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Global Sustainable Development 'From Above' and Local Injustice 'Below': The Governance Challenge Facing the Congo Basin Rainforest

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Abstract

The scope of this paper is to critically explore the nature of governance in the Congo Basin Rainforest. It revolves around the central research questions of why, how and for whom the forest is governed. Following a background history, it contends that there has been a globalisation of sustainable development that has been institutionalised around the world. The Congo Basin is situated beneath the multiple 'realms' of governance, demonstrating both the novelty of governance structures and the manifestation of globalised sustainable development. The study then assesses the extent to which the Central African Forests Commission and Congo Basin Forest Partnership can contribute to the goal of sustainable development. It submits that both offer beneficial and detrimental potential, the primary concern being the 'permeability' of governance to domination by powerful interests that are incompatible and counter-productive to this end. Considerations of power and informal networks provoke the question; for whom is the forest governed? Sustainable development is first located within the wider discourse of development, followed by an analysis of participation in relation to ownership and empowerment. This analysis prompts a shift in perspective, leading to the conclusion that global forces 'from above' have historically dominated and excluded local interests 'below,' and urges this to be articulated as an injustice rather than an unsustainable development. The paper concludes that the governance challenge facing the Congo Basin Rainforest is the necessity for a re-orientation away from Global Sustainable Development and towards governance in which voices 'from below' are no longer excluded. Only through a dialectical engagement will justice emerge in the Congo Basin Rainforest.

Keywords

List of Abbreviations

AFLEG   Africa Forest Law Enforcement and Governance

CBFP   Congo Basin Forest Partnership

CIFOR   Center for International Forestry Research

COMIFAC   Central African Forests Commission

DRC   Democratic Republic of Congo

ECOFAC   Forest Ecosystems in Central Africa

IMFN   International Model Forest Network

NGO   Non-governmental organisation

PNKB   Kahuzi-Biega National Park

UNCED   United Nations Conference on Environment and Development

WSSD   World Summit on Sustainable Development

1. Introduction

The Congo Basin is home to the world's second largest rainforest after the Amazon in South America. The biodiversity of the Congo Basin Forest is of global significance due to the sheer number of species found in the region and the fact that many such species exist nowhere else on the planet.[1] It is estimated that 29 million people of more than 150 distinct ethnic groups live in the forest, the majority of which are indigenous and greatly dependent upon it.[2] Located in Central Africa, the forest spans the national borders of Cameroon, Central African Republic, Democratic Republic of the Congo, Equatorial Guinea, Gabon, and the Republic of the Congo. The region has seen conflict with devastating social and environmental impacts in various localities.[3] It is said that the Congo Basin still appears to be relatively healthy compared to other tropical forests, although degradation is accelerating.[4]

In the past, conservation efforts focused mainly on the protection of specific species, such as the mountain gorilla and the elephant, and the creation of national parks. However, it became increasingly clear during the early 1990's that what was required was a more comprehensive vision of ecosystems, which in turn necessitated a regional approach.[5] This occurred during a period of 'profound policy and institutional changes relating to environmental problems at the national, regional and international levels.'[6]

In 1992, the 'Rio Declaration on Environment and Development'[7] and the 'Statement of Principles for the Sustainable Management of Forests'[8] were adopted by more than 178 Governments at the monumental United Nations Conference on Environment and Development (UNCED). Known as the 'Rio Conference' or 'Earth Summit,' it widely publicised and institutionalised the concept, discourse, and paradigm of 'Sustainable Development.' The concept is generally understood to denote 'development that meets the needs of the present without compromising the ability of future generations to meet their own needs.'[9] The 'Rio Forest Principles' formed the foundation for the contextually specialised 'Sustainable Forest Management' concept, which recognises that 'forest resources and forest lands should be sustainably managed to meet the social, economic, ecological, cultural and spiritual needs of present and future generations.'[10]

In the same year as the Earth Summit, the European Commission funded the establishment of the Forest Ecosystems in Central Africa (ECOFAC) Programme in the Congo Basin, its objectives being to conserve biodiversity, promote sustainable forest use, and encourage regional cooperation.[11] In 1995, the United States also established the Central African Regional Program for the Environment (CARPE), a 20-year regional initiative designed to reduce the rate of forest degradation and loss of biodiversity through 'sustainable natural resource management,' in order to promote economic development and alleviate poverty for the benefit of people of the region and the global community.[12] In addition to the World Bank, non-governmental organisations (NGOs) such as the World Wildlife Fund, Wildlife Conservation Society, Conservation International, and the African Wildlife Foundation were also actively operating in the region.

During this same period, the states of Central Africa were intensifying regional coordination and such collaborative efforts eventually culminated in an unprecedented conference in Yaoundé, Cameroon, in 1999. Described as having opened a new era of 'conservation convergence,' the 'Yaoundé Forest Summit'[13] was the first time the Heads of State for Cameroon, Central African Republic, Chad, Congo, Equatorial Guinea and Gabon had come together to agree upon a shared long-term vision for the region's forests and marks a watershed in forest conservation in Central Africa.[14] This vision became embodied in the conservation and sustainable development principles of the 'Yaoundé Declaration' and the associated regional action plan, known as the 'Plan of Convergence.'[15] The international consensus reached in these two documents asserts the following goal:

'Sustainable and joint management by Central African States of the forest resources of the sub-region and of a network of protected areas representative of the biodiversity and the ecosystems, for the well-being of the population and to ensure global balance.'[16]

This objective resulted in the establishment of two distinct but closely related bodies; the Central African Forests Commission (COMIFAC) in 2000 and the Congo Basin Forest Partnership (CBFP) in 2002.

Comprised of ten Central African governments, COMIFAC 'directs, coordinates and makes decisions on sub-regional initiatives and actions pertaining to the conservation and sustainable management of forest ecosystems in Central Africa.'[17] The same treaty through which it acquired its internationally recognized legal status also established three organs by which it is structured; Summits of Heads of State and Government which envisage policies for the region; a 'Council of Ministers' responsible for decision-making, co-ordination and control of implementing policies; and an Executive Secretariat that implements these policies. The Executive Secretariat holds a sub-regional Forum and national fora gathering NGOs, government services, development partners, donors, private sector, civil society and Members of Parliament at the various levels to involve the 'grassroots' in monitoring and evaluating policies.[18] COMIFAC is primarily financed by mandatory contributions from member states but it can also mobilise funds from development partners.

