

# Whose Forest Is It Anyway? Mbendjele Yaka Pygmies, the Ndoki Forest and the Wider World

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## Introduction

This paper introduces the way the Mbendjele Yaka Pygmies of the Ndoki Forest in Northern Congo talk about their forest and its resources, and the way they conceptualise property relations more generally. This will be contrasted with the way local farming people and the national government talk about property and ownership. Recent developments in global capitalism have converted the Mbendjele's forest into floral and faunal assets that are distributed by central government to multinational organisations. The paper examines how this situation came about and what the implications are for the Mbendjele and other Yaka People.

## The Ethnographic Context

The Mbendjele Yaka (Pygmies) live in the forest between the Sangha and Oubangui Rivers in northern Congo-Brazzaville and some parts of southern Central African Republic. This area of forest is increasingly referred to as the Ndoki forest. The vast majority of Mbendjele often spend more than half the year hunting and gathering in forest camps and some part of the year near or in agriculturalists' villages. In addition to hunting and gathering, here they will trade, labour or perform services for villagers in return for food, goods, alcohol or money. However, the situation varies greatly from place to place.

Mbendjele near the Central African Republic are evangelised and relatively sedentary. Those living near logging towns may spend long periods working outside the forest. Others further south spend most of the year in the forest, with some groups not coming out to villages for years at a time. The same group or family may spend a year in a logging town followed by the next few years mostly in the forest, or vice versa. Annual variation in movements is very common, but the number of places visited is limited.

Thus over several years most people will move between well-known resource centres (ebende ya benda) within their traditional territories, and sometimes beyond these areas. Such resource centres may be salt licks popular with large game, areas rich in wild yams, seasonal caterpillars, fruit trees, rich fishing sites, abandoned palm-nut plantations, farmers' villages, logging towns, or prospecting camps. Mbendjele travel light and their movements are as likely to be opportunistic as planned in advance.

The Mbendjele clans with whom we lived<sup>1</sup> have established exchange relations with four different groups of farmers: the Bongili, Kabunga, Sangha-Sangha and recently with the Bodingo. They are all speakers of Bantu languages. In addition to those just mentioned, I came across Mbendjele in relations with a great variety of different farmer groups: the Kaka, Ndongu, Ngando, Enyelle, Pomo, Yekinga and Yasua. All these various groups are referred to as 'Bilo' by the Mbendjele. The term Bilo is used by the Mbendjele to make a meaningful distinction between non-Yaka Africans and Yaka (Pygmy) people that is

based on perceived racial, ideological, knowledge and economic differences. Instead of Bantu, farmer or villager, in this paper, as elsewhere, I follow their lead and use Bilo.

Mbendjele say they belong to a larger group of *bisi ndima* (forest people) whom they also refer to as Yaka people. Indeed Mbendjele more often refer to themselves as Yaka (Moaka in the Singular and Baaka in the plural) than with the name Mbendjele. Mbendjele is used to distinguish themselves from other Yaka groups they are aware of, such as the Mikaya of Mokeko district, or the Ngombe (Baka) of Cameroon. Despite a variety of relations between different Yaka groups, ranging from hostility to intermarriage, their shared identity is based on common descent from the first forest dwellers, a shared past. oral tradition, ritual styles and marriage relations - and not on the exchange of goods or trade.<sup>2</sup>

This contrasts with Yaka people's relations with Bilo or 'Whites' (Mindele), which are predominantly based on trade and exchange. All Yaka groups are hunter-gatherers to varying degrees and each has its own exclusive area of forest. This contrasts with Bile- and 'White'-owned land that is superimposed over the rights of the different Yaka groups.

## **Yaka and Bilo**

The Mbendjele describe their relations with Bilo with many similarities to the opposition between coloniser and colonised that informs the worldwide indigenous rights movement. Mbendjele describe village people as recent arrivals to the forest who discriminate against them, attempt to exploit them, claim rights over their land and labour, and make aggressive claims to own farmland, rivers, forest and even other people. Mbendjele elders often emphasise that it is their transience in the forest that makes Bilo claims vacuous and therefore not to be taken seriously.<sup>3</sup>

There exists a developed oral tradition that elaborates and entrenches cultural stereotypes differentiating Yaka forest people from Bilo village people through accounts of the past. These numerous and widely told stories attest to the enduring and elaborate nature of the opposition between them. The cultural significance of the contrast between forest people and village people has been commented on by other ethnographers in Central Africa as one of the most fundamental markers of ethnic difference in forested regions (see for instance Turnbull 1966; Bahuchet and Guillaume 1982; Waehle 1986:392; Grinker 1994; Kenrick 2000; Lewis 2001; Kenrick and Lewis 2001; Kohler and Lewis 2002).

Even where forest people no longer have access to forest, and may even speak the same language and have many similar cultural practices and beliefs to their farmer neighbours, these oppositions do not break down. Indeed, they can become more entrenched as segregation and discrimination increase, as has happened to the Twa Pygmies of the Great Lakes Region (Lewis 2000). In northern Congo local Bilo perceptions of the differences between Yaka and Bilo people were expressed to me with many similarities to Woodburn's (1982) distinction between 'immediate-return systems' and 'delayed-return systems'.

A young educated Bilo man expressed this in the following way:

Despite production being for subsistence, the Kabunga organise themselves to make reserves of food for the future. Using elementary conservation techniques, they preserve food from the harvest, fishing, and hunting. In contrast, the Yaka will always consume all the food they have before going to look for more. The Yaka is a most sociable person, their whole lives, and all activities, are carried out in groups. Their lives are in eternal communion with each other.

In contrast, the Kabunga, whose life has evolved, is inclined to a solitary existence, each man for himself, God for all. While the Kabunga wastes his time making politics, organising himself, seeking to uplift his land and village, the Pygmy is usually preoccupied with the politics of the bush. He searches to discover all the possible procedures to trap or capture wild animals in the bush.

From the point of view of education, the Kabunga orients his children towards schooling, the Yaka, to the domain of the bush.

