

Climate Change and Mass Deforestation in the Congo Basin

By Mutoy Mubiala

Policy Brief Series No. 127 (2022)

1. Introduction

The main outcome of the 1992 Rio de Janeiro Conference on Environment and Development was the adoption by United Nations ('UN') Member States of two legally binding instruments: the UN Framework Convention on Climate Change ('UNFCCC')¹ and the UN Convention on Biological Diversity ('CBD'),² as well as an authoritative Declaration on the Principles of Forest Management.³ These three instruments are closely linked, as illustrated by the nexus between climate change and mass deforestation (that is, the negative impact of mass deforestation on the earth's atmosphere through greenhouse gas emissions). The prevention of mass deforestation has become one of the main tools to address the challenge of climate change. In this regard, special attention is commonly paid to the earth's three main rainforest areas: the Amazon, the Congo Basin and Borneo. They are located in the Global South, in developing countries for whom the forests are widely seen as a natural resource for their development or enrichment of local elites. There is therefore a perceived tension between forest conservation in the interest of humankind and the economic and social development of the forest-custodial countries,⁴ particularly Brazil, the Democratic Republic of the Congo ('DRC') and Indonesia.

Against this background, this policy brief examines the forest-conservation efforts in the Congo Basin and the involvement of international co-operation mechanisms to address the dilemma between confronting climate change and ensuring development. This paper argues that the application of a human and peoples' rights-based approach to international co-operation in this field can reconcile the two apparently contradictory objectives. The needs-based approach that prevails in international development co-operation and has been replicated in support programmes for forest conservation in the Global South, has been unable to effectively strengthen the fight against mass deforestation.

2. From a Needs- to a Rights-Based Approach to Development Co-operation

One of the most important recent developments in international human rights law is the conception and implementation of a rights-based approach in UN operational programmes and activities. It consists of various UN entities carrying out development programmes with a view

to helping UN Member States to implement their commitments under international human rights instruments. Applied for the first time in the early 1980s by UNICEF in the implementation of its programmes with reference to the Convention on the Rights of the Child, this approach has since expanded to all UN programmes, including in peace and security, economic and social development, and humanitarian affairs.⁵ The approach has been adopted by States, also in the Global North, international organisations and civil society. It includes the centrality of human and peoples' rights in the assessment, implementation and evaluation of programmes, with explicit reference to the relevant human rights instruments. This has enabled development co-operation actors to move from the needs- to the human rights-based approach ('RBA'), thus increasing accountability in the donor community and other international finance mechanisms.

Applying the RBA to sustainable development requires the participation and inclusion of the recipients of international financial or technical support at all stages of the inception, implementation and evaluation of forest-conservation projects. Public participation increases the public's sense of ownership. In the particular case of the climate change-mass deforestation nexus, such a participation would contribute to the resilience of the affected populations, through the strengthening of their capacities to effectively respond to the negative impacts of climate change. Several instruments of international environmental law include relevant provisions on public participation. Examples include Principle 10 of the 1992 Rio Declaration on Environment and Development⁶ and Article 16 of the 2003 Revised African Convention on the Conservation

⁵ See, among others, UN Development Programme ('UNDP'), "Human Development and Human Rights: Report of the Oslo Symposium, 2-3 October 1998", Copenhagen/New York, UNDP, 1998; "Report of the Second Interagency Workshop on Implementing a Human Rights-Based Approach in the Context of the UN Reform", Stamford, 5-7 May 2003. See also Mutoy Mubiala, "Towards Implementing the Millennium Development Goals in the Great Lakes Region. The Human Rights Dimension", paper presented at the expert roundtable on Conflicts and Environment in the Great Lakes Region, organised by the UN Programme for Environment, Geneva, 7-8 April 2005 (on file with the author); and, by the same author, "Integrating Human Rights into Nuclear Disarmament and Non-Proliferation", in *L'Observateur des Nations Unies*, 2014, vol. 37, no. 2, pp. 133-146.

⁶ Rio Declaration on Environment and Development, UN Doc. A/CONF.151/26, Annex I, 12 August 1992, Principle 10 (<https://www.legal-tools.org/doc/f8e281/>): "Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities, including information on hazardous materials and activities in their communities, and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to judicial and administrative proceedings, including redress and remedy, shall be provided".

¹ UN Framework Convention on Climate Change, 9 May 1992 (<https://www.legal-tools.org/doc/ack8zb/>).