In contrast, CBFP was one of many partnership initiatives launched at the 'World Summit on Sustainable Development' (WSSD).[19] Facilitated on two year periods, originally by the United States, France, and now Germany, the CBFP is a 'type II partnership' meaning that it is a non-binding association by mutual agreement or consent with an 'informal' structure. [20] It is primarily different from COMIFAC due to its wider membership of governments, intergovernmental organisations, NGOs, research groups, and private sector associations from all around the world.[21] COMIFAC is the central political and technical policy- and decision-making body around which the actions of the CBFP are based:

'The principal vocation of the CBFP is to strengthen coordination among the various partners in the conservation and sustainable management of the forest ecosystems of Central Africa, while giving preference to the promotion of orientations retained by the beneficiary countries within their regional institution… [COMIFAC] It also serves as a forum for dialogue to inform new partners about the objectives of the WSSD, the Yaoundé Declaration, or COMIFAC.' [22]

The CBFP operates as a network in which partners share data and information at local, regional and national levels. A central node in this network is the 'Regional Advisory Committee' comprised of the following six active members; a representative of the donor agencies other than the CBFP facilitator; the current Chairmanship of COMIFAC; international NGO members of the CBFP; development NGOs of the sub-region; the private sector members of the CBFP; and of International Organization members of the CBFP. In addition to ensuring better communication and monitoring the activities of partners, its regular role is to advise the facilitator of the CBFP.[23]

A commonality between COMIFAC and CBFP is that both appear to promote the participation of non-government actors such as the private sector, NGOs, and representatives of local 'indigenous' populations; COMIFAC with its sub-regional and national fora, and CBFP in its wide membership. Some of their respective members also have participatory measures. For example, the Africa Forest Law Enforcement and Governance (AFLEG) Process established by the World Bank was designed to create the political space at the regional level for governments to address the complex and politically sensitive issues of forest crime in partnership with major stakeholders from civil society and the private sector. It recognises the 'right of local populations to participate in forest resource management.'[24]

In summary, COMIFAC and CBFP ostensibly exist due to a consensus that the Congo Basin Rainforest must be sustainably managed for the benefit of all. However, a more nuanced understanding of governance that goes beyond the rhetoric is required, for it is clear that there are many underlying issues and tensions surrounding this major environmental domain that attracts local, national, regional, and global concerns and interests. The existence of millions of species and a major ecosystem are at issue and so the vast implications must necessitate academic scrutiny. This case study shall therefore critically examine three central research questions; why, how and for whom is the Congo Basin Rainforest governed?

I shall begin by delineating the interaction of sustainable development with globalisation and establishing that this interaction is manifest in the multiple terrains of governance. Having situated the Congo Basin beneath the forces of sustainable development, globalisation, and governance, this paper will then assess the extent to which COMIFAC and CBFP can contribute to the goal of sustainable development of the Congo Basin region. In doing so, it will highlight issues of participation, power, and dominant interests 'from above,' resulting in a shift of perspective to issues of forest governance

'from below.' This perspective will in turn prompt a consideration of notions of justice as an alternative basis for governance.

2. Global Sustainable Development

2.1. The Concept, Discourse and Paradigm of Sustainable Development

The rubric of 'Sustainable Development' can refer to a contested concept, discourse, and paradigm. It arguably emerged as a concept in the early to mid 1980's 'as an attempt to bridge the gap between environmental concerns about the increasingly evident ecological consequences of human activities and socio-political concerns about human development issues.'[25] Some would assert its origins date back further still to the early 1970's.[26]

The frequently cited 'Brundtland Report' called for development that 'meets the needs of current generations without compromising the ability of future generations to meet their own needs.'[27] It broadly defined sustainable development as 'a process of change in which the exploitation of resources, direction of investments, orientation of technological development, and institutional change are made consistent with future as well as present needs.'[28]

Although the origins of the concept had already been critiqued beforehand,[29] since its publication the report has been a catalyst for myriad definitions and interpretations. It has been theorised, applied and contested in diverse contexts over a prolonged period of time. For example, it has been conceived:

'as a relationship between dynamic human economic systems and larger ecological systems that ensures the continuity of human life (Norton 1992); as the management of ecological system for future generations based on open and multiple approaches to the valuation of ecosystem (Page 1992); and as an improvement in the quality of life without deteriorating natural resources (Pearce and Watford 1993)…'[30]

Its prominence in academic discourse was simultaneously mirrored in a proliferation of sustainable development as an operational paradigm, on the agendum of international conferences, symposia, institutions, agreements, legal measures, government and non-governmental agencies. Ten years after the Earth Summit at the WSSD, states assumed in the Johannesburg Declaration 'a collective responsibility to advance and strengthen the interdependent and mutually reinforcing pillars of sustainable development- economic development, social development and environmental protection - at the local, national, regional and global levels.'[31] Increasing numbers of international treaties, especially those in the field of international economic and environmental law, have set the achievement of sustainable development as an objective, and it has been suggested that a body of substantive principles in international law is emerging.[32] Thus, as Byrne and Glover explain:

'Commissions and councils to promote the concept are embedded in the institutional fabric of Northern and Southern countries. In brief, a rhetoric of 'sustainable development' is widespread.'[33]

2.2. The Phenomenon of Globalisation

During this same period another rubric has developed and proliferated. 'Globalisation' has been similarly defined from diverse perspectives with interpretations and approaches referring to multiple contexts. One perspective defines it as:

'the erosion of the barriers of time and space that constrain human activity across the earth *and* the increasing social awareness of these changes. Accordingly, globalisation involves an increasing diffusion and penetration of global connections into social life, about which we are becoming more and more self-aware in the 'every day' of life.'[34]

Braithwaite and Drahos refer to different types of globalisation which each involve 'a comprehensive spread of a phenomenon.'[35] Santos specifically distinguishes between two different forms of globalisation. He asserts that a 'globalised localism' entails the process by which a given local phenomenon successfully extends its reach over the globe, whilst a 'localised globalism' entails the impact of transnational practices and imperatives on local conditions which are altered and restructured in response.[36] In this study I shall refer to globalisation as a process in which barriers to human actions and interactions have been eroded to the extent that local phenomenon can become global

phenomenon, and likewise, the global can become localised. What constitutes phenomena will depend on the context in which the term is used.

The environment is a terrain upon which both sustainable development and globalisation as discourses appear to collide and interact in complementary and contradictory fashions. When outlining the challenges of the 'global environment,' the Johannesburg Declaration explicitly highlights globalisation as a relevant factor to sustainable development.[37] Much debate has focused on sustainable development and globalisation as two separate but linked concepts. This linkage, which I shall return to below, can be seen between environmental optimists and critics of 'economic globalisation':

'The view that globalisation is a basically positive ecological force dominates global economic and environmental negotiations and institutional decision making... There are, however, many scholars and activists who challenge the core assumptions behind these views… they see globalisation as a core cause of the current ecological crisis.'[38]

2.3. The Globalisation of Sustainable Development
Given that the vision of sustainable development and its conceptualisation of the environment has spread and been embraced so comprehensively by governments, international organisations and institutions around the world, one could argue that the concept of sustainable development has itself been globalised. Indeed, if there has been a 'globalisation of environmental regulation' as some would argue,[39] sustainable development has overwhelmingly constituted the norms, values, and principles underlying such regulation.