There is much conflict between the Yaka and Kabunga. Most quarrels are caused by the Yaka refusing to work. There are also quarrels caused by capricious acts committed by the Yaka, such as theft, abuse of confidence, and refusal to honour debt. (Moise Taito, Kabunga chief's son and second year psychology student at university, aged twenty-six, 1996)

Woodburn's distinction is valuable to anthropologists because of this correlation with local perceptions. The 'immediate return' orientation to life is enduring and indigenous among the forest hunter-gatherers of Central Africa. Woodburn (1982) stressed that his distinctions between immediate and delayed-return systems, although using economic criteria as a starting point, extend most importantly into social relations and politics, much like Moise Taito quoted above.

Similar observations in different places have caused other anthropologists to elaborate distinctions of their own. For example, Barnard's contrast between the 'hunter-gatherer mode of thought' and 'accumulation modes of thought' (2001), or Lee's concept of 'communal foraging relations of production' (1981). Ingold argues that hunter-gatherer sociality is such 'a radically alternative mode of relatedness' (1990: 130) that the term 'society' is inappropriate.

Woodburn characterised this radical difference in his discussion of egalitarianism (1982). People in immediate-return societies do not depend on others for access to vital resources. Goods are not accumulated or conserved for longer than it takes all present to consume them. 'Demand-sharing' is crucially important in assuring the relative equality of all the members of a group by guaranteeing that individuals do not accumulate more than others. Sharing is central to Mbendjele understanding of peoples' relations to material objects, and demand-sharing the process by which they oblige others to let them take what they need. From their point of view property relations are all about sharing relations. In order to contextualize and understand Mbendjele talk about the forest it is therefore necessary to look at Mbendjele sharing in more detail.

## **Demand-Sharing**

If I have two shirts and someone asks me for one I should give it to them. I can't refuse anyone, family, friend or stranger. Especially if you love people properly. then how could you refuse anyone? (Mongemba, 50-year-old Mbendjele man, Pembe. November 2000)

Bilo use of the term konza (in Lingala and many other local languages) conforms in many respects with the delayed-return or capitalist notion of 'owner'. Following Barnard and Woodburn's (1988: 13-14) definition of property rights, the 'owner' of some 'thing' should have the ability, through rules, sanctions and a legitimising ideology, to restrict other peoples' enjoyment of the same 'thing'. This fits most Bilo uses of the term konza, including certain contexts where the konza may be a corporate group.

Mbendjele also use the term but explicitly contrast their meaning with the Bilo use of the same term. The different spellings I use for what is often glossed as the same word, konza (Bilo version) and konja. (Mbendjele/Yaka version), distinguish between Bilo and Mbendjele pronunciation and the different interpretations each has of the concept of 'ownership'.

In Yaka tradition, the closest people get to accepting notions of ownership similar to those of Bilo or capitalists is in relation to certain ritual and mystical knowledge (intellectual property) that will be denied to ineligible people. Thus spirit-controllers (konja ya mokondi) or healers (nganga) may refuse to share certain knowledge with other people. These strings of knowledge have been inherited, even bought and sold between Mbendjele and other Yaka groups, over long periods and great distances.

Of material items, only certain personal possessions like a woman's basket (yukwa), her pots (banjongo), clothing (betobo) and machete (bunu) and a man's bag (ngamata), his weapons - spear and knife (gongo na yobe), tools (notably the djombi - axe) and clothing are recognised as belonging to named individuals, often the person who made, found, took or bought the item. The konja has priority over others' claims to the item. But in contrast to ritual and mystical knowledge these items, when not in use by the konja, should be shared on demand. Mbendjele relationships are based on the principle of sharing material items.

For most material items need determines who is the konja, especially of consumable goods. In the Mbendjele context owning something is more like a guardianship or caretaker role until someone else needs it. For instance, when the Mbendjele recognise the konja (owner) of an animal, it is only significant to ensure the konja gets his hunter's meat (the 'owner' is by definition the hunter that first wounded the animal), thus ensuring his future hunting success. This, however, gives him no right to refuse anyone an equitable share of the carcass he 'took out of the forest' (a mu bila nyama ya ndima). Mbendjele compare their notions of konja with those of the Bilo clearly in this context:

A Bilo konza is different. When they say they are the owner of an animal, they refuse people! Even if they are very hungry, they still refuse them. Their way is different, their path is bad. (Mongemba, 50-year-old Mbendjele man, Pembe, November 2000)

Demand-sharing creates and sustains social relations of equality and affection. The importance of affection in defining sharing relations has consequences for spatial organisation. There are 'circles' of sharing depending on the quantity and type of food or other good, and the degree of affection between

people. The Mbendjele household (mongulu) is the basic unit of sharing. A typical household might consist of a young married couple with small children, the wife's mother and unmarried younger siblings, all sleeping in the same liana and leaf house (mongulu). Another common household type is based around a mature married couple with a wide age range of children living with them.

These children will often include some of their own but also some of their siblings' and others' children.<sup>5</sup> Children, like adults, are able to change their residence freely and easily should they desire to. In this way affection is vital to keeping members of a household together. Within this context any household member consumes whatever enters the household freely and normally without restraint. Normally only people who like each other live together in the same camp (lango) since avoidance is a common way of resolving disputes. Any large amount of food brought back by a camp member will be shared equally among all the households in camp.

In situations of temporary high population density (such as during dry-season ceremonies, or when feasting on large game, or when visiting Bilo villages) Mbendjele often group their houses together with those people they particularly like and will tend to share more with them than those further away. When numbers get over about sixty people Mbendjele often make several separate camps close to each other in order to respect peoples' differences. There only tends to be sharing between camps when there is great abundance or great scarcity.

The next level of sharing is rare and occurs in only two contexts – big game hunting and massana forest spirit ritual performances. When an elephant is killed Mbendjele in the area will hear about it and go rapidly to where the carcass is lying. Large camps will be set up and feasting and dancing go on until the elephant has been consumed. During long massana ritual performances when forest spirits are summoned into camp, especially the three-day performance of Ejengi, people from all around will come and participate.

In particular eboka commemoration ceremonies to end a period of mourning after a death will draw people from many neighbouring areas. In addition to sharing out the spiritual benefits of the forest spirits these massana performances also share out prized consumables- such as meat, honey, wild yams, alcohol, tobacco and marijuana, and other goods, including money. Initiations often take place during extended massana performances and initiation fees will have to be paid. These fees are immediately redistributed among all present. In the past people would pay with coils of metal, alcohol and food, Now they also use money.

