

“We’ll keep our forests, you keep your dollars!”

Local voices against Congo’s oil auction



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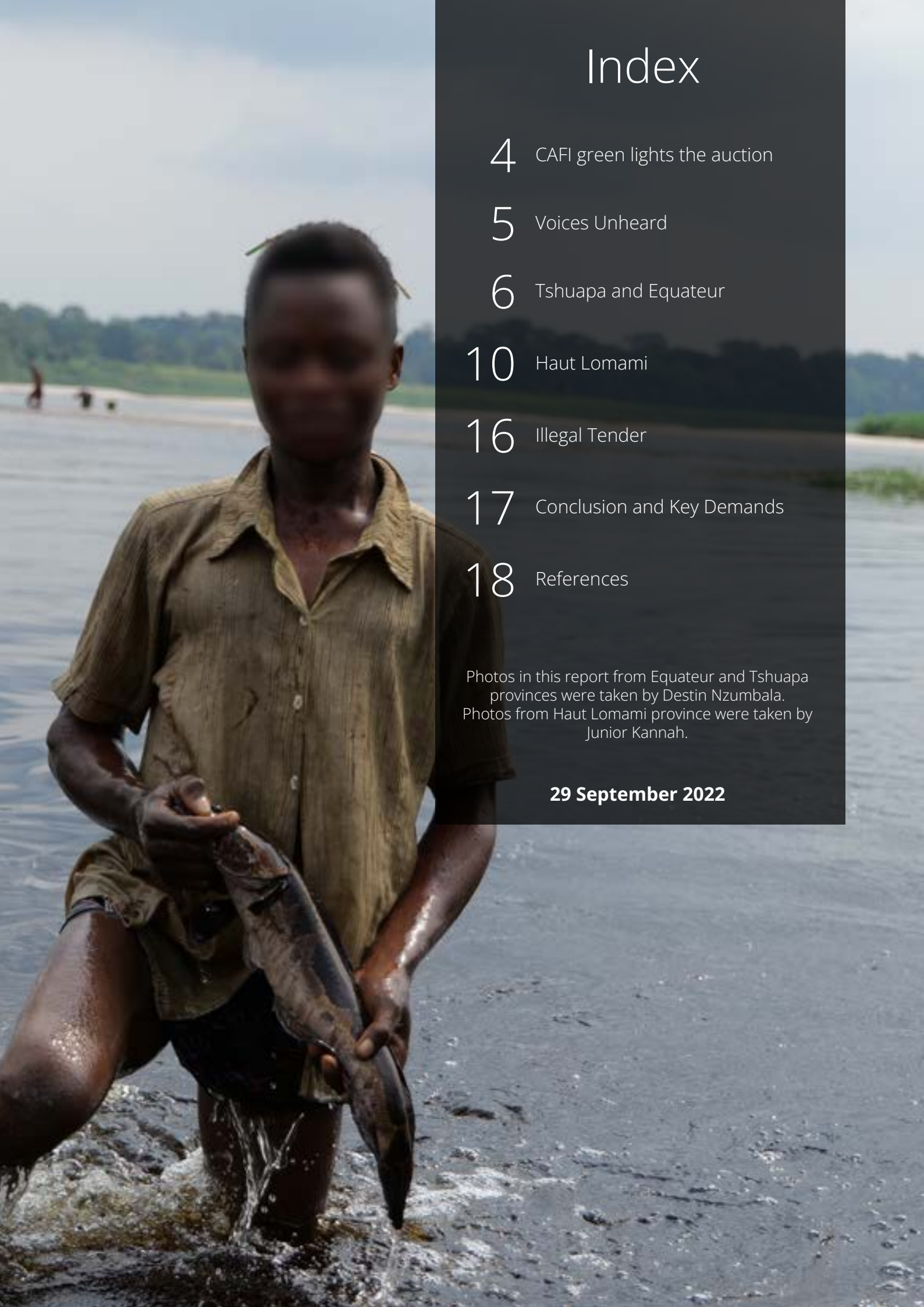
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Photos in this report from Equateur and Tshuapa provinces were taken by Destin Nzumbala. Photos from Haut Lomami province were taken by Junior Kannah.

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The Democratic Republic of Congo (DRC) has been marketing itself as a climate “solution country” since well before the COP26 in Glasgow in 2021.

