



# Cut it Out: Illegal Logging in the Democratic Republic of Congo (DRC)

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## Introduction

Illegal small-scale artisanal logging permits are being used to log out forests in the Democratic Republic of Congo (DRC), according to recent investigations by Greenpeace,<sup>1</sup> Global Witness<sup>2</sup> and Congolese NGO Réseau de Ressources Naturelles de la RDC (RRN). Over the last few months, Greenpeace has conducted several field missions to Bandundu Province and several ports. This report details the evidence we found of the on-going chaos in the logging sector in DRC.

Illegal artisanal permits are being used to circumvent the 2002 moratorium on new industrial logging permits. Global Witness concluded that “timber sourced using artisanal logging permits should be considered illegal by buyers”, illegal logging is not monopolised by small-scale firms, however. In a series of devastating reports published in January, DRC’s European Union-financed Independent Observer of Forestry Control, Resource Extraction Monitoring (REM)<sup>3</sup> indicated that the worst offenders include giant multinationals.

These findings have major implications for the EU timber trade. On 3 March the European Timber Regulation (EUTR) came into force. At that point, timber traders will have to conduct due diligence and take steps to mitigate the risk of illegal timber entering their supply chains. DRC timber is clearly extremely high risk. The lack of independent systems to verify legality in DRC makes it difficult – if not impossible – for EU-based timber traders to comply with the new due diligence requirements.

Last autumn, the DRC government suspended a small handful of artisanal permits in what it called its “battle against illegal logging”.<sup>4</sup> The government also conducted field missions and issued orders to improve forest law enforcement. Greenpeace and others have cautiously welcomed these steps but doubts that this will bring real change, as key steps to clean up either the artisanal or the industrial logging sector have not yet been taken. For example, the government has not fulfilled the legal requirement to publish all logging contracts.<sup>5</sup>

The government needs to stop the chaos in the logging sector, and to start protecting and managing the forests for the benefit of the Congolese people.



## Recent steps taken by the Ministry of Environment, Nature Conservation and Tourism (MECNT)

### The plunder of DRC's natural resources

Logging in DRC is organized chaos. The DRC is the leader in gross degradation and deforestation in the Congo Basin.<sup>6</sup> As with all the other resource extraction in the country, the lack of transparency and governance in the logging sector is shocking. Reliable official data on permits, production and export are not published, and there is reason to believe much of these data simply do not exist.

Donors' double standards are also shocking. In December 2012 the IMF halted 225 million USD of funding to DRC due to transparency and governance concerns in the mining sector<sup>7</sup> and the African Development Bank is following suit.<sup>8</sup> But the logging sector is free from scrutiny.

Loggers operate with impunity. Even when timber is seized, a rare occurrence, Greenpeace found that companies continue to trade it without repercussions. What is lacking is not only government capacity, but also the rule of law and the will to impose it.

So who profits? Definitely not the State Treasury, which loses millions of dollars through illegal logging operations, and the prevalence of corruption hampers development. The World Bank informed Greenpeace that it is not public how much fiscal revenue the DRC timber sector generates, even though it is part of their criteria to assess progress with DRC forest sector reform. The Congolese people are not benefiting from the plunder of their natural resources.

In response to a petition denouncing new industrial-scale logging disguised as artisanal cutting from Greenpeace and other NGOs in June 2012, Environment Minister Bavon N'sa Mputu Elima replied that the Ministry is respecting the moratorium on new industrial permits.<sup>9</sup> He went on a mission to Kinkole ports near Kinshasa and identified several infractions. He announced more missions and a clarification of the legal framework. No documentation relating to his mission was published.

In October 2012, MECNT announced that it would "introduce a legal framework for [an] effective artisanal logging sector", but did not explain how. The Minister stated that several ports, including so-called pirate ports, in Bas-Congo Province had already been closed. It is not yet clear which ports, if any, were closed, the Kinkole port for example is still operational, and Greenpeace has observed huge stocks of unmarked illegal timber there. The Minister announced that he would "work with other government services" to "introduce indicators for traceability of wood products for export". MECNT promised to henceforth "limit" the award of permits when the entity applying for one cannot be "clearly" identified<sup>10</sup> - a far cry from cancelling all artisanal permits.