I submit that the globalisation of sustainable development is vividly demonstrated when one analyses how the environment is governed, particularly regarding the Congo Basin. It is now a global phenomenon that is capable of being localised to suit different surroundings, as exemplified by the evolution of sustainable management in the forest context. Similarly, local aspects of the phenomenon are also capable of being globalised. For example, the creation of 'Partnerships for Sustainable Development,' of which the CBFP belongs, represents a tangible globalisation of sustainable development since these 'voluntary multi-stakeholder initiatives' promote the paradigm through employing a 'bottom-up' approach, 'using pilot projects to test their strategies, before replicating their models at national, sub-regional and regional levels.'[40] Sustainable Development Partnerships are thus a praxis or nexus in which the local and global aspects of sustainable development interact.

In addition to institutionalising the globalisation of sustainable development, these partnerships are symptomatic of a shift in 'governance.' Sustainable development constitutes the theoretical norms and principles for environmental action, but it is the notion of governance that explains how the concept operates in practice.

3. The Multiple Realms of Governance and the Novelty of the Congo Basin

3.1. Conceptualising the Realms of Governance
A wide array of contested definitions and differing contexts of usage exist for the term 'Governance.' For example, Rosenau contrasts governance with government to signal a shift away from modes of governing originating in a sovereign authority to a myriad of processes that instead make and observe rules. Governance can be conceived broadly as 'the sum of the many ways individuals and institutions, public and private, manage their common affairs.'[41]

The use of a prefix has been used to delineate different realms of governance, each with their own connotations. There are references to 'Governance without Government,' 'Good Governance,' 'Economic Governance,' 'Corporate Governance,' 'Global Governance,' and 'Governance in and by Networks,' in addition to 'shifts in governance.'[42] There are common characteristics that are frequently highlighted in different approaches to governance. Governance is often now said to be 'pluricentric rather than unicentric;' consist of inter- or intra- organisational networks in which hierarchy or monocratic leadership may be limited or absent; referred to in terms of processes or functions of governing rather than structures of government; and can also prescribe a normative ideal as well as an empirical reality.[43]

In the environmental field there are further connotations. Some would assert that the term 'global environmental governance' now refers 'principally, if not exclusively, to the sum of the overlapping networks of inter-state regimes on environmental issues.'[44] Haas contends that a new, complex, decentralised network of governance functions has been emerging from the obsolete state centric model, one in which more networked actors now operate at multiple levels, performing such functions as agenda setting, framing, monitoring, rule making, norm development, enforcement, capacity building, and financing.[45] Biermann outlines three key characteristics of global environmental governance. Firstly, there is said to be increased participation and diversity through the inclusion of non-state actors; secondly; there is increased privatisation of governance due to negotiation through partnerships, and finally, in a similar fashion to Haas, he asserts that there is a segmentation of policy-making so that governance is 'multilevel' and 'multipolar.'[46]

It is clear that debates concerning conceptualisations are yet to be concluded. I shall take 'governance' to refer to the institutions, norms, principles, rules and decision-making procedures that regulate a particular domain, since regulatory regimes are 'more than international organizations or even formal legal arrangements between states. They comprise the whole range of understandings, rules and procedures [of that domain].'[47] For the purposes of clarification, it is necessary to differentiate between the following separate but closely connected and overlapping realms of governance, each of which affects how the Congo Basin is governed to varying degrees. First there is governance related specifically to forests, secondly, this 'forest governance' interacts with a wider 'environmental governance,' and thirdly, both of these realms are based within an even broader architecture of 'global governance.' It is the interaction between these realms of forest governance, environmental governance, and global governance that constitutes 'global forest governance' and 'global environmental governance' respectively.

3.2. Global Forest Governance
A plethora of sources exist for forest governance, or as Dauvergne terms it, the 'international forest regime.'[48] In addition to sustainable development and sustainable forest management around which the regime has formed, other sources include 'the global discussions since the early 1990s to consider developing a global treaty for forests, the standards of organizations such as the Forest Stewardship Council, the sustainable forest principles of institutions such as the International Tropical Timber Organization, and particular provisions of international conventions directed toward other issues, such as biodiversity, desertification, climate change, and wetlands.'[49] Thus, unlike most global environmental regimes, there is no core legal treaty dedicated exclusively to forests. Instead, there are dislocated agreements to forest-related issues and guiding principles of sustainability. It should be noted that intense and perhaps irreconcilable disagreements exist among participants in global forest negotiations concerning the causes of and solutions to deforestation and forest degradation, in addition to the strong opposition to a global forest treaty.[50]

3.3. The Novel Features of Governance in the Congo Basin
Returning to the Congo Basin, the 'Yaoundé Declaration' and the 'Plan of Convergence,' both assert the need for sustainable and joint management by Central African States of the forest resources and of a network of protected areas in the Congo Basin. The Treaty establishing COMIFAC is an explicit concretisation of sustainable forest management in the governance of the region.[51]

Many of the generalised characteristics of governance outlined above are applicable in the Congo Basin context to varying degrees, without being completely synchronous. As the primary decision-making body in the region, COMIFAC represents the more traditional international form of governance since it is comprised of Central African governments as an interstate regime with sovereign authority. It would be a mistake to assume that forest governance is devoid of government. Instead, as Haas argues, what has occurred is that non-state actors are performing governance functions, an occurrence that cannot be accounted for if one is limited by exclusively state-centric models of governance. Indeed, the 'informal' CBFP consists of new, complex, and overlapping inter- and intra- organisational networks in which hierarchy and monocratic leadership is far more limited and less state-centric. It also seems to exemplify Biermann's three characteristics of global environmental governance; non-state participation, privatisation through partnership, and governance that is multilevel. These new participants institutionalise the norms and principles of sustainable development and forest management at, and between, the local, national, regional, and global level. Referring to the management of a governance system as a whole, the term 'metagovernance' has been defined by Visseren-Hamakers and Glasbergen as 'strategic steering and coordination in the governance system'.[52]

They argue that the main functions of the CBFP 'are metagovernance; partners exchange information and coordinate activities in order to increase efficiency and effectiveness.'[53]

This new form of governance found in the Congo Basin is remarkable in terms of its more informal networked character, the multiplicity of institutions involved and its ethos of global sustainable development. The construction of these new institutions represent a physical manifestation of Global Sustainable Development on a new terrain, that of the Congo Basin. Although COMIFAC represents the old 'architecture' of international governance, the structure of the CBFP is more akin to an 'organ' of governance that is developing organically. Global Sustainable Development is not just a blueprint for action; it is the evolving DNA for these governance bodies. The novelty of governance in the Congo Basin is indicative of the adaptability of Global Sustainable Development to local surroundings.