Similarly to men's and women's different but complementary roles in massana forest spirit performances and in food collecting, Mbendjele men and women share in different ways. This is related to gender roles and their different productive activities. Women's gathering activities are geared to exploiting labour-intensive but dependable food sources for the regular provisioning of food for the family. These commonly include various wild yams, edible leaves, ground-growing vegetables like mushrooms and certain fruit, small fish and crustaceans. If women have collected a large amount of food they generally share it among themselves in the forest before returning to camp. Once in the camp

women will prepare the food and share it again when cooked by sending plates to the men's area (mbanjo), and to their friends and relatives.

Women's production is rarely shared out on arrival in camp, as the men's is. Men specialise in obtaining foods with potentially large yields, like wild animals, honey, occasionally large fish, and seasonal fruit and nuts that must be climbed for. These foods are rarely found every day and men only share if they find such food in great abundance. In such cases they will have the bundles of meat or honey they are carrying taken from them even before they enter the camp. If they are carrying a carcass someone else will take it from them, supervise the butchering and ensure the sharing is done equitably. The man who killed the animal is given the hunter's meat that guarantees his future hunting success. Apart from this, the hunter gets an equivalent share to that received by others.'

## **Money Economies and Demand-Sharing**

It is interesting to note how traditional sharing patterns are reacting to the introduction of money and wage labour. For instance, in modern contexts of hunting for sale to Bilo or logging workers. Mbendjele will announce to the camp that they intend to sell some meat for such and such a reason (often to pay a fine, clear a debt, or seek medicines when ill) and will only share half the animal with the camp.

However, this is controversial. People with such intentions tend to camp in small groups so as to avoid the tensions this can create when people get hungry. They will not be able to stay in the same place as the others unless they share what they have:

We have to share things or other people get angry. They will throw their eyes at us. So you have to be intelligent when you share. If you kill a small animal then just share it with your mongulu. (hut) and send a few plates around to your friends nearby.

Don't do the same with money. Just share it with your family if you have a lot.

When you have worked hard and got a lot of money in your pocket you must use your intelligence. You don't share it around as we do with pigs. You keep it with intelligence! Wait until you have problems [and must pay a fine], or if there is great sorrow [someone dies and alcohol will be required for the commemoration ceremony and then get your money out. Or if someone in your clan needs money badly, get it out. Give it to them. When they have some they'll give you some. (Phata, 65-year-old Mbendjele man, Pema, December 2000)

Money has also entered marriage relations. Marriages nowadays frequently involve the payment of a small amount of cash to the bride's father, often around Franc CFA 2,000-3,000 (US \$4-6, a nominal fee) by the groom's father. This is a recent change. Coils of metal and spearheads were used in the past. Bilo introduced bridewealth in their efforts to justify their claims to authority over Mbendjele. Paying it enabled Bilo to claim rights over the couple whose marriage they had financed and also over any children the couple might produce. Mbendjele have accepted bridewealth among themselves to prevent Bilo claiming they are not 'properly' married and so that the Bilo can be denied any claim to rights over the couple and their children. Far more important for the Mbendjele than bridewealth are the brideservice obligations of the groom to his affines.

Marriage relations provide an important avenue for the circulation of goods and knowledge. Brideservice obligations require the boy to stay with his affines and share his labour with them for a number of years, or until their first child can walk. Thereafter he will be expected to share regularly with his affines and to make an effort to meet up with them and bring them things. These long-term affinal relationships circulate goods, news and knowledge very widely between different Mbendjele communities in different parts of the forest.

## The Forest

Each group of Mbendjele associates itself with a particular area of forest delineated by rivers, marshes and Lac Telle. As part of my research I mapped these territories and found that the forest in the Sangha-Oubangui triangle between 1 degree and 3 degrees 30 minutes north of the equator, and 16 degrees and 17 degrees 30 minutes east of Greenwich is recognised as being the territory of particular family groups of Mbendjele (Lewis 2002: 7'2). These areas range in size between 174,000 hectares and 596,000 hectares and are composed of named rivers, lakes, salt licks, marshes and areas of firm land.

These geographic features are the orientation markers Mbendjele use to move through the forest and they are all named. Unnamed areas between named places are associated with the named places. Border areas between different Mbendjele groups are often claimed by both groups, but this does not cause conflict since Mbendjele forest is open to all Mbendjele. In most cases Mbendjele territories are also claimed by local Bilo groups; some Bilo groups even claim exclusive rights and dispute that Mbendjele have any rights whatsoever.

Territories were delineated during the colonial period to discourage local-level warfare and to define the area of forest from which villagers were obliged to collect products like copal resin, rubber and duiker skins with which to pay their taxes. The colonial authorities never officially recognised hunter-gatherer land use as a legitimate claim to rights over the areas so used. However, they did recognise Bilo agricultural usage and accepted that this gave them rights over land. This discrimination against hunter-gatherer land usage is continued today by the post-independence governments. Despite some newcomers' claims to the contrary, the Mbendjele consider all the forest to be theirs.

Their rights to go where they wish and use whatever they like in the forest are a birthright that they consider inalienable. The forest is considered totally abundant and always capable of sustaining Yaka people. Komba (God) created the forest for Yaka people to share, and encouraged them to live in a certain way that includes a system of forest management and certain key social values, such as sharing. Thus the Mbendjele and other Yaka people have been willing to share the forest with others, and in practice rarely deny anyone access to the forest .

They call the area in which they were born, where they do most of their hunting and collecting, *ndima angosu* (our forest). This is a collective claim, not an individual one. No one can claim exclusive ownership of the physical world. The notion that an individual, apart from Komba (God), could own land, rivers or forest evokes suspicion, incomprehension and mockery. Mbendjele forest is best described in ecological terms as an 'equatorial mosaic forest'. This emphasises the great floral and

faunal species diversity found per hectare of forest. The variety of different forest types that occur within it are more or less ignored in the most common ways outsiders classify the forest. Most often forest areas are simply classified as flooded forest, semi-flooded forest or forest on firm land. These classifications relate closely to issues of accessibility from an outsider's point of view. Although Mbendjele make these distinctions they are not the basis for a more generalized structuring of forest types. Rather, at the most general level Mbendjele divide the world (yombo or mokilli) into forest (ndima) and open space (vulli). The Mbendjele associate vulli; places without forest canopy cover, with discomforts such as heat, noise and danger, whereas the shady forest (ndima) is associated with coolness, peace and safety.

