Adviesraad inzake beleidscoherentie ten gunste van ontwikkeling
Conseil consultatif sur la cohérence des politiques en faveur du développement

Opinion of the Advisory Council on Policy Coherence for Development

"Belgian policy coherence for development in Central Africa"

1. Introduction

01. This opinion pertains to Belgian policy coherence for development in Central Africa. This opinion was approved by the Advisory Council on Policy Coherence for Development at the Council meeting of 14th January 2016.

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2. Context

02. The three countries of Central Africa (Democratic Republic of Congo, Burundi and Rwanda) represent the three main partner countries of Belgian cooperation. These three countries constitute close to half of the Belgian bilateral aid for development.

03. The Agreement of the Belgian Government confirms the special status of Central Africa in Belgium's foreign policy: "Our policy in Central Africa remains a cornerstone that consolidates Belgium's role in the world. Especially now, as the world rediscovers the geopolitical importance of the African continent, we must highlight our expertise[1]." This sentence, located in the "Foreign Affairs" section of the document, shows that Central Africa is much more than just a partner in development cooperation. This implies that it is necessary to have a coherent policy involving an interdepartmental coordination. On this subject, the Agreement is quite innovative as compared to previous legislatures: "The government undertakes to draft a strategy on our socioeconomic, cultural and political relationships with the countries of this region[2]."

04. Similarly, for Foreign Affairs, the Agreement confirms the special status of Central Africa in the domain of development cooperation: "Taking this focus into account, the government will firstly direct its efforts to a few homogeneous geographical regions experiencing significant poverty and instability, and especially those affecting the migratory flows towards our country, such as, among others, the African Great Lakes region and North Africa[3]."

05. This is why Belgian policy coherence for development in Central Africa is necessary. This opinion aims at drawing up recommendations to improve this coherence in the five domains of the PCD with

1 Government of Belgium, Governmental Agreement, 2014, pp.192-193.
2 Ibid.
3 Government of Belgium, Governmental Agreement, 2014, p. 199.

the highest priority: trade and investment, environment, agriculture, immigrations, peace and security.

3. Trade and investment

3.1 The trade of minerals

3.1.1. A situational analysis of the issue

06. The Great Lakes region in Central Africa is bursting with natural resources. The Democratic Republic of Congo (DR Congo) has approximately 10% of the world's copper reserves, one-third of the world's cobalt reserves and one-quarter of the world's tantalum reserves. It also has significant deposits of other minerals, such as gold, diamonds, tungsten and tin, as well as hydrocarbon and gas resources. Most of the mining resources of the Great Lakes region are located in DR Congo, but a considerable portion of them are cross-border - such as minerals, hydrocarbons and gas - which has given rise to a significant regional challenge.

07. As was reported and denounced in several United Nations' reports, the populations in the east of DR Congo, which is where most of the mining resources of the Great Lakes region are located, have been victims for two decades of recurring conflicts provoked by the illegal exploitation of the natural resources. This has also destabilised the entire Great Lakes region. Several concessions are being illegally exploited, or are being pillaged by rebel groups in attempts to acquire weapons. These conflict minerals are a vital component of smartphones, tablets and other laptops that are freely sold in the European market as well as worldwide.

08. In December 2008, this situation led the Security Council of the United Nations to adopt two resolutions: Resolution 1856 expanding the mandate of the MONUC (United Nations Organization Mission in the Democratic Republic of the Congo) by allowing it to "use its means of surveillance and inspection to prevent illegal armed groups from benefiting from the trafficking of natural resources", and Resolution 1857 increasing the arsenal of sanctions of the Security Council for the purpose of targeting persons or entities supporting illegal armed groups by means of the illegal trade of natural resources.

09. According to the United Nations, in 2013, 98% of handcrafted gold was exported illegally to Burundi, Uganda, Tanzania or Sudan, before being sent to Dubai or Dar es Salaam[4]. In addition, Rwanda has been identified as the primary hub for the smuggling of the "3Ts" (tantalum, tungsten and tin), with lesser but still significant amounts being smuggled via Uganda and Burundi.