A Ministerial order dated 6 October 2012<sup>11</sup> appears to make the issuance of future artisanal permits the prerogative of Provincial Governors. But no explicit clarification was made that issuance by MECNT would henceforth be considered illegal.

On 30 October and 2 November 2012, the Minister cancelled several artisanal permits and the sale-, purchase- and export-authorisations of four companies: CAB, CEBA, Ngoy Njolo and YIFA. In November, he undertook a mission to Bandundu Province. In a press release from 12 November<sup>12</sup>, he referred to sanctions having been made against three additional companies (TERCO, Vegas Factory, Global Ressource Corporation), but Greenpeace has seen no documentation regarding such measures. In all, these measures touched only a tiny fraction of illegal artisanal permits.

On 15 November 2012 the Governor of Bandundu issued a circular to administrative and traditional community leaders about the unauthorised logging in the Province. He denounced the degradation of ecosystems and biodiversity resulting from uncontrolled logging, and demanded that they stop facilitating logging or issuing permits.

## What is the impact on the forest?

On 26 December 2012 the Governor of Bandundu issued an official message<sup>13</sup> to all District Commissioners of Kwilu and Kwango ordering all logging to be stopped immediately. In the absence of published lists of artisanal permits, it's difficult to know which permits were affected. Other districts in Bandundu, such as Plateaux – where illegal logging is rife – received no such message.

In January 2013 the Independent Observer of Forestry Control (REM) published five explosive mission reports, as well as a Ministry document indicating non-implementation of its recommendations.<sup>14</sup> The reports show systematic illegal activities and irregular conduct on a huge scale by multinational loggers in addition to the misuse of artisanal permits:

- US-owned Siforco (Swiss-owned at the time of the REM mission) exceeded its permitted logging volumes in a manner that was “quasi-systematic and massive”. In the first months of 2011 it had already logged almost 12,000 m<sup>3</sup> more than its permit allowed<sup>15</sup>. The fact that Siforco held a Forest Stewardship Council (FSC) “Controlled Wood” certificate issued by SGS during this period demonstrates these certificates did not guarantee legal compliance<sup>16</sup>.
- Lebanese-owned Trans-M, an apparent subsidiary of a firm blacklisted by the US Treasury Department in 2010 for alleged ties to Hezbollah<sup>17</sup>, appears to have owed over 150,000 USD in taxes, three months before the Ministry awarded it a 25-year tax freeze<sup>18</sup>.
- CFT (a subsidiary of Liechtenstein-based Norsudtimber Group) was felling trees 12 km outside its permit area.<sup>19</sup>
- And Lebanese-owned BBC was awarded a concession to which it had no rights. The twin firm Soexforco operating in the concession since 2003, was known to the Ministry to be a different legal entity from BBC. In addition, Soexforco had violated its social agreement with the local community.<sup>20</sup>

The government has failed so far to take even the most basic measures to improve logging governance. For example, it has violated a 2011 law<sup>21</sup> requiring it to publish logging contracts. Most social responsibility contracts have also gone unpublished. The contract with the organisation that should strengthen control of the timber chains of custody, SGS, is confidential. The Community Forestry decree, in preparation for years, still has not been signed off by the government, despite repeated promises to do so.

Over the past few months, Greenpeace has conducted several field missions to timber ports in Kinkole and Matadi, and to forest areas in Bandundu Province. Although the following cases are only the tip of the iceberg of the systematic and large scale illegal logging rampant in DRC, it gives a basis to assess the Ministry's “battle against illegal logging”.

### CEBA: BANDUNDU PROVINCE, PLATEAUX DISTRICT, BOLOBO TERRITORY

Export data from Régie des Voies Fluviales (RVF) show wengé exports for 2011 were 6784 m<sup>3</sup>, which is 2243 m<sup>3</sup> more than the OCC data shows<sup>22</sup>. This indicates that CEBA underreported to OCC, whose data are used to calculate export taxes, to avoid paying the full amount of paying tax.

In November 2012, CEBA's illegal permits were cancelled<sup>23</sup> and an unspecified amount of wood reportedly confiscated. Although CEBA had been logging on an industrial scale, and threatening an area important to bonobo conservation, the reason for the cancellation was that the permits had been awarded to a company rather than an individual, as required by law for artisanal permits. It is unclear why the cancellation came only at the end of 2012, since the Ministry was aware of illegal CEBA activity as early as October 2011, if not before.<sup>24</sup>

During a visit to Kinkole port in early 2013, Greenpeace found large stocks of CEBA logs, both from the cancelled permits as well as from permits held by another company (Katembe Odia 24/BN/2012). Due to lack of control in the ports, the illegal wood will most probably be exported.



