



**DRC DONORS RELEASE \$40 MILLION
AFTER 4,000 KM² OF FOREST ILLEGALLY AWARDED TO KABILA ADVISER AND MP**

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Only a month after he was forced to cancel three logging concession contracts that his predecessor signed last year in violation of a 2002 freeze on new allocations,[1] DRC's ex-Environment Minister Robert Bopolo Mbongeza awarded a new permit to an adviser to President Joseph Kabila and green-lighted a second one to a ruling party member of parliament.[2]

The 15 September award and authorization, covering over 4,000 km² (an area four times the size of Berlin), came only three weeks after Norway's Climate and Environment Minister Vidar Helgesen visited Kinshasa to prepare the first disbursement of a \$200 million Norwegian-led donor program to protect Congo's forest.[3] A first tranche of \$40 million Central African Forest Initiative (CAFI) funding was approved in October 2016.[4]

After posing for the cameras with Helgesen, Bopolo awarded a 25-year 162,936 ha Tshopo Province concession to "Groupe Les Bâtisseurs du Congo," (GBC).[5] The President of the Board of Directors of GBC, Faustin Lokinda Litaléma has been Kabila's Agriculture and Rural Development adviser since September 2015.[6] He appears to have created GBC in 2016.[7] Lokinda's contract specifies that he deposited a \$50,000 security guarantee for the concession at the Banque Gabonaise et Française Internationale in Kinshasa.[8]

The same day he signed a contract with Lokinda, 15 September, the Minister addressed a letter to ruling party MP Jacques Mokako Nzeke according an entity called "APC" (not otherwise specified) of which he is referred to as legal representative a 239,393 ha Mongala Province concession and setting a 90 day deadline for contract signature.[9] Greenpeace believes this contract has now been signed, but has not obtained a copy of it. On 1 April 2016, Mokako had solicited four concessions.[10] Prior

to becoming Minister, Bopolo was an MP from Mokako's Mongala Province and national coordinator for the Majorité Présidentielle coalition there.

	<p style="text-align: center;"><u>REPUBLIQUE DEMOCRATIQUE DU CONGO</u></p> <p>Ministère de l'Environnement, Conservation de la Nature et Développement Durable</p> <p>CONTRAT DE CONCESSION FORESTIERE N° 002 / 16 du 15/09/16</p> <p>Issu de la reprise par l'Etat de la forêt autrefois attribuée en vertu du contrat de forestière n° 030/11 du 24/10/2011 résilié</p> <p>Le présent contrat de concession forestière est conclu entre:</p> <p>D'une part,</p> <p>Le Ministre de l'Environnement, Conservation de la Nature et Développement agissant au nom de la République Démocratique du Congo, ci-après dénommé « le concédante »;</p> <p>Et d'autre part,</p> <p>La Société d'exploitation forestière GROUPE LES BAPTISEURS DU CONGO s.a SARL, immatriculée au registre de commerce et du crédit mobilier sous le CD/KIN/RCCM/16-B-10.178, représentée par Monsieur Msc. Ir. Faustin LOKINDA L. Président du Conseil d'Administration, ayant son siège au n° 15, Avenue Pumbu des Cliniques, Commune de la Gombe, Ville Province de Kinshasa, en République Démocratique du Congo, ci-après dénommé « Le Concessionnaire »;</p>
<p>Former DRC Forest Minister Bopolo (left), Norwegian Climate Minister Helgesen (middle), and former DRC Finance Minister Yav (right) in Kinshasa, 23 August 2016</p>	<p>Header of contract 002/16 signed by Bopolo on 15 September 2016</p>

Both GBC's contract and the green light to APC are violations of the 2002 moratorium on the allocation of industrial logging titles.[11]

In July 2016 Bopolo reacted to the revelation of illegal concession awards by his predecessor by telling international media that they were "illegal"[12], that they had evidently taken place "in a totally clandestine manner"[13] and that the contracts in question were absent from his files.[14] In fact, he had himself signed at least three mission orders for Ministry staff to support social investment agreement "negotiations" between the illegal concessionaires and local residents.[15]

Since the revelation of the contracts in July, the DRC government and CAFI have ignored repeated calls by international NGOs to set up an independent investigation commission to determine the responsibility of "all officials associated with *or involved in concealing*" them.[16]

Bopolo's predecessor, Bienvenu Liyota Ndjoli, has denied all wrongdoing, arguing that the 2002 moratorium does not bar re-award of defunct permits that passed the donor-financed legal review of titles completed in 2009.[17]

On 8 August 2016 then Prime Minister Augustin Matata Ponyo Matata ordered Bopolo to cancel the three titles awarded by Liyota in 2015. [18] He added that once this was done Bopolo was to "approach Central African Forest Initiative (CAFI) to secure our expected financing." [19] Congo's donors seem to have been only too happy to settle for title cancellation in the absence of sanctions, heedless of NGOs' 22 July warning of the

need for a thorough and transparent investigation conducted by an independent investigation commission, into the actions and responsibilities of all involved in [the] issuance and maintenance [of the 2015 contracts], to ensure accountability of all officials associated with or involved in concealing the violation, including those at the highest Ministerial levels. The persons found to be responsible for these activities must be sanctioned in accordance with the law: this is a crucial first step to end impunity, nepotism and corruption in the forestry sector.

and the demand for

a further investigation to determine whether there have been any further breaches of the moratorium, and, if so, to assure that these concessions are cancelled as well. [20]

It appears that no one has been held accountable for the 2015 awards, or for concealing them, and the status of the security guarantees made by their beneficiaries, totalling \$150,000, remains unknown.

