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# FOREST REFORM IN THE DEMOCRATIC REPUBLIC OF CONGO: LEAVING PEOPLE OUT

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Protecting Ancient Forests

# INTRODUCTION

The Congo Basin is home to the world's second largest tropical forest after the Amazon. A significant part of these forests is in the Democratic Republic of Congo (DRC). A vital source of food, medicine and other basic services for more than 40 million Congolese people, these forests are also invaluable for their biodiversity and their role in mitigating climate change. Unfortunately, they are under threat from industrial logging companies, most of them foreign-owned, which plunder the DRC's rich resources with impunity – and take the profits elsewhere.

In April 2007, Greenpeace published 'Carving up the Congo', which reported serious lapses of forest governance, a lack of institutional capacity, widespread illegalities on the part of logging companies operating in the region and social conflicts, as well as clashes between logging companies and established forest conservation initiatives.<sup>1</sup> The report was launched in the midst of a World Bank-sponsored 'legal review' of 156 logging permits, which ended in January 2009 with the rubber-stamping of the status quo.

The review was part of an initiative to 'reform' the Congolese forest sector, undertaken by the World Bank in 2002, in order to bring legal compliance and transparency to one of Africa's most corrupt resource-extraction industries. Eight years later, despite the publication of dozens of new decrees, it remains little more than a smokescreen for business as usual. Forest law enforcement is still absent, participatory land-use planning has not been implemented and public information about logging operations is virtually non-existent.

In addition to the environmental havoc that logging causes, industrial logging in Central Africa often leads to serious social conflicts. Forest villagers and indigenous peoples continue to be excluded from the decisions determining the fate of their forests, and logging in DRC is characterised by the use of violence by security forces called in to quell village resistance; human rights are frequently violated.

Human rights abuses committed this year in Bandundu Province against villagers protesting the logging operations of the Société de développement forestier (Sodefor) – a subsidiary of Liechtenstein-based Norsudtimber (NST) – provide a clear example of the level of violence often used by Congolese logging companies.<sup>2</sup> In this incident, a 72-year-old villager, Georges Nkaka, died the day after his release from jail. On 26 January, twenty-seven villagers, including Georges Nkaka, were arrested during a sit-in at the company's worksite at Luna. They were beaten, whipped, confined in a container and – after transfer to the district capital, Inongo – detained in inhumane conditions in a police holding cell and in the central prison.

**Evidence illustrates that any expansion of Congo's logging industry will exacerbate social conflict and environmental destruction and will not create 'sustainable development'. However, the DRC government seems set to increase logging in the near future. It even hopes to financially benefit from the promotion of so-called 'sustainable forest management' under a national plan designed to "Reduce Emissions from Deforestation and Forest Degradation" (REDD)<sup>3</sup>, part of a global initiative to tackle climate change.**

## INDUSTRIAL LOGGING CREATES SOCIAL CONFLICTS AND UNDERMINES SUSTAINABLE DEVELOPMENT

In 2002, the DRC government adopted a new Forestry Code under heavy World Bank pressure. In the same year, it imposed a moratorium on the exchange, renewal and allocation of logging permits which it immediately violated. Between 2002 and 2005, over 100 logging permits were allocated, opening up millions of hectares of forest to logging, without any prior consultation of local people.<sup>4</sup>

In October 2005, representatives of thirteen Congolese indigenous peoples' groups requested the World Bank Inspection Panel to investigate the Bank's Emergency Economic and Social Reunification Support Project (EESRSP), alleging that it violated the Bank's operational directives and posed a grave threat to their rights and interests.<sup>5</sup>

**After over a year of investigation, the Panel concluded that the allegations were largely justified. It stated:**

***"The Panel finds that as a result of the forest concession reform effort, which results in 25 year titles to extract timber, the Bank will in fact have supported de facto land use zoning. Any zoning that takes place thereafter will be against the backdrop of the confirmed concession titles, which may severely limit application of models for alternative uses of DRC forests."***

It also noted:

***"[...] there is wide agreement that industrial logging in DRC has profound social and environmental impacts. There is also widespread awareness that DRC lacks basic institutional, technical and field capacity to address social, environmental and other issues relating to logging in its forests."***<sup>6</sup>

Having been excluded from the government's 'legal review' of logging permits, local communities are now being approached by logging companies, eager for them to sign provisional 'social investment agreements' (cahiers des charges). These are required for official 25-year concession contracts. With the assistance of the Congolese non-governmental organization Codelt,<sup>7</sup> the Worldwide Fund for Nature (WWF) has produced a template 'social clause', designed to standardize logging companies' agreements with communities. It tested the template in December 2009, during meetings between Sodefor and the community of Mbidjankama.



