

CARVING UP THE CONGO



GREENPEACE

DESTRUCTION BY NUMBERS LOGGING ROADS TO CLIMATE RUIN

UP TO 25% OF GREENHOUSE GAS EMISSIONS COMES FROM TROPICAL FOREST CLEARANCE

Up to a quarter of all greenhouse gas emissions are almost exclusively linked to tropical deforestation, often for conversion to pastureland and agricultural plantations. The figure excludes – because the numbers simply have not been calculated on the global scale – the emissions from forest fragmentation and degradation resulting from the creation of logging roads and other industry related infrastructure. The area of forest cleared for these roads can be wider than some of Europe's major motorways.

34 BILLION TONNES OF CO₂

Predictions for future deforestation in Central Africa estimate that by 2050 forest clearance in the Democratic Republic of the Congo (DRC) will release up to 34.4 billion tonnes of CO₂, roughly equivalent to the UK's CO₂ emissions over the last sixty years. The DRC risks losing more than 40% of its forests, with transport infrastructure such as logging roads being one of the major drivers.

50 MILLION HECTARES OF RAINFORESTS BEING CARVED UP

50 million hectares of rainforests in Central Africa are controlled by logging companies. That is an area the size of Spain currently being carved up by logging roads and other infrastructure. 30% (some 15 million hectares) of this is held by logging companies in the DRC whose logging contracts were signed after a 2002 moratorium on new contracts or the renewal or extension of existing ones.

8% OF GLOBAL CARBON STORES

8% of the earth's carbon that is stored in living forests worldwide is stored in the forests of the DRC – that is more than any other country in Africa and makes the DRC the fourth largest forest carbon reservoir of any country in the world.

CLEARANCE FOR LOGGING INFRASTRUCTURE CAUSES 2.5 TIMES MORE EMISSIONS THAN SELECTIVE LOGGING ITSELF

Greenpeace's calculations, based on analysis of one 170,000 hectare logged area, suggest that emissions from logging roads and infrastructure will be 2.5 times greater than emissions resulting from the selective logging itself. The emissions for the area are estimated at an average of 10 tonnes of CO₂ per hectare.

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EXECUTIVE SUMMARY



WHAT A CARVE UP – KEY FACTS ABOUT DRC RAINFOREST DESTRUCTION AND KEY QUESTIONS FOR THE WORLD BANK

PUTTING IT ALL IN PERSPECTIVE

Climate change caused by atmospheric build-up of greenhouse gases is the greatest threat the world faces today. Global emissions from tropical deforestation alone contribute up to 25% of total annual human-induced CO₂ emissions to the atmosphere.

Predictions for future deforestation in Central Africa estimate that by 2050 forest clearance in the Democratic Republic of the Congo (DRC) will release a total of up to 34.4 billion tonnes of CO₂, roughly equivalent to the UK's CO₂ emissions over the last sixty years. The DRC risks losing more than 40% of its forests, with transport infrastructure such as logging roads being one of the major drivers.

Logging roads open up the rainforest allowing access. With access comes commercial poaching: the rainforests are being emptied of large mammals to feed the trade in commercial bushmeat and ivory. And once the rainforest is opened up by logging roads, the area becomes vulnerable to clearance for agriculture. With road clearance come CO₂ emissions from rainforest destruction. With CO₂ emissions comes further climate instability.

Logging titles across Central Africa already cover some 50 million hectares of rainforest, an area the size of Spain. Logging companies are effectively road engineers, laying down a skeletal grid of arterial routes through intact rainforests. The swathes cleared through the forest for these logging roads can be wider than some of Europe's major motorways.

Extensive logging roads and other logging infrastructure are a significant source of emissions through fragmenting and degrading rainforests. As global emissions figures only take account of deforestation, the emissions resulting from such fragmentation are currently overlooked.

'Industrial timber production has a particularly poor track record in Africa. Over the past sixty years, there is little evidence that it has lifted rural populations out of poverty or contributed in other meaningful and sustainable ways to local and national development.¹

World Bank-led forestry sector analysis, 2007





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*'Urgent intervention against all forms of illegal natural resource exploitation is required ... The Group of Experts recommends that the existing laws of the Democratic Republic of the Congo, particularly the regulations governing natural resources and their orderly exploitation, be used as a baseline for a new sanctions regime.'*²

United Nations Security Council Group of Experts, 2007

More than 20 million hectares of logging titles are in the DRC, where due to war, the rainforests have largely escaped destruction until now. This rainforest is now at risk of being carved up into logging concessions for companies to gain access to a handful of valuable timber species.

The recent return of peace in the DRC and the new Government provide a unique opportunity for the international community to support genuine development in one of the world's poorest countries and to take critical action to protect the global climate.

The World Bank's support for development through extractive industries, including logging, is set to compromise the future of the DRC's rainforests, its people, and the global climate.

WHAT'S AT STAKE?

The Congo rainforests of Central Africa are of global importance. They form the second largest rainforest block on earth after the Amazon rainforest, covering more than 172 million hectares. The Congo rainforests are critical to the survival of our closest animal relatives: the bonobo, the chimpanzee and the gorilla. Yet only 8.5% of the remaining areas of intact rainforests in Central Africa enjoy 'protected' status.

Rainforests represent important carbon reserves, and their preservation is critical to maintaining the balance of the global climate. Two-thirds of the Congo's remaining intact rainforests lie within the DRC. The DRC alone accounts for 8% of that part of the earth's carbon which is stored in living forests. This is more than any other country in Africa, and is the fourth highest national store of forest carbon in the world. More than a quarter of the country is still covered with large areas of intact rainforest, covering some 60 million hectares.

The Congo Basin also has a significant influence over the regional climate.

Representing the third largest region of deep convection on earth after the Western Pacific and Amazonia, the Congo Basin affects rainfall patterns over the North Atlantic.

The DRC's rainforests are critical for its inhabitants. Of the more than 60 million people in the DRC, about 40 million depend

upon the rainforests to provide essential food, medicine, and other non-timber products, along with energy and building materials.

WHAT IMPACT HAS THE WORLD BANK HAD IN THE DRC?

The World Bank suspended financial assistance to the DRC in the 1990s, as war broke out over control of natural resources. 'Corrupt and criminal elites', backed by foreign multinationals, joined in a free-for-all to gain control of natural resources. While timber production was at a virtual standstill because of the war, about 43.5 million hectares of forest – an area larger than California and twice the size of the United Kingdom – came under the control of the logging industry.

The World Bank resumed lending to the DRC in 2001. It is now by far the largest funder of reconstruction in the country. This puts it in unique position to influence the country's development, for good or bad. By August 2006, the World Bank Group had approved loans, credits and grants to the DRC worth more than \$4 billion.

HAS IT BROUGHT THE LOGGING INDUSTRY UNDER CONTROL AND SLOWED ITS EXPANSION?

In May 2002, the World Bank convinced the transitional DRC government to suspend the allocation of new logging titles and the renewal or extension of existing ones. This moratorium followed a World Bank-instigated tax review of logging contracts: 163 non-compliant contracts covering 25.5 million hectares of rainforest were cancelled. Most were 'dormant' – that is, in areas not being logged.

In its online Questions & Answers the World Bank celebrates the 'cancellation of non-compliant concessions [sic]' as 'an unprecedented move anywhere in the world', critical to 'slow[ing] the expansion of logging' and 'free[ing] up space for potential new protected areas in the rainforest part of the country.'

While few new forest areas have been protected since the 2002 moratorium, by April 2006 members of the transitional DRC government had signed 107 new contracts with logging companies covering more than 15 million hectares of forest. These include contracts approved under the guise of



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remapping, exchange, adjustments and relocations of old titles, as well as out-and-out new allocations.

In a context of corruption and poor governance in the DRC, the World Bank's attempts to reform the forestry sector are currently failing to control the expansion of logging.

The World Bank's latest attempt to control the expansion of the logging industry is a so-called legal review of titles. 156 logging contracts covering 21 million hectares of rainforest are currently being assessed against compliance with some basic legal criteria.

Greenpeace has investigated the actions of most of the major logging companies whose contracts have been submitted to the legal review. Our findings expose serious lapses of governance, a massive lack of institutional capacity to control the forestry sector, widespread illegalities and social conflicts, as well as clashes with established conservation initiatives. As this report reveals, foreign companies including Danzer group (Siforco), ITB, the NST group (CFT, Forabola, Sodefor, Soforma), Olam, Sicobois and Trans-M have all had new contracts signed after the May 2002 moratorium. The majority have therefore benefited from the World Bank's failure to ensure that the

moratorium it negotiated with the transitional DRC government and other forestry sector reforms have been enforced.

Greenpeace fears that the legal review could become an exercise in laundering illegal contracts. Do the World Bank and the DRC Government have the political will to crack down on those who have benefited from such corruption?

A review of the 156 contracts under review – Greenpeace's key findings:

107 out of 156 contracts were signed after the May 2002 moratorium. Only 40 of those signed prior to the moratorium appear to have paid their area tax in 2004 (tax payment being a criterion of the legal review, 2004 is the only year for which government data, however inaccurate, is publicly available).

Nearly half of the 156 titles are in intact forest landscapes – critical for carbon storage and very significant for wildlife protection.

Because comprehensive maps are not publicly available, the location of 13 contracts covering 1.7 million hectares (an area the size of Kuwait) cannot be determined.

All the contracts are in areas inhabited by forest-dependent communities; two-thirds

overlap areas inhabited by pygmy hunter-gatherers.

A third of the contracts are inside areas already identified as priority landscapes for conservation. Twenty of those contracts are located wholly or partially within the Congo Basin Forest Partnership's Maringa-Lopori-Wamba landscape, critical bonobo habitat.

A third of the contracts are located in areas with afromosia, a protected tree species whose international trade is supposed to be strictly regulated (listed under CITES Appendix II).

Challenges for the Legal Review

Is the contract a straight violation of the 2002 moratorium?

Greenpeace research shows:

- Companies, including Trans-M, seem to have taken over areas previously occupied by 'non-compliant titles' cancelled in April 2002. Many of these contracts are located within intact forest landscapes.

The implications of these findings are serious: such violations would mean that the cancellation of non-compliant titles in April 2002 did little more than take logging rights from speculative owners who did not use them, freeing up space for new logging operations.

Do logging contracts comply with 'boundaries as defined by the contract and the topographical map attached to said contract'?

As Greenpeace research shows:

- Both NST group companies and the Danzer group (Siforco) – which between them hold more than 5 million hectares of rainforest – redefined many of their contracts and title boundaries after the moratorium was decreed in 2002 and in advance of the legal review. Only through detailed comparison of old and revised maps and boundaries can it be assessed whether the revised boundaries include new forest areas and therefore would be illegal under the

May 2002 moratorium. Yet, such pre- and post-moratorium maps or contracts are not publicly available.

- ITB's current forest holdings in Equateur Province appear to be located in areas formerly held by cancelled non-compliant pre-2002 contracts and are larger than the forests controlled by ITB before the moratorium. Final conclusive analysis is lacking because logging title maps both pre- and post-moratorium are not publicly available.

Assessment of the legality of revisions to pre-moratorium contracts (for instance, where a company has returned forest area to the State) should therefore include assessment of the original contracts and maps as well as revised documents to ensure there are no irregularities.

Will the legal review overlook issues of corruption and failures of governance?

Greenpeace research suggests that issues of corruption require close scrutiny for companies including CFBC (a company said to have links with the former rebel leader Jean-Pierre Bemba), ITB, Trans-M, Danzer group (Siforco), NST group (Sodefor) and Olam. Issues include:

- Payments to forestry officials;
- Subcontracting (which is illegal, but companies may use loopholes in the Forestry Code);
- Historic payment of funds to rebel-held administrations;
- Titles issued in wartime; and
- Political protection afforded to certain companies.

Conclusion: the World Bank has so far failed in its objectives of controlling the expansion of industrial logging and improving governance of the sector. In the absence of enforcement, the moratorium has been a cover for behind-the-scenes jostling for valuable forest holdings.

'We are seeing today an emerging global consensus that we must do something about climate change. If we do so, we have a chance to put the world on a path that not only reduces the damage to our climate, but also allow poor countries to keep more of their resources rather than pay for growing fuel bills – a path that allows them to preserve their forest for their own benefit and the world's benefit.³

Paul Wolfowitz,
World Bank President



HAS IT RAISED MONEY FOR DEVELOPMENT AND PROVIDED PUBLIC SERVICES TO FOREST DWELLING COMMUNITIES?

Central to the World Bank strategy in the DRC is the concept that by collecting tax based on the surface area of logging companies' forest holdings, the Government will obtain revenue to drive development, including improved provision of public services for rainforest communities.

Where has the money gone?

The World Bank-imposed Forestry Code of 2002 stipulates that 40% of area tax is to be redistributed to local authorities for development projects. Not one dollar of the area tax that has actually been collected between 2003 and 2006 has been redistributed to local authorities. Further, there is gross tax avoidance: a DRC Ministry of Finance list from 2005 reveals that 45% of the area tax due from logging companies for the previous year had not been paid; tax avoidance through timber smuggling is also a serious issue – there are estimates that actual timber export levels are as much as seven times higher than official figures.

Has logging improved the life of local communities?

Greenpeace research shows that all 156 titles up for legal review are in areas inhabited by forest-dependent communities – and some two-thirds of these are known to be inhabited by pygmy hunter-gatherer communities.

The Forestry Code formalises a pre-existing process whereby a logging company negotiates directly with communities as to the services it will provide in exchange for logging in their area.

Greenpeace's investigations show that in exchange for extracting wood worth many hundreds of thousands of dollars, companies may give communities gifts worth as little as \$100 in total. Once logging starts, the provision of services negotiated for by the community, such as school buildings, is often either derisory or not delivered at all.



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For example:

- Sodefor's (an NST group company) gift package often comprises of two sacks of salt, 18 bars of soap, four packets of coffee, 24 bottles of beer and two bags of sugar, in exchange for rainforest access. As a result the communities effectively sign away their right to protest against the company's activities.

Greenpeace's investigations show how logging can impact local community access to vital forest resources.

For example:

- ITB has built a log wharf in an important fish breeding ground.
- Logging companies frequently log community caterpillar trees. Caterpillars are a vital source of protein for forest dependent communities. ITB and Trans-M are two cases.

Greenpeace has also found that the negotiation process itself often reinforces the marginalisation of pygmy hunter-gatherer communities who are highly dependent on forest resources.

- In ITB's operations near Lake Tumba, a Twa pygmy community was initially excluded from negotiations over access to forest. The company then made the community a take-it-or-leave-it offer to which the local chief felt he had no option but to agree.

In addition, Greenpeace has identified a number of examples of the DRC's authorities using violence to repress public dissent where logging companies have failed to fulfil their commitments to local communities.

- Protests by local people against CFBC, Safbois, Sodefor and many other company operations have been met with intimidation and arbitrary arrests by local authorities. Conflicts between villagers and logging companies are almost universal, with local authorities often taking the side of the companies.

Conclusion: the World Bank maintains the illusion that logging companies will be largely beneficial to local communities through their tax revenue and so-called social responsibility contracts.

HAS IT ACHIEVED RAINFOREST PROTECTION FOR PEOPLE, WILDLIFE AND THE GLOBAL ENVIRONMENT?

Greenpeace research shows that of the 156 titles up for legal review, nearly half are in intact forest landscapes – the very landscapes that are most critical for carbon storage for the sake of the global climate, and of great significance for the DRC's rich biodiversity.

While in some cases beyond the remit of the legal review, many operations are in areas that have already been identified as priority conservation landscapes. Logging is going ahead in these areas prior to any land use planning to determine how best to conserve and manage these critical habitats.

- Companies such as Trans-M and the Danzer group (Siforco) have contracts

for areas inside Maringa-Lopori-Wamba landscape, now a critical stronghold for some of the last viable populations of wild bonobos in the DRC. Bonobo populations have been decimated by the illegal trade in bushmeat, and from being hunted as a source of food during the recent wars.

- Trans-M, whose contracts were signed after the 2002 moratorium, and Safbois, a company in conflict with local communities over its operations, are logging in an uncontrolled manner large volumes of afrormosia – a protected tree species listed under Appendix II of CITES, meaning that its international trade is supposed to be regulated.

Greenpeace's research exposes just what a threat the selective logging practised across Central Africa is to biodiversity and the global environment. Selective logging requires an extensive road network. The impact of logging infrastructure on the climate is significant but does not figure in global calculations. Given that cross Central Africa, 50 million hectares of rainforest are controlled by logging companies – an area the size of Spain – the total impact is likely to be significant. Forty million hectares are located in areas of intact forests.

- Using satellite images, Google Earth and published scientific studies, Greenpeace has calculated the predicted CO₂ emissions from a 170,000 hectare area of forest formerly logged by the Danzer group (Siforco). Our calculations show that logging roads and other infrastructure (currently not part of international IPCC calculations on 'Land Use Change and Forestry Emissions') produce a level of emissions 2.5 times greater than that from the extraction of the commercial timber itself (currently the only aspect of industrial logging operations included in estimates of the DRC's emissions).

Conclusion: There is still an opportunity to protect large areas of intact rainforest, but action must be taken swiftly. A moratorium on any new logging title allocation needs to be enforced until there is comprehensive national land use planning that prioritises the needs of the DRC's people and the local, regional and global environment.



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WHAT FUTURE FOR THE DRC'S RAINFORESTS?

The legal review is a crunch point for the World Bank, the DRC Government and the country's rainforests. The future of more than 20 million hectares of forest hangs in the balance. Will the World Bank ensure that the legal review will not effectively launder illegal titles and leave corruption unchallenged? Beyond the legal review, will the World Bank act in the interests of forest dwelling communities and the global environment by adhering to the principles it promotes: poverty alleviation, good governance and environmental protection?

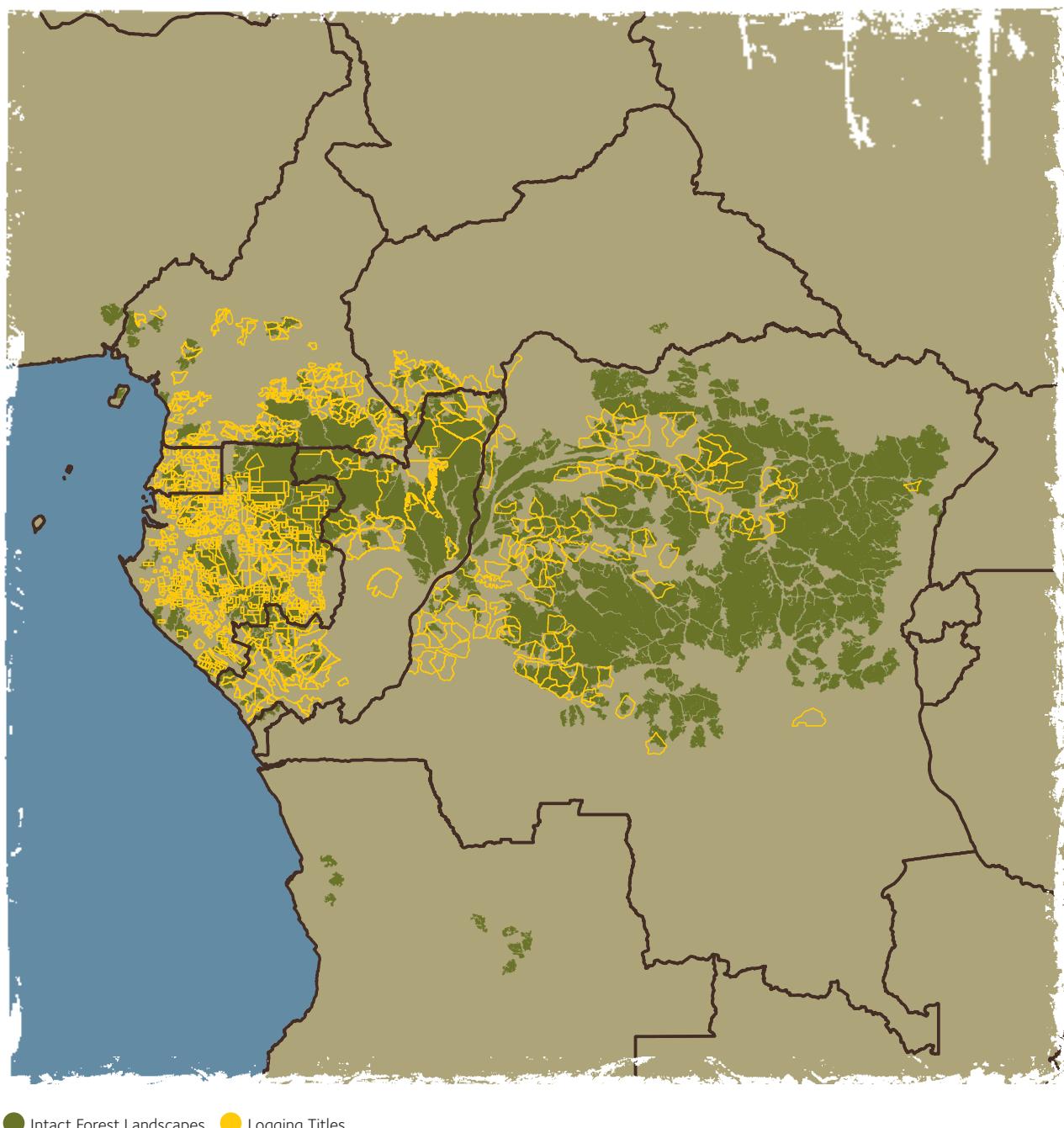
The international donor community and the DRC Government must take steps to crack down on corruption and stop the plunder:

- Prevent the expansion of industrial logging

They must also help start the solution:

- Initiate land use planning and overhaul of governance
- Develop viable policies and funding

Fifty million hectares of rainforest is being carved up by logging companies in Central Africa. Outside the DRC, 71% of the richest rainforest is slated for logging.



'The faster the nineteenth-century colonial practice of logging tropical rainforests can be eliminated forever, the better it will be for the people and wildlife of Central Africa. ... Vast tracts of forest still remain relatively intact, which means that it is not too late to achieve significant conservation goals.'

Conservation International⁴

Intact forest in Central Africa not already controlled by logging companies – less than 10% of this even has paper protection.



THE WORLD BANK CONDONES
LOGGING AS A POTENTIAL
QUICK FIX ... IN THE NAME
OF DEVELOPMENT



Tropical rainforest destruction and climate change⁶ are two fundamental drivers responsible for the world entering a period of mass species extinction on a scale not seen since the age of the dinosaurs.⁷

Climate change is the greatest threat the world faces today. This global problem demands a global solution. In February 2007, a new report⁸ from the Intergovernmental Panel on Climate Change (IPCC) underlined the case for immediate action to reduce all sources of climate changing GHG emissions, including deforestation and degradation of forested land.⁹ By storing carbon, forests play a powerful role in mitigating the growing instability of the climate.

The Congo rainforests of Central Africa form the second largest remaining block of largely intact tropical forest in the world. Yet these globally critical carbon reserves are rapidly being degraded both by deforestation and by forest fragmentation – fifty million hectares of rainforest is being carved up by logging companies in Central Africa¹⁰ (that is an area the size of Spain) – and important carbon stocks lost.

The recent return of peace in the Democratic Republic of the Congo (DRC), the holding of democratic elections for the first time in the country's history and the review of the legality of current forestry titles provide a unique opportunity for the international community to support genuine development in one of the world's poorest countries and take critical action to protect the global climate.

The recovery of the logging industry is probably the most significant change impacting the DRC's forests in the post-war period.¹¹

Agencies such as the World Bank are using their enormous financial influence to impose strategies for economic development on countries such as the DRC. The DRC's rich rainforest and mineral resources, the main stakes of its recent wars, are now at the core of donor organisations' assumptions about reconstruction. They are viewed as a quick source of tax revenue and foreign earnings to kick-start the country's collapsed economy, and thereby, supposedly, to lift the country's people out of poverty.¹²

*'There is a growing consensus that the traditional concession-based industrial logging model does not generate the desired economic, social and environmental benefits.'*⁵

Baroness Amos, Leader of the UK Government House of Lords and UK Government spokesperson on international development, 2006



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It is not simply a question of restoring governance systems and restarting a dormant economy [in the DRC], but rather the much more difficult challenge of totally reforming existing, ill-adapted governance and economic systems. This will involve controlling criminal and corrupt systems and gradually replacing them with transparent, equitable and democratic systems and institutions.¹³

2003 report for USAID

In this report, Greenpeace looks at the World Bank's strategy of forestry reform against the Bank's own measures of the effectiveness of its programmes in poverty alleviation. These measures, according to the Bank's 'Annual review of development effectiveness 2006: Getting results', include:

1. accountable and capable governance
2. effective delivery of essential services to the poor
3. sustainable and inclusive economic development

The first section of this report looks at the reforms themselves. The second section, based on Greenpeace research and field investigations, chronicles the governance, and social and environmental impacts of industrial logging.

Our work shows that even against the Bank's own measures, its strategy for forestry sector reform is set to fail. This strategy is unsustainable since it fails to protect Africa's remaining rainforests, their biodiversity and their critical contribution to protecting the global climate. The strategy has also proved ineffective in neighbouring countries at tackling corruption or driving genuine development by supporting the rights and needs of forest-dwelling communities.

THE DRC: LARGEST STRONGHOLD OF CENTRAL AFRICA'S GLOBALLY SIGNIFICANT CONGO RAINFORESTS

The spectacular Congo rainforests of Central Africa form the second largest rainforest block on earth after the Amazon forest, covering more than 172 million hectares.¹⁴ The rainforest contains numerous species of plants and animals found nowhere else on earth. The Congo forests are critical to the survival of our closest animal relatives: the bonobo, the chimpanzee and the gorilla. Millions of people, too, rely on the rainforest for shelter, medicine, food and their cultural survival.

In global terms, the forest plays a critical role in keeping the planet's climate stable by storing carbon.¹⁵ The DRC alone accounts for over 8% of that part of the world's carbon stocks which is held in forest biomass and 75% of those left in the tropical rainforests of Central and West Africa.¹⁶

But the future of DRC's rainforest and of the life that depends upon it is in jeopardy. The expansion of industrial logging into remaining areas of intact forest is the single largest threat to these forests.¹⁷ Across Central Africa, widespread destruction has been brought by industrial logging, both directly and via the influx of settlers, poachers and artisanal or small-scale miners that arrive once logging roads have opened a way into the forest. Outside the DRC, 71% of the richest Congo rainforest area is slated for logging.¹⁸

Intact areas of rainforest are critical for biodiversity protection and global environmental services. Two-thirds¹⁹ of the remaining intact areas of Central Africa's Congo rainforest lies within the Democratic Republic of the Congo (DRC).²⁰ Ironically, as a result of decades of despotism and war, much of the DRC's rainforest has not yet been destroyed by the large-scale industrial logging and forest clearance that has ravaged the rainforests elsewhere in Africa. Consequently, the DRC has the largest remaining unbroken areas of largely intact rainforest, vital to healthy ecosystem functioning and the survival of large forest mammals such as elephants.²¹ Well over a quarter²² of the DRC is still covered with large areas of intact rainforest, covering some 60 million hectares.²³ Within Central Africa as a whole, only 8.5% of the remaining areas of intact rainforest enjoys 'protected' status.²⁴

THE BATTLE FOR THE DRC'S RESOURCES: WINNERS AND LOSERS

Local people and the wildlife of the DRC have all suffered as a result of years of conflict in the battle for control over the country's rich resources. With the end of war and democratic elections in the DRC, the international community now has a unique opportunity to ensure that this rainforest is conserved. This is important for the well-being of the communities whose way of life and future depend upon it, the region's unique wildlife, and the sake of the global climate. Urgent action is needed to avoid replicating the failures of the past.

In order to understand why the World Bank-led reforms to the forestry sector in the DRC are an inappropriate development model for poverty alleviation, they must be seen against the background of the preceding decade of upheaval.

Since 1996 with the overthrow of General Mobutu, continuing through nearly a decade of

ferocious fighting and atrocities against the civilian population, and up to the country's first multiparty democratic parliamentary elections at the end of 2006, the DRC has been a battleground in a fight for control of natural resources.²⁵

At its height, at least seven foreign armies were involved in the war. For these forces – both foreign and Congolese – conflict was primarily an opportunity to loot the DRC's resources.²⁶ 'Corrupt and criminal elites', backed by foreign multinationals, joined in the free-for-all for control of the natural wealth of the DRC.²⁷

During the war, extensive logging titles were awarded. One incentive for this large-scale speculation was the price: until 2003, a 200,000-hectare logging title cost only \$286 per year in forest area tax.²⁸ These low taxes encouraged companies to acquire titles to forest they were not in a position to exploit, hoping to sublease to other investors once economic and political stability was established.²⁹

*'The danger posed by war to all of humanity and to our planet is at least matched by the climate crisis and global warming.'*³⁰

UN Secretary General
Ban Ki-moon, 2007



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By 2002, even though production was at a virtual standstill because of the war, about 43.5 million hectares of forest – an area larger than California and twice the size of the United Kingdom – were controlled by the logging industry³¹ (in addition to a dubious arrangement with the Zimbabwean army to log 34 million hectares of forests made, ostensibly, in return for Zimbabwean military support for the Kinshasa authorities³²). Requests for new titles have continued to pour into the Ministry of Environment.³³

The 285 long-term holdings current in 2002 overlapped with villages, agricultural lands and biodiversity hotspots, depriving forest communities of the right to manage their own forests. The establishment of new protected areas or community forests, or of forest-based activities other than logging, was made impossible in these areas.³⁴ As a World Bank-led forestry sector review summarises the situation: ‘Forests were seized by logging interests and there was little space left for other forest uses.’³⁵

These problems remain today.

After the war, a new fight for control of the rainforest

According to Transparency International, the DRC is one of the most corrupt countries in the world.³⁶ It has been classified as the classic ‘failed state’ in Africa – unable to control its territory or resources – in a report commissioned by the United States Agency for International Development (USAID),³⁷ among other sources.³⁸

While war obviously provided a critical opportunity for massive land grabbing in recent years, the heart of the problem can be ascribed to the economy of plunder and the institutional corruption that has long characterised the DRC’s political class. For forty years, public office has been synonymous with personal profit.³⁹ The rule of law does not exist in the DRC.

‘Deforestation is a very large GHG emission source in the developing world, accounting for up to 20% of global emissions – an amount roughly comparable to the entire annual fossil fuel emissions of the United States. Given the urgency of the climate change threat and the ongoing drastic loss of biodiversity, the cost effectiveness and the potential for relatively rapid emissions reductions from deforestation and forest degradation make it a vital component of the global effort to prevent dangerous climate change.’⁴⁰

Climate Action Network International (CAN), 2007



The logging sector is characterised by corruption.⁴¹ As elsewhere, lawlessness and corruption are an open invitation to loggers to log irresponsibly without fear of sanction. This situation has the effect of attracting the most unscrupulous companies to the DRC, providing even greater stimulus to corruption. As a report for USAID on conflict timber states:

‘The DRC’s unenviable reputation as one of the world’s most corrupt countries in fact discourages honest logging companies from operating in the country because they recognise that they will be competing against a set of companies accustomed to operating in highly corrupt environments. Dishonest, aggressive companies – “operators” – may, however, find such an environment attractive because they see opportunities for quick



profits in a context where rules are poorly enforced, bribery is commonplace, and unscrupulous entrepreneurs have broad leeway to operate as they will. These firms are well capitalised, as witnessed by the half million dollar bribe reportedly offered by a Malaysian lumber company to the DRC's timber allocation unit to obtain logging concessions.⁴²

In the words of the International Security Information Service, 'It is questionable whether a legitimate industry can even exist in the DRC where corruption is rampant and accountability minimal.'⁴³

A new battle for control of the DRC's rainforest is now in full swing, with the interests of logging companies and corrupt officials set against the rights of forest-

dwelling communities and the fate of the global environment. It is widely feared that the imminent conclusion of the World Bank-led legal review of current forest holdings is set to confirm the vast majority of logging titles and to open the way to the issuing of further concessions. The battle is now at a turning point.

