



During the recent IES mission in the province of Equateur, on November 2008, one of the findings was the willingness of the provincial authorities (Provincial Ministries of Environment, Mines and Energy) to take appropriate steps to control, reduce and stop the present illegal trade of natural resources to neighboring Congo Brazzaville. At the same time, Global Witness pointed out the fact that *'the absence of meaningful controls, legal ambiguity and lack of standardised practices leave the sector in anarchy and provide fertile ground for abuse and fraud'*¹. The traders, including the end-user nations, benefit from the lack of state authority in this part of DRC as well as from the state's porous border (the river Congo) with the neighbor Congo Brazzaville.

Aware of this lack of control and inspections of timber production operations in the Congo Basin (Province of Equateur), coupled with insufficient expertise in investigation and reporting, two provincial projects have been set up: 1° 'Projet d'appui à la Commission permanente de remesurage et de cubage des bois de l'Equateur', et 2° 'Projet d'appui à la Commission à environnementale de contrôle du bois de l'Equateur (C.E.C.B.E)'. But until now their implementation failed due the lack of logistic and financial means. These two initiatives are the consequence of the fact that the Ministry of Environment, including the provincial ministries, does not have a specific budget for control operations or for providing its officials with appropriate capacity, technical equipment and logistics².

Please note that the potential profit to be made from control, inspection, stopping or reducing illegal natural resource trade is so great that it could contribute to tackle the following challenges: inequity and poverty mitigation, food security and sustainable use of natural resources. Furthermore, these sustainable development

initiatives will not work unless the international community works to strengthen international regulations on natural resource trade and provide to province of Equateur logistics and means.

However, concerning forest law, one can observe that in the DRC, the new Forest Code has been implemented on paper only and until now a process, like FLEGT³, does not yet exist. The new Forest Code remains unknown in rural areas as it was observed during the IES mission in the Giri – Lake Tumba – Lake Mai Ndombe Wetland. *'Only four out of 42 application texts (decrees) for the implementation of reforms have been promulgated, and even they do not contain the standard forms to be used in the planning, logging and circulation of forest products. There are serious differences between, on the one hand, the provisions of the Forest Code and these four application decrees and, on the other, the reality of administrative practices and logging operations on the ground. The Forest Code remains unknown in rural areas and its provisions, like those of the four decrees, are not followed. There are flaws and uncertainties in the regulations concerning logging'*⁴.

Finally, the end-user nations of illegally extracted resources—must play a greater role in implementing and enforcing Congolese Forest Law.

www.envirosecurity.org/activities/law/trade

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¹ Global Witness, December 2007. *DRC's forests: "Towards satisfactory management and governance standards." Mission findings and policy recommendations from a feasibility study for Independent Forest Monitoring in the Democratic Republic of Congo.*

² Global Witness, *Ibid.*

³ Forest Law Enforcement on Governance and Trade

⁴ Global Witness, *Ibid.*