Ndima and Dulli are discussed in terms of different landscapes, each with its own distinctive qualities and associated resources. Thus in ndima (forest) the mooko is the firm ground where it is nice to camp, dig yams and a place popular with duikers. The only type of mono-specific forest that grows in northern Congo is called bamba. Thus bamba is an area of Gilbertodendron trees popular with large game, pigs and antelopes. Ndima ya bisedja literally means 'forest of thorns' and describes areas dominated by seemingly impenetrable thorny undergrowth. Small muddy areas in forest on firm ground are called djutu.

Djamba is marsh forest, where trees are shorter, making the often very abundant honey easier to collect. Pigs love marsh forest because of the stands of raffia palms (molenge) that grow there. An area of forest on firm ground occurring in a marsh is called diko, and an area of encapsulated forest on firm ground between two streams and their associated marshes is called tanda. Ndobbo refers to a covered forest stream, and is associated with women's dam fishing and good drinking water while contrasted with ebale {river}, which is a vulli open space, and so on.

Vulli are by, definition places where there is no forest canopy cover. The huge rivers in northern Congo create great gaps in the forest canopy. The mokii (riverbank) is a marginal space, being at the edge of the forest and open river where fishing and trading opportunities exist Mbumbu (grasses) are similar in that they mark the transition from open village or fields to forest cover. Vulli are often places Mbendjele, especially men, go to get things. In the village (mboka) forest produce can be traded or casual employment found.

Farmers' fields (kuba) are vulli. In pbai (salt licks around a small stream that has been cleared of forest trees by elephants), or esobe (small encapsulated savannahs), or in eyanga (openings in the forest with still water in the centre) where visibility is good Mbendjele men go looking for game to hunt. Ideally Mbendjele women like to give birth to their children in the forest. just outside camp. The forest is idealised as the perfect place for people to be. Everyday Mbendjele conversations are obsessed with the forest, with different tricks and techniques for finding wild foods, on stories of past hunting, fishing or gathering trips, or on great feasts and forest spirit performances (massana) that occurred or will occur in the near future. Importantly, the forest links people to the past. Different areas in the forest are talked about in terms of the remembered ancestors who spent time there and the events that occurred.

It is these memories that underpin people's claims to areas of forest as 'our forest' (ndima angosu), and defines them as descended from the first forest people and hence 'Yaka'. When Mbendjele die they believe they go to another forest where Komba (God) has a camp. They will remain in Komba's forest camp until they are told to take another path and are born into this world again. Mbendjele cannot conceive of their lives, or deaths and afterlife, without the frame of the forest around them. They express their dependency on and the intimacy of their relationship with the forest in the proverb, 'A Yaka loves the forest as he loves his own body.' The forest inhabits the Mbendjele as much as they inhabit the forest. They are inseparable, part of each other, like an organic whole. Like their bodies, the forest is considered inalienable, so long as one remains alive.

### **Forest Land as Property**

At first we were all alone in the forest, no one else was here. Then we stayed in zimo [abandoned bilo plantations]. Sometimes we would visit the Bilo to get tobacco and minjoko [iron and bronze coils used to make blades]. Then we made friends and would even stay their villages. (Phata, 65-year-old Mbendjele man, Pembe, January 2001, provides a time-collapsing history of Yaka occupation of the forest) Yaka forest has multiple claims made over it by different groups. Today, international organisations have added their claims to those made by the Bilo. Other people's claims to the forest differ markedly from Mbendjele claims that rest on birth and occupancy. Newcomers' claims focus on the transformation of forest into habitations or other buildings, farms, plantations and, increasingly today, logging concessions, mines or wildlife parks.

These claims to land rights are recognised in national laws because the forest had been transformed. They are frequently presented as exclusive rights, and, at least in theory, people not respecting them can be severely sanctioned. This emphasis on transformation (or destruction in many cases) of forest in order to claim land rights over it effectively rules out Mbendjele claims to rights unless they renounce their hunter-gatherer lifestyle. In contrast to Mbendjele, conquest is positively valued by Bilo, and is used as an important justification for their claims to authority over land, people and goods.

Bilo claims to ownership over the forest land they found during their migrations are based on the legitimising ideology of conquest, of both the forest and the people they found in it. Authority over, and the right to restrict, certain others' access are central concepts in Bilo ideas of an 'owner' (konza), whether this be a stream containing fish, a tree with a wildbee hive in it or a cultivated field. Bailey's et al.'s (1992) account of property relations in Central Africa eloquently expresses this Bilo perspective on land. However, it is mistakenly presented as also the Pygmies' perspective. It seems clear that their use of Bilo translators during research, in addition to their close association with Bilo research assistants, has favoured a Bilo view that is contrary to the Mbendjele point of view.

This is an aspect of what Brody has called the 'silencing of tribal people' (2000: 6), a process that pushes them to the remotest margins of the nations they live in, and is often used to deprive them of their richest resources and deny them rights to their heritage:

Close relations between pygmies and farmers extend to their perceptions of their rights to land. Each farmer clan has rights recognised by all neighbouring farmer clans to a specific area of forest, which they may clear for crop cultivation or where they may hunt, fish, gather and extract required raw materials.

The clan of pygmies traditionally associated with that same farmer clan also has recognised rights to exploit the same area of forest. The farmers assist their pygmy partners in maintaining exclusive rights to this area, and violations by either pygmies or other farmers are contested through negotiation, or sometimes violence. (Bailey's et al. 1992: 205) Describing land rights in this way invests Bilo claims to own Pygmy peoples' lands with legitimacy and gives their claims to control the displacement of Pygmies more credibility.

