

Democratic Republic of the Congo

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The Congo Forest of Central Africa is the second largest intact block of tropical rainforest left in the world. The Democratic Republic of Congo (DRC) holds the largest portion of this forest, and it is among the most biodiverse areas anywhere. Its forest covers between 112 and 154 million hectares, and hosts more than 10,000 species of plants, 409 species of mammals, 1117 bird species, and 400 species of fish. Lowland humid tropical forests are dominant with a total surface area estimated at 83.7 million hectares, but plantations are also well established and complement the natural forests.

Forest Management

DRC forests are divided into three major use categories:

- **Classified Forests:** forests assigned a particular vocation with user and exploitation rights. They are usually designated for environmental protection and are managed by the State;
- **Protected Forests:** forests subject to less restrictive legal controls. This category includes uses for community forestry, small-scale concession contracts and subsistence farming operations. They may also be granted as concessions for logging contracts not to exceed 25 years; and
- **Permanent Production Forests:** previously allocated concessions and forests already in timber production. These forests have commitments from industrial logging concessionaires to institute sustainable forest management plans.

DRC forests are used predominantly by operators in the third category. Although, forests do provide substantial material for artisan craft makers and approximately 80% of the country's energy needs (fuelwood). As a result, the Congo forest is the basis of livelihoods for about 40 million Congolese, and the forest sector contributes 0.2 % to GDP, \$11,977,015 to tax revenues, and provides approximately 15,000 direct jobs.

Unfortunately, DRC forests are under increasing pressures from unsustainable and illegal logging, fuelwood extraction, traditional and industrial agriculture, and the expansion of urban areas. The deforestation rate between 1990-2010 was estimated at 311,000 hectares (0.2%) per year. Although the government, as the main owner and custodian of national forests, is required to manage and allocate forest resources to stakeholders, many issues remain with policy implementation and enforcement.

To deal with this situation, the DRC government, with the support of World Bank, put a moratorium in place in 2002 to block new concessions. They also approved a decree laying the ground work for a legal review of all existing permits to determine whether they were legal or illegal, and if they were eligible for conversion into new concessions. However, independent field observations have revealed that government officials and forest operators have repeatedly violated these initiatives.

Despite this widespread illegality in the DRC, increased pressure from donors and national Civil

Society Organizations, backed by international organizations, have put pressure on the government to make effective forest policy reforms and enforce existing regulations. Recent positive changes in the DRC, include the DRC Government's efforts to create a VPA with the European Union to reinforce local legality in the forest sector. It is also engaged in REDD+ activities, and has signed many conventions and treaties on sustainable management of forests. Efforts towards certification are being made both through the FSC and the African Timber Organization (ATO) working groups.

Transparency

Transparency in the forest sector in DRC remains a challenge due to corruption and poor government regulation. Citizens' abilities to hold the forest authorities accountable or to fully participate in the management of forest resources is hampered by many constraints, including: unsecured local rights to land and forests, limited public access to information, poor transparency, legal inconsistencies, weak implementation of laws, reign of impunity, and weak enforcement capacity.

Transparency Links:

According to [Transparency International's 2013 Corruption Perceptions Index](#), which measures perceived levels of public-sector corruption - on a scale of 0-9 (0=100% corruption), the DRC scored a 22 in 2013. This means it has a relatively high level of corruption. It ranked 154 out of a 175 countries in 2013, showing a slight improvement over prior years. [Access the 2013 Corruption Index for DRC](#).

The [Transparency International Global Corruption Barometer 2013 Report](#) provides details on the scope of corruption in eight key services in DRC.

The World Bank Worldwide Governance Indicators (WGI) The World Bank compiles a set of Worldwide Governance Indicators for all world economies. These indicators are important tools in terms of risk assessment. The WGI country reports are based on the six following aggregate governance indicators: Voice and Accountability, Political Stability and Absence of Violence, Government Effectiveness, Regulatory Quality, Rule of Law, and Control of Corruption. Countries are ranked for each of the six governance indicators on a scale from 0 to 100, where 0 corresponds to lowest rank and 100 corresponds to highest rank (better governance). [Access the DRC Governance Indicator Data Report \('96-'12\)](#).

Global Witness Transparency Report Global Witness and its partners have developed a database on Forest Transparency for countries with high rates of corruption. Their annual reports on the governance and transparency in the forest sector of the DRC can be found here. [Access the 2012 report](#).

