

PEOPLE'S VOICES ON THE SUSTAINABLE FOREST REFORM IN THE DEMOCRATIC REPUBLIC OF CONGO^a

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Abstract: Since the early 2000s, the Democratic Republic of Congo has been conducting a reform of its forestry sector with the publication of *The Forest Code* (2002). The implementation of this law, which aims to assure the participation of all stakeholders, has been evolving slowly since then. The present research aims to evaluate the knowledge local communities and indigenous people detain over the ongoing reform, and the expectations they created when negotiations over the implementation of industrial harvesting activities in their traditional territories began. By interviewing local people, we came to understand that insufficient knowledge regarding the law gathers with a lack of concern towards ecological or environmental matters and with the need of seeing basic needs satisfied; all this in a context in which different stakeholders' responsibilities and negotiational terms are often misunderstood.

Keywords: *forest code, participation, Democratic Republic of Congo, Indigenous people*

Introduction

The Congo Basin has the second largest tropical rainforest in the world, 135 million hectares of which lay in the territory of the Democratic Republic of Congo (DRC). This forest is of huge regional and global value due to its rare ecosystem preservation, biodiversity conservation and carbon storage capacities; 35 million people depend on it to the satisfaction of their daily needs regarding food, energy, fertile lands, materials and pharmacopeia.

Congolese forest heritage faces several threats, amongst which the production of fuel wood must be stressed, as it constitutes the main deforestation cause.

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The increasing needs for arable land coupled with a strong demographic growth are also worthy of mention, as they encourage the use of slash and burn agriculture, also leading to deforestation (Lhoest et al. 2020). Artisanal and industrial wood harvesting for commercial purposes have a reduced impact on deforestation; however, the opening of forest roads leads to substantial degradation of the forest cover and to an increase in poaching activities (de Wasseige et al. 2014; Kleinschroth et al. 2019).

By imposition of the international financial institutions, particularly the World Bank, and aid donors, the country was urged to reform its extractive sectors in order to obtain foreign aid (Englebert and Mungongo 2016; Diemel and Hilhorst 2019). Therefore, following the adoption of Agenda 21 (UNCED 1992), DRC has committed itself to defining the responsibilities of central and local authorities, working actively on decentralisation policies and adjusting institutional and regulatory frameworks regarding natural resources' management, in order to ensure the protection of people's rights (Woodhouse et al. 2000). The new Forest Code was published in 2002, within the scope of good governance requirements demanding the involvement of all stakeholders in law-making and decisional processes. Although it has been subject to criticisms regarding the authoritative manner in which it has been designed and is being implemented, the law is of great importance for the preservation of the Congolese forest. For various reasons, including the national lack of institutional capacity, it has not yet been fully implemented, despite important efforts made by international development cooperation in that sense. Meeting the needs and wishes of people remains a matter of discussion, namely in what concerns the definition of rights, priorities and authority of the parties effectively involved in the decision-making process (James 2020).

The Forest Code's implementation involves many people, whose goals are not always common and, sometimes, even conflicting. If the effective participation of local communities and indigenous people in natural resources decision-making and management processes is considered essential for building justice and sustainability, these cannot be successful without the involvement of nature conservation bodies, civil society in general, public administration and the private sector. Each of these stakeholders understands the need to preserve forest heritage but justifies this need with different reasons: the State seeks to finance itself through taxes related to industrial

and touristical activities or through access to carbon markets; populations seek to ensure that their traditional rights are respected and their livelihoods improved; nature conservation institutions aim to ensure the maintenance or enhancement of biodiversity and ecosystems; and the private sector aims to profit from its activities and from the recognition of its good practices, allowing it to access more demanding markets.

Different stakeholders' real or apparently conflicting goals seem to create obstacles to the effective implementation of the law, either through deliberate actions or through the adoption of defensive positions, motivated mainly by ignorance, mistrust and fear. Regarding local populations and indigenous people, understanding how different social groups relate themselves with the forest, both in terms of meeting daily basic needs and of cultural, social and ritualistic activities, is essential for the construction of policies that can be successfully implemented in the field.

The present exploratory study has the following objectives: (1) to assess the knowledge of local communities and indigenous people about the ongoing forest reform; (2) to describe their expectations and perceptions about the impact of logging activities; and (3) to identify their perceptions regarding their effective participation in the forest reform process. This is an exploratory study that aims to shed some light on possible differences between ethnic and demographic groups, which can be used for future research.

The article is structured as follows: the following section deals with forest reform underway in the DRC. The third section addresses how the Forest Code interprets the role of local communities and indigenous peoples. Section four discusses development and participation. The fifth section describes and justifies the methodology adopted for collecting and treating data. Section six presents and discusses results. The final section presents the conclusions.

Forest Reform in the DRC

Property is a complex issue in the DRC. “Loi Bakajika” states that soil and subsoil are owned by the State.¹ However, local communities consider themselves guardians of the lands in which they live, by family or lineage rights. Duplicity of authorities is evident: on the one hand the administrative power of the State, on the other, traditional power; harmonizing these powers

1 Law N ° 66/343 of 7 June 1966 defines the legal regime for ownership in the country formerly called Zaire and continues to be in force.

is not always easy nor possible because they do not share the same concept of forest, neither of the benefits they intend to obtain from it. The limitations imposed by the State on the usage of forests by people have a direct impact on the satisfaction of the basic needs of the latter, are often implemented in the total absence of alternatives and justified by reasons that communities are unaware of or do not understand. Thus, they do not feel compelled to respect them.