² Convention on Biological Diversity, 5 June 1992 (<https://www.legal-tools.org/doc/oqo8f4/>).

³ Non-Legally Binding Authoritative Statement of Principles for a Global Consensus on the Management, Conservation and Sustainable Development of All Types of Forests, Annex III, UN Doc. A/CONF.151/26, 14 August 1992 (<https://www.legal-tools.org/doc/ks8um1/>).

⁴ See Bila-Isia Inongwabini, *Reconciling Human Needs and Conserving Biodiversity: Large Landscapes as a New Conservation Paradigm*, Cham, Springer, 2020.

of Nature and Natural Resources.⁷

Particular attention has to be paid to vulnerable populations. These include local communities and indigenous peoples, as identified at COP26 in Glasgow⁸ in November 2021, which was instrumental for upholding the human and people dimension of forest conservation in the climate-diplomacy agenda. On 2 November 2021, leaders from countries hosting 91% of forests worldwide adopted a Declaration on Forests and Land Use, wherein they commit to “reduce vulnerability, build resilience and enhance rural livelihoods, including through empowering the rights of indigenous peoples, as well as local communities, in accordance with relevant national legislation and international instruments, as appropriate” (paragraph 3). This language reflects a human rights-based approach. In addition, they also committed to increase financial assistance and to improve its effectiveness and accessibility, “to enable sustainable agriculture, sustainable forest conservation and restoration, and support forest indigenous peoples and local communities, and facilitate the alignment of financial flows with international goals to reverse forests loss and degradation”.⁹ The Glasgow Declaration, also named “Glasgow Pact”, differs from pre-existing financial mechanisms operating in the field of forest conservation, in particular the Clean Development Mechanism (‘CDM’), or Green Climate Fund, established by the 1997 Kyoto Protocol.¹⁰

3. The Clean Development Mechanism of the Kyoto Protocol and the Financing of Forest Conservation, Including in the Congo Basin

One feature of emerging international environmental law is the establishment of numerous funding mechanisms,¹¹ aimed at assisting developing countries to implement their climate change adaptation and attenuation programmes. The main mechanism is the CDM, commonly called the Green Climate Fund. It was established under the 1997 Kyoto Protocol, whose objective is to reduce greenhouse emissions through unilateral commitments by developed countries. In this framework, the CDM allows polluting developed countries to offset part of their discharges by financing ecologically sustainable projects in developing countries.¹² The CDM is a concrete example of the institutional translation of the principle of common but differentiated responsibilities in the climate change regime. Forest conservation by developing countries proceeds from the application of the same principle.

Based on the efforts to refrain from cutting trees to curb mass deforestation, several countries in the Global South¹³ have claimed finan-

⁷ African Convention on the Conservation of Nature and Natural Resources, 7 March 2017, Article 16 (<https://www.legal-tools.org/doc/ccpjc7/>), providing that “the Parties shall adopt legislative and regulatory measures necessary to ensure timely and appropriate: a) dissemination of environmental information; b) access of the public to environmental information; c) participation of the public in the decision-making with a significant environmental impact, and d) access to justice in matters related to protection of environment and natural resources”.

⁸ The Conferences of Parties (‘COPs’) are a process launched since three decades, consisting in meetings, including at the head of State and government level, aimed at operationalizing the UNFCCC. Some of these COPs have contributed to the adoption of binding and non-binding instruments relevant to climate change. These include the 1997 Kyoto Protocol, the 2015 Paris Agreement and the 2021 Glasgow Pact. All these texts, in addition to the UNFCCC, form the international climate change legal regime.

⁹ “Glasgow Leaders’ Declaration on Forests and Land Use”, 2 November 2021, para. 4 (<https://www.legal-tools.org/doc/8a0cos/>).

¹⁰ “Kyoto Protocol to the United Nations Framework Convention on Climate Change”, UN, New York, 1998 (<https://www.legal-tools.org/doc/iu85go/>).

¹¹ See Laurence Boisson de Chazournes, “Is There Room for Coherence in Climate Financial Assistance?”, in *Laws*, 2015, vol. 4, p. 544.

¹² It should be noted that this mechanism was revised under the 2015 Paris Accord to include all States Parties to the UNFCCC. The fund was also increased to USD 100 billion.