Oshwe, December 2009

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Approximately 40 million people in the DRC depend on the rainforest for their basic needs, such as medicine, food or shelter.

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## THE SODEFOR CASE

In January 2010, Sodefor management called for police intervention in a conflict with representatives of the Bokongo community. This led to human rights abuses and the death of a 72-year-old villager, Georges Nkaka. The full results of a joint NGO fact-finding mission into the incident, which Greenpeace participated in, were presented in the March 2010 'Advocacy report on the recurring conflicts between Sodefor and the Bokongo community in Oshwe territory, Bandundu Province.'<sup>8</sup>

The violence used against local critics of Sodefor last January and February is far from unprecedented. On several occasions, the company has called in Congolese security forces in response to village protests, sometimes with tragic consequences.<sup>9</sup>



Bokongo villagers, after their release, providing testimony to NGO and Greenpeace fact finding mission.

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## CHRONOLOGY OF SODEFOR'S CONFLICT WITH THE BOKONGO COMMUNITY

**11 December 2009:** Sodefor signed a provisional 'social investment agreement' with the Mbidjankama community in the Oshwe territory of Bandundu Province.<sup>10</sup> This was a prerequisite for the formal conversion of its logging permits GA<sup>11</sup> 28/03 and GA 30/03 into 25-year concessions. The local administration signed the agreement as a witness, the Environment Ministry, WWF, and the Congolese NGO Codelt as observers.

The document's preamble reflected the template which WWF and Codelt had devised months before. It stated: "The boundaries of the logging concessions have been defined in agreement with the parties, particularly with regard to the [traditional] land of the local community [...]."<sup>12</sup>

But it is precisely a longstanding dispute between the neighbouring Mbidjankama and Bokongo communities over the boundaries of their forests in Sodefor's logging area that constituted one of the two principal causes of the ensuing conflict.

**22 January 2010:** Twenty-seven Bokongo villagers arrived at Sodefor's worksite in Luna to contest the boundaries stipulated during a meeting of the local administration's security committee on 9 December 2009.

The second bone of contention ignored by the signatories of the Mbidjankama accord was the Bokongo representatives' claim that Sodefor owes years of unpaid traditional taxes to their community. This claim is supported by a letter from the Governor of Bandundu dated 22 January 2008. According to the Governor, \$5,971,968 was not paid between 1988 and 2002. In a 2008 missive to Sodefor's Chief Executive Officer, the Governor attributed the latter's refusal to receive arbitrators in the Bokongo dispute to "sordid manoeuvres of your staff no doubt acting with your benediction." He refers to Sodefor's "determination to continue to violate Congolese law with impunity."<sup>14</sup>

After the breakdown of negotiations at Sodefor's worksite at Luna in January 2010, the Bokongo delegation blocked the front gates. Contacted by the company's forest management certification expert, Richard Garrigue, Sodefor management requested the assistance of local authorities and filed a legal complaint at the Inongo public prosecutor's office.

**26 January 2010:** Ten policemen from Inongo, under the command of Captain Alfred Bari, arrived at Luna. The fact-finding mission, which included Greenpeace, was later informed that the deployment of the Inongo police to Luna had been logistically and financially supported by Sodefor. The Inongo public prosecutor, when asked how the 200-km trip had been financed, declined to comment. Throughout Central Africa it is common practice for logging companies to help cover the costs of punitive expeditions.

At Luna, the Bokongo protesters were beaten and put into a Sodefor container where they remained for two nights. The leader of the group, 86 year-old Henri Bosama Mpongo, a member of the Provincial Assembly, was spared the container treatment.

**28 January 2010:** The detainees were ferried under police escort to Kutu, then over Lake Mai-Ndombe in a Sodefor boat. Sodefor's Richard Garrigue followed behind.<sup>17</sup>

During the protesters' detention in a police station holding cell at Inongo, dysentery broke out.

**1-2 February 2010:** The detainees were transferred to the central prison. It was reported that prison guards prevented food from reaching the detainees without payment.