The DRC represents 60 percent of the Congo basin which makes it the second most important country in the tropics for peat areas and peat carbon stocks. The DRC is also home to the second largest tropical forest in the world,¹ which represents 10% of the world’s tropical forests. Overall, the DRC’s forests contain a total of 23.3 Gigaton of carbon (GtCO_{2e}). Beyond that, it stores up to 29 Gigaton of carbon (GtCO_{2e}) in peatlands in the Cuvette Centrale region, shared between the DRC and the Republic of Congo, equivalent to three years’ global emissions from fossil fuels. Two thirds of this carbon, 19.6 billion tonnes, is in the DRC.²

As of today, Africa is losing 5% to 15% of its per capita economic growth due the effects of climate change and is facing a gaping climate finance shortfall.³ The DRC is among the countries most vulnerable to climate change. The country is prone to “floods, heavy rainfalls, and landslides and less ready to address disaster-related climate shocks.”⁴

In July 2022, however, the government went ahead with a gigantic auction of 30 oil and gas blocks. 3 of the oil blocks are in the Cuvette Centrale peatlands – a carbon bomb containing the equivalent of 3 years’ worth of global fossil fuel emissions. At least 13 of the blocks overlap protected areas, including Virunga National Park, a UNESCO World Heritage Site.

Twomonthsearlier, on18May2022, Hydrocarbons Minister Didier Budimbu insisted that “none” of the blocks on offer overlapped protected areas.⁵ Contacted by Greenpeace Africa, ⁶ Mr. Budimbu backpedalled, admitting “certain protected areas” are “overlapped in a very

negligible proportion by some oil blocks.”

The DRC’s climate plans (2022-26)⁷ includes specific targets set out at the sectoral level for adaptation and resilience to climate change, which are also undermined by the current auction and development of oil and gas drilling plans.

On 18 July 2022 – 10 days before the launch of the auction – Hydrocarbons Minister Budimbu announced that the number of blocks on offer had increased from the 16 announced in April, to 30. To this moment it remains unclear what was the regulatory process and legal framework that allowed the ministry to go forward with this extended auction.⁸

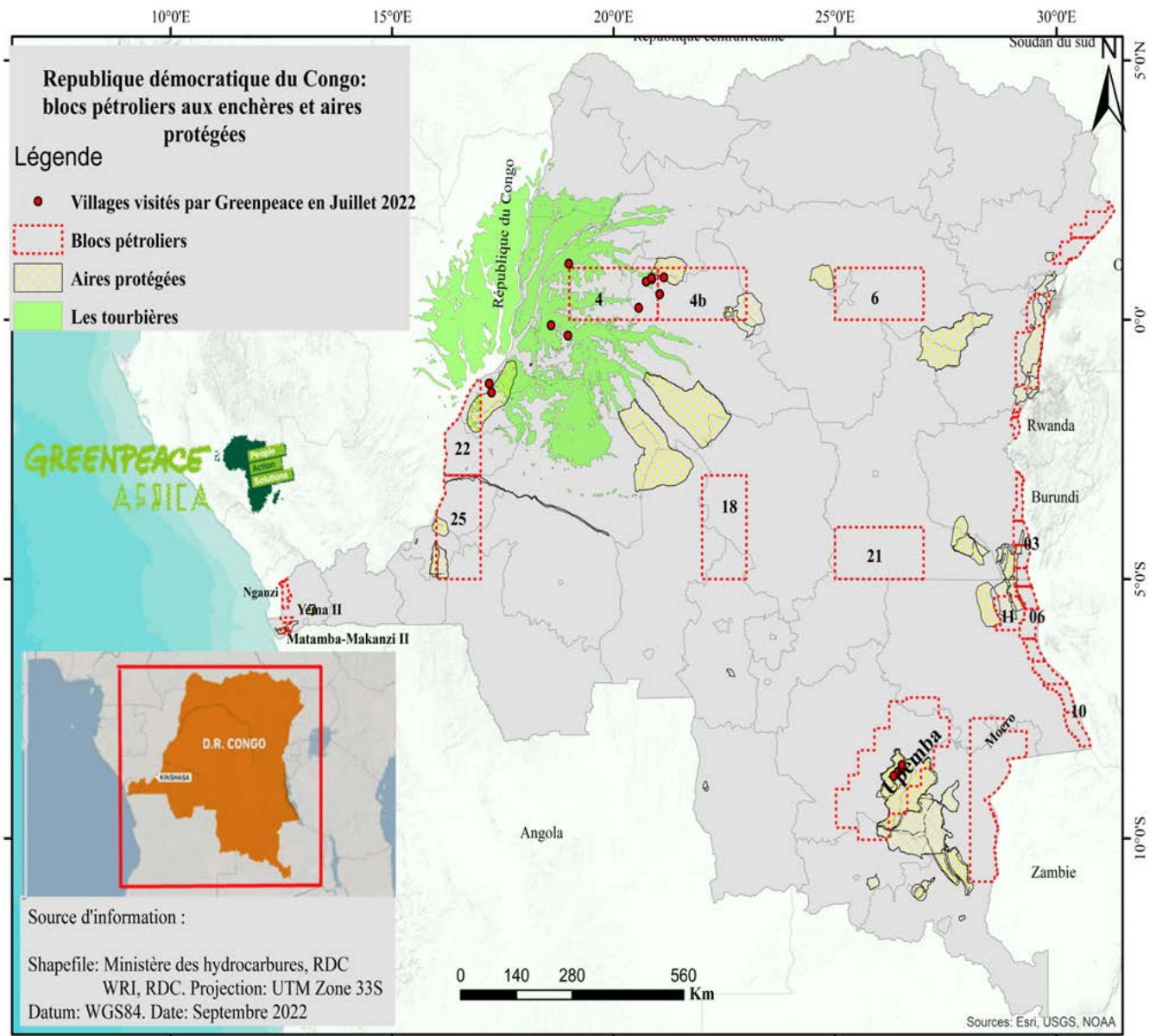
Contacted by Greenpeace Africa on this subject, Mr. Budimbu indicates that “it was inadvertent” that the Council of Ministers had only discussed 16 instead of 30 oil and gas blocks.

