

Report Expert meeting 6 May 2008
Sustainable Forestry in the DRC: The way out of poverty and conflict

Introduction

Since the DRC government, supported by the World Bank, initiated its reform agenda for the forestry sector in 2002, various reports have come out, by Greenpeace, the Rainforest Foundation, as well as Congolese civil society organisations. The World Bank's Inspection Panel report acknowledges many of the problems cited by these organisations and the World Bank, in reaction to the report, published a plan of action to address these shortcomings.

In this expert meeting, we will focus on what the different players gathered here – representing civil society, the European Commission, the World Bank and the Dutch government – can do to contribute to sustainable development in Fragile states. We welcome suggestions for concrete action which the various players can take into account, notably to strengthen civil society and state agencies in the DRC.

Presentation by Alphonse Muhindo Valivambene (Réseau CREF)

Of the DRC's 60 million inhabitants, 40 million depend on the forest for their livelihoods. Article 58 in the Congolese constitution points out that "All Congolese have the right to enjoy the national wealth. The state has the duty to redistribute it equitably and to guarantee the right to development". The Congolese government should therefore ensure that the rich forest resources of the country lead to development. But the forest sector is badly managed and doesn't contribute to equal development for the local population, as illustrated by various indicators, such as the average daily GDP per capita of \$ 1 and malnutrition prevalence of 38,2%. 156 concessions have been distributed to logging companies, 114 of which (a total area of 16 million hectares) were given out illegally after the moratorium was declared in 2002. Forest services are weak and corrupt. All this leads to a situation in which resources are not put to use in favour of communities.

The challenges we need to address are the following:

1. Weaknesses in the legal review process
2. Small-scale and industrial exploitation of the forest: next to large-scale forest exploitation based on concessions, illegal logging at a smaller scale forms a threat to the DRC's forests. Although it is difficult to give precise estimates, a study by Pax Christi in august 2007 shows that in the region of Mambasa in the Orientale province alone, 200 chainsaws are in use. The forestry sector is too weak to monitor and control these illegal practices.
3. Energy problem. Given the lack of and irregularity in energy supply in a city like Goma in eastern DRC, its inhabitants use fuel wood to fulfil their domestic energy needs. Large parts of the fuel wood come from the protected National Park of Virunga. A similar situation arises in other Congolese cities. To protect the forests, the DRC government should find ways to spare wood and provide electricity based on hydro-power or other sustainable sources of energy.
4. Lack of support for community-based forestry within the legal framework. Communities depend on the forest and have a tradition of sustainable management. Even though the domestic use of NTFPs is recognised in article 36 of the Forest Code, commercial use of NTFPs is forbidden in article 37, thereby limiting the possibilities for local communities to find ways to create sustainable livelihoods.

Recommendations :

1. Adaptations to the legal review process as indicated in a letter to the Congolese Minister of Environment with a cc to the World Bank on this issue by WRI and other NGOs
2. Concerning the exploitation of timber, there is a need to keep up and enforce the moratorium
3. Promotion of alternatives :
 - Individual and community-level reforestation
 - Rural and urban energy provision
 - NTFPs have great potential, e.g. for medicinal purposes and as a source of food
 - Promotion of community activities based on sustainable management of the forests, e.g. bee keeping, fish farming.
 - Support of community based forestry management
4. Enhance good governance in the forestry sector through capacity building of all actors involved, a fair income distribution¹, a reorganisation of the Forest Administration, the fight against impunity and for transparency etc.

Presentation by Adolphine Muley (UEFA)

It is the third time Adolphine comes to the Netherlands, invited by Both ENDS to discuss the problems of forest people in the DRC with policymakers in the Netherlands, from the World Bank and this time also from the European Commission. Although some progress has been made over the last 2 years, more changes are needed to improve the living conditions of the local and indigenous population. A big part of the Congolese population depends on the forests, especially Pygmies, who are the first managers and owners of the DRC's forests. They have, however, not been consulted in the process of setting up the legal framework for the forestry sector and do not feel the law protects their rights. Conflicts are arising around illegal logging, expropriation and violations of the moratorium. Because they feel excluded, their sense of responsibility for forest management evaporates. Pygmies in Northern and Southern Kivu have been expropriated to make room for the exploitation of national parks and now have to work almost as slaves to survive. Because they cannot cut their links to their ancestral grounds, they enter the parks with the risk of being imprisoned. Industrial exploitation of the forests should be reconsidered since it does not contribute to poverty alleviation, not in the DRC and not in other countries. A top priority of forest management should be how to make communities benefit. It is a violation of their rights to forbid access of the local population to forest lands without presenting alternatives.

