

Protecting Indigenous Rights in the Republic of Congo
through the Application of FSC Standards
in Forest Plans:

A review of progress made by
Congolaise Industrielle des Bois (CIB)
against FSC Principles 2 and 3

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Forest Peoples Programme

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Cover photograph:

Indigenous Mbendjelle cartographers and community representatives walking between their forest sites to be protected in CIB logging plans for AAC2005/6, Ibamba community, Toukalaka concession.
John Nelson, December 2005.

Background

This memo summarises the main activities I¹ undertook during a visit on behalf of the Forest Peoples Programme (FPP)² to Congolaise Industrielle des Bois (CIB) logging concessions in northern Republic of Congo, from November 18 – December 2, 2005³. The purpose of my visit was to assess progress against the Criteria set out under FSC Principles 2 & 3 protecting the rights of indigenous communities in logging concessions. The mission was a follow-up to FPP's previous visit to the region in December 2004 as part of a Greenpeace-sponsored visit to examine CIB's efforts to improve its operations in line with FSC Principles 1-10.⁴ The report of that visit⁵ contained recommendations to CIB to improve its operations in line with FSC Principles 2 & 3, including establishment of a new social project coupled with a community based mapping process, both specifically targeting indigenous communities,⁶ and which CIB directors subsequently agreed to implement.⁷ My visit to assess progress was enabled by support from FPP, the World Bank Marketplace Fund⁸, and CIB in the context of a partnership developed with the Tropical Forest Trust (TFT), and the London School of Economics (LSE). This memo contains a summary of activities, followed by a review of CIB's progress in meeting the FSC Criteria under Principles 2 & 3, including recommendations for further improvements.

During the visit, I reviewed CIB documents⁹ and consulted with a wide range of stakeholders¹⁰, including indigenous communities from Kabo and Toukoulaka concessions, where CIB field activities under the new social and mapping programme are most advanced. I also consulted staff from government, CIB, and the Wildlife Conservation Society (WCS), who also participate in the PROGEPP partnership.¹¹ My field visits comprised excursions¹² with indigenous communities and CIB cartographers through AAC¹³ *parcelles* for 2005 and 2006, coupled with community interviews to assess their comprehension of and participation in the new processes that CIB has initiated since last year, and visits to most of the ecoguard posts.¹⁴ Wherever possible, feedback discussions with stakeholders were undertaken at the end of visits. Current plans by CIB are to aim for a certificate for Kabo concession first, followed by a progression through the other concessions as work with communities is completed, so I gave special attention to their work there. During my visit, community representatives field-tested prototype GPS units based upon pictorial menus which are being developed to help the mostly illiterate semi-nomad community living in CIB logging concessions to map their own forest use.

Progress against FSC Principles 2 and 3

So far, and particularly in Kabo concession, CIB are implementing a wide range of far-reaching measures designed to comply with FSC Criteria under Principles 2 & 3. Implementation of these by CIB represents a significant advance in the protection of indigenous peoples' rights in the Republic of Congo and the region generally, and sets a new high standard for forestry in the Congo Basin. The measures include:

- Establishment of a new social programme and the hiring of a skilled manager, Phillippe Auzel, who has begun to hire and train indigenous translators and cartographers to help communities map community forest use;
- Recognition of indigenous communities' usage rights throughout the concessions;
- Information meetings with Bangombe, Bomassa, Mbendjelle and Sangha indigenous communities to discuss CIB forest plans;
- Provision of information to indigenous communities about CIB logging operations;
- Mapping with indigenous communities of key sites located within proposed logging areas, such as fields, tombs, sacred sites, key food resources and hunting and gathering areas generally;

- Establishment of protection measures for key sites identified with communities through the mapping process, including, immediately, conservation zones around all sacred sites;
- Implementation of procedures to ensure that CIB staff are aware of community conservation zones so that these are not disturbed during logging operations;
- Immediate changes to logging operations to take into account community forest use data directly it becomes available;
- Support for communities to identify their development priorities, some of which will be funded by CIB through its long-term development fund;
- Establishment of formal agreements for development projects between communities and company directors;
- Provision of appropriate information and documentation to communities covering the above;
- Establishment of clear procedures to enable fair consultations to occur, and for conflicts to be resolved with the full participation of the population;
- The initiation of consultations with indigenous communities based upon these procedures.