10. The European Union aims at promoting a responsible European supply mechanism for minerals originating from "at risk" areas, such as the African Great Lakes region. This mechanism is based on the "OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas"[5].

4 United Nations expert group on DR Congo, *Final report 2013*, United Nations Security Council, S/2014/42, 23 January 2014.

The Guidance promotes the duty of care that it defines as "a continuous, proactive and reactive process that allows businesses to ensure that they respect human rights, that they do not contribute to conflicts and that they comply with international law and with national legislations, including those concerning the illegal trade of minerals and the sanctions of the United Nations". The Guidance sets in place a series of benchmarks to ensure that the trade of four minerals - the 3Ts and gold - does not finance conflicts. The European Union is responsible for a quarter of the total imports of these metals, and is therefore a key player in pacifying conflicts that arise from the trade of these resources.

11. In 2014, the European Commission proposed a responsible supply mechanism for minerals originating from regions undergoing conflict and at risk. This project lays down a voluntary approach that allows willing businesses to implement a "reasonable diligence" that allows them to self-certify their supply chain.

12. In May 2015, the European Parliament fully adopted a binding mechanism of "duty of diligence" in the supply chains of minerals (3Ts and gold) that is applicable to all businesses that use these metals. In July 2015, the Belgian Federal Parliament fully adopted a resolution that also calls for the mandatory application of "reasonable diligence" throughout the supply chain (for businesses on both ends of the chain). The discussion is now a "trialogue" with the EU Council and the Commission, and aims at reaching a compromise so that the European legislation is definitively adopted.

3.1.2. Recommendations

13. Promote before the EU Council, as part of a trialogue with the Commission and the Parliament, a binding mechanism for the responsible supply of conflict minerals applicable to the entire production and marketing chain, as adopted by the European Parliament in May 2015 and the Federal Parliament in July 2015.

14. Support the International Conference on the Great Lakes Region (ICGLR), which represents the regional institutional framework that is most capable of harmonising the laws and implementing regional mechanisms for data exchange, certification and alert, as was proposed in 2010 by the Lusaka declaration.

3.1.3. Justification for the recommendations

15. The European Union and the other international aid donors mobilise significant financial and diplomatic resources to promote peace and development in Central Africa, and yet tolerate trade, in their markets, of products containing minerals that served to finance conflicts in this region.

[5] OECD, "OECD Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas", 2011.

16. Belgium mobilises its development cooperation and its diplomacy for promoting peace and development in the Great Lakes region. However, by tolerating the fact that products manufactured using minerals that helped fund rebel movements and conflicts in the Great Lakes region are sold in its market, it contributes to thwarting its own efforts for peace and development in the region.

3.2 Industrial mining

3.2.1. A situational analysis of the issue

17. The resumption of mining represents the major factor for the recovery of the macroeconomic indicators in DR Congo. Between 1989 and 2001, the Congo economy was in deep, almost uninterrupted recession. Now however, economic growth is once more emerging: except in 2009, when the impact of the global recession reduced the growth rate of Congo's GDP to 2.7%, the annual growth was at 6-7% between 2007 and 2012, and has crossed 8% since 2013. The increase in exports, which amounted to almost 10 billion dollars in 2014, is almost exclusively linked to the increase in mineral exports, which represent 94% of total exports in 2014[6].

18. Having transformed into a trading company in 2010, Gécamines has remained the custodian of Congo's subsoil and was in charge of the sale of mining concessions to foreign firms. These foreign investments resulted in a significant increase in mining production. The production of copper, which fell to less than 20,000 tonnes in the early 2000s, has multiplied by more than fifty times since then, exceeding 300,000 tonnes in 2008 and 2009, 500,000 tonnes in 2010 and 2011, and one million tonnes in 2014 - a historical record for the country and twice the previous record that was achieved in the 1980s. DR Congo also became the global leader in cobalt exports, the production of which reached close to 75,600 tonnes in 2014 (i.e. more than half of the production worldwide) and also recorded significant increases in the production of gold, coltan and cassiterite[7]. The fall in the price of copper, which reached its lowest level in six years, also had consequences on the mining sector in DR Congo.

