

COUNTRY REPORT: DEMOCRATIC REPUBLIC OF CONGO

Dignité Bwiza*

Introduction

It was highlighted in the previous DRC country report that environmental laws in the DRC are maladaptive and need to be reviewed to match social, economic and political realities. Examining the situation of the DRC from another angle, one could question whether the population of the DRC is adequately skilled and is ready to implement and abide by existing and upcoming national environmental laws. This country report attempts to answer this question.

The report draws from interviews and observations undertaken in a field research carried out by the author in the Eastern DRC from January 2014 to August 2014. The report is divided into two sections. The first section provides an overview of environmental laws adopted in 2014. The second section exposes the outcome of the interviews of various groups of people and subsequent problems/obstacles to environmental protection in the DRC.

Recent Developments in Environmental Laws

Two laws on environmental protection were adopted in 2014: A law on nature conservation and a decree on the implementation of environmental protection processes.

Law N° 14/003 of 11 February 2014 on Nature conservation brought in various innovations including:

- It places an obligation on the government to clearly define and establish mechanism to increase awareness of the population about environmental issues and to take adequate

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actions in order to increase the participation of the population in environmental protection activities;

- The obligation on the state to establish and implement a national policy on conservation of biodiversity;
- The obligation for the state to fund national action plan in various fields of environmental protection, and so forth.

On 2nd august 2014 *Decree n° 14/019* establishing the rules of functioning of environmental protection processes was adopted. This decree was adopted in order to clearly establish rules of the various environmental protection mechanisms mentioned in *law N 11/009* of 09 July 2011 on fundamental environmental principles applicable in the DRC.¹ This Decree provides detailed definitions of environmental protection mechanisms that were only listed in the 2009 law. Furthermore, a detailed list of all types of activities enclosed in each category of work was annexed to this law.

Environmental Protection as Perceived by the Population in the DRC

The author conducted a field work early 2014, in the eastern DRC (Oriental province) to scrutinise the extent to what environmental laws, particularly forest laws, were enforced. Hence she met with various actors involved in environmental protection among which traditional chiefs; legal practitioners, employees of the ministry of nature conservation and programmes funded by international donors. Here is what emerged from the interviews and observation done on the field.

Misreading of Environmental Protection by the Political Elite

Administratively, the DRC has one central parliament and eleven provincial parliaments. Parliamentarians represent the population at provincial and national level, and are the ones to adopt, amongst others, environmental laws. The majority of the parliamentarians in the DRC (at the national and provincial level) are unfamiliar of recent developments in the field of environmental protection. Most of them are aged above 45 years, went to schools in the DRC when environmental protection was not part of the curriculum in secondary schools or

¹Article 3. For more information about this law, see Dignité BWIZA Democratic Republic of Congo: country report 2013 (2014) IUCN Academy Environmental Law

universities.² Besides, most of these parliamentarians have not furthered their training outside the country and are less likely to have taken time to learn/ get information about current international principles and theories in environmental protection within the country.

This lack of knowledge is often revealed in comments of parliamentarian within local medias. For instance, in July 2014 it was reported that a parliamentarian of the Oriental Province stated on a talk show on one of the local radio *'we (the DRC) have plenty of forests from which other countries are taking advantage. These countries should pay us for taking advantage from our forests. If they don't pay us then we will burn all the forests'*.

Such statement portrays the need for parliamentarian and other political actors to understand the basics and relevance of environmental protection not only for global purposes, but also for local population and for the DRC. Local lecturers contend that the lack of a national policy on environmental protection is the result of the limited knowledge of parliamentarian in the field of environmental protection, and that this is also valid in other fields.

Timid Involvement of Members of the Civil Society in Environmental Protection

The need of training is also expressed on the side of members of the civil society. The DRC hosts a wide range of national Non-Governmental Organisations (NGOs), the majority of which works in the field of human rights protection. Very few are those involved in environmental protection, often referred to as 'development'. Development activities include mainly training of farmers on agriculture techniques, merely in order to increase their production and not with the aim to protect the environment. Less than 5 % of local NGOs in the DRC have set environmental protection as their main objective and/or conduct environmental protection activities per say.

Available information on activities undertaken by local NGOs regarding environmental protection proved that information provided by local NGOs was either out-dated or incomplete. For instance, some NGOs encouraged the population to *'burn all the dirt in order to keep our environment clean'* as the only and appropriate way to deal with domestic waste.

² Even to date, environmental protection is not taught in secondary school. Selected options in university have modules on environmental protection, and the law faculty has only one course for the 4 year programme.

Another significant issue is the high level of illiteracy in the DRC which makes it difficult for the majority of the population to understand abstract concepts such as air pollution, climate change, and so forth.

Insecurity, Poverty and Illiteracy

In addition to illiteracy, the political and economic situation in the DRC is a significant obstacle to environmental protection. The economic situation prevailing in the country makes it difficult for the population to accept some messages on environmental protection. For instance, it is difficult to talk about deforestation while the population does not have alternative source of energy to replace charcoal and firewood for domestic consumption. *'If population does not cut trees, how would they cook? There is no other source of energy, no gas, and the majority has no access to electricity'.*

Furthermore, members of the civil society met affirmed that *'each time there is an armed conflict or a movement of population subsequent to activities of rebel armed groups (which is very frequent in the eastern DRC [once every two months]) either internally displaced persons, members of the governmental army or rebel armed groups cut the trees (and crops) planted by population.'* This discourages any idea of planting trees as it results in *'planting trees for others.'*

According to local NGOs, there are three main environmental issues as perceived by the population:

- 1) The need to manage domestic waste,
- 2) the lack of an alternative source of energy of domestic use and
- 3) perturbation of seasons.

