Democratic Republic of Congo

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The Democratic Republic of Congo (DRC) holds the **largest portion of the Congo Basin forests (approximately 60%)**, the second largest tropical rainforest in the world. The country has an equatorial climate and is a major producer of timber. **Deforestation in the DRC is driven by shifting agriculture**, fuelwood collection, as well as logging, mining and large-scale agriculture. In efforts to combat illegal logging, the DRC government has continued improving forest governance under the Voluntary Partnership Agreement (VPA) negotiation process. Although the DRC has made developments on their timber traceability system under the VPA, the country's Timber Traceability and Legality Management Platform (TRABOIS) is **operational in the Province of Haut-Katanga but has failed to work countrywide**. In 2017, the DRC began establishing **timber parks** near the DRC's eastern borders in an attempt to combat illegal timber trade.

Forest Management

Forest Governance

According to the 2002 Forest Code, all forests in the Democratic Republic of Congo are owned by the State (Article 7). The commercial use of forests is granted through forest concessions issued by the Government. 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.

The following ministry oversees the regulation and management of forest lands and products in the DRC:

- **Ministry of Environment and Sustainable Development (MEDD):** Manages all activities linked to sustainable management of the environment, forests, wildlife and aquatic resources.

Transparency

For information regarding transparency and risk scores in the DRC, head to these links:

- **Transparency International's Corruption Perception Index**
- The World Bank's **Worldwide Governance Indicators**
- **Index of Environmental Monitoring by CSOs in the Congo Basin**

Laws and Regulations

Forest Laws

- **Forest Code (Law No. 011/2002) (2002)**: The 2002 Forest Code is the national forestry policy for the DRC and establishes provisions and management policies for all forests (the national forest estate) within the country. The code outlines usage rights, rules for different forest classifications (Classified forests, Protected forests, Permanent production forests) and the management and oversight structure. Title IV: *Of the Protection of Forests* establishes the prohibited activities in the forest estate and requires anyone intending to deforest a portion of national estate to obtain a deforestation permit beforehand (Article 53). To receive a deforestation permit, the local forestry administration must provide an opinion based on an impact study (Article 54). Any forest exploitation or management activity must have a forest management plan before being conducted (Article 71).
    - **Classified forests:** Local populations are the only permitted users of classified forests (excluding integral nature reserves, national parks and botanical gardens) (Article 38). Local populations' usage rights are limited to a specified list of activities outlined in Article 39 or as stipulated in the management plan for each classified forest. State-owned reforested areas are exempt from any forest use (Article 40).
    - **Protected forests**: Any Congolese is permitted to exercise forest use rights in accordance with the Forest Code and its implementing measures, over the entire protected forest area (Article 41). Collecting forest products for domestic use is free, and populations that border concessions can continue exercising their rights to use the protected forest, if their use is compatible with the concession (Articles 43-44). Crop production is permitted in protected forests but may be prohibited by the Provincial Governor (Article 42).
    - **Permanent production forests:** Forest exploitation may occur under the management of the forestry administration or decentralized administrative entities, a public body created for this purpose or by private forest operators under the appropriate authorization (known as operating authorization) (Article 97). A forest concession contract allows the concessionaire the right to exploit the specified forest area. For details on the concession process, see Title VI. Forest concessions and the exploitation of State forests must have a management plan and is subject to an inventory of forest resources (Articles 99-100).

- **Decree No. 05/116 establishing the modalities for the conversion of old forest titles into forest concession contracts and extending the moratorium on the granting of logging titles (2005)**: Mandates that old forest titles not converted into forest concessions as part of the conversion process become automatically void. The decree also sets the two additional conditions for the lift of the moratorium on the granting of new concessions: first, the publication of the results of the conversion process and, second, the adoption, through a consultative process, of a three-year plan for the future allocation of new forest concessions. The moratorium was first established under **Ministerial Order No. CAB/MIN/AF.F-E.T/194/MAS/02 (2002)**.
- **Ministerial Order No. 84/CAB/MIN/ECN-DD/CJ/00/RBM/2016 establishing the conditions and rules for the exploitation of timber (2016)**: Sets the conditions for timber production and the rules for the exploitation of forests, including measures to ensure the timber traceability. The authorization to harvest timber is granted through one of three permits: the industrial logging permit (*permis de coupe industrielle*), the artisanal cutting permit (*permis de coupe artisanale*) or the private timber cutting permit (*permis de coupe des bois privés*), which grant permit holders the right to harvest timber on a specific area of the forest estate. The industrial logging permit covers an annual allowable cut (*assiette*

annuelle de coupe) and is valid from January 1 to December 31 but can be extended for an additional one to two years, depending on whether the annual allowable cut (AAC) remains open for exploitation. To ensure timber traceability, article 66 stipulates that any felled tree should be marked and include: the tree number, the log reference number, the company hammer or stamp and the cutting permit number.