The questions that must be asked are: why does the World Bank persist in supporting an industrial logging-led model as the basis for development, when this model is clearly unable to make a meaningful contribution to the fight against corruption, poverty alleviation, or environmental protection? How does it propose to help meet the monumental challenge of supporting genuine development in the DRC?



Above: ©Schlossman

Top: ©Greenpeace/Davison

DRC RAINFOREST DESTRUCTION: THE WORLD BANK IS A POWERFUL PLAYER

THE WORLD BANK HOLDS THE PURSE STRINGS BUT WHO CALLS THE SHOTS?

Controlled by rich industrialised countries, the World Bank is one of the world's largest sources of funding for developing countries. It is the most important international donor in the DRC, with direct influence on government policy through its contribution to state finances. Donor aid currently accounts for nearly 60% of the DRC's national budget.⁴⁴

The World Bank suspended financial assistance to the DRC during the conflicts of the 1990s and resumed lending in 2001. By August 2006, the World Bank Group had approved loans, credits and grants to the DRC worth more than \$4 billion.⁴⁵

The World Bank is by far the most influential international actor behind the reform of the DRC forestry sector. Several of the World Bank's budgetary support operations in the DRC have been specifically linked to the implementation of forest reform measures.

In June 2002, the World Bank approved a \$450 million Economic Recovery Credit for the DRC. The release of \$15 million of this was made conditional on the adoption of the DRC Forestry Code.⁴⁶ The negotiations on this structural credit between the World Bank and the interim DRC Government also resulted in the May 2002 moratorium on the granting of new logging titles.⁴⁷

One objective of the World Bank's December 2005 \$90 million budgetary support was that the 2002 moratorium be maintained until the completion of a legal review of existing titles and the development of a three-year geographical distribution plan for future concessions. In response, the President Kabila issued a presidential decree in October 2005 upholding the moratorium and laying out criteria and a timeline for a legal review.⁴⁸

The World Bank's mission in the context of the DRC's forests is to help tackle corruption, alleviate poverty, promote and support

sustainable development and consolidate peace, while safeguarding the DRC's globally important natural heritage.⁴⁹ However, the Bank's actual policy and project work on the ground in the DRC focuses on generating export-derived revenue for the Government on the basis of exploitation of the DRC's natural resources. The DRC's rich rainforest and mineral resources are at the core of the Bank's assumptions about reconstruction. They are viewed as a quick source of tax revenue and foreign earnings to kick-start the country's collapsed economy,⁵⁰ and thereby to lift the country's people out of poverty.

The majority of the World Bank's operations have been classified as either 'emergency lending', or adjustment loans for policy reforms and budget support, for which the Bank's social and environmental safeguard policies do not apply.⁵¹ Further, because the reforms are more an expression of the World Bank than the autonomous political vision of the DRC Government, their viability is questionable, given the potential lack of political will for their on-the-ground implementation in years to come.⁵²

The real decision-makers at the World Bank are member governments. Member governments exercise the direction of the World Bank through a Board of Governors. There is one governor for each of the 184 member countries, consisting mainly of finance and development ministers from the represented countries.⁵³ The Board usually meets once a year to review operations and basic policies; it also controls the budget. The Board delegates the day-to-day running of the Bank to 24 full-time Executive Directors based at the Bank's headquarters in Washington DC. Unlike the United Nations, where each member nation has an equal vote, voting power at the World Bank is determined by a nation's financial contribution. Five countries control nearly 40% of all votes: France, Germany, Japan, the United Kingdom and the United States.⁵⁴

The World Bank and those who control it have not yet exercised their influence to ensure that the Bank's financial support for the DRC is used appropriately or effectively to achieve genuine development.

*'All loans are governed by our operational policies, which make sure that operations we fund are economically, financially, socially and environmentally sound.'*⁵⁵

World Bank Group brochure, 2006

*'The ultimate goal was harnessing the potential of forests to reduce poverty.'*⁵⁶

World Bank, 2005

GREENPEACE INVESTIGATIONS EXPOSE THE FLAW IN WORLD BANK STRATEGY

Greenpeace's field investigations in both Cameroon and the DRC expose how counting on the logging industry to fight poverty tends to have the opposite result, compromising efforts to tackle corruption and build good governance, and failing to meet the needs of the poor or to ensure the long-term health of the global environment.

Beyond the rhetoric, the World Bank's commitment to the principle of using the forestry sector to generate revenue that can be 'trickled down' to benefit forest dwelling communities and protect the environment has been implemented to only a limited extent in the DRC, resulting in little positive impact. The practical application of the principle so far amounts to the devolution of tax revenue for local development projects, and the proposed formalisation of a pre-existing ad hoc system whereby logging companies enter into social responsibility contracts (*cahiers des charges*) with forest dwelling communities to provide social assistance, facilities and infrastructure – these 'contracts of shame' amount to little more than licenses to loot.

Taxes or private income?

Central to World Bank strategy is the concept that by allocating rainforest to logging companies and collecting tax on it, the DRC Government will have money for development for rainforest communities. In 2003–2006, no taxes have been redistributed to local authorities in the DRC. No accounting or distribution systems at the provincial or territory levels have been established by the DRC Government to distribute taxes.⁵⁷

Greenpeace fears that the same mechanisms of fraud, corruption and embezzlement of public funds that sank Cameroon's forest reform will become prevalent in the DRC forestry sector.



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Social responsibility contracts are little more than licences to loot

World Bank-driven reforms formalise a colonial tradition whereby a logging company deals with local communities in an area of forest where the company wishes to prospect or log. Rather than genuinely contributing to poverty alleviation, this approach produces forest community dependency on the industry in exchange for the loss of their forest resources. Building schools and hospitals is a central function of the state, and should not be reliant on handouts from profit-making companies – which generally complete such projects to very low standards or fail to carry them out altogether. When entering into these contracts the objective of logging companies is simply to 'buy' social peace by offering the most meagre benefits they can get away with – the deals are depicted by one source as 'wood in return for beer and a football pitch'.⁶⁰

A World Bank-led forestry sector review concedes that these contracts are a poor substitute for state provision:

'In well functioning States, the State provides social services throughout the country. In the DRC context, the cahier des charges [social responsibility contract] makes up for the State's inability to provide such services in remote areas.'⁶¹

By defending this arrangement as a 'legitimate' substitute for properly planned and equitable development, without any suggestion that this will be a purely temporary arrangement until the State can build up sufficient capacity to assume these responsibilities, the World Bank is helping build dependence on logging rather than fostering genuine development in the DRC.

*'It is common knowledge that the revenues earned in the logging sector were shared directly by political elites and the loggers themselves with little concern for local populations or the environment. This continues to generate serious conflicts.'*⁵⁹

Theodore Trefon, 2006

THE REFORM PROCESS: A CATALOGUE OF DELAYS AND FAILURES

The following timeline describes the key events in international involvement in the DRC during and following the wars. As this shows, while many international bodies have called for the corrupt system of control of natural resources – including the rainforest – to be tackled, in many respects the problem has increased.

April 1999 – Recommendation to cancel dormant logging titles

In April 1999, a DRC Government Interministerial Committee on Timber recommends ‘rescinding all agreements and contracts for non inventoried, abandoned and/or undeveloped forests’.⁶² No immediate action is taken by the Government.

June 2000 – UN Security Council sets up fact finding mission

In June 2000, the UN Security Council (UNSC) establishes a panel of experts to collect information on activities of illegal exploitation of natural resources in the DRC.⁶³ Although the panel’s fact finding mission is intended to include diamonds, gold, coltan, copper, cobalt, timber, wildlife reserves, fiscal resources and trade in general, most of the work of the panel pertains to mineral resources. The panel publishes its findings in October 2002 (see below).

November 2001 – UN Security Council recommends the imposition of a boycott on the trade in resources including hardwood originating in rebel-held zones

2001 – World Bank resumes aid to the DRC

In 2001, the World Bank re-engages with the DRC. By August 2006, the World Bank has approved loans, credits and grants to the DRC worth more than \$4 billion.⁶⁴ Much of this is linked to reform of the forestry sector.

‘A moratorium should be declared for a specific period of time banning the purchase and importing of precious products such as coltan, diamonds, gold, copper, cobalt, timber and coffee originating in areas where foreign troops are present in the Democratic Republic of the Congo, as well as in territories under the control of rebel groups.’⁶⁵

UNSC

‘With more than 90% of the 1.2 billion people living in extreme poverty dependent on forests for some part of their livelihoods, good forest sector governance is integral to the Bank’s mission of poverty reduction, and a key component of the Bank’s fight against corruption.’⁶⁶

Katherine Sierra, Vice President for Sustainable Development, World Bank, 2006

April 2002 – Commission to review wartime title allocations

The Sun City Agreement, signed in South Africa in April 2002, establishes the transitional DRC Government to run the country until democratic elections can be held, and provides for a parliamentary commission to review the legality of extractive titles allocated during the recent wars to make sure they conform with Congolese law and that taxes due to the State in respect of them have been paid.⁶⁷

The commission’s report, known as the Lutundula Report,⁶⁸ is not submitted to parliament until June 2005, by which time events have overtaken it; moreover it focuses largely on mining rather than the logging industry. Nevertheless, that it is commissioned at all shows that the Government already recognises that the allocation of rights to extractive industries poses a problem.

April 2002 – Tax review leads to cancellation of logging titles covering 255 million hectares

THE NUMBERS GAME

– AREA OF FOREST CONTROLLED BY LOGGING COMPANIES:

PRE-TAX REVIEW

**285 logging titles covering
43.5 million hectares of
rainforest**⁶⁹

POST-TAX REVIEW

**122 logging titles covering
18 million hectares of
rainforest**⁷⁰

In April 2002, a ministerial decree initiates a first review of the status of 285 logging contracts covering 43.5 million hectares of rainforest. Although this initial review only looks at payment of taxes, it leads to the cancelling of 163 contracts covering 25.5 million hectares of rainforest,⁷¹ according to the Ministry of Environment’s June 2002 compendium.⁷²



**May 2002 –
Moratorium on the issuing of new
logging titles is imposed and
immediately violated**

- In May 2002, as part of negotiations over budgetary support, the World Bank persuades the transitional Government to impose a moratorium on the issuing of new logging titles. This is intended to allow time to review the legality of the logging contracts that remained after the initial April 2002 tax review and to complete all the legal decrees necessary to implement the new framework Forestry Code (see below), also developed under pressure from the Bank.⁷³
- On 14 May 2002, the Ministry of Environment issues a decree⁷⁴ suspending the allocation of new industrial logging titles⁷⁵ and the renewal or extension of existing ones, pending ‘the adoption of transparent allocation procedures’.⁷⁶

However, the moratorium is violated almost immediately. New logging contracts for Soforma and CFT are signed on 31 May 2002 – barely two weeks after the moratorium is imposed.⁷⁷

**August 2002 –
The Forestry Code adopted**

Modelled on the Forestry Law that the World Bank developed for Cameroon in 1994, the Forestry Code is to be the principal legal tool for reform of the forestry sector in the DRC. As in Cameroon, the law is pushed through by the World Bank. The release of \$15 million of budgetary support is made conditional on its adoption⁷⁸ and consequently law 11/2002 is adopted by the transitional Government of the DRC in August 2002, replacing the 1949 colonial forestry regulations. The Forestry Code claims to make a key contribution to environmentally responsible and socially just development:

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*'It is common knowledge that the revenues earned in the logging sector were shared directly by political elites and the loggers themselves with little concern for local populations or the environment. This continues to generate serious conflicts between stakeholders.'*⁷⁹

Theodore Trefon, 2006

'The forestry system aims to promote rational and sustainable management of forest resources to increase their contribution to the economic, social and cultural development for today's generation while preserving the forest ecosystems and biodiversity for the benefit of future generations.'⁸⁰

October 2002 – UN Security Council recommends review of wartime logging titles

In October 2002, the UNSC finally publishes the findings of its independent panel of experts on the illegal exploitation of the natural resources of the DRC.⁸¹ Its recommendations include the examination of wartime-issued logging titles, and calls for the World Bank among others to provide the support necessary for such a review:

'Reforms of the mining and the forestry sectors should include **the review of all concessions and contracts signed during both wars**. On the basis of the Panel's findings, this could also target all informal agreements on the awarding of concessions and the implementation of contracts. **The international community, including the World Bank**, the International Finance Corporation and UNDP, **could collaborate closely with this commission** and provide the support necessary for it to carry out its work in a thorough and objective manner.'⁸² (Greenpeace emphasis)

June 2002–May 2003 – New titles granted

THE NUMBERS GAME May 2003: 132 logging titles covering 19,403,498 hectares of rainforest⁸³

A year after the decree instituting a moratorium on new allocations of logging titles, a first list is published of existing titles to be subject to legal review prior to conversion to concessions in line with the new Forestry Code. The list published on 24 May 2003 in le Potentiel⁸⁴ – the DRC's leading newspaper – includes logging titles covering an additional 1.5 million hectares of rainforest that do not appear on the Ministry of Environment's unpublished 2002 list of 122 titles covering 18 million hectares.⁸⁵

2003 –

The World Bank extractive industries review completed

The World Bank-commissioned Extractive Industries Review (EIR) evaluation of the contribution of World Bank projects is completed. It concludes that, where basic conditions of good governance are absent, the oil, gas and mining sectors have no record and little hope of contributing to poverty reduction.⁸⁶

Its final report presents a series of recommendations, including that the World Bank should not support private investment in extractive industries in countries where pro-poor governance is inadequate.⁸⁷ In August 2004, the World Bank Group responds by making commitments to change its operations and policies.⁸⁸

June 2005 – Lutundula report published

The Lutundula Report on extractive titles issued during wartime advises that the management of natural resources has worsened during the transitional period in the lead up to democratic elections (2002–2006), recommends that many titles be reviewed and urges that no new ones be allocated.⁸⁹

July 2005 – Ministry of Finance tax review of logging contracts

In July 2005 the Ministry of Finance publishes how much area tax had been collected for the year 2004. About 45% of area tax (annual tax on the land area) is unpaid by logging companies, which suggests that contracts covering many millions of hectares are being held by operators who fail to comply with the terms of their contracts.⁹⁰ Companies included on the published list of defaulters include Trans-M, Siforco, and Soforma (NST).⁹¹ According to the Ministry of Environment, only 18 contracts covering 2.1 million are cancelled in 2005.⁹²

October 2005 – "The legal review": another legal review of logging titles

Between July 2004 and September 2005, four successive ministerial decrees⁹³ on the process for conversion of logging titles are signed outlining the rules for the conversion of forest





titles to concessions in accordance with the Forestry Code.

Finally, under further pressure from the World Bank as a result of the weaknesses of these ministerial decrees and the continued moratorium violations, on 24 October 2005 the president of the DRC issues a decree⁹⁴ confirming the validity of the May 2002 moratorium, and extending the criteria to be met before it can be lifted. In addition, the presidential decree formally initiates a legal review requiring an assessment of the validity of all existing logging titles submitted for conversion in line with the new Forestry Code.⁹⁵

The decree commits the DRC Government to maintaining the moratorium on the awarding of new concessions until new rules for the awarding of logging titles through public auction are adopted, until the legal review is completed, and until the adoption of a three-year rolling plan for future concessions based on participatory process of public consultation ... so that excessively large forest areas are not opened up too quickly.⁹⁶

November 2005 – More new titles

THE NUMBERS GAME November 2005: 141 contracts covering 20,354,861 hectares⁹⁷

Although the Ministry of Environment's compendium in June 2002 lists just 122 titles covering 18 million hectares, an official list published in November 2005 reports 141 titles covering nearly 20.4 million hectares, a net increase of some 2.4 million hectares. These titles include 100 dated after the May 2002 moratorium, covering a total of 15 million hectares.⁹⁸

April 2006 – Titles put forward for conversion

THE NUMBERS GAME

April 2006: 156 logging titles covering some 21 million hectares of rainforest are put forward for conversion and legal review⁹⁹

In April 2006, a list is published in the DRC newspaper l'Avenir of the logging titles being put forward for legal review and conversion to logging concessions under the new system.¹⁰⁰ The list includes many contracts signed after the moratorium.

Other illegalities, such as social and environmental crimes and failure to pay tax, are not disclosed by the list.

February 2007 – Un Security Council calls for urgent action against all illegal natural resource exploitation

On 25 January 2007, the UNSC panel of experts presents its latest report.¹⁰¹

It recommends:

'Urgent intervention against all forms of illegal natural resource exploitation is required ... The Group of Experts recommends that the existing laws of the Democratic Republic of the Congo, particularly the regulations governing natural resources and their orderly exploitation, be used as a baseline for a new sanctions regime.'¹⁰²

Late 2007? – Legal review grants successful companies four year license to loot?

Once the legal review is completed, logging companies whose titles have been accepted for conversion will have four years in which to put together a forest management plan addressing social and environmental issues. If the example of Cameroon's experience is indicative, during this time they may carry on their unregulated plunder of the rainforests as usual. What will happen to cancelled titles is still unclear. The 2005 presidential decree states that companies have the right to appeal, but local communities directly affected by the outcome do not. Will legal challenges allow companies whose titles have been cancelled to continue exploiting them while their challenges proceed through the courts, a process that could take years?

WITHOUT ENFORCEMENT, WORLD BANK-LED FORESTRY INITIATIVES CAN MAKE POVERTY WORSE

The World Bank states that good governance and anti-corruption are central to poverty alleviation.

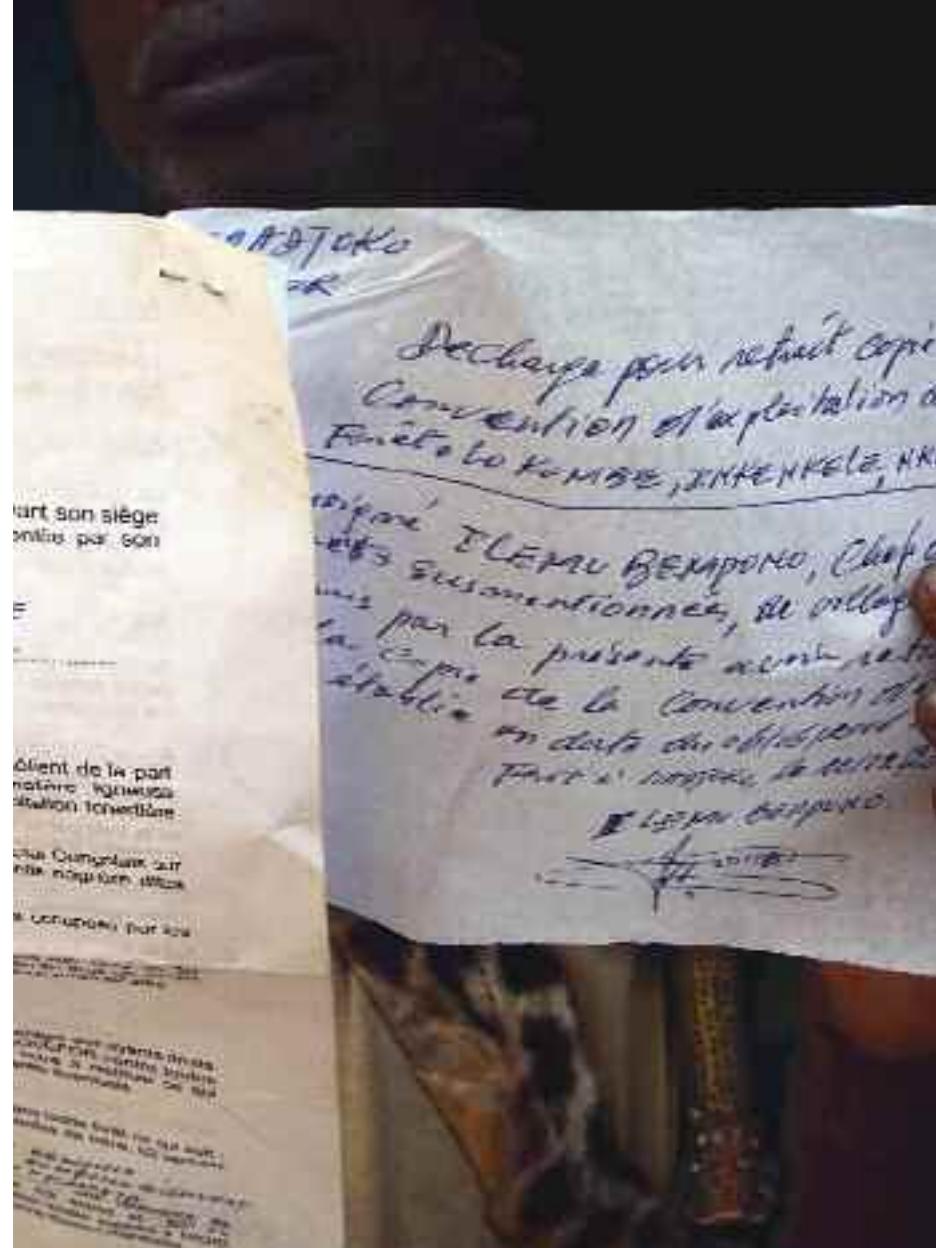
The World Bank congratulates itself for the April 2002 (tax) review which cancelled forestry titles covering 25 million hectares. Its online Q & A celebrates this 'cancellation of non-compliant concessions [sic]' as 'an unprecedented move anywhere in the world', critical to 'slow[ing] the expansion of logging' and 'free[ing] up space for potential new protected areas in the rainforest part of the country'.¹⁰³ In fact, in the absence of good governance, the cancellation of non-compliant titles has freed up space for new, predatory logging operations.

The key initiatives introduced by the World Bank to regain control of the industrial logging industry – the moratorium on the allocation of new forest holdings, the legal review of current forest holdings, and the Forestry Code governing the management of the forest – are set to fail because they do not challenge the corruption that characterises business and politics in the DRC. The legal review's narrow scope (which may not even be rigorously applied), the failure to enact decrees to implement the key social and environmental provisions of the Forestry Code, and the absence of mechanisms to enforce both the Forestry Code and the moratorium and to penalise infractions, all contribute to undermine forestry reform.

While few new areas have been protected since the 2002 moratorium, the DRC Government has signed logging contracts for new titles (new allocations), new title boundaries (extended titles), and renewal of existing titles.

In some cases, new contracts have been signed for titles in areas previously occupied by 'non-compliant titles', many of them in intact forest landscapes. Apparent examples include CFT, Forabola, ITB, Sicobois, Sodefor, and Trans-M.¹⁰⁴

The legal review – another World Bank-led attempt to bring the logging industry in the DRC under control – also looks set to endorse the de facto expansion of industrial logging.



The remit of this legal review amounts to a paper review. Beyond payment of tax and the title having been obtained following due process, to pass the legal review a logging title must '[comply] with boundaries as defined by the contract and the topographical map attached to said contract'.

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This is a critical issue because many companies (eg Sodefor and Siforco) handed back forest post-2002 when taxes were set to increase. They may have been granted new (updated) contracts at this stage to reflect the change and may have taken the opportunity to redraw their boundaries. This means that companies will have had the opportunity to effectively launder new forest holdings through the legal paper review (no on the ground checks have been possible).

The potential bypassing of due process to gain new forest holdings is a governance, environmental and a social issue. On the latter

*'Contrary to the moratorium on such contracts, in early 2003 concessions covering 6-9 million hectares were allocated by mutual agreement (allocation de gré à gré), and certain contracts that had been cancelled in April 2002 were reinstated, by way of exception, in early 2004.'*¹⁰⁵

Government of the DRC, 2004



[In spite of the moratorium a gross 15 million hectares were reportedly exchanged or relocated. These transactions reflect the weight of the interests involved.]¹⁰⁶

World Bank-led forestry sector review, 2007

point, while the Forestry Code does recognise the rights of forest dwelling communities in the process of allocating new areas of forest, they will effectively be marginalised by the legal review due to inadequate consultation with no appropriate mechanisms to resolve outstanding conflicts. This is left to the development of forest management plans, which companies have four years to prepare.

Fundamentally, in the context of the DRC – as elsewhere in Africa – focusing primarily on the raising of state revenue through industry reform does not create the necessary preconditions to bring genuine development because it does not tackle corruption.

THE MORATORIUM HAS FAILED TO PREVENT MILLIONS OF HECTARES OF LOGGING TITLES BEING AWARDED

As the numbers show (see pp82–85), the moratorium – while intended to allow time for the development of a more considered, coherent and effective approach to the management of the DRC's forest resource – has failed to clamp down on the allocation of new forest titles.

Right from the start of the moratorium in May 2002, 'interest groups began to undermine the reform strategy by taking advantage of the fragile coalition government'.¹⁰⁷ As a result, industrial logging rights have continued to be granted. The official list published in November 2005 includes 100 forestry contracts signed after the moratorium began, covering a total of 15 million hectares.¹⁰⁸

How have logging companies and officials allowed this violation of the law to happen? A World Bank-led forestry sector review identifies various irregularities. For instance: 'Companies reportedly relinquished forests they found non-productive or they had already logged over, but in some cases these low-value forests were exchanged for new ones. Thirty-two contracts covering 4.6 million hectares were reportedly awarded in 2003 under the guise of such "remapping" or "exchange" of old titles. Similar transactions seem to have continued in 2004 and 2005 under the guise of "readjustments" and "relocations".'¹⁰⁹

While such 'exchanges' do not necessarily increase the total area under title, they are in all but name, new titles. They open up new areas of forest to logging with all the associated impacts, without proper land use planning, without transparency, without open and competitive allocation, and without consideration to other forest uses (see NST case study below). The review also notes that across these 32 titles 'there appears to be a discrepancy of more than 1 million hectares' between the forest area described in the titles and the boundaries drawn on the maps attached to them.¹¹⁰ Another irregularity identified by the World Bank-led forestry sector review is the 'rehabilitation' of at least 7 titles that were cancelled in 2002, covering 2.4 million hectares.

This information, available in a recent joint World Bank report to which the World Bank contributed,¹¹¹ leads to two important conclusions. Firstly, that the scale of the problem is massive (whatever the actual area of forest involved). And secondly, that it is impossible for anyone other than the World Bank, the Independent Observer – overseeing the legal review of logging titles pre- or post-moratorium – and the DRC Government to make considered judgement of the situation due to the opacity with which information relating to the industry is presented (for instance, the failure to name logging companies or to present maps). Throughout the reform process, no maps have been made publicly available by either the DRC Government or the Independent Observer, further obstructing efforts to expose moratorium violations through improved transparency.

A report funded by the UK Department for International Development alleges that many of the logging titles allocated following the moratorium have represented a valuable 'currency' to members of the political elite.¹¹² Hence, in the absence of enforcement – either by the appropriate State authorities, or through other forms of action against those profiting from corruption – foreign companies have not only benefited from but clearly reinforced the political corruption that has controlled the DRC's resources throughout its history.

NORD-SUD TIMBER CASHES IN ON 3 MILLION HECTARES OF RAINFOREST IN BREACH OF THE MORATORIUM

During 2002–03 the companies of the Liechtenstein-based, Portuguese-owned and managed Nordsudtimber (NST) group, in collaboration with officials in the DRC's Ministry of Environment organised a major restructuring of the group's forest titles.¹¹³ The DRC State has been a shareholder in at least one of the NST group of companies, and the present level of state participation or political shareholders NST or its subsidiaries (Sodefor, Soforma, Forabola, CFT) is unclear.¹¹⁴

Perhaps motivated by the increase in the forest area tax from \$0.062/ha in 2003 to \$0.50/ha in 2007,¹¹⁵ NST abandoned large areas of unproductive forest (logged-out forests and areas unsuitable for logging such as savannah or swamp). Certain NST logging titles were completely abandoned, and others only partially, with boundaries being modified to exclude the non-productive forest.¹¹⁶ At the same time, however, the group obtained a number of new logging titles after the moratorium was signed.¹¹⁷

Figures on how much new forest NST obtained vary, but conservative estimates indicate that the vast majority of NST's forest holdings (over 65%, covering more than 3 million hectares) are new forest areas which it did not control prior to the moratorium.¹¹⁸

In 2004 and 2005, the then Vice President Abdoulaye Yérodia and then Minister of Forestry Anselme Enerunga confirmed the 'legality' of these titles,¹¹⁹ notwithstanding their post-moratorium allocation.

NST argues that all these new titles are legitimate: it claims not to have been aware of the existence of the moratorium, and everything was arranged with the Ministry of Environment.¹²⁰

NST does not dispute that it is logging in areas it did not control at the time of the moratorium – only it prefers not to call the titles in question 'new awards'. In a 2004 response to Greenpeace's request for information, Sodefor (an NST company) manager José Albano Maia Trindade explained:

'Recently, a redefinition of part of Sodefor's concessions was carried out with the objective of effectively allocating useful logging areas, in conformity with the permits we controlled, and which would give us the means to restart our activities at the end of the war years. It's thus not a question of the award of new concessions.'¹²¹ [Greenpeace emphasis]

Clearly numerous new titles have been allocated under the guise of a 'redefinition' or 'exchange' of old titles. These awards nevertheless constitute new acquisitions, and thus violate the moratorium.

In addition, these new NST titles seem to violate the new DRC Forestry Code:¹²²

- Method of allocation: NST post-moratorium titles were all arranged via discretionary procedures rather than via a public auction procedure. It is difficult to argue that the allocations of several dozen titles covering three million hectares can all be presented as 'exceptional cases', as required by Article 83 of the Code.
- Sale price for allocation: Since no floor price for auctioning concessions had been set at the time the new titles were allocated, it was impossible to fix a price for discretionary allocations as required by Article 86.
- Area of allocation: The area obtained has been largely in excess of 500,000 hectares, in contravention of Article 92 which limits the area of new titles that any one company can obtain.
- Consultation with local communities: There was no public consultation on the new allocations, in contravention of Article 84 (indeed, the rules for public consultation were yet to be defined by ministerial decree at the time NST's new titles were arranged)
- Redundant framework: Finally, the new titles are referred to as 'letter of intent' and 'wood product supply guarantee'. Neither of these types of permit are recognised in the new Forestry Code and they can no longer legally be allocated.



©Greenpeace/Daniels

Sodefor's logging titles in the DRC



These new NST title allocations have also been granted in the absence of land use planning, since the process of forest zoning stipulated in the Forestry Code has been stalled (see page 58–63). Proper land use planning prior to any increase in forest controlled by industrial logging interests is essential to ensuring socially just and environmentally responsible development for the DRC.

Many of the NST titles are located in intact forest landscapes and other areas of high conservation value, including bonobo habitat, and may also overlap with villages and other

areas where local people depend heavily on the forest. For example, Compagnie Forestière et de Transformation (CFT) title GA 15/03 (Orientale Province) and Soforma GA 06/03 (Equateur Province) are both partially located in the Maringa-Lopori-Wamba landscape (see pp61–62), an area which has been identified as a priority landscape for conservation by the Congo Basin Forest Partnership (CBFP).¹²³

Timber from the NST group is imported into European countries, including Belgium, France, Germany, Sweden, Italy and Portugal.¹²⁴

THE LEGAL REVIEW: WILL IT LAUNDER ILLEGAL TITLES AND LEAVE CORRUPTION UNCHALLENGED?

