Responsive Forest Governance Initiative (RFGI)
Supporting Resilient Forest Livelihoods
through Local Representation

Institutional Choice and Fragmented Citizenship in Forestry and Development Interventions in Bikoro Territory of the Democratic Republic of Congo

Raymond Achu Samndong

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Responsive Forest Governance Initiative (RFGI)
Research Programme

The Responsive Forest Governance Initiative (RFGI) is a research and training program, focusing on environmental governance in Africa. It is jointly managed by the Council for the Development of Social Sciences Research in Africa (CODESRIA), the International Union for the Conservation of Nature (IUCN) and the University of Illinois at Urbana Champaign (UIUC). It is funded by the Swedish International Development Agency (SIDA). The RFGI activities are focused on 12 countries: Burkina Faso, Cameroon, DR Congo, Ghana, Kenya, Mozambique, Nigeria, Senegal, South Africa, South Sudan, Tanzania, and Uganda. The initiative is also training young, in-country policy researchers in order to build an Africa-wide network of environmental governance analysts.

Nations worldwide have introduced decentralization reforms aspiring to make local government responsive and accountable to the needs and aspirations of citizens so as to improve equity, service delivery and resource management. Natural resources, especially forests, play an important role in these decentralizations since they provide local governments and local people with needed revenue, wealth, and subsistence. Responsive local governments can provide forest resource-dependent populations the flexibility they need to manage, adapt to and remain resilient in their changing environment. RFGI aims to enhance and help institutionalize widespread responsive and accountable local governance processes that reduce vulnerability, enhance local wellbeing, and improve forest management with a special focus on developing safeguards and guidelines to ensure fair and equitable implementation of the Reduced Emissions from Deforestation and Forest Degradation (REDD+) and climate-adaptation interventions.

REDD+ is a global Programme for disbursing funds, primarily to pay national governments of developing countries, to reduce forest carbon emission. REDD+ will require permanent local institutions that can integrate local needs with national and international objectives. The results from RFGI Africa research will be compared with results from collaborators in Asia and South America in order to enhance RFGI comparative scope, and to broaden its geographic policy relevance.

RFGI Working Paper Series Editors' Note

James Murombedzi, Jesse Ribot

and Gretchen Walters

Struggles for control over and access to nature and natural resources; struggles over land, forests, pastures and fisheries, are struggles for survival, self determination, and meaning. Natural resources are central to rural lives and livelihoods: they provide the material resources for survival, security, and freedom. To engage in the world requires assets that enable individuals, households, and communities to act in and on the world around them. The ability to accumulate assets and the ability to access government and market services depends partly on such resources along with the political-economic infrastructure – rights, recourse, representation, markets, and social services – that are the domain of government. Democracy, which both enables and requires the freedom to act, is predicated on these assets and infrastructures. Since the 1980s, African governments have been implementing local government decentralization reforms aimed at making local government more democratic by making them responsive and accountable to citizen needs and aspirations; in many places this has been done through a decentralisation of natural resource governance to local administrations. In order to be responsive to individual, household and community demands, local governments, too, need resources and decision-making powers. There must be a public domain – a set of public resources, such as forests or fisheries, which constitute this domain of democracy, the domain of decisions and services that citizens can demand of government. Natural resources, when decentralized into the domain of local authority, form an important part of the resources of individuals, households, communities and governments, making possible this move toward local democracy.

Natural resources provide local governments and people with wealth and subsistence. While nature is not the only source of rural income, the decentralization of natural resources governance is a core component of local government reform. However, governance reforms have been implemented in a context broadly characterized by an enduring crisis of the Western economic and financial systems, which in turn has stimulated privatization and liberalization in every sphere of life, including nature. The process has deprived local governments of public resources – depriving individuals and communities of a reason to engage, as a powerless government is not worth trying to influence. Privatization is depriving forest-dependent peoples of their access to formerly 'public' or traditionally managed resources. National governments, as well as international bodies such as the United Nations programme, titled the Reducing Emissions from Deforestation and forest Degradation (REDD), further this trend as they collaborate with private interests to promote the privatization of natural resources. The resulting enclosures threaten the wellbeing of resource-dependent populations and the viability of democratic reforms.

The specter of climate change is deepening the crisis of enclosure. A key response to climate change has been the attempt to mitigate greenhouse gas emissions through enhancing the capacity of forests in the developing world to store carbon, ostensibly for the benefit of the atmosphere as well as the communities who use these forests. UN REDD seeks to pay communities, through their national governments, to conserve their forests as carbon storage. A plus '+' was added to REDD, forming REDD +, to call for improved ecosystems services, forest management, conservation, forest restoration and afforestation to enhance the capacity for carbon storage. Designed on the basis of similar payments for environmental services (PES) schemes, REDD+ has the potential to inject vast new sums of money into local resource use and governance. In the context of fragile local governments, nascent democracies and powerful private interests, such cash inflows result in the commercialization and privatization of forests and natural resources and the dispossession of local resource users. This financialization of natural resources grossly diminishes the scope for democratic natural resource governance schemes. To be sure, the implementation of REDD+ can also learn from and avoid the pitfalls experienced in these PES schemes, especially if they represent local interests in natural resource governance decision making.

The Responsive Forest Governance Initiative (RFGI) is an Africa-wide environmental-governance research and training program focusing on enabling responsive and accountable decentralization to strengthen the representation of forest-based rural people in local-government decision making. Since January

2012, the programme has carried out 33 case studies in 12 African countries, with comparative cases Nepal and Peru, to assess the conditions under which central authorities devolve forest management and use decisions to local government, and the conditions that enable local government to engage in sound, equitable and pro-poor forest management. Aimed at enabling local government to play an integrative role in rural development and natural resource management, these case studies are now being finalized and published to elicit public discourse and debate on local government and local democracy. This Working Paper series will publish the RFGI case studies as well as other comparative studies of decentralized natural resources governance in Africa and elsewhere that focus on the interesction between local democracy and natural resource management schemes. Using the concepts of institutional choice and recognition, the cases deal with a comprehensive range of issues in decentralized forest management in the context of REDD+, including the institutional choices of intervening agencies; the effects of such choices on accountability and representation; and the relationships between local government and other local institutions. The series will also include syntheses discussing the main findings of the RFGI research programme.

Based at CODESRIA, and funded by the Swedish International Development Agency (SIDA), the RFGI is a three year collaborative initiative of CODESRIA, the University of Illinois at Urbana-Champaign (UIUC) and the International Union for Conservation of Nature (IUCN). RFGI working papers and documents, including the background papers, the RFGI programme description, and the RFGI Methods Handbook, can be found on line at:

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- UIUC http://sdep.beckman.illinois.edu/programs/democracyenvironment.aspx#RFGI

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About the Author

Raymond Achu Samndong is a PhD fellow at the Department of International Environment and Development Studies of the Norwegian University of Life sciences. He is conducting his PhD research on environmental governance and climate change; focusing on the legitimacy of local REDD+ governance structure(s) in REDD+ pilot project development in the Democratic Republic of Congo (DRC).

Acknowledgments

Abstract

Substantive citizenship is the ability of an individual to influence those who govern. In order to assess this 'ability', this study examined the powers of sanction possessed by individuals or groups and the accountability mechanisms at their disposal in three villages in the Bikoro Territory of Democratic Republic of Congo (DRC). More specifically, the paper examined power relations and the accountability of local authorities involved in forestry and development interventions, in order to understand the effects of these interventions on substantive citizenship. The study found that forestry and development agencies chose to partner with identity-based customary authorities and interest-based non-governmental organisations in lieu of local state authorities and the absence of elected local government. These chosen institutions are not directly accountable to the local people, but their partnership with higher-level forestry and development agencies gave them public powers over resources. This placed them in a position of authority over those who use these public resources in the absence of elected local government. While these empowered local institutions are open to some local influence, local people lack the ability to substantively influence the decisions made by these chosen local institutions – hence they cannot fully engage as citizens. This case study suggests that recognising identity and or interest-based local institutions by agencies currently promoting carbon forestry in DRC, exacerbates existing unequal power relations and further narrows inclusive local democracy and effective community participation in decision-making processes.

Keywords: citizenship, influence, forestry, identity, REDD+.

