



Transforming the conservation of aquatic biodiversity in the Democratic Republic of Congo: the case of the 1937 decree on fishing

UNIVERSITE DE KINSHASA



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de Derecho Ambiental

UQÀM

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Structure

- ❑ 1. Aquatic biodiversity in the DR Congo : rich, unique and exceptional

- ❑ 2. Management of the Aquatic Ecosystem and fishing in the DRC : problems and challenges

- ❑ 3. Aquatic biodiversity and fishing laws: from the international to the domestic level

- ❑ 4. Recommendations



1. Aquatic biodiversity in the DR Congo : rich, unique and exceptional

- **86 080 Km square (3,5% of the entire State area)**
- **3 types of ecosystems: Lakes, rivers and marines ecosystems**
- **707 000 tons of fishes :**
 - **63% Great Lakes (Tanganyika, Albert, Kivu, Eduard)**
 - **28% River system**
 - **8% depression Lakes and Lakes of Katanga**
 - **1% Maritime, Atlantic Coast**
- **170 Km of coastal line and an extensive river system**
- **Congo River Basin (145 000 km²) , Kouilou Niari (60 000 km²)**

1. Aquatic biodiversity in the DR Congo : rich, unique and exceptional

- An exceptionally high diversity of freshwater fish. Even though ecological studies are incomplete and research is still ongoing, More than 690 species of fish have been identified in the Congo Basin, 80 % are endemic
- Lake Tanganyika alone has a total of 2,156 species of fish, of which almost 30 percent are endemic. With one of the largest catches in inland waters of Africa, 239,000 tons
- the world's longest freshwater and the second -oldest, largest by volume and deepest, after Lake Baikal

Tableau 3 : Plans d'eau de la RDC et leur superficie – D.R. Congo

Plans d'eau	Superficie de l'espace aquatique relevant de la RDC (Km ²)
L. Moëro Luapula	1 950
L. Tanganyika	14 805
L. Kivu	1 370
L. Edouard	1 670
L. Albert	2 424
B. Congo	25 000
P. d'inondation de Lualaba	10 000
Forêts inondées	38 000
L. Tumba	765
L. Mayi Ndombe	2 300
Pool Malebo	230

Source : FAO



2. Management of Aquatic biodiversity and fishing : problems and challenges

□ Institutions

➤ **Ministry of Fishing and Livestock**

- Fishing Unit
- Political, Monitoring , Management of fisheries and Research and Development Departments
- National Service on the Promotion of Fishing

➤ **Ministry of Environment and Sustainable Development**

- Conservation of Nature Unit,
- Sustainable Development Unit
- National Congolese Institute for the Conservation of Nature
- Congolese Institute of Fauna

➤ **Ministry of Energy**

➤ **Universities of Kinshasa and Kisangani (research)**

2. Management of Aquatic biodiversity and fishing : problems and challenges

- Annual production 86,700 tones (2016)
- 12 Industrial companies, 21, 500 tones (2014)
- 40 000 Congolese artisanal fishermen 13, 800 tones (2014)
- fish and fishery products account for 25 to 50 % of the protein consumption of the Congolese population.

2. Management of Aquatic biodiversity and fishing : problems and challenges



2. Management of Aquatic biodiversity and fishing : problems and challenges

Graphique Table

Production halieutique et aquacole totale pour la République démocratique du Congo (tonnes)

Source: FAO FishStat

Pays ▲	Année	Ensemble de données	Quantité [t]
<input type="text" value=""/> x			
la République démocratique	2017	Aquaculture	3 200
la République démocratique	2017	Capture	238 000
la République démocratique	2016	Aquaculture	3 161
la République démocratique	2016	Capture	237 372
la République démocratique	2015	Aquaculture	2 956
la République démocratique	2015	Capture	230 726
la République démocratique	2014	Aquaculture	2 871

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Graphique Table

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la République démocratique	2014	Capture	229 612
la République démocratique	2013	Aquaculture	2 869
la République démocratique	2013	Capture	227 414



2. Management of Aquatic biodiversity and fishing : problems and challenges

□ DIRECT CAUSES

- An obsolete fishing legislation, not adapted to the modern management context
- fishing quotas are not established or arbitrarily determined.