Additional reports on forest transparency can be found here:

- [Annual Transparency Report](#)
- [Forest transparency](#)

Recent reports:

- [Global Witness Report: Lost logging revenues 2012](#)
- [Global Witness Report: Artisanal logging permits exploited](#)

- [Greenpeace Report: Illegal Logging in the DRC despite Moratorium](#)
- [Greenpeace Report: DRC Forestry Sector](#)

Laws and Regulations

Forestry Laws

The DRC has a number of laws and policies directed at improving national and local forest management and governance. The 2002 Forest Code is the leading document, setting basic principles for better forest policy and greater protections for local people in production forests.

The 2002 Forest Code No 011/2002 is the main legislation regulating the forest sector in DRC. One of the major focuses of these forest reforms was to restore State control over a sector profoundly undermined by corruption and illegality, due in large part to decades of political instability and civil war. It calls for better forest control and oversight, implementation of sound forest plans and improved preservation of local people's rights. It was designed to improve competitiveness within forest industries, increase forest revenues, and improve the forest sector's contribution to DRC's socioeconomic development. The Code also demands that local communities receive a greater share of direct management of forests, including provisions for new, non-extractive forest uses. To further assist local communities, the Code establishes a mandatory transfer of forest area fees (40%) to local entities. Companies are additionally required to make contributions to rural development, and national and provincial forest councils were implemented to improve transparency and distribution of future logging rights.

In 2002, the government also issued an important moratorium on the allocation of new forest concessions and banned the exchange, relocation or rehabilitation of old titles. In 2008, the Minister of the Environment, Nature Conservation and Tourism extended the moratorium for an additional 3 years. [View the Forest Code \(in French\)](#)

Within the Forest Code, there are several important Articles, including:

Other Policies Supporting Forest Management in the DRC, include:

- [The Basic Fundamental Principles Relating to Environmental Protection \(Law No 11-009 du 9 Juillet 2011\)\(In French\)](#)
- [DRC Constitution \(in French\)](#)
- [Decree No 08/08 of 8 April 2008 establishing the procedures for classifying and declassifying forests \(in French\)](#)
- [Decree No 05/116 of 24 October 2005 laying down the procedures for converting old forest titles into forest concession contracts and extending the moratorium on the granting of logging titles \(in French\)](#)
- [Decree No 08/09 of 8 April 2008 establishing the procedure for assigning forest concessions \(in French\)](#)
- Ministerial Order No 036 of 5 November 2006 establishing procedures for the preparation, approval and implementation of management plans and implemented forest concessions production of wood (in French)
- [Ministerial Order No 034 of 5 October 2006 on the composition, organization and functioning of provincial advisory boards of forests \(in French\)](#)

- [Decree No 05/116 of 24 October 2005 laying down the procedures for conversion of old forest titles into forest concessions contracts and extending the moratorium on granting logging titles \(in French\)](#)
- [Ministerial Order No 035 of 5 October 2006 on logging policies \(in French\)](#)
- [Ministerial Order No 105 of 17 June 2009 supplementing Ministerial Order No 035 of 5 October 2006 on logging \(in French\)](#)
- [Ministerial Order No 001 of 12 April 2007 regulating the authorization of industrial cutting timber and purchase, sale and export of timber \(in French\)](#)

Please visit this [DRC legal database](#) for other forestry related laws and orders.

A major problem with some of these laws and decrees is that they have left loopholes through which unscrupulous officials and foreign companies can tactfully exploit artisanal permits, which are meant only for local community logging operations, to clear-cut wide swathes of tropical forest. These logging companies are often targeting the endangered wengé tree.

Processing/Manufacturing Laws

Based on Article 109 of the Forest Code, companies (national and foreign) should process their wood in the DRC to promote local processing industry and add value to their wood and wood products before export. Only national operators and those with processing facilities are authorized to export 30% of raw logs during a ten years period. Although the law remains somehow vague, the intent is presumably to reach a 100% in-country processing at the end of the 10 years period. Companies are also required to keep a record of the volume of products processed (Article 22, Ministerial Order of 3rd October 2002). The regulations, documentation, and monitoring of processing facilities remain weak, which make it difficult to develop effective traceability programs, and prevent illegal export of raw timber.

- [View the Forest Code \(in French\)](#)

Related links:

- [REM, 2001. Mise en application de la loi forestière et de la gouvernance. Analyse de la législation forestière de la RDC](#)

Transport Laws

The 2002 Forest Code and the Ministerial Order of 3/10/2002 establish the conditions of transportation of forest products and the sanctions associated with them when provisions are violated. Any transported forest products must be accompanied by special circulation permits granted by the forest administration. Permits contains, among other information: the identity of the issuing official, the identity of the logging company, the transport itinerary, final destination of the products, and the volume of products allowed (Ministerial Order of 3/10/ 2002 on logging regulations, Articles 58-59).