1

Introduction

Forestry and development agencies in the Democratic Republic of Congo (DRC), are partnering with local institutions as a means of engaging the local population in project implementation. This process of partnering and the transfer of powers and resources to these local institutions is a form of recognition that is restructuring local institutional arrangements (Ribot, 2008). The drive to recognise community-based organisations stem partly from the growing movement in development to strengthening the ways in which local populations exercise rights in development projects. The right and ability to influence projects is a critical element of local democracy – democracy requires that local people are able to influence and shape the decisions of those in power (see Ribot et al. 2008).

Citizenship is typically understood formally as the equal and undifferentiated enjoyment of civil rights tied to nationality (Leca, 1991). In this sense, citizenship refers to the incarnation and the enjoyment of a set of political, civil, economic, social and cultural rights. Although this formal-legal meaning of citizenship is linked to civil rights and membership in a nation state, how it is experienced and expressed in practice is more complex (Kabeer, 2005). Concern with the substantive manifestation of citizenship, has led to an empirical definition of citizenship by Ribot (2011) as the ability to influence those who govern. This paper is informed by this substantive definition as it enables the concept of citizenship to be broken down into measurable variables. This substantive definition does not contradict but complements and enhances the legal definition of citizenship.

This paper explores the effects of recognition by intervening forestry and development agencies on substantive citizenship. It asks: a) what forms of inclusion or exclusion are produced and or reproduced when state agencies and international NGOs accord recognition to both identity and residency-based local institutions? and b) how would these forms of inclusion or exclusion shape representation and equity concerning decisions in forestry and development interventions in the case study area?

The paper shows that via recognition, village-level institutions (customary institutions and peasant development organisation) are accorded powers and resources in forestry and development interventions respectively. While these chosen village-level institutions and authorities are open to some influence, majority of the villagers lack the ability to influence these authorities and demand accountability, due to their lack of information, material resources and adequate platform to articulate their needs. Majority of the villagers' ability to define and articulate their needs and to engage substantively to shape the agenda or actions of these interventions is highly skewed by the inequalities in access to resources and opportunities in the study area.

The paper further demonstrates that although the customary institution produce identity-based forms of inclusion tied to ethnicity in forestry intervention, the power of the customary chief is diminished by appointed local administrators. This has motivated well-to-do village elites to build stronger relations with these local administrators to maintain and control their access to land and other opportunities in the area. In addition, the appointed local administrators are very influential in local development initiatives in these villages although not recognised in development interventions. In the Peasant Development Organisation (OPD – from the French *Organisation Paysannes de Développement*) membership is based on residence but skewed representation within the OPDs of those with interests in the intervention produces interest-based forms of inclusion. Villagers with the ability to control and maintain their access to resources and opportunities have captured the political leadership of the OPD engage substantively and benefit from the interventions. The paper further suggests that recognising these village-level institutions in the ongoing carbon forestry programme such REDD+ pilot project in the study area may exacerbate the already existing inequalities in resources and opportunities, hence local exclusion from the benefit streams.

The paper is divided into eight sections. Following the introduction, section 2 provides the theoretical framework of the paper through a discussion of the different definitions of citizenship (liberal, communitarian and republican) and their relations to power and access to material resources. Section 3 shows the geographical context and the research methods used for the study. Section 4 is an overview of the legal and policy framework of land, forests and rural development in the DRC. It shows that land and forest laws in the DRC transfer power and resources to customary authorities. The agricultural policy reform has created the Agricultural and Rural Management Councils (CARG) to manage rural development projects but this local institution does not exist in the study area. Section 5 presents the findings of the paper – it shows that the Bureau

Diocésain de Developpment (BDD), a non-governmental organisation (NGO) of the Roman Catholic Church, is the main development agency working to improve the livelihoods of people in Bikoro, the study area. It also shows that BDD has chosen OPDs to implement rural development projects in the study area while the customary authorities are recognised in the management of logging compensation. It shows however, that the social differentiation within these local institutions enables some groups to enjoy the benefits of these interventions and influence those who govern. Section 6 focuses on analyses and discussion. It argues that for certain groups – Pygmies[1], women and the poor – to exercise substantive citizenship, interest-based development institutions like the BDD and other recent NGOs in Bikoro have to promote inclusive local democracy through an effective community participation in decision-making processes. Section 7 concludes the paper with a summary of its findings and discussions.

2

Conceptualising Citizenship

The rights to participate in public affairs and the role of the state to protect citizens in the exercise of these rights are central to the liberal thought of citizenship (Gaventa, 2002). The actual exercise of these rights according to Isin and Wood (1999) is a choice of a citizen but this assumes that the citizen has the resources and opportunities to do so. Mouffe (1993) argues that liberal theorists of citizenship are blind to relations of power; showing little concern to the ways in which the identities of citizens are affected by power relations, and political practices of inclusion and exclusion. In contrast to the liberal tradition, the communitarian notion of citizenship is socially embedded on community belonging – an individual's sense of identity, a form of citizenship, is produced through relation with others in the community to which the individual belongs (Gaventa, 2002; Jones and Gaventa, 2002). In contrast to the communitarian tradition, the civic republican tradition places emphasis on people's political identities in nation-states and not on their ethnic identities from their localised communities (Mouffe, 1993; Gaventa, 2002).

In the context of this paper, citizenship extends beyond the liberal notion of the right to participate in public affairs, and it is defined as the 'ability' to be politically engaged and shape the fate of the polity in which one is involved (Isin and Turner, 2002). Local citizenship, then, is the ability of individuals or groups to substantively influence local decision-makers. Citizenship in this context is related to the concept of accountability – the counter powers that connect local decision-making authorities and the local population (Agrawal and Ribot, 1999). Citizenship is thus linked to the power relations that constitute and reconfigures its values and practices in any given society (Mouffe, 1993). As Gaventa (2002) argues, citizenship is mediated by relations of power, social hierarchy, and often competing identities, which serve simultaneously as a force for the inclusion of certain voices and identities, and the exclusion of others.

Power, according to Rogers (1974:1425) is defined as "any attribute, circumstance, or possession that increases the ability of its holder to influence a person or group." Benjaminsen and Svarstad (2010:20) consider power as "the performance of intentional action by one or more actors in relation to other parties that contributes to the maintenance or alteration of resources in a way that to some extent or entirely is in accordance with their intentions." This definition agrees with Lukes (2005) three-dimensional approach of power, which maintains that power must be intentional, relational, and should generate results.

Power resources are forms of capital that different actors possess to a greater or lesser extent, and which they could potentially use to influence and achieve their will (Benjaminsen and Svarstad 2010). Power resources that actors may possess and eventually utiliseinclude: economic power, financial power, property/user rights to land and natural resources, political power, influence on governmental institutions, discursive power, power through knowledge, power through the exercise of violence, and the weapons of the weak (Benjaminsen and Svarstad 2010). Power and resources shape the way higher-level authorities engage with local populations in interventions and also shape the ability of the population to exert their influence on higher-level authorities through accountability mechanisms (Ribot et al., 2008).

Similarly, "access" defined by Ribot and Peluso (2003:153) as "ability to benefit from things – including material objects, persons, institutions and symbols" affects substantive citizenship. Where people have access to a resource, they would be motivated and empowered to influence how the resource is governed. Ribot and Peluso (2003), relate "ability to benefit" to power, and explain power firstly, as the capacity of some actors to affect the practice and ideals of others, and secondly as emergent from intended and unintended effects of social relationship. Ribot and Peluso (2003) assert that mechanisms, structures and processes supporting access serve both its maintenance and control. Maintenance is about expanding resources or power to keep access open for one's self or others; control is the ability to mediate others' access – that is, control is about power over others (Ribot and Peluso, 2003). It should be noted that "access" and "use rights" are not the same; an individual may have customary or statutory user rights to forests and still be denied access due to power relations on the ground.

In this paper, Benjaminsen and Svarstad's (2010) concept of power resources, and Ribot and Peluso's (2003) concept of access are used to assess rural citizenship in DRC. Together these theories help us understand the mechanisms and means through which people are able to access and influence those who govern. The paper uses the different forms of power resources and access mechanisms to analyse the different forms of inclusion and exclusion that emerge from recognition of local institutions by forestry and development agencies in Bikoro territory.