The legal review is a crisis point for the World Bank, the DRC Government and the country's rainforest – the future of more than 20 million hectares of forest hangs in the balance.

The legal review is a crucial opportunity to stand up for good governance and the rule of law. A display of firm governance is urgently needed by cancelling forest contracts held by loggers who have gained control of the rainforest illegitimately, or whose operations support corruption or violate social and environmental laws.

Unfortunately, however, the legal review looks set to reward corruption rather than tackle it, due to the weakness of the criteria against which it will assess the legitimacy of titles. The review will not look at the way titles were originally awarded – eg whether they were awarded during wartime, or whether bribery or other corrupt exchanges were involved – but merely at whether or not companies have complied with the terms of the contract agreed with the Ministry of Environment. New logging titles agreed with the Ministry of Environment after May 2002 ought to fail the legal review as they violate both the moratorium¹²⁵ and the Forestry Code.

The review will assess legality in terms of compliance with a few very basic elements,¹²⁶ the most important being the 'legal validity of the title' (ie that it was obtained in accordance with the correct procedures), 'full payment of forest area fees since 2003' (ie since the end of the war) and 'complying with boundaries as defined by the contract and the topographical map attached to said contract'.¹²⁷ On various occasions in 2006, Greenpeace has sought clarification of the actual scope of the review from the appointed Independent Observer¹²⁸ team overseeing the process (staffed by the World Resources Institute (WRI) and Agreco). They responded as follows:

- Payment of taxes: Article 118 of the Forestry Code stipulates that 'Any suspension of payment [of taxes] shall constitute ... a cause of forfeiture and result in the cancellation of the forest contract.'¹²⁹

Greenpeace suspects that retrospective payment will be deemed acceptable. In other words, legality will be bought retrospectively.



The DRC Government has already been lax in enforcing the area tax. In 2004, for instance, according to a World Bank-led forestry sector review, 45% of area tax on logging titles was unpaid.¹³⁰ A DRC Ministry of Finance 2005 list of titles that had not paid tax in 2003–2004 shows that of the contracts up for conversion that were signed prior to the moratorium, only about 40 did not appear on the list of defaulters during this period.¹³¹ As of March 2007, the definitive listing of tax payments 2003–05 has still not been published. In the fourth report on its activities, the Independent Observer complains of significant discrepancies between documentation made available for review.¹³²

- Compliance with boundaries: The Independent Observer agrees with Greenpeace that the 'presence of infraction reports is an inadequate means of verifying



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title holder's respect of boundaries in the DRC'. In a letter to Greenpeace in November 2006, the Independent Observer admitted: 'It is a weakness in the process that we are concerned about, but we do not have a feasible alternative to offer.'¹³³

This admission effectively rules out one of the criteria of the legal review, and potentially legitimises gross tax avoidance in cases where loggers have been logging larger areas of forest than that for which they have paid the relevant taxes.

- Validity of title: According to the Independent Observer, the correct application process will have to have been observed (ie obtaining a Prospecting Authorisation and then a Letter of Intent before receiving a Guarantee of Supply) and the title holder must have a functioning processing plant.¹³⁴

Thus the review seems unlikely to be effective even on its own narrow terms. There is also a question mark over what will happen if and when titles in violation of the moratorium are actually cancelled: title holders are likely to use their right of appeal to play for time and continue logging.¹³⁵ Logging and the establishment of logging infrastructure are already under way in many of the titles allocated in breach of the moratorium, amounting to de facto land use decisions in favour of industrial logging which will be extremely challenging to reverse.

In October 2006, a coalition of NGOs including Greenpeace contacted the World Bank to raise further concerns about the shortcomings and risks of the legal review.¹³⁶ These included:

- failure to undertake participatory land use planning (zoning) prior to the completion of the legal review process
- the absence of a guarantee that social conflicts within existing logging title areas will be fully assessed and every effort made to resolve them prior to the completion of the legal review process (see social chapter)

Similar concerns have been expressed by the Independent Observer.¹³⁷

Greenpeace fears that the legal review is not going to seize the opportunity to contribute to poverty alleviation and environmental protection by reining in the worst excesses of the logging companies.

THE WORLD BANK LEAVES THE IMPLEMENTATION OF MEASURES TO MITIGATE SOCIAL AND ENVIRONMENTAL IMPACTS LARGELY TO THE INDUSTRY ITSELF

According to the 2005 Presidential Decree, logging companies who keep their forest holdings have four years from the conclusion of the legal review to prepare forest management plans in which major outstanding social and environmental issues should, in theory, be resolved (during which time they can keep logging with virtual impunity).¹³⁸ Deferring resolution of outstanding social and environmental conflicts to the development of the forest management plan leaves logging companies free to resolve these issues themselves in whatever way they see fit rather than obliging companies to deal with these issues properly and in advance of the conversion process.

In Greenpeace's view, this arrangement is overly favourable to the companies and unlikely to foster environmental and social responsibility, particularly in view of some companies' dismissive attitude to forest management plans (see below). As the Independent Observer admits, it 'creates a presumption that because the titles have already been awarded for industrial forestry this land is indeed suitable for this purpose. Also the conversion process will not benefit from any social and environmental safeguards attached to the zoning process.'¹³⁹ The legal review process as it stands will in fact amount to de facto land use planning in the absence of key evidence as to the suitability of the land for industrial forestry and the threats to social and environmental interests. This is not an acceptable position. Instead, the resolution of such issues and any conflicts arising should be a clear criterion of progress through the legal review.



ITB SEES FOREST MANAGEMENT PLANS AS A PAPER EXERCISE 'TO PLEASE THE WORLD BANK'

The requirement of the Forestry Code that each logging company draw up a management plan for every concession it holds is viewed dismissively by some logging companies, this is unsurprising given the country's lack of enforcement capacity.

The Lebanese company Industrie de Transformation de Bois (ITB) is operating adjacent to the Lake Télé-Lake Tumba Swamp Forest landscape,¹⁴⁰ the most extensive block of swamp and seasonally inundated forest in Africa. The landscape is important for the conservation of bonobo and other threatened species. The CBFP has identified this area as key for biodiversity conservation planning in the Congo Basin.

ITB is already logging in the area, and it appears that the company considers the preparation of a forest management plan for its titles to be a bureaucratic formality. In the presence of Greenpeace investigators, ITB's chief forester (chef de chantier) in Bikoro admitted: 'The people who are preparing regulations for management plans have no idea of the reality

on the ground ... We are going to present a management plan to please the World Bank.'¹⁴¹

The company has built a logyard and wharf near Bikoro in a bay at the edge of Lake Tumba. (The company's logs are stored there before they are shipped to Kinshasa, where they are either processed in its sawmill or go on for export to Europe.) However, this bay was well known to be an important breeding ground for various fish populations. Since fish stocks in the lake are already threatened by overfishing, the loss of this area will create further pressure. With local people relying on fish for 90% of their protein,¹⁴² this has the potential for serious social as well as environmental consequences, which could have been avoided. Even in the absence of proper land use planning, local consultation and the development of a properly constituted and enforced management plan prior to the commencement of logging would have helped ensure that the resources upon which the local population depended were protected.

Timber from ITB is imported into European countries including Belgium, France, Italy and Portugal. Interholco (Danzer's trading branch) is a client of ITB.¹⁴³

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*'The other reforms we intended to undertake were delayed and had to be postponed, particularly the implementation of the Program to Secure Forestry Revenue, the transfer of 40% of the area tax receipts to local governments, the preparation and adoption of regulations implementing the Forestry Code (awarding of concessions, exploitation and development, and combating illegal operations), and the submission to Parliament of the draft Law on the Conservation of Nature.'*¹⁴⁴
DRC Government

Logging titles near the Lake Téhé–Lake Tumba Landscape



● Intact Forest Landscapes ● Logging Titles ● Lake Téhé–Lake Tumba Landscape

UNIMPLEMENTED AND UNENFORCED, THE 2002 FORESTRY CODE WILL NOT STOP RAINFOREST PLUNDER OR CONTRIBUTE TO POVERTY ALLEVIATION

Central to the World Bank's reform strategy for the DRC is the Forestry Code which it imposed on the DRC Government. One of the Bank's key objectives has been to get industrial logging to contribute to poverty alleviation through the generation of state revenue. Accordingly, the Code includes provision for the redistribution of 40% of forest area tax revenues to regional and local government (25% to provinces and 15% to territoires – article 122). It also makes compulsory the direct negotiation between logging companies and communities adjacent to their operations of 'social responsibility contracts' (*cahiers des charges*) (article 89); and introduces a requirement for a forest management plan (articles 71, 99, 100), covering among other things the protection of biodiversity in production areas. It also calls for ultimate designation of at least 15% of the country's total surface area as classified (ie protected) forest.

Five years on, some of the key reforms set out in the Forestry Code remain unimplemented (for example land use planning see pp58–63). Of those aspects that have come into effect, the new forestry tax regime has yet to deliver any money whatsoever for local social projects, and measures designed to ensure that communities benefit from logging (eg community consultation and social responsibility contracts) have been implemented in a derisory manner or not at all.

The Forestry Code is heavily based on the reforms the World Bank imposed on Cameroon in the mid-1990s. As the example of Cameroon shows, industrial logging and the wealth it creates do not improve the quality of life of ordinary people when operating within a corrupt political context. All of the signs for the DRC are equally ominous.

Thanks to the failure to implement and/or enforce its key social and environmental provisions, the Forestry Code promises to do more to hand control of the country's forests to the industrial logging industry, than to promote those forests as a source of sustainable livelihood for the majority of the DRC's people or as an area requiring preservation for reasons of biodiversity or climate protection. Genuine development and environmental protection are likely to be the casualties, not the beneficiaries of 'reform'.







CON IN THE CONGO – THE MORAL BANKRUPTCY OF THE WORLD BANK'S INDUSTRIAL LOGGING MODEL



INDUSTRIAL LOGGING IS SUSTAINING CORRUPTION IN THE DRC

In an environment of endemic corruption, logging companies inevitably operate beyond the rule of law. In the DRC, the logging industry continues to feed the networks of corruption that are obstacles to genuine development. Through support for an extractive industry-based model of development, donor countries and agencies such as the World Bank are effectively undermining their own rhetoric on establishing good governance and alleviating poverty.

In 2003 the Extractive Industries Review (EIR), commissioned by the World Bank, acknowledged the significant economic, social and environmental risks of extractive industries. It recommended that the World Bank shape and sequence its interventions according to the quality of governance in the host country. Governance criteria can include, amongst other things: the quality of the rule of law; the risk of conflict; human rights protection; recognition of and willingness to protect the rights of indigenous peoples; capacity to mitigate and manage the impacts of extractive industries; and, government capacity and willingness to publish and manage revenues transparently and ensure effective revenue sharing.¹⁴⁵

Clearly the DRC has governance problems: the Government's institutional capacity and its ability to manage revenues, including those generated by industrial logging, remain weak. Control over natural resources has been at the heart of nearly a decade of war in the DRC and serious questions have been raised about the role of foreign companies in the extraction and export of the country's resources.¹⁴⁶ Instability plagued the transitional government and violent conflict continues in parts of the country.¹⁴⁷ Corruption as a strategy for survival among low- and middle-ranking law enforcement civil servants (eg the acceptance of bribes and lack of enforcement of regulations) fuels and is fuelled by the high-level corruption practised by the country's political elite whose power is based on profit from natural resources such as forests.¹⁴⁸

*'It is not accidental that no efforts have been made to construct the fundamentals of a regime to combat corruption and illicit finance schemes in the DRC. The DRC's history is one of rulers aspiring to hold and retain a monopoly of power. Salaries of DRC officials have, in practice, been regularly and heavily supplemented by revenues from bribery.'*¹⁴⁹
Report for USAID, 2003



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*'Donors have treated corruption as a technical problem and emphasised data management systems, training programs and laws. They have shied away from the more political aspects, such as strengthening parliament, courts and anti-corruption and auditing bodies. They finance more than half the national budget and should do more to press charges against corruption suspects, ... and hold multinational corporations accountable for violating national and international norms. A complete overhaul of the approach to good governance is needed.'*¹⁵⁰ International Crisis Group, 2006

Such vested interests also have the power to sink attempts to improve governance and increase transparency in the extractive industries, as shown by the World Bank's attempted reforms to the DRC mining sector.¹⁵¹

At the level of the forest itself, the rule of law is almost absent. According to the World Bank, the DRC 'has not produced a single new professional forester in the last ten years'.¹⁵² Local forestry officials are poorly and irregularly paid, and often have no information about current forest laws and policies (in some cases even being unaware of the existence of the Forestry Code), and no transport or basic equipment such as GPS with which to do their work. In any case they often lack key technical skills such as forest management planning, geographical mapping and the creation of forest inventories.¹⁵³

As the EIR concludes, and Greenpeace research and investigations of industrial logging in Central Africa confirm, natural resource extractive industries have no record of contributing to poverty reduction or genuine development, and there is little hope that they will do so in future. These industries both feed off and fuel the whole spectrum of corruption, from pragmatic bribery of forestry officers to collusion with politicians and senior officials in order to gain control of forest holdings (for example, in breach of the moratorium). Meanwhile, unconstrained by the rule of law, logging goes ahead heedless of the social and environmental consequences.

HOW DO TAX BREAKS FOR TRANS-M'S RAINFOREST PLUNDER SUPPORT POVERTY ALLEVIATION?

Logging in one of the most corrupt countries in the world could become one way of earning a quick buck. Those choosing to operate in the DRC may be there precisely because of the lack of accountability for the money they make or the method of making it. How will the legal review deal with such companies?

Trans-M Bois is a subsidiary of the Congo Futur group, itself a subsidiary of the Beirut-based Tajideen group.¹⁵⁴ Congo Futur's presence in the DRC appears to date from 1997.¹⁵⁵ It has rapidly become one of the country's leading importers of foodstuffs¹⁵⁶ as well as major transporters.¹⁵⁷

One of the companies managed by the Tajideen family has a history of allegations of money laundering. In May 2003, following a four-month international investigation by Belgium's Economic Crimes Unit, judicial police raided the Antwerp offices of Soafrimex, managed by Kassim Tajideen, arrested several of its officials and froze its bank accounts.¹⁵⁸ The company was accused of 'large-scale tax fraud, money laundering and trade in diamonds of doubtful origin, to the value of tens of millions of euros'.¹⁵⁹ In December 2003, Belgian authorities informed the Congolese embassy in Brussels that investigations undertaken in the DRC had shown that the company systematically undervalued its imports, shipping and insurance costs and that it filed false customs declarations.¹⁶⁰

Trans-M Bois is now becoming a major timber producer in the DRC. The company appears to have benefited from weak governance: since the moratorium came into force, it has gained titles covering 746,000 hectares. The Ministry of Environment's 24 May 2003 published register of logging permits does not indicate either the permit numbers of these titles or when they were awarded.¹⁶¹ However, none of Tran-M titles appear on the Ministry of Environment's unpublished June 2002 compendium.¹⁶²

Trans-M has received preferential financial treatment. In July 2004, along with the Italian-owned Parcafrique, it was awarded special tax and customs exemptions (for a minimum of

three years) by the Congolese National Investment Promotion Agency.¹⁶³ The stated aim of Trans-M's exemption was to aid purchase of forestry equipment for Trans-M's Befale logging title in the CBFP Maringa-Lopori-Wamba landscape in Equateur Province.¹⁶⁴

Timber from Trans-M is imported into European countries, including Belgium, France and Germany.¹⁶⁵ Danzer (through its trading branch Interholco) has been a European importer of Trans-M timber.¹⁶⁶ Among the timber Trans-M supplies to Europe is afrormosia, commonly used in furniture and flooring – afrormosia is listed under Appendix II of the Convention on International Trade in Endangered Species (CITES) (see p53).

ITB GETS ITS LOGGING TITLES THANKS TO FRIENDS IN HIGH PLACES

The World Bank has promoted the value of its reform strategy – including the moratorium and new Forestry Code. These measures, however, rest in files in Kinshasa with no on-the-ground reality. In the absence of on-the-ground institutional capacity, the continuation of legal abuses seems inevitable.

In the list of logging titles presented for legal review, there are two titles belonging to the Lebanese company Industrie de Transformation de Bois (ITB)¹⁶⁷ which fall on the border of the CBFP Lake Tumba landscape area of Equateur Province, covering together some 294,000 hectares. These two titles appear to have been obtained in breach of the moratorium. ITB did have a title¹⁶⁸ in Equateur Province before the moratorium entered into force, but the two titles that are now up for legal review are located in a different area and cover a larger area of forest.

Both in Kinshasa and in the small logging town of Bikoro near Lake Tumba, Greenpeace became aware of rumours that a former high-ranking forestry official facilitated ITB's gaining control of these forest holdings. When Greenpeace spoke to the chief forester (chef de chantier) for ITB at Bikoro, he openly admitted that it was 'thanks to' this official that ITB had come to Bikoro.¹⁶⁹

Because the maps of pre- and post-moratorium titles are not publicly available, it is impossible for Greenpeace to make a definite assessment of which logging titles are in violation of the moratorium. Purely based on the current list of 156 logging titles now up for legal review, however, all titles in Bikoro date from after the moratorium, and thus are apparently in violation of both the moratorium and the Forestry Code. This includes logging titles held by ITB, the Congolese company LEDYA,¹⁷⁰ the Portuguese-managed company Sodefor¹⁷¹ and the French-controlled Scibois,¹⁷² which is logging in an area with significant primary forests and of great importance for bonobo conservation.¹⁷³

In October 2006, Greenpeace also spoke to two government officials in charge of rural development and environment and forestry at Bikoro. They confirmed that local authorities have very little capacity – they have one building for all the different government services and no modern office equipment. They have no car or a motorcycle to visit the logging operations in the field (to check boundaries of annual allowed cut-blocks, minimum tree diameters, etc). Moreover, agents are very poorly paid and have not received sufficient training to enable them to detect forest crime or enforce forest law. They have no GPS or mapping software (nor the expertise to operate such equipment), and lack the know-how to estimate timber volumes on outgoing log barges.¹⁷⁴ Forestry officials also lack clear knowledge of the Forestry Code or the moratorium.

ITB's chief forester at Bikoro confirmed that officials rely on the information that the logging companies hand over to them and are incapable of conducting an effective independent inspection:

'When the forestry official visits our logging site ... he comes to our office asking us to provide him with the figures on declared production volumes. They are not capable of verifying these things themselves ... they don't know how to measure, they don't know how to identify wood species, really they don't know where to start. The inspections here make me laugh; these people really need training.'¹⁷⁵



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That forestry officials are reduced to conducting such a paperwork exercise on a post-moratorium title shows just how far the DRC is from enforcing the rule of law in its forests.

Timber from ITB is imported into European countries including Belgium, France, Italy and Portugal. Interholco (Danzer's trading branch) is a client of ITB.

NST 'ENJOYS THE PROTECTION OF TOP POLITICAL AUTHORITIES' FROM LAW ENFORCEMENT

Even when the DRC's rank-and-file forest officials have the will to control the logging industry, high level political interference can block the establishment of the rule of law, as the case of Sodefor shows.

Sodefor is subsidiary of the NST group, which overall holds many millions of hectares of rainforest (see pp82–85). In May–June 2006 and January 2007, Greenpeace visited a number of communities in Bandundu Province close to logging sites operated by Sodefor and talked to local people and officials. On more than one occasion forestry officials alleged that the company was 'protected' by the authorities. For example, north-east of Bandundu, officials complained of their total lack of control over Sodefor:

'We have had orders from the authorities not to carry out inspections ... They enjoy protection at the highest level.'¹⁷⁶

Other local authorities told Greenpeace a similar story: 'Sodefor is protected in Kinshasa, and we lack resources. We do nonetheless manage to carry out inspections and produce reports, but Kinshasa just marks them not to be followed up.'¹⁷⁷ A forestry official in Bandundu also felt that Sodefor had links with the upper echelons in Kinshasa and was 'totally protected'.¹⁷⁸

The forestry service in Bandundu has no vehicles, leaving the staff dependent on the logging companies for transport. Moreover, almost all personnel are based in towns rather than at logging sites. Forestry staff have

*'As for the legality of the forest concessions granted to your company by my ministry, I can but confirm it. In closing, I ask you to proceed with your company's new investments programme without giving in to panic, because the protection of the Government of Transition is afforded to you.'*¹⁷⁹

Anselme Enerunga, Minister for the Environment of the DRC, letter to Sodefor, 20 December 2004

*'Like the Minister, I confirm the legality of all the forest concessions granted to you and ask you to proceed with new investment planned in this field in order to contribute once again to the reduction of poverty in our country.'*¹⁸⁰

Abdoulaye Yérodia Ndombasi, Vice President of the DRC, letter to Sodefor, 26 January 2005

admitted to Greenpeace that because they are so poorly and irregularly paid they are dependent on logging companies.¹⁸¹ The result is that, according to these forestry officials, Sodefor declares a much lower timber production volume than it actually logs. Officials could not prove this, however, since the company refuses to grant officials access to relevant logging documentation in the course of an inspection.

Timber from Sodefor is imported into European countries including Belgium, France, Germany, Italy and Portugal.¹⁸²

Has NST been rewarded for its wartime contribution?

Soforma (part of the NST group) is one example of a company with alleged wartime logging titles. According to Conflict timber, a report commissioned by the US Government aid agency USAID:

'During the last Rwandan-Ugandan invasion of the DRC, the Kabila Government requested that logging companies cut timber for export in reserve forests in Bas Congo Province [and] split the proceeds 50/50 with the DRC Government. The Government's share reportedly went to help finance the war effort ... Since 1999 – in the middle of the civil war – ... concessions were [awarded] in three forest reserve areas (Ezini, Lukfwe and another) where logging normally was not permitted ... Two logging companies carried out these operations: MALBA and SOFORMA ... Our source believed that after the 50/50 split all other taxes and levies that normally apply ... were suspended for wood harvested in this operation ... Wartime logging in those three concessions should have produced ... a total value of \$17–36 million.'¹⁸³



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WILL POLITICALLY 'PROTECTED' OPERATIONS PASS THE LEGAL REVIEW?

Equateur Province was heavily affected by the many years of war in the DRC – particularly the ‘occupation’ between 1998 and 2003. In this period, the region was part of the occupied zone of the DRC, completely cut off from Kinshasa and the region was under the rebel control of Jean-Pierre Bemba’s Mouvement de Libération du Congo (MLC).

The MLC is repeatedly accused of having engaged in large-scale killing of civilians, systematic rape and extensive looting as recently as March 2003.¹⁸⁴ Former MLC members were active in Equateur in July 2004, when the UNSC denounced ‘unauthorised internal movement of weapons’ by the group within the province.¹⁸⁵

Throughout the conflict, the MLC financed

itself by controlling the trafficking of diamonds to buyers across the Oubangui river in the Central African Republic.¹⁸⁶

Timber also appears to have been of strategic value to the MLC’s fighting capacity.¹⁸⁷

In May 2004, a ministerial decree¹⁸⁸ awarded the Lebanese-owned Compagnie Forestière du Bassin du Congo (CFBC) the right to prospect in a 750,000 hectare area in the heart of MLC-controlled northern Equateur Province. The company has been repeatedly linked with Jean-Pierre Bemba and represents a clear case of the ongoing politicised nature of logging in the DRC. CFBC was allegedly set up with the ‘blessing’ of Jean-Pierre Bemba,¹⁸⁹ and is considered ‘untouchable’,¹⁹⁰ its managers accused of ‘systematically plundering’ the Congolese forest.¹⁹¹



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The 2004 decree granting CFBC prospecting rights stipulates that logging 'under any pretext' is 'strictly forbidden' throughout the prospecting period,¹⁹³ although cutting reportedly began in the autumn of 2004.¹⁹⁴ In March and October 2005, the company was granted two *lettres d'intention* near Libenge, totalling 358,000 hectares.¹⁹⁵ The post-May 2002 signing of these logging contracts to CFBC suggests another violation of the moratorium and breach of the Forestry Code.

A clear governance issue is tax avoidance by not declaring exports. One consequence of the lack of capacity in the forestry service and corruption in the DRC is that timber smuggling is rife: according to the International Crisis Group there are indications that actual timber export levels are as much as seven times higher than official figures.¹⁹⁶ It seems highly unlikely that export tax is paid on timber exported from the DRC where the timber has not been recorded in the official figures.

CFBC is accused of exporting timber through the Central African Republic to Cameroon.¹⁹⁷ According to a report of investigations by the Congolese human rights Les Voix des Sans-Voix (VSV), this has been carried out under escort from Bemba's former personal guard, a detachment of the Division de protection présidentielle (DPP), without inspection at border checkpoints.¹⁹⁸

Within three months of CFBC's arrival in Libenge, protests by local people were met with intimidation and arrests by local authorities.¹⁹⁹ In April 2006, angry residents of Libenge attempted to attack the house of the CFBC managing director after the child of a company employee was killed in a traffic accident involving a CFBC log truck.²⁰⁰ The manager's house was allegedly protected by DPP guards.²⁰¹

According to the report on the investigations of VSV, several of the protestors arrested and imprisoned sustained 'inhuman' treatment in jail, including beatings and deprivation of food. The official 'inquiry commission' dispatched to Libenge after the incident appears to have been a retaliatory mission: police and military reportedly committed 'reprisals' and 'extortion'. VSV indicates that provincial authorities had previously attempted to suspend CFBC operations, but

that the MLC ordered their continuation.²⁰²

As illustrated above, CFBC's titles, totalling more than 350,000 hectares, awarded after the moratorium²⁰³ seem to enjoy political protection. They are a real test case for the legal review. The outcome of the legal review will provide a reality check as to whether the World Bank's strategy for reform is overcoming corruption and bringing the rule of law to the governance of the DRC's natural resources.

Timber from CFBC is imported into European countries including France, Italy and Portugal.²⁰⁴

THE WORLD BANK GROUP AND GERMAN GOVERNMENT FUND OLAM'S ILLEGAL LOGGING OPERATIONS

Over three and half years after the moratorium was put in place, three titles totalling over 300,000 hectares were granted to a newcomer to the DRC timber industry: the multinational trading company Olam International Ltd.²⁰⁵

Olam's activities include logging, timber trade and wood processing. It is expanding its global interests into countries known for conflict timber and other issues related to the illegal timber trade. It has had trading interests in Burma,²⁰⁶ a country accused of gross human rights abuses. In terms of respect for governance, in June 2005, Olam Gabon was reported to owe nearly 7 million FCFA (\$14,000) in forestry back taxes.²⁰⁷ More recently in Ghana, Olam has also been involved in large-scale fraudulent underdeclaration of its timber exports and timber from illegal sources that was sold to Olam by its suppliers. The loss in financial revenue to the state of Ghana is estimated to be several million dollars.²⁰⁸

In November 2003, the World Bank's private-sector investment branch, the International Finance Corporation (IFC), invested \$15 million in Olam to help it expand its global operations.²⁰⁹ The IFC estimated that about 5% of this investment 'would benefit Olam's worldwide timber operations' of which an unspecified amount 'will be expected to finance sawmilling in Africa'.²¹⁰

[In the DRC] the looting that was previously conducted by the armies themselves has been replaced with organized systems of embezzlement, tax fraud, extortion, the use of stock options as kickbacks and diversion of State funds conducted by groups that closely resemble criminal organizations ... The most important element in effectively halting the illegal exploitation of resources in the Democratic Republic of the Congo relates to the political will of those who support, protect and benefit from the networks.¹⁹²

UN Security Panel, 2002

In June 2004 the IFC approved a further \$50 million partial guarantee to Olam, as part of a \$150 million package to help Olam in part 'increase trading volumes from Africa'.²¹¹ This loan was a 'Category C' loan – ie environmental and social risks were not judged to be significant because Olam 'promotes sustainable forest management practices and its operations are considered fully consistent with the requirements of the November 2002 World Bank Forests Policy.'²¹²

In 2005, the German public development bank DEG (a subsidiary of KfW Bankengruppe) approved a €15 million loan to Olam to expand 'warehouse, processing and transport capacities'.²¹³

Olam has now become an important player in the DRC timber industry and is heavily involved in DRC's timber trade via various contracts with third-party suppliers and partnerships in which Olam buys logs from third parties (eg buying Afromosia logs near Kisangani).²¹⁴

Olam also facilitates logging operations in areas where it is not the title holder. In Yuki, Bandundu Province, for example, Olam is logging as an effective subcontractor for the Office National des Transports (ONATRA), the largely dysfunctional national transport authority. Although Article 95 of the Forestry Code expressly forbids subcontracting, there are many legal loopholes: for instance, one company can 'rent' equipment and labour from another.

Local authorities seem to have no knowledge of a 2004 subcontracting agreement, and they have no knowledge of how much timber the company is logging. According to local people, many log rafts have been seen lacking the distinguishing markings that they are supposed to carry.²¹⁵

Timber from the DRC traded by OLAM is imported into European countries including Belgium, France, Germany and Portugal.²¹⁶

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LOGGING IN REBEL-HELD TERRITORY – PAYING THE 'ADMINISTRATION'

The World Bank's strategy to bring the logging sector under control fails to call into question the operations of the largest players in the DRC. Yet it is these same companies who have been operating within the DRC system of corruption for years and who have profited from holding their titles under a very relaxed tax regime. Even if the legal review of logging titles is rigorously conducted, established companies who are not obviously implicated in moratorium violations may remain largely unscrutinised.

The Danzer Group is among the top five logging and timber trading operators in Central Africa. Recent Greenpeace investigations have exposed the Group's involvement in forest crimes including trading in illegal timber; bribery; suspected forgery of documents; and dealing with timber companies and an individual blacklisted by UN Security Council for involvement in illicit arms trafficking activities in Liberia.²¹⁷ For instance, one of Danzer Group's trading partners, Guus van Kouwenhoven, a Dutch citizen, was arrested in The Netherlands in March 2005 and is now serving an eight-year prison sentence for violating a UN arms embargo.²¹⁸

Danzer subsidiary Siforco is the second largest logging company in DRC in terms of forest under its control (1.9 million hectares). Siforco's power and money make the company effectively a state within a state in an area of several thousand square kilometres in Equateur and Orientale Provinces.²¹⁹ In the towns of Bumba, Buta and Aketi, people are dependent on the company to maintain the transport network and water and electricity infrastructure.²²⁰

As Greenpeace research shows, the company's operations in the DRC are proving just as ethically questionable as Danzer's operations elsewhere in Central Africa.