Relevant Legal References:

- Ministerial order No 011/CAB/MIN/ECN-EF/2007 regulating industrial logging, the purchase, sale and exports of timber

- Interdepartmental Order No BCE/CE/ECNT/007/85 regulating timber exports - Law No 08/006 dated June 2008 modifying and supplementing the law n° 003/03 of 13 March 2003 establishing a new rate of export duties and taxes (DGDA)

Tax Laws

Articles 120-125 of the Forest Code address the DRC's harvest-related tax requirements. In Article 120, it states that no logger, processor or exporter of forest products will be excused from the payment of duties, taxes and fees prescribed by the Code or subsequent legal measures. Companies managing concessions and involved in the export are subjected to five types of taxes and royalties, the rate of which is determined by a joint order from the ministries of forest and finance. The list of these taxes is provided hereafter along with indications about their allocations:

- Concession area tax (CAT): 40% to the decentralized administration and 60% to the Tax Office
- Felling tax (FT): equally shared between the National Forest Fund and the Tax Office
- Export tax (ET): 100% to the Tax Office
- Deforestation tax (DT): equally shared between the National Forest Fund and the Tax Office
- Reforestation tax (RT): 100% to the Tax Office (articles 120-123, Forest Code)

Companies are also required to submit to the forest administration quarterly reports detailing the volume of timber harvested during this period. These documents are used by the forest administration as the main reference to determine the amount of forest royalties to be paid by logging companies (Articles 55-57, Ministerial Order of 3rd October 2002 specifying the regulations related to logging operations. DGRAD (Direction Générale des Recettes Administratives Judiciaires Domaniales et de Participation) is the government body tasked with coordinating the collection of taxes in DRC. The tax recovery rate remains far below what forest revenues should be contributing to the national economy due to widespread illegalities and, to a large extent, DRC's weak governance. Regulatory inconsistencies and a lack of enforcement of existing regulations help bolster the illegal market. Logging titles are often granted with no proof of payment from their buyers; taxes are often inaccurately calculated; timber harvests frequently exceed the prescribed volume; regulations are ineffectively enforced, and artisanal logging is poorly monitored and exploited.

Trade Laws

Operators involved in the trade and export of timber must obtain a permit to sell, purchase or export from the Directorate of Forest Management at MECNT. According to the law, exporting companies are required to process at least 70% of their production before exporting (Article 109, Forest Code). Timber exporters must respect their export quota and pay export taxes with the Directorate of Customs and Excises (Instruction No DG/DD/DT/ADG/004/07 dated 12 April 2007).

DRC is a member of various international and regional trade related organizations, including: the International Tropical Timber Organization (ITTO), African Timber Organization (ATO), the World Trade Organization (WTO), Economic Community of Central African States (ECCAS); Common Market for Eastern and Southern Africa (COMESA), Economic Community of the Great Lake Countries (CEPGL), and the Southern Africa Development Community (SADC). [Read to learn more.](#)

The DRC is also a member of the [Convergence Plan of the Central African Forest Commission \(COMIFAC\)](#) - an alliance among Congo Basin countries committing to improving management and conservation within the forests of Central Africa. [Read to learn more.](#)

DRC has also developed a set of bilateral trade agreements with some countries like China and South Africa, and signed several international conventions on forests. Some of these deal with the legality in the international trade of timber and wood products. The [DRC Voluntary Partnership Agreement \(VPA-FLEGT\) with the European Union](#), signed in October 2010, is an example.

CITES

[CITES \(Convention on International Trade in Endangered Species of Wild Fauna and Flora\)](#) is an international agreement among governments whose purpose is to ensure that international trade in wild animal and plant species does not threaten the survival of these species. A total of 180 countries have agreed to the CITES regulations, which is a legally binding agreement. It is up to each CITES Party to draft its own domestic legislation in order to comply with its CITES obligations.

[See current list of member countries here](#)

The DRC became a Party to the Convention in 1976. A DRC Ministerial Order on 28 March 2000 details the CITES listed plant species found in the DRC and states the new regulations for their protection, handling, trade and export. Today, eight DRC plant species are currently listed in the CITES Appendix I, and 144 DRC plant species are listed in the Appendix II. Those listed in Appendix II include two heavily commercially exploited species: *Pericopsis elata* and *Prunus africana*.

The national Bureau of Customs and Excise (OFIDA) and the [Congolese Control Office \(OCC\)](#) signed a Memorandum of Understanding regarding the trade of DRC species included in CITES list.

