

GABON:

We must break cycles of community indebtedness and insecurity to ensure forest protection

COMMUNITY FOREST

Establish association	€ 6,098
Mapping	€ 18,294
Forest inventory	€ 6,860
Technical support	€ 3,811
Administrative cost	€ 1,143



€ 36,206



GABON: WE MUST BREAK CYCLES OF COMMUNITY INDEBTEDNESS AND INSECURITY TO ENSURE FOREST PROTECTION

The truest, surest way to preserve forests and support climate goals is to give local and Indigenous communities the power to manage their natural resources. In Gabon, these communities are crippled from the outset in their effort to control their community forests and to plan for their sustainable use. Efforts to give them some element of land tenure security have ended up trapping them in debt, pushing them into the grip of unscrupulous actors.

A new study by Muyissi Environnement, supported by Milieudefensie and Sauvons les Forêts, outlines the difficulties confronting local populations and points towards opportunities where a measure of practical assistance – from Gabonese authorities, from international donors and organizations – could translate into strides forward in the protection of forests, biodiversity and climate, and ultimately human dignity.

The context: For decades, Gabon's Indigenous Peoples and Local Communities (IP&LCs) have lived in uncertainty regarding legal title to their ancestral lands: Gabonese land law does not recognize customary land title but rather a right of usage, rural forest domain remains legally undefined and Gabon does not [yet](#) have a national land use plan. Also, in the early 2010s, Gabon intensified efforts to diversify the national economy, largely by allocating land to private, foreign investors – and mostly in these low population-density rural areas.

Logging permits and agro-industrial (oil palm) concessions granted on community lands quickly gave rise to problems of land-grabbing and communities dispossessed of ancestral homes.

“With the push to approve a broad range of economic activities, it happens that permit areas overlap – a mining activity may take place in a zone also covered also by oil exploration or logging permits. It happens that a community may find its common lands trapped within, for example, a logging concession. In that event, the community is powerless to stop their home and livelihood from being cut down,” says Ladislav Ndembet, of Muyissi Environnement. “The communities with whom we work live in absolute land-tenure insecurity.”

A patch on the problem: Gabon adopted Decree n°1028/PR/MEFEPEPN of 1 December 2004 that allowed the creation of community forests through a definitive management plan (*convention définitive*); a 2013 administrative order (*arrêté n°18/MEF/SG/DGF/DFC du 31 janvier 2013*) set out procedural requirements. The intent was twofold: to offer IP&LCs some measure of land security by establishing a framework that allows them to control and plan their natural resources over a longer term (20 years, renewable) and, by requiring that such use be sustainable, to advance the forest protection essential to reach climate and biodiversity goals.

“This is not a land title, it is a simple temporary transfer,” Ndembet clarifies. “If the forest is poorly managed, the State can revoke the convention and claim it back. That said, the possibility to manage their resources for 20 years, renewable, offers some stability, a type of right to property and the possibility of enhancing sustainability that is still better than nothing at all.”

An administrative steepleschase: The hope of formalizing this element of security has become the vehicle by which communities are dragged into the gears of a complex administrative machine, with prohibitive associated costs. The Muyissi investigation shows that in the communities examined, the process of obtaining a *convention définitive* took, on average, seven years and cost €36,206 (23 750 000 francs CFA)¹. Steps include:

- *Creation of a Community Forest management association:* Before any type of management plan can be agreed, the community must create a legal entity to manage the community forest; this requires a fully participative process in each community, and familiarity with consultative and legal processes, often with outside help (elaboration of the texts, and founding meeting with communities and administrative authorities): 4 000 000 francs CFA (≈ €6,098).
- *Technical documentation:* The process of demarcating and classifying a community forest is complex: it implies some verification of lack of dispute with neighbouring communities as to boundaries; the physical delimitation of boundaries and corresponding cartography; an inventory of on-site natural resources (mostly flora and fauna, but also remarkable features such as rivers and streams). Other documents that must be drawn up with the active input of the community forest association are the socio-economic study, a local development plan, the multi-resource inventory report and others. All of these documents are summarized in a ‘simple management plan’ (*plan simple de gestion*), which outlines

¹ The total amount represents an average of the costs reported, by category, by the five communities who participated in the study.

the community projects the association agrees to undertake with revenues from community forest resources – e.g., a classroom, lodging for teachers, a dispensary – and the responsibilities of stakeholders; the latter are rarely fulfilled, however (below). Such expertise typically goes far beyond most communities' ability to ensure on their own, and requires hiring outside 'consultants' (typically officials of the Water and Forests administration, donning a private-sector cap; below): 19 000 000 francs CFA (\approx €28,965).

- *Administrative correspondence and travel costs:* On a practical level, organizing and paying for the to-and-fro of community members towards the central administration in Libreville, and of technical consultants towards the communities, housing/meals for both, imposes further costs that are difficult for the community to bear: 750 000 francs CFA (\approx €1,143).

Gabon's [Forest Code \(2001\)](#) foresees (Article 159) that "The work of delimiting, classifying and developing community forests shall be carried out free of charge by the administration of Waters and Forests" (*unofficial translation*), but this is not the reality on the ground, where one can observe that certain agents of the Administration des Eaux et Forêts have developed a lucrative businesses on the side, opening versions of private technical expertise cabinets that charge fees going well beyond simply covering mission costs.