The International Energy Agency (IEA) maintains that to get to net-zero emissions by 2050, from today, no investment in new fossil fuel supply projects can be made.⁹ The UN Secretary-General calls the kinds of investments DRC is Auctioning, a form of “collective suicide.”¹⁰ Nevertheless, the UN Environment Programme (UNEP) and the UN Educational, Scientific and Cultural Organisation (UNESCO) have refrained so far from taking a position on the auction itself, despite messages sent to both by Greenpeace Africa.

This current auction not only risks destabilising the global climate, health and biodiversity, and causing the kind of pollution Congolese civil society has documented in the country’s only active oil block owned by the Anglo-French company Perenco.¹¹ There are strong reasons for concern regarding the legality of the oil and gas auction, and experience elsewhere and in DRC of the “resource curse” makes it highly likely that it would increase corruption and conflicts.¹²

Figure 1

Overlapped oil block with protected areas and peatland in DRC, Greenpeace Africa, 2022



CAFI green lights the auction

The Central African Forest Initiative (CAFI), a group of donor countries, currently chaired by Germany, signed a Letter of Intent with the DRC government at the COP26 last November. Welcomed by US President Joe Biden, the agreement not only foresees a lifting of the 20-year ban on new logging concessions, it also greenlights oil and gas activity across the country.

The \$500 million Letter of Intent that CAFI signed with DRC at Glasgow on 2 November 2021 conspicuously lacks any clause banning oil activity either from forests, peatlands or even protected areas.¹³

Regarding peatlands, it contains only verbiage about seeking “appropriate measures of prevention or mitigation” – “if not compensat[ion]” – of damage caused by oil drilling.¹⁴

By doing so, donor countries have helped

pave the way for this auction, despite them being well aware of the weakness of the legal framework and regulatory institutions of DRC.

On the day of the auction, Norway’s Climate Minister acknowledged that the Letter of Intent “does not prohibit the DR Congo from exploiting its resources for oil activities,” but merely “sets the framework for investments in oil extraction to take place in line with social and environmental standards [...]”¹⁵

A few days earlier, on 23 July 2022, the UK Minister of State for the Pacific and the International Environment still tried to keep up appearances. He told the Guardian: “We will [...] ensure that the [DRC’s] commitments on mining, oil and gas sector reform are met.”¹⁶

Voices Unheard

This report is a first effort to present the side of some of the local communities who will be among those who would suffer the worst (and direct) consequences of oil exploration and subsequent drilling. On the eve of the auction, Greenpeace Africa conducted 2 field missions to communities potentially affected. One team visited 10 villages around oil blocks 4 and 4b in Tshuapa and Equateur provinces and block 22 in Equateur province. A second team visited 4 villages in the Upemba block, in Haut Lomami province. No one we met with had yet heard the slightest thing about Kinshasa's oil plans. And nearly everyone was adamantly against them. Their livelihoods depend on healthy ecosystems for fishing or farming. For their security, the full names and locations of people interviewed are not indicated. Complete documentation is held by Greenpeace Africa.



