier). This provision is vague and unclear. For example, the term "serious breach" is not defined (either by this provision or by the Forest Code as a whole) and it is unclear to what "ban" refers to. This sanction can be applied against "any person", whereas the penalty provided for in Article 155 applies only to "agreement holders". In the event of re-offenses, which include "non-compliance with management plans", the suspension or prohibition appears to increase to five years. However, the wording is open to interpretation.

⁶⁰ Article 165 of the Forest Code (Code forestier).

⁶¹ Article 81 of Ministerial Order n°25 on specific provisions regarding the management and exploitation of local communities' forest concessions ([Arrêté ministériel n°025 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales](#)).

⁶² Article 82 of Ministerial Order n°25 on specific provisions regarding the management and exploitation of local communities' forest concessions ([Arrêté ministériel n°025 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales](#)).

⁶³ Article 20 of Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic ([Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine](#)).

⁶⁴ Article 22 of Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic ([Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine](#)). However, the fine is set by a decision of the Minister in charge of forests, in accordance with the gravity of the offence (Article 23).

⁶⁵ Article 10, Order n°018 of 31 January 2013 on the community forests allocation and management procedures in Gabon ("[Arrêté n°018/MEF/SG/DGF/DFC du 31 janvier 2013 fixant les procédures d'attribution et de gestion des forêts communautaires au Gabon](#)").

⁶⁶ See for example, article 2 of Order n°2670 on the establishment, organisation and functioning of the consultative council of the community development zone of Kabo forest management unit ("[Arrêté no. 2670 portant institution, organisation et fonctionnement du conseil de concertation de la série de développement communautaire de l'unité forestière d'aménagement Kabo](#)") and article 2 of Order n°2672 on the establishment, organisation and functioning of the consultative council of the community development zone of Ngombe forest management unit (Arrêté no. 2672 portant institution, organisation et fonctionnement du conseil de concertation de la série de développement communautaire de l'unité forestière d'aménagement Ngombe).

⁶⁷ Article 15 of Ministerial Order n°25 on specific provisions regarding the management and exploitation of local communities' forest concessions ([Arrêté ministériel n°025 portant dispositions spécifiques relatives à la gestion et à l'exploitation de la concession forestière des communautés locales](#)).

⁶⁸ Article 27 of Decree n°15-463 of 3 December 2015 on the allocation and management of community forests in the Central African Republic ([Décret n°15-463 du 3 décembre 2015 fixant les modalités d'attribution et de gestion des forêts communautaires en République Centrafricaine](#)). According to the Procedure manual for the allocation of community forests in CAR (Manuel de procédure d'attribution des forêts communautaires), if indigenous peoples and the community as a whole fail to reach consensus in defining the objectives, boundaries, management modalities of the community forest and the simple management plan, a third party (the forest administration in collaboration with a competent civil society organisation) is called to resolve the disputes. In the event of a dispute between a community and a CF partner regarding the interpretation or execution of the provisions of the management agreement and / or simple management plan, the two parties must, through negotiation, seek to reach a compromise. If the negotiations are unsuccessful, one of the parties may resort to arbitration or mediation conducted by the local forest administration and / or a third party before referring the dispute to the competent courts.

⁶⁹ The information in this section was collected and compiled based on the knowledge and experience of CoNGOs project partners.

⁷⁰ Article 2 of the Forest Code (Code Forestier) stipulates that community forest concessions are located in the protected forests areas, which are essentially areas that can be converted to other uses, such as logging concessions or protected areas. This automatically prevents thousands of communities, which occupy or use the land belonging to other forest categories, from establishing community forests within these areas (RFUK, 2014, [Nouveau décret relatif à la foresterie communautaire en République démocratique du Congo : Opportunités, risque et enjeux de pour la gouvernance des forêts](#) ; <http://www.mappingforrights.org/files/37742%20RFUK%20CF%20Briefing%20Statement%20French.pdf>).

⁷¹ RFUK, 2014, [Nouveau décret relatif à la foresterie communautaire en République démocratique du Congo : Opportunités, risque et enjeux de pour la gouvernance des forêts](#).

⁷² RFUK, 2017, [Le nouvel élan de la foresterie communautaire en République Centrafricaine](#); <http://www.rainforestfoundationuk.org/media.ashx/car-foresterie-communautaire-2017.pdf>

⁷³ RFUK, 2017, [Le nouvel élan de la foresterie communautaire en République Centrafricaine](#); <http://www.rainforestfoundationuk.org/media.ashx/car-foresterie-communautaire-2017.pdf>.



This research was funded by UK Aid from the UK Government, however the views expressed do not necessarily reflect the views of the UK Government.