- **Ministerial Order No. 102/CAB/MIN/ECN-T/15/JEB/09 establishing the rules and procedures for forest controls (2009):** Sets the rules and procedures under which forest control missions must be conducted by inspectors, government officials and forestry agents. This order is further supplemented by **Ministerial Order No 032/CAB/MIN/ECN-T/10/BNME/012 (2012),** which regulates Independent Forest Monitoring and defines the modalities for implementation.
- **Decree No. 14/018 establishing the framework for the allocation of forest concessions to local communities (2014)**: Determines the necessary conditions and the procedure for the acquisition of a forest concession by local communities.

Processing/Manufacturing Laws

- **Forest Code (Law No. 011/2002) (2002)**: States that companies (national and foreign) are encouraged to process their wood in the DRC to promote the local processing industry and guarantee the added value of wood and other wood products before export. Only authorized national operators and those with operational processing facilities are authorized to export raw logs for a period of ten years, subject to a quota that must not exceed 30% of their total annual production. Although the law remains somehow vague, the intent is presumably to reach a 100% in-country processing at the end of the 10-year period (Chapter II/Article 109). The code also requires companies to keep a record of the volume of products processed, the species harvested and the exact location of where the cut or the harvest was conducted. The regulations, documentation, and monitoring of processing facilities however remain weak, which make it difficult to develop effective traceability programs, and prevent illegal export of raw timber (Articles 21-22; Chapter III).

Transport Laws

- **Ministerial Order No. CAB/MIN/AF.F-E.T/262/2002 establishing the measures for forest exploitation (2002):** Establishes the conditions of transportation of forest products and the sanctions associated with them when provisions are violated. Any transported forest product must be accompanied by a special circulation permit, granted by the forest administration. These permits must contain, among other information: the identity and residence of the person transporting the goods, the identity of the logging company, the transport itinerary and final destination of the products, the volume of products allowed as well as the identity of the official that issued the permit (Article 58-59).

Tax Laws

- **Forest Code (Law No. 011/2002) (2002)**: Establishes that no logger, processor or exporter of forest products can be exempt 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 (See **Joint**

Interministerial Order No. 004/CAB/MIN/ENV/2006 and No. 105/CAB/MIN/FINANCES/2006 (2006)). The five types of taxes are as follows (see Articles 120-125 for additional details):
    - Concession area tax;
    - Felling tax;
    - Export tax;
    - Deforestation tax; and
    - Reforestation tax.

- **Ministerial Order No. CAB/MIN/AF.F-E.T/262/2002 establishing the measures for forest exploitation (2002):** Requires companies to submit quarterly reports to the forest administration 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 taxes to be paid by logging companies according to the legislation in place. The General Directorate of Administrative, Judicial, State and Participation Revenue (DGRAD) is the government body tasked with coordinating the collection of taxes in DRC (Articles 55-57).

Trade Laws

- **Forest Code (Law No. 011/2002) (2002):** The State encourages the promotion of the local processing industry in order to ensure the added value of timber and other forest products. Only holders of operational processing units and duly authorized national operators may, for a maximum period of 10 years from the start of operations, export timber in the form of logs, up to a quota not exceeding 30% of their total annual production. Export quotas are defined and granted, considering the volume of timber processed in the country and in accordance with the conditions set by the Ministerial Order. Forest products are marketed, imported, or exported in accordance with the current legislation (Article 109).

Criminal Laws

- **Forest Code (Law No. 011/2002) (2002):** The national forest estate is protected against any degradation or destruction caused by illegal exploitation, overexploitation, overgrazing, burning and excessive clearing and deforestation (Article 45). Title IX: *Criminal Provisions* establishes the offenses and penalties for forestry violations.

Non-regulatory policy instruments

- **National Strategy for Community Forestry in the Democratic Republic of Congo 2018 (SNFC)**: The SNFC is a long-term vision accompanied by a five-year action plan that intends to promote sustainable forest management through local communities and Indigenous Peoples' inclusion. The Strategy aims to coordinate among different sectors to achieve its vision.
- Commission of the Forests of Central Africa (COMIFAC) **Convergence Plan (2015-2025):** The **reference framework and coordination of all interventions in the conservation and sustainable management of Central Africa's forest ecosystems**.

Bilateral Agreements

- **DRC - EU Voluntary Partnership Agreement (VPA):** Aims to ensure timber exported to the European Union has been produced according to the DRC's laws and regulations. Negotiations for the VPA began in 2010. In 2013, the VPA process was temporarily suspended, but progress on the negotiations resumed in 2016. Despite efforts to improve forest governance and combat illegal logging, a VPA has yet to be signed or ratified in the country. For more information about the FLEGT VPA process in the DRC, see the **VPA Africa – Latin America Facility's DRC VPA webpage**. Additional details on timber legality and conducting due diligence in the DRC can be found **here**.

CITES

The **Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES)** is an international agreement among governments whose purpose is to ensure that the international trade of wild animals and plant species does not threaten the survival of these species. It is up to each country to draft their own domestic legislation to comply with its CITES obligations. The DRC signed onto the Convention in 1976.