4. To What Extent Can CBFP and COMIFAC Contribute to Sustainable Development?

4.1. Beneficial and Detrimental Potential

The 'Problem of Fit'[54] concerns the suitability of the temporal, spatial, and functional scale of institutions to the ecosystem being managed.[55] The conservation efforts of the past, which focused on the protection of specific species and the maintenance of national parks, were artificially limited and segmented in focus. A more comprehensive and sophisticated vision of ecosystems logically requires a regional approach with institutions spanning across national boundaries. A clear potential for duplication existed between the European and United States initiatives of ECOFAC and CARPE, but the establishment of the CBFP reduces this risk. Furthermore, it has been replaced with the promising possibility of co-operation and co-ordination across the entire Congo Basin region, something that has been absent in the past. Hence the aspiration for such cooperation and coordination should be applauded. However, I contend that research from other rainforests suggests that although the potential for sustainable development may exist, there are reasons for expressing caution.

It would seem that multi-stakeholder 'network governance' has much to offer for sustainable development. Research has emphasised the need for collaboration of diverse sets of stakeholders operating at different levels, often in networks, from the local to the regional and national, and up to the international.[56] One could argue that the adaptability of a network is ideally suited for the governance of a domain as changeable as a tropical forest ecosystem. Rosendo's study in the Brazilian Amazonia of protected areas found that although multi-stakeholder partnerships can be advantageous, there are a multitude of potential limitations:

'Common problems include situations where the agenda of one particular actor dominates; there is an unresolved cultural clash between the various partners; partners have aims and objectives that cannot be reconciled; the partnership focuses on short-term projects rather than long-term strategies; there is no clear accountability between partners; the roles and expectations of the different partners are not explicitly established; and the organisations involved are unrepresentative of the groups or communities they claim to act on behalf of... Partnerships for the sustainable management of natural resources are likely to reflect similar dynamics.'[57]

Partnerships such as CBFP can be affected by unconstructive dynamics and incentive structures whenever there are significant power inequalities between different actors. For example, funding of local organisations and projects externally by NGOs can limit autonomy, accountability and create dependency rather than self-sufficiency and empowerment.[58] When NGOs are preoccupied with the success of their projects they can become reluctant to phase out their involvement and transfer management responsibilities to the communities they work with, 'either because they consider communities to lack capacity or to be subjected to internal conflicts and manipulation by elites or more powerful individuals.'[59] Whilst some might argue that ownership and participation of projects is of less priority if sustainable development is achieved, such a situation poses two problems; firstly, an excessive reliance on external funding can develop; and secondly, an attitude of paternalism can occur; both of which result in a relationship based on an unconstructive dynamic that causes long term resentment that will ultimately hinder sustainable development.

The above research suggests that multi-stakeholder partnerships possess both beneficial and detrimental potential. The same could be said of the CBFP. The notion of partnership can be conceived

as a normative ideal but it is simultaneously necessary to envisage the antithetical scenario. Such a situation would posit a partnership dominated by interests that are not only incompatible but moreover counter-productive to the conservation of the Congo Basin. The works of Humphreys and Dauvergne suggest that 'predatory' corporate interests are a major threat, as shall now be explored.

4.2. The Danger of Destructive Interests

Humphreys' analysis of global forest governance suggests a potential for generating both sustainable and unsustainable development.[60] He begins by outlining the contention of Korten[61] and McMurty[62] that 'global capitalism has mutated into a deep carcinogenic disorder that threatens the future of life on Earth by systemically degrading and depleting its environmental and social life hosts.'[63] Humphreys utilises this organic approach to analyse governance in terms of those activities that nourish forest life, and those that destroy. He recognises the following as 'life protective principles;' firstly; the ecosystem approach to 'forest management,' secondly; the incorporation of knowledge and practices of indigenous peoples and local communities, thirdly; the principle of public participation, and fourthly; the notion of 'protected areas.'[64] However, he notes that a broad definition of local and traditional knowledge can encompass local state bodies and forest businesses who have been criticized for promoting carcinogenic patterns in forests governance, and similarly, participation can include carcinogenic agents alongside life protective agents.[65] He also explains that the effectiveness of protected areas as a conservation tool is unproven:

> The very principle can be seen as a recognition that under advanced capitalism forests cannot be conserved in their entirety, only in designated areas. Furthermore, the formal designation of a forest as 'protected' is no guarantee that carcinogenic agents can be excluded, with widespread illegal logging and mining in many such forests. Protected areas have thus become arenas where life-destroying agents conflict with life-protective agents.[66]

Humphreys stresses the ambiguity of interpreting forest principles but he also identifies certain caveats of provisions that weaken already 'soft' or non-binding international law:

> For example, *Agenda 21* aims to ensure '*where appropriate*, conservation of existing and future forest resources,' while the IPF proposals note that countries should involve, '*where appropriate,* a broad participation of indigenous people, forest dwellers, forest owners and local communities…'[67]

The forests regime may explicitly aim for the conservation and sustainable management of forests but it would seem that there is an inherent underlying potential for appropriation by destructive interests resulting in unsustainable development. The danger of this potential should not be underestimated. Dauvergne's detailed research in the Asia-Pacific identifies logging companies as the major culprits of forest degradation and biodiversity loss in the region. He warns of states unwilling or unable to regulate logging practices, and further argues that the 'science' of tropical forest management tends to re-enforce and legitimise corporate world-views and behaviour to the extent that markets are assumed to be perfect and their actual environmental impact ignored.[68]

Dauvergne contends that despite the national internalisation of international environmental principles posing a superficial threat to corporate loggers in the region, the transformation of the rules and principles of forest management has in reality achieved little in altering logging practices on the ground. The reason for this disjuncture is stated as twofold. Firstly, national and local rules and practices 'reshape, dilute, and override much of the emerging international forests regime,' and secondly, 'the international forests regime is only part—and many would argue a small part—of the explicit and implicit principles, norms, and rules that shape corporate perceptions and constrain corporate actions.'[69] Dauvergne's critique demonstrates the value of embedding the role of corporations in an analysis of governance since it highlights how 'strategic bargains and compromises between loggers and their socio-political allies are… deflecting pressures for genuine environmental reforms. Loggers maintain informal networks of private alliances with state officials …, societal power brokers, and other corporate executives... The aggregate effect of such networks is to steer environmental reforms toward the formal rules of governance—international agreements, public corporate language and… state policies—and away from the informal elements—the expected and accepted norms that arise from webs of state-business alliances.'[70]

Indeed, sustainable development may have been globalised as a normative ideal, but its attainment in practice clearly varies with local conditions. If anything, it is being hindered, or 'colonised' as Humphreys puts it,[71] by forces of 'economic' globalisation which support damaging forest business and investment in forest areas. It is important to note that one must not over exaggerate the significance and effectiveness of global norms, principles and legal rules at the cost of local perceptions bargains, norms and practices, or 'over generalize about corporate behaviour and strategies in global environmental governance…'[72]

Returning to the Congo Basin context, CBFP and COMIFAC certainly have the potential to contribute to the sustainable development of the region. Regional co-operation and co-ordination in forest governance should enable sustainable forest management that is wider in geographical scope and more successful in accomplishing its aims. However, research from other rainforests must prompt caution. It is imperative that they are not dominated by counter-productive and destructive forces, be they from the action or omission of States, NGOs, or Corporations.