Siforco has been active in the DRC since 1972.²²¹ According to a report on Siforco, the company made payments to the MLC rebel-controlled administration in Equateur during the recent war,²²² and also makes regular payments to forestry authorities.²²³

*'There is simply no way to conduct business in the DRC without some form of bribery.'*²²⁴

Report for USAID, 2003

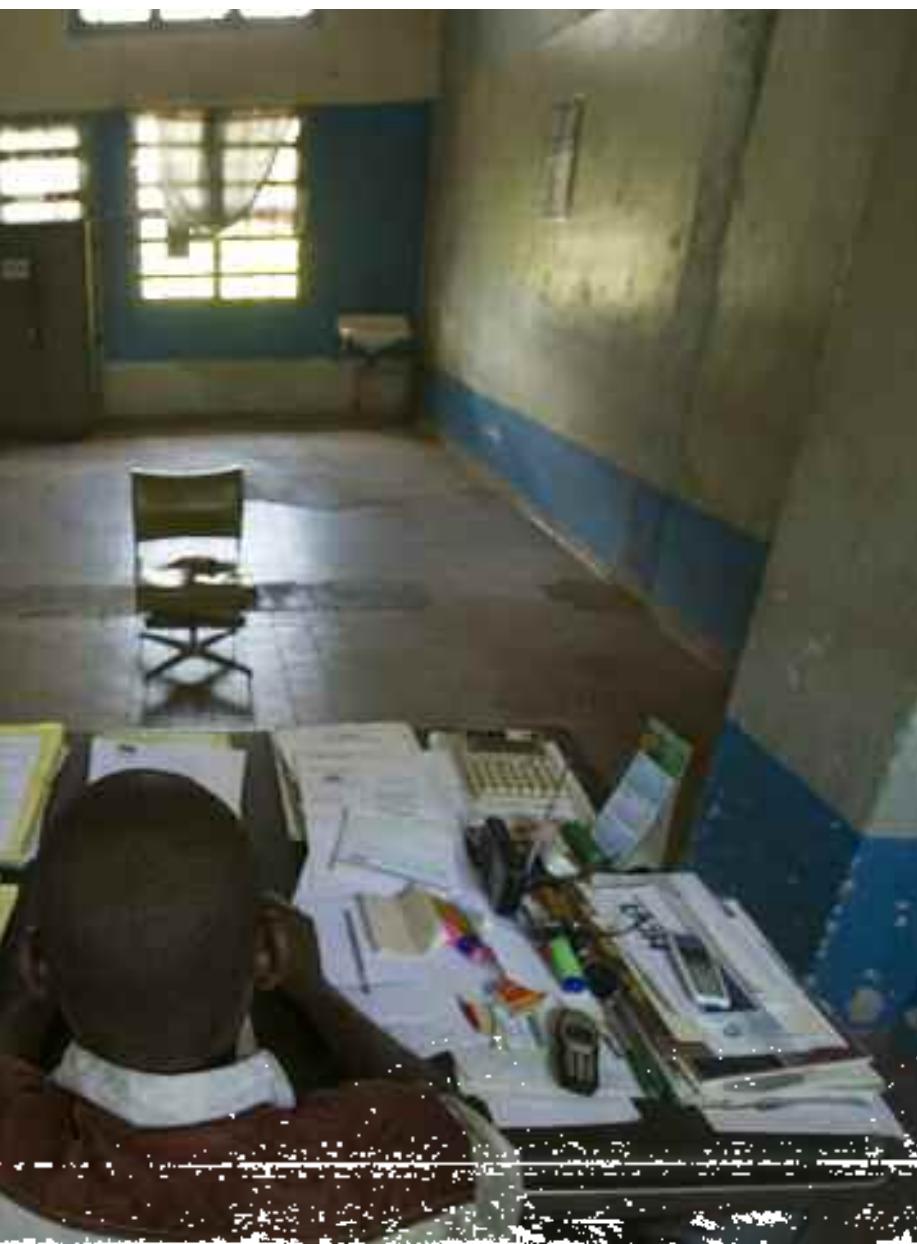
*'It is questionable whether a legitimate industry can even exist in the DRC where corruption is rampant and accountability minimal.'*²²⁵

International Security Information Service, 2002



Siforco's operations were disrupted by war, but in November 2002, it resumed logging operations in its 523,340 hectare K8²²⁶ forest zone near Bumba – while the area was still under control of the MLC (a rebel movement controlled by warlord-turned-politician Jean-Pierre Bemba – see pages 82–85).

Olof von Gagern, Head of Danzer's African operations, claims that the company 'made neither direct payments to the MLC nor provided the rebel army with logistical support or aid of any kind. At no time has there been any contact between SIFORCO and MLC troops.'²²⁷ However, the timing of Siforco's resumption of operations in K8, and the fact that it was paying 'administrative' taxes in MLC rebel-controlled territory,²²⁸ implicate Siforco



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*'Haag reaches Maluku. The heart is beating. The rebel government is in the driving seat. The employees of the plant are cheering. With Haag comes hope. The rebels negotiate with Haag: Progress continues.'*²³⁰

Econo Magazine, interview with Head of Siforco, 2006

in the conflict timber trade. In a recent interview in the German forestry magazine Econo, the Head of Siforco admits that the company had to negotiate with the MLC upon its return in 2002.²²⁹

At the time that Siforco was resuming logging and paying money to a MLC rebel-controlled administration, it was known that the MLC was committing crimes against humanity in the Central African Republic and elsewhere in the DRC, and using child soldiers.²³¹ MLC soldiers were later convicted for the mass rape of at least 119 women and children.²³²

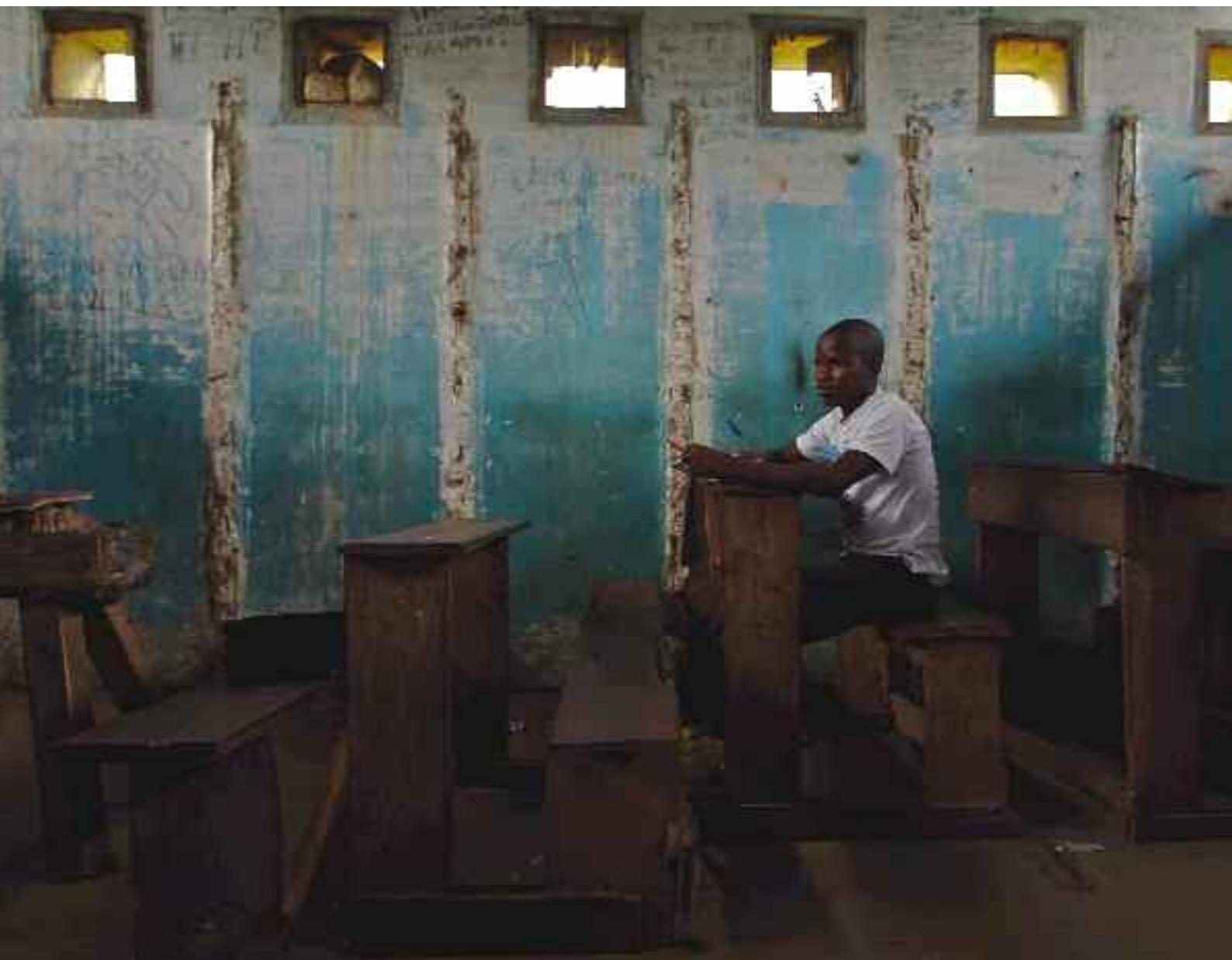
A confidential report on the company glosses over the ethical problems with such payments: 'logging companies have little choice but to

submit to a taxation system which is unofficial, totally unregulated, and highly prejudicial to both the competitiveness and the transparency of the companies themselves'.²³³ The report goes on to describe some of the ways Siforco maintains this 'highly prejudicial' system. As elsewhere in the DRC, institutional capacity is grossly inadequate. Monitoring and inspection staff are under-equipped and poorly paid by the authorities.²³⁴ In order to maintain 'some semblance of operational administration', officials are paid directly by Siforco according to a formal scale when they come to inspect its operations ranging from €50 for the highest grades (provincial environment coordinator) to €5 for the lowest (police officer). The report admits that the ambiguity of this collusion between the logging industry and law enforcement authorities calls into question the very concept of legality.²³⁵

This state of affairs illustrates perfectly how in the chaos of the country's grossly under-resourced forestry environment, lack of capacity can shade into corruption, aided and abetted by the logging industry.

As with NST, Siforco has significant influence beyond the rainforest it controls,²³⁶ via all sort of partnerships (including subcontracting in all but name).

Timber from Siforco is imported into European countries including Belgium, Denmark, France, the Netherlands and the UK. It is also exported to China.²³⁷



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INDUSTRIAL LOGGING-LED POVERTY ALLEVIATION IS A CHARADE

The stated aim of the World Bank's strategy for reform of the logging sector is to help alleviate poverty. The Forestry Code which it persuaded the DRC Government to adopt makes provisions for taxes collected from logging operations to be redistributed back from national to local level, to provide money for regional development. It also formalises a system whereby logging companies negotiate direct compensation with local communities for access to their forest, and requires companies to develop forest management plans, one aspect of which is to ensure that communities retain rights to forest resources and services.

However, given the context of corruption that typifies the DRC, there is little realistic hope that the industrial logging model of development will improve people's quality of life. In fact, as Greenpeace research and investigations show, money from taxation rarely materialises, the direct development offered to local communities by logging companies is a cruel deception, and industrial logging degrades the essential forest resources on which the vast majority of the DRC's people depend – while communities who challenge logging companies over these issues may well face a violent response. In this way, the people of the DRC are left poorer as logging companies plunder their forests.

*'Any discussion of forests and forestry in the DRC should have as its primary focus the fact that the vast majority of people in the DRC depend on wild plants and animals for their health, for their energy, for their medicines, for their food and in many cases for their cash income.'*²³⁸

David Kaimowitz, Chairman, CIFOR, 2004

TIPPING THE SCALES: THE COST OF INDUSTRIAL LOGGING FAR OUTWEIGHS ITS CONTRIBUTIONS TO DEVELOPMENT

The people of the DRC are some of the poorest in the world. According to the United Nations Development Programme (UNDP), nearly 90% of the population lives on less than \$1 a day.²³⁹ Today the economy of the DRC is largely based on subsistence activities, which account for 80% of the economy.²⁴⁰ Of the approximately 62.5 million people²⁴¹ in the DRC, about 40 million²⁴² are dependent on the country's forests – not for money gained from the international logging trade, but for daily survival: food, medicine, energy, building materials and the value of non-timber forest products.

The DRC has Heavily Indebted Poor Country status: its burden of debt remains huge and the cost of servicing this debt (a third of it owed to multilateral institutions such as the World Bank and IMF)²⁴³ will account for up to 40% of public revenues in 2007,²⁴⁴ leaving little to be spent on the provision of basic services or the restoration of desperately needed infrastructure after the devastation of the war.

As for guarantees of a sustainable environment (one of the UN Millennium Development Goals), according to the UNDP the absence of rational exploitation of natural resources and the associated economic changes have had a clearly negative impact.²⁴⁵

Even if industrial logging were to be conducted in a lawful, transparent and sustainable manner, the value of the goods the forest provides to the wider population would still far outweigh that of the logging industry. For 2006, the industry's contribution to state revenues was estimated to be \$10.6 million on an assumed 500,000m³ timber harvest.²⁴⁶ Forestry revenues are contributing just 0.7% of GNP.²⁴⁷

The international community has been presenting highly optimistic estimates of potential future logging revenues to the DRC Government. Such optimism is both dangerous and misleading as it encourages the misguided belief that logging will contribute to development.

A 2005 report presenting the proposed World Bank-managed Trustfund²⁴⁸ on good governance in the DRC forestry sector suggests that the sector has the potential to reach harvest levels of 5 million m³, and be worth \$100 million a year to the State.²⁴⁹ However, the area of rainforest that would need to be opened up to achieve such levels, and the related environmental damage, would be massive. Further, more recent World Bank reports concede that production levels are unlikely to reach more than 20% of that figure over the next decade.²⁵⁰

In contrast, the value of the forest and forest products such as food, medicine and building materials to the people of the DRC is largely unquantifiable. The equivalent economic value of these non-timber forest products is estimated at more than \$2 billion a year.²⁵¹ Moreover, scientists have confirmed that many of the medicinal plants found in the forests have significant therapeutic value.²⁵²

Yet the continued availability of these goods is jeopardised by industrial logging, which both degrades the forest that provides them and impedes forest people's access to them, while offering little in return beyond promises of local development projects that are fulfilled at best in part and often not at all. For forest dwellers, indeed, the arrival of the loggers may herald not just lost resources but new burdens of social conflict, prostitution and disease.

The conclusion, inevitably, is that the industry's overall effect on the country's social well-being will continue to be negative.²⁵³

*'I recently returned to a village where I worked as a young forester. When I left 25 years ago, it was with the promise that logging would bring a future of social and economic development. Timber was the only resource these villages had to ignite development. And today, commercial timber is gone. The same families are there. They were poor 25 years ago and they are poor today. But today, they have less forest and less hope. They feel cheated by the government, the private sector, the local chiefs and by me. They feel let down. And I believe that in many ways they are right. We are all responsible for letting them down.'*²⁵⁴

Giuseppe Topa, Africa forest specialist, the World Bank, 2002



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LOGGING AT LAKE TUMBA IS DESTROYING FOREST COMMUNITY RESOURCES

The Lake Télé-Lake Tumba Swamp Forest landscape is a priority landscape identified by the CBFP for conservation and sustainable management. Covering 12.6 million hectares (or about four times the size of Belgium) and straddling the border between the DRC and the Republic of the Congo, it is the most extensive block of swamp and seasonally inundated forest in Africa. The rainforests to the west of Lake Tumba are important for the conservation of bonobo. Other threatened species that occur in this landscape are forest elephant, hippopotamus, red-tailed monkey (*Cercopithecus ascanius*), red colobus monkey (*Piliocolobus badius*) and slender-snouted crocodile (*Crocodylus cataphractus*).

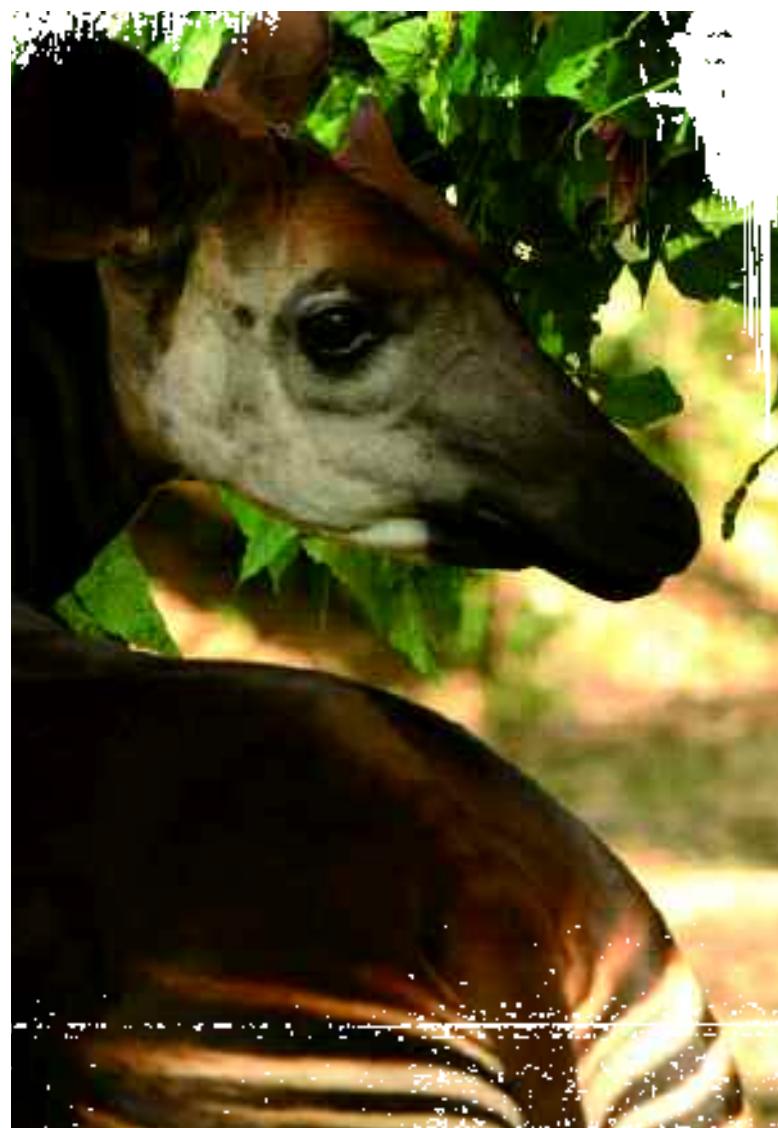
Additionally, fish biodiversity and endemism are high, although as yet poorly researched.²⁵⁵

Local communities in this landscape rely on fish for 90% of their protein consumption and overfishing has been identified together with bushmeat hunting as the two major threats to the landscape.²⁵⁶ However, the expanding logging industry looks set to become a major additional threat.

The Lake Tumba region is home not only to Bantu agriculturalists but also to numerous Twa pygmy (semi hunter-gatherer) communities. The logging operations already active and planned often overlap to a large degree with the forest on which these communities depend; consequently, the forest-dwellers may be forced to go further into less disturbed areas to meet their needs. Once companies establish themselves in the region – building roads, negotiating social responsibility contracts, bringing in workers – it will be very difficult to turn back the clock.

The Lebanese logging company ITB has been actively logging in the area since mid-2005, and several other companies may start up operations soon (Sodefor is already prospecting in the area).

In conversation with Greenpeace, ITB's chief forester claimed that the company is making a positive contribution to the communities of Bikoro, near Lake Tumba – it contracts some 140 local workers plus 20–30 workers on a daily basis (journaliers) for its nearby logging



©Kim Gjerstad

operations (it is said that on average six people depend on the salary of one worker in a logging company). The company pays the school fees for its workers' children and claims to contribute some 250,000 CFR per month (about \$475) to the hospital in Bikoro for treatment of its workers. ITB's chief forester also stressed the fact that thanks to ITB's logging road it is now much easier for people to transport their agricultural products to market.²⁵⁷

However, in terms of sustainable development for the local communities, ITB's contribution is minimal, and jobs are likely to disappear once the area is commercially logged out, as has happened elsewhere.

In exchange for a few gifts to local Bantu community leaders (part of the social responsibility contract practice explained on



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page 48), ITB has gained access to large volumes of wengé (*Millettia laurentii*) timber worth hundreds of thousands of dollars. As soon as ITB abandons the area, there will be no need for it to maintain the road to facilitate logging access. Without maintenance, the logging road will rapidly deteriorate. The housing conditions of the company's workers are appalling. Hardly any other local development can be attributed to the company.

In conversation with Greenpeace, ITB's chief forester claimed that since ITB arrived in Bikoro more products (such as sugar and toilet paper) have become available on the local market, brought in on ITB barges coming from Kinshasa.²⁵⁸ On the other hand, local people told Greenpeace that with the growing economic activity and overexploitation of natural resources, prices of many products

have rapidly increased. Fish has become much more expensive; the price of a goat has doubled. Several people also indicate that prostitution is on the rise in Bikoro due to the logging money.²⁵⁹

In 2006, local Bantu communities told a Greenpeace field team that ITB has destroyed their farmland with bulldozers to clear the area for logging roads. Near the village of Ibenga, local people showed fresh evidence of crops (manioc, banana trees, cacao) allegedly destroyed by ITB's activities. Some farmers complained that while the damage to their crops has been very extensive, the company has offered very little compensation. When villagers complained to ITB about the inadequacy of the compensation offered, the company's representative told them to choose between accepting the offer and getting nothing at all.²⁶⁰

*'Despite a forestry moratorium in place since 2002, which was extended by presidential decree in October 2005, the State has admitted that logging has continued, and that concessions have been granted on indigenous peoples' lands and territories without prior consultation or consent and with disregard for their internationally guaranteed rights.'*²⁶¹

Forest Peoples Programme et al.



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FURTHER SOCIAL EXCLUSION FOR HUNTER-GATHERER COMMUNITIES

The experience of the Twa pygmies of the Lake Tumba area has been one of further social exclusion as well as the loss of vital forest resources. For instance, elders in the Twa camp of Nkwete told Greenpeace that they were barely consulted by ITB in advance of logging. Instead, ITB negotiated with an individual Bantu (a former chief) from a nearby village who claimed to be the traditional owner of the forest.²⁶³

After the Twa complained that the forest was theirs, the company made a take-it-or-leave-it offer to the Nkwete community, to which the local chief felt he had no option but to agree.

In an AFP article about negotiations between pygmy communities and loggers in the Lake Tumba area, entitled 'Pygmies ready to hand over their forests for soap', a Twa elder is reported as admitting:

'We will take whatever we are being given. ... Soap and salt means a lot to us.'²⁶⁴

The Twa live in the heart of an area of high conservation importance, but they are increasingly surrounded by loggers (including ITB, whose logging contracts were signed after the moratorium, see pages 82–83). The forest is of critical importance to their culture and daily subsistence. When Greenpeace visited the area, many Twa complained that ITB was cutting down trees of great importance to the

community, to build bridges along its logging roads.²⁶⁵ These trees, of the species *essia* (*Petersianthus macrocarpus*), are used for bridge-building by logging companies in the area. However, they are frequented by caterpillars that offer a critical source of protein to local communities, and their loss due to logging operations is a frequent source of complaint in the DRC.

Timber from ITB is imported into European countries including Belgium, France, Italy and Portugal. Interholco (Danzer's trading branch) is a client of ITB.²⁶⁶

TREE OF LIFE: INDIGENOUS USES FOR THE SAPELE TREE

For forest-dwelling communities, the sapele tree *Entandrophragma cylindricum* represents an important resource for food and medicine and as a construction material.

Large sapele trees are an important host tree for a protein-rich species of caterpillar, *Imbrasia (Nudaurelia) oyemensis*. In the DRC, several other tree species are also important host trees for other caterpillar species. During the caterpillar season, when game is difficult to hunt and next year's crops are not yet ripe, caterpillars account for around three-quarters of the protein eaten by pygmies in the northern Republic of the Congo.²⁶⁷

In addition, the caterpillars provide an important source of income. Collecting caterpillars can provide a higher annual income per hectare than growing crops.²⁶⁸ The UN Food and Agriculture Organisation estimates that the consumption of caterpillars in the DRC is about 13,500 tonnes per year. With an average market price of \$0.60/kg, the total market value of caterpillars is therefore estimated to be more than \$8 million per year.²⁶⁹

Sapele bark also has important medicinal properties. It is commonly used for the treatment of headaches associated with malaria and of swollen and painful eye infections, and also to relieve exhausted and painful feet.²⁷⁰

Thanks to its strength, buoyancy and water resistance, sapele is considered the best wood for pirogues (dug-out canoes). It also makes an ideal central roof support.²⁷¹

*'Women have no voice. Pygmies have no voice. In the forest areas of the DRC, pygmy communities — widely considered as being 'backward' — are numerically significant. Although some progress has been made at the discourse level, this has had practically no impact on the realities of women and indigenous peoples. These exclusions are serious handicaps to the Congo's broader development needs. ... Logging companies reinforce these forms of exclusion.'*²⁶²

Theodore Trefon, 2006



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TAXING CREDIBILITY: THE REVENUE FROM LOGGING WILL NOT GO FAR ... FROM KINSHASA

Central to the World Bank's strategy for development via reform of the forestry sector is the redistribution of tax revenues back from national to local level, backed up by an increased level of area tax. This is supposed to bring funding to enable the state to provide social infrastructure.

The tax revenue redistribution is at best a limited measure, however. In 2007 the area tax is \$0.50/hectare (in the case of new allocations following the legal review, the level of area tax to be paid will be determined by the offer of the highest bidder). Assuming that 10 million hectares of forest is under concession after the legal review and that tax collection from these concessions is 100% effective, the measure will still only net total revenue of \$5 million annually, of which 40% (\$2 million) is to be redistributed to provinces and territories to ensure the provision of basic community infrastructure in a country about the size of Western Europe.

*'Information in our possession gives an account of the current state of play regarding the assignment of forest area royalties resulting from logging in Orientale Province ... This completely incomprehensible situation not only violates the relevant provisions of the Forestry Code, but also by its nature deprives Orientale Province of necessary resources for reconstruction after the years of war and destruction.'*²⁷²

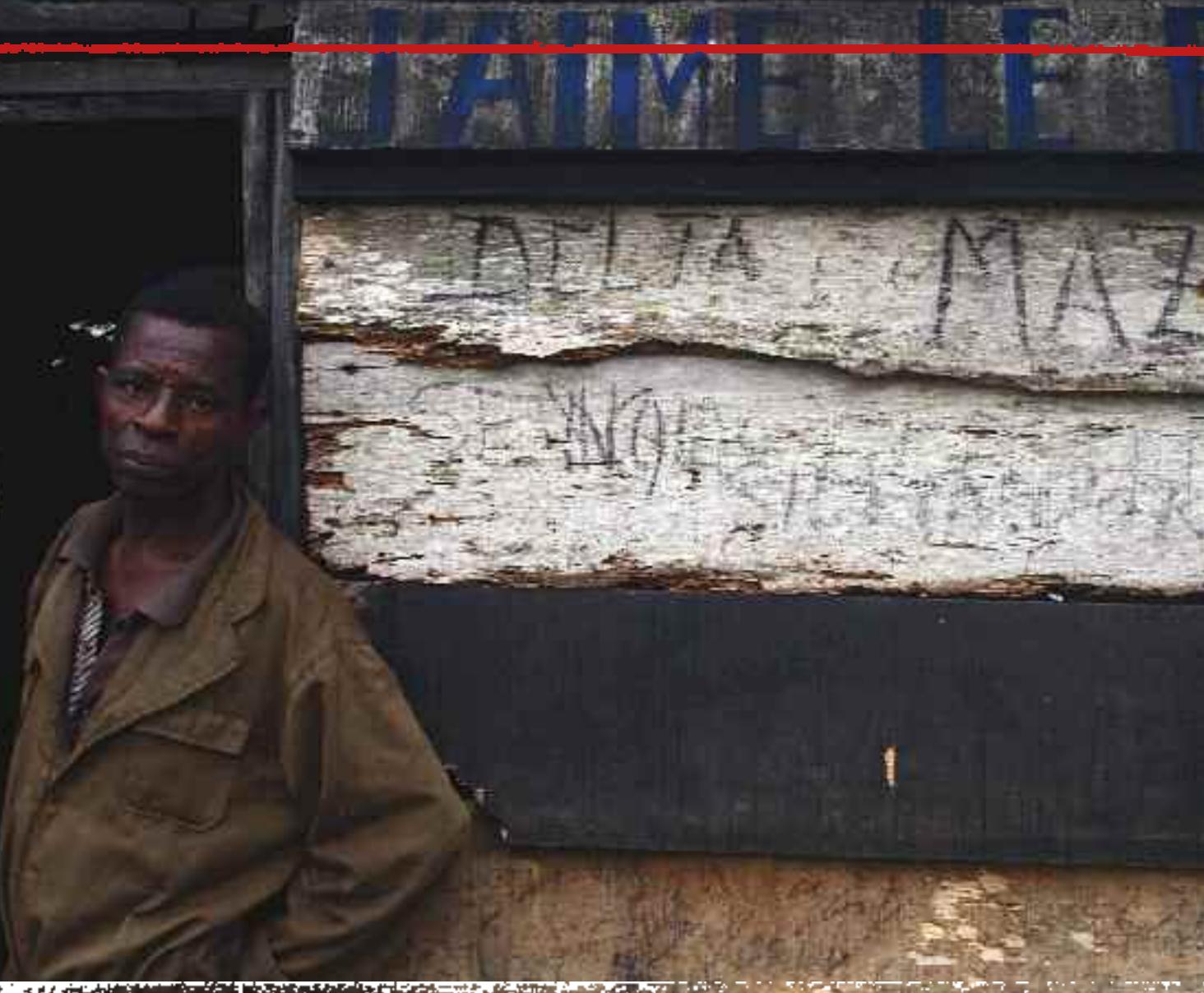
Theo Baruti Amisi Ikumaiyete,
Governor of Orientale
Province, 2005

*It is clear that access to the documents allowing proper verification of the state of affairs of tax payment ...is difficult if not impossible.'*²⁷³

WRI-Agreco (Independent Observer for DRC forestry reform), 2007

In reality, of course, even less money is likely to be available, since the process threatens to be undermined by corruption, as has happened in neighbouring Cameroon. To date in the DRC, systems of distribution or control to ensure that this money is actually devolved have simply not been set up at provincial or territorial levels. According to the World Bank, area fees were not transferred in 2003–2006.²⁷⁴

Given the experience of the impacts of poor institutional capacity and corruption in Cameroon, it is hard to imagine how the World Bank can have been so naïve as to allow such a situation to arise again. In any event, it is clear that local communities have not benefited at all, as yet.



'Social responsibility contracts' – the charity of loggers is a poor substitute for genuine development

In the DRC, as elsewhere in Central Africa, logging companies frequently negotiate local agreements (so-called social responsibility contracts) with customary landowners and communities as a means of securing their cooperation. The World Bank – recognising that forest-dwelling communities will see little benefit from fiscal reform and tax redistribution – has pushed for the adoption of the Forestry Code through which this process of direct negotiation of services is to be formalised, and for new agreements to be brokered with communities by companies passing the legal review.²⁷⁵ However, this approach offers a poor substitute both for genuine development, and for the policy of community consultation and prior, informed consent that is supposed to precede land use decisions.

Typically, the company will first negotiate access to the forest with the customary landowners in return for a small quantity of gifts or provision of services to the community. Before logging begins, the company then negotiates the social responsibility contract (*cahier des charges*). Such agreements, which currently have no legal basis, typically involve promises by the companies to provide goods and equipment and to construct or renovate facilities such as schools, clinics and wells. They have long served as a substitute for proper development, allowing government to wash its hands of the well-being of forest-dwelling communities. A forestry sector review for the World Bank concedes this point:

In well functioning States, the State ... provides social services throughout the country. In the DRC context, the *cahier des*

©Greenpeace/Davison

*'The loggers buy social peace by negotiating benefits in kind with the local elites (official and traditional authorities) and local communities. This relation has often been depicted as "wood for beer and a football pitch".'*²⁷⁶

Confidential report on Siforco, 2006

charges makes up for the State's inability to provide such services in remote areas.²⁷⁸

Companies often fail to meet their commitments in the social responsibility contracts. Infrastructure such as roads and houses built for their own use is allowed to fall into disrepair as soon as they have logged out a particular area, so that the forest-dwellers receive little or no lasting material compensation for the plunder of their traditional territory.