19. The economic growth drawn from mining has created only a few formal jobs. In total, the National Employment Office estimated that only 68,714 direct and indirect formal jobs were generated by the mining industry (i.e. less than 0.2% of the active population of Congo)[8].

20. Although they have significantly increased over the past decade, the tax revenues generated by the mining sector - via income and corporate tax, customs duties and royalties - represented 829 million dollars in 2014 according to the IMF, i.e. only 16% of the total tax revenues of the State of Congo, or 2.9% of GDP. This can be explained by the mining code of

6 IMF, "Democratic Republic of the Congo. Selected Issues", October 2015, p. 28.
7 Ibid., p. 27.
8 Ibid., p. 30.

2002, which lays down a very beneficial tax regime for mining companies. The opacity that surrounds the Congo mining sector implies a significant shortfall for the State's treasury. Undercharged concessions, opaque financial arrangements, hidden mining contracts and excessive tax exemptions are all common practices. The losses to the State of Congo are colossal. According to the 2013 Report of the Africa Progress Panel, "DR Congo possesses some of the richest mineral resources across the globe, and yet lose out because public companies systematically underestimate the assets. Concessions are sold under conditions that generate significant profits for the foreign investors, most of which are registered in offshore centres. This results in considerable losses for public finances". The report analyses five mining contracts that were concluded between 2010 and 2012, and involve the sale of concessions by a Congo public company to one or more offshore companies, most of which are registered in the British Virgin Islands and are linked to the *Fleurette* group[9]. The result is that, under these five contracts, the State of Congo has lost 1.36 billion dollars in revenues due to the underestimation of the mining assets sold to the offshore companies. This loss is equal to twice the health and education budgets of DR Congo put together. On an average, the concessions were sold at one-sixth of their market value, resulting in the offshore companies obtaining an average rate of return of 512%.

21. Tax evasion is helped along even further by the "double taxation avoidance agreements" (DTAA) that, according to the IMF, the OECD, the World Bank and the UN[10], tend to develop into "double non-taxation" due to enabling tax optimisation techniques. The Belgian DTAA model, dated June 2010 and signed, in particular, with DR Congo and Rwanda, facilitates this kind of practice.

22. The mining code is highly permissive as regards the repatriation of profits generated by Foreign Direct Investments (FDI), to such a point that these repatriations have exceeded FDI inputs since 2013. This phenomenon is even expected to worsen in time according to the IMF, which predicts a repatriation of profits of more than three times the FDI inputs in 2019 (2 billion dollars of FDI inputs against 7 billion dollars of repatriated profits)[11]. And yet, revisions to the mining code, which have been proposed since 2012, have always been blocked.

3.2.2. Recommendations

23. Promote, especially in the World Bank, (which significantly influenced the content of the 2002 mining code) a reform to the mining code in DR Congo with respect to the Congo law-making body. It must be stricter as regards the mobilisation of domestic resources, in order to ensure that the

9 This is one of the largest private investors in DR Congo: it is managed by Dan Gertler, an Israeli businessman who is close to President Kabila.
10 IMF, OECD, UN and World Bank, "Supporting the Development of More Effective Tax Systems", A report to the G-20 Development Working Group, 2011, p. 28.
11 IMF, "Democratic Republic of Congo: 2014 consultations concerning Article IV", October 2014.

investments in the mining sector guarantee a net contribution of capital to Congo's economy.

24. Revise the Belgian double taxation avoidance agreement model, in order to correct the measures that favour the aggressive tax optimisation of businesses.

25. Promote transparency, the respect of human rights and social and environmental legislation by mining companies present in DR Congo, including their Belgian subcontractors.

3.2.3. Justification for the recommendations

26. It does not seem logical to mobilise Belgian aid in the Great Lakes area and also favour the repatriation of profits greater than the aid via the existence of a mining code and double taxation avoidance agreements (DTAA). Belgium provides more than half (46% in 2014) of its bilateral aid in three countries of Central Africa (DR Congo, Burundi and Rwanda) and more than one quarter (27.2%) in just the Democratic Republic of Congo, while still favouring the repatriation of FDI profits and tax evasion. The volume of repatriated profits and tax evasion are significantly higher than the amounts of public aid given for development, and significantly exceeds the FDI inputs in DR Congo.