[Basic CITES Country Information: DRC](#)

For more information on CITES and the DRC, see the following resources:

- [CITES brief on African Cherry](#)
- [CITES species checklist database](#)
- [CITES Newsletter](#)

Forest Resources

The Congo Forest of Central Africa is the second largest intact block of tropical rainforest left in the world. The Democratic Republic of Congo (DRC) holds the largest portion of this forest, and it is among the most biodiverse areas anywhere. Its forest covers between 112 and 154 million hectares, and hosts more than 10,000 species of plants, 409 species of mammals, 1117 bird species, and 400 species of fish. Lowland humid tropical forests are dominant with a total surface area estimated at 83.7 million hectares, but plantations are also well established and complement the natural forests.

Forest Products

The five most commonly harvested and traded DRC species in 2010 were:

- Sapelli (*Entandrophragma cylindricum*): 65 466 m³/yr
- Iroko/Kambala (*Chlorophora excels*): 25 594 m³/yr
- Wengé (*Millettia laurentii*): 17 844 m³/yr
- Sipo (*Entandrophragma utile*): 12 551 m³/yr
- Afromosia (*Pericopsis elata*): 7 789 m³/yr

Other popular species include: tola (*Gossweilerodendron balsamiferum*), and limba (*Terminalia superba*).

These species are usually produced as log, industrial roundwood, sawnwood and fuelwood. The European Union is the first export destination of the DRC; it absorbs 70% of DRC wood production. The rest of local production is exported to Asia, other African countries and North America.

Production Status

Plantations have been in use in the DRC for many decades and are viewed as a complimentary source of fuelwood and other wood products. They can also have a soil protection objective. The limba tree (*Terminalia superba*) is the main species grown in DRC plantations. It is used for making furniture, small crafts, and musical instruments due to its workability. Other species planted for industrial production include: *Ceiba pentandra*, *Bombax flammeum*, *Entandrophragma* spp, *Lovoa trichilioides*, *Eucalyptus* spp, *Grevillea robusta*, *Casuarina equisetifolia* and *Cupressus* spp. In addition, 8000 hectares of *Acacia* plantations with agroforestry focus were established between 1987 and 1992. The total area covered with planted forests in DRC is estimated at 67,000 hectares.

The average industrial timber production by eleven concession holders was approximately 300,000 m³ per year between 2007 and 2009. In 2009, DRC exported 226,000 m³ of its log. While the informal forest sector remains poorly documented, it plays a key role in the overall timber production and especially in supplying domestic and regional markets. Its timber production for these markets is estimated to be more than 2.5 million m³/yr (three to six times the volume of the formal sector).

DRC's overall production of log and processed wood fluctuates, but remains low when compared to the country's huge potential. Only 25 out of 200 identified commercial tree species are exploited and the country lags behind neighboring countries with less favorable conditions. Armed conflicts, weak capacity and infrastructure, and poor governance are among the major explanatory factors.

In recent years, it has been discovered that artisanal logging permits, which are to be used for small scale community forestry for locals, are being manipulated by large scale industrial operators in an effort to bypass the logging moratorium.

Sources

- [ATO. Promoting the further processing of tropical timber in Africa: The African Timber Organization Ministerial Conference proposal for action \(2004\)](#)
- [ITTO Status of Tropical Forest Management 2011](#)
- EU Report: State of the Forests 2010 (in French)
- [Global Witness Reports Database 2013](#)
- [Atlas Forestier Interactif de la République Démocratique du Congo. World Resources Institute 2009](#)

Contacts

Industry Associations

[The Federation of Timber Producers in DRC \(Fédération des Industriels du Bois en RDC - FIB\)](#)

Established in 2006, the Federation is made up of 13 companies representing about 80% of forest concessions in DRC. Members adhere to FLEGT/VPA and are committed to forest certification principles.

[Congolese Association of Artisanal Loggers \(Association congolaise des exploitants forestiers artisanaux - ACEFA\)](#)

The ACEFA advocates for the revision of the Forest Code to remove provisions that inhibit the potential of small producers, for example, to access efficient harvesting technologies, and to increase their harvest area.

[African Timber Organization \(ATO\)](#)

Established in 1994, the ATO strives to promote sustainable forest management in member countries, and to abide by the recommendations made by the Intergovernmental Panel on Forests. Its member countries include Angola, Cameroon, Central African Republic, Congo, Cote-d'Ivoire, Democratic Republic of Congo, Equatorial Guinea, Gabon, Ghana, Liberia, Nigeria, Sao Tome, Principe and Tanzania.

