

M. José Endundo Bononge
Ministre de l'Environnement, Conservation de la Nature, Eaux et Forêts
Ministere de l'Environnement, Conservation de la Nature, Eaux et Forêts
15, Avenue Papa Ileo
Commune de la Gombe
Kinshasa
République démocratique du Congo

23 April 2008

Monsieur le Ministre,

As a group of Congolese and international non-governmental organisations with extensive experience of forest issues in the Democratic Republic of Congo (DRC), we write with serious concerns regarding forthcoming developments in the management of the forest sector.

The DRC's forests are vital to the livelihoods of 40 million people and form the second largest block of tropical forest in the world. We echo the view expressed at the International Conference on Sustainable Forest Management in the DRC, held in Brussels in February 2007, of your predecessor S.E. Didace Pembe Bokiaga, that the forests of DRC are of importance to the regional and global climate, and we agree that there will be "incalculable consequences to the environment" if the forests are badly managed and destroyed.

However, recent studies have shown that uncontrolled and illegal logging operations are taking place extensively in the DRC, that forest-dependent communities are not benefiting from the timber operations as they are entitled to under the Congolese Constitution and Forest Code; and that the forest authorities have very little means and capacity to carry out and oversee activities in the forest areas, creating a situation which is open to abuse and fraud.

Given the forthcoming close of the forest title conversion process, there is now a unique opportunity to develop forest policy reforms based on transparency, accountability and the well-being of the Congolese population. We believe this is a decisive moment for the future of the forests of DRC and we urge your government to take the bold action required. Our specific concerns and recommendations are listed below.

Forest title conversion process

We understand that following significant delays and extensions, the DRC forest title conversion process is due to commence in the coming weeks. However, the process has been characterised by numerous flaws and inadequacies, as set out in the letter from the World Resources Institute (WRI), member of the Independent Observer team of the Legal Review process, to the World Bank Group Board of Directors, on 5 December 2007 (attached here for your information).

As stated by WRI, the principal problems include:

1. Shortness of time and insufficiency of financial resources for the Technical Working Group (TWG) to comprehensively and appropriately review the existing forest titles, assess

compliance with the law on the ground, as stipulated in the review criteria, and, in particular, assess related environmental and social problems.

2. Limited capacity of the Congolese Forest Authority to fully implement the cancellation of forest titles, to be decided by the Inter-Ministerial Committee (IMC), and to ensure that all logging activities within the cancelled titles are effectively stopped.
3. Lack of planning and resources to address the likely negative social and economic impacts on local communities brought about by the cancellation of forest titles, resulting in increased poverty levels in the short-term and social unrest.
4. Unfair opportunities for logging companies to contest conversion decisions in the Presidential Decree, compared to no such equivalent rights for other stakeholders including indigenous and community groups.

In response to these concerns, we support WRI's recommendations, summarised as follows:

1. The IMC should cancel those titles judged ineligible by the TWG according to the Presidential Decree of October 2005 (PD50/116), in particular in relation to the existing moratorium. Any remaining titles considered for conversion to new concession contracts must be assessed independently and comprehensively, according to additional social and environmental criteria and verification of whether taxes have been paid in full by the title holders.
2. In association with international donors, including the World Bank, ensure sufficient resources are provided for the drafting and publication of the cancellation procedures to be followed; to build the capacity of the government to enforce the cancellation of forest titles; and develop procedures for an effective response to expected appeals from cancelled title holders.
3. Assess the social and economic impact of the cancellation of forest titles and develop a transition programme to alleviate possible negative impacts.
4. Amend the Presidential Decree to provide additional rights to indigenous and community groups to contest conversion decisions with equal legitimacy to logging companies. In parallel, sufficient financial resources and technical assistance should be provided to local populations to enable them to participate in such a process of contesting decisions.

Further to the issues raised above, we strongly urge the government to make public the report of the TWG, reviews of individual titles and reports by the Independent Observer prior to the start of the IMC. The publication of the TWG report is necessary to ensure transparency and to allow adequate scrutiny of the forest title conversion process by concerned parties. It would mirror the recent publication of the report of the Inter-Ministerial Commission for the revisitation of mining contracts, initiated by the Congolese Ministry of Mines. The publication of the TWG's findings would be a welcome indication of the government's will to act in a transparent, accountable and responsible manner, putting an end to the history of corruption and poor financial management of natural resources. It would also demonstrate the government's commitment to endorsing the good governance objectives set out in the Priority Agenda.

Moratorium on new industrial logging titles

We strongly urge the government to maintain and extend the May 2002 moratorium on new industrial logging titles to include a full moratorium on all industrial-scale logging. We believe that the poor state of the Congolese forest sector, characterised by a lack of effective controls,

legal ambiguity and a lack of standardised practices, justifies such bold measures by your Ministry. The moratorium should be maintained and enforced until the following steps have been carried out, with active support from the World Bank and other members of the international donor community:

1. Conclusion of the conversion process adhering to the criteria set out in Presidential Decree PD50/116 and developed according to the recommendations listed above, followed by a process to settle any arising contests and disputes.
2. A comprehensive land-use planning process carried out in consultation with indigenous populations and local communities.
3. The development of full governance capacity to manage, monitor and control forest activities, including artisanal logging and community-led forest management. In particular, a functioning administration must be put into a position to effectively stop illegal activities.

In conclusion, we urge you to seize the current opportunities for meaningful reforms in the forest sector in the DRC so that the forests provide sustainable benefits to the millions of forest-dependent people as well as the wider national, regional and international communities.

Yours sincerely,

Augustin Mpoyi, Executive Director, CODELT
Iola Leal Riesco, Forests and the European Union Resource Network (FERN)
Stuart Wilson, Forest Monitor
Patrick Alley, Director, Global Witness
Michelle Medeiros, Africa Forest Coordinator, Greenpeace International
René Ngongo Mateso, National Coordinator, OCEAN
Simon Counsell, Director, Rainforest Foundation UK
Joseph Bobia, Coordinateur, Réseau Ressources Naturelles (RRN) y compris :
CENADEP
CEPECO, Bas-Congo
CRONGD, Kasai, Bandundu et Equateur
ENRD, Sud Kivu
GASHE, Equateur
Mali, Kindu Maniema
OSAPY, Kisangani
Premicongo, Katanga
Reseau CREF, Nord Kivu

cc.

Marie Françoise Marie-Nelly, World Bank Country Director – DR Congo
M. Giuseppe Topa, Lead Forestry Specialist for Africa, World Bank
Manish Bapna, Executive Vice President and Managing Director, World Resources Institute

Enc. Letter from World Resources Institute to Board of Directors, World Bank Group, dated 5 December 2007.