4. Agriculture and food

4.1. A situational analysis of the issue

27. The agricultural potential of DR Congo is among the highest in the world: a stretch of 80 million hectares of arable land, 4 million of which can be irrigated; climatic diversity and abundant water, which allow at least two harvests a year and a significant diversity of crops; pasture resources that allow feeding approximately 40 million cattle or other equivalent livestock; fishing resources that allow an annual supply of 700,000 tonnes of fish. According to the FAO-UNFPA-IIASA report on the agricultural potential across the globe, DR Congo has sufficient agricultural potential to feed 2.9 billion people[12]. Close to 70% of the population depends on agriculture for their income, which represents 40% of the country's GDP.

28. Despite this potential, 82% of Congo's population lives in extreme poverty and close to 70% in food insecurity. One child in four suffers from malnutrition. The agricultural sector covers a high proportion of women living in extreme poverty. The Global Food Security Index ranked DR Congo as last in its classification (109th out of 109) in 2014. The country depends on the import of foodstuffs, which represents 1.5 billion US dollars a year and 15% of the value of all of the country's imports. The very low growth of agricultural production (1.4% per year between 2007 and 2012 according to the IFPRI) is lower than the growth of the population (2.4% per year), which places DR Congo in a

12 FAO-UNFPA-IIASA, Potential Population Supporting Capacities of Lands in the Developing World, Rome, Project INT/75/813, 1984.

situation of chronic food insecurity.

29. Agriculture has many times been ranked as "the priority of priorities" by the Congo government, with no less than 22 plans and programmes for agricultural development having been launched since the country gained independence. However these plans did not have anything concrete in terms of budgetary mobilisation and the implementation of sufficient public policies. However, since 2010, DR Congo has pursued a new agricultural policy in application of its new commitment under the CAADP process (Comprehensive Africa Agriculture Development Programme under the NEPAD), the charter of which was signed in 2011 and the National Validation Workshop of which was held in 2013. In 2012, the government adopted an agricultural law recognising family farming as a cornerstone of Congo's economy. A National Fund for the Development of Agriculture was set up and Rural Agriculture Management Councils were set up in the provinces. The agricultural budget is constantly growing, and reached between 4% and 5% of the total budget these past few years (with a final goal of 10%). An agricultural national investment plan for 2013-2020, with 5.7 billion dollars, was launched in September 2012. Special emphasis was placed on the development of planned agricultural development areas and agro-industrial parks.

30. The objective of Agro-Industrial Parks (AIP) is to attract private investment in highly productive and precision farming, based on new technologies. For this purpose, 26 zones ranging from 1,000 to 150,000 hectares were identified in various provinces. A Congo Agency for the Transformation of Agriculture was created to supervise the development of the AIPs. The first AIP of 80,000 hectares was inaugurated in 2014 in Bukanga-Lonzo, in the Bandundu province. A budget of 83 million dollars was allocated to it under a public-private partnership with a South African agro-industrial group. The basic infrastructure was financed by the World Bank, amounting to 100 million dollars. Significant tax exemptions were granted for the purchase and sale of crops for the AIPs, which in turn means that they do not contribute to the tax revenue of the State of Congo.

31. Although there are approximately 8 million farmers in DR Congo, family farming has little support from the government. The shortcomings in research and agricultural extension, the difficulties in accessing credit and inputs, the near absence of mechanisation and the lack of agricultural roads are the main obstacles to family farming in DR Congo. Despite recent progress – such as the recent development of the seed producing sector, the mobilisation of 30 million dollars and the launch of 32 projects for agricultural research, the distribution of 2,000 tractors by the State since 2008 and the provision of "hampers" containing (in the form of coupons) seeds and fertilisers for the cultivation of maize, rice, cassava and vegetables – support for family farming remains weak, giving rise to concerns that it will be marginalised due to the priority granted to Agro-Industrial Parks. The farmers' organisations in DR Congo therefore decried the beneficial localisation criteria for the AIPs (which were granted the best lands), the significant financial resources poured into them to the detriment of family farming, the displacement of populations and the extremely low compensations granted to displaced farmers.