The evidence shows that since 2004, CIB has made significant positive changes to its policies and practices in line with FSC Principles 2 & 3. Indigenous communities in particular are benefiting from CIB's new emphasis by securing increased protection for their forest rights. We acknowledge the huge effort and long-term investments CIB is making to address recommendations concerning the social aspects of certification since 2004,¹⁵ and believe that CIB deserve special recognition for the success of their work in Kabo concession.

Outstanding Issues

There are, however, areas where improvements could be made to achieve the highest FSC standards in all CIB concessions. We understand that some of these are already being addressed by CIB through the SGS certification and audit process.

(1) Documenting and Defining Land Uses, and Resolving Conflicts (FSC Principle 2)

Community-based mapping

As of my previous visit community forest-use maps were not yet completed for Kabo, the most advanced concession. This is related to the time required to do this properly with communities, and the need to establish capacity-building processes to train and support new indigenous cartographers, some of whom worked with me in the field. Many are now trained, and are working independently with substantial logistical support from CIB, including provision of adequate equipment and especially training. Most local cartographers have been collecting data with communities for months, and a first set of maps was shown to me by communities in Kabo in early December. I would expect the first necessary mapping process to be completed with Kabo's indigenous communities in early 2006. CIB confirmed that key community data is immediately incorporated into their planning for forest operations, which is excellent practice, since it means immediate and progressive protection for the most important community sites as they are identified by them, such as for food and sacred trees in Kabo and cemeteries in Toukoulaka concession, where mapping processes are at an earlier stage. CIB is expanding its mapping capacity rapidly, including the hiring of more indigenous people, so by early 2006 mapping processes with communities should have started in all concessions.

Conflicts over forest access and use: conservation methods and community rights

The principal role of the PROGEPP partnership between the Republic of Congo, CIB and WCS is to protect the wildlife in CIB logging concessions. These rich forests are subject to very high commercial poaching pressure from nearby towns like Pokola, and others as far as the Democratic Republic of Congo. Indigenous communities and conservationists alike agree that they need protection from outsiders. Many of the areas guarded by PROGEPP ecoguards include forests that indigenous communities have been using for centuries or much longer, and indigenous people are subject to exactly the same wildlife protection measures as everyone else, including newly-arrived immigrants to the region – no unregistered guns, no metal snares, no hunting of protected species, and hunting for subsistence purposes only. In practice this means that hunting non-protected species using traditional methods is permitted, and this is essential, since the livelihoods and culture of most indigenous semi-nomad communities in CIB concessions are still based upon traditional, subsistence forest hunting and gathering.

The 2004 Greenpeace report identified some simmering conflicts between conservation practices and community rights in CIB concessions and made recommendations about this in relation to FSC.¹⁶ Further concerns were raised in the October 2005 report by a local NGO,¹⁷ which contained serious allegations of abuses against the indigenous population by PROGEPP ecoguards. I therefore addressed this issue during my visit¹⁸ in discussions with WCS managers,¹⁹ PROGEPP ecoguards, indigenous community members and CIB staff. The evidence suggests that the PROGEPP ecoguard *cadre* is composed of committed professional staff working under difficult, sometimes dangerous, and often uncomfortable circumstances. They are aware of the national laws protecting wildlife and the scope of their job as ecoguards, and of PROGEPP policies governing their professional conduct, and they were universally clear to me that they do not use violence against innocent indigenous peoples in the course of their work. They feel they are doing their job.

The evidence also suggests that an essential part of the job ecoguards have been assigned and trained to do is to routinely search indigenous and local peoples' personal possessions to determine whether they possess illegally-hunted goods. This "stop and search" approach does not presume innocence, even for indigenous people going about normal subsistence activities protected under national law and international treaty, in forests they have always used. This is undermining their rights. In this context meetings between guards and community members in the forest or at a checkpoint are often tense. There are now extremely strong²⁰ and some now confirmed allegations²¹ that these encounters are regularly associated with the use of unfair intimidation and force by PROGEPP ecoguards against innocent indigenous community members, especially the semi-nomads. These strong allegations include: illegal confiscation of valuables such as hunting tools and bushmeat, including of non-protected species; forced and arbitrary searches of people's homes and camps in violation both of indigenous social and cultural rules, and international human rights norms; and violence.

As a result, many indigenous communities living in CIB concessions generally feel terrorised by conservation and especially ecoguards, and their rights continue to be undermined through the unfair application of regulations that deny their rights and livelihoods, and the creation of new conservation zones and rules that do not take the indigenous communities into account. This unplanned outcome of the PROGEPP partnership directly conflicts with CIB's efforts to raise standards and protect indigenous peoples' land tenure in its concessions,²² to help communities protect their most important forest sites from exploitation,²³ and to open a free and fair dialogue with them over the management of their forests in line with FSC requirements. This conflict is systematic, rooted in PROGEPP's failure to protect indigenous rights in its plans, including their rights to traditional and sustainable use of their forests,²⁴ and is contrary to the widely agreed WWF/IUCN/WCC guidelines protecting communities affected by conservation projects.