Most farming communities, like other colonists arriving in the Central African forests, have divided up areas of forest between themselves. They have done the same with clans of Pygmy people over whom they attempt to exert control by limiting their mobility to defined areas. It is precisely this mobility that gives Pygmy peoples a significant degree of autonomy despite attempts to dominate them. Forest-orientated Yaka groups I have met in northern Congo and southern Cameroon resent representations of their relationship with their forest that are based on Bilo models. It has no relation to their perception of an abundant forest that Komba (God) wished all creatures to share. Mongemba explains:

It is the Bilo who say they own the forest. Yet we are all in the same place. If they try and go into the forest alone they easily get lost. They can't go anywhere in the forest without us. So, speak as much as they like, they depend totally on us to get into this forest of theirs.

We are the first people of the forest; we are the real konja (owners/guardians) of the forest. Bilo took our things with the strength of their mouths, with anger. That is why they say they have our forest... But it is rubbish, how can they if they get lost just walking a little beyond their farm? It is the strength of their mouths. (Mongemba, 51 year old Mbendjele man, Pembe, January 2001)

It is unfortunate for Yaka groups like the Mbendjele that their conception of land rights are so easily negated by responsible academics in favour of a literal presentation of Bilo ideological justifications for their attempts to dominate Yaka groups and claim ownership over forest occupied by Yaka people. The impact of Bilo being present when questions over forest ownership are being asked was dearly expressed by Giemba. I had asked him about comments from some loggers involved in negotiating with local communities in areas about to be logged that even if the Mbendjele are present during discussions they never complain about the intrusion of the foresters or seek compensation as the Bilo do.

If you [a white man] ask a Yaka who owns the forest they will say the Bilo own the forest. They say this because they fear Bilo witchcraft. They do not want to tell the truth to whites when Bilo are present because they know that as soon as the whiteman has gone fury will overcome the Bilo and the strength of their mouths will start killing us [they will curse us]. (Giemba, 40-year-old Mbendjele man, Pembe, January 2001 )

The fear of being cursed by Bilo looms large in the Mbendjele psyche. Bilo regularly and verbosely curse Mbendjele by wishing that their worst night- mares should befall them - that their genitals should rot, that they be bitten by a snake, fall out of a tree, or get charged by dangerous animals, and so on. Deaths

are often attributed to the malicious activities of Bilo. Mbendjele even sing about it; Motoko anga Bilo a di budi ya passi! ('The noise [speech] of the Bilo is hard and causes suffering!).

Thus the Mbendjele see themselves in a situation that common sense shows them to be in control of, yet in which they see the advantage of paying lip-service to Bilo claims in order to maintain safe access to Bilo goods. The potential for anger and violence from Bilo when their claims to authority over things are not respected frightens Mbendjele enough for them to acquiesce to Bilo claims when in the presence of Bilo. However, the Bilo's total dependence on the Mbendjele to move around in the forest is what makes Mbendjele confident that this acquiescence holds no danger to their vital interests. Bilo claims are ideological because they depend crucially on Mbendjele cooperation if Bilo are to enjoy the rights they claim to possess.

Bilo efforts to coerce the Mbendjele critically fail due to this dependence on Mbendjele collaboration and support. While visiting the Mbendjele again in 2001 I was interested to observe that following the announcement of hunting restrictions in forest claimed by the Sangha-Sangha Lino it was the Lino (Bilo) who protested vigorously. Mbendjele using the same area of forest made no such fuss.

The Mbendjele concerned explained to me that they were confident that no one can stop them going where they like and doing what they want in their forest. To them it was all just 'village people' politics. How can people who hardly set foot in the forest they so vigorously claim as their own be serious? Similarly, when I present ecologists' concerns about increasing faunal scarcity in order to explain their response of closing areas of forest off from human extractive activities, Mbendjele feel somehow exempt from such restrictions.

Bird-David's observation about gatherer-hunters' relations with their farming neighbours that '(t)he differences between them relates to their distinct views of the environment that they share' (1990: 194-95) is also applicable to distinguish conservation discourses premised on notions of scarcity and the gatherer-hunters' view of their ecological relations in terms of an abundant and 'giving environment'.

From the Mbendjele point of view the forest has always been - and will eternally be - there for them. It was created for Yaka people. Mbendjele have an unswerving faith that the forest will always be able to provide them with what they need. In order to maintain this state of abundance the Mbendjele must share properly, and have a complex ritual life in which, among other things, forest spirits are enlisted to support and assist the Mbendjele in satisfying their needs. From their point of view, bad hunting and gathering are related to jealousy (due to improper sharing) or to the activities of malicious spirits, rather than to inadequacies in human skill or the environment's ability to provide. People recognise each other's skills but it is impolite to refer to them; rather hunting success is talked about in terms of personal and mystical relationships.'

This is related to the Mbendjele's egalitarian ethic, in which individual ability is downplayed, and perceived of as a consequence of an individual's conduct in relationships with other people and mystical agents. The idioms Mbendjele use for discussing the efficacy of food-gathering activities may seem odd but they are practical. If taken as a body of practices it could be argued that they form a system of forest management. For instance, in areas of forest where hunting is consistently unsuccessful, Mbendjele

hunters will place leaf cones stuffed with earth on all paths leading into that area of forest. This warns other Mbendjele that the forest is populated by voracious spirits or has been cursed, and that they should not attempt to find food but turn back or simply pass through.

Despite a non scientific reasoning, the effect of this allows degraded areas of forest to be left in order that their resources increase to sustainable levels again. However, Mbendjele idioms for understanding the forest and its resources have not yet adapted to the rapid change brought about by the increasingly intensive exploitation of forest resources by outsiders. The sophisticated balance their traditional lifestyle has with the forest are being dramatically shaken by the immense power of modern technology to transform and degrade the environment, and the Mbendjele are only just becoming aware of it. Mbendjele are protected from Bilo accessing their forest by the latter's dependence on the Mbendjele to guide them.

This was also true of other outsiders, such as loggers, wishing to enter the forest. However, multinational companies now use sophisticated navigation and positioning technology that allows them a degree of independence from the Yaka that was impossible in the past. The ability of chain-saws to cut trees and bulldozers to make roads for extracting forest resources have accelerated and facilitated turning the forest into wealth. Increased activity in the forest has led to large urban developments around the activities of logging companies, the intensive development of road networks throughout the forest., and the opening up of previously inaccessible areas to commercial exploitation, mostly by professional hunters supplying urban centres with bushmeat.