Moreover, recent research conducted on behalf of the Bank²⁷⁹ has highlighted the inequitable nature both of the agreements and of the process of negotiation by which they are reached (see for example the Sodefor case study on pp54–56 below). State authorities often act on behalf of the logging companies in the consultation process to ensure the agreements are signed or to stifle protest.²⁸⁰

Certainly, the social responsibility contract cannot be described as delivering genuine poverty alleviation or even adequate service provision, although, as the World Bank-led forestry sector review acknowledges, it is often the only benefit that forest communities receive from industrial logging.

Nevertheless, although the Bank regards the redistribution of the forest area tax to provinces and territories as the chief means of driving the DRC's development, the Forestry Code,²⁸¹ drawn up according to the Bank's recommendations, formalises the practice of negotiating social responsibility contracts (Article 89).

Until now there has been no standard procedure or template for the negotiation of social responsibility contracts, a deficiency that the Forestry Code sets out to remedy. New social responsibility contracts will need to be negotiated for logging titles that pass the legal review.²⁸² However, it is hard to see how standardising this procedure through the Forestry Code will overcome the intrinsic faults of the process. Negotiations between landowners and a logging company can deeply divide communities, with landowners sometimes granting access to the forest in return for little beyond purely personal gifts for

themselves, rather than negotiating investments that benefit the entire community (see Trans-M case study on pages 50–53); or signing away the villagers' right to protest when companies damage crops or fail to abide by their agreements. In many villages, most people are not even aware of the agreements that have been made between the loggers and the traditional landowners. Similarly, when both Bantu and pygmy communities claim rights over the same forest area (see ITB Lake Tumba case study on pages 44–46), the hunter-gatherer pygmies, who are most dependent upon the forest, may be sidelined.

Even when a social responsibility contract is negotiated on behalf of the full community, the negotiations never happen on an equal basis ('pas libre, pas transparent, pas équitable'²⁸³): the local traditional landowners and the wider community lack any ownership of the process, since they are unfamiliar with forestry law and often do not have a true sense of the economic value of their forest. Thus villagers are always in the weak position: the fact that local government civil servants and/or police are sometimes present during such negotiations (and typically take the side of the logging company) hampers a fair negotiating process (see Trans-M case study on page 48). Villagers feel powerless to defend themselves against the interests of a logging company working hand-in-glove with the state. They fear intimidation and arrest if they react (see Sodefor and Sicobois case studies on pages 50–53). Unsurprisingly, they often feel it is better to get something than nothing at all.

Once social responsibility contracts are signed, the communities concerned have little or no leverage to ensure compliance, and there is currently no legal mechanism for conflict resolution. Even when contracts are respected, the paternalistic terms in which they are framed do little to empower communities or promote genuine development – as a report into Siforco's operations observes: 'The contribution of forestry exploitation to local development remains confined within the sterile bounds of a relation of near total dependence.'²⁸⁴

*'The participatory management approach that is fashionable in some donor and NGO circles has little currency in the ruthless world of industrial logging. Moreover, the fiscal revenues that should accrue to them remain more imaginary than real. These populations have no reliable mediators & insufficient experience in participatory strategies.'*²⁷⁷

Theodore Trefon, 2006



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TRANS-M'S DEALS ARE A 'SWINDLE'

Trans-M's illegal logging is causing conflict in Lomako

Greenpeace has obtained a copy of a handwritten social responsibility contract that Trans-M signed with the local community leaders of Lomako on 8 February 2005.²⁸⁵ The communities live beside the newly established (2006) Lomako National Park, in key bonobo habitat within the CBFP Maringa-Lopori-Wamba landscape. Trans-M holds a title for the area obtained after the moratorium (see pages 50–53).

The contract was negotiated in the presence of many government representatives, including the adviser to the governor and the regional administrator. The contract commits Trans-M to improve and maintain the local road, and to build health centres and three schools. In terms of more immediate compensation to the community, Trans-M promised to deliver 20 50kg sacks of sugar, 200 bags of salt, and equipment including 200 machetes, 50 axes, 100 hoes, 100 files and 200 spades. In July

2005, just six months after the contract was signed, concerned members of the community, organised under the name of the Association of Natives of Lomako (Association des Ressortissants de Lomako – ARELO) handed over a memorandum²⁸⁶ to the Governor of Equateur Province in which they expressed their anger and frustration at the 'illegal logging activities carried out by Trans-M'.²⁸⁷ The memorandum was addressed to a broad audience, including the Trans-M management in Kinshasa, President Kabila and the Environment Minister.

In the memorandum, ARELO claims that Trans-M's logging contract was signed in violation of the moratorium, and also that 'the logging title Trans-M has obtained is located in a zone where the creation of a future protected area is being widely discussed.' It complains that 'no proper land use planning was done ... taking into account the socio-economic realities of the local communities' and that 'the people were not properly consulted before this logging title was handed out'.²⁸⁸ It also regrets

'Villagers within 40 kilometres of the city of Kisangani are rising up against the logging companies exploiting their forests. According to village leaders, their people are not benefiting from these industrial activities. Not a single humanitarian or social action has been taken by these loggers. Villages are without schools, health centres, navigable roads and other adequate infrastructure. In short, in the majority of cases, social responsibility contracts have not been respected ... At present, the most visible, the most active I can cite include Trans-M Bois, a subsidiary of Congo Futur'.²⁸⁹

Radio Okapi, Kisangani
(April 2006)

the overlap of interests 'between the head of the provincial administration and the company'.²⁹⁰

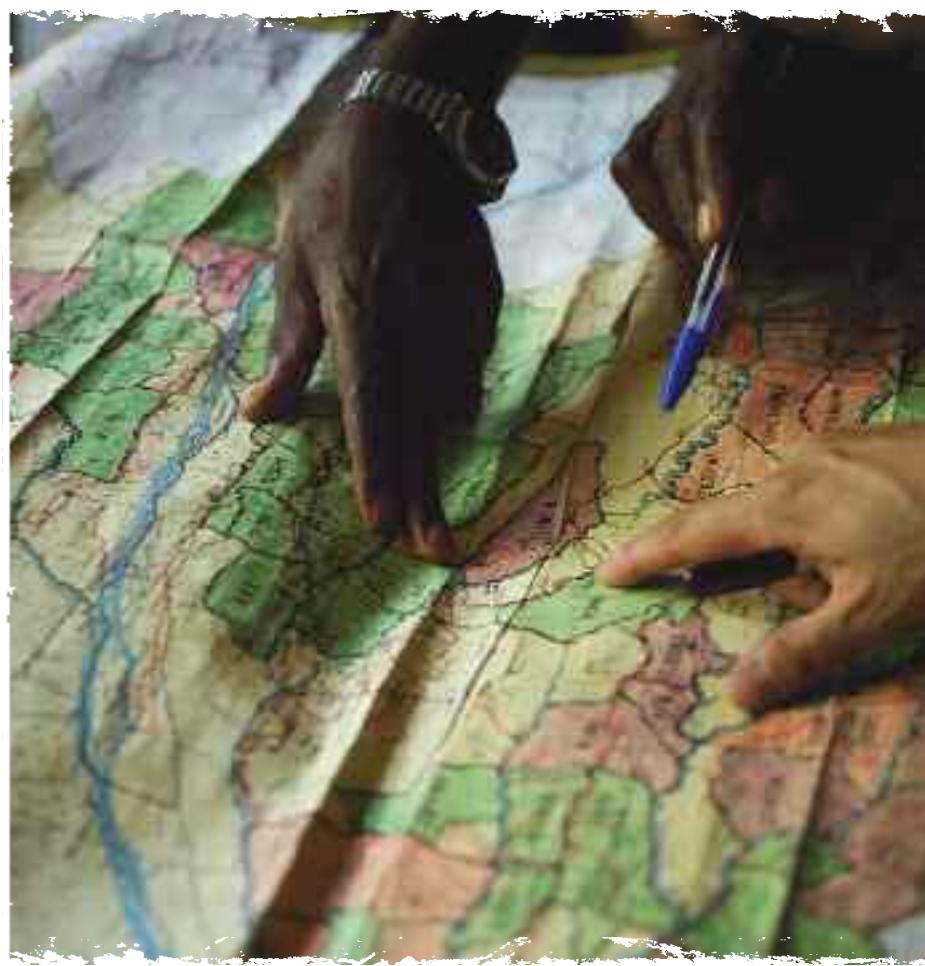
ARELO cites a number of shortcomings in Trans-M's handling of the social responsibility contract process:²⁹¹

- the lack of proper consultation of the people of Lomako
- the poor content of the social responsibility contract listing the obligations of the logging company
- a questionable commitment to genuine development as a result of the contract having been negotiated by Trans-M in the absence of any clear, informed representation of community interests
- the fact that several village representatives refused to be part of this swindle ('tricherie') – which included 'forgery and other defects ... evident in some of the signatures attached to the document at the 8 February 2005 meeting, at which people were forced to sign'²⁹²

The memorandum concludes by protesting against the arrogant and disrespectful way the negotiating process was conducted, against the interests of the Lomako communities.²⁹³ ARELO calls for the 'immediate and unconditional suspension of Trans-M's/Congo Futur's activities in this future protected area because they do not meet the needs of the local community'.²⁹⁴

The social conflicts arising from Trans-M's poor contribution to local development in the Lomako area continue, two years on.

Trans-M workers complain of appalling working conditions. Many workers have voiced concern that they have no proper contract; workers camps are unsanitary; the work can be quite unsafe, and there have been a number of fatal accidents for which relatives have not received proper compensation. Those who have challenged Trans-M about the situation (village chiefs, local authorities, the local forestry department) have complained about intimidation.²⁹⁵



©Greenpeace/Reynaers

*'Trans-M was imposed on the community ... The head of the Department for the Environment simply informed the community that they were going to log the forest.'*²⁹⁶

Alibuku community leader

Trans-M is destroying community forest resources in Kisangani

Greenpeace has obtained a copy of another social responsibility contract²⁹⁷ which Trans-M negotiated in February 2005. This one is with the community of Alibuku village, near Kisangani in Orientale Province, impacted by the GA 033/05 logging title.²⁹⁸ The agreement includes commitments to build a school and a clinic, to provide transport for villagers to Kisangani if there is room in the logging trucks, and to provide free wood to use for coffins.

But implementation of these promises has been disappointing. Apart from the construction of a school, few of the promises made to the community have materialised. The company is the cause of considerable tension in the area and risks damaging local livelihoods.²⁹⁹ More than a year after the contract was obtained by Greenpeace, a field mission from the NGOs Bank Information Center and Environmental Defense visited the village and drew the following conclusions:



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*'The Bank's actions in the DRC industrial timber sector are subject to some criticism. ... [T]here are serious ethical considerations because there is little doubt that local populations will be victimised by industrialised logging.'*³⁰⁰

Theodore Trefon, 2006

'The conditions under which cahiers des charges are negotiated often do not enable communities to adequately express and defend their rights. In the case of Trans-M, the company held one meeting with the customary landowners (les ayants droits) and the village chief (chef du village) to announce that it would start working in the community. The company then returned for a second meeting, with the Government's advisor, and demanded that the community draft its priorities and demands for the cahier des charges and sign the document that same day (February 2005). After more than a year, none of the commitments made by the company in the cahier des charges ... has been fulfilled. The villagers complained: "We asked them to provide us with enough wood for our coffins and they even refused that."³⁰¹

As the BIC/ED report also emphasises, the existence of a social responsibility contract does not obviate the need for direct compensation for the losses communities experience as a result of forest destruction from industrial logging. These losses can include, amongst others, a decline in the supply of or access to non-timber forest

products on which communities depend, including mushrooms, caterpillars and forest animals that are hunted.

Local communities that depend on the forest currently being logged by Trans-M have complained that the company is cutting down sapele trees (see p 46). Communities rely on these trees for caterpillars, an important source of protein and cash in an area that otherwise suffers from malnutrition. Further, Trans-M's logging operations overlap with, and threaten to damage, areas used by communities for small-scale agriculture.³⁰²

On 19 February 2005, Trans-M also obtained an agreement from several neighbouring communities.³⁰³ The negotiations over this created considerable conflict; younger people felt that elders had failed to look after the long-term interests of the community. The deal also created tensions between communities, with some customary landowners refusing to sign the social responsibility contract because they felt the content was weak and that their needs were not adequately taken into account.

Soon after, Trans-M began rapidly expanding its logging operations at its GA 033/55 title, the contract for which was signed after the moratorium. Local radio reported that by December 2005 more than 300 afrormosia (*Pericopsis elata*) logs were being stored in Kisangani awaiting shipment to Kinshasa.³⁰⁴

Afrormosia is a CITES Appendix II listed species, which means that it is at risk of extinction from unregulated trade and therefore subject to regulation. If there is good reason to question the legality of the timber, importing EU countries have the duty under CITES regulations to insist on clear evidence of legality before issuing an import licence.

Further, local authorities have complained that Trans-M is not following the regulations in terms of log storage and fails to respect local tax obligations. However, Trans-M has denied the charges made by the provincial coordinator for the Ministry of Environment and claims that everything was arranged in Kinshasa.³⁰⁵

As the problems around Trans-M operations in Lomako and Kisangani demonstrate, social responsibility contracts do not ensure that communities benefit from logging operations or that forest resources are sustained.

Timber from Trans-M is imported into European countries including Belgium, France and Germany.³⁰⁶

EUROPEAN LAWS BANNING ILLEGAL AFRORMOSIA

— WHERE'S THE ENFORCEMENT?

With an export market price of around \$850/m³ for sawn timber,³⁰⁷ afrormosia or African teak (*Pericopsis elata*) ranks among the most valued tropical timber species. Afrormosia is a CITES Appendix II species, meaning that the species is subject to trade regulation because it is recognised that unregulated trade puts the species at risk of extinction.

The DRC has the world's largest remaining stocks of afrormosia, largely confined to the provinces of Equateur and Orientale.³⁰⁸ Around Kisangani, this threatened species is the main commercial timber tree.³⁰⁹

Since the end of the war, the DRC has substantially increased its exports of afrormosia. In 2005/06, it was the world's largest exporter, with the vast majority of the timber being exported to China, Taiwan and six European destinations: Italy, France, Belgium, Germany, Portugal and Switzerland. Other destinations include Japan and the USA.³¹⁰

In theory, DRC government authorities are only allowed to grant a CITES Appendix II export permit for afrormosia (whether logs, sawn timber or veneer sheets) if two criteria are met:³¹¹

- the Institut des Jardins Zoologiques et Botaniques du Congo (the DRC CITES Scientific Authority) has advised that 'such export will not be detrimental to the survival of that species'
- the Institut Congolais pour la Conservation de la Nature (ICCN) (the DRC CITES Management Authority) is 'satisfied that the specimen was not obtained in contravention of the laws of that State for the protection of fauna and flora? (eg not in violation of the moratorium and compliant with the DRC Forestry Code)

Additionally, countries within the European Union may only issue an import permit for afrormosia if such imports 'would not have a harmful effect on the conservation status of the species or the territory occupied by the relevant population of the species.'³¹²

Using its additional power to enforce CITES regulations, the European Union suspended imports of afrormosia from Cameroon and the Republic of Congo because of concerns about the sustainability of the trade. Both sanctions were subsequently lifted.³¹³

Given the level of corruption within the DRC, the extent of forest allocated in violation of the 2002 moratorium and the Forestry Code, the lack of institutional capacity to either identify breaches of the law or enforce regulations, and the clear incentive for companies to cut the most valuable species within the current legal vacuum, it is clear that it will be very hard to prove the legality of afrormosia from the DRC under the CITES regulations.



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SODEFOR DEALS WITH EMPTY WORDS

Sodefor (see page 23) has its operations headquarters in Nioki in Bandundu Province. The town is an example of modern industrial logging's inability to bring prosperity to the regions in which it operates.

The example of Sodefor is all the more striking in that the company's pre-war predecessor, the state-owned Forescom (run by Belgian, then Canadian management) appears to have been relatively beneficial. Sodefor (*Société de Développement Forestier* known to local inhabitants as 'Société de Destruction Forestière') is now part of the giant Liechtenstein-based NST group (see pp82–85), which directly controls some 4.7 million hectares of logging titles in four DRC provinces.³¹⁴

Sodefor is by far the dominant logging company in Bandundu, with a sawmill base at Nioki, the only logging town in Bandundu Province. Greenpeace visited the area in May–June 2006 and January 2007, and was told that local people have repeatedly expressed their outrage at Sodefor's exploitative attitude.

For example, in an open letter to the Minister of Environment, people from Nioki, who had formed a pressure group under the name of 'SOS Nioki', complained about the company's disappointing social record:

'The forests of Mai-Ndombé are exploited for the self-interested profit of Sodefor and its sister company Soforma ... This exploitation generates a huge turnover ... and makes a dismal contrast with the economic and social conditions of the populace of Mai-Ndombé district ... where there is no sign of any recompense for the wealth extracted from its land.'

Logging titles near the Salonga-Lukenie-Sankura Landscape



● Intact Forest Landscapes ● Logging Titles ● Salonga-Lukenie-Sankura Landscape

In contradiction of its full name, which promises development, Sodefor has never given a moment's consideration to any development project in this area.³¹⁵

It was indeed evident at the time of Greenpeace's visit that little of the wealth Sodefor has extracted has returned to the area. Sodefor's main contribution to Nioki seems to be the maintenance of the town's hospital which provides health care to its inhabitants. The roads at Nioki, well maintained before Sodefor bought out the logging operation, are now in a state of disrepair. The electricity supply to most of the town has been cut off. Outside Nioki, most schools in the area where Sodefor operates lack benches, and most health centres lack basic medical equipment. Sawn timber is hard to obtain in the area – there is not a single timber yard in the region where final processing is carried out

to meet local demand. Sodefor has a processing plant at Nioki, but according to local people all the timber it processes is sold elsewhere.³¹⁶

Beyond the town, villages close to sites where Sodefor has ended its logging are now partly abandoned, their inhabitants setting up in shanty-towns along the river, the sole remaining means of communication. As elsewhere in the DRC, game and fish are becoming rare in the area and, as there is little agriculture, the population subsists largely on a diet of manioc.

Greenpeace found similar deprivation and lack of investment in basic infrastructure in other nearby settlements where Sodefor is active.³¹⁷

When Sodefor 'negotiates' social responsibility

*'Forest laws must be reformed to recognize the needs of the forest-dependent poor. Otherwise, their enforcement is the worst form of violation of equity and justice.'*³¹⁸

Gerhard Dieterle, World Bank
Forests Advisor, 2006

agreements with villages, the company always uses essentially the same standard contract: local stakeholders, uninformed of their rights, are told to 'take it or leave it'.³¹⁹ Sodefor then obtains an official signature to 'legalise' the agreement.³²⁰ Typically, in return for access to a village forest the company will sign an agreement involving direct gifts in kind to the customary landowners (often to a value of less than \$100).³²¹ In return, Sodefor insists that the landowners must sign away their community's right to protest in any way against the company's activities. They are also expected to assume responsibility for the smooth functioning of the company's logging operation – in other words, take responsibility for preventing obstruction or interference.

SODEFOR'S CONTRACTS OF SHAME

'Mr [xxx] undertakes to avert or prevent any kind of disturbance (barricades, uprising of the population) of Sodefor's forest exploitation. He is in addition responsible for the smooth functioning of activities at the logging site, without however interfering in working methods.'³²²

Sodefor cahier de charge

Greenpeace has obtained copies of several of Sodefor's social responsibility agreements, detailing the 'gifts' the community receives in exchange for essentially signing away its right to protest:

21 March 2004, Ikole Mete: two sacks of salt, 18 bars of soap, four packets of coffee, 24 bottles of beer and two bags of sugar.

18 March 2005, Bonji: one sack of salt, nine bars of soap, two packets of coffee, 12 bottles of beer, 1 bag of sugar.

1 November 2005, Nkoba & Manya: two sacks of salt, 18 bars of soap, four packets of coffee, 24 bottles of beer and two bags of sugar.

1 November 2005, Eyongo & Elona: two sacks of salt, 18 bars of soap, four packets of coffee, 24 bottles of beer and two bags of sugar.

Beyond its gifts to the local customary landowners ('ayants droits'), Sodefor typically signs social responsibility agreements promising to undertake development projects for the benefit of the wider community. But these rarely materialise, and villagers are powerless to enforce the agreements. Madjoko villagers receive a tiny percentage of the value of the wood felled by the company, but have to rely on the 'totally unverified' data which it provides.³²³

Providing employment for local people would be one benefit that the logging industry could bring to forest communities. Yet, in Madjoko and elsewhere, it was made clear to Greenpeace that Sodefor provides few jobs for local people. Additionally, some of those who are taken on tend to be kept for unreasonably long times as 'trainees' with no job security and no rights to the bonuses received by the non-local workers on full contracts, receiving the national minimum wage (335 CFR per day – about US\$0.70) for a 10-hour day. Those who are employed live in appalling conditions.³²⁴ At various logging sites, an investigation into the implementation of social responsibility contracts notes that the level of malnutrition and hunger, is striking.³²⁵ Even the operations manager admitted that 'lack of food at Madjoko is a reality'.

Protests by local people at Sodefor's failure to abide by its commitments in social responsibility contracts have met with violent intervention from the police and military. In 2005, 23 people were arrested in the villages of Bobila and Mbelo in Equateur Province for blocking the road to prevent the passage of logging equipment, after Sodefor failed to respect a social responsibility agreement.³²⁶ In February 2006, soldiers and police returned to Mbelo, making violent arrests and stealing personal effects after villagers again blocked the road.³²⁷

Timber from Sodefor is imported into European countries, including Belgium, France, Germany and Portugal.³²⁸



©Greenpeace/Davison

THE LAW WORKS HAND-IN-HAND WITH SICOBOIS

Sicobois is a Belgian-owned company with three logging titles in Equateur Province, covering nearly 400,000 hectares.³²⁹ These contracts have been signed after the moratorium. Although Sicobois had logging titles in Lissala before May 2002, Greenpeace has reason to believe that old forest areas titles were exchanged for new ones.³³⁰ However, in the absence of publicly available company-specific pre- and post-moratorium maps, it is impossible to make a fully informed independent judgement.

A report by a Congolese NGO³³¹ states that Sicobois often consults with local communities regarding authorisation for forestry prospecting, and it has negotiated and signed a number of agreements. However, in most cases these consultations and agreements have not led to harmonious relations.

One agreement was concluded between Sicobois and three community groups (Bolongo-Bosuwa, Monduga and Bobala) on 16 January 2004.³³² The company agreed to supply the three communities with a quantity of various tools and materials, and also to build a dispensary and a school, renovate another school, and supply benches for these and two other existing schools.

On 3 October 2005, an ongoing conflict around forest exploitation between the community of Bolongo-Bosuwa and Sicobois seriously escalated, with the company categorically refusing the community's request to negotiate a new agreement to log its forests. According to an article in *La Voix du Paysan* newspaper, the Belgian Ambassador offered to negotiate but this was rejected by Sicobois. The community decided to block the roads to the logging sites and deny the company's vehicles entrance to 'their' forests.³³³

This article goes on to state that Sicobois did not respond to the community's invitation to negotiate a peaceful solution. However, three officials, including a police officer, left Lisala for the 'conflict zone' the same day. On their arrival they arrested the chief of the community and four of his councillors. All of them were taken to prison and detained for six days. Another councillor went up to Lisala the same day to inform the coordinator of a local



NGO about the situation. When he returned that evening to tell the community what had become of the arrested men, he came across a car full of Sicobois workers who were on their way to remove the blockades to the logging site. He was forced into the car and that night they took him all the way back to Lisala to have him put in prison as well (simply because he had come back to the community to tell the people what had happened to their chief and councillors). The prosecutor who subsequently examined the case concluded that the chief of the community should never have been intimidated in this manner.³³⁴

Nor was this an isolated incident. In the neighbouring community of Mondunga, a roadblock was set up by the local population in order to insist that the logging company respect its commitments. As a result of this blockade, the president of the local community's committee on forest management, Professor Wale, was reportedly arrested in Lisala and spent two weeks in prison.³³⁵ The evidence suggests that when faced with protests at its conduct, Sicobois prefers to leave it to the police to intimidate communities rather than talk through the difficulties – perhaps because negotiation would force the company to admit that it fails to abide by its local agreements.

Sicobois exports its timber to Europe, Danzer is a major client of the company.³³⁶

INDUSTRIAL LOGGING OPENS UP INTACT RAINFORESTS, PRECLUDING PROPER LAND USE PLANNING

The World Bank's strategy for reform of the forestry sector in the DRC includes as a goal protection of the rainforest's local and global environmental values, including its contribution to climate stability.³³⁷ However, without a forest land use planning process which prioritises large-scale conservation, the measures the World Bank has pushed through – a moratorium on the allocation of new forest titles, a legal review of existing titles, and a new Forestry Code – will not stop industrial logging moving into valuable intact rainforest. This will result in de facto land use decisions in favour of the loggers rather than the forest-dwelling communities, the DRC's unique biodiversity or the global environment.

The rainforest of the DRC is critical to the health of the global environment. Its massive stores of carbon help keep the global climate stable. It plays a significant role in regulating one of the world's largest river basins. It is also a unique reservoir of biodiversity.³³⁸ Once lost, the forest, its wildlife and the vital environmental services it provides cannot be replaced.

The CBFP has to date identified several large forest landscapes within the DRC that are important for conservation and require sustainable management. Moreover, as shown by the case of the Lomami forest (see pp64–67), there are also other vast tracts of intact forest landscape not included in the CBFP's priority conservation areas, that nevertheless have huge value for forest communities and biodiversity, and whose large-scale protection would contribute to the forest's continued provision of global environmental services such as climate stability. But destructive logging operations are set to go ahead both within the CBFP priority landscapes (in spite of the CBFP's recommendations to aim for sustainable forest management) and in other important areas, curtailing the options for protection and responsible forest management.

As the World Bank itself recognises: 'There is a serious risk that economic development initiatives will be accepted by the Government without adequate consideration being given to their environmental impact, or to alternative options such as biodiversity conservation and community based management.'³³⁹

Many logging companies whose operations threaten important forest landscapes have rushed to obtain logging titles in advance of any land use planning process (eg Trans-M case study on pages 50–53). It is clear that in this context there is an urgent need for full and extensive land use planning prior to the expansion of industrial logging: social and environmental values need to be recognised and protected so that critical areas of rainforest are placed off limits to commercial logging or other extractive industries. Strategic land use planning provides an essential framework for long-term management of any forest. It has been shown to be effective at resolving existing disputes and avoiding future conflicts between the interests of indigenous peoples, logging companies, biodiversity and the environment at the local, national and international scales.

In practice, however, just the opposite approach is being taken: existing titles, provided they satisfy the narrow criteria of the legal review, stand to be confirmed as new-style forestry concessions irrespective of their potential impacts on forest-dwellers, wildlife or climate, pre-empting any attempt at a rational land use planning exercise with irreversible decisions in favour of the logging industry.

Meanwhile, the protection of the rainforest's social and environmental values will be largely abandoned to the good offices of the logging industry itself through the forest management plans it is required to develop, four years down the line. Rather than insisting first on land use planning being the absolute priority, donors are aiding and abetting this free-for-all by giving companies development money to complete these management plans, which being mandatory are critical to their expansion into new areas of intact forest – and to their profitability (see case study, page 45).

*'With the largest share of the Congo Basin and 50% of Africa's moist tropical forests, the occurrence of 12 ecoregions on DRC's territory and a unique level of natural habitats and species diversity and endemism, the DRC is recognised as one of the world's most important countries for environmental protection.'*³⁴⁰

World Bank, 2006

*'Independent of their species richness and their level of endemism, the forests of the Congo Basin represent one of the last regions in the world with vast areas of interconnected tropical rainforest where the biological processes can still proceed without disturbance. It is for example one of the rare places in the world where an animal the size of the forest elephant can still play a natural role in shaping its ecosystem, like an "engineer" transforming the landscape, influencing species distribution and maintaining the functioning of natural ecological systems. In addition, simply by virtue of its size, the forest of the Congo Basin constitutes a carbon reserve of global importance for the regulation of the principal greenhouse gas, carbon dioxide. Finally, this forest also has a role in regulating the regional and local climate. In particular it ensures the hydrological cycle, since more than 50% of the precipitation that falls on the Congo Basin comes from local evaporation and evapotranspiration.'*³⁴¹

Congo Basin Forest Partnership, 2006



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*'The Democratic Republic of Congo is by far the most biologically rich country in Africa ... Its size and wide range of habitats make it one of the world's most important centres of biodiversity.'*³⁴²

Wildlife Conservation Society (WCS)

The DRC's resurgent logging industry is already fragmenting large areas of rainforest, opening them up to poachers, agriculture and settlement as it creams off the most valuable species. Poachers take advantage of the logging roads to travel deep into previously inaccessible forest. According to the CBFP, the location of logging titles is a prime indicator of where roads will be built, and roads are in turn a prime indicator of where degradation of the rainforests will occur in the future.³⁴³ Logging company workers often facilitate the trade by transporting bushmeat in company vehicles or on log barges.³⁴⁴ In this way, even where the forest cover remains largely intact, industrial logging can lead to the near eradication of endangered animal species from a region. In the words of Conservation International, 'This type of uncontrolled bushmeat trade has become the most immediate threat to the future of wildlife in the Central African wilderness in the next five to fifteen years.'³⁴⁵

LARGE INTACT RAINFORESTS – DRC FORESTS ARE CRUCIAL FOR GLOBAL BIODIVERSITY CONSERVATION

The forests of the DRC are of global significance for biodiversity conservation – in fact, the country ranks as the fifth most diverse country on earth for both plant and animal species,³⁴⁶ in large part because of the size and variety of forest habitats.³⁴⁷ The DRC is home to a wider variety of species of animals than any other nation in Africa and only South Africa rivals the DRC in number of plant species.³⁴⁸

The DRC's vast tracts of unbroken forest shelter spectacular mammals such as elephant (*Loxodonta africana*), gorilla (*Gorilla gorilla*) and buffalo (*Synacerus caffer*). These large mammals play a critical role in shaping the forests. Like landscape gardeners, they create pathways, plant, prune, and open clearings.³⁴⁹

All four African great apes live in the DRC's forests: in addition to the western gorilla, we find the eastern gorilla (*Gorilla beringei*), the chimpanzee (*Pan troglodytes*) and the pygmy chimpanzee or bonobo (*Pan paniscus*), the human race's closest relative, which lives nowhere in the world except the rainforests south of the Congo River.³⁵⁰

Other wonderful creatures that live only in the DRC include the magnificent and elusive Congo peacock (*Afropavo congensis*);³⁵¹ the rare aquatic genet (*Osbornictis piscivora*), a curious fish-eating carnivore;³⁵² the shy okapi (*Okapia johnstoni*), a unique animal somewhere between a giraffe and a zebra; and a number of monkey species including the Salonga or dryas monkey (*Cercopithecus dryas*),³⁵³ and the golden-bellied mangabey (*Cercocebus chrysogaster*).³⁵⁴

NO LAND USE PLANNING IS A ROAD TO RUIN – LOGGING IN THE MARINGA-LOPORI-WAMBA LANDSCAPE

In September 2003, the World Bank set out to support pilot forest zoning work in the Maringa-Lopori-Wamba landscape (one of the CBFP's key conservation landscapes) as part of a \$4 million emergency aid loan. However, it then dropped the project because of lack of consultation.³⁵⁵

It is unclear if and how the World Bank will re-engage in zoning activities. In response to a joint letter from Greenpeace, Bank Information Center, Environmental Defense and the Rainforest Foundation, in November 2006 the World Bank wrote in November 2006 that: 'A participatory zoning activity might be part of future projects financed or administered by the Bank, as long as there is unambiguous support for it within the Congolese civil society, and provided national technical institutions demonstrate commitment to exercise due diligence in handling such a complex task.'³⁵⁶

Within the Maringa-Lopori-Wamba landscape, Siforco (part of the Danzer group) is by far the largest logging title holder (see pages 82–85).

