

# Forest governance in Congo: Corruption rules?



Photo by Theodore Trefon

Innovative management of the Democratic Republic of Congo's (DRC) forests is an international priority. It is important to promote socio-economic wellbeing and biodiversity conservation. It is also crucial to address global climate change and could provide significant revenues to the national budget. But recent forestry codes and initiatives have not achieved expected results: corruption and mismanagement partly explain why. Forest governance – and environmental governance in general – refers to the way competing stakeholders vie for power over nature in an arena often riddled with rivalry and mistrust. This U4 Brief presents the background and analysis needed by international donors to understand the governance challenges in designing and implementing strategies for New Environmental Services.<sup>1</sup> Given Congo's history of entrenched corruption at all levels of society and government, this Brief addresses whether the political, institutional and social environment is conducive to improved forest governance.



Anti-Corruption Resource Centre  
www.U4.no

by Theodore Trefon  
Head of Contemporary History Section,  
Royal Museum for Central Africa,  
Tervuren, Belgium

## Politics and governance

The origins of crisis in Congo's political economy have their roots in the patrimonial system put in place by King Leopold II. The Belgian monarch claimed the country as his personal property in 1885 to extract rubber and ivory. President Mobutu exploited natural resources in a similar patrimonial style a century later. He institutionalised corruption under his famous "fend for yourself" slogan (*débrouillez-vous*). The

Mobutu dictatorship ended with Laurent-Désiré Kabila's capture of power in 1997, a time when the Great Lakes region was emerging from the Rwandan genocide and ensuing regional conflict and refugee crisis. Joseph Kabila was parachuted into the presidential palace after his father's assassination in 2001. Under the aegis of Congo's international partners who invested heavily in legitimising him, the young Kabila was elected president in 2006. Although the election process was fairly peaceful, human rights abuses were rampant in the post-election period and continue today.<sup>2</sup>

Based on experience in other post-conflict countries, such as Liberia and Sierra Leone, Congo's international partners assisted the government in designing a patchwork of reform initiatives. Macroeconomic measures, encouraging foreign private investment, reform of the natural resource sector, restructuring public enterprises, and efforts aimed at fighting corruption were identified as priorities. The implicit strategy was to rehabilitate the state while maintaining it in a position of neo-trusteeship. In this context, the government and international partners constantly make trade-offs between the prerogatives of national sovereignty and the challenges of political responsibility.

Engineering reform is still handicapped by overwhelming structural problems such as dilapidated infrastructure, inadequate public finance and corruption within the civil service. Reform is also hampered by socially constructed obstacles: one's position in a network counts far more than one's qualifications or merit, and ethnicity is key in politics.

## Institutional weaknesses and the reform agenda

Post-conflict DRC is struggling to overcome the challenges of poverty, regional insecurity, colonial legacy and the illegal exploitation of its natural wealth. Today, international partners are engaged in experimenting with different state building alchemies. Many experts argue that tackling the problems of poor governance and institutionalised corruption is the number one priority on the reform agenda. But impunity continues to facilitate the mechanisms of corruption and severely undermines all other reform efforts (Stearns 2007). Reform policies tend to respond to symptoms without addressing the root causes of problems such as historical patterns of poor governance, social fragmentation, institutional weakness and diverging perceptions of the need for change. Although Congo is emerging from a violent recent past, evaluation of the reform agenda remains rather negative (Trefon 2009).

International partners and Congolese authorities share responsibility in failing to implement meaningful change. Were real reform to take place, many authorities, civil servants and NGO representatives in the country would see their capacity to benefit from commissions, featherbedding, kickbacks and other forms of corruption diminish. Congo's international partners do not agree upon a master plan for reform and often implement inconsistent and even contradictory programmes. Strategies towards security sector reform and decentralisation are two examples.

In addition to poor incentives, reform implementation has not materialised largely because of the absence of a reliable administrative structure. Corruption, exploitation and predation are dominant in the Congolese state administration. The logic of personal survival accounts for the

resilience of the administration's upper echelons and its street-level bureaucrats. They have "privatised" what is officially public service provision and pragmatically address their own needs before those of the services they are supposed to provide.

Congolese civil society has not been particularly successful in assuming the role of a counterbalance to government. Civil society is far from being a genuine political force and is not a homogenous body: it is an arena where stakeholders conspire and compete for projects and funding. Strategic revisions and major strengthening are needed before civil society will be able to play a meaningful role in improving political transparency and countering corruption.

## Macro-economic overview

Per capita income for 2009 was estimated at USD 171, but even this figure is misleading since it does not give resonance to the wide gap between super rich and dirt poor. Economic decline began as a result of predatory economic practices, poor governance and insufficient investment under Mobutu – all problems that persist today. The World Bank's 'Doing Business 2010' report places DRC in the second to last position: 182 out of 183. Corruption, arbitrary taxation and bureaucracy, and the absence of investment enabling conditions account for this ranking. Rent-seeking practices by the government continue, though appear increasingly constrained by international supervision such as the independent observatory established to review applications for forest concessions<sup>3</sup> and the Extractive Industries Transparency Initiative (EITI).