32. In Africa, there are numerous examples of the failure of large-scale mechanised farming in humid areas, essentially due to technical problems (illnesses, insects, soil fertility problems) and unsuitable agricultural technologies. This was especially the case in the 1970s in the domain of Kaniama Kasese, concerning the maize production project in DR Congo. The Belgian Cooperation had poured more than one billion Belgian francs in funding this project at that time. Despite mobilising 80 tractors and 2 crop-dusting aircraft for this project, only 20,000 hectares could be sown and the yield never exceeded 4 tonnes per hectare, despite high doses of fertilisers. After operating for 10 years, the project was abandoned, as it was not profitable. However, there are also cases where different methods of agriculture were able to co-exist, especially in the case of perennial crops (rubber, palms, sugarcane, etc.), in which the input requirements are high and economies of scale play a major role.

4.2. Recommendations

33. In true cooperation with national farmers' organisations, prioritise pilot AIPs before, where necessary, developing them to a larger scale. It is crucial to avoid developing a dual system of agriculture without any ties between the agri-industry and family farming, as there is a risk of marginalising the rural world, which plays a key role in ensuring food sovereignty for Congo and Central Africa, as was especially mentioned in the Strategy on agriculture and food security of the Belgian Cooperation.

34. Support for family farming and agroecological practices must be increased by Belgian Cooperation. This involves giving priority to the mobilisation of budgets aiding development, in support of family farming. This also implies providing public assets that the private sector does not provide, which are vital for the development of family farming – such as the development of agricultural research, agricultural extension, agricultural roads, rural markets and cooperatives, access to agricultural credit, seeds and fertilisers, water and electricity, land security and land registry, as well as support for farmers' organisations.

4.3. Justification for the recommendations

35. It is not consistent to favour investments in Agro-Industrial Parks (AIP) that are likely to marginalise the development of family farming, especially via the World Bank, while still claiming to promote the latter with a view to reducing rural poverty. At the very least, specific guarantees must accompany the revival of the agricultural sector, which should aim at favouring a synergy between these two types of agriculture.

36. Belgium's current actions, of actively advocating a reform to the agricultural law, Article 16 of which limits access to land for foreign investors, without investing the same effort for the demands of the farmers' organisations, does not seem very coherent.

5. Migrations

5.1. Money transfers from migrants

5.1.1. A situational analysis of the issue

37. Several studies and reports have highlighted the growing importance of money transfers from migrants to their countries of origin. In 2015, the World Bank estimated the total amount of money transfers from migrants towards developing countries at 441 billion dollars (i.e. more than thrice the amount of public aid for development). The French Ministry for the Economy estimates that close to 2.9 billion Euros are transferred to the Franc zone (i.e. 2% of the GNP). In the early 2000s, a study by Nadine Muteta estimated the amount of the transfers going from Belgium to Congo at a monthly average of 200 Euros per Congo migrant living in Belgium. In 2015, the NGO "Solidarité Mondiale" estimated the transfers from migrants living in Belgium to extra-European countries, and especially to Morocco, Turkey and DR Congo, at 394 million Euros.

38. Money transfers from migrants represent a more significant financial flow than public aid for development. In essence, they are meant to cover the primary needs of the family members living in the country of origin, such as health, education or food. In the case of Central African countries, these transfers are a form of additional income to aid family members in facing the trials of daily life.

5.1.2. Recommendations

39. Promote, under objective 10 of the 2030 Agenda of the United Nations, the reduction of transaction charges for money transfers from migrants to their country of origin.

5.1.3. Justification for the recommendations

40. Despite the conclusions of several reports that highlight the significance of money transfers from migrants to their country of origin, Belgium has still not concretely integrated the issue of money transfers in its development cooperation policy.

6. Peace and security

6.1. A situational analysis of the issue

41. Belgium has significant past and present links with Central Africa. Today, it dedicates a major portion of its public aid for development to Central Africa, and is therefore a significant partner as regards cooperation with these countries. The reduction in the number of priority countries by the current Minister, Alexander De Croo, confirms this position by retaining this region among the three regions – with North Africa and West Africa – in which Belgium will focus its efforts.