The country is still due to respect a set of international norms, related to nature conservation or human rights, since it has voluntarily bound itself to agreements that created and govern them; these norms must, consequently, be integrated into the national law. On indigenous peoples' rights, the DRC has ratified, *inter alia*, the International Covenant on Economic, Social and Cultural Rights and Convention 169 of the International Labour Organization (ILO).

The Forest Code determined,² in point II of its justification and in Article 85, that the granting of a forest concession depended on the signing of specifications, drawn up by the administration and approved by the Minister himself, defining the conditions for the award of the contract, the rules for harvesting and the rights and obligations of each contracting party (State and company). Moreover, Article 89 of the law states that these specifications contain general and particular clauses regarding financial charges, obligations relating to industrial premises and the provision of socio-economic infrastructures to local communities, such as the construction or repair of roads, schools and health facilities and the transportation of people and goods. This last clause was designated as the Social Clause of the contract's specifications and is negotiated between the company and the communities living within the logging impacted area, under the supervision of Public Administration. The long process of legal updating for the effective implementation of the basic principles of the Code meant that it was only in June 2010, eight years after its publication, that the regulatory measure establishing the model agreement to be signed between forest companies and local communities has seen the light.³

2 Law No. 11/2002 of 29 August 2002 regarding the Forest Code.

3 Arrête ministériel n°023 /cab/min/ecn-t/28/jeb/10 du 07 juin 2010 fixant le modèle d'accord constituant la clause sociale du cahier des charges du contrat de concession forestier.

Management committees have been set up locally, which must manage local development funds (LDF) resulting from the percentage that concessionaires make available to communities, according to the Social Clause, guaranteeing the socio-economic rights of these peoples. A monitoring committee whose mission is to ensure that the fund is securely and correctly assigned for the purposes determined by the community, is also established. The latter is chaired by the Territory Administrator concerned, ensuring that the State is informed and follows up the implementation process in the field. Populations can request technical assistance from civil society organisations during negotiation (Tsanga et al. 2020).

Forest concessionaires see in the law their exclusive right to collect wood, within the forest area that is granted to them, by signing the Social Clause in the specifications that obliges them to return to the population part of the value of the wood collected. The Social Clause thus constitutes a precondition for the granting of a forest concession, which specifies the type of community projects to be carried out, as well as the respective financing conditions.

Between 2010 and 2019, numerous social clause agreements were signed between concessionaires and communities, but their actual impact on the living conditions of the populations is still unknown due to the lack of monitoring and evaluation on the ground (Tsanga et al. 2020).

According to Tsanga et al. (2017), there is a sharp gap between the expectations of the communities and the actions taken by the companies. Contributions to the LDF are calculated based on the volume of wood actually cut quarterly declared by forestry companies (between US \$ 2–5 per cubic meter, depending on the species). Potential contributions are based on cutting authorisations. However, the volume of cut wood is often below the authorised amount. Hence notable differences exist between the expected and actual contributions to the LDF. Data for the 2011–2015 period show that the amount of funds foreseen for local development would be around US \$ 5.6 million, but the amount actually realised was US \$ 2 million (through 23 forest concession agreements). There are several reasons for this difference: fluctuations in market demand, tree malformations and a substantial delay in the start of exploration, with some concessions being inactive for years. This difference between expected and paid values means that the Social Clause is still far from allowing the development and participation in forest management by local and indigenous communities.

The Social Clause clearly identifies the forest to which it refers to and determines the obligations of each party, as determined by the law. As indigenous peoples were not represented in the law-making process, the Forest Code does not include, as it was supposed to, the international recommendations of the United Nations, the African Union and the ILO on their protection. The State is exempted from any liability other than the remuneration of agents assigned to health and educational establishments built under the Social Clause and the chairmanship of the local monitoring committee.

Company obligations entail financing a fund based on the wood harvested, which should allow the construction and maintenance of the infrastructures chosen by the benefitting community. They also entail the recruitment of local staff, and the respect for forest peoples' traditional rights, such as the collection of fuel wood, wild fruits, caterpillars and medicinal plants, as well as hunting and fishing.

Local communities undertake to allow the company to freely exercise the rights granted to it by the State and to contribute to the sustainable management of the concession by fighting illegal logging, poaching and the use by third parties of roads built for harvesting; they also commit themselves to fight eventual fires and to protect the company's staff and material, repairing any damages associated with vandalism.

The conceded area is subject to the payment of an annual tax, 40% of which must return to the production region and 15% should be allocated to sites where harvesting takes place. However, these funds never reach their final destination (Fétiveau and Mpoyi 2013). Companies are therefore often forced to negotiate with traditional authorities the right to enter the forest that they claim to be theirs, in parallel with negotiations with the State and local communities.

The need to implement multiple legal and regulatory systems in force in a balanced manner constitutes a complex legislative and administrative exercise, to which various players contribute decisively with their different levels of power and with the concepts and goals each one of them defines for the forest. The common need of preserving the forest challenges the effective and shared construction of truly common solutions.

Local Populations and Indigenous People

Data on DRC demographics are subject to discussion, taking into account the rare conduct of censuses and their questionable quality; however, it is estimated that the Congolese population currently exceeds 70 million inhabitants, with a population density of 31 inhabitants per km². Among the approximately 250 ethnic groups, the most numerous are the Kongo, Luba and Mongo (who form part of the Banta community). There are about 600,000 pygmies in Congolese territory.