Siforco started logging in the area in 1977.³⁵⁷ In June 2004, the company returned 1.2 million hectares of forest to the State, around half of it within the Maringa-Lopori-Wamba Landscape. Yet, only forests which had already been logged or which were otherwise unsuitable for industrial exploitation were handed back.³⁵⁸ Further, this relieved Siforco of paying imminent increases in annual forest tax on the area returned.³⁵⁹

Siforco currently holds two adjacent dormant logging areas in the landscape, known as K2 and K7. These cover 725,000 hectares of rainforest within the boundaries of the landscape,³⁶⁰ north of the Lomako national park and in bonobo habitat. The company intends to open several of these areas as soon as it finalises its management plans for the areas and has the necessary infrastructure in place.³⁶¹ Opening up these vast tracts of rainforest with thousands of kilometres of logging trails and roads will cause not only direct habitat destruction and disturbance of wildlife, but will also further open up the forest

to poachers, jeopardising the future of some of its most endangered species. Roads also degrade the forest, contributing to climate change through emission of greenhouse gases.

The potential consequences of this expansion of logging operations are recognised in a report on Siforco's activities, which acknowledges that the forest authorities responsible for wildlife management in the region are utterly incapable of exerting the necessary control to protect wildlife from the impacts of logging.³⁶² Instead, independent conservation groups are left to try to manage the problem created by industrial logging as best they can, employing only a handful of rangers to cover an area of some 720,000 hectares!³⁶³ Clearly such a level of enforcement is totally inadequate to control poaching. It is doubtful that any practically conceivable level of enforcement will be able to control poaching once the area has been opened up because of the vast area affected. Once open, Siforco's holdings are likely to end up as 'empty forest', devoid of large animals like other areas which logging has opened up to poaching and other forms of exploitation.

Near Befale, south of the Lomako reserve in core bonobo habitat is another big actor, Trans-M. According to CBFP, Trans-M's 250,000 hectare logging title³⁶⁴ (see page 50–53) was obtained in breach of the moratorium³⁶⁵ and therefore the Forestry Code. While there are many indications that Trans-M is involved in illegal activities, the forestry authorities in Equateur have no proper control or monitoring of the volume of timber the company logs.³⁶⁶ As a report by the CBFP notes in relation to logging in this area: 'When those responsible for governance and conservation are absent, those involved in logging the forest are given a free rein for lawless exploitation.'³⁶⁷

*'The construction of logging roads greatly increases access to remote areas of forest but unless use of these roads is controlled during and after logging, they significantly increase unsanctioned extractive activities such as elephant poaching, commercialization of the bushmeat trade, and exploitation of minerals, all of which have severe environmental impacts. The devastating effects of unregulated hunting have been well documented in Central Africa, where many logged forests remain filled with trees but are empty of wildlife—the "silent forest" syndrome. Logging roads also serve as conduits for immigration and forest-clearing for agriculture.'*³⁶⁸ Wildlife Conservation Society, 2004

*'Without a forest land use planning process that will lead to a protected permanent forest estate, the Congolese forest by 2050 will only be a vague reminder of what they once were.'*³⁶⁹ World Bank, 2005



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The coordinator of forestry for Equateur Province at Mbandaka told Greenpeace in October 2006³⁷⁰ that although he has had reports that there are problems with Trans-M, he does not have the resources to investigate the matter. The local forestry authority at Befale – even more poorly resourced than its provincial head office – is largely cut off from the supervision of the provincial coordinator, although he is ‘aware’ that the branch has problems, such as low wages, no transport and no proper equipment, which makes it extremely dependent on the good will of companies such as Trans-M.

Representatives of the Ministry of Development are also present in Befale, but they too are without capacity, skills or equipment.

In the absence of strategic zoning, in a context of corruption and weak institutional capacity, de facto land use planning is rapidly taking place through the expansion of destructive logging practices. This happens even in areas already identified by the international community as priority areas for conservation and responsible management.

WILL DONORS' SUBSIDIES SUPPORT THE ROAD-TO-RUIN POLICY?

In the absence of land use planning and governance, the emphasis of the World Bank's strategy to drive development for the people of the DRC has shifted from attempts to control the resurgence of the logging industry's operations (eg through the moratorium and legal review) to attempts to control its social and environmental impacts through the development of forest management plans.

In February 2007, international donors attending a conference on the DRC were asked to help logging companies with the cost of doing business in Central Africa. The head of the Interfrican Forest Industries Association (IFIA)³⁷¹ – which represents some 300 companies in the Ivory Coast, Ghana, Cameroon, Gabon, the Central African Republic, the Republic of the Congo, the DRC and Angola – asked for €75 million to subsidise the cost of developing forest management plans.³⁷²

Despite the complete lack of institutional capacity in the DRC, the French and German Governments accordingly intend to provide public money to support the preparation of forest management plans for the DRC operations of Danzer's Siforco (see pages 82–85). The German development bank KfW is looking to support development of a forest management plan for titles within Siforco's K8 holding.³⁷³ The French development corporation Agence Française de Développement (AFD) is considering financial support for development of a forest management plan for titles within Siforco's K9 holding.³⁷⁴ Logging may start in 2007 in these areas. It is highly questionable whether an international company, with an annual turnover of over €400 million,³⁷⁵ should benefit from foreign aid assistance in a country where people are still dying from starvation, and where corruption and institutional incapacity are major hurdles to progress.

Siforco is currently the largest timber producer in the DRC, producing some 90,000m³ of timber in 2005 – more than 20% of the entire industrial timber production for that year.³⁷⁶

'As USAID has long recognized, donors encounter extreme difficulty and little success in trying to use foreign assistance (grants and loans) to impose new behavioural norms in political systems based on the "rule of men" rather than the "rule of law".'³⁷⁷

ARD report for USAID, 2003

Logging titles near the Maringa–Lopori–Wamba Landscape



● Intact Forest Landscapes ● Logging Titles ● Maringa–Lopori–Wamba Landscape

Its current logging operations take no account of sustainability parameters: timber production is dictated in response to industrial demand of Danzer's sawmills.³⁷⁸

Siforco's logging activities are currently within the most productive intact forest areas within its titles, which hold the highest densities of valuable hardwood. Titles have been logged solely with a view to efficient extraction of key species.³⁷⁹ In 2005, just three species – sapele, iroko (*Milicia excelsa*) and sipo (*Entandrophragma utile*) – made up 63% of the total volume logged.³⁸⁰ This practice of high grading inevitably leads to a need to move on rapidly to new areas of intact forest.³⁸¹

Given the desperate shortage of institutional capacity in the DRC's forestry service,

combined with the absence of a land use planning process, this at best a highly questionable use of taxpayers' money.

French and German government funding for Siforco to meet statutory commitments would give the company a competitive advantage, and facilitate the expansion of industrial logging operations into intact forest landscapes. This would contribute to undermining the future potential of the DRC to protect its biodiversity and its continued provision of global climate services.

Timber from Siforco is imported into European countries including Belgium, Denmark, France, The Netherlands and the UK. It is also imported into China.³⁸²

TIME FOR LARGE-SCALE RAINFOREST CONSERVATION BEFORE THE CRISIS: LOOMING THREATS FOR THE LOMAMI FOREST

BEYOND PAPER PARKS AND EMPTY FORESTS

Although theoretically there are 60 protected areas in the DRC (including seven national parks), covering 18.5 million hectares or 8% of the country,³⁸³ many of these areas are protected only on paper.³⁸⁴ All five Natural World Heritage Sites (four of them also national parks) are listed by UNESCO as 'World heritage in danger',³⁸⁵ despite the dedication of ICCN staff who continued management activities throughout the war with financial support from UNESCO and international NGOs. Two-thirds of the parks have been all but emptied of large mammals.³⁸⁶ As elsewhere in the world, the historic approach to biodiversity protection based on islands of protected habitat has not been enough to safeguard the country's wildlife against pressure from a growing population,³⁸⁷ poaching and other threats which industrial logging looks set to exacerbate, both directly by the damage it causes, and indirectly as a result of the roads and other infrastructure it brings into the forest.

The World Bank acknowledges that the existing protected areas are inadequate:

'The current network of protected areas with only 7 national parks and 57 nature and hunting reserves is insufficient to conserve the uniqueness of biodiversity in the DRC; additional protected areas need to be created to achieve the mandate of conserving representative ecosystems found in the DRC, preserving endemic species, protecting intact fauna assemblages, maintaining a viable long term population of unique fauna and flora species and finally preserving the functionality of key ecosystem services for the benefit of economic development and human welfare.'³⁸⁸

Accordingly, the Forestry Code sets a target of at least 15% of the national territory – ie 35 million hectares – to be protected, an increase of 16.5 million hectares over the present figure.³⁸⁹ From the point of view of biodiversity protection, this is an ambitious and necessary goal.

In April 2006, Greenpeace field investigators visited the Lomami forest (strictly known as the Lomami-Tshuapa-Lualaba forest block, from the three rivers that form the main geographic features in this vast block of lowland rainforest). Our own observations and interviews with local hunter-gatherer pygmy communities confirmed that the area is still rich in wildlife – indeed it is the only place where all three of the DRC's endemic 'flagship species' occur together: the okapi, the bonobo and the Congo peacock. Greenpeace also saw evidence of forest elephants, leopards (*Panthera pardus*), forest buffalos, a number of other primates, crowned eagles (*Stephanoaetus coronatus*) and an abundance of hornbills (Bucerotidae).

The Lomami area is probably the largest area of unprotected intact lowland rainforest in the DRC or even in the entire Congo region, covering over 1.2 million hectares.³⁹⁰ The region supports hunter-gatherer communities, who depend on hunting, fishing, and some small-scale slash-and-burn agriculture. Partly as a result of its sheer size, which allows space for large mammals to range, coupled with low population pressure, the Lomami forest is a vital area for biodiversity conservation.

The Lomami forest has been proposed as a protected area by the Congolese Institute for Nature Conservation (ICCN) and the World Bank is considering funding this.³⁹¹ No logging titles have been allocated within the heart of the area as yet, but there are some which abut it, many of them with contracts signed after the moratorium. Contracts include Safbois' GA 034/04 and GA 091/03 at Isangi near the mouth of the Lomami river, Olam's GA 048/05 west of the Lomami forest block near Ubundu, and Sodefor's GA 018/03 near Ubundu (see map page 65).³⁹²

There is a real danger of future forestry expansion in the area, since the rivers are mainly navigable, making the forests highly accessible. For example, Safbois' intention to build a sawmill in the area could lead to pressure for expansion into the Lomami forest once the existing titles in the vicinity are logged out.³⁹³

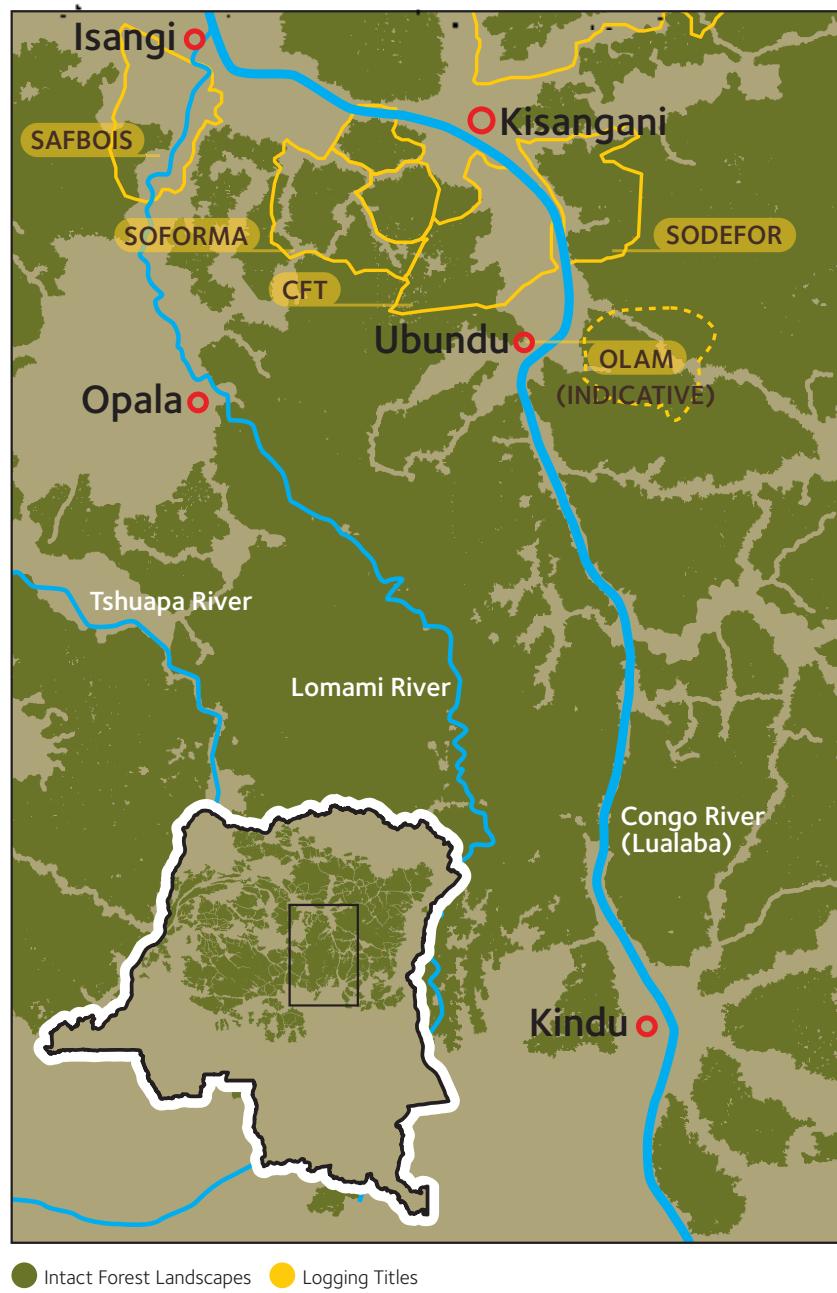


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'In Central Africa, with the exception of the Democratic Republic of Congo, almost all land outside national parks has been either zoned for logging or already issued as logging concessions.'³⁹⁴ Conservation International, 2006

*'Failure from the international community to at least share the cost of managing parks may discourage the DRC from keeping these areas exempt from extractive industries.'*³⁹⁵ World Bank, 2006

Logging titles near
Tshuapa-Lomami-
Lualaba Landscape



SAFBOIS IS LURKING AT THE MOUTH OF THE LOMAMI

Safbois is part of the US-owned Blattner group.³⁹⁶ According to a report for USAID, the company resumed operations in the DRC during 2002, while conflict was still widespread, and 'a SAFBOIS barge was reportedly among the first to move back up the Congo River since the outbreak of the civil war in 1998. It carried supplies for loggers in Bumba and was scheduled to return with over 7,000 tons of hardwoods.'³⁹⁷

Since 2004, Safbois' main logging operation has been located near Isangi in Orientale Province. The company was also active near

Bolobo in Bandundu Province until June 2005, at which point it ceased operations, leaving no sustainable infrastructure behind.³⁹⁸

A Greenpeace mission in October 2005 to the company's operations in Isangi at the mouth of the Lomami river found serious conflict with local communities. Many of the people Greenpeace spoke to complained that Safbois had not implemented its social responsibility contract, signed 15 September 2004, which included promises to build a school. They also claimed that Safbois had started prospecting for trees even before it had negotiated with the villagers. They expressed their anger at the company's refusal to compensate villagers for

damage it had caused. Safbois logging infrastructure developments has destroyed agricultural fields and fruit trees used by local people, and the demolition of a local market place to create timber port.³⁹⁹

Isangi locals employed by Safbois testified to the unhealthy housing conditions and lack of clean sanitation on site, as well as the high number of employees without permanent contracts.⁴⁰⁰ Due to the malnutrition in the area, aid organisations are developing food projects in the area.⁴⁰¹

There have been several protests by villagers against Safbois' operation in Isangi.⁴⁰² These have been prompted by Safbois' failure to deliver the assets agreed in the social responsibility contract,⁴⁰³ the perceived collusion between the company, their own chiefs and the local authorities, including the provincial governor,⁴⁰⁴ and confusion about the boundaries of Safbois' logging



CHECKLIST OF KEY GOVERNANCE, SOCIAL AND ENVIRONMENTAL RISKS OF INDUSTRIAL LOGGING COMPANIES

Holder	Capital	Titles in legal review (total & hectares)		Titles Granted after May 2002 moratorium (total & hectares)		Titles located in Intact Forest Landscapes		Titles Threatening Identified Conservation Landscapes		Titles located in CITES Afromosia Landscape			
Blattner Group - SAFBOIS	Belgium/USA	2	334,700	2	334,700	1 + 1?			2				
CFBC		2	358,000	2	358,000								
Congo Futur - TRANS-M	Lebanon	3	746,000	3	746,000	2+ 1							
Danzer Group - SIFORCO	Germany	9	1,927,726	6	1,182,240	9			3				
ITB SPRL	Lebanon	4	665,904	3	518,904	1 + 2?							
LEDYA SPRL		2	373,000	2	373,000				1				
NordSudTimber (CFT, Forabola, Sodefor & Soforma)	Portugal	37	4,662,902	36	4,505,902	26 + 1?			14				
OLAM CONGO	India-Singapore	3	305,700	3	305,700	3?			1				
SICOBOS	Belgium	3	394,750	3	394,750	3?			3?				
TOTAL		65	9,768,682	60	8,719,196								

operation.⁴⁰⁵ As a result of these protests, the regional administrator detained five of the demonstrators.⁴⁰⁶

The social unrest related to Safbois's poor social record in Isangi continues. In an open letter to Safbois dated 5 March 2007, four elected parliamentarians (*députés provinciaux élus à Isangi*) called for the suspension of Safbois's activities until the company has fulfilled its promises and until new negotiations have taken place.⁴⁰⁷

Greenpeace investigations show that Safbois logs significant quantities of the CITES Appendix II listed species *afrormosia* (see box on page 53).⁴⁰⁸

Safbois exports timber (including *afrormosia*) to Europe and Asia.⁴⁰⁹

Even without such expansion, the presence of logging areas adjacent to the Lomami forest is likely to exacerbate the already serious problem of poaching for bushmeat and ivory, both by increasing immediate local demand for meat and by opening up the surrounding area with logging roads and increasing river traffic, thus facilitating the transport of ivory and of bushmeat for commercial sale.

In the face of these threats, there is a clear and urgent need to proceed with formal protection of the whole Lomami forest area, before the allocation of new logging concessions can begin to chip away at it, destroying its integrity and leaving only disjointed 'leftovers' to be designated for conservation. Such designation should be based on biodiversity studies and fully take into account the needs of local forest-dwelling communities – and it must exclude industrial extractive industries. This approach must be backed up with adequate monitoring and enforcement to prevent illegal logging and poaching. This will require a substantial financial commitment from international donors.

In Lomami the DRC still has a unique opportunity to protect a substantial block of lowland rainforest that will not only help secure the future of some of the region's most important wildlife but will also continue to provide an important buffer against further acceleration of climate change. This opportunity must not be allowed to slip away.

REMAINING INTACT – CONSERVING DRC RAINFORESTS IS A CLIMATE IMPERATIVE

Forests are vital in regulating the climate – locally, regionally and globally. The DRC's intact rainforests act as a regulator of rainfall for the region. Moreover they act as a brake on further acceleration of climate change by serving as a vast carbon reserve. While the stakes are incalculably high in terms of biodiversity within the DRC, there is also clearly an urgent need to protect its tropical forests in order to maintain their carbon stocks.⁴¹⁰

Forests store half of the earth's terrestrial carbon stock,⁴¹¹ more than any other ecosystem.⁴¹² The amount of carbon stored in the world's forests is 45 times the amount emitted every year through burning of fossil fuels and the production of cement.⁴¹³ With its immense areas of intact rainforests, the DRC holds 8% of that part of the earth's carbon which is stored in living forests.⁴¹⁴ This is more than any other country in Africa, and is estimated to have the fourth highest national store of forest carbon in the world.⁴¹⁵

Carbon emissions from deforestation

When forests are completely cleared – for instance, to make way for agriculture plantations or grazing – up to half the carbon they held may be emitted into the atmosphere.⁴¹⁶ Even selective logging, as generally practised in the DRC and elsewhere in Central Africa, can have a serious carbon impact, as explained below. Although the amount of carbon held in African forests varies with the type of forest, the biomass of lowland rainforest – the type of forest most at risk from deforestation in DRC – is estimated to hold 180 tonnes of carbon per hectare.⁴¹⁷ Lowland tropical rainforests store more living carbon per hectare than other forest types.⁴¹⁸

Deforestation causes these stores of carbon to be emitted into the atmosphere as carbon dioxide (CO₂) where they contribute to climate change. On an annual basis, global emissions from tropical deforestation alone contribute between 10% and 25% of total human-induced CO₂ emissions to the atmosphere,⁴¹⁹ roughly equal to that produced by the global transport sector.⁴²⁰ For the DRC, cumulative carbon emissions from deforestation from 1950–2000 were over 50 times those from burning fossil fuels.⁴²¹

*'Deforestation of Amazonia and Central Africa severely reduces rainfall in the lower US Midwest during the spring and summer seasons and in the upper US Midwest during the winter and spring, respectively, when water is crucial for agricultural productivity in these regions.'*⁴²²

Roni Avissar and David Werth, 2005

Carbon missions from fragmentation and degradation

It is not only the direct effects of deforestation that causes losses of forest carbon to the atmosphere: indirect effects are also important. At present, the global figures used by the Intergovernmental Panel on Climate Change (IPCC), as well as those used in the UK Government's recently published Stern Review Report on the economics of climate change, exclude emissions resulting from the fragmentation of vast areas of intact forests into smaller areas⁴²³ – for example by logging roads. Trees on the edges of such fragments are vulnerable to drought, wind and fire,⁴²⁴ all of which can result in death and the release of stored carbon. In addition, many trees are inadvertently damaged, even during selective logging. Similarly, only a small fraction of cut wood ends up stored in houses or other long-lasting structures which store carbon; the majority of carbon is lost to the atmosphere through the decay or burning of waste.⁴²⁵ These effects combined can be highly important, and are estimated as being just as important in terms of carbon emissions as the direct impacts, if not more so.⁴²⁶

If left to proceed unhindered, forest regrowth would eventually (over centuries, rather than decades) recapture the carbon lost through fragmentation and degradation. In the meantime, however, this carbon is in the atmosphere, contributing to climate change. In any case, agriculture, rather than forest regrowth, tends to follow degradation in many cases, and since crops unlike forests do not accumulate large amounts of carbon and store it for long periods, so most of the carbon emitted through deforestation, fragmentation and degradation will be permanently lost into the atmosphere.

Using satellite data, Greenpeace has conservatively predicted the overall carbon emissions from a 170,000-hectare area logged by Siforco between 1981 and 1998, extracting some 900,000m³ of commercial logs (see box below).⁴²⁷ The company cleared over 4,000 hectares of lowland rainforest to create a mass network of feeder logging roads and log storage facilities. The potential emissions from forest fragmentation as a result of this infrastructure were nearly 2.5 times greater than, and in addition to, those created by actually extracting the commercial logs. The

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total emissions were 5,183,827 tonnes of CO₂. Given that nearly forty million hectares of intact rainforests are currently allocated to industrial logging across Central Africa,⁴²⁸ (another ten million is in already fragmented areas),⁴²⁹ this study suggests a significant impact when scaled up across the whole region.

Estimates of the social cost of carbon emissions can vary considerably. The 2006 Stern Review Report does not arrive at a firm figure, but on the basis of what the review panel describes as preliminary work, it estimates that if we aim for the recommended target of no more than 550 parts per million of CO₂ in the atmosphere, the social cost of carbon emissions would start in the region of \$25–30/tonne of CO₂, increasing in time as the concentration of greenhouse gases increases and, with it, the effect of adding each further tonne. The figure of about \$25 per tonne is already higher than some other estimates, as the latest scientific evidence warns us that global warming will be greater than was previously thought.⁴³⁰

Forests are important for climate not only in terms of carbon emissions, but also in terms of rainfall. The effect of deforestation on rainfall is

particularly marked in Africa since 75–95 % of the rainfall in the Congo Basin derives from water recycling.⁴³¹ Logging of large concessions can thus affect rainfall in surrounding forest areas.⁴³² On the global scale, a strong link has been found between rainfall in the Congo Basin and circulation patterns over the North Atlantic during the northern hemisphere's winter and spring (ie deep convection which drives atmospheric circulation that affect rainfall).⁴³³ The Congo Basin represents the third largest region of deep convection on earth, after the Western Pacific and Amazonia. However, there is less known about climate processes in the Congo than in the other regions.⁴³⁴ Therefore, it is quite possible that deforestation in the DRC could affect rainfall, not only locally, but also on the other side of the globe in ways that are not yet understood or predictable.

As already discussed, there is a fundamental conflict of interest between the industrial logging model of development supported by the World Bank and the preservation of intact forest areas. While the World Bank acknowledges that forests store half of the earth's terrestrial carbon stock, and that forest management in Africa and elsewhere has an important part to play in mitigating climate change,⁴³⁵ it has no formal requirement to take climate factors into account in its development projects.⁴³⁶

The DRC is currently number 21 on the global list of CO₂-emitting countries, almost exclusively as a result of land use change and timber extraction. The country produces more greenhouse gas emissions than Belgium, Finland, Greece, Ireland, Spain, Switzerland or The Netherlands.⁴³⁷

Roads are a fundamental indicator in predicting where deforestation will occur in the future. Given that logging companies open up new logging trails and roads, increasing access to the forest, the location of logging concessions are of a prime importance for deforestation modelling.⁴³⁸

One such study which predicted future forest loss in Central Africa suggests that the DRC risks losing more than 40% of its forest, with the area north of the Congo river and around infrastructure such as roads and the river transport network being entirely cleared by

*'Forests store nearly half of the globe's terrestrial carbon. The atmosphere is heating up with unknown and potentially terrible consequences. That is what independent scientific panels are telling us. We cannot ignore this warning. But the world also needs to acknowledge more concretely the significant role African forest management and development can play in mitigating climate change. We have not done that yet either politically or financially.'*⁴³⁹

Odin Knudsen, World Bank Senior Adviser, 2003



2050. It is estimated that this will release a total of between 31.1 and 34.4 billion tonnes of CO₂⁴⁴⁰ roughly equivalent to the UK's CO₂ emissions over the last sixty years.⁴⁴¹

Given the pivotal role of the forest in terms of climate change, it is deeply worrying that to date no concrete steps have been taken to stop degradation of the DRC's forests through logging and so help prevent this climate impact. While there are provisions in the Forestry Code⁴⁴² allowing for forests to be set aside to generate state revenue from the environmental services they provide, in the absence of international political will to drive forward comprehensive land use planning, these provisions have not yet been acted upon.

Furthermore, to date natural forests (as distinct from carbon sequestration from new plantations) have not been taken into account by existing market mechanisms that reward storage of forest carbon for its contribution to

limiting climate change. For the moment, the globally significant carbon storage service provided by the DRC's rainforests does not bring the country any economic return, and although the international community, including the World Bank, pays lip service to this global good, its programmes do not actively promote protection of the rainforest from deforestation or degradation. There is thus an ominous gap between the acknowledged importance of this key environmental service to the global community and the focus of economic assistance to the DRC.

If the DRC is to realise a future of genuine development to the benefit of its people and the environment, global climate protection, rather than the short-term presence of rapacious extractive industries which leave little but destruction in their wake, should surely be the channel through which the rainforest is mobilised to bring overseas investment to the country.

*'Curbing deforestation is a highly cost-effective way of reducing greenhouse gas emissions and has the potential to offer significant reductions fairly quickly.'*⁴⁴³

Stern Review, 2006



THE COST TO THE CLIMATE OF LOGGING AND LOGGING ROADS IN THE CONGO RAINFOREST

Between 1981 and 1998, 170,000 hectares of lowland rainforest was logged in the Siforco's K7 forest holding in Equateur Province.⁴⁴⁴ The logged area has since been returned to the DRC State.⁴⁴⁵

Within the returned area of K7, logging roads are estimated to cover a total length of 740 kilometres with an average width of 50 metres, including verges. This correlates with Siforco's planned logging roads for its K8 forest holding, which are between 50m and 60m wide.⁴⁴⁶

Studies from the Amazonia have shown that fragmentation edge effects cause an average of approximately 10% of the biomass lost⁴⁴⁷ in the outermost 100m of forest block – some areas lost up to 36%.⁴⁴⁸ In addition, it has been estimated for the Republic of the Congo, adjacent to the DRC, that 0.46 tonnes of carbon are emitted per cubic metre of timber extracted.⁴⁴⁹

On the basis of these figures, Greenpeace has sought to quantify the contribution to atmospheric carbon of industrial logging in the returned 170,000 hectare area of K7 during the period specified above. In our calculations, we have assumed that principal roads would create fragmentation effects on a similar scale to those in Amazonia affecting both sides of the logging road; that incidental tree damage would occur at the same rate as estimated for the neighbouring Republic of the Congo; and that, while both above- and below-ground tree biomass would be lost as a result of logging and subsequent decay, soil carbon would not be affected.

We were unfortunately unable to incorporate a detailed estimate of the total carbon impact resulting from the company's use of fuel in its logging and processing operations, and in transportation of timber to the port of export. However, according to a study by the Interafrican Forest Industries Association (IFIA) a typical logging company with a sawmill and kiln dryer uses about 500,000 litres of petrol each month for logging and transport.⁴⁵⁰ This would produce carbon emissions of nearly 3,800 tonnes per year.⁴⁵¹

Counting the carbon cost of Siforco's K7 forest holding

1. Logging infrastructure impact on carbon stock

Area cleared for logging roads and a log stockpile area	(hectares) ⁴⁵²	4080
Average carbon densities of for lowland rainforest	(tonnes C/hectare) ⁴⁵³	180
SUBTOTAL Carbon impact of logging infrastructure	(tonnes C)	4080 x 180 = 734,400

2. Forest fragmentation impact on carbon stock

Forest edge created by logging roads	(hectares) ⁴⁵⁴	14,800
Estimated biomass lost by fragmentation	(%) ⁴⁵⁵	10%
Biomass loss	(equivalent hectares)	14,800 x 10% = 1,480
SUBTOTAL Carbon impact of forest fragmentation	(tonnes C)	1480 x 180 = 266,400

3. Timber extraction impact on carbon stock

Volume of timber extracted	(m ³) ⁴⁵⁶	900,000
Carbon released by vegetation damaged and left to decompose per m ³ of commercial timber harvested	(tonnes C) ⁴⁵⁷	0.46
SUBTOTAL Carbon impact of timber extraction	(tonnes C)	0.46 x 900,000 = 414,000
K7 Returned 170,000 hectare area TOTAL contribution to atmospheric carbon	(tonnes C)	1,414,800
	(tonnes CO ₂)	5,183,827

Given that 50 million hectares of rainforests are allocated to industrial logging across Central Africa, this impact from an area of just 170,000 hectares shows that logging fragmentation is a significant additional source of emissions to the figures currently being reported under IPCC Land Use Change and Forestry category.