¹³ Forming the Group of the Eight (G-8), these countries include Brazil, Cameroon, Costa Rica, DRC, Indonesia, Malaysia, and Papua New Guinea. They host 80% of the total of tropical forests in the world.

cial compensation. Unfortunately for them, ‘avoiding deforestation’ was excluded from the eligibility to the CDM, which requires proactive interventions through investments in the conservation and sustainable management of forests, including the use of clean technology,¹⁴ an approach to conservation which the present author identifies as ‘transformative deforestation’. The lack or low level of financial compensation for ‘avoiding deforestation’ has raised a conflict between the above-mentioned developing countries of the G-8 and developed countries, as illustrated by the recent confrontation between the latter and Brazil in the context of the fire crisis in 2019.¹⁵

As far as Africa is concerned, it finds itself in a paradoxical situation, to put it mildly. Indeed, while causing only 3% of the emissions causing climate change, it is the most vulnerable region to its negative impact. This situation provides a reasonable basis for the implementation of the principle of common but differentiated responsibilities (Articles 3 and 4 of the UNFCCC). This principle requires developed countries (who pollute the Earth the most) to provide support to African countries, including those of the Congo Basin, to effectively respond to climate change.¹⁶

To date, States Parties to the UNFCCC have established mechanisms that could provide support to ‘avoiding deforestation’. The best known is the “Reduction of Deforestation and Degradation Programme” (‘REDD+’),¹⁷ which operates through raising awareness of the negative impact of deforestation, and the provision of support for community-based projects for forest conservation and, more recently, reforestation and agroforestry. This mechanism was complemented by the UN REDD+, a collaborative UN inter-agency platform devoted to technical and advisory services on forests and climate change. It has been supporting 65 partner countries around the world in the protection of forests and the achievement of their sustainable development goals.¹⁸

More recently, several industrialized countries adopted the Central African Forest Initiative (‘CAFI’).¹⁹ Its objective is to provide support to six partner countries of Central Africa with high forest cover²⁰ to implement the 2015 Paris Agreement on Climate Change, fight poverty, and fulfil the post-2020 biodiversity framework. According to CAFI, “40 million people depend on the Central African forest and food, habitat, medicine, energy and spirituality. The forest harbours over 10,000 species of trees, plants and animals”.²¹ Both CAFI and REDD+ have contributed to enhance international support for forest conservation in the Congo Basin.

4. International Co-operation and Forest Conservation in the Congo Basin

Situated in Central Africa, the sedimentary basin of the Congo River (the ‘Congo Basin’) has been considered for a long time as one of the ‘two lungs of the world’, alongside the Amazon. The forests of the former have been saved to a much larger extent than the latter.²² These

¹⁴ Michael Fleshman, “Saving Africa’s Forests, the ‘Lungs of the World’: Forest Conservation Can Help Counter Climate Change”, in *Africa Renewal*, 2008, vol. 21, no. 4, p. 21.

¹⁵ See the powerful policy brief in this same publication series by Sean Patrick O’Reilly, “International Law’s Role in the Prevention of Mass Deforestation”, Policy Brief Series No. 99 (2020), Torkel Opsahl Academic EPublisher, Brussels, 2020 (<https://www.toaep.org/pbs-pdf/99-deforestation/>).

¹⁶ Kristalina Geogieva and Félix Tshisekedi, “L’Afrique ne peut pas faire face seule au changement climatique”, *Actualite.cd*, 29 December 2021.

¹⁷ REDD+ is a voluntary programme established at COP13 (Bali, Indonesia) in 2007 to provide financial assistance to “avoid deforestation”.

¹⁸ “UN-REDD Programme” (available in the UN-REDD Programme Collaborative Workspace’s web site).

¹⁹ The Coalition of donors includes the European Union, Germany, Norway, the Netherlands, France and the Republic of Korea.

²⁰ These partner countries are Cameroon, Central African Republic, DRC, Equatorial Guinea, Gabon and the Republic of Congo.

²¹ See the landing page on CAFI’s web site.

²² According to CAFI, “the Central African forest is the second largest in the world: it spans over an area as large as Western Europe. Each year, it absorbs close to 1,5 billion tons of CO₂ from the atmosphere, or 4% of the world’s emissions. Its contribution to fighting the global climate and bio-

forests are, however, challenged by mass deforestation, largely due to the corruption of the political elites who act in complicity with foreign transnational enterprises operating in the wood sector, enjoying rampant impunity.