Tshuapa and Equateur

“We want our forests, keep your dollars!”

Resident of Mpoka, a village near the Tumba Ledima Reserve

More than a million Congolese in the zone could be directly impacted by significant oil pollution, as well as population centres downstream, including Kinshasa.

The observation made on the ground is that most villages do not have basic infrastructures such as hospitals, markets, schools, roads and even developed water sources. None of them, however, consider oil development

to be a promising path out of poverty. In fact, most people interviewed in dozens of visited communities are against the designation of their lands as oil blocks.

People use everything nature offers them. The largest means of transport used in the area visited are canoes, motorbikes and most people walk to reach certain activity centres.



Water source in the village of Ilebo, July 2022

The main language in all these areas is Lingala, one of the four national languages alongside several other dialects according to the origins of each person.

No village is supplied with drinking water infrastructure. Total absence of water treatment facilities. The sources of drinking water and water for cooking and bathing remain, for the most part, rivers, streams or unmaintained water points. Therefore, any pollution of a river will affect the lives of thousands of populations in the areas concerned.

In blocks 4 and 4b, seven villages in Tshuapa Province were visited: Lingunda (inside

Lomako Yokolala Wildlife Reserve), Boonia, Baringa, and Befale Center. In Equateur Province, Greenpeace Africa researchers visited the city of Basankusu, the market of Mampoko, Bokele and Mpeka, the last two are located in the peatlands.

In block 22, the territory of Lukolela, Ilebo and Mpoka villages were visited, all next to the Tumba Ledima Faunal reserve.

The reserve was established in 2006, covering an area of 7,411 square km. It is part of the Triangle de la Ngiri Ramsar Site, an ecologically crucial ecosystem covering 65,696 square km.¹⁷ Its swamp-forests are most likely rich in peatland, along with grasslands, lakes, and



Water source in Mpoka village, Lukolela Territory, July 2022

rivers such as the Oubangui.

The area has many human settlements and in the adjacent Lac Télé Community Reserves, large populations of Western lowland gorillas have been found, along with chimpanzees and bonobos, forest elephants, hippos, other monkey species, over 7,000 species of plants and more than 350 species of birds.

The rivers in the blocks are the Congo (block 22) and the Lomako, Maringa, Lulonga and Ruki (blocks 4 and 4b). A multitude of streams and small rivers drain them. Peatlands are present all along the Maringa and Ruki rivers. Any oil accident in this area would be a major

disaster, polluting water, fish and humans in a short time.

Most villages are inaccessible and lack any infrastructure. The source of drinking water supply is rivers and streams, as well as poorly maintained springs. The medical infrastructure is very rudimentary and could in no way support cases of water-borne diseases, which can be expected in cases of oil pollution.



View of Maringa river near Basankusu, July 2022



1



2



3



4

1

A bridge in Boonia village.
July 2022

2

School children from Lingunda
Village returning from collect-
ing caterpillars. July 2022

3

A schoolgirl sells fish at the Be-
fale market. July 2022

4

Boarding from Mbandaka to
Ingende. July 2022

5

Focus Group in the village of
Mpeka. July 2022.

6

The representatives of the
chief in the peatlands, Mpeka
Village. July 2022



The forest and the rivers are the only source of income and people's livelihood. Agriculture, fishing, trapping and hunting are the main subsistence activities. The villages live without modern means of communication: no mobile phone network or internet. Cities like Befale, Basankusu and Lukolela are served by mobile phone networks but the quality of service is poor. Some villages still use night calls and tam-tams to alert one another and communicate.

Traffic between the entire area visited and the city of Mbandaka is very intense. This city, the capital of the Equateur province with more than one million residents, is supplied with food products by motorised and paddle canoes from the villages located in the three designated oil blocks. Any pollution, of whatever nature, will affect the city of Mbandaka.

