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Dear Minister

## **FORESTS AND FOREST PEOPLE IN THE DEMOCRATIC REPUBLIC OF CONGO**

I am writing to you in order to raise some concerns about the above, a matter that we believe has serious implications for millions of the poorest people in the world's poorest country.

The Rainforest Foundation has been working with and supporting numerous civil society organisations concerned with forest conservation and the rights of forest-dwelling communities throughout the Congo Basin region for the last 8 years. Some of this work has been given valuable financial support by DFID.

Last year we learned that a new framework Forestry Code had been adopted by the Government of the Democratic Republic of Congo (DRC) in August 2002, and that new legal decrees to implement this Code were in preparation. The development of these decrees is supported financially by the World Bank and is being implemented by the UN Food and Agriculture Organisation. These agencies are also funding and implementing technical exercises to 're-zone' DRC's forests, and to develop a National Forestry Plan.

It is clear from the information we have obtained from the World Bank that a principle objective of these intervention is a massive expansion of DRC's timber industry. The 'forest zoning' process will potentially bring about the establishment of tens of millions of hectares of logging concessions within the country's rainforests. Bank documents refer to a 60-fold increase in the country's timber production, and to the 'creation of a favourable climate for industrial logging'.

We have a number of specific concerns about this:

- It is not clear that the rapid and large scale 'development' of DRC's forests envisaged by the World Bank fully takes into account the findings of the UN Security Council Expert Panel on the Illegal Exploitation of Natural Resources in DRC, which noted that 'corrupt and criminal elites' were involved in forest logging operations as well as minerals extraction. It is also not clear that the

Bank's activities are fully consonant with Security Council Resolution 1457 (January 2003), which encouraged "*States, international financial institutions, and other organizations to assist...in efforts to create appropriate national structures and institutions to control resource exploitation*" in DRC.

Given the speed with which the 'development' of Congo's forests is being pursued, there is no prospect that 'appropriate national structures' will be in place before vast areas of the country's forest land are handed out to companies and individuals, some of whom may well have been associated with, or benefited from, the conflict over DRC's natural resources.

As I am sure DFID officials can attest, the experience in other countries, such as Cameroon, has been that, without very close regulation, the logging industry is extremely susceptible to corruption and malpractices, and that this can have a pervasive corrupting effect on government and administrative structures more widely. We believe that this could have serious, negative long-term results if allowed to develop in DRC.

- The World Bank's approach to the development of DRC's forests appears to be based on the assumption that the expansion of industrial logging will necessarily bring economic benefits to the country's poor people. However, there is very little evidence from other comparable countries that this assumption is valid. In fact, the evidence from countries such as Cameroon has tended to be that communities living in the forest – often the poorest of the poor – are negatively affected, as the logging industry can destroy resources, including small-scale forest farms, supplies of fresh water, wild game, natural medicines, and fruits and oils upon which such people depend for their very subsistence.

The Bank evidently envisages that tens of thousands of new jobs could be created in DRC in a revitalised forest industry. However, according to the Bank's own estimates, some 37 million people (roughly 75% of DRC's total population) are resident in, and to some degree dependent on, the forest and its resources. The development of a large-scale logging industry could therefore have serious negative impacts on millions of poor people.

- The approach being taken by the Bank also appears not to fully recognise that, as elsewhere in Africa, communities that have been present for hundreds or even thousands of years lay claim to large areas of Congo's forests under 'traditional rights'. Again, the experience in countries such as Cameroon (upon whose laws the new Forest Code in DRC is broadly modelled) has been that the failure to properly recognise such rights and claims when 're-zoning' forest areas and allocating logging concessions can result in serious, persistent and violent social conflict.
- Despite expressed policies and general commitments from both the World Bank and the UN FAO, there has been virtually no consultation with civil society or forest communities over the new Forest Code or the legal decrees that will implement it. In November 2003, the Rainforest Foundation organised a meeting in Kinshasa with representatives of leading civil society

organisations from across DRC concerned with conservation, development and human rights. At this meeting, it was clear that no-one within DRC (apart from a small group of government officials and consultants, and some members of the private sector), were even aware of the existence of the new Forest Code, let alone the far-reaching changes which are envisaged.