Such concerns have already been raised during the very inception of COMIFAC. A number of NGOs from Central Africa made a joint statement in response a draft version of the COMIFAC Treaty, asserting that the commitment to 'promote and accelerate the industrialisation of the forestry sector' was inappropriate and ran counter to the commitment to sustainability.[73] The World Bank has received severe criticism for its role not only in the Congo Basin but in a variety of different forest contexts,[74] and apprehension to its membership of the CBFP is understandable given its record. However, if there is meaningful dialogue resulting in actual change for the better, including such partners is not necessarily a negative outcome; on the contrary it should be welcomed.

Any critique of forest governance based exclusively on institutions is flawed, for as Dauvergne's analysis indicates, informal networks existing outside of official governance networks play a crucial role in 'unsustainable development.' An analysis which focuses solely on the extent to which the formal structures of the CBFP and COMIFAC can contribute to Sustainable Development could easily fail to accommodate for this factor. An alternative approach to analysing governance is thus required.

5. Sustainable Development Governance For Whom and 'From Below?'

The Congo Basin contains a quarter of the world's tropical forest. It is a region of extraordinary biological richness. But the Congo Basin Forest is being degraded at the rate of two million acres every year. We must do something to preserve this *global treasure* … This initiative is a commitment by the United States, the six governments of the Congo Basin, other partner governments, conservation and business groups, and organizations representing civil society to work with the countries of the Congo Basin, to *manage their forests* in a sustainable fashion. [Emphasis added]

> -Colin L. Powel, former USA Secretary of State at the launch of the CBFP at the World Summit on Sustainable Development, Johannesburg, South Africa September 4, 2002[75]

In the early phases of colonization, the white man's burden consisted of the need to 'civilize' the non-white peoples of the world – this meant above all depriving them of their resources and rights. In the latter phase of colonization, the white man's burden consisted of the need to 'develop' the Third World, and this again involved depriving local communities of their resources and rights. We are now on the threshold of the third phase of colonization, in which the white man's burden is to protect the environment – and this too, involves taking control of rights and resources…

> -Mies & Shiva[76]

5.1. Governance For Whom?
The above quotations raise themes of ownership, power, control, and the rights and resources of local communities, themes that shall now be explored. To begin with, the question of ownership and forests is contested around the world.[77] Some would assert that the issue derives from sustainable development

itself. It is useful to begin by locating sustainable development within the wider discourse of 'development.' Escobar insightfully explains how the contemporary notion of development, derived from the grand designs of 'progress' and 'Western modernity,' resulted in the construction and perception of an underdeveloped 'Other,' leading in turn to the production of the 'The Third World.'[78] The promised 'progress' of development came at the price of global warming, ozone depletion, loss of biodiversity, soil erosion, air and water pollution, whose impacts are significantly more harmful for such 'Third World' countries.[79]

Sustainable development can be seen as an attempt to address environmental destruction ultimately linked to the discourse of development. However, it continues to privilege a worldview based on Enlightenment rationality in which 'Nature' should be dominated for the benefit of humanity.[80] What is more, along with its physical deterioration, we are witnessing the 'symbolic death' of 'Nature.'[81] This requires some elaboration.

The definition of a problem will always occur within conceptual frameworks that highlight certain features and exclude others as irrelevant; environmental problems are not just naturally revealed, they are socially constructed.[82] Furthermore, images of how a problem is perceived reveal how a solution is constructed. The prescription of a solution can itself become dominant and exclude other solutions. Bearing this in mind, sustainable development undoubtedly dominates both in terms of the diagnosis of problems as 'unsustainable' usages of resources and, inevitably, the solutions of sustainable development. Consequently, the power of the discourse is that it has altered the very image of what can be 'owned;' it has revised and transformed 'Nature' into an 'Environment'[83] capable of being commodified and expropriated as a capitalised resource. Furthermore, one could argue that sustainable development, although not always the case, has a tendency to privilege Western notions of environmentalism and conservation that have similar effects as development: 'rather than empower peasant populations throughout the world, environmental and conservation policies transfer control of rights and resources to national and international institutions that have failed these populations for over fifty years.'[84]

The issue then is not just ownership of forest resources, but also of power and control. Participation in governance is said to increase 'ownership.' In the context of Poverty Reduction Strategy Papers, Stewart and Wang critique the notion by making a salient distinction between ownership and empowerment, with the former denoting a 'perception of possession' and the latter involving the ability to bring about genuine and substantial change.[85] Participation in partnerships is only meaningful if participants have the power to bring about actual policy changes.[86] COMIFAC, CBFP, and also the World Bank's AFLEG process encourage the participation of NGOs, the private sector, and local populations in governance, but who is empowered? As was identified above, such participatory processes are permeable to destructive forces and powerful interests that dominate proceedings. Beck has argued that global business interests possess a 'meta-power' in relation to nation-states based on the actual or threatened 'exit option,' asserting that this power is neither illegal nor legalised, but is rather 'translegal.'[87] Beck elaborates that as a consequence, 'the power to make laws, the authority over authority… the right to decide who may decide about what in a binding way – no longer lies with the 'sole legitimate' power of the state. Instead, forms of divided sovereignty come into being, divided between states and global business actors…'[88] Recalling Dauvergne's critique, the power of global business actors in many cases transcends national and international law. This is supported by the following comments of the World Bank with regard to its forest participation exercises:

'The experience with these processes has demonstrated that it is as much a political process as it is technical… Where the economic stakes in illegal activities are high, powerful interest groups can forcefully protect the status quo even if the outcome is clearly negative from the society's point of view… Representatives from interest groups directly involved in timber production can wield considerable influence among their peers and colleagues.'[89]

Evidence from case studies in the Republic of Congo and Gabon suggest that logging companies are indeed operating 'translegally' in the Congo Basin, either in legal 'partnership' with the state or within a legal vacuum, in a way that significantly harms local communities.[90] This is precisely the kind of predatory corporate interests that Dauvergne's critique highlights.

Santos and Rodriguez-Garavito have criticised 'participatory exercises in institutional imagination' where 'the process is a top-down one in which those at the bottom are either incorporated only once the

institutional blueprint has been fully laid out or are not incorporated at all.'[91] It would seem with that this is also what has occurred in the Congo Basin. For example, Article 1 of the COMIFAC Treaty asserts that parties to the treaty will 'step up efforts to increase the rapid participation of rural populations in the planning and sustainable management of ecosystems and allot adequate areas for their socio-economic development.'[92] Yet ironically, during the very process of drafting the COMIFAC Treaty these states were criticised for not consulting civil society and the forest peoples.[93] The response of Santos and Rodriguez-Garavito to such top-down processes has been to call for a governance perspective 'from below' that privileges the excluded as actors and beneficiaries of new forms of global politics and legality, an inclusive strategy that they term 'subaltern cosmopolitan legality.'