Species under the protection of CITES are listed under three Appendices based on how threatened they are by international trade. The species listed in Appendix I are the most endangered and international trade of these species is prohibited unless the purpose of import is noncommercial. The species listed in Appendix II are tightly controlled in international trade and may be authorized with an export permit or re-export certificate. Appendix III lists species at the request of a Party that needs other countries' cooperation to regulate the trade in the species. International trade in Appendix III is allowed with appropriate permits or certificates.

If you don't know if the species you are interested in sourcing from this country is CITES listed, please check this **link**. If the species is listed, please use this **database** to identify the National CITES Authority. In the DRC, the CITES managing authority is the Congolese Institute for Nature Conservation (ICCN).

Forest Resources

Resources Overview

In 2010, Democratic Republic of Congo had **198 Mha of natural forest**, extending over 85% of its land area.

According to the 2002 Forest Code, the DRC divides its forest resources (the national forest estate) into three categories (Chapter II: *Of Classification Forests*). The national forest estate is also divided into Forest Management Units for planning, management, conservation, and exploitation of forest resources (Article 72). The three categories are detailed below:

- **Classified forests**: Consist of forests subject to a restrictive legal regime regarding user and exploitation rights. Classified forests are usually designated for environmental protection and conservation, such as integral nature reserves, forests located in national parks, or wildlife reserves and estates, and are managed by the State. The classification is carried out by a Ministerial order, following consultation with the local population and the provincial advisory council. The Forest Code specifies that classified forests must represent

at least 15% of the total area of the national territory.

- **Protected forests**: Consist of forests subject to less restrictive legal controls and are considered a part of the State's private estate. Protected forests include uses for community forestry, small-scale concession contracts and subsistence farming operations. Concessions for logging contracts may be granted for less than 25 years with the possibility of renewal at the period's end.
- **Permanent production forests:** Consist of allocated logging concessions and forests already in timber production. Permanent production forests can be exploited either by the State, by a public body created for this purpose or by private forest operators who have received the appropriate authorization.

Contacts

Below are incomplete lists of government ministries, industry associations, civil society groups, and research institutes involved with forestry, trade, and efforts to combat illegal logging and associated trade.

Industry Associations

- **Confederation of Congolese Small and Medium Enterprises (COPEMECO)**
- Congolese Association of Artisanal Loggers (ACEFA)
- Federation of Wood Industrialists (FID RDC)
- Support the Development of Continuing Training in the Forest-Wood Sector in Central Africa (ADEFAC)

Civil Society Organizations

- **Field Legality Advisory Group (FLAG)**
- **Central African Forest Initiative (CAFI)**
- **Central African Forest Commission (COMIFAC)**
- **Congo Basin Forest Partnership (CBFP)**
- **International Union for the Conservation of Nature (IUCN) – West and Central Africa**
- **US Forest Service International Programs: Democratic Republic of Congo**
- **World Wide Fund for Nature (WWF) Forests Forward Initiative**
- **International Tropical Timber Technical Association (ATIBT)**
- **Resource Extraction Monitoring (REM)**
- Circle for the Defense of the Environment (CEDEN)
- National Coalition Against Illegal Logging (CNCEIB)
- Council for Environmental Defense through Legality and Traceability (CODELT)
- **Observatory of Forest Governance (OGF)**

- Natural Resources Network (RRN)
- National Network of Independent Observation (RENOI-RDC)
- **Greenpeace Africa**
- **World Wide Fund for Nature (WWF) DRC**
- **Wildlife Conservation Society (WCS): DRC**

Government Ministries and Agencies

- **Ministry of Environment and Sustainable Development (MEDD)**
  - **Directorate of Nature Conservation (DCN)**
  - **Forest Management Department (DGF)**
  - **Forest Inventory and Development Department (DIAF)**
  - **Congolese Institute for Nature Conservation (ICCN)**
- **Ministry of Economy and Finance**

Research Institutes

- Regional Postgraduate School of Integrated Planning and Management of Tropical Forests and Territories (ERAIFT)
- National Agricultural Study and Research Institute (INERA)
- Central African Agricultural Research Institute (ICRA)
- **University of Kisangani (Unikis)**

References and Resources

For more information regarding forest legality in the DRC, head to these links from our partners:

- **Chatham House Forest Governance and Legality: DRC**
- **Preferred by Nature - Timber Sourcing Hub: DRC**
- **Timber Trade Portal: DRC**
- WRI **Forest Atlases**
- WRI **Global Forest Watch (GFW)**
- WRI **Open Timber Portal (OTP)**
- **ATIBT (2019) *État des lieux des acteurs de la filière forêt-bois en République Démocratique du Congo* (in French)**
- **MEDD (2020) *Operating Guide for Legal Exploitation of Timber in the DRC***
- **DIAF (2017) *Operational Guides* (Pursuant to the ministerial decree setting the procedures for development, approval and implementation of land development plans forest concessions for timber production)**