The impact of these various uses of the forest by outsiders is that local people - both Mbendjele and Bilo – see their resource base diminishing and increasing numbers of strangers coming into their lands. In practical terms for local people their forests have been converted into Doral and faunal assets that have been traded or rented out by the national government under pressure from international financial institutions. Some local people said that the government had traded forest rights to 'the whites' (i.e. multinational companies).

Despite increasing concern about this, local people such as the Mbendjele are unsure how they can resist the determination of central government and the forest exploiters to achieve profit. Since colonial times hunter-gatherer rights have been largely ignored by those extracting wealth from the forest, since independence national laws continued to ignore them by investing all control in the state. Now the state obtains an important income from permitting multinational corporations and conservation projects to impose top-down development in the areas they operate in and claim exclusive rights over forest resources.

## **From French Colonial Structures to Bilo Colonial Structures**

Despite independence for French Equatorial Africa in 1960 there is 'a remarkable continuity of interest, reflecting also the political continuity, between the colonial and post-colonial eras' {Colchester 1994: 12}. Part of the reason for this striking continuity was the degree of acculturation of the local African elites. By the time of independence they had absorbed French culture, values and tastes to the point

that most regarded indigenous traditions as valueless and an inhibition to 'development' (Colchester 1994: 19).

This continuity is also apparent in the perpetuation of some of the colonial concessionaire companies that began in the 1880s and are still active today, or directly passed their rights on to foreign enterprises. It is apparent in the way in which Congo's, like Cameroon's, land tenure law follows French norms in considering 'vacant and without master' all land that shows no signs of permanent occupation, and defines it as state land. As Burnham (2000) points out, concepts such as 'state lands' were a convenient way of facilitating the acquisition of local people's lands by the colonial authorities by effectively nullifying any 'traditional' claims that local people may have had.

In addition to the continuation of French administrative practices by the newly independent government of the Congo, social policies continued many of the aims of the colonial period. Ideas about 'development' and what directions it should take continued to follow the French lead even during a long period of Marxist-Leninist government. Colonial policies like that of 'regroupment' were continued by some post-independence leaders. This policy was used by the colonial government to resettle the dispersed and mobile Bilo communities in order to facilitate tax collection and forced labour regimes, as well as to prevent rebellions.

Such policies of forced relocation had several negative consequences in northern Congo. Some Bilo groups were made destitute by being relocated to land belonging to rival ethnic groups. This created land conflicts, such as that between the Pomo of Gatongo and the Yasua of Ngandzikolo, that remain a problem today, in addition to disrupting traditional farming systems based on forest plantations.

Relocations were often coercive and justified with claims that they would benefit local people, making it easier to provide health care, education and other services. These resettlement policies continued into the 1970s in the Congo and were aimed at both Bilo and Yaka populations of the north. Another sign of the continuity between the French and post-independence governments was the 1970 Land Code. This law proclaimed all land to be the 'property of the people represented by the State' and abolished all titles and customary rights to land, leaving only the ill-defined 'right to enjoy the use of the soil'. Thus all traditional territories remained state lands.

Only land that had permanent buildings on it or was cultivated could be claimed. This definition of land ownership remains in place today and effectively discriminates against Mbendjele land use and claim, over land, since the majority of their lands will appear unoccupied at any given time.' In this legal context Mbendjele seem to have no right to claim forest land.

This lack of official recognition of Mbendjele rights to forest land and resources is compounded by the government's lack of interest in supporting the Mbendjele's right to represent themselves in the same way as other communities in the Congo- namely through their own 'village committees'. Despite Mbendjele having some permanent campsites with mud and thatch huts that have been occupied for over thirty years, none of their communities are officially recognised by local authorities. This is demonstrated by the total absence of any recognised Mbendjele village leaders (President du village) or

any attempts to conduct elections in order that an officially recognised village committee is established, as is done in every Bilo village.

Mbendjele are growing increasingly resentful of this situation. As previously mentioned, the Mbendjele have been willing to share their forest with outsiders because of their strong ethic of sharing, but whether they will be so willing to share in the future remains to be seen. Those communities that have experienced loggers coming and going feel cheated - the huge machines and extensive infrastructure of towns, roads and slipways impress the Mbendjele but also raise their suspicions. How could so much power be used without huge profits?

## **Loggers and Conservationists**

Although Congo-Brazzaville was the fourth largest oil producer in sub-Saharan Africa in 1999, the country remains highly indebted to international financial institutions and debt arrears continue to escalate. The country does not qualify for international debt relief, although international donors met in October 2000 to discuss the situation. They indicated that if the country follows stringent macroeconomic policies, including further privatisation, developing the non-oil sectors, particularly forestry, and fiscal management, as well as commencing work on a 'Poverty Reduction Strategy', this would take the country one step nearer to qualification for debt relief. Multilateral creditors have also been encouraging timber exports and they are now the country's second major source of export revenues after oil.

Additionally, the forestry sector provides 10 percent off formal employment and forestry's contribution to GNP increased from 1 percent in 1982 to 5 percent in 1996 (Forests Monitor 2001). This explosion of activity in the forests began in the late 1970s. During the late 1970s and 1980s the forest was divided into large concessions called UFAs (Unites Forestieres d'Amenagement) in order to attract investment from foreign companies willing to exploit forest resources. This strategy was effective. By 1988 60 percent of Congo's 13 million hectares of exploitable forest were under concession (Colchester 1994: 38). As Colchester further points out, this system resembles the colonial concessionaire system, both in the scale of the areas involved and in the total disenfranchisement of local people's rights over their land and resources.

The northern forests cover 17.3 million hectares, of which 8.9 million are deemed exploitable. Before 1996, 2.1 million hectares of northern forests had been allocated as concessions. The relative isolation of the region previously limited forestry activities, but this has been changing rapidly through the intense development of roads. In 1996 alone, 3.2 million hectares were allocated for timber exploitation and, since 1998, President Sassou Nguesso has been actively seeking multinational logging companies to take over the exploitation of the remaining unallocated northern forests (Forests Monitor 2(01)).