Institutionalizing into PROGEPP protection for indigenous peoples' rights would help to resolve this major problem.

(2) Providing Information and Recognizing Rights (FSC Principle 3)

Providing Information

There are still gaps in the level of information and participation in the social and mapping programme amongst the semi-nomad population. This is mostly related to the time required to build trust with them, and then formal communication and documentation processes with their communities. CIB is rapidly overcoming this gap by increasing its collaboration with indigenous cartographers and translators. There are also outstanding technical issues related to the community radio network that CIB will merge with the social programme outcomes in early 2006, in collaboration with the University of Montreal.

Securing Communities' Land Tenure

CIB has already recognised indigenous community usage rights in all its concessions. In addition, there is the need for CIB to recognise, formally, indigenous communities' right to tenure of their forests, as stipulated under FSC. Defining indigenous tenure will be an eventual outcome of the community-based mapping processes now underway. This process will be a long-term success provided CIB maintains support for community-based mapping in all of the concessions as maps and management plans become even more refined, and so that a continuous and meaningful dialogue with communities over forest planning can be maintained. This is essential if communities are to come into the position of being able to provide Free, Prior and Informed Consent (FPIC).

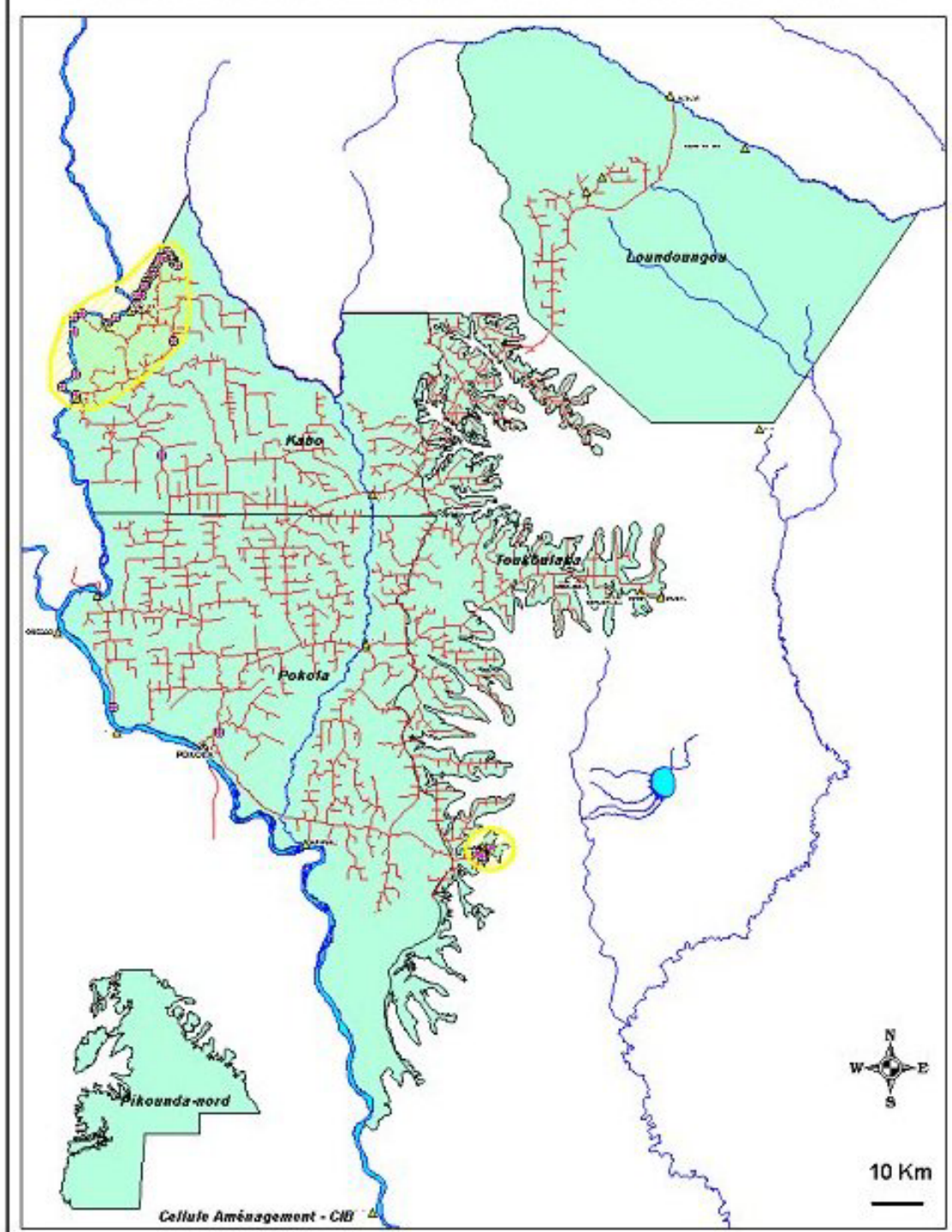
Recommendations

The above issues have been discussed with CIB directors who are setting in place appropriate measures to:

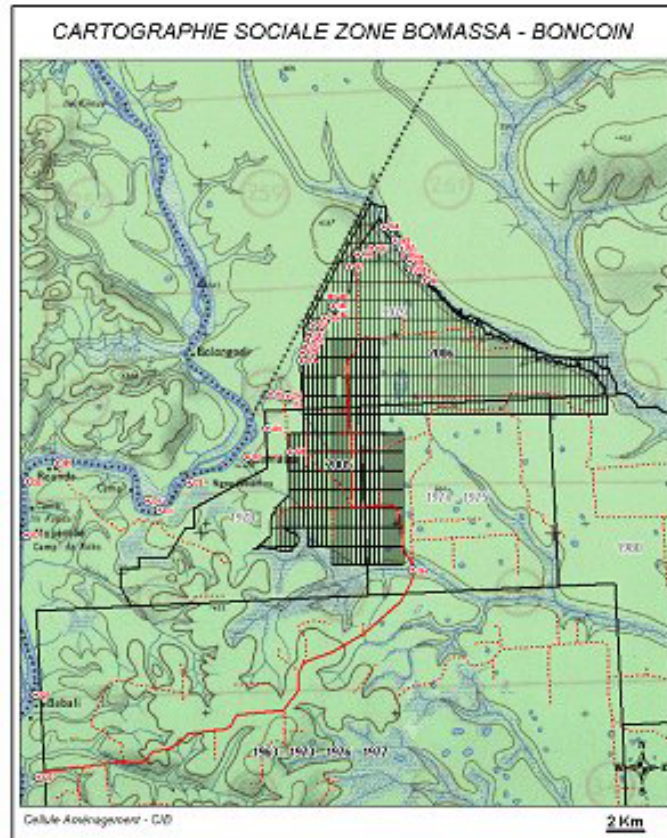
1. Deepen and widen existing community consultation and mapping activities;
