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Towards concessions 2.0 in Central Africa Managing overlapping rights between industrial concessions and community forestry

Alain KARSENTY – Cédric VERMEULEN

In Central Africa, industrial forest concessions and protected areas occupy most of the forested space while community forests are confined to the margins. This separation ignores the reality of land rights and overlapping uses, as well as the need for governance involving different users of the same space. The mapping of local land rights lays the foundation for sharing timber revenues and the development of new economic activities involving industrial operators and

Industrial forest concessions have existed for over a century in Africa and have not always enjoyed a good reputation. These concessions are sometimes criticised for their limited contribution to local development, but also for the blurring of local populations' important customary land rights. Some activities are therefore impossible, particularly agriculture and commercial activities stemming from the gathering of forest products, the hunting of small game and fishing. The only activities tolerated are traditional use rights, in other words subsistence gathering, hunting and fishing.

In Central Africa, States are the legal holders of the majority of natural forests. Forest concessions are therefore a public-private partnership. The State grants the company a temporary right to exploit timber, generally excluding other resources. The concessionaire, who has to follow a set of specifications, must also pay taxes and fulfil other obligations, such as forest management, road maintenance and providing drinking water and other services to local people.

However, relations between forest concessions and local communities remain complicated. On the one hand, the forest concession reduces the activities possible for local inhabitants. On the other, it is one of the few sources

of employment in regions which are often isolated. Inhabitants often prefer to negotiate new benefits with the forest concessionaire instead of wanting to see it leave.

A partnership based on rights between industrial operators, communities and other economic operators would lead to a new type of institution of territorial development, which we call **Concession 2.0**. These redesigned concessions would cohabit and interact with community concessions. The latter would remain forest landscapes offering exclusive rights for autonomous community development.

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Are concessionaires and local populations mutually exclusive users?

This concession-type partnership also applies to community forests, which are concessions granted to local communities: the ownership of the land is not transferred and inhabitants' exploitation of its resources must follow a set of specifications.

What we call a 'community forest' is based on the separation of spaces. It is an exclusive area for local populations, distinct from the industrial concessions and protected areas which occupy most of the forested lands. The concessions attributed to communities are therefore restricted to degraded areas near roads, and become the only areas available to inhabitants to develop commercial activities using forest products.

The outcomes of existing community concessions have been disappointing, both environmentally and in terms of local development. The community forests established

in Cameroon since 1997 have not been profitable in the face of informal and illegal logging, which is more lucrative for individuals. The maximum authorised surface area is 5,000 hectares, a size rarely reached because of other land-based activities, while traditional forest resource use is usually conducted over much greater areas.

So what solutions can be envisaged to allow local populations and forestry companies to coordinate their different uses of the forest ecosystem and its associated resources? How can we avoid competition between the activities of inhabitants, whether they are commercial or subsistence, and forestry activities in a space which has become an issue between these actors? Forestry management targeting long-term viability should focus on the non-antagonistic organisation of different uses of the same ecosystem.

The mapping of rights for revenue sharing

Since the early 2010s, non-governmental organisations have launched online maps showing the spaces appropriated in different ways by local people, highlighting the customary rights enforceable in future zoning. One example is *Mapping For Rights*, supported by Rainforest Foundation UK, which offers communities the opportunity to demonstrate their presence in a forest so that it is recognised by policy-makers and the private sector. Another example is the *Right and Resources Initiative*, which has three goals at the global scale: measuring the areas held according to traditional rights, identifying collective rights to land and forests, and to

