

# CENTRAL AFRICAN REGIONAL PROGRAM FOR THE ENVIRONMENT

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Issue Brief #11

## #11 — Central Africa and Forest Governance Counter-Balancing the Powers of Public and Private Sectors

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### Key Concepts

- Concentration of management authority in the hands of a few powerful politicians and private sector actors results in inequity in the distribution of benefits derived from the forest, ignores resource use concerns of the majority, encourages people to flout unpopular and illegitimate laws, and promotes unsustainable forest resource use.
- Helping citizens build and participate in civil society is essential to improving forest use

governance as it will create a third sector within the nation state that can counter-balance public and private sectors.

- Until government spending is based on revenues generated by taxing national consumption, citizens are unlikely to demand accountable and representative government or expect quality social services.
- Technical solutions such as changes in forest codes and policies, are necessary but not sufficient to create conditions for better forest management.
- Reform of the administrative and political bodies that make and implement environmental laws; the ways these bodies represent and are accountable to society; the laws that enable civil society to flourish, enter into dialogue with the state and bring state actions in line with popular aspirations, is the pathway to governance that can promote sustainable forest management.
- Better information on modern forest management and threats to forest ecosystems and species does not in itself lead to reform. Education has to be backed by fundamental changes in governance structures, investment patterns and state-society relations.

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## **How Did These States Become the Way They Are?**

The colonial powers of Central Africa left an unstable and flawed foundation upon which to build a modern State. Economic structures privileged foreign investment and extractive industry, and little was done to build local governance institutions and the capacity of citizens to participate effectively in policy making. The Democratic Republic of Congo had only a handful of college graduates on the eve of independence, a situation not atypical for the region.

Division of African territories may have facilitated resource extraction and tax collection but they also seriously disrupted traditional governance, land use, trade networks and population movements. In urban areas, European-style rule-of-law was introduced, with civil rights and recourse through civil courts. But in rural areas, villagers lived under a different form of administrative rule, in which colonial authorities typically recognized customary or tribal authorities, often hand-chosen by colonial powers. Urban Africans and Europeans had formal access to land and resources through commercial licenses, permits and quotas. In contrast, rural Africans only retained usufruct or use rights, and only as long as these had no commercial value from the standpoint of the modern sector. Thus, subsistence economies were permitted in rural areas, but once a resource of commercial potential was identified, the urban-based State would immediately assert its right to control and exploitation.

The dualistic legal legacy of the colonial system continues to the present, influencing nearly every aspect of economic activity, including foreign investment, the control of assets and the uses of foreign aid, patronage, and investment funds usually in favor of external investors and urban elites. Pressure by ex-colonial governments and the capital intensity of industrial scale

extractive industries has resulted in foreign monopolization of the oil and timber sectors. Three corporations, partially or wholly financed by French interests, controlled almost one-third of Cameroon's logging concessions in 1998-99. In Gabon in 1997, more than a third of the logging concessions was held by five companies, partially or wholly owned by foreign interests. As private sector logging companies are the de facto managers of the majority of the forest estate in the Congo Basin they heavily influence the fate of the forest. Given foreign domination of the logging sector and the ex-colonial arm-twisting of national governments, forest use decisions tend to reflect foreign economic concerns, rather than local or national interests, which is a prerequisite for sustainable forest management.

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## The State as Ruler

Central African countries of the Congo Basin Democratic Republic of Congo (DRC), Republic of Congo (RC), Gabon, Equatorial Guinea, Cameroon and Central African Republic (CAR), are highly centralized

politically but economically weak. The government mainly derives its revenues from the industrial-scale production and sale of natural resources to international buyers, and not from taxation of citizens or local businesses within the broader economy. Hence, government has little incentive to widen public participation and share benefits within society. Similarly, citizens who receive social services as gifts of the state are unlikely to demand accountable and representative government, nor expect cost-effective government spending.