Demographic growth has generated more domestic waste. To date, domestic waste is visible in markets and streets all over the country. The DRC is yet to have organised waste management systems, either private or public. Besides, there is no industry recycling or transforming domestic waste in the DRC, thus the majority of the population ignores what recycling is and how to recycle domestic waste. What appears to be the practice and which have turned into the 'perfect' and obvious way to manage domestic waste burning domestic waste. *'If we don't burn, how else could we manage domestic waste?'*

The issue pertaining to the continuously increasing cost of firewood/charcoal is perceived more as an economic matter than an environmental issue. *'If every one received an increase of their salary, they could afford the cost of charcoal.'*

Although all acknowledge the drastic perturbation of seasons and its impact on agricultural production, there seem to be no particular quest toward understanding the origin of such change.

Lack of a National Awareness Campaign on Environmental Protection

While messages on the need to elude malaria, HIV and sexual violence are multiple; there is no widespread national mass communication about environmental related issues. Offices of the ministry of environment and nature conservation installed in remote areas of the country do not conduct awareness raising campaign about environmental related issues and lack libraries for those who would like to inform themselves about techniques of environmental protection.

Few International Actors in Environmental Protection

Contrary to the significant number of International NGOs working in the field of human rights, health and emergencies; the number of programmes on environmental protection is narrow. Besides, on-going projects on environmental protection are either limited in natural reserves or forests or are not well known by the population. For instance, Wild life conservation society³ is conducting a project in the Epulu national reserve, yet it is not known by population in nearby towns.

While UN agencies such as UNICEF, UNHCR and others are well known; organisations such as UNEP, GIZ, and WCS are totally unknown.

Limited Information in the Local Media

Medias in the DRC rarely emphasize issues pertaining to environmental protection. While all local medias mentions women's rights, protection of children in conflict with the law and rights of prisoners; the right to a clean environmental is a concept that is practically unnamed.

³ www.wcs.org/epulu

Environmental Protection, Not Forest Protection Only

It is necessary to mention the growing concern towards forest protection. Tree planting by individuals have increased in towns, villages and schools. Yet, 'forest protection' is referred to as environmental protection. Local Medias have increased their talk shows on environmental protection, yet 90% of them talk about deforestation. For instance, none of the local medias in Oriental Province mentioned air pollution over the last six months, while they all mentioned deforestation.

Perception of Elders and Traditional Chiefs

The elders and traditional chiefs play an important role in the administration of the DRC. Until today, they are involved in the land acquisition process in rural areas and in forest exploitation. In rural areas the power of traditional chiefs is very strong. Actors from the government and humanitarian sector often recourse to traditional chiefs to ensure the participation of all the population.

Yet their understanding of environmental issues remains very low. Although elders and traditional chiefs agree that there is perceptible change in seasons which negatively impact daily life and farming production and reduce the quality of crops; they are convinced that this is due to demography and nothing else.

To the question to know where this change in season came from, elders contented that

'if seasons have changed in our village, this is due to the increasing number of foreigners in our village. Their number has increased over the last decade, creating warmth and change in season.' Asked whether there could be a relation between the lack of tree and slash and burn agriculture, the elders answered that *'the reason why it is getting hotter has nothing to do with deforestation. This is due to the growing number of population. If one is in a cold room where there are two persons, if the number of person increases to 20, the temperature of the room will increase. At a given point one might even start sweating while the temperature outside the room is very low. This is what has happened to our villages. The increasing number of population has resulted in the increase of heat and thus in the perturbation of seasons. The issue is not to plant more trees but to reduce the number of people'.*

This shows the urgent need to train elders and traditional chiefs on environmental protection

Law Practitioners

Findings from interview of members of the judiciary showed that the majority of law practitioners (lawyers, judges, and magistrates) ignore applicable national laws in the DRC. Contrary to what one could think, 90% of the people interviewed (among which lawyers, judges, and magistrates) ignored the Forest Code adopted in 2002 and the law establishing principles of environmental protection in the DRC. This was true for magistrates who have recently joined the profession or those practicing for more than 10 years. This lack of information will necessarily hinder enforcement of environmental laws.

Conclusion

In addition to the need to institute adaptive environmental legislation, there is a vast need to train and increase awareness of the Congolese population on environmental related issues at all levels. This is indispensable due to the prevailing economic situation which places the population in a situation whereby environmental resources are more an opportunity for growth than assets to protect.

Besides, the unstable political situation discourages environmental protection actions such as reforestation. Measures should be put in place in order to reduce the impact of armed conflicts and internal displacements on the environment. The government could ensure that camps of internally displaced are installed in areas where the environmental impact would be as minimal as possible. On the other hand, the civil society could draft a tool increasing awareness of the population to environmental related issues, and on the attitude they should have towards environmental could they be in situation of displacement.

Furthermore, it could be useful if civil society, scholars and politicians of SADC countries shared their experience on ways to increase involvement of members of the civil society in the DRC. This could bridge the significant exposed within this article.