Thus far, my analysis has critiqued the global forces dominating the governance of the Congo Basin 'from above.' Globalised sustainable development justifies the perception of nature as an environmental 'resource' for the benefit of humanity, whilst organs of governance are permeable to destructive global corporate interests, who in practice benefit the most from such an arrangement. Applying a 'bottom up' approach to the governance of the Congo Basin Forests identifies who has suffered as a consequence of exclusion from ownership and who has been disempowered.

5.2. Perspectives 'From Below'

Research from a variety of forest contexts has indicated a tendency for forest governance to privilege dominant forestry interests at the expense of social exclusion.[94] Two brief case studies of Cameroon and the Democratic Republic of Congo (DRC) suggests that such concerns resonate with the Congo Basin.

5.2.1. Cameroon

Cameroon implemented a process of policy reform sponsored by the World Bank which resulted in a new Forest Law in 1994. Implementation of the forest law was based on a national zonation plan known as the 'Plan de Zonage.' However, the plan was drawn up with little participatory involvement, which meant that the law was based on limited and inadequate information regarding customary territories and existing uses of land and forest resources.[95] A multitude of unwritten 'customary laws' recognised community ownership, but under the new 'modern law' which was granted precedence, the State claimed control of all land on which individuals were incapable of showing proof of ownership through land titles.[96] The 'pygmy' peoples are the most ancient inhabitants of the forest and greatly dependent on it for their livelihood, yet forest management practices did not fully take into account their rights, instead giving preference to industrial forest exploitation and conservation through the protected areas system.[97] The consequence of prioritising timber interests above the needs and priorities of the country's rural and forest-dwelling local people meant that they were excluded from owning or managing for economic purposes nearly two thirds of the land area, which disadvantaged the Baka, Bakola and Bagyéli 'Pygmy' peoples especially as no allowance was made for their particular way of life.[98]

In 2003, the Center for International Forestry Research (CIFOR) and its partners started the Model Forest Project in Cameroon, as part of the International Model Forest Network (IMFN). The goal of the IMFN is the sustainable management of forests around the world whilst simultaneously taking into account the needs of local communities. Model forests are governed by a voluntary partnership representing government, indigenous groups, civil society, industry, research organizations, and non-governmental organizations (NGOs). The aim of model forests is to create inclusive partnerships where 'development and conservation interests can work with local stakeholders to make sustainable development a practical reality'.[99] Since 2005, Campo Ma'an and Dja et Mpomo have been pilot model forest sites for the Congo Basin. These model forests cover approximately 1.5 million hectares of forested landscapes. The expressed aim of the Model Forest Project is certainly a promising development, although research indicates it is as yet too early to ascertain whether tangible progress has been made or not.[100]

5.2.2. DRC

A new Forest Code in 2002 was adopted in the DRC that was also supported by the World Bank, yet there was virtually no consultation with civil society or forest communities over the Code or the legal decrees that will implement it.[101] In the past, entire communities have been ejected from their land without prior consultation or equitable compensation to facilitate the exploitation of timber concessions and the establishment of protected areas, pasture lands and farms by private individuals, companies and the State.[102] The brutal expulsion in the 1970's of the Batwa Pygmies during the creation of the

Kahuzi-Biega National Park (PNKB) highlighted how ineffective land laws have been for protecting the interests of indigenous peoples.[103] The PNKB was concerned with protecting large mammals such as Gorillas, and despite living in harmony with the wildlife, mass expulsion occurred. It is important to highlight the cultural impact of this expulsion for these displaced peoples, for the land is not merely a habitat:

> 'To them, land is also sacred because it provides food and shelter for the living, and shelter for the ancestors with whom it is associated. It is important to try to recognise and understand the particular and mostly spiritual relationship that the people have with the land, a fundamental element of their very existence and the basis of all their beliefs, customs and traditional values. For pygmies, the land is not simply an object of possession and production. The very essence of the relationship pygmies have with their motherland, their land, is pregnant with meaning. Moreover, land is not property that can be owned. Rather, it is a natural element that everybody should use freely.'[104]

The expropriated Pygmies were forced to become sedentary, but without compensation they had no way of accessing either forest or farmland. Although the drafting of the new code represents a major reform of policy in DRC,[105] as shall be further explored below, its implementation is unlikely to fare any better than previous laws at protecting the indigenous peoples of the forest.

5.3. An Unsustainable Development?

In summary, when one adopts this perspective 'from below,' the indigenous peoples have clearly been denied any say in the past concerning forest governance. Despite the rhetorical guarantees of participation, the structures of governance and power relations have not only disempowered indigenous peoples, forest laws have overridden traditional customary rights and transferred ownership away. The forests can be viewed as a 'global treasure,' but this does not mean all interests benefit equally.

However, the denial of 'ownership' of 'forest resources' does not sufficiently articulate what has occurred, and neither does disempowerment. One can ascertain from this perspective that simply assessing forest governance in terms of whether it is sustainable or not is clearly inadequate in scope, for it does not address in whose interests the forest are governed, and what impact this governance has on those that have been excluded from it. Indeed, it is the dominant prioritisation of sustainable development itself that is the key issue. In my opinion, adopting a perspective 'from below' leads to the conclusion that governance must not be devoid of ethics. I therefore submit that one must examine notions of justice with forest governance.

6. Just Governance for the Congo Basin

6.1. What 'Justice?'

Low and Gleeson delineate two aspects of Justice; the justice of the relationship between humans and the rest of the world, and the justice of the distribution of environments among peoples, which they term 'ecological justice' and 'environmental justice' respectively.[106] The question of ecological justice arises from humanity's treatment of the 'non-human' and is inexorably tied to the construction of the human 'self' and its connection with the separated 'environment.' Although the philosophical debate cannot be fully explored here, suffice it to say that the concept is heavily contested.[107]

Some would argue that environmental justice is about intra- and inter-generational distribution, that is, just distribution amongst current generations and between the present and future generations. It is also said to concern justice regarding procedure, participation, and recognition. I shall now briefly outline each of these concepts.