2. Accelerate the timetable for the establishment of the community radio to coincide with the outcome of 1.
3. Establish a new protocol between CIB, the government of the Republic of Congo, and other stakeholders in CIB concessions, especially the indigenous populations, and including existing PROGEPP partners such as WCS, to protect biodiversity and indigenous rights in line with FSC.
4. Agree in principle, and as soon as possible, to recognise indigenous tenure rights within CIB concessions once appropriate community documentation has been carried out and communities have secured access to all of the necessary information. This will take time. This should not impede certification if in the meantime CIB recognises indigenous residence rights, thereby protecting, for example, Mbendjelle semi-nomad access to their permanent and seasonal forest camps, located throughout forests overlapped by CIB concessions.
5. Instigate regular independent monitoring in order to help protect community rights while this process unfolds over the next few years. The *Observatoire Congolais des Droits de l'Homme* (OCDH) is now visiting regularly at the invitation of CIB, and this is helping, so such measures should become systematic.

If the above recommendations are adequately addressed in CIB plans, and if after FSC certification CIB continues to follow through with the commitments it has made during this process, implementation of the new CIB concession management plans will lead to progressive and significant increases in the protection of indigenous peoples' rights in northern Republic of Congo in compliance with international standards, including the CBD, and will also contribute to the establishment of sustainable, long-term and community-based projects that will help local communities improve their welfare. This will, in my view, satisfy the requirements of FSC Criteria for Principles 2 & 3.