**"Until government spending is based on revenues generated by taxing national consumption, citizens are unlikely to demand accountable and representative government or expect quality social services."**

Though parliamentarians are no longer rubber stamps to presidential fiat, and get more involved in political debates, political power in most Central African nations still resides in the executive branch. Thus, while parliament makes the laws their interpretation and implementation in the form of décrets (executive or ministerial orders) and arrêtés (administrative orders), remain the domain of ministers appointed by the president. In this way the executive reserves for itself many decisions that otherwise would be the appropriate object of parliamentary debate and legislation. Moreover, in the absence of civil suit and freedom of speech provisions, neither parliamentarians nor the electorate are able to force compliance with environmental regulations, nor to legally disclose information that might prove embarrassing.

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## Internal Divisions also Contribute to Weak Political Institutions

Central African States are built on a foundation of multiple ethnic groups, many of which have a small population and remain marginalized politically. Moreover, ethnic and regional divisions

and alliances, the role of the military in local and transborder conflicts, and relations with and among local entrepreneurs and leaders, have severely constrained the populace from organizing and uniting behind multi-ethnic issue-based parties, such as the ANC in South Africa. Internal divisions and the weakness or absence of civil society groups has helped perpetuate executive authority and the influence of foreign governments and corporations, to the detriment of the national economy, social welfare, and environmental management.



To have governance systems that can promote sustainable management of the forest estate, government officials must enter into dialogue with other stakeholders.

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## **Decades After Independence, Land Tenure Remains Unresolved**

Since the colonial period there has been an uneasy coexistence of village-based land-use systems alongside more modern modes of formal legal ownership, zoning, planning and control. Village and clan land rights and resource use regulation persist, but in an ambiguous legal context, often at cross-purposes with official policies and the formal economic sector. The State claims ownership to all the land and resources of the country without allocating the means to manage these assets efficiently or equitably. This ambiguity has often proven useful to those in a position to manipulate resource allocation, particularly given the absence of an independent judiciary that can ensure laws are applied to all residents of the nation equally. Local land claims are largely informal and are based on *mise en valeur*, the principle of giving rights to those who put land to use. Not only is this process contentious, it provides a strong incentive to clear idle land or forest. Formal land registration with title that can be sold or exchanged, can result in more sustainable

resource use. However, land registration can have perverse impacts when it encourages speculative and extensive land clearing followed by poor management and unproductive land use.



Technical solutions such as changes in forest codes and policies are necessary but not sufficient to create conditions for better forest management.

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## **Weak Local Authority Leads to Open Access Situations**

Colonialism and the modern State have shaped local authority structures to their needs, both for convenience of political administration and for ensuring that the maximum economic opportunity was accessible to those in power: initially the colonial rulers, and later the urban-based elites who took their place. Thus, the present system offers neither the economic efficiency of a modern governance system, where laws and regulations structure economic transactions, nor the social stability of kinship-based systems, where norms and social control keep people in line. The persistence of this dual system means that rational land management such as zoning and land use planning are not effective in putting into place effective resource management rules and sanctions. Confusion over ownership and authority leads to open access situations in much of the region, paving the way for resource mining.

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## **Economic Reforms Have Not Changed the Situation**

The domestic private sector of most Central African nations consists primarily of family firms focused on cash crops, retail sales, transportation, and small-scale manufacturing with little economic or political influence, but important as a source of wages for the growing urban labor force. International commercial enterprises are often entrenched in primary resource-extraction with little local value added, and in many cases are also deeply involved in corruption.

Economic reforms introduced under pressure from the International Monetary Fund (IMF) and World Bank have generally failed to bring about economic growth sufficient to allow Central African countries to grow their way out of crisis. This is partly because government remains the dominant force in national economies with the private sector still a distant second. More rapid privatization of national enterprises and government focus on regulatory oversight rather than service provision would do much to build the domestic economy.

Downsizing government and reducing public expenditure on salaries is unlikely to result in improved government performance unless employment and promotion are based on merit and not patronage and nepotism. Cutting the size of the civil service has further reduced the capacity of government to implement its policies, and has increased middle class unemployment, as the private sector is still too weak to mop up redundant government workers.