In addition to Alphonse's recommendations, Adolphine presents the following:

- Encourage and financially support the DRC government to reorganise the Forestry sector and realise participatory zoning
- Push the government not only to respect the moratorium, but annihilate the titles which have been given out in breach of the moratorium
- Involvement of and give responsibility to those at the base (forest inhabitants) in forest management
- The World Bank should respect the recommendations of its Inspection Panel regarding real consultation and participation of the local population in its decision-making processes.

¹ In the DRC, national and provincial parliamentarians earn US\$ 4.500 and US\$ 2.500 per month respectively compared to a mere US\$ 40 for police officers.

The current Minister of Development Cooperation in the Netherlands, Bert Koenders, has put cooperation with and development in Fragile States high on his agenda, next to prioritising the issues of gender and climate change mitigation. In the context of the DRC, this provides huge opportunities to address these issues jointly.

Presentation by Hugo de Vries: Dutch policy on Fragile States

The Ministry of Foreign Affairs introduced the Dutch policy on Fragile states, thereby mentioning that the policy note on this subject is still in preparation. In the new policy, the local context will be taken as an entry point for country strategies. The Dutch government will focus its Fragile States policy on a set of countries that differ enormously. In the DRC, the security component will get most attention.

Key points in dealing with fragile states are:

- In the context of fragile states, multilateral approaches are preferred above bilateral ones, but this also depends on the issues dealt with.
- The development of an integrated policy approach for fragile states, in which all the relevant ministries in the Netherlands and NGOs and multilaterals coordinate their work.
- The prevention of activities originating in the industrialised world leading to conflict (like arms trade).
- The instruments the Netherlands has developed to deal with post-conflict states form a specific niche. The stability fund, paid from ODA and non-ODA means, provides a way to react fast and flexibly.
- Drivers of change will be located and instruments developed for monitoring and evaluation in a fragile states context.
- The embassies will have the responsibility to come up with a flexible plan they can work with. The Dutch embassy in Kinshasa has determined a set of priorities, which are security, human rights (especially women's rights) and natural resources.

Key words in the policy document are enhanced flexibility and a greater reality check.

Presentation by Giuseppe Topa: World Bank policy on Fragile States

Fragile states have become a priority for the Bank, which is committed to step into this area much more decidedly. Positive experiences and knowledge on this issue are not enormous, but there are some experiences the World Bank can build on.

The Country strategy for the DRC was recently approved and the result of an extensive participatory process.

The main pillars are:

1. Promotion of good governance and consolidation of peace. The natural resources sector falls partly into this category. The link between instability and natural resources is captured in the underlying analysis;
2. Consolidation of the economy, including the macro- and real economy;
3. Improved access to social services;
4. Combating HIV/Aids; and
5. Promotion of community initiatives.

In the short term the World Bank is waiting for the DRC government to complete the design of a national programme for Forest Development, covering the whole country, outlining the main components. The Bank would like to select urgent issues, based on its analysis made in the Green book, based on consultation.

Until now, the World Bank has supported the DRC government through budget support, but now it will start implementing projects. One forestry project currently in preparation will encompass 2 components:

- The capacity of the government to oversee its own law, making sure a smaller number of departments is involved in the sector.
- The support for community based forest development, aimed at making the forest work for the people in many different ways. E.g. For community forests, specific models will be developed, and minimal infrastructure in poor areas as well as access to clean water will be developed. Matching grants will be used for creating community-based schemes and land use planning in the context of community initiatives. The project aims to address minimal essential needs and build experience of the institutions to design a more ambitious programme in the future.

Within the World Bank's resources and the Congolese limited capacity, the choice has been made to concentrate on the three largest forest provinces (Bandundu, Equateur, Orientale). The Ministry will be supported through its own structures; at the national, provincial and community levels. The latter will be done through networks of NGOs operating in these areas, federating themselves in groups. The plan includes different forms of forest use, such as forest concessions, national parks, etc. It is a simple operation providing scope for testing and innovation. Suggestions for the Congolese Ministry are welcome, since we are all guests in the DRC and we need to operate through government structures.

Discussion

Other participants underscored the importance of the moratorium and legal review process mentioned by Alphonse and Adolphine. The new World Bank focus on more developmental issues and community implication was welcomed as encouraging.