Principles of distributive justice have been considered by the prominent work of Rawls,[108] Beitz,[109] and Pogge.[110] Rawls defined justice as the appropriate division of social advantages and proposed a framework to assess such a distribution as 'justice as fairness.'[111] Instead of constructing a theory of justice focused on absolutely universal principles, Walzer was concerned with understanding the concept in its historical and cultural setting by introducing a language of difference. Positing a notion of a 'distributive sphere' where conceptions of justice are limited in time and place, Walzer argues 'that the principles of justice are themselves pluralistic in form; that different social goods ought to be distributed for different reasons, in accordance with different procedures, by different agents; and that

all these differences derive from different understandings of the social goods themselves- the inevitable product of historical and cultural particularism.'[112] Thus the criteria for distribution must account for the difference of contextual valuations.

Young's critique opposed the preoccupation with distribution issues, instead highlighting the injustice of a lack of recognition of identity and difference, arguing that, 'where social group differences exist and some groups are privileged while others are oppressed, social justice requires explicitly acknowledging and attending to those group differences in order to undermine oppression.'[113]

A further dimension of justice is said to be of procedure. Honneth argues that an absence of rights due to misrecognition is directly linked to participation in an institutional order, explaining that when people are 'structurally excluded from the possession of certain rights within a given society... [the experience] is typically coupled with a loss of self-respect, of the ability to relate to oneself as a partner to interaction in possession of equal rights on par with all other individuals.'[114]

Schlosberg notes that the above notions can be considered as interrelated, since recognition requires participation, participation is necessary for equity, greater equity enables more participation and this in turn would bring about greater recognition.[115]

It is important to appreciate that these notions of justice are heavily contested, as is concept of sustainable development. Rather than offering a full critique of all of such justice models,[116] it is instead my intention to examine what the possible implications may offer for the Congo Basin context as an alternative approach to issues that might otherwise be automatically framed in the sustainable development discourse. First, the following preliminary issue must first be addressed.

6.2. Is Sustainable Development Compatible With Justice?

Sustainable Development is said to involve conflicts of interest, and that these 'conflicts demand just solutions. Sustainable development without environmental justice is an empty formula designed... to 'wave away such conflicts in a single unifying goal.'[117] According to Langhelle, social justice is an inherent part of sustainable development and its conception is broadly compatible with liberal theories of justice.[118] In contrast, Dobson contends that the relationship between distributive justice and environmental sustainability can only ever be a contingent one, and poses the following dilemma:

'The functional relationship between justice and sustainability is nearly always presented as a virtuous one, but what if it turned out that, under some circumstances, social and economic inequality... was conducive to environmental sustainability? For many, this would force a difficult choice between sustainability and justice, and would make clear – for those who chose the former, even on the basis that its realisation would demand the deepening of inequality – the subordination of justice to sustainability.'[119]

Discussions of compatibility between sustainable development and justice can hinge upon which conceptions are chosen. Sachs notes that the Brundtland Commission 'called for justice between generations or inter-generational equity... In the light of this concept, the essence of sustainability is to be found in a particular relationship between people and people rather than between people and nature. In fact, the concept can serve as the cornerstone for a new ethical framework...'[120] Issues of *inter*-generational justice are clearly explicit throughout the concept of sustainable development.[121] However, this is precisely the problem; one must infer issues of *intra*-generational justice in conceptions of sustainable development because they are not always made explicit. The question of compatibility does not necessarily highlight this. The two can arguably be construed to be compatible depending on definitions, but instead of fully engaging with this debate I contend that what is of greater importance to governance is the view that instances of injustice are being subordinated beneath the pursuit of sustainable development. This merits some elaboration.

The power of narratives 'derives from their capacity to orient people, to provide them with a far stronger identity than was possible before their emergence, to enable far more complex coordination of their activities in organisations and institutions and to help them to work towards goals far beyond the lives of individuals or communities.'[122] Accepting the 'truth' offered by narratives alters one's perception of reality. As with development, a totalising vision has been constructed which offers both the means of 'progress' and the overall goal to be aspired to, and in which any relevant factor becomes enveloped, reconfigured, and then represented within the self-perpetuating 'grand narrative' of

sustainable development. As examined in the previous chapter, the diagnosis of an 'unsustainable environmental problem' results in its antithetical solution. The danger with accepting this discourse or narrative is that if there can be a transformation of 'nature' into 'environment,' so too can an 'injustice' be altered into an image of 'unsustainable development.' This is an unacceptable outcome that environmental governance must not neglect to address. If there is injustice, it must be articulated as such.

6.3. Local Injustice in the Congo Basin

The following is based in a DRC context, but the justice themes are applicable throughout the Congo Basin.

In 2006, seven NGOs submitted to the UN Committee on the Elimination of Racial Discrimination a request for urgent action to avoid immediate and irreparable harm to the indigenous peoples in DRC.[123] The request highlighted a number of interrelated justice issues. To begin with, commercial resource exploitation and forest zoning exercises, of which the request protested against, are ineluctably matters of distributive justice. One could utilize Walzer's theory to argue that the particular cultural and historical context of the forest land for indigenous peoples in DRC must be taken into account when determining its just distribution. For example, the pygmies expelled from the PNKB have 'continued to highlight the relationship that exists between them and the land. They did this with the immediate aim of encouraging non-pygmies and leaders to understand the spiritual, social, cultural, economic and political importance they attach to their land as far as the survival and vitality of pygmy communities are concerned. They have explained that understanding such strong attachment to their land requires rethinking the conceptual framework and acknowledging the existing cultural differences.'[124]

The expulsion was much more than a denial of resource ownership, for without the forest land, 'it was increasingly difficult to preserve their culture and perform their rites in their new environment. This sparked an identity crisis, as the pygmies could barely adapt to the culture of their host communities while preserving their own.'[125] For the diaspora it was undoubtedly an unmitigated catastrophe. It is pertinent here to recall Young's conception of injustice as a lack of recognition of identity and difference, since forest governance has recurrently failed the indigenous peoples in this regard. It would seem that this trend is set to continue, for the system of land tenure in DRC only recognises individual ownership, which discriminates against the customary collective ownership rights of the pygmies. The process for obtaining individual legal title is virtually inaccessible for them:

'Only a written demand can be made to the land distribution agencies in urban centres; the process can take as long as ten months and costs approximately US$400.'[126]

The injustice is likely to be compounded for local peoples that are consequently displaced, in particular for the Batwa, since they already suffer much discrimination and marginalisation.[127] This is reflected institutionally in procedures that are structurally discriminatory. For example, the 2002 Forest Code enables the creation of 'community forests,' but it stipulates that title and authority is to be invested in the chief or the person responsible for management, or both, yet the indigenous peoples in DRC do not traditionally organise in the same manner as the dominant Bantu society either socially or politically, and do not have a designated 'chief.'[128] Instead, there is communal organisation and decision making:

'In practice, indigenous communities are often deemed to 'belong' to a neighbouring Bantu who designates himself – and becomes known as – their 'chief'. Therefore the forestry legislation also exposes indigenous peoples to the threat of continuing the pattern of domination and coercion by neighbouring Bantu who falsely claim to represent indigenous peoples and their interests.'[129]

In summary, it is an injustice rather than an unsustainable development that is recurring at the local forest level in the Congo Basin, as the DRC exemplifies. I contend that since the language of justice elucidates a far more appropriate narration of what is occurring, it likewise offers an alternative solution more suitable than mere sustainable development policies. One can also turn to Human Rights as a means of resolving the plight of indigenous peoples.[130] However, I believe that if forest governance is to avoid claims of anthropocentrism, it must be based more widely on justice instead of only Human Rights. Forest Governance based on justice allows for the inclusion of both environmental and ecological justice perspectives. This is particularly important for the many indigenous peoples such as those in DRC; after all, one could argue that part of the cause of the injustice has been their forced

separation from the forest, both physically and metaphysically. When the identity of indigenous peoples is inexorably tied to the forest itself, questions of ecological justice must surely ensue.