In block 22 north, one of the notables of Lukolela declares: "The government is neglecting its own people. It acts as if these forests were empty, that they're without villages, without animals, it's heartbreaking! If this project were for the good of the population, it could have discussed it with us in advance. They shouldn't put blocks in areas we live in without having notified us beforehand."

If the people in these zones aren't likely to be manipulated, it's undoubtedly because they know that the promises of government and multinationals have been empty: industrial logging has proven to be a big scam. They recall conflicts it has generated or exacerbated between the inhabitants of the different groups and between villages. As a result, they say no to yet more colonial practices, this time in the form of oil exploitation.

A recurring refrain in these villages: "Something good for the good of the population should not be done in secret." The lack of information about the oil auction shows that this project is designed for well-placed beneficiaries and not

for the benefit of the people." People don't believe the advent of oil will bring development and believe that any potential employment would resemble the miserable jobs in the timber industry. The modus operandi of government has become familiar to them.

The population we visited fears that their villages, established on lands of their ancestors, might be displaced. They fear becoming "slaves" – losing their ancestral powers – in new sites that the oil companies might offer them.

One of the fishermen in Village Mpeka deplors this government's way of doing things which risks aggravating the existing land conflicts and people are at risk of revolting again if they came to lose their lands.

Village leaders would like their descendents to find fertile land for agriculture, as well as healthy forests and rivers for hunting and fishing. They fear conflicts, water pollution, disease, and famine as a result of oil development.

Our field visit also shows that in the peatlands there are large populations of forest elephants, bonobos, Allen's swamp monkeys and African dwarf crocodiles. The cutting of access tracks for oil exploration would lead to greater hunting pressure in previously inaccessible swamp forests. Degraded forests would then be liable to fires and targeted by loggers for wood and charcoal production.



Haut Lomami

The Upemba oil block, covering 46,500 square kilometres, is located in the northwest of Haut-Katanga and southeast of Haut-Lomami and overlaps much of the Upemba National Park. Established in 1939, the park covers about 11,730 square kilometres, an area about 10 times the size of the capital city of Kinshasa and four times the entire size of former colonial power, Belgium. Its diverse ecosystems consist of valleys and mountains, grasslands, savannas, forests, the Lualaba river and the lakes Upemba, Mulenda, Kabwe and Kayumba.

The national park is reportedly the only in DRC with cheetah and zebra populations (the latter are the only ones in the country and are currently in decline). As of 1993, Lufira valley, an area within the park's grounds, has been designated a UNESCO Biodiversity Reserve¹⁸ due to its large concentration of mammals such as elephants, hippos, antelopes and buffaloes, reptiles such as crocodiles, batrachians, birds, fish and a vast wetland.¹⁹

Since its establishment, the park's area has been marked by conflicts and risks, including through

armed groups. During the years 2005-2006 a violent conflict between the Congolese army and rural Mayi-Mayi armed groups forced large numbers of people to flee their homes. A total of 300,000 people have been affected,²⁰ of whom 170,000 were still displaced years after, in alarmingly precarious conditions. To this day, The threat of conflict within the oil block area is very much a reality.²¹

A significant part of the area's inhabitants are of the Baluba Kat, dating back to the 400s CE, a population that declined with the slave trade and colonisation of the 19-20th centuries.²² Nowadays, the population is predominantly catholic and protestant, speaking Swahili and Kiluba.

21 fishing villages along Lake Upemba in the periphery of Upemba National Park might be affected by the oil blocks being auctioned. These villages are divided into three groups and two chiefdoms.

We visited the villages of Missa, Misebo, Kisungi and Mabwe. The main activity in this area is fishing – it is estimated that the



The Fisherman Fulgence Tshikapa brandishes a large fish caught in Lake Upemba. The richness of Lake Upemba has thousands of species of fish under the management of Institut Congolais pour la Conservation de la Nature (ICCN). These resources are used for trade and consumption by the lakeside community. July 2022



The rice field of Marlène Ngoy Kitwa, farmer, 31 years old, married and mother of 4 children, July 2022

activities of at least 150,000 fishermen could be directly impacted by oil exploration and drilling. Agriculture is the second activity practised.

