

**Workshop on the post-conversion process of
forest titles in the Democratic Republic of Congo
Kinshasa, 4-6th of March 2009**

THE WORKSHOP'S COMMUNIQUÉ

Introduction

The Ministry of Environment (MECNT), with the backing of the Programme for Biodiversity and Sustainable Management of Forests in the DRC (PBF/GTZ), organized a workshop on the post-conversion process of forest titles in the DRC at the Memling Hotel, Kinshasa, from 4-6th March 2009.

The process of converting former forest titles into valid logging concessions was set in motion by MECNT following the signing of the presidential Decree 5/116 issued on 24th October 2005. This vast process was implemented in four main stages: i) the applicant/individual's request for conversion; ii) checks carried out by the Technical Working Group (TWG) - composed of representatives from the forestry and fiscal administrations; iii) the identification of local and indigenous populations who would be affected by the conversions, carried out by Civil Society organizations; iv) the analysis by the Inter-Ministerial Committee (IMC), responsible for the legal review and conversion of eligible logging titles, of the TWG's technical reports and the Independent Observer's interim report.

After two sessions reviewing the conversion requests (including appeals) of the 6 forest provinces of Bandundu, Bas-Congo, Equateur, Province Orientale, Kasai Oriental and Kasai Occidental, the IMC finally gave the go-ahead for the conversion of 65 titles, representing an area of 9,719,246 hectares.

Following this decision, it was important to analyze what remained at stake, and to reflect on how to go forward with the subsequent stages.

As such, the workshop focused on the following issues: i) follow-up on the conversion of the former forest titles; ii) the financial and social stakes, as well as the methods and procedures of converting/dissolving forest titles; iii) setting up a system to monitor the whole process.

Participants of the Workshop

Mr. José E.B. Endundo, the Environment Minister, personally chaired the opening and closing sessions of the workshop, attended by:

1. Representatives of the Heads of diplomatic missions (Belgium, France, Germany, Great Britain, Norway and the USA);
2. Members of parliament;
3. Facilitator of the Partnership for the Congo Basin Forests (CBFP);
4. Secretary-General of the Ministry of Environment and President of the IMC;
5. Principal Advisor for Environmental and Agricultural Affairs at the Office of the President of the Republic;
6. Delegates of the Environment Technical College in the Office of the Prime Minister;
7. President of the Inter-African Forest Industries Association (IFIA);
8. Representative of the Commission of the Forests of Central Africa (COMIFAC);
9. President of the National Forum of the Conference on Ecosystems of Dense Humid Rainforests of Central Africa (CEFDHAC);
10. Advisors from the Environment Ministry's Cabinet;
11. Chief Executive Officers from the Environment Ministry's central administration;
12. Representatives of the Finance Ministry (CTR);
13. Representatives of the Planning Ministry (UCOP);
14. Provincial Environment Ministers from the Bandundu, Equateur and Orientale provinces;
15. Environment provincial coordinators from the Bandundu, Equateur and Orientale provinces;
16. Representatives of Development Partners (CTB, DFID, PBF/GTZ, AFD, AfDB, WB, FAO, ITTO, UNEP, KfW, BMZ, SNV, IUCN);
17. Representatives of the forest industries and other forest-related economic sectors (FIB, SIFORCO, SODEFOR, FORABOLA, SOFORMA, SICOBOIS, PARCAFRIQUE, ITB, TRANS-MBOIS, RIBACONGO, SCIBOIS, FEC, Compagnie du Bois, ENRA, Maison NBK Service, ONATRA, DANZER Group);
18. Representatives from forest management consultancy firms (FRM, TEREa);
19. Representatives of technical agencies (IO/WRI, CAFO, WRI Forestry Atlas);
20. Representatives of NGOs (CODELT, RRN, WCS, WWF, AWF, CI, Forest Monitor, Green Peace, Réseau RCEN, OCEAN, ILDI, Avocats verts, COCOM, ASADHO, CODHOD, CIDB, VAPYBA, OKPN);
21. Representatives of Training Institutions (UNIKIS);
22. Representatives of indigenous peoples (UEFA, OSAPY, AJAC);
23. Resource persons (FORAF, GTZ/ProPSFE, JMN Consultant).

Progress of the Workshop

After the opening speeches, four papers were presented on: i) progress on the implementation of forestry policy in the DRC as of 1st of March 2009, options and challenges for the forest titles conversion process; ii) comparative analysis of relations regarding forest exploitation between the administration, local community and private sector in COMIFAC; iii) experiences and lessons learned from forestry policy implementation in Cameroon and iv) concepts for social investment agreements (“cahier des charges”) between local communities and logging concessions holders in the DRC.

Four working groups then discussed the following topics: i) how to effectively dissolve/ handle the non-converted forest titles; ii) follow-up on the post-conversion process for validated titles; iii) social investment agreements (“cahier des charges”) and iv) forest management, allocations of new concessions and land-use maps (“plan de zonage”).