A concept of indigenous people has undergone several changes over the decades (see Barelli 2010). In general terms, the concept initially concerned the first peoples who lived in the territory. However, political action has adopted a broader connotation today: indigenous peoples are those who have a special connection with the territory and its use, as well as an experience of submission, marginalisation and expropriation (United Nations 2007). The pygmy peoples consider themselves to be indigenous people in the sense of being a people that inhabited a territory before any other, namely, before the conquest and installation of colonialism (even today, the term “indigenous people” is most often used in the DRC to reference pygmy peoples). But the official reaction is that in the DRC, everyone is indigenous so it never made much sense to assign the status of indigenous people only to the pygmy peoples.

The Forest Code uses the concept of “local community” and defines it as “a population traditionally organised on the basis of custom and united by bonds of clan or parental solidarity which are the basis of its internal cohesion. It is also characterised by its attachment to a specific terroir” (Présidence de la République 2002:9). However, the same document seems to use the terms “local communities,” “villages,” “neighbouring populations” and “populations living inside forests” interchangeably. In our understanding, this aims to enable the inclusion of transhumane peoples (mostly pygmies) in the concept of local communities foreseen in the law, since these populations also depend on the forest to satisfy their basic needs, namely in terms of food, pharmacopoeia, energy and rituals. In short, the Forest Code refers to the local community, and not to the indigenous people, integrating it within the broader scope of the first.

It should also be noted that local communities do not constitute a homogeneous group, therefore it is necessary to demystify the existence of single groups, with well-defined identities and common objectives, in a typically idealised vision of community, which does not take into account the fact that they are usually differentiated inequalities of social class, gender, generation and ethnicity (Bernstein and Woodhouse 2000). That is why it is relevant to understand how the possibly conflicting interests of the Banta majority and indigenous minorities (pygmies) are or are not taken into account in participatory processes, namely with regard to the recognition of ancestral rights over the land.

Although it is assumed that indigenous peoples should participate in the management and decision-making that can affect their daily lives, or even their survival (Byron and Arnold 1999), this imperative has not been consensual: it has not been available for some time in the international community in general, nor that of indigenous peoples in particular; it is not yet at the regional or national level, although the DRC constitutionally prohibits any distinction on ethnic grounds.

In the context of forest reform, their effective right to participation is still very limited because their legal rights are not, in general, recognised by the Banta ethnic group, the majority.

From a legal point of view the indigenous peoples are citizens equal to other Congolese. In most cases, however, they have neither the same access to land and resources as other groups, nor the same recognition of rights, nor the same influence, and organisational, technical or economic capacities. Few Mbuti, Aka, Twa and Cwa are working as civil servants, and their traditional leaders are often not recognised by the government. They are often marginalised in local councils and other decision-making processes. (Debroux et al. 2007:12)

Locally, indigenous peoples are not admitted to the participatory framework, so it is necessary to consult them separately, as, like any other people, they are provided with the right to free and informed prior consent in relation to decision making. Since it is not possible to bring together all interested parties for joint decision-making, there is a risk that the decisions taken will be contradictory or incompatible with each other.

In the context of central administration, the concept of the politically correct overlaps and the pygmies have a seat at decision-making meetings. But then the lack of empowerment arises. Excluded from access to education and marginalised in their right to speak, they often limit themselves to attending meetings instead of participating in them (MECN-T 2014). Although their formal representation in the participatory process is assured, their intervention is, in reality, almost nonexistent.

Minority groups in national society, indigenous communities (here the pygmies) often belong to the most marginalised and vulnerable segments of the population. As a result, their economic, social and legal status often limits their ability to defend their interests and assert their rights to land, territories and other productive resources, or their ability to participate in and reap the benefits of development. (MECN-T 2014: 23)

Some of the representatives of these peoples, who are distinguished in terms of their capacity for public discussion and intervention, have created organisations to defend the rights of indigenous peoples, often funded by the international community and by large NGOs. The need for external funding may, however, condition them the pursuit of an agenda determined by its financiers, essentially related to defend the right to preserve the culture of the peoples and the forest systems in which they survive.

Development and Participation

In 1965, five years after independence, Mobutu took over power in what was formerly called Zaire, initiating 32 years of predatory governance of the country. Aiming to secure the support of the Congolese elite and of the armed forces, he called on all state resources, establishing a network of equity relations, permeated by corruption at all levels (Matti 2010).

Focusing the economy (almost) exclusively on trade and the export of raw materials (particularly copper), on large projects, and on the search for immediate profits, which would allow it to feed the system, Mobutu devalued the entire productive apparatus in the country and centralised economic activity in the extraction of natural resources (Young 1994).

The investment in increasing copper production occurred in parallel with a disinvestment in the conservation of basic infrastructures, the only ones

that were maintained were those that allowed the transport of the ore, with a view to its export (Nzongola-Ntalaja 2002). The progressive disappearance of infrastructures meant that agricultural production could not be evacuated from production areas to urban centres, creating extreme situations in which foodstuffs rot in the country's interior, while in cities the level of imports of these same goods increases. This failed economic development model explains the income gap between the richest and the poorest. The poorest population tends to be involved in informal agricultural activities with low productivity and poor remuneration (agriculture employs more than 60% of the labour force), while formal non-agricultural activities provide higher incomes (Otchia 2015). In short, the poorest continued to be left behind, even in periods of economic growth such as 2003–2015 (Otchia 2019).

Parallel to the disinvestment in industrialisation and the agricultural sector, the DRC was confronted with schemes of extreme patrimonialism, which led to a discredit of the population in its leaders (Trefon et al. 2002).