3

Geographical Context and Research Methods

This study was conducted in three villages, Ikalanganya, Buya I and Kalamba, situated in Secteur of Elanga northern part of Bikoro Territory, in Equateur Province in the DRC (Map 1). Equateur province has a total area size of 403,292 km² equivalent to the size of France and host 28 per cent of the total forest area in the DRC (UNDP, 2009). Bikoro territory is governed by a territorial administrator known in French as *Administrateur de Territoire* appointed by the governor of the province. The territory is made up of three districts known in French as *Secteurs* all governed by a district administrator also known in French as *Chef de Secteur*. Each village in the territory has a local administrative chief known in French as *chef de localité* appointed by the district administrator. Bikoro is situated in the southwest of Equateur Province, lying within the largest track of swamp forests in the world (UNDP, 2009), making road construction and maintenance difficult (Yamba, 2009). The territory is sparsely populated with a density of 18 people per km² (Klaver, 2009). The population relies heavily on the forest for their livelihoods by practicing swidden agriculture, extraction of non-timber forest products, fishing, hunting and charcoal production (Klaver, 2009; Du Preez and Sturman, 2009; Gray, 2012).

Culturally, Bikoro Territory is made up of two main ethnic groups the Bantu and the Batwa Pygmies. The Bantu group is sub-divided into three different groups: the Mongo, Ntomba, Ekonda and other migrant groups. The Mongo is the major group in north of the territory including the study area while the Ntomba and Ekonda are the major groups in the south of the territory. The Mongo group occupying the study area are considered as the main indigenes (ayant droit) with customary claims to land and forest. The Batwa Pygmies made up about 20 per cent of the population in Bikoro territory but are considered as strangers in the study area with limited rights to land and forest.

This research site was chosen because Bikoro territory has experienced many projects related to agricultural development and forest governance (Klaver, 2009),

such as the IUCN project on "Strengthening the Voices for Better Choices" (SVBC) (Klaver, 2009; Du Preez and Sturman, 2009). Presently, the DRC government has selected the area as a pilot site for the Reducing Emissions from Deforestation and Forest Degradation plus its accompanying co-benefits (REDD+) project. Given the discussions on social safeguards to avoid negative impact of REDD+ on local people (UNFCCC, 2011; UN-REDD, 2011), there is a need to understand how past forestry and development projects have affected rural citizenship in Bikoro. Thus, lessons from this study would be useful for the REDD+ project, and also for any other future forestry and development interventions in the area.

This paper focuses on the interventions of the Roman Catholic Church Development Bureau, *Bureau Diocésaine de Développement* (BDD), in the study area. BBD carries out rural development projects, capacity building initiatives, and agricultural projects. BBD has been chosen by Woods Hole Research Center (WHRC) in the USA, as a key partner in the REDD+ project in Bikoro. BDD is thus a primary actor in the formation of rural citizenship in Bikoro.

In the study, power and resources were used as my independent variables while identity-, interest- and residency-based forms of inclusion and exclusion were the dependent variables. Citizenship – the ability to influence local authorities or to engage substantively in interventions – is determined by the power resource of the individual and the accountability mechanisms that join the authorities and the individuals or groups. Implicitly, citizenship is a function of both the power held by individuals or by a group (the ability and knowledge and means to act) and the power of the authorities (the ability of the authorities to respond). Since recognition confers power and resources, I have used powers of the different local institutions as the prism through which to study the relationship between form of inclusion and exclusion (i.e. interest or identity versus residency) and how they shape the individuals or group ability to have influence over the interventions (citizenship).

The people interviewed were placed under five categories: customary authorities, local state administrators including staff of the Ministry of Environment (at the local and regional level), provincial Parliamentarian, staff of BDD and other intervening NGOs operating in the villages and the executive members of the OPDs. The field research was conducted in May – June, 2012, and from November 2012 to January 2013. Information was obtained through interviews, focus group discussions and field observation. A total of 123 people were interviewed from five categories of actors: customary authorities, local state administrators including staff of the Ministry of Environment (at the local and regional level), provincial Parliamentarian, staff of BDD and other intervening NGOs (Cercle pour la Defense de l'Environnement (CEDEN), FAO, WFP, OXFAM) operating the villages and the executive members

Map1: Map of Equateur province showing the study area in Bikoro territory
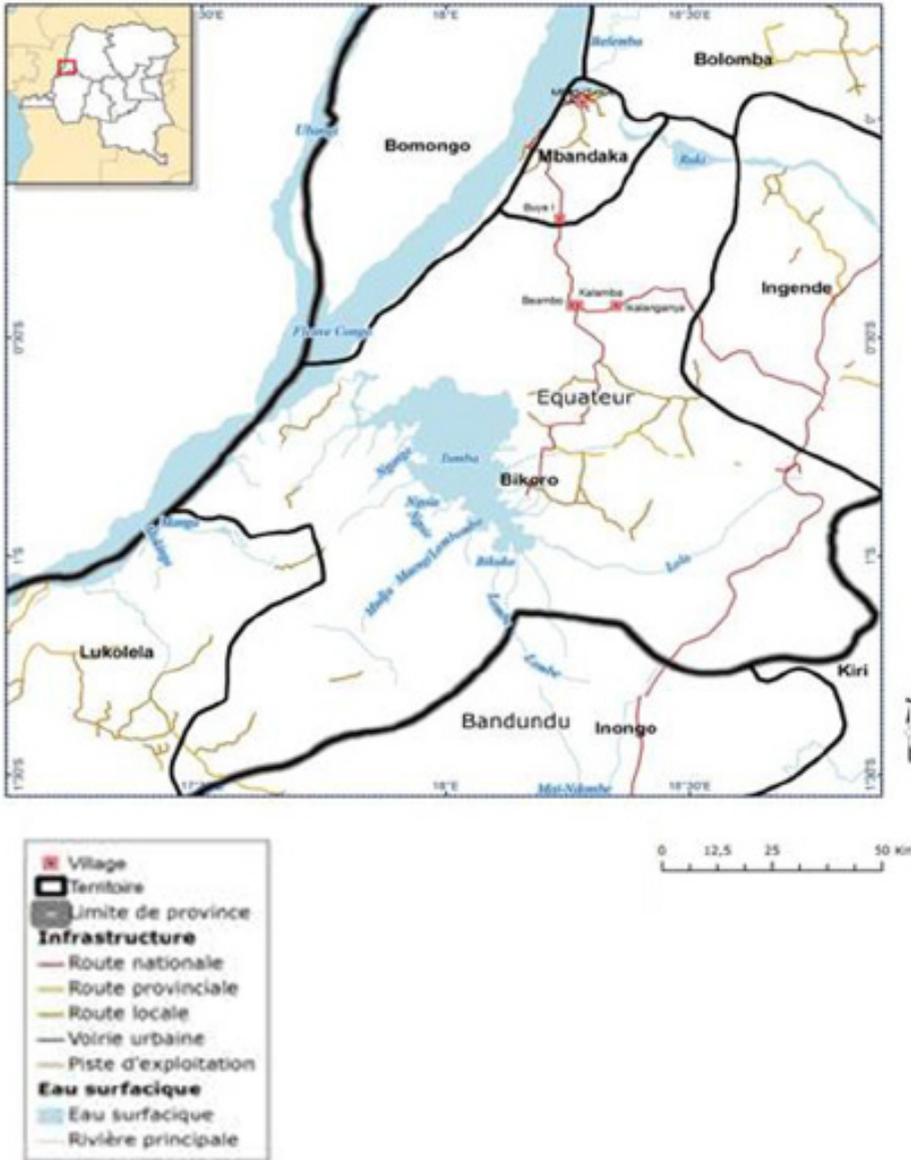
Source: Gregory Fiske, Wood Hole Research Centre, 2013

of Organisation Paysanne de Development (*Peasants Development Organizations in English*), hereafter referred to as OPD. The intention was to gather information on the power and resources transferred to the local institutions, how these powers are resources have enabled these local institutions to engage the local population in local decision making process and implementation and the forms of accountability produced in these interventions.

To capture the villagers' insights on their inclusion or exclusion in forestry and development interventions and their ability to influence village institutions recognised by BDD, I organised a total of 15 focus group discussions with 5 focus groups in each of the villages I studied. The focus groups considered issues related to access to power, rights, and resources. Information about the villagers' participation in project activities, the distribution of benefits and their interactions with the local authorities and the executive committee of the OPDs were also collected in the focus groups. Wealth ranking exercise was used to categorise the villagers into different socio-economic groups based on the wealth indicators in the village provided by the villagers.[2] Based on my assessment, three categories were obtained after the exercise: the poor, the middle class or better off, and the well off or rich in the village. My intention was to divide the villagers using wealth status into three groups (the poor, the middle class or better off, and the well off or rich) based on wealth indicators in the village provided by the villagers in the exercise. These wealth indicators were used in the ranking exercise to categorise the villagers into these three groups. Since material resources are an attribute of power in the local arena, the wealth-ranking exercise provided an opportunity to discover the villagers' level of influence in these interventions based on their material resources.