Civil Society Organizations

[Natural Resources Network \(Réseau Ressources Naturelles - RRN\)](#)

RRN is a platform of civil society organizations from all 11 provinces with more than 300 member organizations. It's advocates for community rights, sustainable forest management, environmental protection, good governance and transparency in the forest sector. Member organizations include well-organized umbrella organizations as well as small, local grassroots organizations.

[Circle for the Defence of the Environment \(Cercle pour la Defense de l'Environnement - CEDEN\)](#)

CEDEN is a Congolese legal NGO created in 2003 to protect and improve the management of Congolese natural resources. Its view is to develop and integrate previously marginalised and impoverished communities, and campaign for a more equal and healthy society as a whole.

[Forest Governance Monitor \(Observatoire de la Gouvernance Forestière - OGF\)](#)

The OGF's vision is to improve forest governance in the DRC for better management within the forestry sector. Created in 2012, the OGF has been designated the Independent Monitor of Forest Law Enforcement and Governance for DRC, and takes over from REM (Resource Extraction Monitoring). Through improved monitoring of management and logging activities in DRC, the OGF is hoping to improve the enforcement of forest legislation, better support the implementation of VPA and REDD, disseminate good logging practices, and capacity build.

Council for Environmental Protection through Legality and Traceability (Conseil pour la Défense Environnementale par la Légalité et la Traçabilité - CODELT)

CODELT strives to promote legality, traceability and participation in the management and extraction of natural resources.

International Organizations

International organizations intervening in the DRC forest sector are numerous. They work in various areas, including: assisting MECNT and ICCN with capacity building, promoting multi-stakeholder dialogues, improving forest governance, extending land planning, conserving biodiversity, developing sustainable forest management plans, advocating for more community-based forestry, etc.

Some of international organizations active in the DRC include:

- [Central African Regional Program for the Environment](#)
- [IUCN DRC Program](#)
- [GIZ in DRC](#)
- [World Wildlife Fund - Global Forest & Trade Network](#)
- [Congo Basin Forest Partnership - CBFP](#)
- [Greenpeace - Congo Basin](#)
- [The World Bank: DRC](#)
- [FERN-Illegal Logging](#)
- [Short NGO Contact Spreadsheet](#)

Government Ministries

[Ministère de l'Environnement, Conservation de la Nature et Tourism \(MECNT\)](#)

MECNT coordinates all DRC matters related to the environment, conservation, timber harvesting and water resources. It is responsible for conducting required environmental impact studies, and creating/managing protected areas and related reserves, such as national parks and game reserves. MECNT is also required to develop and implement policies to monitor and evaluate public and private companies in the field.

[Comité National de Pilotage du Zonage Forestier \(NSCFZ\)](#)

The DRC forest zoning committee was created in effort to crack down on over exploitation of forest resources and to ensure harvest areas were more equitably distributed. The NSCFZ is a key tool for the sustainable management of forest resources in the State, and for ensuring multiple

interest groups are represented in planning discussions.

Direction de la Gestion Forestière

Responsible for monitoring forest management and harvesting.

Direction des Inventaires et de l'Aménagement Forestier (DIAF)

The DIAF is tasked with taking inventory of the forests and formulating management norms.

Direction de la Conservation de la Nature

This body is in charge of biodiversity conservation within DRC's forests.

Appui à la Gestion Durable des Forêts (AGEDUFOR)

The Project AGEDUFOR initiated by the French Development Agency (AFD), supports MECNT efforts to foster sustainable management of forest in DRC. It provides updates with respect to management plans and development plans (plan de gestion) submitted by companies, as well as info in relation to the validation process of these documents.

[Institut Congolais pour la Conservation de la Nature \(ICCN\)](#)

The ICCN is the governmental agency that oversees Congo's protected areas, including operation of the Kahuzi-Biega National Park, a World Heritage Site and one of Congo's more accessible national parks.

Groupe d'Etudes Environnementales du Congo (GEEC)

The GEEC is a government body that provides environmental and forest related education and research.

For more information on these government bodies and others, please refer to the [SADC Environmental Legislation Handbook 2012](#)

Tools and Resources

- [ATO/ITTO Report: Principles, Criteria, and Indicators for the Sustainable Management of African Natural Tropical Forests \(2003\)](#)
- [ATO Proposal: Promoting the further processing of tropical timber in Africa \(2004\)](#)
- [The World Bank: Democratic Republic of Congo](#)
- [USAID Country Profile: DRC](#)
- [USAID Land Tenure Profile: DRC](#)
- [USAID 2010 Report: Democratic Republic of Congo: Biodiversity and Tropical Forestry Assessment \(2010\)](#)
- [Global Witness Countries: DRC](#)
- [Greenpeace Campaigns: Africa](#)

Citations