In this context, abandoned to their fate and aware of the discrepancy between their reality and the ostentatious experience of the president and his elite, the population used the means available to obtain income, in a behaviour legitimised by the actions of its leaders (Matti 2010). Two aphorisms proclaimed during Mobutu's speeches shaped the economic performance of the population: "*yiba, kasi mingi te*" – steal, but don't steal much – and "*débrouillez-vous*" – figure it out (yourself) (Trefon 2002: 488). It is in this context that the informal exploitation of natural resources found fertile ground to develop.

By the early 1990s the country, considered the world's richest in natural resources (Berke et al 2007), was in political and economic collapse. In the new millennium, it is now classified as low human development (ranked 175 in 189 countries) on the human development index (UNDP 2020), presents "alarming" hunger rates (IFPRI et al. 2020), a high level of corruption (ranked 170 in 180 countries) (Transparency International 2020), and classifies amongst the world's worst in the Doing Business report (ranked 180 in 190 countries) (World Bank 2020). Basing the national economy almost exclusively on the export of raw materials has led to the denial of social and economic development.

Following Agenda 21 (UNCED 1992) that emerged from the Rio Conference in June 1992, African governments committed to define the responsibilities of central powers and local authorities, to work actively on decentralisation policies and to adjust the institutional and regulatory frameworks for natural resource management, in order to ensure the protection of the rights of local communities (Woodhouse et al. 2000). It is within the scope of the sustainable development paradigm and following the decisions taken in Rio de Janeiro that the international community pressures the DRC to carry out a reform of the extractive sectors. The Sustainability paradigm, reflected in the Forest Code, seeks to balance economic, social and environmental pillars providing an opportunity for the construction of a distinct development structure, more adapted to local reality and possibilities. Community management has become a fundamental premise of institutional reforms that seek to decentralise both authority and the sharing of benefits related to land and natural resources for local populations (Nelson and Agrawal 2008). It is considered that the involvement and participation of stakeholders can make a difference in the success of environmental protection policies (Reed 2008).

In DRC's case, different levels of participation may occur simultaneously, depending on the concerned social groups (indigenous peoples, women, adult men, young people, the elderly, traditional authorities, the elite) and power relations established between them, as well as on the attitude of both national and international authorities and NGOs. There is therefore a possibility that the existing social inequalities are maintained and that socially and economically more powerful groups within the community guarantee access to the vast majority of benefits, although in theory all others have participated. Processes with these characteristics occur all over the world and have been identified on the African continent by Eilola et al. (2015), Emmett (2000), Faye (2015), Keeley and Scoones (2014), McEwan (2003, 2005), Ribot and Larson (2013), among others.

The implementation of real participative processes in the field is complex. Involvement of minorities may be contrary to the will of the majority; the election of community representatives may exclude representatives of traditional authorities that do not accept such exclusion, which sometimes results in intra-community conflicts; the selection of representatives is not always made through electoral processes, undermining the democratic process even further.

The multiple services provided by the rainforest cause different representatives to have opposing views on the objectives to be achieved and different expectations regarding the benefits to be obtained. Therefore, it is unrealistic to consider civil society as a body in which the participation by a part would mean the representation of the whole. If it is clearly difficult to achieve effective participation of all interested parties, this should not legitimise the exclusion from decision-making processes of those most affected by those decisions.

Seeing their development expectations frustrated and unable to understand the choices made, the reasons that justify them and the benefits that can be obtained, communities opt for informal and even illegal ways of exploiting the resources that the State cannot control, due to its permanent lack of financial and human resources. Despite the vast number of initiatives towards sustainability, informal forest logging in the Democratic Republic of Congo currently produces annual volumes ten times higher than those produced by the formal sector (MECN-T 2013).

Methodology

In order to respond to the research objectives outlined, we used semi-structured face-to-face interviews in forest areas and in Kinshasa during the months of October, November and December 2016. This type of interview offers ample freedom, ensuring that relevant topics are explored (Corbetta 2003). Qualitative methods are suitable for answering “how” questions (Saunders et al. 2019). For this purpose, a script was elaborated containing questions considered essential but allowing the interviewee to speak freely and informally, in the context of a “purposeful conversation” under the perspective that knowledge is situated and contextual; this means we try to ensure that relevant contexts are brought into focus so that situated knowledge can be produced (Mason 2006).

Our research was exploratory and aimed to provide a first knowledge about impressions on the ground. Thus, no extrapolation can be made based on the data collected. Regarding the choice of interviewees, we started by identifying the villages according to their population density, seeking to achieve a plural representation. The “groupement” is the administrative unit that establishes a link between customary power and the state system and its jurisdiction extends to several villages belonging to the same ethnic group.

As far as Madjoko is concerned, there are 38 affected villages where 53,429 inhabitants live, according to 2014 data (MECN-T et al. 2014). This concession is home to Batwa pygmies in the village of Sapeza with a total of 50 inhabitants; the Mongo ethnic group, through the Mbelo “groupement”; and the Sakata ethnic group, through the Bobai “groupement.” The villages of Sapeza and Duma 2 (from the Bobai) were chosen to guarantee the participation of 3 different ethnic groups: Mongo, Batwa and Sakata.

The main activities of the population of the village of Duma 2 are agriculture and the collection of forest products (excluding roundwood); their secondary activity is cattle ranching and hunting and fishing as ancillary activities. In Sapeza, agriculture and the collection of forest products continue to be the main activities, but hunting has become the secondary activity, sending livestock and fishing to ancillary activities.