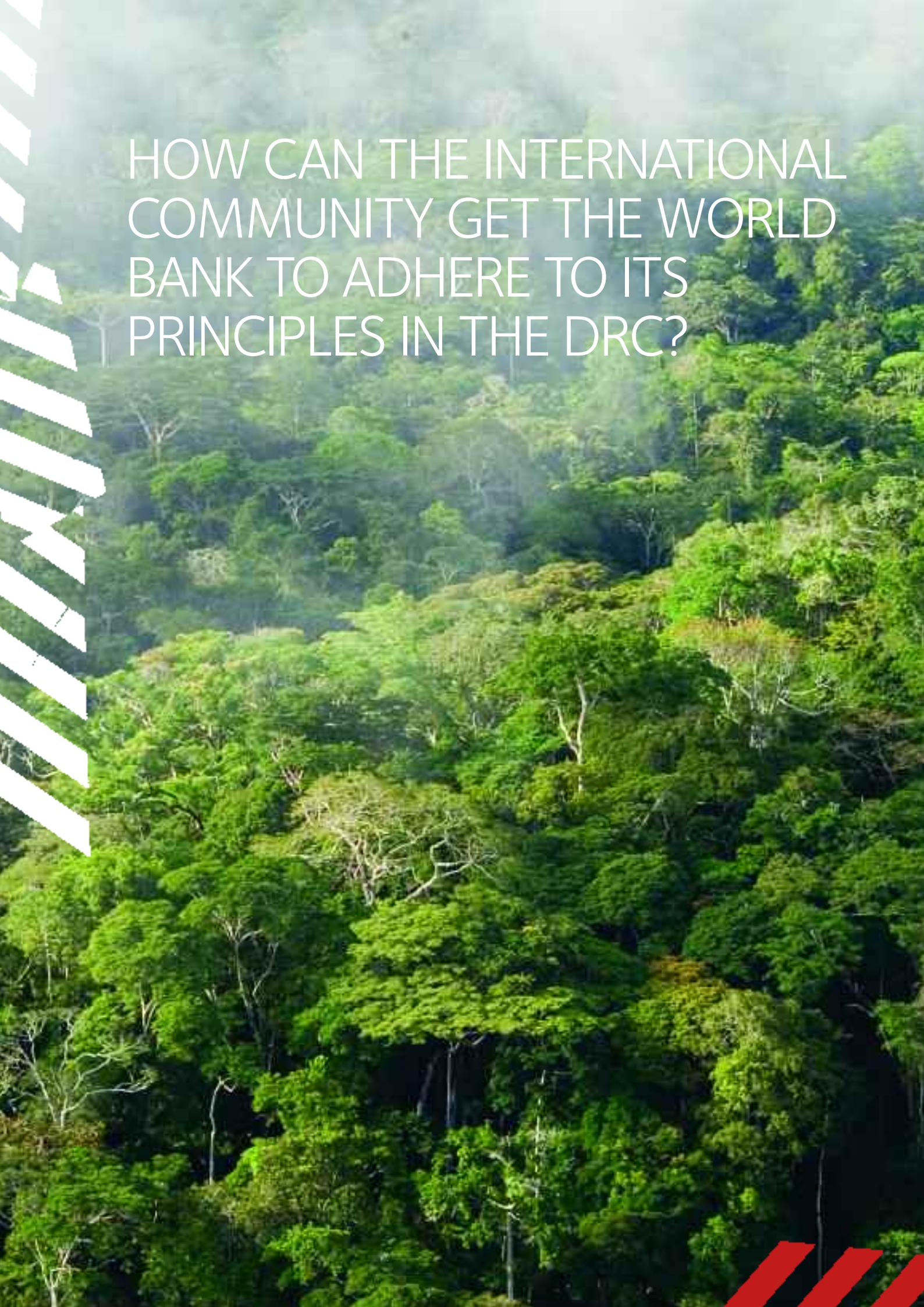
Logging roads on 170,000 hectares
formerly part of Siforco's K7 holding



*The logging roads have been digitally enhanced
from Landsat Images*

©Google



The background image shows a lush, green forest covering a series of hills or mountains. The trees are dense and varied in height, creating a textured pattern across the landscape. The lighting suggests a bright day, with sunlight filtering through the canopy in some areas.

HOW CAN THE INTERNATIONAL COMMUNITY GET THE WORLD BANK TO ADHERE TO ITS PRINCIPLES IN THE DRC?



It is time for the World Bank to lay aside the industrial logging model of development and support an alternative vision.

Today, the intact rainforest of the DRC needs to be valued and conserved in the interests of both the Congolese people and the global environment. These interests are incompatible with industrial logging: logging brings roads that open up – and thereby degrade – intact forest, a destruction to which anyone with access to Google Earth can bear witness.

Preserving the rainforest means ensuring that enforcement measures are brought to bear against those companies and individuals who undermine the rule of law in the DRC. International aid to the DRC must be conditional on the meeting of a range of good governance principles to ensure the money is spent well – one such precondition being the rigorous implementation of the legal review of existing logging titles. Those logging companies that flout the law in the DRC must not be allowed to profit.

The World Bank strategy of using the logging sector to help kick-start development in the DRC by raising state revenues may seem logical on paper. However, the flaw in its logic is the misguided belief that, given the level of corruption in the country and with basic law enforcement crippled by a total lack of institutional capacity, logging money will nonetheless be efficiently channelled towards rebuilding the nation, alleviating poverty and promoting environmental responsibility.

As this report shows, the key measures proposed by the World Bank reform – the moratorium, the legal review and the land use planning foreseen in the Forestry Code – are either not being enforced or have not even been implemented. This means that these measures have been unable to stop loggers colluding with and reinforcing the corrupt practices that have characterised governance of the sector to date; consequently, they have failed to protect the rainforest and support genuine development.⁴⁵⁸

*'From the international community's viewpoint, the return of peace in the DRC can be perceived as a unique opportunity to take a fresh look at the second-largest block of rainforest in the world, to avoid the replication of unsuccessful models, and to develop new models that give more emphasis to the environment and to forest dwellers. From the Government's viewpoint, forests present an opportunity to restore the country's international image by protecting the global environment, and to improve local livelihoods and consolidate peace. These two viewpoints seem to be compatible and to a large extent converging. However, acting on them will require breaking new ground in policy making and financial systems, and will involve a large set of political and economic actors ... A high-level international debate is needed to bring this vision into reality. Available options need to be put squarely on the table, and new ones developed.'*⁴⁵⁹

World Bank et al



©Greenpeace/Reynaers

[Global Witness recommends the World Bank] suspend and review all Bank funded ... sector reform initiatives that give industrial-scale logging a competitive advantage over other forms of forest use.⁴⁶⁰

Global Witness letter to the World Bank

In fact, logging money actually serves to undermine the common good. As one respected social scientist notes: 'It is common knowledge that the revenues earned in the logging sector were shared directly by political elites and the loggers themselves with little concern for local populations or the environment.'⁴⁶¹

This situation inevitably puts the interests of those profiting from the logging (both the logging companies themselves and corrupt elements within government – who are also of course responsible for implementing and enforcing reforms) in serious conflict with the interest of other stakeholders in the fate of the DRC's rainforest (its wildlife, forest dwelling communities, and the world as a whole in the context of climate change).

The World Bank's strategy and the order in which its reforms are being implemented is having a range of negative impacts on forest-dwelling communities:

- the fiscal revenues from forest area taxes that should accrue to communities 'remain more imaginary than real'⁴⁶² leaving them bereft of government investment for vital infrastructure
- access to vital forest resources is diminished
- community consultation practices and social responsibility contracts, supposedly intended to improve the lot of forest communities through the direct agency of logging companies, in fact further institutionalise inequality and social marginalisation

Without implementation and enforcement, the billions of dollars of international funding linked to the adoption of the World Bank's reforms, though destined for poverty alleviation, will serve little purpose but to perpetuate the DRC's networks of corruption.

Punitive action must be taken against those who undermine efforts to bring natural resource extraction under the rule of law. Only in this way, by starving corrupt networks of their financial lifeblood, can proper governance start to be established.

New government, new vision ... or business as usual?

Now is a pivotal time for the DRC: the coming months and years will show whether the newly elected Government has the political will to reform. At the same time, there can be no further excuse on the part of the World Bank and international donor governments to delay using their leverage to help combat corruption.

Good governance and land use planning that involves all stakeholders must precede any industrial development. A wide range of stakeholders – from forest-dwelling communities to the wider world impacted by the growing instability of the global climate – all have an interest in the fate of the DRC's rainforests. While climate protection and the safeguarding of community interests potentially share a long-term agenda, logging interests inevitably conflict with these.

Good governance relies not only on stifling corruption, but also on educating and empowering local communities – only then can their participation in land use planning be informed and decisive.⁴⁶³ Although this will inevitably be a long-term process, it is also a necessary precondition to genuine development. The fact that it takes time should not be used as an excuse in the meantime to give the private sector a free hand to extract natural resources in a way which pre-empts future options.

The road to genuine development starts with a comprehensive moratorium on the expansion of industrial logging, to be maintained until a comprehensive social and environmental land use planning has been conducted and basic governance established. A moratorium will buy time to get the processes of equitable economic development and large-scale conservation right, and to establish effective systems of control to ensure that the extractive industries do not in future ride roughshod over the wider interests of the people and environment. Donors should use this unique opportunity to support an alternative 'pro-poor' vision with focus on forest community benefits and values and global environmental services.

WHO NEEDS TO DO WHAT

The international community, which has the power and resources to lead change in the DRC, must not permit the DRC to repeat the dismal recent history of other Central African countries, where reliance on the short-term economics of extractive export industries has exacerbated political corruption and poverty.

Indeed, it should recognise that the industrial logging model of development does not work in a context of poor governance and does not generate the desired economic, social and environmental benefits.

Punitive action must be taken against those companies and individuals who undermine the rule of law in the DRC. International aid to the DRC must be conditional on the meeting of a range of good governance principles to ensure the money is spent well – one such precondition being the rigorous implementation and enforcement of the legal review of existing logging titles.

The international community must also support a new vision for sustainable development and environmental protection by ensuring that fully participative regional land use plans are developed and implemented prior to any expansion in industrial logging.

Rich nations must together develop a permanent financing regime that maintains the environmental services provided by the DRC's intact rainforests. They must also support environmentally responsible and socially just development based on community-level initiatives, and take much more stringent steps to close the international market to illegal and conflict timber.

The international community must support the development of an international innovative financing mechanism that will provide the necessary funding for the long-term conservation of forests, to ensure that the safeguarding of intact forests is made much more economically attractive than their systemic industrial exploitation or clearing for agricultural conversion.

'[A]chieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth'⁴⁶⁴

Convention on Biological Diversity 2010 Biodiversity Target



*'The UK certainly will support the maintenance of the moratorium until the [legal] review is completed and a participatory zoning plan put in place.'*⁴⁶⁵

Sharon Harvey, Africa
Division, UK Department for
International Development

*'Donors cannot go to their parliaments, to their taxpayers, and say that we want to support nations with millions of dollars in aid when these very nations are losing, through poor forest management and governance, billions.'*⁴⁶⁶

Odin Knudsen, Senior Advisor,
Sustainable Development,
World Bank

The DRC Government, with the assistance of the international community, must put the fight against corruption and the promotion of transparency and accountability at the heart of all government policy.

This must include extending the moratorium on new forest titles until after the development of a fully participatory national land use plan based on the principle of prior informed consent which should ensure the protection of the majority of the DRC's intact forest. Also critical is rigorous implementation of the legal review, to rule out all illegal titles.

As a signatory to the Convention on Biological Diversity, the Government of the DRC must fast track the implementation of its international commitments to 'achieve by 2010 a significant reduction of the current rate of biodiversity loss at the global, regional and national level as a contribution to poverty alleviation and to the benefit of all life on earth'. The commitments include establishing a global network of forest protected areas based on '**any large, intact** or relatively unfragmented or highly irreplaceable natural areas, or areas under high threat.'⁴⁶⁷ (see Appendix 1 for an overview of the relevant commitments).

As part of the implementation of these commitments, national strategies should be 'developed to provide interim measures to protect highly threatened or highly valued areas wherever this is necessary'.

TIME FOR THE INTERNATIONAL DONOR COMMUNITY AND THE WORLD BANK TO ACT: THE STEPS THAT MUST BE TAKEN

CRACK DOWN ON CORRUPTION AND STOP THE PLUNDER

Prevent expansion of industrial logging until comprehensive social and environmental land use planning has been conducted and basic governance established

What do the DRC Government and the world bank need to do?

- Maintain and enforce the May 2002 logging moratorium, which prohibits the awarding of new titles and the extension and renewal of old ones.
- Cancel all illegally awarded and non-compliant titles, including those in breach of the moratorium or the Forestry Code.
- Impose moratorium on the expansion of existing or planned logging operations and infrastructure within intact forest landscapes and other key identified conservation areas.

What does the timber trade need to do?

- Stop buying timber and timber products from logging companies in the DRC which are in breach of the moratorium or the Forestry Code.
- Stop buying timber and timber products from logging companies operating inside intact forest landscapes and other key identified conservation areas.





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START THE SOLUTION

Initiate land use planning and overhaul of governance

What do the DRC Government and the international donor community need to do?

Establish and implement an eco-regional conservation and land use planning process for the whole of the DRC's forest, beginning with areas identified as intact forest landscapes and other key identified conservation areas. The process should involve all stakeholders and:

- expand the network of forest protected areas to encompass 'areas in any large, intact or relatively unfragmented or highly irreplaceable natural areas, or areas under high threat', in line with CBD commitments made in 2002.⁴⁶⁸
- ensure that decisions are taken with the prior informed consent of indigenous peoples and other forest dependent communities, in line with the DRC Forestry Code and CBD commitments made in 2002.⁴⁶⁹

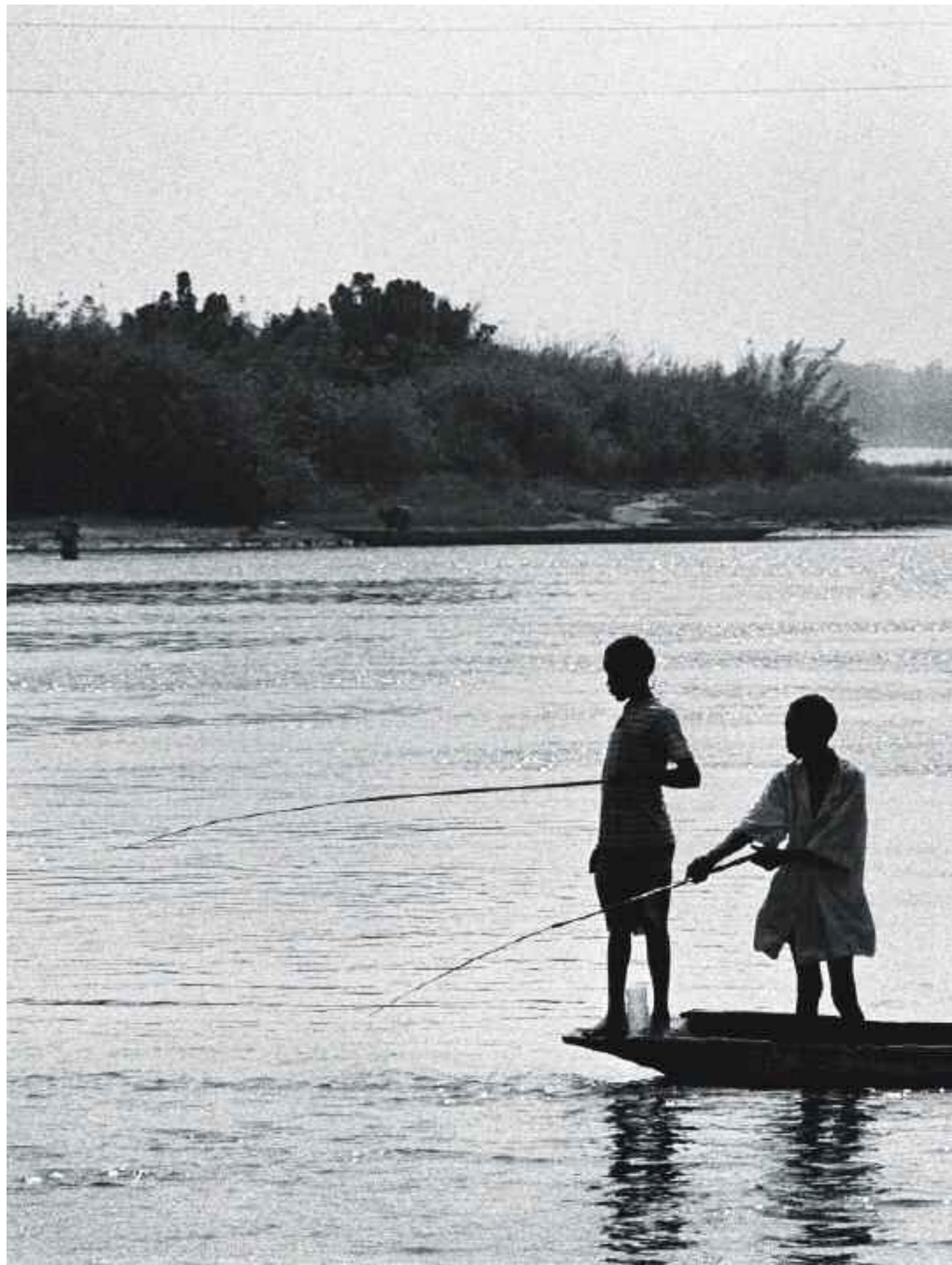
Create governmental infrastructure and capacity to implement the Forestry Code, bring the forestry sector under the rule of law and manage the network of protected areas, in line with CBD commitments made in 2002.⁴⁷⁰

Develop viable policies and funding mechanisms to ensure an environmentally responsible and socially just future for the rainforest

What do the World Bank and international donors need to do?

- Make financial aid conditional upon specific standards of good governance.
- Actively support and expedite the establishment of a permanent financing regime for forest conservation at the international level, in line with CBD commitments made in 2002,⁴⁷¹ both for the sake of biodiversity conservation and for climate protection.
- In the absence of such a mechanism in the interim, prioritise funding to ensure that the necessary financial, technical and human resources are made available to the DRC authorities to ensure critical short-term measures are adequately resourced. These measures include:
 1. restoring management in existing protected areas, and protecting large areas of intact forest landscapes
 2. supporting genuine local development and alternatives to industrial logging

APPENDIX, ENDNOTES AND REFERENCES





Appendix

ENVIRONMENTAL AND SOCIAL ISSUES RELATING TO THE LOGGING CONTRACTS UP FOR LEGAL REVIEW

Contract Holder	Capital	No. in Legal Review	Reference	Area (hectares)	District, Province
AMBASSADEUR NKEMA LILOO	DRC	1	GA 028/94	240,000	Befale, Equateur
AMBASSADEUR NKEMA LILOO	DRC	2	GA 029/94	185,000	Befale, Equateur
AMBASSADEUR NKEMA LILOO	DRC	3	GA 030/94	95,000	Djolu, Equateur
AMBASSADEUR NKEMA LILOO	DRC	4	GA 031/94	73,280	Befale, Equateur
APC/TEMVO		5	GA 007/87	25,664	Lukula, Bas-Congo
BALU FUTI MALILA		6	LI 048/04	44,096	Djolu, Equateur
BALU FUTI MALILA		7	GA 039/94	230,000	Befale, Equateur
BBC		8	GA 038/04	133,854	Basankusu, Equateur
BEGO CONGO		9	GA 021/05	63,250	Ubundu, Orientale
BIMPE AGRO		10	GA 014/84	198,400	Inongo, Bandundu
BIMPE AGRO		11	GA 0114/00	76,250	Inongo, Bandundu
Blattner Group - SAFBOIS	Belgium/USA	85	GA 091/03	250,000	Isangi, Orientale
Blattner Group - SAFBOIS	Belgium/USA	86	GA 034/04	84,700	Isangi, Orientale
BOIS KASAÏ		12	LI 028/97	254,400	Lubefu, Kasai oriental
BOKANGA		13	LI 089/03	107,000	Bolomba, Equateur
CFBC		14	LI 013/05	208,000	Libenge, Equateur
CFBC		15	LI 053/05	150,000	Libenge, Equateur
CFE		16	GA 032/96	127,300	Lisala, Equateur
COCAF SPRL		22	GA 050/05	195,000	Bolomba, Equateur
COCAF SPRL		23	GA 051/05	250,000	Bolomba, Equateur
COCAF SPRL		24	GA 052/05	30,300	Ingende, Equateur
COMPAGNIE DES BOIS		25	GA 018/95	120,000	Oshwe, Bandundu
CONCEKA		26	LI 004/94	137,408	Basankusu, Equateur
Congo Futur - TRANS-M	Lebanon	153	GA 033/05	250,000	Bafwasende & Banalia, Orientale
Congo Futur - TRANS-M	Lebanon	154	GA 034/05	250,000	Befale, Orientale
Congo Futur - TRANS-M	Lebanon	155	GA 035/05	246,000	Bumba, Equateur
Danzer Group - SIFORCO (K2)	Germany	109	GA 007/95	292,486	Bongandanga, Equateur
Danzer Group - SIFORCO (K3)	Germany	108	GA 018/00	160,000	Bolobo, Bandundu
Danzer Group - SIFORCO (K7)	Germany	112	GA 026/04	249,050	Bongandanga, Equateur
Danzer Group - SIFORCO (K7)	Germany	113	GA 027/04	181,980	Bongandanga & Djolu, Equateur
Danzer Group - SIFORCO (K8)	Germany	111	GA 025/04	230,340	Bumba, Equateur
Danzer Group - SIFORCO (K8)	Germany	110	GA 002/89	293,000	Aketi, Orientale
Danzer Group - SIFORCO (K9)	Germany	114	GA 028/04	114,180	Basoko, Orientale
Danzer Group - SIFORCO (K9)	Germany	115	GA 029/04	192,950	Basoko & Aketi, Orientale
Danzer Group - SIFORCO (K9)	Germany	116	GA 030/04	213,740	Basoko & Aketi, Orientale
ECODECO		27	GA 027/05	46,400	Ingende, Equateur
ENRA	Belgium	28	GA 006/92	52,192	Mambasa, Orientale
ENRA	Belgium	29	GA 020/05	28,800	Mambasa, Orientale
ERCO SPRL		30	GA 056/05	131,264	Bumba, Equateur
ETS GRAND-JO		31	LI 025/97	250,000	Boende, Equateur
ETS SENGE SENGE		32	GA 003/01	228,800	Oshwe, Bandundu
Forestale Veneta - PIW		81	GA 022/05	63,000	Bolomba, Equateur
GROUPE LA SEMENCE		42	LI 141/03	205,072	Ingende, Equateur
ICHWA		43	GA 055/05	100,500	Bagata, Bandundu
IKOMBELE SPRL		44	LI 002/81	60,000	Ubundu, Orientale
IKUMBELINGA		45	GA 037/94	185,000	Befale, Equateur
INTERBUS CONGO SPRL		46	GA 043/05	250,000	Bokungu, Equateur
ITB SPRL	Lebanon	48	GA 001/04	214,700	Ingende & Bikoro, Equateur
ITB SPRL	Lebanon	49	GA 002/05	224,140	Basoko, Orientale
ITB SPRL	Lebanon	50	GA 030/05	80,064	Bikoro, Equateur
ITB SPRL	Lebanon	47	GA 002/01	147,000	Oshwe, Bandundu
KTC		51	GA 037/04	43,700	Ubundu, Orientale
LA FORESTIERE DU LAC (ex Mputu Kanga)		55	GA 024/05	179,300	Kutu & Inongo, Bandundu
LA FORESTIERE		52	GA 002/92	151,800	Banalia, Orientale
LA FORESTIERE		53	GA 003/92	140,224	Banalia, Orientale
LA FORESTIERE		54	GA 002/93	84,740	Bafwasende, Orientale
LEDYA SPRL		56	GA 044/05	123,000	Bikoro, Equateur
LEDYA SPRL		57	GA 045/05	250,000	Ikela, Equateur
LUGERERO ZAWADI		58	GA 015/05	264,000	Boende, Equateur
LUGERERO ZAWADI		59	GA 018/05	242,000	Ubundu, Orientale
LUMOO EMILE		60	GA 016/05	222,336	Basankusu, Equateur
LUMOO EMILE		61	GA 019/05	230,000	Isangi & Opala, Orientale
MAISON NBK SERVICE		62	GA 041/05	64,464	Mushie, Bandundu
MAISON NBK SERVICE		63	GA 042/05	72,600	Demba, Kasai occidental
MALIBA		64	GA 101/87	5,278	Muanda, Bas-Congo
MALIBA		65	GA 001/91	23,744	Muanda, Bas-Congo
MEGA BOIS		66	GA 088/03	121,216	Bolomba, Equateur
MILLETIA SPRL		67	LI 017/05	75,465	Kwamouth, Bandundu
MOF CONGO		69	LI 047/04	100,000	Befale & Boended, Equateur
MOF CONGO		68	GA 035/94	98,400	Befale & Boended, Equateur
MOJOB		70	LI 090/03	53,120	Oshwe, Bandundu
MOTEMA SPRL		71	LI 036/03	250,000	Ingende, Equateur
MOTEMA SPRL		72	LI 037/03	250,000	Ingende, Equateur
MWANA MBUJI TRADING		73	GA 005/91	78,262	Ilebe, Kasai occidental
NordSudTimber - CFT	Portugal	17	GA 012/03	250,000	Bomongo & Kungu, Equateur
NordSudTimber - CFT	Portugal	18	GA 013/03	70,000	Bolomba, Equateur

Date, if signed after May 2002 moratorium	Intact Forest Landscapes	Important carbon reserves	Forest dependent communities	Pygmy communities	Identified Conservation Landscapes	CITES Afrormosia Landscape
			✓	✓	CBFP Maringa-Lopori-Wamba	
			✓	✓	CBFP Maringa-Lopori-Wamba	
			✓	✓	CBFP Maringa-Lopori-Wamba	
			✓	✓	CBFP Maringa-Lopori-Wamba	
			✓		CBFP Maringa-Lopori-Wamba	
20/12/04			✓	✓	CBFP Maringa-Lopori-Wamba	
			✓	✓	CBFP Maringa-Lopori-Wamba	
07/07/04	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
21/04/05	?	?	✓		ICCN Tshuapa- Lomami-Lualaba	✓
	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	
	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	
03/06/03	✓	✓	✓			✓
29/06/04	?	?	✓			✓
			✓			
31/03/03			✓	✓		
11/03/05			✓	✓		
04/10/05			✓	✓		
	✓	✓	✓	✓		✓
26/09/05			✓	✓		
26/09/05			✓	✓		
26/09/05			✓	✓		
	✓	✓	✓	✓		
12/07/05	✓	✓	✓	✓		✓
12/07/05	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
12/07/05			✓			✓
	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
01/06/04	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
01/06/04	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
01/06/04	✓	✓	✓			✓
	✓	✓	✓			✓
01/06/04	✓	✓	✓			✓
01/06/04	✓	✓	✓			✓
01/06/04	✓	✓	✓			✓
04/05/05			✓	✓		
	✓	✓	✓	✓		
19/04/05			✓	✓		
10/10/05			✓			✓
			✓	✓		
21/04/05			✓	✓		
10/10/03	✓	✓	✓	✓		
10/10/05			✓			✓
	✓	✓	✓			
24/08/05	✓	✓	✓			
18/01/05			✓	✓		
18/01/05	?	?	✓			
16/05/05	?	?	✓	✓		
	✓	✓	✓	✓		
02/07/04	✓	✓	✓		ICCN Tshuapa- Lomami-Lualaba ?	✓
27/04/05	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	
	✓	✓	✓	✓		✓
	✓	✓	✓	✓		✓
16/09/05			✓	✓	CBFP Lake Tele-Lake Tumba	
16/09/05			✓			✓
14/03/05			✓	✓		
12/04/05	?	?	✓		ICCN Tshuapa-Lomami-Lualaba ?	✓
14/03/05			✓	✓	CBFP Maringa-Lopori-Wamba	
12/04/05	?	?	✓	✓	ICCN Tshuapa-Lomami-Lualaba ?	
22/08/05			✓			
22/08/05			✓			
			✓			
31/05/03	✓	✓	✓	✓		✓
28/03/05			✓			
20/12/04			✓	✓		
			✓	✓		
26/05/03	✓	✓	✓	✓		
26/03/03			✓	✓		
26/03/03			✓	✓		
25/03/03	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	
25/03/03	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	