Today all the UFAs have been attributed to multinational logging companies, except for the UFA of Nouabale-Ndoki, which was given to the Wildlife Conservation Society and is now the Nouabale-Ndoki National Park. Like the logging companies they replaced, the wildlife protectionists impose their

presence on local people without meaningful consultations. Only Bilo communities are approached for their agreement and also occasionally to receive compensation.

There seems to be a causal relationship between loggers and conservationists. When loggers get exclusive rights to cut trees in part of the forest there are numerous consequences. For instance, logging communities need feeding, so supplying bushmeat to the salaried workforce becomes a gold rush attracting professional trappers who can hunt out a whole zone of forest using hundreds of cables. The roads used to evacuate the logs also serve the bushmeat traders. As the roads disenclave remote villages, people flock to the logging town to seek their fortune or begin intensive hunting or farming to supply the town with food.

The opening up of the forest also draws wider attention to it from international environmentalists, who take an interest in the impact of logging on forest resources. The impact is great, and the environmentalists quickly begin searching for funds to begin conservation. Images of a dire threat to 'pristine rain forest' are effective at raising funds and have been a popular banner for many conservation organisations working in the area. There is clearly a threat to the environment but by mythologising the forest and ignoring the role of people's long-term presence in it conservation NGOs have tended 'to ignore or misunderstand the social realities of African rainforest environments (and this) serves the interests of no one in the end' (Burnham 2000: 51).

According to the logic of the pristine rain-forest myth, local people must be excluded. Only government officials, privileged non-African conservationists, or the occasional high fee-paying Western tourist may now enter protected areas. Commercial bushmeat traders and farmers can go elsewhere, but for Yaka people it is much more difficult since each zone will have important seasonal wild resources not necessarily available elsewhere in the territory they normally live and travel in.

The implications of this dual occupation of the forest by loggers and conservationists are potentially very serious for the Mbendjele. Their forest is becoming increasingly 'modern'. Outsiders can now enter the forest independently of them, using compasses and geographic positioning systems. They can dissect it on maps made using aerial photography or satellite imagery and decisions taken in offices hundreds or thousands of kilometers away can be instantly communicated using mobile communications equipment, to be enacted by the chain-saw and bulldozer criss-crossing the forest with grid-works and roads. As international capital draws more and more of the forest's resources out of the forest, international environmentalists will begin isolating increasingly large areas of forest and excluding local people.

Thus local people, particularly Yaka people, will be the 'easy victims' of those outsiders extracting resources and those 'protecting' resources. In the meantime the real causes for the long-term abuse of resources will remain unaddressed. The severe problem of the unsound management of Congo's forest resources is not technical but political. As Colchester bluntly concluded:

In sum foreign companies, national politicians and government officials are engaged in what amounts to massive fraud, whereby the countries' forest heritage is being exploited for personal gain at the expense of local people and the nation as a whole, and their chance of sustainable development (1994: 43)

## Traditional Land Rights

The concept of 'traditional land rights' has some de facto recognition in the Congo, but only considers Bilo groups to possess them. These 'traditional rights were first attributed to Bilo as part of the colonial effort to extract as much forest produce as possible from local villagers. Prior to the colonial influence Bilo groups were highly fluid and mobile. This mobility was related to territorial expansion, political competition for long-distance trade links and considerable local-level warfare between neighbouring groups.

It was only after the First World War that colonial 'pacification', land tenure rules, forced resettlement and forced labour stabilised populations and created permanent villages (Burnham 2000: 43). Observing the mobility of Bilo communities over time has caused the Mbendjele to view them as outsiders, essentially transitory occupants of the forest. Maybe surprisingly, to many who think of the Mbendjele as constantly on the move, the Mbendjele contrast their own long-term and permanent occupation of the forest with the Bilo's migrations and temporary occupation. In conversations about Bilo, Mbendjele elders often remark that 'they are passing by', or that 'they have arrived but are not yet gone', or 'they came into the life but will go again'. Examples of abandoned villages or logging sites and the population reduction in rural Bilo communities are cited as examples of this movement.<sup>10</sup>

This perception of the Bilo by the Mbendjele is an accurate one. In recent years the boom-and-bust economy of logging has led to unrealistic expectations and unsustainable habits developing among Bilo, especially young people, whilst a logging company is operational. When the loggers go the money dries up. This contributes significantly to the rural exodus of young people in search of their former affluence in towns and cities. By 1990, 52 percent of the Congolese population (and 85 percent of men between 25 and 29) were concentrated in just two cities - Brazzaville and Pointe Noire. Overall 70 percent of the population is urbanised, despite an absence of large industry to sustain them in most towns (Colchester 1994: 45).

The lack of historical depth when considering traditional land rights has failed to recognise the priority and permanence of Yaka people's occupation of the forest in contrast to Europeans or Bilo. As such it fails to address their sense of being a colonised people. Mbendjele, like other Yaka groups, continue to be treated as inferior citizens, unworthy of the same rights as other people. Discrimination against forest hunter-gatherers is widely reported (see Bamme 2000; Lewis 2000: 13- 19 and 2001; Kenrick and Lewis 2001; Luling and Kenrick 1998 for some examples) and is part of wider, and very serious, discrimination against hunter-gatherers throughout Africa, as Woodburn (1997) has clearly shown.

It is rare that either Northerners or Congolese question the discrimination against Yaka people, indeed many seem to perceive of it as understandable if not acceptable, since it is mostly unchallenged in public by Yaka peoples. It is also more convenient for international organisations such as logging or mining companies, animal protectionists and safari hunters to think they only need be accountable to Bilo communities in their spheres of influence. Bilo communities get the benefits of consultation and compensation payments if these occur. International organisations conveniently ignore Yaka

communities and are frequently encouraged to do so by local Bilo who claim to represent the Yaka and who will resist efforts to deal directly with them.