The choice of the interviewees was made at random (among those who came to surround us and welcome us when we arrived), with 3 interviewees per village, including an adult man, a woman and a young person. Self-selection sampling is a method used in exploratory studies, when it is not intended to make statistical inference or to ensure representativeness of the sample (Saunders et al. 2019). Although we tried to avoid intermediaries, we were forced to use interpreters, since we did not have sufficient knowledge of local languages to be able to maintain a productive dialogue.

We also conducted two interviews in Kinshasa, both with leaders of indigenous peoples' associations: the Ligue Nationale des Associations Autochtones Pygmées du Congo (LYNAPICO) and the Organization des Amis de la Nature (OAN). The list of interviewees can be consulted in Table 1.

Interviewees were informed about the interviews' purpose and recording; prior explicit consent was explicitly requested and given in all cases. A qualitative approach based on content analysis, which is a conventional procedure used to study text material (Bardin 1977; Flick 2006) was chosen to treat data.

We realise that the results of the interviews conducted cannot be extended to the forest population in general. However, these areas have been dealing with harvesting activities for the longest period of time and therefore communities living there should be among the best informed.

Table 1: Interviewees per location

	Village/ Association	Man	Woman	Young person ⁴
BONKITA	Ikala 1	Interviewee 1, 56 y/o, Village leader	Interviewee 2, 49 y/o	Interviewee 3, male, 30 y/o
	Ikala 2	Interviewee 4, 42 y/o	Interviewee 5, 48 y/o	Interviewee 6, male, 22 y/o
MADJOKO	Duma 2	Interviewee 7, 54 y/o	Interviewee 8, 27 y/o	Interviewee 9, male, 25 y/o
	Sapeza	Interviewee 10, Age unknown	Interviewee 11, Age unknown	Interviewee 12, female, 30 y/o
KINSHASA	Lynapico	Interviewee 13, 58 y/o		
	OAN		Interviewee 14, 40 y/o	

Perception of Local Communities and Indigenous Peoples

In this section, we disclose the results and discuss them, based on four main topics: the demonstrated knowledge about the forest code, the social clauses of the contract specifications, perceptions of the impact of logging, and level of participation.

Forest Code

Despite the need identified by legal and regulatory texts stating that populations living in and off the forest must know the terms of the law that governs it and understand the fundamentals of management methods, we were confronted by a general ignorance regarding the Forest Code and its regulations.

Interviewees from 4 villages expressed their general lack of knowledge on the Forest Code. For example, Interviewee 10 (from the village of Sapeza) claimed to know the forest but had no knowledge of a law about it. Some have heard of the Code, but they did not know what it is about.

⁴ Young people are considered to be between 15 and 35 years of age (y/o) (African Union 2011).

Representatives interviewed in Kinshasa had more detailed knowledge of the forest law and the possibilities it offers in terms of benefits for the population. According to Interviewee 14 (from the OAN), the Forest Code was a good law but needed to be revised.

She valued the fact that the law determines the preservation of High Conservation Values,⁵ which must be identified and mapped, as in the case of caterpillar trees that must be preserved for the benefit of indigenous people.⁶ In her opinion, some companies respect these norms but illegal loggers do not and therefore “cut down all the trees and consequently take away the life of the indigenous people.” She believed that the country should be able to work only with loggers who wanted to respect the State and the Forest Code.

According to Interviewee 13 (village of Lynapico), it will be necessary to rethink the law on the forest reform so that indigenous issues are properly integrated, in line with the country’s commitments to International Conventions protecting their rights. In its absence, it is therefore difficult to remedy the existing gap when producing the enforcement measures. On the other hand, Interviewee 13 considered that the law does not take proper account of climate issues and that the incompleteness of the enforcement measures means that their actual impact is far from attaining the desired goals. He identified, as the only positive result of the law, the obligation to sign the social clauses of the contract specifications.

Social Clause of the Contract Specifications

The “social clause” is provided for by Congolese law as a prerequisite to the award of a forestry concession.

We came to understand this is either not known at all or is vaguely interpreted as an agreement with the harvesting company that does not concern people living in the village. In Duma II, Interviewee 8 knew that the company built schools because it cut down trees in the forest and Interviewee 9 stated that there was an agreement between the company and territorial leaders (not

5 The “High Conservation Values” are not defined in the Forest Code but appear in the framework of Sustainable Management Certification, in accordance with the precautionary principle, defined by the Rio Declaration of 1992. These values are: species diversity, ecosystems and mosaics, critical ecosystem services, community needs, and cultural values.

6 Caterpillar trees are certain species of trees that produce “mbinzo,” edible caterpillars, which are highly appreciated, and which contribute greatly to the protein supply necessary for the nutritional balance of the forest dwellers.

between the company and the community), following which three schools were built in the village.

Knowledge is also scarce in Ikala I and Ikala II. Interviewees said they knew about an agreement between the company and the community but were unaware of the terms agreed upon. This agreement allowed for the construction of two schools and a health center in Ikala I. The leader of Ikala II village stated that the document was signed blindly because they were told they had to sign and therefore did so without actually revising its content, which they should have done, since the explanations were not clear.

It is obvious that, except for the village leader who participated in the negotiations, the inhabitants did not refer to the agreement as if it concerned them but as to a contract concluded between the company and the village leaders or between the company and the “groupement.”

Lack of knowledge regarding commitments made and, moreover, apparent unawareness of the existence of these commitments prevented the agreement from being implemented for its intended purpose. Interviewees identified an agreement between the company and village leaders and this excluded them from any involvement with regard to the monitoring of activities and to their own accountability in the process, namely in forest protection.