The Pygmies, who tend to be socially and economically subordinate to the Bantu, and women were then grouped separately for additional discussions to capture their insight as marginalised groups concerning the above issues. These two groups were not well represented in the socio-economic groups above and they are often reluctant to voice their feelings and perceptions in front of their Bantu neighbor and the men. In all, there were five focus groups, poor, middle class, better off, women and Pygmies Each of these groups were made up of 12 persons. In addition, field observation was also used concerning the availability and quality of social infrastructure such as roads, schools, health care and community projects, access to land, information and material resources and the villagers' mode of engagement in meetings. The most pertinent observation from fieldwork was that land and forest were extremely important in shaping social relations in Bikoro. The next section of this paper therefore provides an overview of land and forest tenure in the DRC.

4

Legal and Policy Framework in the DRC

This section presents the legal and policy arrangements concerning land, forest and rural development that transfer powers and resources to local institutions in the DRC. Access to land and forests is a strong indicator of power at the local level in the DRC (Mamdani, 1999). Since independence, the DRC has introduced successive laws governing land and forest: the Bakajika Law of 1966 that declared all land (including land under customary control) property of the state and the 1973 General Property Law (Leisz, 1998; Huggins, 2010; Seyler et al., 2010; Oyono, 2011). The 1973 law was part of the government's nationalisation policy, through which political loyalty was rewarded with distribution of land. The law undermined customary land tenure arrangements and paved the way for new types of relations based on state patronage. The result was that members of political alliances both at local and national levels benefited from the redistribution of nationalised plantations and customary authority land holdings (Leisz, 1998; Vlassenroot, 2006). This significantly impaired access to land for certain segments of the population; particularly the people called pygmies, women and the poor. The land policy limited the ability of members of these population groups to accumulate wealth through gaining control over land (Hoare, 2006; USAID, 2011).

Despite the establishment of state ownership of all land in the DRC, in practice significant portion of the land remains subject to customary law (Oyono and Nzuzi, 2006; Akwah and Yoko, 2006; Klaver, 2009; Samndong et al., 2011). Customary chiefs, heads of family groups with traditional landholding rights (ayant droits)[1] continue to regulate access to land (Leisz, 1998; Vlassenroot, 2006). A new Forest Code was enacted in 2002 under external donor pressure, but failed to resolve the inconsistency in the land-tenure system and continues to assert state ownership over all forest land (Counsell, 2006; Debroux et al., 2007; Du Preez and Sturman, 2009; Fetiveau and Mpoyi, 2009; Trefon, 2008). Article 44

of the Forest Code states that communities' customary use rights are maintained in logging concessions but outlaws commercial or farming activities, and any use deemed incompatible with logging activities (GDRC, 2002).

Article 89 of the Forest Code, as well as the code's application decrees, require logging companies to contribute to the development of local populations living around forestry concessions through the provision of infrastructure and social services (GDRC, 2002: article 89). The Code mandates that companies sign what are called 'social agreements' (*cahier de charge* in French) with these communities as part of the companies' forest management plans. The Forest Code provides a model for these agreements defining what should be negotiated between the parties, and, to a certain extent, how the negotiations should be carried out (Arrêté 028, 2008). The Forest Code also gives customary authorities the right to negotiate this social agreement with the logging companies, on behalf of their local communities. In addition, a ministerial text (MENCT 2010: Arrêté 023) institutionalised the creation of *Comité Local de Gestion* (CLG), known in English as Local Management Committee, to negotiate and manage compensations from logging concessions around the villages (I later call this the Local Management Committee for Logging Compensation). This administrative text further recognised customary authority as the main supervising institution for the CLG.

The DRC has also embarked on several reform processes in an effort to increase economic development by rebuilding its agricultural sector. As part of this reform process, the government is restructuring and decentralising its Ministry of Agriculture, Fisheries, and Livestock (MINAGRI) and Ministry of Rural Development (MINRD) to be efficient and responsive to the needs of the population (BTC, 2008). In addition, the government has set up Agricultural and Rural Management Councils (CARGs), at the territory, provincial, and national levels as platforms for discussions, information sharing, and designing of local agricultural strategies involving various actors in rural areas including members of local assemblies and governments, private sector, unions and associations of producers, universities and research centers, and civil societies at large (Ragasa et al., 2011; Badibanga et al., 2013). The CARGs is a multi-stakeholder platform, but this platform has not yet been established in the study area. Intervening NGOs therefore partners with Peasants Development Association (OPD) created based on the law of association (Loi de l'Association, N° 004 du 20 juillet 2001; décret de 1956 sur coopératives) to implement rural development projects.

The land and forest laws in the DRC therefore transfer powers and resources between the state and the customary authorities. In the context of these land laws and controlling institutions, I will examine how access to land and forest

shape local peoples' abilities to influence those who govern. The Agricultural and Rural Management Councils (CARGs) a new local institution created from the agricultural policy reform process to empower village farmer groups on agricultural and rural development projects does not yet exist at the sector level and in the study area.

DRC legislated the creation of elected local governments through a 2006 decentralisation reform. This reform, however, has yet to be implemented and therefore there is, as of yet, no elected local government in DRC. (Klaver, 2009; Samndong et al., 2011). There are local state administrators that represent the interests of the state. The village administrative chief is part of the local state administrators. This is an executive nominated by the villagers and appointed by the local state authority to enforce state laws in the village and report to the administrative authority.

5

Impact of Forestry and Development Interventions on Rural Citizenship in Bikoro

This section examines how forestry and development interventions affect power resources and access to land and forest resources in Bikor, and how this shape local peoples' abilities to influence those who govern Bikoro. The section is in three parts; the first part presents the local institutions in the villages studied; the second part shows the power resources available to the local institutions due to recognition by higher level institutions; the third part shows how the reconstitution and reconfiguration of power resources shapes access and local people's ability to influence those who govern them.

The local institutional landscape

In the absence of elected local government, four local institutions were identified in the study area (see Table 1 below). These are local state administrators (Administrateur de Territoire, Chef de Secteur and Chef de Localité.), customary authority, OPDs and the management committee for the social agreement with logging companies. Detailed explanations of these institutions are provided below.

Table 1: Characteristics of existing and emerging local-level institutions in the study area

Characteristics	Local state administrator	Customary authority	Local Institutions	
			Peasant development organization (OPD)	Local management committee for social agreement in forestry concessions
Functions	Represent the state at the local and involve in decision making of state delivery services	Control and manage access to land and resolve local land conflicts	Function as platform for agricultural delivery service in the village	Manage local development fund setup through social agreement (contract between loggers and villagers)
Decision making structure	Line ministries/ provincial governor	Traditional council that is made up of the customary chief and Notable (head of family groups)	Elected executive committee / general assembly	Elected local management committee / local review committee
Jurisdiction	The territory / Sector	Village and ethnic groups	Sub-village	Village-wide
Relationship with administration	Gubernatorial decrees/ rulings/law	Recognised by the Forest code	Formal registration with the chief of Secteur	Ministerial decree/ruling, convened by the chief of Territory
Support /partner	The state and NGOs	The state, NGOs	International and national NGOs, development/donor agencies	Chief of Territory, Timber companies; NGO observers (Global witness, RRF, FPP, CEDEN, RNN
Funding structures	From the state	None	Membership fees	10% of revenue from development fund
Accountability mechanism	Upward accountability to the upper level of the administration.	Ideological motivated (norms and culture)	Voluntarily accountable to members or villagers and upward accountable to the supporting NGOs	Predicted to be accountable to the villagers but yet to be implemented in the study area
Local inclusion	Residence based	Identity based on ethnicity	Interest based on membership	Residence based with elected representative

Local state administrators

The territorial administrator, district administrator and village administrative chief are all government agents that exist in the study area but are not formally involved or recognised as partners by higher-level forestry and development agencies. They function as government representatives and are always invited to meetings and consultation processes. With their executive powers, they however, still exert some level of influence in local project activities. The village administrative chief is the local state authority representing the state at the village level. The administrative chief is an executive nominated by the villagers and appointed by the local state authority to enforce state laws at the village and report to the administrative authority. The power of the village administrative chief conflict with that of the customary chief especially on issues related to land allocation. I will describe these overlaps and conflicts in the next section.