In 2002, the government, together with the World Bank and IMF, launched a programme of reforms aimed at restoring macroeconomic stability. The 2010 national budget gives priority to the salaries of police, military, civil servants and teachers. The budget comes to a mere USD 6 billion, or around that of a mid-sized European city. Approximately half this figure comes from international donors, and negotiation with donors is a constant priority for the government. DRC is in debt distress with an external debt stock of about USD 13.1 billion - debt service amounts to a quarter of total expenditures. Economic statistics have to be considered with some caution, however, because DRC has a poor record of collecting and analysing macroeconomic data.

Just days after Congo celebrated the 50th anniversary of its independence at the end of June 2010, Congo reached the completion point under the HIPC initiative (Highly Indebted Poor Countries). This translates as a debt relief programme worth US\$12.3 billion, erasing approximately 90% of the country's external debt. The government finds itself with a windfall savings of US\$300 million per year. While HIPC is designed to transform debt into social programmes, economic development and government reforms, civil society groups and the opposition are concerned that Kabila may use these savings to consolidate his own political power.

## Natural resources and environment

A century ago, Congo was referred to as a "geological scandal" because of its mineral wealth. It is the world's largest producer of cobalt ore and a major producer of copper and industrial diamonds. It has cadmium, cassiterite, gold, silver, tantalum, tin, zinc, uranium and other minerals. But mineral wealth has not produced dividends for ordinary

Congolese. This immense territory can also be considered a “biodiversity scandal”. Congo’s diverse and multi-use forests cover 1.5 million km<sup>2</sup>. Its dense tropical forest is the world’s second largest after the Amazon, and is home to over 500 species of mammals, 1000 types of birds and 100 species of primates. Endemic species such as okapi and bonobo live in the threatened habitat of this equatorial region. Half of Africa’s water resources are in Congo and constitute one of the country’s greatest assets. Inga, a series of hydroelectric dams located on the Congo River that has twice the capacity of China’s Three Gorges Dam, is a potentially clean and renewable source of significant revenue.

Industrial logging also has great potential but is another sector that has not provided dividends to ordinary people. Logging provides significant earnings for about 20 official industrial logging companies but their contribution to the state is insignificant, less than 1% of GNP. Alternative forest management schemes such as conservation concessions, carbon marketing, projects for Reduced Emissions from Deforestation and Forest Degradation (REDD) and ecotourism are encouraged by the World Bank, the European Commission and other donors, though impact on the ground is limited so far.

The vast majority of Congolese depend on natural resources for their daily survival and well-being. But for reasons ranging from poverty to poor regulation, they do not always engage in environmentally sustainable practices. Forests, rivers and even national parks are often perceived by rural populations as sources of quick cash. Urban-based traders organise networks to supply cities with forest products. Environmental threats arise from commercial bushmeat hunting, charcoal production, unsustainable extraction of non-timber forest products and illegal logging.

## Forest governance

People are integral elements of tropical forest ecosystems. Since the 1992 Rio Earth Summit, it is increasingly accepted that people need to be consulted, informed and involved when elaborating and implementing forest governance policies. While the government and international partners have accepted the principles of consultation and participation, the conceptual and financial means for implementing these principles is lacking. The Ministry of the Environment (and its specialised services) are underfunded, under-staffed and in need of experts with up-to-date professional competence. Offices lack data management systems and basic equipment such as phones and computers. Personnel are underpaid and are not motivated to fulfil their work requirements.

As improved forest governance continues to be recognised as an international priority, many partnerships have been established. The World Bank is involved in technical support and institutional capacity building. The World Wildlife Fund-Belgium is particularly active in park management and provides institutional support to the Congolese Institute for the Conservation of Nature (ICCN). The German development cooperation agency (GTZ) is developing strategies for eco-tourism with direct benefits for local populations by assisting in social infrastructure projects, awareness and environmental education campaigns. The EU is also a major player and supports a wide range of projects and programmes aimed at reinforcing national capacities in terms of environmental protection management. UNESCO supports ICCN in the management of Con-

go’s World Heritage sites and implements capacity building through university training.

A number of initiatives aimed at improving forest governance also exist. The Congo Basin Forest Partnership is a voluntary multi-stakeholder initiative with over 40 partners. Donor agencies, international organisations, NGOs, scientific institutions and representatives from the private sector have joined forces to consolidate their capacities to support the Central African Forests Commission (COMIFAC). Their objective is to promote the conservation and sustainable management of the Congo Basin’s forest ecosystems. The Congo Basin Forest Fund (CBFF), launched in 2008, provides accessible funding and is designed to (i) support innovative proposals which will develop the capacity of the people and institutions of the Congo Basin to enable them to manage their forests, (ii) help local communities find livelihoods that are consistent with the conservation of forests, and (iii) reduce the rate of deforestation. CBFF received an initial grant of GBP 100 million from the British and Norwegian governments, but the absence of absorption capacity has slowed down the disbursement calendar.