6.4. Justice: Another Grand Narrative?

If forest governance is to be rooted in justice, would this not merely privilege the domination of one absolute and final perspective over all others, that is, another grand narrative? Is this not dangerous considering how contested 'justice' is? Arran Gare has made a salient distinction between 'monologic' and 'polyphonic' narratives:

'Polyphonic narratives allow diverse perspectives to be brought into relation to each other and to contest each other, and allow that there are other perspectives not yet represented or considered… Receivers of narratives can then relate their own perspectives to those represented, to appreciate that their own perspectives are being contested, but also that they can contest the represented perspectives. Monologic narratives, which assume one, true view of reality being conveyed to the reader, or through which people's lives can be understood… can only exist by suppressing the possibility of different voices.'[131]

Thus it is not grand narratives as such, but monologic grand narratives 'which reduce everything to instruments to be evaluated in terms of their contribution to the projects of these grand narratives.' Polyphonic narratives instead call for 'diverse perspectives to reveal as many aspects of the world as possible and to reveal which of these perspectives is most adequate.'[132] They do not presuppose some definite and inevitable end. Unlike the monologic of sustainable development, 'justice cannot be tied to a fixed and static formula. Justice emerges from a discursive struggle, a dialectic…'[133] Hence, it is my view that Congo Basin forest governance must be re-orientated to ensure the engagement of a plurality of voices rather than the privileging of those 'from above' and the exclusion of those 'from below.'

7. Conclusion

This paper began with the questions of why, how and for whom is the Congo Basin Rainforest governed. The first two questions must be answered through an analysis of governance with sustainable development at its core.

There has been an institutionalisation of the globalisation of the sustainable development vision; it is a phenomenon that has proliferated and been incorporated into the agendum of international conferences, symposia, institutions, agreements, legal measures, government and non-governmental agencies around the world. The Congo Basin is the latest terrain upon which this global phenomenon has become localised. The discourse of Sustainable Development describes the problems facing the forests whilst its policies prescribe the solutions. The CBFP and COMIFAC are a manifestation of this localised globalism. These governance bodies simultaneously represent the old architecture of sovereign international state centric institutions whilst also exhibiting signs of an evolution into a new form of governance that is complex, decentralised and networked. These organs of governance share sustainable development as its guiding ethos or DNA, providing a clear blueprint for action. The 'informal' CBFP is remarkable in particular because it consists of overlapping inter- and intra-organisational networks in which hierarchy and monocratic leadership is far more limited and less state-centric, with non-state actors performing governance functions. These new participants have further institutionalised the norms and principles of sustainable development and forest management at, and between, the local, national, regional, and global. Thus, a dynamic interaction between sustainable development and globalisation, and an embodiment of this interaction in COMIFAC and CBFP, provides a prima facie explanation of why and how the Congo Basin is governed the way it is.

This paper also provided a critique of these governance institutions on their own terms through an assessment of the extent to which CBFP and COMIFAC can contribute to achieving the stated sustainable development goal, of which these institutions are undoubtedly a product of. Although the aspiration for regional cooperation and coordination should be applauded, research from other forest contexts should prompt caution. The adaptability of a network might appear to be ideally suited for the governance of a domain as changeable as a tropical forest ecosystem, but a multitude of potential limitations exist. Multi-stakeholder partnerships possess both beneficial and detrimental potential, and one should not necessarily assume their existence to benefit sustainable forest management. The danger facing the CBFP is the possibility of domination by interests that are not only incompatible but moreover counter-productive to the conservation of the Congo Basin. I utilised Humphreys' framework of analysing governance in terms of those activities that nourish forest life, and those that destroy, to

further support my contention that there is an underlying potential for appropriation of governance by destructive interests resulting in unsustainable development. Sustainable development may have been globalised as a normative ideal, but its attainment in practice clearly varies with local conditions, particularly since it is susceptible to 'colonisation' by forces of 'economic' globalisation which support damaging forest business and investment in forest areas. Dauvergne's research highlights how informal networks with private-public alliances outside of official governance play a crucial role in 'unsustainable development.' A more nuanced analysis is required in understanding why and how forest governance exists in the Congo Basin the way it does, one in which issues of power must be addressed. Indeed, a critique of the Congo Basin must ask; for whom the forest is governed?

Locating the origins of sustainable development within the wider development discourse, I submit that the consequence of its dominance as a paradigm has transformed 'Nature' into an 'Environment' capable of being commodified and expropriated as a capitalised resource. Increased participation of non-government actors may be encouraged by the unique features of Congo Basin forest governance, but the critical issue is of power relations between these participants, especially pertinent given the 'translegal' power of global business interests in relation to states. If the fora of COMIFAC and the networks of CBFP simply become a means to enforcing a consensus of opinion by powerful interests upon powerless participants rather than an open forum of genuine discussion between partners resulting in positive changes, it will be difficult to see the point of participating at all.

After studying the global forces that have shaped governance 'from above,' this paper then shifted in perspective to adopt an approach that explicitly considered excluded local interests 'from below.' Case studies of Cameroon and DRC demonstrate that in the face of rhetorical guarantees of participation, the structures of governance and power relations have not only disempowered indigenous peoples, forest laws have also overridden traditional customary rights and transferred ownership away. However, the language of sustainable development does not adequately articulate what has occurred. Indeed, the discourse has become an unquestionable, monological 'grand narrative' which offers a totalising vision of both the problems faced and their inevitable solutions. This paper asserts that it is an injustice rather than an unsustainable development that is frequently occurring at the local forest level in the Congo Basin, as the DRC exemplifies, and consequently forest governance must ensure that such local injustice is not subordinated.

Therefore, the governance challenge facing the Congo Basin Rainforest is that there must be a re-orientation away from Global Sustainable Development as the sole dominant paradigm. I conclude that a mode of governance must be pursued in which the voices of the excluded 'from below' are not only heard, but listened to, engaged with and welcomed as the empowered voices of genuine and valued partners by those 'from above.' Only through a dialectical engagement will justice emerge in the Congo Basin Rainforest.

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