Illegal CEBA logs in Kinkole harbour. © Greenpeace

**YIFA: BANDUNDU PROVINCE, PLATEAUX DISTRICT,  
KWAMOUTH TERRITORY**

YIFA's permits for the buying, selling and export of timber were cancelled in October 2012,<sup>25</sup> and its wood was reportedly seized. Although YIFA appears never to have held any logging permits, the firm has been logging illegally using the permit of Ets Ngoy Njolo 42/BN/2012. By late 2012, the reportedly seized logs had disappeared from YIFA's timber yard at Limete, Kinshasa. A Ministry inspector confirmed that YIFA had illegally evacuated the seized wood in December 2012. All the seized wood went to China in containers, according to employees. A YIFA employee told Greenpeace that the company expects to start buying timber again in June 2013.

YIFA is absent from the OCC's 2009 - 2011 data despite having exported wood during this period. As export tax calculations are based on OCC data, the absence of YIFA is an indication of potential tax evasion. A Greenpeace field mission in 2013 found YIFA timber stocked at its base camp in Kimwomo, both marked with permit number 42/BN/2012 and unmarked. Greenpeace was shown that all the wengé hardwood had been logged by YIFA in what employees described as "their forest", close to their base camp. The forest was extremely degraded. Greenpeace noted at least five recently cut wengé trees left in the forest without any markings on log or stump, a clear violation of the Forestry Law.



Unmarked wengé log and stump in what YIFA employees described as "their forest", close to their base camp. © Greenpeace



Marked (42/BN/2012) and unmarked illegal YIFA logs at Kimwomo, the company's industrial site. © Greenpeace



### CAB: EQUATEUR PROVINCE, EQUATEUR DISTRICT, BIKORO TERRITORY

Two of CAB's permits were cancelled in November 2012,<sup>26</sup> and its timber reportedly seized. However, in 2013 Greenpeace observed newly arrived CAB logs from the cancelled permits in the private port of the Lebanese-owned company Cotrefor in Kinkole. Cotrefor is referred to by DRC tax authorities, as well as the Fédération des Industriels du Bois (FIB), as "ex-TRANS-M".<sup>27</sup> The numbers of at least four other logging permits were found on the logs.



**CAB timber from cancelled logging permit 08/EQ/2012 and several other illegal permits arriving at Cotrefor's port. © Greenpeace**

CAB is missing from OCC's 2009 – 2011 data. According to CEDEN, a Congolese NGO, CAB has continued its operations around Bikoro, Equateur Province, after its permits were cancelled and has been bringing in heavy equipment for logging near Lokongoli, as well as opening up roads into the forest near Botwali. CAB's activities threaten the protected area of Tumba Lediima, according to CEDEN and WWF, as well as impacting the forests of Motaka and Botwali, where CEDEN is working with local communities to promote community forestry. According to CEDEN's investigations, CAB continued to negotiate social agreements after its logging permits were cancelled. The affected communities have asked to be shown the logging permit, which neither CAB, nor the authorities, have done.

### TERCO: BANDUNDU PROVINCE, PLATEAUX DISTRICT, KWAMOUTH TERRITORY

TERCO wood appears to have been confiscated twice in 2012, but Greenpeace found the company logging on an industrial scale near Ngambomi, using a variety of illegal artisanal logging permits. According to the Provincial Environment Minister,<sup>28</sup> in 2011 TERCO initially logged under illegal permits 36/BN/2011 and 37/BN/2011, but subsequently started changing its log markings to 61/BN/2012 and 62/BN/2012. This was done presumably to enable its transport and exportation. The Provincial Environment Minister claimed that TERCO has no "lettre d'agrément", a prerequisite for obtaining a logging permit.

TERCO wood, bearing markings 61/BN/2012 and 62/BN/2012, appears to have been seized during a Provincial Ministry mission in August 2012, a MECNT mission in November 2012, and again by the Provincial Ministry in 2013. Greenpeace observed the last of these seizures, witnessing the arrival of the boat to evacuate the seized illegal timber. The Inspector and Ministry advisor were threatened, pushed and chased away from TERCO's base camp by its employees.