Existing basic infrastructure is in very poor condition. There's no source of drinking

water other than lake water, which exposes the population to waterborne diseases such as cholera, often reported. Villages are inaccessible, with road traffic almost non-existent because of the deteriorated state of the road. Any oil spill could become a life-threatening calamity, poisoning local communities only water resources.



Villagers in the village of Kisungi get their drinking water from a borehole. July 2022



A view of Lake Upemba whose main activity is fishing and water games for the children of fishermen, July 2022



Four villages visited by Greenpeace Africa, in the chiefdom of Bukama, total approximately 60,000 inhabitants. There one can witness a well-functioning local economy: the villages visited serve as fish markets, attracting local traders, as well as those from towns up to 600 km away. Fishermen can earn relatively comfortable incomes: between \$150 to more than \$500 per month.

Oil exploration in the Upemba block will not only affect the lake that bears its name. Despite having some established local institutions – including the Union des Comités des Pêcheurs Individuels du Lac Upemba (UCOPEILU), created in June 2020 with local committees in the four villages visited and other associations like Forces Vives or the human rights group Ligue Nationale des Droits de l’Homme de la Chefferie BUTUMBA – no one in the four villages visited was informed of the government’s decision to explore for oil in the Upemba block. Our interlocutors told us they wish to oppose the auctioning of their territory by all legal means, as they see it, as a way of depriving them of their means of subsistence: they depend on fish from the lake for food, and they pay medical bills and their children’s school fees thanks to fishing income. They also see a high risk of corruption at the local level.

Lots of salted and sun-dried fish for the local market and imports, in the village of Kisungi near Lake Upemba, July 2022



Batches of salted and dried fish, compacted in basins for the local market and imports, in the village of Missa near Lake Upemba, July 2022



Batches of salted and dried fish, compacted in basins for the local market and imports, in the village of Missa near Lake Upemba. July 2022



Many residents also fear that oil exploration would constitute a form of slavery on their own land and a source of conflict, similar to the conflicts that erupted with the creation of the park in 1939. “As our ancestors experienced, the creation of Upemba Park disrupted our way of life with restrictions on access and activities. We are not ready to welcome an oil company.”



Fundamentally, Lake Upemba is the heritage of local villagers: “We received it from our ancestors, we must also in turn transfer it to other generations”.



The dwellings of itinerant fishermen on the shores of Lake Upemba, July 2022

The lake is also part of their core cultural heritage: it serves as an important site for the initiation of children - boys and girls from the age of four - to the practice of fishing. A resident said: "No one has been informed of our government's decision to exploit the oil, let alone received any visit from the authorities of our country in recent months. The government project is not the model of economic activity compatible with our environment. It is harmful to us who live here and everything around us. We breathe fresh

air, we live in a healthy environment - why destroy all this and our fish?" And yet the mechanism to ensure the consultation of the local community is a legal requirement. The DRC's 2011 Environment Law fixes for any project or activity that may have an impact on the environment ('a prior public inquiry'). The purpose in particular is to inform the local community about the project or activity including to collect their opposition to this (article 24).

Illegal Tender?

Aside from being a climate, biodiversity, health and rule-of-law catastrophe in the making, there are concerns about the legality of the oil and gas auction.

As mentioned in the introduction to this report, on 18 July 2022 – 10 days before the launch of the auction – the Hydrocarbons Minister declared that the number of blocks on offer had increased from the 16 announced in April 2022, to 30. 27 oil blocks and three gas blocks.

The 30 blocks were tendered in five calls issued on 28 July 2022, three of which contain a flagrant anomaly.

The Graben Albertine call for tenders refers to an 8 April 2022 meeting of the Council of Ministers as having authorised the tendering of the titles on offer, but the official minutes of this meeting contain no such authorization.²³

The Graben Tanganyika call for tenders also refers to the 8 April 2022 Council of Ministers meeting, but includes seven blocks absent from the meeting minutes.²⁴

The Lake Kivu tender refers to a 15 July 2022 Council of Ministers meeting which contains an ambiguous mention of the blocks on offer, but no authorization by the Council of Ministers for adding them to the initial 16 oil blocks authorised on 8 April 2022.²⁵

On what authority, then, did Mr. Budimbu proceed to auction off the 14 oil and gas blocks for whose tendering the Council of Ministers provided no green light?