Government reliance on revenues from taxes on international exports has resulted in their neglect of the domestic economy, which has largely failed to diversify and develop a true private sector-based middle class. In other nations of Africa, a robust middle class concerned about its economic investments has had both a stabilizing effect, and has been the driving force behind demands for more accountable forms of government

Lastly, pressure to maintain foreign debt service payments and a weak domestic economy leaves Central African nations with little alternative but to focus on extractive export industries to generate foreign exchange. The 1994 devaluation of the CFA increased timber sales from the region. Economic decline in urban areas sends many back to rural areas to try to live off the land, where few authority structures able to set limits on resource uses are in place.

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## **Resource Management Policy Reforms Provide a Framework**

Community forestry laws in Cameroon and Gabon, although flawed and implemented poorly, have begun to provide a legal framework for positive change. In other countries, experience has shown that the first round of decentralization is marked by laws that are non-participatory, bureaucratic, poorly grounded in knowledge of local institutions, elite-dominated, and politically controversial. Nevertheless, they open up, often for the first time since the arrival of colonialism, opportunities for local level negotiation for greater right. This process takes time and is likely to be marked by political turmoil. Poor and marginalized communities and interests, including

women and ethnic minorities, are also unlikely to see significant benefits until they are able to advocate and build alliances with more powerful groups.

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## **Decentralization Can Lead to Better Management, If...**

Sustainable use of natural resources tends to happen for two reasons. The first is when it addresses the self-interest of resource managers. The second is when civil society deems that individual self-interest undermines the interests of the majority.

Decentralization is a process for returning to local communities resource management rights that they lost during colonial administration and never regained on independence. To be effective, this process should be founded on the principle of subsidiarity which implies that responsibility for management is best vested in the political-administrative decision-making level closest to the resource. This arrangement is most likely to address the self-interest criterion for sustainable resource management, because it places control in the hands of those that have the most at stake if the resource base degrades. However, to ensure that the resource use decisions of local communities do not adversely affect the welfare of society as a whole, government should retain some oversight powers and responsibilities. Decentralization is thus a misnomer, because what is needed is a nesting of powers with principal decision making authority being vested at the local level, but some minimum standards authority remaining with the state.

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## **Local Government Accountability and Entrustment**

Local government, if elected and accountable, should play a key role in decentralized resource management. Yet, present attempts at decentralization often merely provide local authorities with nominal control but without the skills and means to implement their newly acquired powers. This does little to strengthen resource management, and can even further erode respect for laws and regulations.

Establishing accountable representation is one step to better environmental governance. Entrustment is another. To entrust means to devolve powers to, as in the central government entrusting local government with real resources and real decision making powers. In recent years the notion of trust a key element of social capital has been recognized as essential to the working of markets, civil society and government. To empower local government and to build legitimacy, local governments must be entrusted with real powers and the skills and resources to use them.

### **Accountability Measures**

- Social and cultural institutions such as self-help associations and maintaining social

- reputations may help representatives to become more accountable to the local population.
- Support for public sector workers. They can be highly dedicated to their jobs if they are given respect and adequate compensation.
  - Courts that are accessible to people who know their rights.
  - Third party monitoring and lobbying, e.g., controllers, NGO monitoring, monitoring by associative movements, CITES monitoring.
  - Taxation: governments that depend on taxes derived from the earned income of their populations are more likely to have populations that make demands on government and hold their governments accountable.
  - Contracting arrangements: line ministries can become more accountable to local governments if funding is channeled through local governments that hire line ministries or alternative providers for services. This requires entrusting local governments with a budget for the services the central state would ordinarily assume to be its own responsibility.