While several countries in Central Africa, including the DRC²³ and the Republic of Congo, have adopted forest laws that provide for punishment for fraudulent and serious violations, they have been unable to respond effectively, largely due to weak judicial systems and the fact that concerned local communities and indigenous peoples suffer a knowledge- and capacity-gap. This has created a culture of impunity. There is, therefore, an urgent need for the criminalization of mass deforestation in the countries of the Congo Basin, through the adoption of appropriate ecocide²⁴ laws to address this challenge. This would be in line with the trend observed in other regions of the world, including in Western countries, where ecocide laws have been adopted.

There is increasing advocacy for this crime's inclusion in international criminal law to punish and redress serious destruction of fauna and flora. Ecocide would be relevant to mass deforestation, including in the Congo Basin. So far, however, industrialized countries have not linked their financial support for the recipient countries of the Congo Basin to the adoption of such national legislation. This omission has created a rule of law gap in the response to mass deforestation as an alarming form of ecocide.

Local civil society actors in the Congo Basin have been focusing their action on raising awareness of the climate change-mass deforestation nexus. There is, therefore, an urgent need to empower relevant civil society organisations through training on ecocide and its application to mass deforestation.

Another cause of the increased deforestation remains the use of firewood for domestic energy and, to some extent, slash and burn agriculture. Firewood will for a long time remain the main source of energy for local communities and indigenous peoples in the Congo Basin. To address the negative impact of 'ancestral' or traditional techniques (cutting and burning trees for firewood and agriculture, thus contributing to CO₂ emissions and jeopardizing the custodial role of the Earth's forests), it is high time that we see surgical sharing of relevant technology by industrialized countries with Congo Basin actors. Such sharing in a common endeavour – which remains marginal to date – would complement ongoing regional efforts and initiatives to ensure forest conservation in the Congo Basin.

Indeed, thanks to a strong civil society, Central African States have adopted regional arrangements to regulate forest conservation and management. On 17 March 1999, these States adopted the Yaoundé Declaration on the Conservation and Sustainable Management of the Central Africa's Forests of the Congo Basin.²⁵ The Declaration includes a series of resolutions dealing with (i) the harmonization of national policies; (ii) the sustainable management of forests; (iii) the conservation of ecosystems and biodiversity; (iv) the establishment and management of national and transboundary protected areas; (v) the involvement of local com-

diversity crises – and mitigating their impacts on people at local level and for the whole region – is more essential than ever” (available on CAFI's web site).

²³ See France, Loi No. 011/2002 du 29 août 2002 portant Code forestier, Journal Officiel, vol. 43, Special Issue, 6 November 2002.

²⁴ There have been doctrinal efforts towards a legal definition of ecocide. According to the Independent Expert Panel dedicated to the inclusion of this emerging international crime in the Statute of the International Criminal Court: “the word of ecocide combines the Greek ‘oikos’, meaning house/home (and later understood to mean habitat/environment), with ‘cide’, meaning to kill” (see Stop Ecocide Foundation, “Independent Expert Panel for the Legal Definition of Ecocide: Commentary and Core Text”, June 2021 (<https://www.legal-tools.org/doc/pb375e/>)). For doctrinal developments, see, among others, Richard A. Falk, “Environmental Warfare and Ecocide”, *Belgian Review of International Law*, 1973, vol. 9, no. 1, pp. 1-27; and Ricardo Pereira, “After the ICC Office of the Prosecutor's 2016 Policy Paper on Case Selection and Prioritisation: Towards an International Crime of Ecocide?”, *Criminal Law Forum*, 2020, vol. 31, pp. 179-224.

²⁵ See *International Legal Materials*, 1999, vol. 38, no. 4, pp. 783-785.

munities in the forest management; (vi) the involvement of private sector in the forest layout; (vii) the integration of forests into the other sectors; (viii) the control of the management and use of natural resources; (ix) the industrialization of forest economy; (x) the adoption of appropriate taxation for forests; (xi) the sustainable funding of the forest conservation; and (xii) the promotion of national and sub-regional consultation fora on strategies for forest management.²⁶

In order to ensure the implementation of the Yaoundé Declaration, Central African States signed a treaty establishing the *Commission des forêts d'Afrique centrale* (‘COMIFAC’) on 5 February 2005, based in Yaoundé, Cameroon.²⁷ It operates through national focal points of its Member States, in the framework of the implementation of its convergence plan for projects. On 26 August 2021, Member States of COMIFAC adopted the “Declaration of Commitment of COMIFAC Member States for the Forests and the Call for Equitable Financing”. The COMIFAC's call was welcomed by some developed countries, such as Germany. In the margins of a symposium on the forests of Central Africa in September 2021 in Berlin, Germany and COMIFAC signed an agreement (*Aide Mémoire*) according to which the two parties committed to strengthen the conservation of the Congo Basin's forests.²⁸ Moreover, in the aftermath of COP26 at Glasgow in late 2021, it has been reported that the donor community pledged more than USD 3 billion for COMIFAC.²⁹ COMIFAC provides an entry point for the development of partnerships between the countries of the Congo Basin, on the one hand, and the donor community and wealthy countries, on the other.