We believe that the adoption of new legal decrees, without ensuring public 'ownership' of those laws, is likely to lead to serious problems of implementation, and will potentially also fuel social conflict.

- According to the World Bank, the projects under which its forest sector initiatives in DRC have been financed were categorised as 'Environmental Category 'A'' projects, "*because the scale and nature of the project activities, and the potential for resettlement, displacement and social tensions due to the project are significant*". Various of the Bank's 'safeguard' Operational Policies, including those concerning Forestry (OP 4.36), Natural Habitats (OP 4.04), Involuntary Resettlement (OP 4.12), and Indigenous Peoples (O.P 4.20) were 'triggered' by the projects. The Bank is supposed, by June 2003, to have conducted a full Strategic Environmental Assessment and "sub-project Environmental Assessments" of its planned activities in DRC.

As yet, we have seen no evidence of the steps taken by the Bank to ensure proper compliance with the various Operational Policies, nor that the Strategic Environmental Assessment has actually been undertaken. We therefore believe that the Bank may have acted in serious breach of its own Operational Policies.

The proposed changes to the forest sector in DRC are proceeding rapidly, and we understand that it is intended that the various legal decrees required to enact these changes will be completed and adopted by the Government of DRC before the end of 2004. We also understand that the World Bank is presently under considerable pressure, particularly from French and German logging interests, to expedite the opening up of DRC's forests. We therefore feel that this is a matter of some urgency.

On 2<sup>nd</sup> December, 2003, the Rainforest Foundation wrote a detailed letter to the World Bank (attached) seeking clarification and raising a number of the above concerns. As yet, we have received no substantive response.

The Rainforest Foundation appreciates that there is a need to 'kick-start' the Congolese economy, and also that the World Bank can encourage important and necessary dialogue about forest policy within countries such as DRC. We also appreciate that there is potentially a place for commercial exploitation of timber in DRC's forests. However, we believe strongly that this should not occur at the expense of the rights and livelihoods of perhaps tens of millions of poor forest-dwellers. We believe that a hasty approach could result in serious, long-term social conflict, could have negative effects on the most vulnerable in Congolese society, and could cause long-term or irreversible environmental damage.

We are aware that DFID is supporting research into the 'political economy of natural resources exploitation' in DRC, and we hope that this will provide a better

understanding of who exactly stands to gain or lose from activities such as logging and mining. However, we fear that the present developments in DRC may render the study somewhat academic, as the process of designating and allocating some of the most extensive of those resources may well have been completed before the results of the study are known.

We therefore urge you to consider taking the following actions:

1. The UK Executive Director to the World Bank should be asked to seek clarification from Bank management about the Bank's intentions, plans and strategy for forests in DRC. Answers should be sought to the various questions raised in our letter of 2<sup>nd</sup> December 2003. In particular, the Bank should be asked to give a detailed account of the steps that have been taken to ensure compliance with the relevant Operational Policies of its three most recent projects in DRC. We believe the UK ED should request that Bank-funded activities in the forest sector in DRC should be suspended until such time as the problems identified in this letter have been resolved.
2. DFID should draw on its extensive experience in countries such as Cameroon to make a more direct contribution to the development of forestry laws, policies and programmes in DRC. As you are aware, DFID has elsewhere undertaken valuable work concerning the control of illegal logging, the development of community-based forestry, and 'participatory development of forest policy' – all of which is evidently now much needed in DRC.
3. The DFID-supported investigation into the political economy of natural resources exploitation in DRC should, if possible, be accelerated.

We thank you very much for taking the time to consider these issues. We would appreciate a response from you to the concerns raised, and would be happy to meet with you to discuss these matters further or to provide you with further information.

Yours sincerely



Simon Counsell  
Director

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