CARTOGRAPHIE SOCIALE SUR LES CONCESSIONS CIB



AAC visit areas circled in yellow



Forest sites visited marked in red

2005 Visit Itinerary

November

- 17 Travel Yaoundé to Douala.
- 18 Arrive Pokola, meetings with Philippe Auzel, review documentation, including Kabo concession management plan draft.
- 19 Visit to Kabo, and introductions to Bomassa and Bon Coin communities and Nouabale-Ndoki *conservateur*.
- 20 Documentation. Visit to Ikelemba.
- 21 Kabo. Meet with WCS/PROGEPP project managers, travel to Bomassa, meet with WCS project managers and Ndoki park conservateur.
- 22 Backpack Bon Coin to Monbili with Bangombe and Bomassa community guides and translators to look at CIB work in AAC 2005/6.
- 23 Ditto Monbili to Djeké river.
- 24 Ditto Djeké to Bon Coin, then onto WCS Bomassa guest house. PM wind-up discussion with community representatives in Bon Coin, followed by dinner discussion with WCS Ndoki project managers.
- 25 AM wind-up discussion with Ndoki Conservateur. PM boat to Kabo, arrive Pokola pm. Meet new IFIA representative and CIB commercial staff.
- 26 Documentation, and meet OCDH representatives, interim wind-up discussion with TT-Timber and CIB directors and managers.
- 27 Documentation, travel to Ibamba Mbendjelle community, Toukoulaka concession. Community discussions, forest visits.
- 28 Forest visits with Mbendjelle guides to view community conservation sites protected by CIB in AAC 2005/6. PM wind-up discussion and discussion with community.
- 29 Travel to Kabo for discussion and wind-up discussion with WCS PROGEPP managers and staff. Initiate consultations with ecoguard posts.
- 30 Complete visits to ecoguard posts. Return to Pokola. PM wind-up discussion of visit with Philippe Auzel. Report drafting, and discussion of general conclusions with CIB and TT-Timber directors and managers.

December

- 1 Travel to Douala.
- 2 Travel to Yaounde.

Notes

¹ John Nelson, Policy Advisor, FPP, john@forestpeoples.org.

² www.forestpeoples.org.

³ See maps and itinerary.

⁴ www.tt-timber.com.

⁵ Greenpeace (August 2005) Report of the Greenpeace Mission to visit CIB sites in Congo-Brazzaville, December 2004. (www.greenpeace.org/international/press/reports/CIB-Congo-Brazzaville).

⁶ See LeClerc, C (2004) Un Plan d'Amenagement à l'Echelle des Groupes Humains. Specificités des Communautés Semi-Nomades. PROGEPP/WCS/ITTO.

⁷ www.tt-timber.com.

⁸ Innovations for Livelihoods in a Sustainable Environment. See www.tropicalforesttrust.com.

⁹ CIB (October 2005) Plan D'Amenagement de L'Unité Forestière d'Aménagement de Kabo. Version initiale. Pokola : CIB ; CIB (2005) Procédure de consultation des communautés pour leur participation aux décisions de gestion forestière. Pokola : CIB ; CIB (2005) Procédures CIB pour l'implication des populations locales à la gestion forestière, pour la prévention des conflits et leur gestion. Pokola : CIB.

¹⁰ See itinerary.

¹¹ Projet de Gestion des Ecosystèmes Périphériques au Parc National Nouabalé-Ndoki.

¹² See maps.

¹³ Assiette Annuelle de Coupe, i.e., the specific areas where logging operations are planned for each year.

¹⁴ This was after suggestions by WCS and CIB staff.

¹⁵ By SGS, TFT, Greenpeace, FPP, CED, and various donors.

¹⁶ See Greenpeace, op. cit.

¹⁷ OCDH (October 2005) Rapport de situation. Abus de pouvoir, tortures et mauvais traitements : Les Eco gardes terrorisent les communautés pygmées de Sangha. Brazzaville : Observatoire congolais des droits de l'Homme.

¹⁸ For many years FPP has been promoting the application of national laws and international rules protecting the rights of indigenous peoples living in or near protected areas.

¹⁹ WCS is responsible for implementing PROGEPP.

²⁰ OCDH, op. cit.

²¹ Letter to Jerome Lewis from Paul Elkan, Director General, WCS Congo Program, December 12, 2005.

²² There is evidence that previous establishment of conservation areas within CIB concessions including Kabo, and the establishment of new rules restricting community rights in these areas, did not involve adequate consultation with indigenous communities who were already using these places. The final management plans should provide for a review of existing and proposed conservation areas within CIB concessions to ensure that indigenous communities' rights and livelihoods are adequately protected.

²³ See map.

²⁴ And therefore incompatible with the Republic of Congo's signing of the Convention on Biological Diversity. See, specially, Article 10c.