Customary authority

The customary authority in the study area includes the head chief of the main ethnic group (*chef de groupement*), the village customary chief (*chef cuotumier*), the notables (the head of the main families in the village) and the indigenes of the village (*ayant droits*)[4]. The main ethnic group in the study area is Bofidji-west (of Mongo origin) and comprise of 32 villages. The head chief of this main ethnic group controls all the customary chiefs in these villages and he is recognised by the state as representative of the customary authority. All the three villages studied have customary chiefs and notables. The customary chief regulates day-to-day access to land and forest resources at the village level and resolves local-level conflicts related to forest and land use. The notables control access to village family land and report to the customary chief.

In the three villages studied, the customary chief is the main intermediary for the negotiation of the social agreement and the document specifyingthe rules and work plan (*cahiers des charges*) with logging companies at the local level. This is based on the 2002 Forest code (article 44 and 89), the 2006 Constitution (article 34 and 56) and Arrêté 023 issued by the Ministry of Environment on 7th June 2010.

Peasant Development Organisations

The Peasant Development Organisations (OPDs) are intra-village voluntary organisations that combine informal and formal elements of collective action in coordinating development oriented agricultural service delivery and other village

development projects. They often operate as a platform through which national and international development organisations can train villagers and supply materials to improve agricultural production and other development activities in the villages.

OPDs exist in the three villages studied. These OPDs are registered and have a legal status.[5] Membership of the OPD is open to everybody living in these villages and membership is based on a membership fee of an equivalent of 1USD and a monthly contribution of 0.5-1USD. Members of the OPD have as a duty to participate in meetings and engage in activities.

The executive members of the OPD are elected from the general members with four years renewable term of office. To be an executive member of the OPD in all three villages, some criteria are required: ability to read and write in French; speak well in public; have certain power resources (physical assets and level of education); command respect in the village; and be able to protect the interest of the village. The executive members constitute the final decision-making body of the OPD, oversee all the activities of the organisation, organise village meetings once per month, and call for emergency meetings if the need arises. One of the executive members of the OPDs said "The general assembly of the OPD is the main decision making body. Participating in meetings is very crucial in making your voice to be heard in decision making matters" (Interviewed in Buya 1: December 2012). Four of the executive members also confirmed this statement.

There are 21 OPDs in these villages. In Buya I, the OPD studied was created in 2004 and the executive body is made up of 11 members (with 2 women and one Pygmy). In Beambo-Kalamba the OPD was created in 2006 and the executive body is made up of 18 members (with 2 Pygmies and 2 women). In Ikallanganya, the OPD was created in 2009 the executive body is made up of 13 members (with 1 Pygmy and 2 women). All non-Pygmy members are called Mongos. The executive members of the OPDs in the villages, as noticed from field observation, are local famers with large land holdings by the village standard (usually above five 5 hectares), teachers, businessmen, pastors, nurses, agronomy workers, the customary chief and local administrative chief.

Although all the OPDs studied are legally recognised by the local state authorities, they do not represent the interest of the entire villagers. They represent the interest of their members especially those that are actively involved through regular payment of member fees and attending all meetings. From field observation, the general membership of these OPDs consists of villagers with common interests such as farmers' groups or local elites with interest in development initiatives. The

president of the OPD in Buya 1 indicated that there were over 30 members in the OPD when it was officially created in 2004 but by 2012, the OPD records indicated only 25 members. In addition, since its creation only the post of the treasury has witnessed a change of office holder.

All the OPDs discussed above are recognised by BDD to implement their activities in these villages. Some of the OPDs in the villages were created with the assistance of BDD. An official of BDD interviewed stated that: "As part of our capacity-building initiative, we have assisted some of the villages to create the OPD. We think this is the best way to promote participation in the villages and to ensure that the [project] benefits are distributed to all" (Interviewed, 4 June 2012). According to the BDD, working with the OPDs was the best means to engage the villagers to participate in village development projects. The reason being that the OPD is a village association made up of the villagers and the executives are elected by the members hence they should be accountable to the members. Apart from choosing the OPDs, BDD also appoints local focal points in all the villages where it intervenes to monitor and report the activities of the OPD it supports. Given that BDD assists in the creation of OPDs, and recognises OPDs are their partners at the village level, BDD can be considered the primary benefactor of the OPDs.

The choice of the OPDs by BDD, as the sole village-level development institution to work with, is an illustration of the power of the BDD to determine local governance arrangement in Bikoro. By creating and working through OPD, the BDD withholds recognition and the power resources it can confer from other local institutions like customary authorities and village-level state authority (the administrative chiefs). So the choice and recognition of the OPDs by the BDD results is a new social order led by an external non-governmental institution.

Local Management Committee (CLG) for logging compensation

The CLG to negotiate the social agreement with logging companies has not yet been established in the 3 villages studied, though they exist in other villages in Bikoro territory. The local management committee (*Comité Local de Gestion*) was institutionalized by Arrêté 023 issued by the Ministry of Environment Nature Conservation and Tourism (MENCT). According to the ministerial text (MENCT 2010: Arrêté 023), the CLG should be made up of one representative from the logging company and at least five elected representatives of local communities whose territory, specified under customary tenure laws, overlaps with the concession where logging is taking place. The president of the CLG is an elected member of the local community and acts under the supervision of customary authorities of these communities. The Arrete 023 does not specify the

supervising role of the traditional authorities in CLG. It does not also specify how this election should be conducted and since this local level institution is not yet in existence in the villages studied, I did not study how elections into the CLG has been organised in those villages where it is operational. Any interested civil society organisation can attend local community and CLG meetings as an observer. The decree also requires that the local administrative authorities engage in the negotiation process of the social agreement with logging companies.

By placing the president of the CLG under customary authority, the government is granting greater recognition to customary institutions over an elected local body. This strengthens the rights of customary authority over land and forests in these villages. It also implies that the elected CLG is accountable in the first instance to an unelected authority rather than to the electoral constituency that voted for the members of the CLG. The message to local people here is that identity-based citizenship is placed before residency-based citizenship, and hereditary authority trumps democratic mandate.

Powers and resources

This section shows the power and resources transferred to the operational local institutions in the study area, due to their recognition by higher-level institutions. The higher-level institutions in this instance are the government of DRC, and the BDD.

Power and resources of the village-level state administrators

Although customary chiefs are accorded the power to negotiate the logging compensation agreement, their powers are in conflict with that of the village administrative chief (*chef de localité*). The role of the village-level state administrator is thus to constrain the powers of customary chiefs over village affairs. The administrators' powers trump those of the customary chiefs.

Presently, there is a new police post at Kalamba village; this is an additional state administrative presence at that level. This further diminishes the power of customary authority. A customary chief interviewed spoke about his diminished role due to the presence of state agencies. "My authority as the customary chief has been greatly reduced by the presence of the police post in the village. Land conflicts among families and minor families problems are now being resolved at the police post especially families with material resources and not based on our custom and norms. In addition, well-to-do village elites use the police to intimidate their opponents and sometimes take local issues to the court in Bikoro

or Mbandaka to show their level of influence especially when they are not satisfied with customary solutions" (Interview, customary chief of Kalamba, May, 2012). The police in the study area are not legally attributed with this power but they use their authority in this manner since the people are not aware of the laws, have no recourse, and the presence of the police intimidates the locals. The police forcefully arrest people in the study area in order to intimidate them.

In addition, although these village-level state administrative agents are not formally chosen by the BDD as partners in development interventions, they still hold discretionary power to mediate in issues related to local development. Their consent is also necessary to give the OPDs the legal status to function. Thus recognition of these village-level administrative agents by the central government gives them the ability to constrain the power of the customary chief. The different power bases of the village-level state agents and the customary chiefs' is a form of legal pluralism (Ruth and Rajendra 2002). This in turn allows local people to choose which authority structure to patronise to settle their disputes, a phenomenon known as forum shopping (Ruth and Rajendra 2002).

Power and resources of customary authorities

The 2002 Forest Code gives customary chiefs power to negotiate the social agreement with logging companies. This power transfer from central government also significantly increases the customary chief's power with respect to regulating access to land use and forest at the village level, which was previously based on customary laws.