With this flurry of well-intentioned commitments, partnerships and funding, one could imagine that forest governance in the DRC would be on the verge of positive change. The country has admittedly emerged from decades of problems but the reality is somewhat more challenging. A number of concrete examples support this interpretation:

- The **2002 forest code** and **accompanying 2005 presidential decree** have been largely unsuccessful in improving governance in the industrial logging sector since they have not dealt with the hybrid, ambiguous nature of land tenure and the two opposite views on land ownership. According to government officials, by virtue of the 1966 Bakajika law, land belongs to the state. But forest populations believe that the Bakajika law is political fiction invented in Kinshasa and that the forest is the heritage of their ancestors and the future of their children. Indeed, the forest supplies them with food, materials, medicines and ritual space.
- The new legal framework for forests includes substantial requirements for **public consultation and integration of social and environmental factors** into the forest concession allocation process. In theory, this represents a significant improvement over past laws and practices, with one advantage being the way it narrows the gap between customary and modern law. At the same time, it reinforces certain social imbalances. Married Bantu men monopolise power, and they alone decide how the community should preserve its past and organise its future. In contrast, women and indigenous peoples have very limited voice.
- The **administrative, logistical and institutional control mechanisms** envisaged for forest management are either non-existent or insufficient. This means that the legal framework is unable to prevent industrial loggers from pursuing the corrupt practices that have characterised the sector in the past. Awarding new logging concessions during the moratorium that was in place only a few years ago is an example.
- People living in forest areas under concession often have **unrealistic expectations for socio-economic investments**. Just as some loggers try to get away with minimum investments in schools, health services or



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infrastructure, certain communities expect universities, airstrips and even canals in compensation for logging on what they perceive as their land. These communities, which are generally in need of very basic socio-economic investments, are often unable to decide in a participatory way on priorities to present to management teams working with loggers.

- The **fiscal revenues** that should accrue to communities from forestry activity often remain illusionary because loggers pay their taxes to a central government with no tradition of transparency or accountability. Moreover, **legal provisions for fiscal retrocession** as stipulated in the 2005 constitution with respect to the decentralisation process are not applied.

## Prerequisites for improving forest governance

The Congolese government and most international partners concur that the forest is worth more standing than cut down. But forestry, like mining, is a high-stakes business that allows unscrupulous actors to accommodate themselves with corrupt officials. Constantly renegotiated rules, codes and practical norms govern this accommodation process. But environmental governance is not primarily a technical issue in DRC – it is a political and social challenge that has to be considered in a holistic way.

### *Steps forward should include:*

- **Environmental education and awareness campaigns** about rights and responsibilities to help local populations bargain into forest governance strategies.
- The creation of **enabling conditions to attract responsible private sector partners** to help put Congo's forest economy on track.
- Greater integration of **respect for local logics and belief systems**. Forest governance strategies must consequently take into account a host of cleavages, tensions, problems of distrust, as well as gender and generation gaps that characterise forest communities.
- Increased and more **systematic capacity-building and training** for all stakeholders involved in forest governance.

The current gaps that separate public and private international partners, national authorities and local populations will also have to be narrowed. Once these stakeholders agree upon a set of overlapping interests, improved forest governance will take many years to evolve, and will need continued support from an international community with realistic

expectations. It will also require dynamic involvement from what is today an inadequate civil society. If things are to change, development practitioners struggling to conceptualise New Environmental Services will have to embed their strategies in the political landscape of DRC and learn from previous attempts at improving forest governance.

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### Further reading

For more information relevant to the topic of this U4 Brief visit our website on Corruption in Natural Resource Management:  
[www.U4.no/themes/natural-resources](http://www.U4.no/themes/natural-resources)

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### Notes

1. "New Environmental Services" is an emerging approach that privileges forest management by alternative strategies such as carbon marketing, conservation concessions, eco-tourism, fiduciary funds and programmes for Reducing Emissions from Deforestation and Forest Degradation (REDD). The objective is to help national governments generate revenues from sources other than commercial logging.
2. Human rights activist Floribert Chebeye, for example, was found murdered in June 2010. See:  
<http://news.bbc.co.uk/2/hi/world/africa/10236747.stm>
3. Information on the independent observatory is available at:  
[www.rdc-conversiontitresforestiers.org/en/docman/rappports/23.html](http://www.rdc-conversiontitresforestiers.org/en/docman/rappports/23.html)