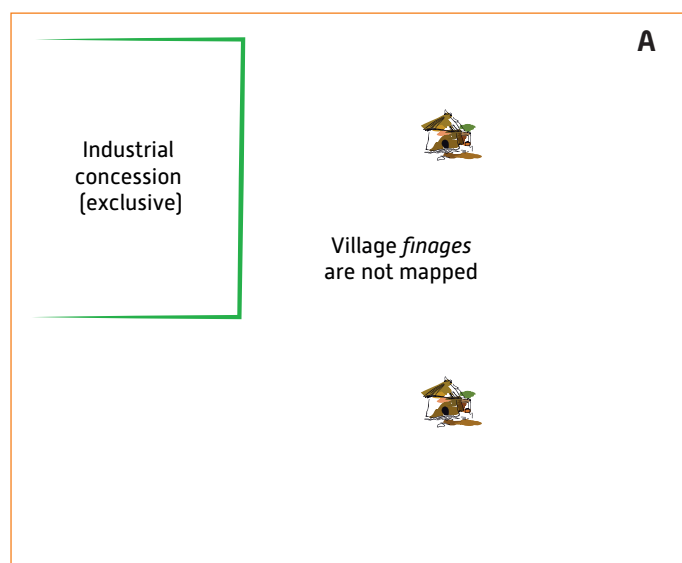
offer the private sector a guide to taking these rights into account.

Companies operating forest concessions have adopted timber certifications that take into account social requirements and local land rights, such as the FSC (Forest Stewardship Council), which is very influential in tropical forestry.

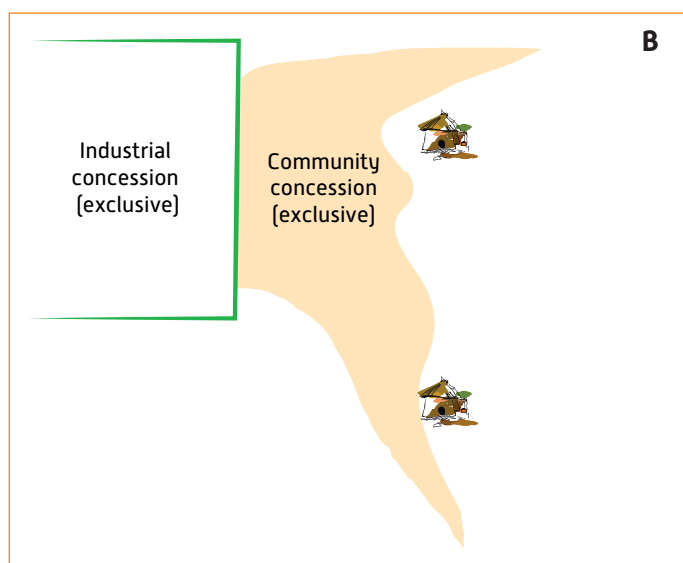
An example can be found in Gabon in the early 2000s. Here, a European company worked with a team of Gabonese researchers to map village *finages* across its 615,000ha concession (*finage* is similar to a 'customary territory', reflecting the extent of land held and more or less exploited by a community). The goal was to redistribute a share of logging revenues to villages for community projects, with the sum reflecting the proportion of the village's *finage* overlapping the concession. This initiative inspired the Gabonese government, which established the legal existence of *finages* through Decree 105 in 2014: the concessionaire must sign an agreement with local people using resources within the concession and pay a contribution to local development funds from its logging revenues.

In Congo, similar provisions have existed since 2007. Here, the concession management plan must include zones for agricultural development for the benefit of local people, thereby recognising agricultural uses within the concession. The redistribution of logging revenue feeds local development funds. However, this experiment has not been conclusive: to use these funds, village communities must suggest projects whose

Towards concessions 2.0: from specialised space (land specialisation – diagrams A and B)...



A. In general, this is the prevailing situation. Only industrial concessions or protected areas are recognised as territorial institutions. Villages are recognised only as residential areas.



B. Community concessions can be set on wooded areas near industrial concessions.

viability is considered sufficient by administrators and the concessionaire, and this has proved difficult to do.

From specialised areas to overlapping use rights

Sharing logging revenue is undoubtedly a first step towards abandoning the specialisation of space (land specialisation) in favour of forest use which combines an inclusive dimension, based on the *finages* included in an industrial concession, and an exclusive dimension, based on community concessions.