The head chief or *chef de groupement* is also recognised by the state as the supervisory authority over other village chiefs. This power is limited to controlling the activities of customary chiefs under his ethnic group as he cannot influence the decision of local state administrators as highlighted by a chef de groupement in an interview: "I don't have the power over the district officer of Secteur Elanga. My power is limited to coordinating the customary chiefs under my groupement and intervening in issues related to land allocation in the villages under my jurisdiction. I am often invited in meetings organised by local state authorities but these meetings are just informative to expose us with directive and guidelines of issues that have been decided" (Interviewed chef de groupement, Bofidji West: December, 2012). Property rights to land and forest in the villages is largely based on ethnic identity and customary law which conflicts with state laws (Akwah and Yoko, 2006; Musafiri, 2009; Yamba, 2009). Pygmies and migrants with no customary rights do not have direct access to land and forest resources. So they have to pay tributes to the customary chief and head of family groups to use the land.

Today, the powers of the customary chiefs in these villages have been reduced by the presence of the administrative chief and a police post. This reduction of the authority of the customary chiefs is also seen elsewhere across Africa where customary chiefs are being subordinated to state authorities (Nuesiri 2013). Hence the enforcement of customary practices of access to land and forest, not supported by local state authorities are limited. This limitation on customary authority motivates wealthy village elites to build strong relations with local state authorities to gain control and maintain their access to land through the enforcement of their private claims over those of customary authority. Such a relationship was evident in Buya 1 as participants in the focus groups indicated that the executive members of the OPD especially the secretary and the President has closed relationship with the chef de Secteur and the village administrative chief. There are also rumors in the village about how these executive members and some wealthy villagers give frequent gifts (chickens, goats, plantains) to these local state authorities and are favored by these authorities when there are problems.

Power and resources of the OPD

The executive committee of the OPD is recognised by their benefactor, the BDD, as the decision-making body of the OPD. The executive committee receives training and information from BDD, money to organise village meetings to engage the villagers in their projects, and farm implements to be distributed to the villagers. Given the financial requirements for active membership in the OPD, the poor and less privileged in the villages (Pygmy and women) are often unable to run for executive office. Although there were some women and Pygmies in the executive committee in the OPDs studied, they have very little influence in decision-making. Information gathered from the focus groups also indicated that seats reserve for the women and Pygmies in the committee is often a demand from the intervening agency (BDD) but it practice their voices are not very important. The recognition received from the BDD by the executives of the OPD empowers and enables them to have influence with customary and state authorities. The training and resources they get and the position they hold give them new status in the village and the villagers treat them with respect. The executives members become senior village elites and often participate in meetings together with the local state authorities.

However, although the customary and local state authorities are often consulted in local development projects, they do not usually serve as counter-powers in decision making relating to local development activities carried out by the OPDs

except in situation of conflicts. This was clearly indicated by the Chef de Secteur who noted "I am always consulted whenever there is any development projects in these villages and often invited in meetings but I don't intervene in local decision-making process in village associations regarding the projects. I only intervene if conflict arises and complains are brought to my notice. My responsibility is to maintain peace and order and the rule of the law" (interview, Chef de Secteur E'langa, May 2012). Nevertheless, the local state authorities are often consulted by BDD, participate in meetings and intervene in situation of conflicts in distribution of benefits.

Rural citizenship in Bikoro

> Direct access to land and forests based on cultural identity, is the main factor that determine who benefits from the social agreement on logging compensation (Customary chief of Beambo-Kalamba).

In Bikoro, only the traditional authorities including customary chiefs, heads of subgroups and families with traditional landholding rights benefits from the social agreement with logging companies. The Pygmies, who are the indigenous people, together with migrants without land rights in these villages are excluded from the logging compensation. Pygmies are poorly educated so lack the ability to effectively articulate their needs and priorities. They are also constrained by their lack of material assets, social acceptance, and self-esteem (Musafiri, 2009). Their nomadic lifestyle and high dependency on the forests further inhibit them from pressing for inclusion and access to material resources. The Pygmies are typical hunters and gatherers and not agriculturalist. They move from location to location in the forest to collect non-timber forest products, hunt and fish. They are constraint with a sedentary lifestyle to maintain access to land for agriculture. They generally supply labor to the Mongos, the non-Pygmies, in exchange for food crops and to maintain their access to forest land. Indeed, the Pygmies weak power resource (lifestyle, limited access to land and poor education) leads to their weak material resource base and consequently their inability to strongly influence those who govern in Bikoro.

Information gathered from the focus groups discussion revealed that women also do not control access to land and forest but maintain their access via their husbands. This is a customary law provision that state authorities have not overturned in Bikoro. Single women and widows without children negotiate their access to land and forest with the head of family and customary chief. The

mechanism of control and maintaining access to land and forest is gender biased. Married women are able to gain and maintain their access to land hence benefited from logging compensation through their husbands. Single women and widows without any relation to a male folks (uncles, sons) are culturally prohibited from controlling and maintaining their access to land, hence, they benefit less than married women from the terms negotiated in the logging compensation agreement. This contributes to keeping the single and widowed women poor in Bikoro and consequently reduces their ability to influence governance in Bikoro. Married women maintain access to land and forest through the husbands hence benefit from logging compensation.

In the study area, only a minority of the villagers are included in BDD initiatives by the OPD – therefore only a minority benefit from these activities. Only 15 households were selected by BDD through the OPD in a food security project in Buya I and Ikallanganya in 2010-2011. Buya I has a population of about 3,000 people and about 260 households while Ikallanganya has a population of about 2,000 inhabitants and about 143 households. Information from the focus groups revealed that all these households selected by BDD were made up of members of the OPD executive committees and their families. In an interview with an official of BDD, he explained: "We cannot work with all the population, and it also depends on our funding and the type of intervention. For our food security project, we work with only limited numbers of villagers in the OPD because of limited funding. We often support villagers with large farms who produce more for the market" (Interview, an official of BDD May 2012).The BDD choice to work with limited number of villagers especially the most productive villagers is buying for success – participation as a means (Mohanty, 2003; Baviskar, 2005) and not necessary limited funding. To address equity explicitly, the poor and marginalized groups should be given the privilege to strengthen the material based in their food security project.

An executive committee member claimed in an interview that the OPD serves the interest of the entire village and the villagers are engaged in their activities: "We respect and work according to the rules of our constitution. We report all our activities to the villagers in our monthly meetings and engage them in these meetings in identifying problems and solutions. The members of the organization have the rights to discipline or sanction us if we use our authority in ways that do not conform to the organization rules and regulations by voting us out or making us pay a fine" (Interview, OPD executive member in Buya 1 May 2012). Contrary to the views of the OPD executive interviewed above, information gathered from the focus groups discussion revealed that the OPDs serve the interests of the executive committee and the active members.

Villagers told us that while they participate in village meetings organised by OPD, their voices are not taken into account. I also observed that villagers also lack ability to articulate needs and hold the OPD accountable as a result of limited information flow and lack of material resources. There has never been any OPD executive voted out of office in the villages or sanctioned through fines. The administrative officer of Bikoro Territory disclosed that: "The local population is represented in BDD interventions in most cases by a club of friends who have high interest in the interventions. Most of the activities are organised by them or according to their directive. Only few villagers benefit from these interventions. Majority of the population live in poverty, hardship and poor social conditions" (Interview, administrator of Bikoro, May 2012).

Nevertheless, villagers in Beambo-Kalamba were able to put pressure on the OPD to change the distribution of farm implements and food donated by the World Food Programme and Food and Agriculture Organization's People for Progress (P4P) project. They did so by taking their complaints before the state administrator of Bikoro Secteur. The women also exerted pressure by spreading rumors of misappropriation of gifts donated to the villages and these rumors, according to women I interviewed, have reduced the level of trust and respect bestowed on some of the OPD executives and their ability to mobilize the villagers for development activities. This is however a rare example of villagers expressing an ability to influence those who govern.

From field observations described above, the OPDs are upwardly accountable to the higher-level NGOs that provide them with information, training and material resources. Villagers often have no choice but to participate in interventions as a source of income (per diem in meetings, supply labor in activities) but their voices are not considered in the final decision. The agricultural service delivery projects implemented by BDD have predetermined objectives, specific time frames and ways of engaging the villagers decided by BDD. These include funds to be spent, materials to be distributed and how it should be distributed, and the meetings and consultation processes to be organised. The executives of the OPDs are involved in speeding up the processes without taking their local impact into consideration. The villagers therefore participate in the process as a means to achieve the BDD predetermined objectives.