- **The most difficult, but most lasting and effective solution would be to develop a national land use plan that recognizes the tenure rights of Indigenous Peoples and Local Communities to their ancestral lands. Formal recognition would grant irrevocable land security and reinforce their right to free, prior and informed consent, as well as to share in the benefits derived from the resources of their territories.**

FROM THE FRYING PAN TO THE FIRE

When confronted with exorbitant costs, communities must seek help elsewhere – a quandary that [awakens a host of predatory interests](#) and pushes IP&LCs into the lion's den. "The situation opens a range of opportunities for corruption and collusion. And then the next problem arrives," says Ndembet. "Communities are obligated to pre-finance the works – through a logging company, a local entrepreneur posing as a saviour, others who act as benevolent intermediaries."

Two management options are possible: a *contrat de fermage* (farming lease) between a community and a forest operator who exploits the forests directly in exchange for returning a portion of the profits to the community.

Here, the main – only – activity envisaged is logging. And problems abound: “Already it would be helpful if logging limits were respected, and monitored by independent monitors. Worse still, logging is rushed before the rainy seasons arrives, sometimes without a buyer lined up: it happens then that logs are left to rot if no buyer is found – not only do communities *not* earn any benefit, they are exposed to fines, and suspension or even loss of their *convention définitive* for mismanagement.”

The other possibility is for communities to exploit forest resources themselves (*en régie*), but they must then often rent equipment at steep prices from a forest operator, and rely on that operator to sell the logs at whatever price and for whatever cut he deems appropriate. While remaining disadvantageous for IP&LCs, this option does tend to be far more sustainable, as the communities take the minimum timber necessary, and are freer to develop non-timber forest product (NTFP) activities.

Either way communities start off with considerable debt, tied to interests that are well-positioned to profit off community resources. Transparency is often problematic and, in reality, little revenue is left over to execute the projects outlined in the simple management plan.

“The community becomes hostage to operators who are first in line to extract their ‘investment’ from whatever profits result. In the province where we work, we have rarely seen a community able to carry out the projects planned in their association’s management plan – only one of the five associations we studied,” Ndembet explains. “That community had gotten off to a good start. They designed a preschool with accommodation for a teacher, so that they would not have to carry their young children into the forest as they work. They got it done, but after this project, they became embroiled in legal disputes with the operators, who filed a counterclaim, and then judicial corruption became a factor ...”.

It is commonly known that communities rarely – almost never – receive the share of timber profits due to them, [in Gabon as elsewhere](#). “Agreements are rarely respected, and complaint mechanisms exist, but it is not easy to find lawyers disposed to help, especially lawyers trained in community rights. A dedicated organization of legal experts and public lawyers would help guarantee that communities can access legal remedies when obligations are not upheld.” In many cases, even where community rights have been [upheld judicially, practical application of the decision does not follow](#).

- **Direct community access to international funding with the independent assistance of civil society during the process of obtaining a convention definitive would advance international and domestic climate and biodiversity goals, while averting communities' need to conclude disadvantageous agreements with external parties.**
- **Where disputes arise, access to lawyers specialized in community rights and land tenure issues would help eradicate a culture of impunity.**

COMMUNITY FORESTS: WORTH IT?

Among IP&LCs profound discouragement and resignation are a common, logical consequence of the constant drip of injustices. Every effort must be made to avoid community disengagement, however. Ndembet: "We who work with forest communities have witnessed all manner of violations where community surveillance no longer acts as a guardrail. Importantly, the reverse is also true: where communities are engaged, management improves, especially concerning respect for the conditions of timber extraction."

- **Management structures and mechanisms must be set up to ensure respect of laws and the conditions in the convention definitive; for timber especially, independent forest monitors must be supported.**

Muyissi Environnement has been fighting to motivate communities both to remain engaged and to explore more sustainable activities that could generate jobs. Civil society organization have developed and carried out community [training sessions](#) about alternative closer-to-nature forestry methods, the development of non-timber forest products (NTFPs) and associated value-added supply chains concerning, for instance, apiculture/ honey and cultivating the [therapeutic iboga root](#) (classified as Gabonese national cultural heritage) and essential oils.

- **Important groundwork has been laid, but access to international funding and material resources (equipment), as well as to supply chain management structures and expertise in commercializing NTFPs could provide a crucial boost to enhance community livelihoods and economic security.**

It becomes ever clearer that forest communities are the best hope for the preservation of their forests, and of our global climate, but their guardianship cannot be assured while land insecurity and injustices persist, nor can their NTFP activities fully flourish. Domestic and international partners must seize every opportunity to address these, always fully involving the communities concerned and civil society.

Without greater certainty, communities do not have the luxury of prioritizing environmental concerns. Yet even if subsistence must come first, they are concerned by the health of their forests, their nature. Ndembet explains: "Their ancestors' lives were in harmony with their home. Certain forests were sacred, other forests were forbidden. Their grandparents worked an area for a few years, and then rotated to another to allow the forest to recover." The hope of Gabon's forest communities is to be able to ensure such continuity with the past.

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