A managed forest concession exploits each of its felling plots, covering thousands of hectares, only once every 25 or 30 years. In the meantime, the forest recovers and there is much potential for exploiting resources other than timber. However, in general legislation prevents the economic exploitation of these resources. Exceptions do exist though, and in 2014 in the Congo a safari company received authorisation to operate in a forest concession covering hundreds of thousands of hectares. The area used for safaris overlaps the area used for logging by the forest concessionaire, with the latter supervising all these activities.

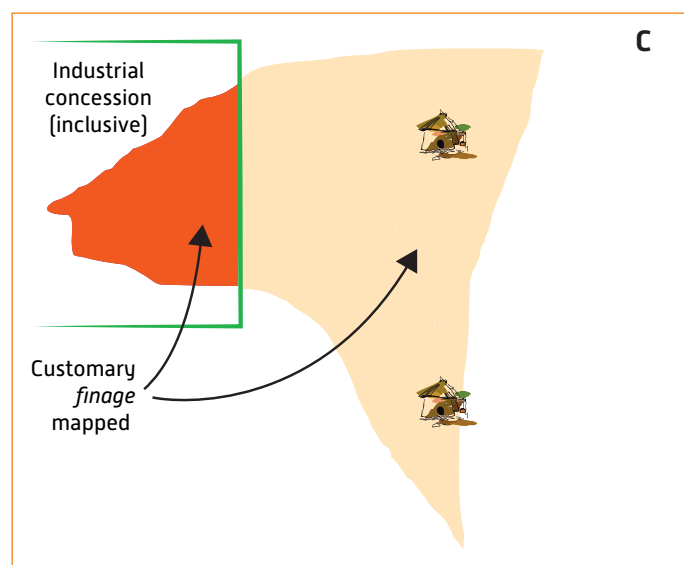
More generally, village communities have use rights in an industrial forest concession for their subsistence (gathering, hunting and fishing), but developing marketing channels is prohibited. Lifting the ban would promote local development through the exploitation of non-wood products such as okoumé resin (*Aucoumea klaineana*) in Gabon and *Irvingia gabonensis* almonds in Cameroon. Establishing these channels could be instrumental for community development, awarding customary holders

of land rights with a preferential right to use and sell non-timber forest resources. Similarly, since farming is allowed via agricultural zones in management plans, small-scale cocoa and oil palm plantations could also supplement the incomes of populations in non-forested or highly degraded concession areas.

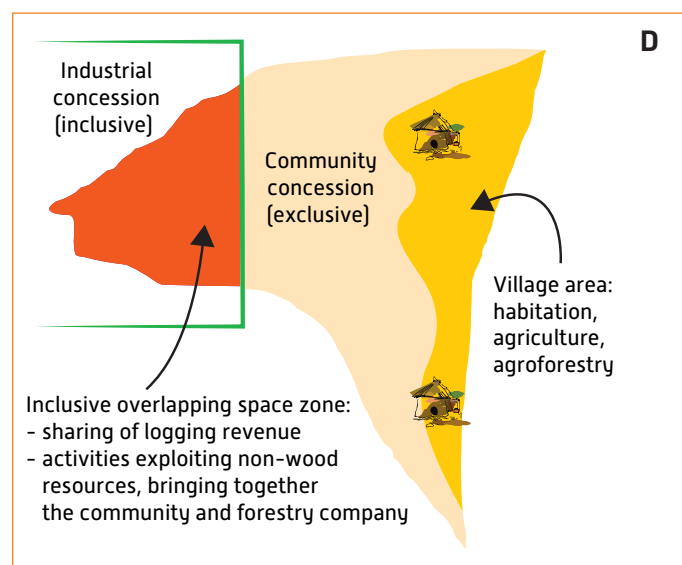
But the difficulties communities have in suggesting projects, even when local development funds exist, show that a contractual partnership with the concessionaire is essential, and may sometimes require a third-party economic operator too. This type of partnership is common in the agricultural sector via outgrowing schemes. Provided the legislation is adapted, this approach could also be implemented in industrial forest concessions.