Greenpeace and NGO colleagues from the fact-finding mission were informed that the Bokongo villagers were first beaten by police at Sodefor's worksite at Luna and then again, repeatedly by police, after their arrival at Inongo. Captain Bari's claim that the beatings were administered exclusively by co-prisoners at Inongo prison was contradicted by the prison warden's insistence that the Bokongo prisoners' injuries had occurred before they arrived at the prison.

**8 February 2010:** All but one of the protesters were unconditionally released. Georges Nkaka, who had fallen seriously ill in prison, was hospitalized immediately after his release, with the help of local civil society.

**9 February 2010:** Georges Nkaka died soon after he left the hospital. The final detainee, Moussa Bosama, was released the same day. He was gravely ill and immediately admitted to hospital.

**10 February 2010:** Inongo residents held a protest march against Sodefor in reaction to these atrocities. Under pressure, Sodefor agreed to pay for the return of Nkaka's body to his village.

**19 March 2010:** At a press conference in Kinshasa, Sodefor claimed that Georges Nkaka had been released from hospital in satisfactory condition and that his death was not related to the conditions of imprisonment.<sup>18</sup> The company claimed that its call for police intervention was justified because the villagers were armed during their sit-in. A National Parliamentary Commission is expected to investigate the conflict.

**IN JANUARY 2010, SODEFOR MANAGEMENT CALLED FOR POLICE INTERVENTION IN A CONFLICT WITH REPRESENTATIVES OF THE BOKONGO COMMUNITY. THIS LED TO HUMAN RIGHTS ABUSES AND THE DEATH OF A 72-YEAR-OLD VILLAGER, GEORGES NKAKA.**



The casket of Georges Nkaka. Inongo, February 2010

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## WHO IS INVOLVED?



Logging workers at Sodefor's site.

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### SODEFOR SPRL

Sodefor is one of several DRC subsidiaries of the Portuguese-owned and Liechtenstein-based firm, Norsudtimber (NST), the DRC's biggest logging permit-holder. The Congolese State is also a Sodefor shareholder.<sup>20</sup> NST's logging permits cover an area of over 7 million ha, more than twice the size of Belgium.

All but a tiny fraction of NST's logging permits passed the World Bank-sponsored 'legal review'. However, most of its pre-2002 titles had simply been exchanged for new ones in previously unlogged areas, including traditional land of "pygmy" communities, high conservation value forests, intact forest landscapes, and forests containing significant concentrations of rare species such as Bonobos and forest elephants. In a 2003 memo to the Congolese authorities, the World Bank denounced this maneuver as a clear violation of the 2002 moratorium on new title allocation and called on them to "re-examine and reconsider" the permits "before end September 2003".<sup>21</sup>

### NORSUDTIMBER AKTIENGESELLSCHAFT

Norsudtimber, founded in 2006,<sup>22</sup> is referred to in the annual reports of its minor shareholder, Precious Woods (see below), as "Nordsudtimber."<sup>23</sup> Other NST-related entities in Liechtenstein include Atlantic Wood Establishment<sup>24</sup> and Neuholz Establishment.<sup>25</sup> The managing director of the Belgian commodities trader Kreglinger Europe NV, Wim Arnouts, is a member of the NST board.<sup>26</sup>



Timber from SODEFOR logging company, Democratic Republic of Congo

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## In bed with Sodefor?

### PRECIOUS WOODS GROUP

Swiss-based Precious Woods often presents itself as a progressive logging company, citing its Forest Stewardship Council (FSC)-certified operation in the Brazilian Amazon. The group acquired a minority stake in NST in 2007 and has announced its interest in eventually increasing its share<sup>27</sup> and in achieving FSC certification for NST permits by 2011 “at the latest”.<sup>28</sup> The president of the board of directors of Precious Woods, Ernst Brugger, has been an NST board member since 27 August 2009. Precious Woods management likes to stress the influence it has on NST:

***“Since becoming – through its stake in NST – a part owner of the four forestry businesses in DR Congo, Precious Woods has maintained a regular dialogue with the respective management of these companies. The Chairman and several members of Precious Woods’ Board of Directors have visited the DR Congo on a number of occasions. Our CFO and Group Controller’s visit has already had a positive effect on the companies’ financial reporting”.***<sup>29</sup>

Seemingly satisfied with the results of the ‘legal review’, Precious Woods stated in its 2008 annual report:

***“[...] the somewhat more unstable political situation [in DRC] was offset by conversion of the “droits d’approvisionnement” [pre-“legal review” logging permits] into fully recognised concession rights being completed.”***<sup>30</sup>

In other words: who needs political stability in a country like Congo, when you have ‘legality’?