TERCO is absent from 2009 - 2011 OCC data, although it held at least three illegal logging permits in 2010 and 2011<sup>29</sup>. This may indicate that TERCO has been evading export taxes, since these are based on OCC reporting. Data from Régie des Voies Fluviales (RVF) show that TERCO exported more than 2,800 m<sup>3</sup> during March, June and August 2012 on the ships Felicitas, Grand and Lualaba.

In 2013, Greenpeace found wengé logs in Kinkole port that appear to have been confiscated still awaiting export. The number of logs found was at least 771 (the highest number noted on the logs), a total of approximately 2,000 m<sup>3</sup> of wengé timber.



Boat arriving to evacuate the seized timber from TERCO's industrial site. © Greenpeace



Seized illegal logs from TERCO in Ngambomi, with altered permit numbers. © Greenpeace



Seized illegal logs from TERCO in Sotraco's port in Kinkole. Employees tell Greenpeace they are nevertheless determined to export the seized wood. © Greenpeace





### CHAOS IN KINKOLE'S PORTS

Although Congolese law requires all logs to be marked with five different pieces of information, including the permit number and the name of the company, Greenpeace saw massive amounts of unmarked logs at Cotrefor's port in Kinkole.

In the Sotraco port in Kinkole, Greenpeace witnessed log ends being removed with a chainsaw and new markings painted on. Some of the logs involved were from YFIDE, with permit number 45/BN/2010. Global Witness has accused YFIDE of overharvesting.<sup>30</sup> Although Kinkole is in full swing on weekends, SGS carries out basic controls there only between Monday and Friday.<sup>31</sup>



### MORE ORGANISED CHAOS IN BANDUNDU PROVINCE

Greenpeace's mission to Bandundu Province this year found that three different companies were using the same artisanal logging permits. The permit 42/BN/2012, awarded to Ngoy Njolo to log 50 hectares and 350 m<sup>3</sup> in 'Foret Lewane BI 2' in Plateaux District, sector Twa,<sup>32</sup> was cancelled in October 2012. Greenpeace found this permit number on YIFA logs cut at Kimwomo and on VSF (Vegas Factory SPRL) logs at Ngambomi. YIFA has used this permit to sign an agreement with the local community to log their forest.

It is also clear that much more than the allowed 350 m<sup>3</sup> was harvested. At VSF alone wenge logs were found numbered up to 166, and YIFA has already exported considerable volumes. Greenpeace encountered trucks loaded with unmarked wenge near the village Mbomo, Plateaux District. According to the driver, the wood was to be sold to European and Chinese buyers in Kinkole. Transport of unmarked timber to and within Kinshasa is a common sight. Neither the police nor SGS appear to act effectively against these clear violations of DRC's forest legislation.

Trans-M truck loaded with unmarked timber in Cotrefor's port.  
© Greenpeace



The ends of YFIDE logs are cut off in Sotraco's port in Kinkole, to remove their markings. © Greenpeace





Illegal logs from VSF in Ngambomi. © Greenpeace



Truck with unmarked wengé logs near Mbomo. © Greenpeace

## ILLEGAL LOGGING IN INDUSTRIAL LOGGING CONCESSIONS

SODEFOR is a subsidiary of Liechtenstein-based Norsudtimber Group (NST), which holds over 2 million hectares of logging permits. The National and Provincial Environment Ministers confirmed that SODEFOR did not pay all due taxes.<sup>33</sup> SODEFOR is still aspiring to obtain an FSC “Forestry Management” green label, with the support of organisations such as GIZ / Comifac and WWF. It was awarded a “Controlled Wood” certificate by Smartwood in January 2011, which was withdrawn in April 2011 due to inadequate action to address its High Conservation Value management and the rights of indigenous peoples.<sup>34</sup>

In Oshwe territory many artisanal operators operate within SODEFOR’s logging concessions.<sup>35</sup> These include: for 031/03 in Lukenie sector: Bowo Lolipa, Eddy Mutuebo, Willy Mutuebo, Edmond, Patrice, Dominique, Djdo Clement; for 024/03 and 29/03 in Kangara sector: Nelly Bokungako, Mayele, Freddy Ilepo, ALMAFIA with 2 illegal logging permits 08/BN/2012 and 18/BN/2012; for 030/03 in the Bokongo villages: Nelly Bokungako, Didier Ikolimpo /Adisof, Medard Lepamabila; for 064/00 in Batito villages: Bosoko Adore, Mayo Raoul.