42. For several years now, Belgium has also progressively invested in the thematic agenda of fragility. Also, in early 2013, Belgium dedicated its strategy to fragile situations, for directing its actions in these contexts. The commitment to this theme was also reinforced in the new Law of Development Cooperation of 2013, which makes fragility a criterion in selecting countries of focus.

43. Minister De Croo consolidated this attention for post-conflict and fragile situations in his political orientation briefing. Since then, he has willingly dedicated his efforts to reforming Belgian Cooperation in order to adapt it to the challenges of these situations. This willingness is also reflected in Belgium's increased involvement in the DAC network of the OECD on conflict and fragility (INCAF) – In November 2015, Belgium became the co-President of INCAF's work group on implementation and reform.

44. This dual attention has placed peace and security at the heart of the Belgian Cooperation's concerns. The period beginning from 2016 will put Belgium's commitments in the Great Lakes region, as well as their implementation, to the test. As was observed in 2015 in Burundi, the electoral processes in the region – scheduled in 2016 for DR Congo and Uganda and in 2017 for Rwanda – continue to be a major risk to the peace and security of the population, with there being a significant risk of flare-ups in the situation at the national and even regional levels. On the other hand, all of the cooperation programmes have been or will soon be completed (Burundi 2013, Rwanda 2014, DR Congo 2015, Uganda 2016), thus leading to the possibility of preparations for the next ones.

6.2. Recommendations

45. Simplify the terms for reallocating the funding of civil society organisations that are in fragile situations, so that they can cope with a sudden crisis.

46. Strengthen a sector-wise support for issued concerning justice and governance (by planning for partners other than the central government, in particular decentralised players) in order to keep a political dialogue window open.

47. Maintain specific support for the organisation and execution of the elections, without limiting Belgian support in fragile situations for this sole reason.

48. Strengthen actions of civic education among the Southern partners to cover the elections.

49. Reactivate, under clear terms of use, the basic allocations for the prevention of conflicts and preventive diplomacy.

6.3. Justification for the recommendations

50. Belgium has a significant investment in the Great Lakes region, where most issues – political, security or development – are regional, and yet there is still no regional strategy.

51. While Belgium is certainly willing to commit to fragile States, such as most of the countries of Central Africa, the portion of interventions planned in sensitive sectors (security, justice, police, governance), which are essential for the consolidation of the peace and security in the region, is rather insignificant.

52. In the specific case of DR Congo, although Belgium and the international community invested significant efforts for reforming the security sector in DR Congo and for disarming and demobilising the former combatants of the rebel groups, the lack of attention given towards the reintegration of these former combatants into society tends to push them back into taking up arms and contributing to the perennial insecurity in the East of Congo.

53. In the crisis situation in Burundi, the suspension of the cooperation programmes and the announcement of the diversion of funds towards civil society programmes and regional programmes have raised significant objections (such as the announcement of increased support to private media, which used to be banned by the government, or the support to civil society organisations whose activities were suspended and whose accounts were blocked by the Nkurunziza government).

54. Developments are expected in parallel reflections on the reorientation of Belgian aid in DR Congo, Rwanda and Uganda, where the question of the renewal of the President's term is pending. However, there is yet to be any kind of strategic reflection or systematic vision on these issues within the DGD.

55. There is little compatibility between the legal, institutional, organisational and instrumental framework of Belgian cooperation with the fragile situations of the countries of Central Africa, as regards the approaches in terms of analyses, flexibility, risk management, adaptation to changes in the situation, budgetary procedures, harmonisation (Belgian and international), support to local civil society as well as the identification of opportunities.

7. The environment

7.1. A situational analysis of the issue

56. With a total area of 1.78 million sq. kilometres, the forests of the Congo basin are among the largest reserves in the world in terms of primary tropical forests, coming second to the Amazon. Approximately 60% of this area (1.07 million km²) is located in the Democratic Republic of Congo, wherein tropical forests represent 45% of the national territory, with the remaining being divided between Gabon, the Republic of the Congo, Cameroon (each having slightly more than 200,000 km²), as well as the Central African Republic (58,000 km²) and Equatorial Guinea (22,000 km²).