Interviewees did not always seem to make a clear distinction between the assignments of the territorial leader and those of the forest leaders; these confirms fears described by Woodhouse, Bernstein and Hulme (2000) upon which indirect rule promoted by colonial systems has promoted hierarchical and authoritarian tendencies of pre-existing political systems in traditional societies, according such power to traditional leaders that, in some cases, overcomes national institutions' authority until today, leading to a conflictual coexistence between both power systems. The elite participates in negotiations and makes decisions that concern the whole community, often without being sufficiently empowered to do so, and without community members being consulted or at least informed on the agreements reached.

In these three villages (Ikala I, Ikala II and Duma II), eight of the interviewees were not aware of the terms of the Clause that was signed but evaluated its result positively, agreeing with the choice of infrastructures. Interviewee 9 (Duma II) would have preferred to add a market and a health centre to the schools and only Interviewee 8 was dissatisfied. In general, interviewees

expressed concern about the delay in constructions, the quality of the finished work and the absence of equipment.

The inhabitants of Sapeza were not beneficiaries of any negotiation and stated their total lack of knowledge regarding the Social Clause.

In Kinshasa, Interviewee 14 (OAN) claimed to have worked on the Social Clause law, which she considered a good law. In her opinion, it was important to convince the authorities of the relevance of the documents produced, since the law is good but has not yet been enforced. She also said that there are companies that do not deliver the amounts due to communities, preferring to put this money “in the pockets of the leaders” in exchange for protection.

Interviewee 13 (LYNAPICO) believed that the Social Clause law allows local communities and indigenous people to find some return from forest exploitation, but it has implementation problems because the communities do not know or understand it. This issue leads us to the next topic.

Impact of Forestry

In general, positive effects identified by interviewees were related to the infrastructures built; the degree of satisfaction varied depending on the construction stages and on their quality; transport facilities and money circulation were also positively identified, as they lead to an increase in commercial activities and facilitate crops disposal.

Negative effects focused on the reduction of wildlife caused by harvesting machines' noise and on the cutting of acajous and caterpillar trees, considered important for the population's diet. Only two interviewees showed a more critical stance, saying that the company had come to destroy the forest or that they felt the effects of climate change was a consequence of cutting down the trees.

In Sapeza, interviewees denied feeling any impact due to the company's activities, which they believed to be justified by the distance between the harvesting area and their village.

Interviewee 14 (OAN) argued that some loggers do not respect the commitments signed in the social clauses. On the other hand, communities claim the construction of infrastructures, without taking into account schedules defined in the Social Clause. In her opinion, there are errors, as in

all human activity, but effects from the signing of social clauses are positive and everything runs smoothly in 80% of cases.

Results confirm what other studies have shown, namely Lewis, Freeman and Borreill (2008) and Oyono, Biyong and Samba (2012): the local perspective on the impact of forestry is mainly related to the traditional idea of development: the creation of roads, the construction of health and education infrastructures and the creation of jobs.

We also found that none of the interviewees asked about the equivalence of sums attributed to construction with the volume of harvested wood, nor about the associated assessment process in which the community is supposed to take part. There seems to be a lack of knowledge on the subject, on which depends the progress of the expected constructions that populations consider being lagging behind or insufficient.

This poses two types of problems: on the one hand, some dissatisfaction concerning company activities, be it fair or unfair, since a correct evaluation will always depend on the calculation of the chargeback for the wood produced; on the other, a possible failure to monitor volumes actually harvested and the consequent impossibility of confirming the company's assertions on this matter. It is clear that the information held by members of management and monitoring committees is not being disclosed to the population in general.

Participation

The Forest Code advocates the involvement of different public and private actors at all territorial levels in the definition of national policy. This raises the pragmatic question of trying to understand who has the legitimacy to represent the different parties and if the designated representative of a community defends the interests of different symbolic minorities that form part of it.

Only one of the interviewees claimed to have participated in the negotiation process (Interviewee 1, leader of the Ikala I village). Four others claimed to have no knowledge at all of how negotiations had been conducted; three revealed a very superficial knowledge, identifying one or two participants involved (territorial and forest leaders); and one knew the process well (Interviewee 7, Duma II).

We found that, in general, interviewees had a series of criticisms or negative assessments about participation in the negotiation process, namely:

- They defended the increased and improved participation of the social group to which they belong – for example, Interviewee 4 (Ikala II), stated that he would like to take part in the process and support that, in order to improve participation, it is necessary to choose strong men with intellectual abilities to defend the interests of the group;
- They complained about a lack of information from community representatives – for example, Interviewee 3 (Ikala I) knew those participating in the negotiation, namely his father-in-law who, however, did not give him any feedback on the decisions made;
- They suggested more comprehensive and popular ways of participating – for example, Interviewee 7 (Duma II) argued that other community representatives, apart from territorial and forest leaders, should take part in negotiations.