In addition to COMIFAC, it should be noted that the countries of Central Africa established in April 2018, in Brazzaville, the Climate Change Commission for the Congo Basin, in the framework of the African Union's Initiative of Climate Change Commissions adopted in 2016 at the margins of COP22 in Marrakech. This Commission has a subsidiary body, called the *Fonds bleu* (Blue Fund), which is expected to channel international financing for forest conservation programmes relating to the Congo Basin. At the time of writing, the two bodies have yet to become operational and to clarify their relationship with COMIFAC, while addressing the DRC's reluctance to adhere to this new regional arrangement.

5. The Case of the Democratic Republic of the Congo

The DRC has a unique situation in Central Africa. It contains 62% of the water resources and forests of the Congo Basin. Over the decades, amid political instability, the leadership of the country has taken some initiatives in the field of nature conservation. In 1982, the DRC submitted a draft declaration which was subsequently adopted as the World Charter for the Nature.³⁰ This Charter provides principles of conservation in human activity affecting nature.³¹

More recently, at COP26 in Glasgow, DRC President Félix Antoine Tshisekedi Tshilombo took the lead of the heads of State of the African Union in meeting with leaders of developed countries. He took this opportunity to position the DRC as the ‘country solution’ to the climate change crisis. On 2 November 2021, at the margins of COP26, he and Prime Minister Boris Johnson of the United Kingdom (acting on behalf

²⁶ Déclaration de Yaoundé, 17 March 1999 (<https://www.legal-tools.org/doc/banva7/>).

²⁷ Membership of COMIFAC includes the following countries: Burundi, Cameroon, Central African Republic, Chad, DRC, Gabon, Equatorial Guinea, Republic of the Congo, Rwanda, and Sao-Tome-et-Principe. Since 2007, COMIFAC was granted the status of a specialized agency of the Economic Community of Central African States (ECCAS).

²⁸ “COMIFAC and Germany Jointly Commit to Strengthening the Protection of the Congo Basin Forests”, *Fair and Precious*, 10 September 2021.

²⁹ DRC, Ministère de l'Environnement et Développement Durable, “La COMIFAC annonce un double financement de plus de 3 milliards de dollars pour la protection des forêts d'Afrique centrale”, press release, 21 December 2021 (<https://www.legal-tools.org/doc/lzxbkp/>).

³⁰ World Charter for Nature, UN Doc. A/RES/37/7, 28 October 1982 (<https://www.legal-tools.org/doc/95a6b0/>).

³¹ Stéphane Doumbé-Billé, “Droit international de la faune et des aires protégées: importance et implications pour l'Afrique”, Legal Study No. 20, UN Food and Agriculture Organization, Rome, 2001, pp. 7-8.

of CAFI's Steering Committee) signed a multi-year financing agreement for the period from 2021 to 2031. According to this agreement, CAFI commits to provide USD 500 million to the DRC for its forest conservation programmes for an initial period of five years (2021-2025). For its part, the DRC committed to limit the loss of forest to a maximum of 667,867 hectares, while compensating this loss by agroforestry and reforestation, including through a presidential initiative to plant one billion trees.³²

Civil society has subsequently warned the DRC government of its duty to link forest conservation programmes with the fight against poverty, as well as to ensure land ownership and access for local communities and Pygmy indigenous peoples of the Congo Basin.³³ This warning was justified by past and current practice of marginalizing local and Pygmy communities living in the forest from its development and management. In addition, civil society complains about the low level of financing of the projects.