In a letter to Ernst Brugger on 20 May 2010, Greenpeace demanded a public statement from Precious Woods to explain “the discrepancy between SODEFOR’s logging practices in the DRC and Precious Woods’ investment in the promotion of ‘ecologically and socially responsible usage of forests’”. On 17 June 2010, he replied: “Precious Woods has no control over Sodefor, and therefore cannot respond to whatever role SODEFOR may have played in this [social conflict] case”. He added: “SODEFOR [...] is committed to undertake the necessary measures to attain FSC-certification in due course, including additional efforts in community relations.”

### FORET RESSOURCES MANAGEMENT (FRM)

Since 2005, NST has been contracting France’s best-known ‘sustainable forest management’ consultancy, FRM, to provide ‘technical assistance’ to Sodefor.<sup>31</sup> This was an unusual investment decision for the group to make, given that the legality of its titles would not be established by the ‘legal review’ until January 2009. How could the company know its titles would be allowed to be converted into legal concessions, especially in the light of the fact that almost all of them were obtained in breach of the 2002 moratorium?

FRM boasts that it offers Sodefor “a solid analysis of the forest and its environment [...]: multi-resource inventory of hardwood potential and of biodiversity, logging mapping, socio-economic studies, forestry studies...”<sup>32</sup> In its work for Sodefor, “great importance is accorded to the socio-economic dimension [...]”.<sup>33</sup>

### WWF

Last year, Sodefor applied for admission into WWF’s Global Forest & Trade Network (GFTN), an “initiative to eliminate illegal logging and transform the global marketplace into a force for saving the world’s valuable and threatened forests [...] by facilitating trade links between companies committed to achieving and supporting responsible forestry”.<sup>34</sup>

WWF has been in regular contact with Sodefor over the past few years. WWF’s signature – as an observer – is on the December 2009 social clause agreement which ignited the conflict described in this report. WWF funded an NGO mission to Inongo to investigate the incident<sup>35</sup>. The NGOs that participated held a press conference in Kinshasa on 11 March 2010. But WWF has not publicly commented on the conflict.

WWF will need to assess whether Sodefor can become a GFTN member in the current circumstances. Greenpeace strongly believes that Sodefor’s current practices are incompatible with so-called ‘responsible forestry’ and that serious preconditions should be set prior to accepting such official partnership with companies like Sodefor. For example, the company should radically improve transparency and public information availability (maps, timber volumes, taxes and facilitation payments, lists of company shareholders, the value of wood throughout the chain of custody, etc.), solve existing social conflicts like the one in Inongo and prevent them from happening again, and commit itself not to open up Intact Forest Landscapes (IFLS) during its logging operations.

## SOCIAL CONFLICTS CAUSED BY LOGGING COMPANIES ARE ROUTINE IN THE DRC

The Bokongo incident is only one of the most recent examples of logging companies' use of the police or military to violently suppress protests by villagers. Greenpeace has documented many such cases.<sup>36</sup>

Over the years, Sodefor has established a solid reputation for relying on the Congo's security forces to confront villagers who dare criticize its operations. In March 2006, when residents of Mbelo, near Lisala (Equateur Province), protested against the lack of implementation of a social investment agreement for Sodefor permit GA 23/03, the police and military invaded the village and reportedly committed 38 rapes, looted and destroyed property.<sup>37</sup> The death of one of the 37 villagers subsequently arrested appears to have been caused by beatings received whilst in jail.<sup>38</sup> In September 2008, the World Bank-sponsored 'legal review' of logging titles gave GA 23/03 its official stamp of approval: "The company satisfied all the necessary criteria."<sup>39</sup>

Villagers from Ikala, near Oshwe (Bandundu Province), told Greenpeace that, in 2006, a local chief and his assistant were imprisoned in Oshwe for a week after they resisted Sodefor's proposals. They were whipped and had to sleep on the ground; their relatives were too far from Oshwe to bring them food during their detention.

In December 2008, Sodefor sought the consent of the villagers of Isoko, near Oshwe, to restart logging in their area. The villagers refused. After the failure of negotiations, Sodefor appears to have called for police intervention. However, in this instance it was unsuccessful.