The partnership between village communities, forest concessionaires and economic operators is the basis of a new type of multi-user industrial forest concession, which we call Concession 2.0. It is based on four characteristics: (1) mapping and recognition of the customary territories within and around the industrial concession, (2) timber revenue sharing indexed on the extension of the customary territories included in the concession and contractual management agreements within communities, (3) allowing the commercial exploitation of non-timber resources by entitled claimers under the supervision and/or in association with the concessionaire, and (4) inclusive governance for the management of overlapping rights over the concession area.

...to a space with overlapping rights (land sharing – diagrams C and D)



C. In a rationale of overlapping rights, customary *finages* are mapped. Part of the *finage* overlaps the industrial concession: a new territorial reality is emerging, beyond the consideration of only villages.



D. Inclusive (spaces overlapping an industrial concession) and exclusive (community concession) are combined.

Concession 2.0, multi-user inclusive governance

An industrial forest concession 2.0 should adopt governance adapted to the management of multiple, overlapping uses of forest land and its associated resources. This requires shared decision-making via an institutionalised negotiating platform, including public administration and local authorities, each partner having the right to vote.

In a concession 2.0, the rights to share profits from logging should be accompanied by contractual commitments from communities, for example, ensuring that authorised agricultural plantations do not exceed specified areas, that the agreed hunting rules are respected, etc.

This evolution from an industrial forest concession to a new and inclusive institutional form would justify support from public development aid, which is currently lacking due to the controversies surrounding industrial concessions.

However, the prospect of inclusive 2.0 concessions should not prevent the creation of exclusive community concessions with sufficient natural resources in the longer term. Indeed, creating a community concession

often involves adjusting the limits of industrial concessions or protected areas to liberate enough space to ensure small village enterprises are viable. The gazetting or registration of current industrial concessions could be the legal process to adjust these limits. The industrial concessionaire is not necessarily absent from this exclusive community area; it can agree with villagers to buy their wood and extend its verification system for timber legality to the neighbouring community concessions.

Faced with the unprecedented pressure on the planet's resources, the coordination of uses rather than the specialisation of spaces is in many cases the only practicable option. Specialisation tries to contain the competing interests which traverse these spaces, at the risk of exacerbating conflicts over legitimacy. The demarcation of spaces remains essential to offering security to vulnerable people by allowing them to acquire enforceable rights. The land security demanded by farmers in developing countries is indicative of their concern about land grabbing by powerful adversaries. Modern forms of securing land tenure will articulate the inclusive, namely overlapping rights, and the exclusive, namely guaranteeing enforceable rights. ■

Perspective No. 38 is the result of research and expertise on forest land and forest concessions in Central Africa conducted by the authors, which can be found in the following publications:

Karsenty A., Vermeulen C., 2016. "Concessions 2.0": articulating inclusive and exclusive management in production forests in Central Africa. *International Forestry Review* 18(S1).

Karsenty A., Vermeulen C., 2016. Vers des Concessions 2.0 - Articuler gestion inclusive et exclusive dans les forêts de production en Afrique centrale. In Buttoud G., Nguingiri J.C., Aubert S., Bakouma J., Karsenty A., Kouplevatskaya-Buttoud I., Lescuyer G. (Eds) *La gestion inclusive des forêts d'Afrique centrale : de la participation au partage des pouvoirs*. FAO, CIFOR, Libreville, p. 205-223.

Karsenty A., Vermeulen C., 2016. Du "land sparing" au "land sharing" ? Vers une gestion des droits superposés dans les forêts denses humides africaines. In Le Roy E., Karsenty A., Bertrand A. (Eds) *La sécurisation foncière en Afrique, pour une gestion viable des ressources renouvelables*. Collection Hommes et sociétés, Karthala, Paris, p. 380-388.

A few words about...

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Useful links

Mapping For Rights <http://mappingforrights.org/>

Right and Resources Initiative
<http://www.rightsandresources.org/>



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