



DRC Technical Commission on Geographical Programming

Adopted by mail on March 13, 2018

EB.2018.1.

Considering the urgent development challenges that the government of the DRC is facing;

Considering that CAFI is a long-term partner of the DRC in its endeavor to sustainably manage its forest resources;

Considering that CAFI is committed to working with the DRC government to support its national development objectives based on our joint Letter of Intent (LOI) to swiftly achieve results;

Considering the DRC's decision to establish a technical commission to explore how to make progress on the "geographic programming" referred to in the 2005 Presidential Decree and the Letter of Intent between CAFI and the DRC;

the Executive Board

Reconfirms that CAFI is open for dialogue on how to make progress on all elements of the LOI, including on meeting the conditions for lifting the moratorium.

Expresses concern about the recent reissuance of concessions in violation of Congolese law and the LOI, and about the process towards lifting the moratorium on logging concessions that does not comply with the existing legal framework requiring transparency and consultation, principles that are reaffirmed in the LOI. Under this national legal framework, all three conditions laid down in the Ministerial Order/AF.F-E.T./194/MAS/02 of May 14, 2002 and the Presidential Decree n° 05/116 of October 24, 2005 should be met, according to a sound and robust legal review.

Sustains that this commission should be an *ad hoc* instrument to improve dialogue and discuss methodologies to reach all milestones under Objective 3 of the Letter of Intent.

Further reiterates that the basis of the work of the Technical Commission should be the national legal framework and the Letter of Intent.

Underlines that the Commission should have an advisory role to help the Steering Committee make informed decisions. If diverging views should be expressed by members in the Commission, including from members of the CAFI Executive Board, these views would need to be fully reflected in the report

from the Commission. As a multi-country partnership, CAFI cannot prepare formal positions daily, but will express its view in the FONAREDD Steering Committee when the recommendations from the Commission are presented. Opinions dissenting from the Commission's recommendations should be reflected in writing in the report and conclusions of the Steering Committee.

Recalls that in the LOI, the lifting of the moratorium was considered in the context of a broader package of reforms to improve forest governance in DRC. This includes progress on the achievement of a number of milestones, such as the participatory elaboration of a new forest policy, application of the forest law to all existing forest concessions, a plan to fight illegal logging and the establishment of an independent auditing mechanism to ensure legality. Achieving all these milestones is needed to ensure a balanced approach and a sustainable forestry sector.

Further recalls that for the allocation of new industrial forest concessions, if conditions for lifting the moratorium have been met, the procedures defined in the Forest Code regarding (i) tendering, (ii) preliminary public inquiry and (iii) negotiations of the social clauses to the benefit of communities in the context of the specifications, will be implemented ensuring particularly high quality and transparency standards according to the LOI.

Underscores the principles of transparency and consultations laid down in the legal framework and reaffirmed in the LOI. As the Commission is an *ad hoc* mechanism, we support the Government in the swift establishment of the agreed multi-stakeholder platform to pursue the broader dialogue and undertake the work needed to achieve all the above milestones. Several programs supported by development partners and CAFI, including the Sustainable Forest Management program, subject to the modifications proposed by the FONAREDD Technical Committee and its further approval, are essential to support DRC to deliver results.

Looks forward to engaging as actively as possible in a constructive dialogue with the Government.