## OTHER LOGGING COMPANIES' APPROACH TO SOCIAL CONFLICT MANAGEMENT IN THE DRC – THE EXAMPLE OF SIFORCO

Like Sodefor, the Société Industrielle et Forestière du Congo (Siforco) – a subsidiary of the Swiss-based Danzer Group – has also repeatedly called in local authorities to manage social conflict, even though it claims to practice so-called 'sustainable forest management' and aspires to FSC certification.<sup>40</sup>

In February 2010, only days after the Bokongo protesters were released from jail at Inongo, eighteen villagers of Yaewonge, in Equateur Province, were arrested and jailed at Bumba for blockading Siforco logging trucks.<sup>41</sup>

In September 2006, twenty-nine villagers and human rights activists sent a petition to the government complaining of abusive logging by SIFORCO.<sup>42</sup> In response, the company not only filed a libel suit against the petitioners but also tried to discredit Congo's most respected human rights group, La Voix des Sans Voix (VSV). The petition had been signed at a seminar in Bumba, organized by VSV. In response to a Greenpeace report in 2008, Danzer stated with reference to VSV:

***"[...] The so-called NGO is unregistered and operating outside the statutes and is primarily pursuing the personal interests of its chairman. [...]"***<sup>43</sup>

In the weeks following the discovery of the body of VSV chairman, Floribert Chebeya, on 2 June 2010 – a day after he received a police summons – the international community unanimously paid tribute to his courage, integrity and modesty. Danzer's allegations about VSV and Chebeya were removed from the company's website only in late June.

Recent information indicates that, three years after the libel suit was filed, Siforco's management finally opened dialogue with the petitioners in an attempt to reach an out-of-court settlement. The libel suit had not been formally dropped. The petitioners still request that all pending social conflicts created by Siforco's logging operations are addressed.



## CONCLUSION

Criticism of commercial logging in the Congo Basin usually focuses on the environmental havoc it wreaks or on narrowly defined issues of legality. However, industrial logging also causes serious social conflicts, which often result in human rights violations. Despite, or because of, their heavy investment in the DRC's forest sector 'reform', international donors tend to ignore logging conflicts, even though cases involving human rights abuses are reported in the media.

It is likely that incidents of conflict will increase as the logging industry expands into new areas inhabited by villagers and indigenous communities left out of the 'reform' process.

The World Bank's vision of the forestry sector in the DRC regards industrial scale logging as a way of boosting the country's gross domestic product and tax revenue. Unsurprisingly, logging tax revenue is still not redistributed to local people, which exacerbates anger and frustration. Local people are paying the price for the Bank's decision to push through a 'legal review' of the sector before land-use plans are in place.

Community mapping and the full disclosure of logging information (maps, timber volumes, taxes and facilitation payments, lists of company shareholders, the value of wood throughout the chain of custody, etc.), would help empower local people. However, supporting such activities is clearly less of a priority for donors than accelerating the pace of industrial logging. For example, in a letter to Greenpeace, Global Witness, and Rainforest Foundation UK and Norway, sent on 21 April 2010, the World Bank states that it has no objection to the reactivation of nine logging titles deemed invalid by the very 'legal review' it financed. The total number of such titles has yet to be announced by the Ministry.

Several European initiatives are underway to "clean up" the DRC's timber sector and to ensure that only "legal" wood enters the European marketplace. The European Union has set in motion the first stages of Voluntary Partnership Agreement (VPA) negotiations with the DRC, designed to combat illegal logging and trade. The French and German Overseas Development Agencies are keen to facilitate the forest management plans of multinationals such as NST and Danzer and to promote their FSC certification. However, these initiatives ignore the root problems that define the logging sector in the DRC and elsewhere in Central Africa: an industry that operates in complicity with a handful of powerful elites, and in the absence of secure community rights or functioning institutions.

Although these realities are universally known, donors are standing by whilst the DRC Government plans to substantially increase industrial logging. In its recently published "Readiness Plan for REDD [Reduced Emissions from Deforestation and Forest Degradation]", the government outlines its plan to allocate another 10 million hectares of new concessions as soon as the moratorium on new titles is lifted.<sup>44</sup>

## TIME FOR A CHANGE TO THE BENEFIT OF PEOPLE, CLIMATE AND BIODIVERSITY

Greenpeace calls on the DRC Government to stop granting any new industrial logging permits. Greenpeace considers that, amongst other preconditions for the lifting of the 2002 moratorium, a participatory land-use plan that promotes non-destructive community use of forests must first be finalised and validated and that transparency, control and accountability in the forest sector must be radically improved.