The outcome of the legal review process will be critical in determining the future of huge areas of forest land and of local communities. More thought should be given to what will happen to those areas where logging titles will be cancelled and where local workforce is employed. If as a consequence of the review outcomes these activities would stop, problems of social dislocation are bound to arise. A need was stated for the World Bank, European Commission and the broader international community to think about this problem and to make sure the Congolese government has adequate resources to deal with that. This in order to avoid conflict. The consequences of actually closing illegal concessions need to be mitigated. Fear exists that closure of concessions will not go ahead if this is not organised.

The World Bank sees many imponderables in the legal review process and does not want to anticipate on its results. Consequences may be different from one place to another and other development actions may offset negative impacts from closing down logging operations. Next to that, the Congolese government cannot be expected to compensate the loss of jobs or income indefinitely. The review process is an important, messy process. There will be people complaining, some will be right, some wrong. The principles the World Bank follows are: not making the poor loose and not allowing abusers to improve their positions. It will be up to civil society organisations to make noise in the country, to correct what winds up being wrong.

According to the Filippo Saracco, the European Commission delegate responsible for forestry in the DRC, it is important to look at the forestry sector in the historical context of the country. Since 2003 many things have changed. Even though there are still human rights abuses and other negative issues, there have

also been improvements. One of the most urgent problems to address is the lack of human capacity created by years of conflict. That's why the EC pays attention to restoring human capacity, not only of the ministries, but also of civil society. One example is the master's programme in Forest management set up in the region of Kisangani for 40 persons each year, for a period of 3 years. This will lead to the presence of a critical mass which can nourish Congolese institutions. Capacity-building for civil society concentrates on the professionalisation of lobbying, advocacy and communication skills. This is not a quick process. During the transition period, the EC has focussed on supporting the forest administration and building up its capacity to control and verify legality in the sector. At this moment the EC, together with the British government, is preparing the set-up of independent observation systems.

The World Bank at her end, has made the DRC government aware of her concerns in relation to the incompetence of the personnel of its ministries. The Bank asked the government to look into the possibility to replace older and incompetent staff by a new generation. The enormous size of the public administration in the DRC is a politically sensitive problem, but the Bank argues that at least it has been put on the table. In a letter to the Congolese Ministry of Forestry, the Bank asked for the national suspension of forest exploitation and it is now waiting for a reaction. It is clear that the Ministry does not have the resources to organise adequate surveillance of the forest territory.

In reaction to a question on the danger of elite capture in the World Bank proposed community based governance, it was stated that elite capture takes place in the whole of Congolese society. This is an issue that cannot be addressed by the Bank alone. The World Bank can listen to problems when they arise and propose mechanisms to address this, such as the installation of an ombudsman or community advocates limiting the possibilities of elite capture and make sure there is community-wide participation.

But in reaction to this, reference was made to Adolphine's remark that indigenous groups were not even at the table when policy was made. The legislative framework has crucial shortcomings in this respect and this is seen to be more than accidental; it is in the interest of political elites and the private sector.

The World Bank asserts that all Congolese have the same rights, but recognises that Pygmies are in a weaker position to exert their rights. In the context of the legal review, specific Pygmy groups were selected to participate in the discussion about concessions and an adviser was designated to them to make sure they were well-informed. In Congo-Brazzaville, a special Law on Pygmies has been declared, but the most important thing is to make sure this law addresses concrete issues. Although the Bank thus recognises that the Pygmies are an important cultural minority in the DRC, there needs to be an entry point in government. A letter was sent to the government to ask for the designation of an agency that will enable the World Bank to entertain the dialogue on the indigenous population, but there was no answer yet (neither from the Ministry of Social Affaires, the Ministry of Forestry nor the Prime Minister's office). At this moment therefore, the World Bank can only ensure participation within its own projects; an indigenous peoples plan is required for every project.

There seems to be consensus on the need to include Pygmies in decision-making. What is needed is a critical body of thought, which requires training, diplomacy and financial resources for civil society support for these groups. But a question the World Bank and other donors need to address is whether enough resources have been made available for this.

According to John Kirwan, who has been living as a Mill Hill missionary in the province of Equateur for many years, what is lacking in forest management in the DRC is the attention for the well-being of people. With the major accent in the forestry sector being put on logging and trade, people are being excluded. When they are in fact excluded, it is a source of conflict and tension, for instance when local people cannot enter a national park that used to be part of their living space, whereas tourists can. Also, the armed guards of these parks are a source of intimidation for the population, especially in the post-war situation they find themselves in. Focussing on environmental issues does not answer the important developmental issues involved in forest management. A way needs to be found to effectively involve people in the management of the forest. Even though they sometimes sit around the table for consultation, until now their role has not been effective. Often the impression is given that policymakers come with decisions already made, trying to sell them or to sugar the pill.