In Rwanda, forests cover only 3,000 km² (12% of the national territory), but still constitute a significant biodiversity reserve, and especially a sanctuary under threat for gorillas. As regards Burundi, there is very little primary forest remaining (less than 5% of the national territory).

57. Until now, the Congo forest has been significantly better preserved from deforestation than its Amazonian and Indonesian cousins. However, the low rate of deforestation is somewhat linked to the country's low growth in terms of economic development. It has increased significantly ever since the armed conflicts decreased in intensity, which in turn had allowed growth to resume. The total deforestation was estimated at 17,360 km² during the period 2000-2005 and 19,760 km² between 2006 and 2010. More concerning is the fact that primary deforestation has almost doubled between the two periods, going from 3,670 km² to 7,010 km². In total, according to the Food and Agriculture Organisation of the United Nations (FAO), DR Congo has lost 6% of its forests since 1990, i.e. 14 million hectares, despite the implementation of protected zones. The Congo forest plays an essential role in preserving the biodiversity and the climate. It shelters approximately 10,000 plant species, including 600 species of trees. Moreover, it is one of the main lungs of the planet, and its destruction could cause grave consequences for the climate. Therefore, it must be preserved for there to be any hope of meeting the international goals concerning the efforts against global warming.

58. The forest is a reserve that provides for the needs of a significant part of the population: apart from the strictly forest-dwelling populations, such as the pygmies, more than 40 million inhabitants of Congo directly depend on the natural ecosystem for their food, energy and medicines. The sustainable use of natural resources is therefore not just an environmental issue, but is also economic and social.

59. The main cause of deforestation and the deterioration of forests is agriculture. According to the reports of the Ministry of Environment, the main cause of deforestation is slash-and-burn farming used by small farmers. The second largest cause of deforestation is the unsustainable exploitation of forest resources, mainly in the exporting of tropical timber to emerging countries. It is governed by a Forest Code (law 011/2002), the objective of which is to "create a legal framework that allows the forest to fulfil its ecological and social functions in equilibrium, the forest administration to substantially contribute to national development and the local populations to actively participate in the management of forests, so that a legitimate benefit can be drawn therefrom".

60. The attribution of new forest titles has officially been banned since 2002, but is regularly violated. Thus, between 2009 and 2011, a process for revising forest titles was undertaken by the Government of Congo: 156 titles were revised, 65 of which were converted at first and 15 of which were passed in the second revision. Civil society still denounced the opacity of the criteria used to attribute the titles, as well as the threats of pillaging natural resources.

61. The European Union is one of the main destinations of tropical timber, either directly or after it is transformed in industries located in emerging countries such as China.

In 2005, the EU set up an action plan (Regulation no. 2173/2005) pertaining to the application of forest regulations, governance and commercial exchanges (named FLEGT). In 2010, it was updated with the "EU Timber Regulation" (no. 995/2010), which came into effect in 2013. Together, these two mechanisms are meant to prevent any import of illegally used timber to EU territory. Nevertheless, multiple reports have shown that these imports have not completely stopped, and that Belgium is one of the gateways for illegal timber in the EU. According to Greenpeace, the number of control operations implemented by Belgian authorities, especially in Port of Antwerp, is insufficient, and these operations rarely result in sanctions.

7.2. Recommendations

62. Strengthen the resources provided to the customs departments, especially at the Port of Antwerp, in order to control any suspicious cargo from the primary countries of origin of tropical timber, especially the Democratic Republic of Congo.

63. Promote, within the European Union, the adoption of a binding legal framework that calls on the responsibility of European multinationals, in order to hold them legally responsible for upholding the international and local regulations and standards of the countries in which they or their subsidiaries exercise their activities.

Justification for the recommendations

64. It is not coherent for Belgium to support the implementation of better forest governance by the Democratic Republic of Congo, especially via the Extractive Industries Transparency Initiative (EITI), while at the same time not providing sufficient resources to control the import of illegal timber in its own territory.