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## **Community-Based Approaches Form Part of a Wider Strategy**

Local community knowledge of the land and resources, as well as their claim to benefit from these, is greater than any external stakeholder. Thus communities who depend on an area's resources for their livelihood must be included in resource planning and management. If not, they will likely undermine any reforms. Given this reality, community-based natural resource management (CBNRM) has been seen as one avenue toward sustainable resource management in the Congo Basin. But CBNRM should be part of a wider reform process or it risks simply adding domination by unaccountable local elites to that by national or international actors. And if perverse incentives continue to drive natural resource use, little will change at the local level.

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## **NGOs Are Part of the Answer**

NGOs hold long-term promise as key players in forest management, but remain hindered by lack of technical capacity, weak management, unsustainable financing, and institutional models that emphasize external linkages at the expense of building domestic constituencies. They need technical and participatory development skills as most, presently, are dominated by educated urban elites. NGOs need to become client centered, focused on rural resource managers and urban consumers. Kin-based development groups, local associations, neighborhood and church groups are also under-utilized as partners by conservationists.

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# What Role for International Conservation Organizations?

Interest groups must acknowledge the fundamental political nature of resource management and conservation. Better performance is not just a matter of technical issues or capacity. However, the basis for external actors to directly engage in political domains is tricky. The question of outsider intervening in the internal affairs of African States can arouse fears of return to the abusive patterns of the colonial past. In addition, the risk to local people of engaging with agents of change should not be underestimated. A first step for international organizations is to be clear on priorities and strategies. Consider if conservation and sound management of forests can be accomplished when people in the forests have few rights and receive few benefits. Second, build alliances with local and national actors to achieve both conservation and better governance objectives. Finally, assess the risks and benefits of approaches and actions with African partners at all levels.

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## Information and Education Are Key

Unless people understand their rights and the powers and obligations of their representatives, they are ill-equipped to expect or demand accountable government. Political education and awareness raising is best achieved by a media free from political manipulation. Information diffusion and lobbying proved very effective in increased enforcement of diamond mining laws in Central African Republic. More generally, literacy and numeracy are essential if people are to understand the actions, and demand changes in the behavior of their representatives, social servants and private sector executives. When people are educated about the services that government can provide, they learn to make more demands on their representatives. The World Bank and USAID have held regional meetings to provide information to local populations across West Africa on environmental policies and the benefits of democratization.

## Environmental Governance Definitions

**Common Pool Resource Management** — non-private property managed by the state or many actors in common. Examples include lakes, rivers, forests, water tables, and fisheries.

**Open Access** — situation where access and use of resources is open to all comers, and characterized by weak or nonexistent resource management institutions, or where management systems are in flux or so complex that rules are not followed.

**Resource Mining** — extraction of resources at an unsustainable rate that greatly exceeds replacement and damages ecosystems in the process.

**Perverse Incentives** — policies often shaped by patronage and corruption, that may achieve their primary objective but more importantly result in unexpected and undesired outcomes that

are both economically inefficient and environmentally destructive.



Education is an essential step to improving forest use governance, but has to be backed by fundamental changes in governance structures.

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## For More Information

### Technical Reports

Egbe, S. 1997. *Forest tenure and access to forest resources in Cameroon: An overview*. Forestry Participation Series FP 16. Cameroon: IIED.

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Gibson, C. C., M. A. McKean, and E. Ostrom. 2000. *People and forests: Communities, institutions and governance*. Cambridge: MIT Press.

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# CARPE...What Is It?

## Central African Regional Program for the Environment (CARPE)

Launched in 1995, the *Central African Regional Program for the Environment (CARPE)* engages African NGOs, research and educational organizations, private-sector consultants, and government agencies in evaluating threats to forest integrity in the Congo Basin and in identifying opportunities to sustainably manage the region's vast forests for the benefit of Africans and the world. CARPE's members are helping to provide African decision makers with the information they will need to make well-informed choices about forest use in the future. BSP has assumed the role of "air traffic controller" for CARPE's African partners. Participating countries include Burundi, Cameroon, Central African Republic, Democratic Republic of Congo, Equatorial Guinea, Gabon, Republic of Congo, Rwanda, and São Tomé e Príncipe.

**Web site:**

<http://carpe.umd.edu>

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