Recommendations

The Workshop’s main recommendations (issued by four working groups and approved by the plenary) can be summarized as follows:

On ways of dissolving non-converted titles

The Workshop suggests:

- Developing, with the assistance of a consultant, a practical guide that should focus on the roles and responsibility of stakeholders, reporting procedures, and follow-up activities, including budgets and work plans;
- Setting up national and provincial inventory/ inspection teams to close logging operations where titles have been dissolved;
- Ensuring that sufficient means are available for the dissolution process.

On disputed titles

Out of 91 non-converted titles by IMC, 16 titles remain disputed and are of particular interest in terms of investments and job creation. No consensus emerged within the working group on these disputed titles.

After plenary discussions, it was agreed that these disputed titles could be reconsidered, but that safeguards should be put in place to avoid any form of transgression.

On the follow-up of the post-conversion process of converted titles

The Workshop underlined the importance of implementing and managing the following:

- The capacity of stakeholders must be strengthened;
- All relevant and useful information must be shared with all stakeholders;

- The necessary prerequisites must be carried out before logging concession contracts are signed;
- The rights and obligations of all stakeholders must be respected;
- The establishment of a central body to manage land-disputes should be promoted along with local forums for discussion and exchange of information;
- Fiscal policy on forestry and tax redistribution should be simplified, and data on taxes and fees paid should be published;
- Concession management plans should be drawn up and implemented according to the legislation and regulations;
- Establish incentives to encourage certification of logging concessions;
- Ensure that forest revenues and taxes are redistributed to decentralized entities and local/indigenous communities in accordance with the law;
- Continue negotiations with the aim of signing a Voluntary Partnership Agreement with the European Union under the FLEGT framework (legality, traceability, control).

On social investment agreements

The Workshop issued the following recommendations:

- Clarify, in a relevant decree, the mandates, responsibilities and obligations of the State, the logging concession holders and local/indigenous communities, and ensure that the State mandates are reiterated in all social investment agreements;
- Establish social investment agreements within the framework of forest concession management plans, and have them countersigned by the local authorities;
- Set legal parameters (on the basis of the volume and category of trees logged) for the funding of the social investment agreements to be paid by the logging concession holders;
- These funds should be held by the forest concession holder; they should be used to finance local development projects which will be proposed and managed by village committees;
- Set standard rates for services (equipment, personnel etc.) provided by the concession holder;
- Clarify the forest law on transport to be provided by logging companies; whether or not this is a compulsory service; the responsibility of the logging company in case of accidents;
- Set up terms of reference and procedures for the payment of customary forest access rights ("droit de jouissance");
- Clarify rules and regulations on the use of forest products by local/ indigenous communities.

On logging concession management

The Workshop recommends:

- Norms and guidelines on forest management should be completed, if necessary, and publicized;
- Decide on the status of the logging concession management plans that have already been submitted, before the end of the conversion process;

- Strengthen the forestry department's staff, technical and computing capacity, both at the central and local level, in order to monitor the logging concession management plans;
- Each logging company should establish its own management plan unit;
- Conceive support mechanisms for companies new to sustainable forest management and certification.

On the development of land-use maps

The Workshop recommended that the following should be completed as soon as possible:

- Macro land-use maps should be drawn up in the provinces of Equateur, Orientale and Bandundu; they could include non-converted forest titles for potential future allocations;
- Development and implementation of a communication programme for local communities, their representatives and authorities;
- Establishment of a multi-sector Commission to harmonize legislation and planning procedures across different sectors (including the mining sector) and to facilitate joined-up governance;
- Completion of legislation on community forests.

Conclusions of the Workshop

After these recommendations had been presented, the Environment Minister noted, in his closing speech, that opinion was still divided over the dissolution of disputed titles. The Minister underlined the Government's responsibility for resolving this issue and there was no further discussion thereof.

Following the recommendations on the follow-up of the conversion process, the Minister noted that particular areas of concern included: i) how to improve legislation and strengthen capacity in order to reduce illegal exploitation of forest resources; ii) how the forest tax system can be simplified and the collection and redistribution of forest taxes can be made effective and transparent; and iii) how lawfulness in and certification of logging concessions can be promoted.

With regard to social investment agreements the Minister underlined the need to redefine the mandate of the State, as well as the responsibilities of logging concession holders and local/indigenous communities. He also stressed that these are multi-stakeholder agreements.

Finally, he noted the Workshop's recommendations on forest management, land-use maps and future concession allocation. He stated that if all these recommendations were taken into account, capacity of all stakeholders would be strengthened and significant progress would be made on the DRC's sustainable forest management agenda.

Kinshasa, 22nd of March 2009

The Organizing Committee