In Bandundu Province, State-owned ONATRA in Yuki told Greenpeace: “There are artisanal loggers in our concession 004/91 in different places, everywhere, near the village of Bwanda with heavy machinery. Ets Kagi is one of them.” A Bwanda resident says: “Ets Kagi has been here since 2008 and has never signed any agreement with us. They have given us some presents such as a 25 horsepower engine for our boat, 150 pieces of corrugated sheeting and 600,000 Congolese Francs.”

In Orientale Province, the American-owned company Saibois has long been the target of local protests.<sup>36</sup> In November 2012 Radio Okapi reported<sup>37</sup> that the provincial government of Orientale and the local elites of the village Baluola Mbila had forbidden the firm to log after having once again broken its social agreements.

## Conclusion on logging and timber exports in DRC

The Ministry's "battle against illegal logging" has not yet cleaned up the logging sector. Illegal logging in the forests and chaos in the ports shows that logging remains out of control.

- Well documented reports by REM, approved by the DRC government, show that illegal logging activities by industrial logging companies remain the norm. The lack of enforcement means that illegal loggers act with impunity.
- There is an insufficient legal framework for artisanal logging permits. The long-awaited community forestry decree is still unsigned. In meetings with the Minister, Greenpeace received no explanation for this inaction.
- Transparency is non-existent. Greenpeace has unearthed what appears to be a major tax-evasion scam: loggers have been exporting thousands of cubic meters of wood that never shows up in OCC data. Unmarked wood is everywhere - at worksites, on the road and rivers and in ports. Laundering of wood is a daily practice. Information on how much surface tax is paid each year by the commercial loggers remains a secret.
- Companies show total disregard for the law and enforcement officials. Greenpeace observed government officials being threatened, pushed and chased away from one worksite (TERCO).
- Greenpeace identified several cases of reportedly confiscated wood being transported and/or exported, including by YIFA, CAB, CEBA and TERCO. CEDEN recorded continued operations on a cancelled permit by CAB.
- In Bandundu Province the Environment Minister stated that no permits for 2013 have been issued. Greenpeace has not been able to confirm this, because public information on logging permits is not available. In Bandundu Province forest degradation is rampant, due to illegal and excessive logging.
- The forestry sector remains completely opaque. MECNT continues to violate the May 2011 decree requiring it to publish logging contracts.
- The chaos in the forestry sector is depriving the DRC of tax income. SODEFOR is not paying due taxes. Data on fiscal revenues are lacking, despite the fact that it is one of the World Bank's criteria to assess improvement of governance in the forest sector.

Greenpeace urges the DRC government to act now to stop further forest destruction and transform the logging sector for the benefit of the Congolese people by:

- Dramatically increasing transparency. Publishing official data on permits and trade, and all logging contracts.
- Strengthening controls and law enforcement and take effective anti-corruption measures. Investigating and cross-checking RVF and OCC data and prosecute tax evasion.
- Stopping the issuance of illegal artisanal permits and cancel all existing illegal permits.
- Signing the decree on community forests and ensure it allows communities to manage their forests responsibly for their own benefit and not for the benefit of industrial loggers.
- Keeping the moratorium on new industrial logging permits in place and start enforcing it.
- Following up on the REM's recommendations, prosecuting all infractions and immediately cancelling BBC's logging contract.

According to OCC data, China is now the biggest importer of DRC wood and should urgently put measurements in place to stop the illegal timber trade.<sup>38</sup> In the EU, France, Portugal, Belgium, the Netherlands and Italy are the main importers of DRC wood<sup>39</sup>. The introduction of the EUTR has profound consequences for timber traders and those trading DRC timber products via third countries such as China. The absence of credible independent verification systems, the complete lack of transparency and the rampant corruption in DRC will make it very hard – if not impossible - for EU-based timber traders to fulfill the new due diligence requirements.



Wood from DRC, such as these logs in the port of Antwerp in February 2013, must comply with due diligence requirements set out by the EUTR from now onwards. © Greenpeace



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