It is urgent that donors and the DRC Government shift their support away from destructive logging and towards plans that will increase climate protection, as well as environmentally responsible and socially equitable development.

Logging companies operating in the DRC are currently the single most important threat to the degradation of Intact Forest Landscapes and their activities, albeit described as "selective", also contribute to the emission of carbon dioxide.

Logging companies must stop portraying their activities as "sustainable forest management", stop logging in intact forest landscapes and other high conservation value areas, disclose public information on their operations, and respect forest-dependent peoples' rights and livelihood.



Children in the village of Bossa where Sodefor has a logging permit. Expansion of logging into remaining areas of intact forests in the Democratic Republic of the Congo will destroy critical carbon reserves and biodiversity. Beyond climate change and environmental impacts, logging in the region exacerbates poverty and leads to social conflict.

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## ENDNOTES

- 1** Greenpeace, "Carving up the Congo," April 2007, <http://www.greenpeace.org/international/campaigns/forests/africa/congo-report>
- 2** Greenpeace, SARW, OSISA, RRRN, OCEAN, CERN, CENADEP, ASADHO, CJJPC, CDJP, « Rapport du plaidoyer relatif aux conflits récurrents entre la Sodefor et le groupement Bokongo à Oshwe au Bandundu, » March 2010.
- 3** Ministère de l'Environnement, Conservation de la Nature et du Tourisme. République Démocratique du Congo.V2. R-PP Plan de préparation à la REDD. 2010 – 2012. R-PP draft. Version 19 February 2010.
- 4** Greenpeace, 2007, op. cit., and Greenpeace, "DRC Logging sector briefing for the Democratic Republic of Congo: DRC logging review: The carving up of the Congo continues," October 2008, <http://www.greenpeace.org/international/press/reports/DRC-logging-sector-briefing>.
- 5** Organisations Autochtones Pygmées et accompagnant les Autochtones Pygmées en République Démocratique du Congo, « Requête adressée au Panel d'Inspection de la Banque Mondiale », 30 October 2005, [http://www.rainforestfoundationuk.org/files/Inspection%20Panel%20complaint%20%20Dec.%2005\\_FR.pdf](http://www.rainforestfoundationuk.org/files/Inspection%20Panel%20complaint%20%20Dec.%2005_FR.pdf)
- 6** World Bank Inspection Panel, Report No. 40746 – ZR, "Investigation Report DEMOCRATIC REPUBLIC OF CONGO: Transitional Support for Economic Recovery Grant (TSERO) (IDA Grant No. H 1920-DRG) and Emergency Economic and Social Reunification Support Project (EESRSP) (Credit No. 3824-DRG and Grant No. H 064-DRG)," 31 August 2007, pp. 130-1.
- 7** Conseil pour la Défense Environnementale par la légalité et la Traçabilité.
- 8** Greenpeace et al., 2010, op. cit. See also Radio Okapi, « Torture de 27 paysans Bokongo: Greenpeace et 9 ONG partenaires accusent la police et Sodefor », 9 March 2010, <http://radiookapi.net/actualite/2010/03/09/torture-de-27-paysans-bokongo-green-peace-et-9-ong-partenaires-accusent-la-police-et-sodefor/>; Diocèse d'Inongo, « le conflit Sodefor - Groupement Bokongo », 15 February 2010, <http://evecheinongo.blogspot.com/2010/02/le-conflit-sodefor-groupement-bokongo.html>
- 9** Greenpeace, 2007 and 2008, op. cit.
- 10** Greenpeace et al., 2010, op. cit. for this section. Greenpeace translations throughout.
- 11** 'Garantie d'approvisionnement' or 'timber supply guarantee'.
- 12** Note the misuse of the technical term 'concessions'. Conversion of GA logging permits into 'concessions' is contingent on Ministry approval of the social agreement under negotiation.
- 13** Includes payments allegedly owed by Sodefor's predecessor Forescom. Sodefor was founded in 1994. During a 19 March 2010 press conference, Sodefor cited 28 January 2002 and 28 October 2004 court decisions rejecting these claims. Sodefor, "Conférence de presse Sodefor du 19 mars 2010", 19 March 2010.