As already mentioned, the existing financing mechanisms dedicated to climate change justify the low level of their payments (less than 5 USD per ton of CO₂ stored) with the absence of innovative investment projects for forest conservation ('transformative deforestation', a neologism forged by the present author, the current efforts of the DRC and of the other countries of the Congo Basin being mostly focused on 'avoiding deforestation'). To address this gap, WATICO, a Congolese private enterprise backed by Pro Natura International, has been advocating for the launch of carbon emissions trading with the objective of making the DRC the first carbon sink (*puits carbone*) in the world. In this regard, WATICO has been implementing a pilot project covering 50,000 hectares in Mampou on the Batéké Plateau. According to the manager of this enterprise,³⁴ who gained previous field experience in this sector in Brazil, the project consists of financing local communities to plant trees to be used for firewood (domestic substance commonly called *makala*) through clean technology, instead of using the polluting traditional technique of burning the cut trees, which is the first cause of deforestation in the Congo Basin. To acquire firewood, communities cut the trees, thus jeopardizing the emission storage role of the forest. In addition, their burning causes significant emissions of CO₂ into the atmosphere, whereas the use of clean technology contributes to the storage of comparable amounts of CO₂. The difference between the two techniques of producing firewood represents the carbon credit to be compensated by industrialized countries within the frameworks of the CDM and the Glasgow Pact. 'Transformative deforestation' resulting from this innovative investment is able to generate more financial income for the country. It is against this background that I recommend the replication of the Mampou pilot project in the 145 territories of the DRC.

6. Conclusions

The analysis above provides the grounds for three conclusions. First, regionalism in international environmental law can play a catalyst role in the implementation of the principle of common but differentiated responsibilities.

Second, as far as the Congo Basin is concerned, Central African States have developed regional arrangements providing an entry point

³² "Joint Statement of CAFI-DRC", Glasgow, 2 November 2021 (on file with the author).

³³ Comité de pilotage du Groupe de travail Climat Rénové (GTCR-R), "Les engagements pris en faveur des projets de protection des forêts du bassin du Congo doivent être respectés", *Radio Okapi*, 5 November 2021.

³⁴ Interview in Kinshasa, 20 December 2021 (on file with the author).

and a window of opportunity for a North-South collaborative approach to the efforts to address the challenge presented by the climate change-mass deforestation nexus. As illustrated by international support for COMIFAC, there is a trend in the increase of financing of forest conservation programmes in the Congo Basin.

Thirdly, international development co-operation in this field has paid increasing attention to the situation and rights of local communities and indigenous peoples, as illustrated by the people-centred approach adopted by the Glasgow Declaration on Forests and Land Use. This approach can enhance accountability for both the donor community of industrialized countries and the recipient countries of the Congo Basin.

That said, and this progress admitted, there are still gaps in the implementation of the norms and principles developed in the emerging framework. The first gap resides in the absence or marginalization of those most concerned by the emerging regional conservation regime, namely local populations and indigenous peoples. While backed by civil society organisations, there is still an urgent need to involve them in the decision-making processes and strengthen their capacities in climate change and biodiversity matters and policies. The adoption of a community-based approach to the financing and implementation of forest conservation could be the appropriate way to address the above-mentioned challenge. The second gap is the unequal carbon emissions trading, largely due to the insufficient financial compensation of local efforts towards forest conservation. This is a matter of climate justice. In addition, technology sharing is essential to address the use of firewood by local communities, particularly in rural areas. Support to alternate agriculture and green economy must be considered a priority by the donor community, in the framework of a people-centred approach to development co-operation.

Finally, the use of deterrence through the criminalization of mass deforestation by adopting ecocide laws could help address the impunity of the suspected authors of mass deforestation in the Congo Basin, particularly transnational private or foreign enterprises and corrupt national and local political elites. The latter betray their responsibility as custodians of mankind's most precious forests, when they could instead take pride in their preservation as global commons for all humankind, which will attract not only the moral appreciation from peoples around the world, but also future-oriented investments and generate good will.

Mutoy Mubiala holds a Ph.D. in international relations (specializing in international law) from the Graduate Institute of International and Development Studies of the University of Geneva, in Switzerland. He is currently an Associate Professor of International Law and Human Rights Law at the University of Kinshasa (DRC), after having worked as a Human Rights Officer with the United Nations from 1994 to 2019. This brief draws on a presentation by the author at a video-conference of the African Institute of International Law in November 2021.

ISBN: 978-82-8348-165-5.

PURL: <https://www.toaep.org/pbs-pdf/127-mubiala/>.

LTD-PURL: <https://www.legal-tools.org/doc/6i8h8w/>.



Torkel Opsahl Academic EPublisher (TOAEP)

Via San Gallo 135r, 50129 Florence, Italy

URL: www.toaep.org

TOAEP reserves all rights to this publication. You may read, print or download the publication from www.toaep.org for personal use. You may not in any way charge for its use by others, directly or indirectly. Please ask if in doubt.