The views of the two women from Ikala 1 and Ikala 2 were particularly relevant: Interviewee 5 (Ikala 2) was not called to participate in the sessions and even pointed out that the problem [of having no knowledge of the Social Clause] lies in the fact that women are never called upon to participate in negotiations. Interviewee 2 (Ikala 1) was of the same opinion and associated the understanding of agreements signed with participation in negotiations. Since she did not participate, she did not understand its usefulness. According to her statements, NGOs, who were there to inform the population, chose who would participate in the awareness and negotiation sessions regarding the social clauses of the contract specifications. In her opinion, there should be an election amongst all women in the village in order to select wise women who could participate in the different processes. This stance is indicative of a clear knowledge of the democratic system, either by suggesting an election process for community representatives, ensuring the presence of women in negotiations, or by understanding that there are obligations to be respected by village representatives regarding how to provide those who did not participate with feedback on the subject matter of the negotiations. Interviewee 8 (a young woman from Duma 2) told us that, although she did not want to participate in negotiations, she believed that the participation of women was important, since the activities they develop in the forest should also be

protected. This supports the statement made by Trefon (2011): women could make positive changes but they are unable to do so due to their exclusion or under-representation in civil society participatory processes.

Interviewee 3 (Ikala 1) said that he would like to have taken part in the negotiations and believed that it is important to involve young people, since three or four people from the village had been chosen to take part due to their education and their position as village scholars. It would be necessary to raise young people's awareness and to involve them. Interviewee 3 did not attend the awareness-raising events organised by AMAR and Greenpeace. Interviewee 8 and Interviewee 9 (both young men from Duma 2) did not participate in the negotiations; both were unaware of how the agreement was negotiated and what was then decided; they were also unaware of the intervention of NGOs, both in awareness-raising activities and in a follow-up to the negotiation. Interviewee 8 did not know who participated in the negotiations but Interviewee 9 stated that it had been the territorial and village leaders who had represented the community. Interviewee 9 would have liked to participate in such negotiations and proposed to call a meeting for young people to discuss their participation and find ways to improve it. This low level of participation and the ensuing disappointments were part of the present reality and contrary to supra-national political recommendations:

a strong and accountable leadership and successful integration needs to be anchored on participation; the investment in youth; and mainstream the great potential of the population of which the Youth are an essential pillar. Against the foregoing and in light of the great potential, dynamism, resourcefulness, resilience, and aspiration of African youth, the continent continues to face daunting challenges of maximizing benefits from this critical social capital by for example, adequately investing in youth empowerment and development. (African Union 2011: vii)

In contrast to these assessments, the village leader in Ikala 1 argued that no changes would be needed to the way communities participate, which he considered correct.

The statements confirms that negotiations discourage or exclude the participation of young people and women. They are not even called upon to attend awareness meetings and are therefor barred from understanding

the on-going process, maintaining community dependence on adult males and traditional leaders, and thus silencing a multitude of voices (McEwan 2005; Lekalake and Gyimah-Boadi 2016).

Even if it were possible to recognise the representative legitimacy of Bantu adult men, especially traditional leaders, to represent the whole community (and here, the concept of community itself should be discussed), their ignorance assumption regarding the law and the concepts associated with the construction of sustainable development should be underlined, as it limits their possibilities of defending the interests of forest peoples and of the forest itself.

In Kinshasa, representatives of the indigenous peoples interviewed had quite different opinions about the participation of their representatives in participatory processes associated with the Social Clause. Interviewee 14 (OAN) classified the participation of indigenous peoples as good, as, since 2013, they are involved in negotiations at the same level as the Bantu: “Indigenous people no longer have inferiority complexes in relation to the Bantu and express their opinions just like the latter.” In her opinion, when negotiations take place now, even without the presence of NGOs, Bantu representatives call their indigenous counterparts because they have been made aware of the importance of their participation.

Interviewee 13 (LYNAPICO) presented a diametrically opposed perspective: “when there is a slave/master relationship, when one cannot open one’s mouth before their master, who lodges and feeds him, how can we say that this slave is a member of the management committee?” He defended the view that negotiations must be differentiated and separate committees should be created in order for different needs to be taken into account. “There is preparatory work that has not been done” and few people are capable of mobilising and animating indigenous people who keep being incapable of defending their rights and whose lives remain unchanged.

This perception refers us to the role of civil society organisations (NGOs) as promoters of public awareness and as monitoring negotiations with companies. Interviewee 14 (OAN) believed that the World Bank’s fund for community awareness and support in this process had not been well managed and that money had been badly distributed. She considered that it would have been important to identify credible NGOs at this stage of the process in order

to evaluate the implementation of the agreements negotiated. Interviewee 13 (LINAPYCO) did not disqualify the work of national and international NGOs, but noted that they use indigenous people as a source of income: money was available everywhere for indigenous people but still there was no improvement in their standard of living.

Local awareness and negotiation sessions seemed to have been called by outsiders, with reference to members of NGOs that came to streamline them. Since the agreements were intended to be signed in a short period of time, options taken seemed to reflect the need to identify participants who would allow to achieve the desired results as soon as possible rather than a will to carry out a properly structured and adequately extended participatory process. We are seemingly dealing with a problem already identified by Trefon (2006): the limitations of financing, along with domination by an urban elite, condition the agendas of civil society, reproducing the problems of dependency and remaining detached from the real questions local communities are confronted with.

The absolute ignorance that the inhabitants of Sapeza showed about the topics discussed seems to confirm the opinion of Interviewee 13 (LYNAPICO). In fact, the Congolese Ministry of the Environment itself recognised the persistent marginalisation of pygmy people in the exercise of citizenship:

Groups minoritaires de la société nationale, les communautés autochtones (ici les pygmées) appartiennent souvent aux segments les plus marginalisés et vulnérables de la population. Il en résulte souvent que leurs statuts économique, social et juridique limitent leurs capacités à défendre leurs intérêts et faire valoir leurs droits sur les terres, territoires et autres ressources productives, ou leur aptitude à participer au développement et à en recueillir les fruits (MECN-T 2014: 23).