Membership in the OPD, from information gathered in the focus-groups discussion is opened to all living in these villages with membership fees[6] (interest based inclusion). But, the Pygmies, the poor villagers and women (single and widows) are often excluded from projects funded by the OPDs because they cannot afford the contribution fees. In addition, the norms prohibit women to

participate in decision-making process in front the men. Thus financial resources and customary norms constrain the ability of pygmies and women to influence the OPDs. Women who are courageous participate in the OPD actively but most often they channel their views via the women association. An OPD executive committee member explained, "In the OPD, the Pygmies have the same attention as the Mongos. But the fact is that the pygmies don't like to join associations. They often refused to pay the association fees when they are members, and therefore cannot access the same rights as others. The association does not support any villagers that are not a member" (Interview, executive member of the OPD in Beambo-Kalamba May, 2012).

From field observation, the Pygmies in these villages are not agriculturalists. They depend on forest products (hunting, fishing, and gathering) for their subsistence. They do not control access to forest land but maintain their access via uncompensated labor. However, most of the projects executed by the OPDs are oriented toward agricultural service delivery, which is to the benefit of the Mongos who are primarily agriculturalists.

In addition, the distribution of gifts donated by other NGOs (CEDEN, FAO, WFP, OXFAM) intervening in these villages create conflicts as indicated by one of my informants: "The main problem of the association is to redistribute gifts from NGOs, because the non-members often want to benefit by claiming that the gift is for the whole village. The Pygmies often receive nothing because they are not socially accepted and their lack of self-confidence and the ability to articulate their needs constraint them. The Pygmies who even claim to be members of the association don't pay their fees" (Interview, executive member of the OPD in Beambo-Kalamba May, 2012). Considering that, the OPDs acts as a platform for BDD and other intervening NGOs in these villages, most of the gifts from NGOs are channeled to the OPDs. However, the OPD only represents the interests of a small group of villagers, thus the larger majority of the villagers are excluded from benefitting from the gifts received by the OPD. In spite of this exclusion, the majority of villagers are not able to hold the OPD executives to account for their actions.

In short, the findings here show that Pygmies, women and the majority poor villagers lack the power resources, and consequently the ability to influence those who govern in Bikoro. This implies that substantive rural citizenship in Bikoro is limited to a small relatively wealthy Mongo male population group in Bikoro territory. The nomadic lifestyle of the Pygmies has been altered by logging operation and other socio-economic changes forcing them to accept a more sedentary lifestyle. Their inability to control access to forest land based on customary claims

and their maintenance of access through the exchange of uncompensated labor has constantly reduced their level of social belonging (social acceptance, respect, dignity and self-esteem) in these villages. Their lack of education, information and ability to influence those in power has cost them to be dominated by the Mongo as disclosed by one of my informants: "I think the Pygmies are not marginalized, the main issue is their lifestyle which is different from the Bantu and affected by modern lifestyle. The main problem is that the opportunities are limited for the Pygmies compared to Bantu. The reality in our community is that the Pygmies supply labor to the Bantu, who are agriculturalists. This is not just today, it existed even before we were born" (Interview, senior official provincial ministry of environment in Equateur province, May, 2012).

6

Analysis and Discussion

In this section, I analyze and discuss the underlying factors determining rural citizenship in Bikoro. I discuss the forms of inclusion that have emerged in Bikoro and their overall consequence for pilot REDD+ intervention. Based on the findings, I also present my contribution to the literature on the effects of recognition on citizenship.

Power relations and access to land and forests

The land and forest laws in DRC from the colonial era to date favor wealthy elites, private entrepreneurs and customary authority. In the rural areas where customary authorities determine access to land and forests. Persons without traditional rights to land, like Pygmies, women and migrants, do not have the means to build up their material resource base and consequently they have weak power resources to influence those who govern. Subordination of marginal groups is reinforced by forestry laws that deprive them of material resources thus undermining their ability to influence those in power. As such forestry laws and their effects on resource access are the principal determining factors of rural citizenship in Bikoro.

While higher-scale intervening institutions like the BDD, which are not tied to customary institutions, do transfer power resources to rural people, they do this through community-based organizations like the OPD. Unfortunately, the majority of the villagers in the study area are historically poor due to land relations. Poverty of the villagers means many cannot pay the OPD membership fees of US$1. Consequently, their weak financial resource base constrains their ability to engage with the OPD and BDD. This situation weakens the accountability relations between the villagers and the OPD. The power of the OPD executive's members is directly linked to recognition received from the BDD. This power is however, amplified by the relative weakness of the villagers to demand accountability from these executives Thus majority of the villagers do not have the ability to influence those who govern the OPD.

Similarly, inequality in access to benefits from logging compensation payments between wealthy Mongo men (the main beneficiaries), Pygmies, women and migrants, continues to reinforce the privilege position of wealthy Mongo men. This is because government laws recognise customary authority as the mediator of the logging compensation payments and customary authority are more responsive to these relatively better off Mongo men. Thus recognition of customary authority, by the state, grants access and power resources to one group, while excluding others on the basis of identity. This implies that identity coupled with wealth status is a determinant of substantive citizenship in Bikoro.

The competing power relations between the customary chief and the administrative chief, and between the customary chief and the police authority in the village, speak to the plurality of state recognised power centers at the local level. This legal pluralism at the local level can be traced back to the colonial era in tropical Africa (See Colchester, 1994 ; Mamdani, 1996 ; Oyono et al., 2006). This creates social tensions and diminishes the opportunities for deliberative and participatory decision making among governance actors at the local level (Ojha and Pokharel, 2005 ; Spingate-Baginski and Blaike, 2007). In this competitive environment, there are no effective checks on the powers of the elites against those of the poor and marginalized. The elites have the luxury of consulting the authority structure that would deliver a favorable judgment to their complaints, the forum shopping phenomenon. This competitive environment strengthens elite's ability to influence those who govern.

Inadequate social infrastructures in the study area constrain villagers' mobility and access to resources. This inadequate social infrastructures is based on the protracted conflict in the DRC, the centralized policy of the Mobutu era based on the fear that decentralized resources gives local elites the ability to contest power (Vlassenroot, 2006), and the difficulty of constructing and maintaining roads in Bikoro (Yamba 2009). Thus government policy, broader political forces, and geography have an impact on rural people's access to power and resources, and consequently on their ability to influence those who govern.

Table 2 is a summary of the research findings about power resources and access to land and forests. In Table 2, the power resources variables are taken from Benjaminsen and Svarstad (2010), while the access mechanisms variables are derived from Ribot and Peluso (2003). Table 2 shows that the weakest actors in terms of power resource base and access opportunities to land and forest resources are poor ayant droits, poor migrants, women and pygmies. These groups of actors who form the larger number of people in the villages thus lack the ability to influence those who govern in Bikoro. Substantive citizenship is limited to person in authority, preferably male, and to the comparatively wealthy.

Table 2: Power reso mechanisms available to local actors in study area

Power resources	Administrative chief	Customary chief	OPD executives	Ayant droits Rich	Ayant droits Poor	Migrants Rich	Migrants Poor	Women	Pygmies
Economic power	2	4	5	5	5	5	1	2	1
Property/user rights land and forests	4	5	3	5	5	4	2	1	1
Political power	5	1	3	3	1	4	2	1	1
Influence on governmental institutions	5	2	4	4	1	4	1	1	1
Discursive power	2	2	4	3	2	4	2	2	1
Power through knowledge	3	3	4	3	2	3	2	2	1
Power through violence	1	2	1	2	4	1	1	1	2
Weapon of the weak	1	2	1	1	4	1	3	5	4
Power through identity	3	5	3	3	5	1	1	3	2
Access mechanisms									
Legal access	✓	✓	✓	✓	✓	✓		✓	
Illegal access			✓	✓		✓	✓	✓	✓
Technology									
Capital		✓	✓	✓		✓			
Market			✓	✓		✓			
Labor	✓	✓							
Knowledge		✓	✓	✓		✓		✓	
Authority	✓	✓	✓	✓		✓			
Identity	✓	✓	✓		✓		✓		✓
Social relation	✓		✓	✓	✓	✓	✓	✓	✓

The code of the power resources of the different actors: 1=very low, 2=low, 3=fair, 4=high, 5=very high

Accountability mechanisms

Accountability mechanisms in the local institutions in the study area also have an effect on rural citizenship. While the accountability of the customary chief is based mainly on local norms and customs (see Mamdani, 1996), state authorities in Africa today can demand accountability from customary authorities (van Dijk et al., 1999; Lund, 2006; Nuesiri, 2013). This is why in the study area, the presence of the administrative chief and the police deter the customary chief from making decisions that go against state laws, especially when wealthy village elites are pressing for land rights not favored by the customary chief. In this case the accountability mechanism is manipulated by wealthy elites for their self-interest. Accountability is being manipulated by the powerful to influence those who govern.