Contacted by Greenpeace Africa on this subject, Mr. Budimbu indicates that “it was inadvertent” that the Council of Ministers had only discussed 16 instead of 30 oil and gas blocks. The minister promises a fuller response later, but at the time of this report’s publication, Greenpeace Africa has not received any.

Given the “strategic” nature of oil and gas

resources, DRC’s 2015 Hydrocarbons Law requires Council of Ministers oversight of all oil and gas tendering.²⁶

Furthermore, the law’s implementation decree requires the Hydrocarbons Minister to submit to the Council of Ministers, prior to tendering plans, technical data on prospective blocks. But it was only on 14 May 2022 that the Ministry announced the reception of technical data: over a month after the 8th April meeting which green lighted the tendering of the auction’s initial 16 blocks.²⁷ And this data appears to have pertained only to these 16 blocks, not the 14 auctioned without the Council of Ministers’ authorization.

DRC’s 2011 Environment law requires an environmental “evaluation” of any government policy or plan likely to significantly impact the environment.²⁸ It also requires Environmental and Social Impact Assessments (ESIA) for any “development” project likely to do so.²⁹ The 2015 Hydrocarbons law requires a company which has found oil to file an ESIA before being granted a drilling permit. It allows for drilling in protected areas following validation of an environmental audit and public consultation.³⁰

Although a 2014 Nature conservation law states that “Any activity incompatible with conservation objectives is prohibited in protected areas,” it too allows for exemptions.³¹ And the DRC government would like everyone to believe that oil drilling is, precisely, not incompatible with conservation. In June, Minister Didier Budimbu announced, without further specification: “It has been decided that protected areas with abundant natural resources of high economic value in their subsoil should be declassified in accordance with the law [...]”³²

Conclusion And Key Demands

Forests that are sold off to oil and gas multinationals may make life better for some people – but not the majority of Congolese people. The rights of Congolese people are best served by intact forests, which serve millions of them, and by a planet that isn't warming beyond the limits of the Paris Agreement.

Instead, the DRC government should ensure ending energy poverty through clean, decentralised renewable energy accessible to Congolese people. Prioritising the end of energy-poverty in DRC does not only have potential for GDP growth, but for a tangible improvement in the quality of life of millions of Congolese people. Ultimately, serving the people's interest means investing in sectors that provide a better life for all.

The DRC auction is a flagrant contradiction of the government's claim to be a "solution country" to the climate crisis. This report demonstrates how it exposes Congolese people to the corruption, violence, sickness and poverty that inevitably come with the curse of oil, as well as to the perils of climate and nature crises.

In a 23 May interview on French television, Mr. Budimbu admitted: "We all know that fossil fuels are tending towards the end, so it's in our interest to exploit them now,"³³ acknowledging himself that investments in oil and gas may very well become stranded assets, in line with the warnings from the financial sector,³⁴ and current research.³⁵

In a 30 July 2022 press conference Ms. Bazaiba denounced Greenpeace as "anything but green and peace."³⁶ Her Ministry has previously denounced Greenpeace as an "organisation [...] full of pathological and unrestrained animosity towards the government"³⁷ and labelled Greenpeace staff "beneficiaries of imperialist backers."³⁸

Yet the people in the villages and towns we visited do not subscribe to any particular ideology. One cannot find many climate scientists or activists in those local communities, but as their voices become heard they might pose an even greater challenge for the DRC government and certain donor countries .

Our Demands

- Immediate cancellation of the oil and gas auction. No new oil and gas in DRC.
- Promotion of investments in renewable energies as a solution for populations living in rural areas. Oil and gas are non-renewable energy sources, making them unreliable and an eventual threat to energy security. This means prioritising energy access to Congolese people over exporting fossil fuels and other paths to green economic development. Investments in oil and gas delay the transition to clean energy, in the long run and result in continued reliance on fossil fuels.
- Securing the land rights of local communities and Indigenous People, including through community forest management rights and the DRC's new Indigenous Peoples law, so that they may control their own development.
- International companies and funders who consider participating in developing and financing any of the the auctioned oil and gas blocks must be alerted to the lack of any evidence that even the basic elements of the most important financial standards, including the minimal respected World Bank/IFC Performance Standards,³⁹ the Equator Principles⁴⁰ and others are followed including such key requirements as e.g. the Free, Prior and Informed Consent (FPIC) or a broader commitment to human rights.⁴¹

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