□ ROOT CAUSES

- Use of unauthorized fishing gear and the size of the net mesh is not precised ;
- Use of certain prohibited traditional or modern fishing methods (poisoning of rivers, fishing at the mouths and places of confluences, etc.);

2. Management of Aquatic biodiversity and fishing : problems and challenges

□ ROOT CAUSES

- fishing in the spawning grounds and breeding grounds;
- unknown fish stocks and unknown quotas;
- few specialists in fisheries management and quota setting;
- the non-participation of neighbouring communities in the establishment and compliance with fishing quotas and periods;
- inadequate fisheries management system
- lack of financial means

2. Management of Aquatic biodiversity and fishing : problems and challenges

□ ROOT CAUSES

- Lack of a competent authority that is responsible for all aspects of certification, health inspection, safety, the development of approvals
- Lack of appropriate infrastructure including roads, processing and conservation equipment
- Deforestation and Pollution of freshwater, due to Mining (Climate change)
- Insufficient qualified staff
- Lack of a reliable data collection and analysis system



Fishing method of Wagenya people

 [More details](#)

 Tomasole

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3. Aquatic biodiversity and fishing laws: from the international to the domestic level

□ Domestic Laws

- Decree on the fisheries concessions, 1932**
- Decree on fishing, 1937**
- Ordinance on the conservation of nature in the protected areas and natural reserves, 1969**
- Bill on the marine and continental fishing, 1985.
FAO,(GCP/INT/400/NOR)**

3. Aquatic biodiversity and fishing laws: from the international to the domestic level

- **Bill on fishing, 2010**
- **Law on the fundamental principles on the protection of environment, 2011** (art 13,19,98)
- **Law on the conservation of nature, 2014** (art13-15,64,71)
- **Water Law, 2015** (art.65, 110)

3. Aquatic biodiversity and fishing laws: from the international to the domestic level

□ Regional law

- **Bamako Convention, 1993**
- **Convention on the conservation of nature and natural resources, Maputo Convention, 2003** (art IX, Annex 3)
- **Convention for Co-operation in the Protection and Development of the Marine and Coastal Environment of the West and Central African Region**
- **Agenda 2063, African Union**

3. Aquatic biodiversity and fishing laws: from the international to the domestic level

□ International law

- **1982 UNCLOS**
- **1992 Convention of Biological Diversity**
- **1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments, Art. 6,7**
- **2000 Ecosystem Approach, COP 5, Decision V/6**
- **2002 World Summit Johannesburg Plan, 2002 , Paragraphs 30-32**
- **2005 Roma Declaration on Illegal, Unreported and Unregulated fishing, FAO**

3. Aquatic biodiversity and fishing laws: from the international to the domestic level

□ International law

- 2005 Code of Conduct for Responsible Fisheries, FAO
- 2006 UNGA Res 61/105. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments
- 2007 Work in Fishing Convention
- 2009 UNGA Res 64/72. Sustainable fisheries, including through the 1995 Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments
- 2010 Aichi Target and Strategic Plan for Biodiversity Conservation, Goal B and Objectives 6,7
- 2015 SDG 14. Life below water : Conserve and sustainably use the oceans, seas and marine resources for sustainable development



4. Recommendations

□ Research

- Data on the fish stocks and other aquatic species
- Develop local expertise (scholarships)

□ Capacity building/Awareness

- Public Institutions in charge of fishing
- Stakeholders (fishermen, fisheries companies)

□ Governance

- Establishing an effective fisheries management system : compliance, implementing laws, policies and politics, promoting sustainable fishing methods, monitoring of fish stocks, size of nets, ...
- Elaborate plan, politics and policies promoting sustainable fishing and conservation of aquatic biodiversity

4. Recommendations

- Participation of stakeholders (private companies, fishermen)
- Organizing institutions to avoid overlapping roles (challenges for implementing policies and management of fishing)
- ❑ **Infrastructures**
- ❑ **Environmental**
 - Effective implementation of laws on environment, mining, water, conservation of nature, climate change
- ❑ **Funding**
 - Financing research, capacity-building, infrastructures (Okapi Fund, Fund for the Intervention on Environment)

4. Recommendations

□ Legal

➤ Domestic level :

- Adoption of a new law on sustainable fishing (ecosystem approach, precautionary principle, ODD14, UNCLOS etc...)
- Enforcing the existing laws on Water, Nature Conservation and Environment to enhance the protection of aquatic biodiversity

➤ Regional level :

- Implementing the Bamako and Maputo Conventions

➤ International level :

- Implementing UNCLOS, UNGA Res 2006, 2009, Johannesburg Plan, CDB, Code of Conduct
- Ratifying of the 1995 Agreement on the Implementation of UNCLOS relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks, and related instruments

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Many thanks for attention.....

Hope, it was interesting....

.....Expecting comments and questions

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