Last October NGOs demanded that no CAFI money be released until breaches of the fund's 22 April 2016 Letter of Intent are addressed. None of the projects for which funds have been transferred complies with the Letter's commitments to, and specific procedures for, transparency and participation.

"To ensure donor money is not wasted and in order to become effective in reaching its stated objectives a suspension of the entire CAFI program is needed until a thoroughgoing revision of its overall approach including the adoption of adequate monitoring mechanisms and safeguards is carried out," said Irène Wabiwa Betoko, Forest campaign manager at Greenpeace Africa.

[1] Greenpeace Africa, "[How the DRC government has secretly breached its own logging moratorium](#)," 12 July 2016.

[2] Ministère de l'Environnement, Conservation de la Nature et Développement Durable (MECNDD), "Contrat de concession forestière n°002/16 du 15 septembre 2016 issue de la reprise par l'Etat de la forêt autrefois attribuée en vertu du contrat de concession forestière n°030/11 du 24/10/2011 résilié," 15 September 2016 ; Letter "n°[?] CAB/MIN/ECN-DD/04/00/RBM/2016" from Robert Bopolo Mbongeza to Jacques Mokako Nzeke, 15 September 2016. Bopolo served as Environment Minister from 25 September 2015 to 19 December 2016.

[3] Ministère des Finances, "[RDC-NORVEGE : évaluation des activités, quatre mois après la signature par CAFI de la Lettre d'Intention le 22 avril 2016 \[à\] Genève en \[S\]uisse](#)", undated.

[4] <http://mptf.undp.org/factsheet/fund/AFI00>

[5] "Contrat de concession forestière n°002/16 [...]," op. cit.

[6] Joseph Kabila, "[Ordonnance n°15/071 du 16 septembre 2015 portant nomination des conseillers principaux au cabinet du Président de la République](#)," 16 September 2015.

Formerly a member of the Orientale Province parliament and member of the Orientale Province Extractive Industries Transparency Initiative (EITI) board, subsequently Orientale Province Minister of Rural Development. (Réseau Ressources Naturelles, "Des députés provinciaux de la Province Orientale formés sur l'ITIE," Magazine Ressources Naturelles n°9, July-August 2010).

[7] GBC SARL's business registration number, as indicated in contract #002, is CD/KIN/RCCM/16-B-10.178.

[8] Section 18.

[9] Letter "n°[?] CAB/MIN/ECN-DD/04/00/RBM/2016," op cit. Mokako is president of the NGO Action pour le Territoire de Bumba (ATB).

[10] Ibid. Our translation.

[11] République Démocratique du Congo. Ministère des Affaires foncières, Environnement et Tourisme. 2002. Arrêté ministériel n°CAB/MIN/AF.F-E.T./194/ MAS/02 du 14 mai 2002 portant suspension de l'octroi des allocations forestières.

[12] VoA, "[RDC : contrats forestiers avec des sociétés chinoises "illégaux", en instance d'annulation,](#)" 13 July 2016. Our translation.

[13] RFI, "[RDC: Greenpeace dénonce l'attribution de trois concessions forestières,](#)" 13 July 2016. Our translation.

[14] Radio Okapi, "[RDC: le gouvernement accusé d'avoir accordé illégalement 3 titres forestiers,](#)" 13 July 2016. Our translation.

[15] MECNDD, Ordre de mission n°106/CAB/MIN/ECN-DD/SA/01/RBM/2016, date illegible; Ordre de mission n°107/CAB/MIN/ECN-DD/SA/01/RBM/2016, date illegible; Ordre de mission n°108/CAB/MIN/ECN-DD/SA/01/RBM/2016, date illegible.

[16] Greenpeace, "[Greenpeace welcomes the announcement of the DRC Minister of Environment to cancel illegal concessions but says more needs to be done,](#)" 19 July 2016. Our italics.

[17] Bienvenu Liyota Ndjoli, "[Mise au point sur les révélations de Greenpeace Afrique concernant la prétendue violation du moratoire forestier par l'attribution secrète de nouvelles concessions forestières,](#)" 17 July 2016

[18] Letter "n° CAB/PM/CSPE/ONP/2016/4367" from Augustin Matata Ponyo to Robert Bopolo Mbongeza, 8 August 2016.

[19] Our translation.

[20] Greenpeace, Global Witness, Rainforest Foundation UK, Rainforest Foundation Norway, Environmental Investigation Agency, "Private and confidential letter to Members of the Board of the Central African Forest Initiative," 22 July 2016.



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