- 14** In a 17 December 2009 letter to Sodefor the Bokongo community also demands investments in infrastructure including health centers, schools, a market, a wood depot, and potable water. See Greenpeace et al., 2010, op. cit.
- 15** Ibid. p.4.
- 16** Sodefor claims that the detainees were "kept" in a container and that on 27 January they were free to circulate within the confines of the worksite. Sodefor, op. cit.
- 17** Ibid., pp. 4-5, and Codelt, et al., 'Communiqué de Presse de la mission indépendante de la société civile environnementale sur les incidents survenus entre Sodefor et les membres de la communauté du groupement BOKONGO à « Mike 12 » dans le territoire d'OSHWE/Bandundu', 15 Mars 2010.
- 18** Sodefor, op. cit.
- 19** NST's other subsidiaries are Société Forestière du Mayumbe (Soforma), Société Forestière et Agricole de la M'Bola (Forabola), and Compagnie Forestière et de Transformation (CFT).
- 20** Radio Okapi, « L'Etat congolais prêt à céder ses parts dans 7 entreprises mixtes », 26 March 2010, <http://radiookapi.net/economie/2010/03/26/letat-congolais-pret-a-ceder-ses-parts-dans-7-entreprises-mixtes/>. In 2004 the State owned 18% of Sodefor. « Arrêté interministériel [...] du 17 juillet 2004 portant approbation de l'agrément du projet d'investissement de la Société de développement forestier « SODEFOR ».
- 21** World Bank, « Mission de suivi du secteur forestier (1er – 12 juillet 2003), » 2003.
- 22** <http://www.oera.li/webservices/HRG/HRG.aspx/getHRGHTML?chnr=0002210454&amt=690&toBeModifed=0&validOnly=11000&lang=1&sort=0>
- 23** Precious Woods annual report 2008, [http://www.preciouswoods.com/images/stories/2008/pw\\_annual\\_report\\_08](http://www.preciouswoods.com/images/stories/2008/pw_annual_report_08), p. 75.
- 24** <http://www.oera.li/webservices/HRG/HRG.aspx/getHRGHTML?chnr=0002152202&amt=690&toBeModifed=0&validOnly=11000&lang=1&sort=0>
- 25** <http://www.oera.li/webservices/HRG/HRG.aspx/getHRGHTML?chnr=0002287692&amt=690&toBeModifed=0&validOnly=11000&lang=1&sort=0>
- 26** He has been a member of the Board since 9 June 2008, according to Offentlichkeitsregister Liechtenstein. See <http://www.kreglinger-europe.com/eng/company>: "During the Colonial Era next to wool we also had important coffee plantations in Congo; now there are only a few left," Arnouts tells me. "There was a time we produced 60.000 tons of coffee per year, today only 240 tons. The whole infrastructure collapsed at the independence of the country. This was dramatic for the Congolese, but it was time for us to look for other markets.' [...] Next to wool, sheep skins and wine Kreglinger also trades in tropical products (coffee, rubber, papain, etc.), a remainder of the colonial era, and in speciality ingredients and chemicals for pharmaceutical-, cosmetic-, food- and general industries and for agriculture."
- 27** Precious Woods General Assembly, 20 May 2010.
- 28** Ernst Brugger oral communication to Greenpeace, 20 May 2010. See also [http://www.preciouswoods.com/index.php?option=com\\_content&task=view&id=81&Itemid=142](http://www.preciouswoods.com/index.php?option=com_content&task=view&id=81&Itemid=142)
- 29** Precious Woods, annual report 2007, [http://www.preciouswoods.com/images/stories/gb07\\_pw\\_e.pdf](http://www.preciouswoods.com/images/stories/gb07_pw_e.pdf), pp. 22-3. See also "Although Precious Woods is a minority investor in the NST group, it is well positioned to ensure that NST takes the right steps." [http://www.preciouswoods.com/index.php?option=com\\_content&task=view&id=81&Itemid=142](http://www.preciouswoods.com/index.php?option=com_content&task=view&id=81&Itemid=142)
- 30** Precious Woods, annual report 2008, [http://www.preciouswoods.com/images/stories/2009/pw\\_annual\\_report\\_08.pdf](http://www.preciouswoods.com/images/stories/2009/pw_annual_report_08.pdf), p. 75.
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# GREENPEACE

Greenpeace is an independent global campaigning organisation that acts to change attitudes and behaviour, to protect and conserve the environment and to promote peace.

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