The rules and regulations of the OPDs mandate that the executives should be accountable to the villagers they represent. However, the powers and resources available to village members of the OPD to demand accountability are weak; this alters the "principal-agent relation" in the accountability mechanism stipulated in the constitution in favor of the OPD executives (see Agrawal and Ribot, 2012; Boven, 2006). In this instance, elections of the OPD executives act as a mechanism to renew their mandate and not an effective form of routine accountability. The weak counter power or accountability relation in the OPD is due in part to the limited information and knowledge of the OPD village members to actually understand OPD rules, and also to their weak capacity to act to protect their interest (see Manin et al., 1999). On the other hand, the OPD executive committee exercises upward accountability to the NGOs and agencies that support them like the BDD.

In Beambo-Kalamba village, the villagers demanded accountability from the OPD by inviting the local administrator. However, this mechanism does not function effectively since OPD executives often form allies with local administrators. When the women spread rumors over misappropriation of funds, this did not result in sanctions such as dismissal of OPD executives. Public demonstration and protest were never mentioned in interviews, but women in Beambo-Kalamba indicated that they often spread rumors to stigmatize OPD executives, especially when there are issues related to the misappropriation of funds. The villagers participated in OPD meetings, but rarely engage in deliberations.

Elite capture

Elite capture has also had some impact on rural citizenship on Bikoro. The OPDs are not created out of local initiative grown from within these societies they claim to represent. They are initiated by external agents and actors to achieve legal recognition for non-state representation of local people. These OPDs have ended up as organizations that are neither fully acceptable to local people nor effective in delivering services to the people. This process of cultivating non-state actors in local communities in Africa to represent the interest of local people, and the subsequent poor performance of such local institutions has been observed by other scholars (Ribot 2000; Kanyesigye and Muramira 2003; Oyono, 2004).

When these OPDs are created, there is a tendency for the local elite, partly due to their strong power resource base, to capture the role of political leadership. The strength of elite capture is also associated to the villagers' weak power resource base. When the OPD executives are empowered by the BDD, they often do not maintain dynamic communicative interaction with their fellow villagers. These elites know the villagers cannot effectively sanction them, so they have no fear appropriating OPD resources for themselves. Similar cases have been documented in decentralized forest governance in other Central African countries, notably Cameroon (Bayart, 1993; Oyono, 2004; Bigombe, 2003).

Substantive citizenship and local democracy

What do the findings of this paper tell us about power resources, substantive citizenship and local democracy? First, we see that substantive citizenship, defined as ability to influence those who govern, is limited to a very small number of village elites. These are individuals mainly of a specific ethnic identity (Mongo) recognised and empowered by state laws since the colonial era, specific gender (male), with unrestricted access to land and forest resources, with educational capacity that enables them to articulate their demands, and with the social skills that enable them to capture benefits from recognised community based organizations, and skills to maintain close ties local state administrators.

Substantive citizenship in the study area is therefore related to recognition by the state, recognition by higher-level non-state actors like BDD, local culture, material resources accumulation, education, and social skills. While this study has not examined in detail the relationship between substantive citizenship and democracy, Rosanvalon (2008) shows that only individuals and groups with a very strong power resource base (educated, living above poverty, able to access

information, strong social skills) can demand representation and accountability from those who govern – even where there are electoral forms of representation. Substantive citizenship, the ability to influence those who govern, is prerequisite for democratic governance. Indeed, even in the absence of electoral forms of democracy – that is formal democracy – substantive democracy, the accountability of leaders to the people, can be established through substantive citizenship. What is shown in this case is that in rural DRC in the villages studied there is neither formal nor substantive democracy and that substantive citizenship in this mix of customary and non-governmental institutions is reserved for the elite few.

If democracy is to take root in DRC, the power resources of the majority of its people would need to be strengthened. Forestry and development agencies in places like Bikoro can help make this happen by designing projects that bring about a restructuring of tenure and access rules governing land and forests resources. The broad-based citizenship that makes for the possibility of democracy is related to the material relations within society.

7

Conclusion

This paper has shown that substantive rural citizenship in Bikoro is shaped by power resources which are interrelated with mechanisms of access. The small and relatively wealthy Mongo male population group in Bikoro territory engages substantively with external interventions and benefit from these interventions. Meanwhile, the Pygmies, women and the majority poor villagers lack the power resources to engage substantively or to benefit from these interventions. The Pygmies – who are about 20 percent of the populations – are generally excluded from decision-making processes and the benefits from these interventions. Women, migrants and poor people also suffer exclusion.

Recent land and forestry laws in the DRC have not been able to address this inequality as they continue to recognise customary authorities as decision-makers over land and forests resources in rural areas. Ministerial text, in contradiction to the 2002 Forest Code places chiefs as the heads of elected local committees that oversee the distribution of benefits from logging concessions. Meanwhile, other local elites with the right political connections and those with traditional land holding rights (ayant droit) have been able to accumulate material resources and build up their power resource base. They are therefore able to influence those who govern.

Forestry and development interventions recognised and empowered community-based institutions in the hope of empowering rural people. While the community-based institutions claim to promote equity in redistribution of benefits, in practice they have been captured by local elites and serve to reinforce inequality in power relations. This capture undermines equity concerns in these forest and development interventions and narrows local citizenship.

Differential access to land and material resources is thus the main factor that constrained villagers' ability to influence the authorities chosen in forestry and

development interventions in the study area. This is directly related to the high degree of social differentiation between the Mongos, Pygmies, and immigrants – inequalities of power, status and wealth (Akwah and Yoko, 2006 ; Huggins, 2010). Women also have less access to land and material resources in the area due to culturally sanctioned gender bias. This inequality has influenced the ways the villagers engage in institutional spaces (for similar examples elsewhere see Gaventa, 2002 ; Cornwall, 2002 ; Larson, 2008). Those with more wealth control institutions and those with less are excluded through various mechanisms.

Notes

1. The term 'Pygmy' is pejorative in some contexts. I choose to use the term in this paper because it is well known by the people in this region and clearly indicate the group I am talking about. The Pygmies in this region belong to the ethnic group Batwa and they are also referred to as *Peuples Autochtones* (PA) in French, which means indigenous people.

2. Wealth indicators used include: size of farmland and total number of land parcels, material used in roofing the house, material used in house construction, households physical assets (house, motor bikes, mobile phones, bicycles, TV, radios, generator, solar panel, plastic chairs, farm tools), number of wives, number of livestock (goats, pigs, chicken), number of children in schools, fishing nets, canoe.

3. These are families with traditional landholding rights separate from lands under the control of the customary chief.

4. These are groups of families recognised under the customary system of land allocation as the rights owners who control access to land and forest resources and should have direct benefits from any forestry intervention or any investment on the land. Under the customary system this constitutes mostly the men since women do not inherit land in these villages. The issue of ayant droits is very complicated in the study area; at what time in history should a family establish customary claim to land is difficult to estimate. The Pygmies are commonly known as "peuples autochtones" in this area but are not ayant droits. In addition some villages like Buya 1 were created during the construction of commercial roads by the Belgians in late 1920s.

5. *Organisation Paysannes (*Loi de l'Association, *N° 004 du 20 juillet 2001; décret de 1956 sur coopératives*).

6. The first criterion to become a member is that you are residing in the village. Even though this was not clearly stated in the organization rules, the information from focus groups confirmed that a member of the OPD reside in the village. Equally, there was no member of the OPD from different village. The second criteria, which is more important, is the fees. The ability to afford the fees and the intention to pay are considered here. There are individuals in the village who can afford the fees but are not willing to become members for some other reasons. As for the Pygmies, poor, single women and widows the issue was not able to afford the fees. They clearly mentioned this as a primary factor in the focus groups.

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