I have seen threatening letters written by workers' union representatives in a logging town to expatriate staff of the logging company who were said to be employing too many Yaka. Some even received letters from local government officials admonishing them. Increasing respect for international human rights laws relating to indigenous peoples has provoked many 'conservation' organisations to try to show that they are undertaking activities towards supporting indigenous people. A recent, and growing, trend is to create 'Village environmental management committees' in villages in or around areas under some form of protection.

The formation of these committees is intended to demonstrate that the organisation is inclusive and is allowing local people to participate in managing their environment. However, these committees mostly act to reinforce Yaka marginalisation and dispossession of their rights to forest land because they are only being created in Bilo villages, with Bilo leaders and predominantly Bilo membership. The organisation of such associations is often very bureaucratic and members are assumed to be literate. In these and other ways Yaka people are marginalised from participation. Investigations of local people's traditional territories often exclude any consideration of Yaka groups' traditional forest and land use patterns, but simply ask Bilo with whom researchers can converse, and locate, relatively easily.

In Congo in early 2001, expatriate conservationists mapping out local land use and 'traditional territories' completely ignored Mbendjele areas. When I asked why the Mbendjele were not included, an American conservationist told me, 'Aaa, but they are everywhere in the forest.' These attitudes at once discriminate against Mbendjele land rights by not marking them out, while also drawing on basic Mbendjele assumption about their ubiquity in the forest guaranteeing their right to use it. The current lack of respect for or promotion of, Yaka forest rights is linked to the confusion surrounding their status as 'Indigenous People' who can benefit from the international human rights legislation supporting Indigenous People.

The problem stems from the development of the indigenous rights movement in opposition to European colonialism, notably in the Americas and Australasia. Thus criteria such as maintaining traditional links with the land and specific cultural traits are sufficient to distinguish indigenous people from migrants coming from other continents. Applying these criteria to Africa serves to exclude European, Asian and other 'bluewater' migrants but ignores the complexity of Sub-Saharan Africa's long history of internal migration and conquest preceding, during and after the colonial period. The focus on white - black or European - native distinctions in definition of indigenous peoples has confused many commentators in Central Africa.

Thus Burnham scorns the perception of Pygmies as indigenous people of the African forest. To illustrate his claim that such concepts are controversial in Central Africa he proceeds to describe the Beti (a Bilo group) as fulfilling the criteria for an indigenous people of the Cameroonian forest. He goes on to describe how the Beti claim ownership of land as ancestrally theirs, as if they were indigenous, yet in the

next moment emphasise their colonising status as having arrived from the savannah with superior civilisation to dominate the more 'backward indigenous inhabitants of the zone' (Burnham 2000: 48).

Such claims are better described as a colonising discourse of Bilo rather than that of an indigenous people. Using Woodburn's concept of 'First People' (2001) instead of 'Indigenous People' would avoid such controversies and confusions in the Central African situation and has the great advantage of being an important indigenous category used by the ethnic groups of the region.

## Conclusion

Although the Mbendjele are widely recognised as the first peoples in their area of forest, all later-comers have failed to recognise Mbendjele rights in all but vague and ambiguous ways that do not interfere with their own intentions and interests. Later-comers have imposed themselves in similar ways on the Mbendjele, mostly by force and then later with paternalistic ideologies designed to make Mbendjele more available for work. The Mbendjele describe these black and white outsiders as arriving with anger and saying they own things.

The Bilo came and look what they wanted with anger and said they owned things like forest or rivers. The Europeans did the same. They came with anger and said they were the owners and look what they wanted from Bilo. An angry person is on the verge of violence, and for Mbendjele doing things with anger is synonymous to doing things with violence.

Until recently these various 'angry' claims had no impact on the Mbendjele's ability to maintain their independence. Now, however, with the increasing ease of access for outsiders into Mbendjele forest this has begun to change as areas become hunted out. Thuret (1999) describes a community of Mbendjele near the regional capital, called Ouessou, whose forest is no longer abundant enough for them to remain for long periods away from the Bilo village. As a consequence they have become more and more sedentary, and depend on farmed foods and participation in the cash economy of Ouessou for their livelihoods.

There are some surprising parallels between Bilo colonisation of Mbendjele forest and the French colonial enterprise to dominate Bilo. Bilo continue to perceive of Mbendjele lands as empty and unused, following the colonial definition of state lands. Bilo want Mbendjele to sedentarise in villages and begin farming so that they provide a more accessible labour force. The Bilo now occupy the authority structures left behind by the French, and many emulate their perception of the colonial authorities' activities - of despotic power and corruption. Government and bureaucratic structures - notably the police and civil service - have certain similarities with their colonial predecessors, often enforcing the will of a local 'big' man and protecting his, and their own, interests. Colonising structures have been doubly stamped over Mbendjele forest rights.

First the Bilo imposed their claims to rights in land and other assets over the Mbendjele's forest rights. Then the colonial government and now the national government imposed greater rights over the Bilo claims to rights and the Mbendjele's forest rights. This has had little practical consequence for Mbendjele until quite recently. Now these rights are being sold and traded to multinational companies

as rights to specific resources: trees for loggers, minerals for miners, game for conservationists and safari hunters, etc. The original holders of these rights only gain incidental benefits as workers/employees or from infrastructure. Benefits in the forest are hierarchically distributed, with those most recently involved in colonisation getting most benefit; thus the Europeans earn most from logging and mining, then the Bilo (from work, etc) and lastly, if at all, the Mbendjele.

Donor organisation pressure on companies, NGOs and governments to respect indigenous rights has forced some reconsideration of the place of local Bilo. Responsible loggers must develop management plans that show concern for indigenous peoples' rights, yet in practice they tend only to consider and consult Bilo communities. Safari hunters redistribute tiny fractions of their earnings with local Bilo communities. International environmentalist NGOs demonstrate their 'inclusiveness' by creating local environmental management committees in Bilo villages. Maps of traditional territories only label areas with Bilo ethnic names, or mark Bilo villages on official maps. Yaka people are neither consulted with, nor their presence in the forest represented, as other people's are.

Actions aimed at benefiting local people only go one layer of colonialism down - to the Bilo level. Yaka people have yet to be seriously considered. Such activities both reinforce and strengthen Bilo domination of Yaka forest and, critically, further marginalise Yaka people from any future participation or representation in the global processes now dramatically affecting their forests.