Priorities for the future

Adolphine asserted that the World Bank and the European Commission are two important and influential players in the DRC. They should use their influence to make sure the Congolese government takes into account indigenous peoples' rights. It is thereby important to make sure that the right persons or organisations get a chance to participate in decision-making processes; chosen chiefs of indigenous communities should be heard. Adolphine and her fellow-representatives of the Pygme population were thereupon encouraged to take up the dialogue with their government and to make concrete suggestions for improvement, taking into account technical and political possibilities.

In answer to Adolphine's warning that the legal review could lead to conflict if not done in a representative way, the World Bank answered that the review includes concessions in areas where Pygmies have serious concerns about the way forests are being managed. The review should take into account these concerns. But if the outcomes are not satisfying, the World Bank would like to encourage them to show their discord. But again, it was stated that there cannot be anticipation of bad choices; the facts need to come to the table first.

The European Commission pointed out the possibilities presented by the FLEGT process. It offers a platform where NGOs can present their preoccupations. A positive point in the DRC, compared to other countries, is that there is representation of civil society and Pygme groups in the committee that prepares legal texts. Another comment from the EC was that it is not wise to demonise the formal sector as it is often done by civil society organisations. Even though this sector is limited in terms of volume and impact on the DRC's forests, compared to the informal sector, cooperating to improve it and to make sure its relation with local communities improves, can represent an important step forward and set an example. Improvements in the management of this sector can have positive effects on the small-scale logging sector.

In reaction to this, Alphonse mentioned that even the formal sector is hard to regulate. This sector has the freedom to act as the informal sector since there is lack of control combined with backing by a corrupt police force. Human rights violations find place on their territory. He backs the EC's idea of capacity building at all levels to improve control, including civil society. Furthermore, there needs to be legal clarity around forest management; a vision on how to use the forests for development is important as well as zoning based on this vision, which can be the base for planning. Without this vision, there will be bad management and conflict.

Report Political Café

The Political Café drew attention of a larger public to the issues discussed at the expert meeting. The film *Walking Tree* set the context by depicting the ways in which forests in the DRC have supported people for ages and how things are fundamentally changing. Wood is disappearing to Uganda, forests are being degraded. People in the film challenge us to get to grips with degradation and to help them install development models in which forests are used as a way to lasting peace.

Our Congolese guests, Alphonse Valivambene (Réseau CREF) and Adolphine Muley (UEFA), pointed out that three important conditions exist for sustainable forest management in the DRC. First, the need to enhance the capacity of the Congolese administration and civil society to perform their controlling task. Second, the participation of local communities in designing and implementing forest policies, since it relates directly to them and they have experience in sustainably managing forest resources. And finally transparency and accountability in all projects in the Congolese forestry sector.

In the context of the World Bank's plans to start investing in projects on Forestry in the DRC directly on the ground, Giuseppe Topa indicated that an open and transparent monitoring and evaluation system will be developed that makes data accessible to all to the maximum extent. He recognised that this was neglected in the past and mentioned that monitoring and evaluation as well as participation will be the key seasoning of new projects. The projects the World Bank intends to support will be implemented by government in combination with non-governmental institutions. Periodic data gathering and reporting will be done by a third party and made available periodically. As to the question on how these results will be made known at the base level, reference was made to the strong emphasis on community participation within the intended project; communities will therefore probably be the first to know about relevant developments.

All participants agreed on the importance of the aforementioned conditions for sustainable development in the forestry sector in the DRC. The World Bank's commitment to involving local communities more in forestry policies in the DRC and to becoming more transparent are encouraging, but it is crucial to monitor how this works out at the base level. As the representative of the Dutch Ministry of Foreign Affairs, Gerben de Jong, pointed out, through its Executive Director at the World Bank the Dutch government can bring in specific priorities to contribute to policy dialogue. Given the importance of participation of local inhabitants of the Congolese rainforest and ensuring their access to forest resources for lasting peace, this should be a priority for the Dutch government, especially in the context of its Fragile States policy.

Attachments

World Bank documents:

Slides on Fragile States (PowerPoint)

Short update on DRC Forests

Re-engaging with Fragile States in Africa – March 18, Spring meetings