Contrary to what is desired and defined by best practices, local communities and indigenous people are not yet sufficiently empowered to discuss the Congolese forestry policy on an equal footing with other parties involved. The participatory processes that actually take place seem to correspond to some of the fears documented. By merely allowing formal validation that legitimises the reference to the democratic principles of equality and exercise of citizenship, they do not correspond to an effective intervention of citizens

in public life and therefore do not result in improvements in their livelihoods (Irvin and Stansbury 2004; Drydyk 2005).

The use of participatory methods in order to reach the upper rungs of the Arnstein ladder (Arnstein 1969) entails lengthy and complex back and forward processes with regard to decisions to be taken because, in the context of participatory democracy, the aim is not to impose a unilateral will but to reach a consensus between the parties involved. However, centralised institutions are generally averse to these procedures of genuine participation, as they implicitly reflect confrontation with established power structures and with the linear and functional design of organisational and managerial efficiency (Ribot, Agrawal and Larson 2006).

Although the official wording in DRC defends the generalised institutionalisation of participatory processes, the reverse logic seems to be adopted. Policies and strategies are previously defined and then submitted for formal approval which is doubly misleading as regards the concept of participation and the definition of representatives and whose sole purpose is to legitimise decisions made. This is what Leal (2007) calls political decapitation of participation, which precludes counter-hegemonic processes of transformation and resistance from the grassroots. Moreover, this process does not consider local and indigenous conceptions of development as being more capable of reflecting local needs and expectations (Briggs 2013; Santos 2015). This is in line with Escobar's (1995) idea that development remains, to a large extent, a top-down, Eurocentric, ethnocentric and technocratic approach that treats people and cultures as abstract concepts, statistics that can be moved up and down in progress charts:

Development was conceived not as a cultural process but instead as a system of more or less universally applicable technical interventions (...). It comes as no surprise that development became a force so destructive to Third World cultures, ironically in the name of people's interests. (Escobar 1995: 44)

There is a real risk that there will be a professionalisation and institutionalisation of development perpetuated by the international community's view of tropical forest conservation, namely the World Bank's, bilateral cooperation agencies "and large NGOs" (Sharpe 1998) – a western kind of development, to the detriment of the community view.

If the importance of different values for different parties is not taken into account (Rutten and Mwangi 2014), it will be impossible to extend the necessary consensus in an effective way. Individuals have goals in the actions they undertake, which include constructing and contesting their citizenship, and do not limit themselves to being mere recipients of externally predetermined concepts (McEwan 2005).

Conclusion

Forest reform, started in 2002, has been slowly and progressively implemented in the DRC. However, there seems to be no consensus on whether Forest Management Plans have contributed to reducing deforestation (see Brandt et al. 2016; Tritsch et al. 2019). The Forest Code foresees the participation of all stakeholders in forest management. For this reason, we wanted to know what perception and knowledge local populations and indigenous people had about the implementation of the law. Being an exploratory study (without sampling methods stratified by types of population), the results that we summarise below should be interpreted with some precautions.

Local communities' knowledge of the Forest Code and the Social Clause is insufficient and, in most cases, non-existent, which seems to compromise the reform process as a whole. The high lack of knowledge is accompanied by a lack of concern for ecological and environmental issues and by a set of basic needs to be met. The responsibilities of the different players in the process are not understood and the agreements made are neither vulgarised nor respected.

Although there is a predominantly positive feeling for the counterparts of logging stemming from the Social Clause, there seems to be disappointment regarding initial expectations – in particular the quality of the completed infrastructures or what is seen as a delay in their construction.

Concerning the participation of local communities and indigenous people, there are differences according to social categories, namely age, ethnic origin and gender. Bantu men continue to be the most involved in participatory processes, although this does not reflect informed participation tending to assure a real defence of community interests. Not only young people and women but also pygmies are excluded from forums and negotiating or decision-making assemblies.

The involvement of some indigenous people's representatives in the negotiation processes seems to be mainly associated with formal legitimacy. On the other hand, civil society associations, whose mission is to defend the interests of communities, focus predominantly on local Bantu communities, since they are an overwhelming majority: the construction of the development discourse and of the discourse of the institutions who implement it, simultaneously limits the intervention of various players, and circumscribes the scope of actual possibilities.

Participation of communities in decision-making and management processes regarding land and environmental resources can only be successful if these populations are sufficiently structured and aware of their rights and duties as citizens. Without this preparatory work among the communities (in particular the indigenous community, as emphasised by Interviewee 13), the western style of development tends to be adopted as a norm. The fact that local perceptions and, consequently, local cultures, are not taken into account in decision-making processes, and their conduction according to Western parameters may lead to pernicious interpretations of actions taken, inducing a refusal instead of the desired acceptance. By not taking into account local reality, in terms of social organisation, politics and administration, the implementation of the new forest law bases itself upon an illusory premise regarding the effective participation capacity of different stakeholders, which has led to a practical contradiction regarding its own foundations.

In view of these issues, we believe that efforts should first focus on understanding the problem rather than on designing the solution. It is necessary to rethink the forest reform, strengthening transparency, training and empowering the various players in accordance with the Climate Change impact and seeking to reconcile global interests with local needs, in order to create a climate of trust that allows to preserve the forest in the plenitude of its values. It is obviously easier said than done but we must not forget "the legendary capacity of the Congolese for social innovation and adaptation to economic and political constraints" (Trefon et al. 2002: 385).

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