APPENDIX: ENVIRONMENTAL AND SOCIAL ISSUES RELATING TO THE LOGGING CONTRACTS UP FOR LEGAL REVIEW

Contract Holder	Capital	No. in Legal Review	Reference	Area (hectares)	District, Province
NordSudTimber - CFT	Portugal	19	GA 014/03	100,000	Lisala, Equateur
NordSudTimber - CFT	Portugal	20	GA 015/03	200,000	Yahuma & Isangi, Orientale
NordSudTimber - CFT	Portugal	21	GA 036/04	79,300	Ubundu, Orientale
NordSudTimber - FORABOLA	Portugal	33	GA 009/03	190,700	Boende, Equateur
NordSudTimber - FORABOLA	Portugal	34	GA 010/03	205,000	Yahuma & Isangi, Orientale
NordSudTimber - FORABOLA	Portugal	35	GA 011/03	250,000	Basoko, Orientale
NordSudTimber - FORABOLA	Portugal	36	GA 004/05	14,644	Muanda, Bas-Congo
NordSudTimber - FORABOLA	Portugal	37	GA 005/05	19,264	Tshela & Lukula, Bas-Congo
NordSudTimber - FORABOLA	Portugal	38	GA 006/05	24,576	Seke Banza, Bas-Congo
NordSudTimber - FORABOLA	Portugal	39	GA 007/05	30,336	Lukula & Seke-banza, Bas-Congo
NordSudTimber - FORABOLA	Portugal	40	GA 008/05	41,500	Luozi, Bas-Congo
NordSudTimber - FORABOLA	Portugal	41	GA 009/05	62,232	Tshela & Seke-banza, Bas-Congo
NordSudTimber - SODEFOR	Portugal	126	GA 018/03	190,000	Ubundu, Orientale
NordSudTimber - SODEFOR	Portugal	127	GA 019/03	38,000	Kutu, Bandundu
NordSudTimber - SODEFOR	Portugal	128	GA 020/03	181,000	Basako, Orientale
NordSudTimber - SODEFOR	Portugal	129	GA 021/03	83,600	Oshwe, Bandundu
NordSudTimber - SODEFOR	Portugal	130	GA 022/03	130,000	Oshwe, Bandundu
NordSudTimber - SODEFOR	Portugal	131	GA 023/03	170,000	Lisala, Equateur
NordSudTimber - SODEFOR	Portugal	132	GA 024/03	46,000	Oshwe, Bandundu
NordSudTimber - SODEFOR	Portugal	133	GA 025/03	168,000	Bumba, Equateur
NordSudTimber - SODEFOR	Portugal	134	GA 026/03	160,350	Lukolela & Inongo, Equateur/Bandundu
NordSudTimber - SODEFOR	Portugal	135	GA 027/03	86,000	Bikoro, Equateur
NordSudTimber - SODEFOR	Portugal	136	GA 028/03	130,000	Oshwe, Bandundu
NordSudTimber - SODEFOR	Portugal	137	GA 029/03	148,000	Oshwe, Bandundu
NordSudTimber - SODEFOR	Portugal	138	GA 030/03	220,000	Oshwe, Bandundu
NordSudTimber - SODEFOR	Portugal	139	GA 031/03	107,500	Oshwe, Bandundu
NordSudTimber - SODEFOR	Portugal	140	GA 032/03	113,900	Inongo, Bandundu
NordSudTimber - SODEFOR	Portugal	141	GA 064/00	157,000	Oshwe, Bandundu
NordSudTimber - SOFORMA	Portugal	143	GA 002/03	200,000	Opala, Orientale
NordSudTimber - SOFORMA	Portugal	144	GA 003/03	200,000	Basoko, Orientale
NordSudTimber - SOFORMA	Portugal	145	GA 005/03	96,000	Lukolela, Equateur
NordSudTimber - SOFORMA	Portugal	146	GA 006/03	175,000	Befale & Boende, Equateur
NordSudTimber - SOFORMA	Portugal	147	GA 007/03	60,000	Bolomba, Equateur
NordSudTimber - SOFORMA	Portugal	148	GA 008/03	150,000	Businga & Lisala, Equateur
NordSudTimber - SOFORMA	Portugal	149	GA 033/03	115,000	Monkoto, Equateur
NOUVELLE STÉ DE BOIS YANG SHUSHAN		74	GA 046/05	188,672	Ingende, Equateur
NTEEKO SPRL		75	GA 054/05	80,000	Bongandanga, Equateur
OLAM CONGO	India-Singapore	76	GA 047/05	54,400	Bolobo, Bandundu
OLAM CONGO	India-Singapore	77	GA 048/05	75,900	Ubundu, Orientale
OLAM CONGO	India-Singapore	78	GA 049/05	175,400	Oshwe, Bandundu
ONATRA		79	GA 004/91	74,023	Oshwe, Bandundu
PRIMEX - PARCAFRIQUE	Italy	80	GA 014/05	235,432	Inongo, Bandundu
RÉSERVE STRATÉGIQUE GENERALE		83	LI 031/05	203,850	Basoko, Orientale
RÉSERVE STRATÉGIQUE GENERALE		84	LI 032/05	218,128	Oshwe, Bandundu
RIBA CONGO		82	GA 046/04	48,256	Kwamouth, Bandundu
SAFECO		87	GA 017/87	73,088	Seke-Banza, Bas-Congo
SAFO		88	GA 001/95	242,952	Bongandanga, Equateur
SAICO CONGO		89	GA 0103/87	28,928	Boma & Lukula, Bas Congo
SAICO CONGO		90	GA 0104/87	20,224	Boma, Bas Congo
SCIBOIS	France	93	GA 093/03	229,400	Lukolela & Bikoro, Equateur
SCIERIE MBANDA		94	GA 085/87	36,160	Lukula & Muanda, Bas-Congo
SCIERIE MBANDA		95	GA 005/95	21,312	Tshela, Bas-Congo
SCIERIE MBANDA		96	GA 008/00	13,092	Lukula & Seke-Banza, Bas Congo
SEDAF SPRL		97	GA 002/98	200,533	Bongandanga, Equateur
SEDAF SPRL		98	GA 003/98	219,200	Yahuma, Orientale
SEDAF SPRL		99	GA 001/98	248,300	Yahuma, Orientale
SEFOCO		100	GA 008/93	224,000	Ingende & Bolomba, Equateur
SEFOCO		101	GA 028/98	189,738	Bolomba, Equateur
SEFOR		102	LI 095/03	160,000	Kutu, Bandundu
SICA SPRL		104	LI 024/02	78,830	Ilebo & Mweka, Kasai occidental
SICOBOS	Belgium	106	GA 032/04	109,320	Lisala, Equateur
SICOBOS	Belgium	107	GA 033/04	158,130	Lisala, Equateur
SICOBOS	Belgium	105	GA 042/04	127,300	Lisala, Equateur
SOBAC		118	LI 023/05	237,800	Kungu, Equateur
SOCEMA		119	GA 012/00	62,128	Tshela, Bas Congo
SOCIBEX		120	LI 027/02	127,000	Oshwe, Bandundu
SOCIBEX		121	LI 028/02	240,000	Oshwe, Bandundu
SOCONEG		124	GA 008/91	81,000	Ingende, Equateur
SODAIKEL		125	GA 023	121,216	Bolomba, Equateur
SOEXFORCO		142	GA 045/04	229,476	Ingende, Equateur
SOKAMO		150	LI 008bis/02	175,400	Oshwe, Bandundu
SOMI CONGO		151	GA 034/97	235,425	Inongo, Bandundu
STÉ AFRICAINE DE NÉGOCE (SAN)		91	GA 039/05	140,000	Mushie, Bandundu
STÉ AFRICAINE DE NÉGOCE (SAN)		92	GA 040/05	146,560	Kiri, Bandundu
STÉ FORESTIERE DU CONGO (SFC)		103	GA 046/05	39,360	Tshela & Seke-Banza, Bas Congo
STÉ LONGELE NOUVELLE (SOCOLO)		122	GA 032/94	199,650	Djolu, Equateur
STÉ LONGELE NOUVELLE (SOCOLO)		123	GA 033/94	127,500	Befale, Equateur
STÉ MULTICOMMERCIALE (SMC)		117	GA 047/05	102,000	Bolomba, Equateur
TALA TINA		152	LI 003/04	28,500	Kwamouth, Bandundu
ZONGO BOIS		156	LI 010/05	147,328	Libenge, Equateur

Date, if signed after May 2002 moratorium	Intact Forest Landscapes	Important carbon reserves	Forest dependent communities	Pygmy communities	Identified Conservation Landscapes	CITES Afrormosia Landscape
25/03/03	✓	✓	✓	✓		✓
25/03/03	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
07/07/04	?	?	✓		ICCN Tshuapa- Lomami-Lualaba	✓
25/03/03	✓	✓	✓	✓		
25/03/03	✓	✓	✓	✓		✓
25/03/03	✓	✓	✓			✓
21/01/05			✓			
21/01/05			✓			
21/01/05			✓			
21/01/05			✓			
21/01/05			✓			
04/04/03	✓	✓	✓			✓
04/04/03			✓	✓		
04/04/03	✓	✓	✓			✓
04/04/03	✓	✓	✓	✓		
04/04/03	✓	✓	✓	✓	CBFP Salonga-Lukenie-Sankuru	
04/04/03	✓	✓	✓	✓		✓
04/04/03	✓	✓	✓	✓	CBFP Salonga-Lukenie-Sankuru	
04/04/03	✓	✓	✓	✓		✓
04/04/03	✓	✓	✓	✓		
04/04/03	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	
04/04/03	✓	✓	✓	✓		
04/04/03	✓	✓	✓	✓	CBFP Salonga-Lukenie-Sankuru	
04/04/03	✓	✓	✓	✓	CBFP Salonga-Lukenie-Sankuru	
04/04/03	✓	✓	✓	✓	CBFP Salonga-Lukenie-Sankuru	
04/04/03	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	
25/03/03	✓	✓	✓	✓	ICCN Tshuapa- Lomami-Lualaba	✓
25/03/03	✓	✓	✓			✓
25/03/03	✓	✓	✓			
25/03/03	✓	✓	✓	✓		✓
25/03/03	✓	✓	✓	✓		✓
25/03/03	✓	✓	✓	✓		✓
25/03/03	✓	✓	✓	✓	CBFP Salonga-Lukenie-Sankuru	
20/09/05			✓	✓		
10/10/05			✓	✓	CBFP Maringa-Lopori-Wamba	
22/09/05	?	?	✓			
22/09/05	?	?	✓		ICCN Tshuapa-Lomami-Lualaba ?	✓
22/09/05	?	?	✓	✓		
14/03/05			✓	✓	CBFP Salonga-Lukenie-Sankuru	
01/07/05	✓	✓	✓		CBFP Lake Tele-Lake Tumba	
01/07/05	✓	✓	✓	✓	CBFP Salonga-Lukenie-Sankuru	
26/11/04			✓			
			✓			
	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
			✓			
03/06/03	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	
			✓			
			✓			
	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	✓
	✓	✓	✓	✓		
12/07/03			✓	✓		
26/06/02	✓	✓	✓		CBFP Salonga-Lukenie-Sankuru	
25/06/04	?	?	✓	✓		?
25/06/04	?	?	✓	✓		?
10/09/04	?	?	✓	✓		?
28/04/05			✓	✓		
			✓			
24/12/02	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	
24/12/02	✓	✓	✓	✓	CBFP Maringa-Lopori-Wamba	
	✓	✓	✓	✓		
23/11/04			✓	✓	CBFP Salonga-Lukenie-Sankuru	
	✓	✓	✓	✓	CBFP Lake Tele-Lake Tumba	
20/08/05			✓			
20/08/05			✓	✓		
20/09/05			✓			
	✓	✓	✓	✓		✓
	✓	✓	✓	✓		✓
20/09/05			✓	✓		
18/01/05			✓			
12/02/05			✓	✓		

Endnotes

1. Debroux et al. (2007) xi
2. UNSC (2007)
3. Wolfowitz (2007)
4. Mittermeier et al. (2002)
5. Amos (2006)
6. Podger (2002); ABC NewsOnline (2006)
7. Podger (2002); ABC NewsOnline (2006)
8. IPCC (2007)
9. CAN International (2007)
10. CBFP (2006)
11. Debroux et al. (2007) xiii
12. Trefon (2006)
13. ARD (2003) 41
14. Mittermeier et al. (2002)
15. Current carbon stocks in tropical forests are estimated at 428 gigatonnes (212 in the vegetation and 216 in the soils) out an estimated total global carbon stock of 2,477 gigatonnes. Boreal and temperate forests account for 559 and 159 gigatonnes respectively, making forests as a whole extremely important as carbon stocks. Source: Watson et al. (2000)
16. FAO (2005)
17. Bryant et al. (1997)
18. CBFP (2006)
19. 66.7%
20. Greenpeace (2007)
21. Mittermeier et al. (2002) – this source gives an area of 1,011,400km² of rainforest within the DRC: the figure seems to vary drastically depending on what types of forest are included
22. 28.26%
23. 64,104,000 hectares (Greenpeace (2007))
24. Greenpeace (2007)
25. For example Global Witness (2002), Fatal Transactions (2006) and many others
26. UNSC (2002)
27. UNSC (2002)
28. World Bank (2006a)
29. ICG (2006) 10, citing interview with a forestry expert, Paris, April 2006
30. BBC (2007a)
31. World Bank (2005a)
32. Global Witness (2002); ARD (2003)
33. Debroux et al. (2007) 19
34. Debroux et al. (2007) xiii
35. Debroux et al. (2007) xiii
36. Transparency International's Corruption Perceptions Index 2006 ranked the DRC in equal 156th place out of 163 countries, together with Bangladesh, Chad and Sudan and above only Guinea, Iraq, Myanmar and Haiti – see Transparency International (2006)
37. ARD (2003) 15
38. Trefon (2006) 101
39. Fatal Transactions (2006)
40. CAN International (2007)
41. Trefon (2006)
42. ARD (2003) 12, 16
43. ISIS (2002)
44. Fatal Transactions (2006) 23
45. World Bank (2006c)
46. Counsell (2005) 3
47. BIC et al. (2006a)
48. BIC et al. (2006a)
49. World Bank (2005a); European Union et al. (2005); Debroux et al. (2007)
50. Trefon (2006)
51. World Bank (2006c); BIC et al. (2006a). According to BIC et al., the World Bank's operational policy OP 4.01 provides an exemption for emergency recovery projects from compliance with environmental assessment requirements. It states: 'Emergency Recovery Projects: The policy set out in OP 4.01 normally applies to emergency recovery projects processed under OP 8.50, Emergency Recovery Assistance. However, when compliance with any requirement of this policy would prevent the effective and timely achievement of the objectives of an emergency recovery project, the Bank may exempt the project from such a requirement. The justification for any such exemption is recorded in the loan documents. In all cases, however, the Bank requires at a minimum that (a) the extent to which the emergency was precipitated or exacerbated by inappropriate environmental practices be determined as part of the preparation of such projects, and (b) any necessary corrective measures be built into either the emergency project or a future lending operation.' See <http://wbln0018.worldbank.org/Institutional/Manuals/OpManual.nsf/toc2/9367A2>
52. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
53. World Bank (2006b)
54. World Bank (2006b)
55. World Bank (2006b)
56. World Bank (2005a)
57. Debroux et al. (2007) xx
58. Calderisi (2006)
59. Trefon (2006) 105
60. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
61. Debroux et al. (2007) 75
62. Debroux et al. (2007) 41: The same source claims that the Government implemented this recommendation through its April 2002 review of 285 existing contracts; but the review focused on just three criteria: the contract's expiry date, the existence of a processing plant whenever this was part of the contract, and the payment of the forest area fee. In effect then, the recommendation to rescind non-inventoried and undeveloped titles was ignored.
63. UNSC (2000)
64. World Bank (2006c)
65. UNSC (2001) 27
66. World Bank (2006d)
67. ICG (2006) 8
68. Government of the DRC (2005a)
69. Debroux et al. (2007)
70. Debroux et al. (2007)
71. World Bank (2006a)
72. Debroux et al. (2007) 41–42
73. Government of the DRC (2002a)
74. Government of the DRC (2002a)
75. 'Logging titles' refers to the titles issued under the three-tier system which the Forestry Code is to replace – Autorisations de Prospection (Prospecting Authorisations), Lettres d'Intention (Letters of Intent) and Garanties d'Approvisionnement (Guarantee of Supply). Under the old system, companies obtained one-year Prospecting Authorisations for which they mapped the boundaries themselves. Usually, each such authorisation would be converted into a three-year Letter of Intent during which time they put infrastructure in place, and then into a 25-year Guarantee of Supply – so called because it involved an undertaking to harvest at a certain level and thus pay a certain amount of tax. This process of conversion was supposed to involve prospecting (field surveying) and consultation with local communities, but in practice these rarely took place. Securing logging titles depended mostly on personal contacts and cronyism. Source: Debroux et al. (2007) 39
76. World Bank (2006a) and Government of the DRC (2002a)
77. Le Potentiel (2003)
78. Counsell (2005) citing World Bank, Report and Recommendation of the President of the IDA to the Executive Directors on a Proposed Credit of SDF \$360.4 to DRC for an Economic Recovery Credit, 17 May 2002
79. Trefon (2006)
80. Government of the DRC (2002b) Article 2: 'Le régime forestier vise à promouvoir une gestion rationnelle et durable des ressources forestières de nature à accroître leur contribution au développement économique, social et culturel des générations présentes, tout en préservant les écosystèmes forestiers et la biodiversité forestière au profit des générations futures.'
81. UNSC (2002)
82. UNSC (2002) 31
83. Debroux et al. (2007) 43
84. Debroux et al. (2007) 43
85. Debroux et al. (2007) 41
86. BIC and Environmental Defense (2006a) 3
87. World Bank (2003)
88. World Bank (2004a)
89. Government of the DRC (2005a) 270
90. Debroux et al. (2007) 50–51
91. L'Observateur (2005)
92. Debroux et al. (2007)
93. Debroux et al. (2007) 45
94. Government of the DRC (2005b)
95. Government of the DRC (2005b)
96. World Bank (2006a)
97. Debroux et al. (2007) 41–42
98. Debroux et al. (2007) 41–42
99. Government of the DRC (2007) (under the page www.rdc-conversiontitresforestiers.org/wrapper/index.php) lists all titles currently under review, along with their location, size and ownership.
100. Government of the DRC (2006a)
101. UNSC (2007)
102. UNSC (2007)
103. World Bank (2006a)
104. Greenpeace investigations, 2005–07
105. Government of the DRC (2004a)
106. Debroux et al. (2007) xiv
107. World Bank (2006a)
108. Debroux et al. (2007) 41–42
109. Debroux et al. (2007) 43
110. Debroux et al. (2007) 73
111. Debroux et al. (2007)
112. Counsell (2006)
113. Confidential report B analysing NST's forestry titles (2003) – copy held by Greenpeace
114. La Référence Plus (2006)
115. Debroux et al. (2007) Endnote 88
116. Confidential report B analysing NST's forestry titles (2003) – copy held by Greenpeace
117. Confidential report B analysing NST's forestry titles (2003) – copy held by Greenpeace
118. Confidential report B analysing NST's forestry titles (2003) – copy held by Greenpeace
119. Letter to Sodefor, 26 January 2005 from the Vice President, and letter to Sodefor from M Energa, 20 December 2004 (copies of both letters held by Greenpeace)
120. Letter to Greenpeace from Sodefor manager José Albano Maia Trindade, 30 November 2004 (original held by Greenpeace)
121. Letter to Greenpeace from Sodefor manager José Albano Maia Trindade, 30 November 2004. 'Récemment, une redéfinition d'une partie des concessions SODEFOR a été faite ... avec pour objectif l'attribution effective de surfaces forestières utiles, conformément aux titres forestiers dont nous disposions et qui nous donneraient les moyens de la relance de nos activités à la sortie de ces années de guerre. Il ne s'agit donc pas de l'attribution de nouvelles concessions.'
122. Debroux et al. (2007) 43
123. The CBFP is an association of 30 governments and organisations including the World Bank, Conservation International and WWF, and private sector organisations from the timber and pulp/paper industries, set up with the aim of encouraging sustainable management of the Congo Basin forests.
124. Greenpeace investigations, 2006–07
125. Government of the DRC (2005b) Article 5
126. According to the manual for the legal review process (Groupe Technique de Travail (2006)), the procedure is: l'évaluation de la conformité administrative du dossier
- l'évaluation de la validité juridique du titre
- l'évaluation du respect des obligations contractuelles au regard des pratiques antérieures au code forestier du 2002
- [3.1. paiement integral des termes échus de la redevance forestière à partir du 1er janvier 2003 jusqu'au 31 décembre 2005]
- 3.2. depuis 2003, le respect des limites de la concession forestière telles qu'elles résultent d'être octroyée et de la carte topographique annexe.
- 3.3. L'existence et le maintien en fonctionnement d'une unité de transformation conformément au clauses du titre, sauf cas de force majeure dûment prouvé.]
- l'évaluation du plan de relance
- la vérification du respect du moratoire.
127. Debroux et al. (2007) 74
128. For more information on the Independent Observer team and its role, see Government of the DRC (2007) under the page 'Les intervenants' (www.rdc-conversiontitresforestiers.org/intervenants.html)
129. Government of the DRC (2002b): 'L'état de cessation de paiement constitue de plein droit une cause de déchéance et entraîne la résiliation du contrat de concession forestière.'
130. Debroux et al. (2007) 51–52
131. L'Observateur (2005)
132. WRI-Agreco (2007)
133. Letter to Greenpeace, BIC, Environmental Defense and Rainforest Foundation from WRI, 2 November 2006 (original held by Greenpeace)
134. Groupe Technique de Travail (2006)
135. See the reports of the Independent Observer: www.rdc-conversiontitresforestiers.org/notes-d-information-de-l-expert-independant/index.php
136. BIC et al. (2006b)
137. Réseau Ressources Naturelles (2006): letter to John McIntire, World Bank from Janet Ranganathan, WRI, 2 February 2006 (copy held by Greenpeace)
138. In principle loggers are of course supposed to respect the boundaries of the permis de coupe – the risk of impunity is related to the lack of institutional capacity to control logging operations, and this is unlikely to change after completion of a forest management plan.
139. Letter to John McIntire, World Bank from Janet Ranganathan, WRI, 2 February 2006 (copy held by Greenpeace), cited in BIC et al. (2006b)
140. CBFP (2005) 23. The CBFP's priority landscapes were selected because of their outstanding biodiversity, because they encompass large populations of larger mammals, or because they represent important and distinctive habitats and communities of species. These priority landscapes are not intended to be designated entirely as protected areas – rather, they represent zones within which conservation should play a prominent role.
141. Personal communication, 21 October 2006
142. CBFP (2006) 26
143. Greenpeace investigations, 2005–07
144. Government of the DRC (2004a)
145. BIC and Environmental Defense (2006a)
146. See for instance Global Witness or Fatal Transactions (2006)
147. See for instance IRIN (2007)
148. Trefon (2006); BIC and Environmental Defense (2006a)
149. ARD (2003)
150. ICG (2006) i
151. Verbruggen (2005) 1; CADTM (2006)
152. Debroux et al. (2007) 6
153. Greenpeace investigations, 2006–07
154. Ovlas Trading SA (2003)
155. Global Wood Trade Network (2007)
156. Importing 270,000 tonnes of rice a year (Le Phare (2003a))
157. The group has a fleet of 135 Mercedes trucks (Global Wood Trade Network (2007)). Congo Futur also produces plastic bags and biscuits, and appears to be present in the construction sector (Le Phare (2005))
158. Le Phare (2003b)
159. Le Soir (2003)
160. Le Phare (2003b) – Greenpeace has been unable to clarify the final outcome of the investigations
161. Le Potentiel (2003)
162. Garanties d'approvisionnement mises en demeure, Ministry of Environment, June 2002
163. ANAPI (2004)
164. ANAPI (2004)
165. Greenpeace investigations, 2005–07
166. Greenpeace investigations, 2005–07
167. GA 001/04 (214,700 hectares) and GA 03/05 (80,064 hectares); ITB has also one other title in Bandundu (GA 002/01 – 147,000 hectares) and one in Basoko, Province Orientale (GA 002/05 – 224,140 hectares). The complete list of titles being put forward for conversion can be viewed at Government of the DRC (2007) under www.rdc-conversiontitresforestiers.org/wrapper/index.php
168. Prospection Authorisation AP 022/01 (250,000 hectares) at Bolomba. Source: unpublished list held by the Ministry of Forestry and dated June 2002 (copy held by Greenpeace)
169. Personal communication, October 2006
170. GA 044/05 (123,000 hectares). The complete list of titles being put forward for conversion can be viewed at Government of the DRC (2007) under

- www.rdc-conversiontitresforestiers.org/wrapper/index.php
171. GA 027/03 (86,000 hectares). The complete list of titles being put forward for conversion can be viewed at Government of the DRC (2007) under www.rdc-conversiontitresforestiers.org/wrapper/index.php
172. GA 093/03 (229,400 hectares). The complete list of titles being put forward for conversion can be viewed at Government of the DRC (2007) under www.rdc-conversiontitresforestiers.org/wrapper/index.php
173. Mwanza et al. (2003)
174. Personal communication, Greenpeace investigations, 2005–07
175. Personal communication, Greenpeace investigations, 2005–07
176. Personal communication to Greenpeace, Greenpeace investigations, 2005–07: ‘Nous avons ordre des autorités de ne pas aller contrôler ... Ils bénéficient d'une protection au plus haut niveau’.
177. Personal communication to Greenpeace, Greenpeace investigations, 2005–07: ‘La Sodefor est protégée à Kinshasa. On manque de moyens. On parvient quand même à faire des contrôles et des rapports, mais qui sont classés sans suite par Kinshasa.’
178. Personal communication to Greenpeace, Greenpeace investigations, 2005–07: ‘La Sodefor a tissé des liens avec la haute hiérarchie de Kinshasa et est totalement protégée.’
179. Letter to Sodefer from Anselme Enerunga, Minister for the Environment, N2245/CAB/MIN/CN-EF/2004, 20 December 2004 (copy held by Greenpeace): ‘Quant à la légalité des concessions accordées à votre société par mon ministère, je ne peux que la confirmer car ces dernières ont été à chaque fois reprises sur toutes versions des listes de concessions forestières publiées jusqu'à ce jour. Pour terminer, je vous demande de concrétiser les nouveaux investissements programmés par votre société sans céder à la panique car la protection du Gouvernement de Transition vous est acquise.’
180. Letter to Sodefer from Yérodia Abdoulaye Ndombasi, Vice President of the DRC, PR/VP-CRD/CAB/ET/LOF/0241/05, 26 January 2005 (copy held by Greenpeace): Je vous confirme, à l'instar du Ministre, la légalité de toutes les concessions forestières vous concédées et vous demande de concrétiser de nouveaux investissements programmés dans ce domaine en vue de contribuer encore une fois de plus à la réduction de la pauvreté dans notre pays.’
181. Personal communication to Greenpeace, Greenpeace investigations, 2005–07
182. Greenpeace investigations, 2006–07
183. USAID (2003)
184. FIDH (2003); FIDH (2006); UNSC (2003) 2–3
185. UNSC (2004) 18–19: ‘From 20 to 22 January 2004, a total of five Antonov 26 flights landed at Gbadolite airport from Basankusu on the orders of Mbiato Konzoli, Vice-President Jean-Pierre Bemba's military adviser in Gbadolite, with a considerable amount of arms, including heavy weapons, and ammunition on board. During this period, access to the airport was denied by ex-MLC troops to both MONUC military observers and civilian personnel in contravention of paragraph 19 of Security Council resolution 1493 (2003).’
186. See for example Dietrich (2002): ‘Diamonds mined in Équateur, much of which is controlled by the Congolese MLC rebel group, are often sold or laundered through the CAR.’ (p.21) ‘Certainly diamonds controlled directly by Bemba, or purchased by comptoirs licensed by the rebel administration, help finance the war efforts of the MLC. Artisanal diggers who smuggle stones from Équateur Province into Bangui, or who sell to middlemen who do the same, are also involved in conflict diamonds if taxes are paid to the MLC. The conflict status is less clear if diggers or middlemen smuggle their diamonds out of Équateur without paying taxes to the MLC.’ (p.22) ‘The rebel groups have also sought to find their own markets and foreign partnerships. While they work with companies operating out of Uganda and Rwanda, they frequently search for more profitable international markets, especially for diamonds. This has increased with the vacillating military geography of eastern Congo. Jean-Pierre Bemba, leader of the MLC, may control anywhere between one and three million dollars in diamonds per month. At the time of writing he had agreed, during negotiations in South Africa, to join the government as Prime Minister. His easiest point of access to the international diamond market was across the Ubangi River in the CAR.’ (p.41)
187. FIDH (2006) 15: ‘The association between Jean-Pierre Bemba and Ange-Félix Patassé had good reason: the Central African territory was economically strategic for the strong man of Équateur Province. Bangui represented an outlet for Congolese natural resources: diamonds, wood, copper... For his part, Patassé himself also wanted to preserve his good relations with Bemba not only to secure a safe zone in the south of the Central African Republic – an area where military hostility could be fatal for him – but also to facilitate free movement of people and goods in this MLC-controlled zone.’ ‘Les liens entre Jean-Pierre Bemba et Ange-Félix Patassé ont été de raison : Le territoire centrafricain était économiquement stratégique pour l'homme fort de “l'Équateur” (province occidentale de la RDC). Bangui constituait un débouché pour les ressources naturelles congolaises : diamants, bois, cuivre... De son côté, Patassé tenait lui aussi à préserver les bonnes relations qu'il entretenait avec Bemba afin non seulement de s'assurer une zone de sécurité au sud de la RCA, zone où une hostilité militaire pouvait lui être fatale, mais aussi de favoriser la libre circulation des personnes et des biens dans cette zone contrôlée par le MLC.’
188. Government of the DRC (2004b)
189. Lola (2006)
190. Digital Congo (2005)
191. Lola (2006)
192. UNSC (2002) 28
193. Government of the DRC (2004b)
194. Report on logging in Libenge, commissioned by NIZA (2006) (copy held by Greenpeace)
195. Government of the DRC (2007): LI 013/05 (208,000 hectares) and LI 053/05 (150,000 hectares)
196. ICG (2006) 10 citing interview with a forestry expert, Paris, April 2006
197. Report on logging in Libenge, commissioned by NIZA (2006) (copy held by Greenpeace)
198. Kapongo (2006) CFBC managing director Victor Daaboul is the ex-site manager of the Dabadjis' Cameroonian company, CFE (Cameroon Tribune (2000))
199. Digital Congo (2005)
200. Kapongo (2006)
201. Kapongo (2006)
202. Kapongo (2006)
203. LI 013/05 (208,000 hectares, Libenge) and LI 053/05 (150,000 hectares, Libenge)
204. Greenpeace investigations, 2005–07
205. Government of the DRC (2007): GA 047/05 (54,400 hectares, Bolobo, Bandundu Province); GA 048/05 (75,900 hectares, Ubundu, Province Orientale); GA 049/05 (175,400 hectares, Oshwe, Bandundu Province)
206. According to a letter from IFC, 25 September 2003 (copy held by Greenpeace), in 2003 Olam engaged in direct sourcing of wood from Ghana, Mozambique, Gabon, Togo, Côte d'Ivoire, Cameroon, Burkina Faso and Tanzania. The countries in which it engaged in wood trading included Burma.
207. Labrousse (2005)
208. Illegal-logging.info (2006)
209. The IFC held these shares until at least 2005 (Olam (2005))
210. Letter from IFC, 25 September 2003 (copy held by Greenpeace)
211. Project 22659, ‘OLAM Multi Country Multi Commodity Facility’, IFC (2007)
212. IFC (2007)
213. DEG (2005)
214. Greenpeace investigations, 2005–07
215. Greenpeace investigations, 2005–07
216. Greenpeace investigations, 2005–07
217. Greenpeace (2004)
218. See for example BBC (2005)
219. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
220. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
221. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
222. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
223. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
224. ARD (2003) 79
225. ISIS (2002)
226. The company has its own system of numerical designations for its forest areas, each of which is composed of one or more garanties d'approvisionnement under the former forestry title system.
227. Email to WWF from Olof von Gagern, Danzer, November or December 2006 (undated) (copy held by Greenpeace)
228. Email to WWF from Olof von Gagern, Danzer, November or December 2006 (undated) (copy held by Greenpeace)
229. Econo (2006)
230. Econo (2006)
231. See for example Amnesty International (2004)
232. In December 2003, soldiers in the Congolese army, who initially served in the MLC, were convicted of the mass rape of at least 119 women and children. See for example www.irinnews.org/report.aspx?reportid=58749
233. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
234. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
235. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
236. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
237. Greenpeace investigations, 2006–07
238. David Kaimowitz, chairman of CIFOR, in Rainforest Foundation (2004)
239. UNDP (2006)
240. Debroux et al. (2007) 4
241. CIA (2006)
242. World Bank (2006a); Government of the DRC (2006b) 33
243. BIC et al. (2006a)
244. www.undp.org/cd/news.aspx?newesID=54
245. www.undp.org/cd/index.php?option=com_content&task=view&id=13&Itemid=1
246. European Union et al. (2005) 5
247. CBFP (2006) 29
248. European Union et al. (2005). Funding will come from the European Union, Belgium, France and the UK, and perhaps other donors in future.
249. European Union et al. (2005) 5
250. Debroux et al. (2007) 21
251. Debroux et al. (2007) 22: ‘Disclaimer and method. All figures mentioned in this section are to be taken as tentative approximations of orders of magnitude. In this war-torn country, databases are piecemeal and uncertain. There are few quantitative studies on the economic value of forests. They rarely cover representative samples at the national level, and extrapolations therefore cannot be robust. Uncertainty ranges are obviously high, yet difficult to assess in statistical terms. Methodologies used in various studies may not be comparable. Some estimates are based on assumptions and simplifications that are open to debate and could be inaccurate. All figures mentioned in this section must therefore be treated with the greatest care. This initial effort will need to be further improved and updated as better data become available. Additional studies are needed to that end.’
252. Lewis (2001)
253. Lewis (2001)
254. Letter to the Director General of DGRAD from Théo Baruti Amisi Ikuimaiyete, 5 April 2005, no. 01/TBAI/473/CAB/PROGOU/PO/2005 (Copy held by Greenpeace): ‘Des informations en notre possession font état de l'affection des produits des redevances de superficie concédées résultant de l'exploitation forestière opérée dans la Province Orientale ... Cette situation totalement incompréhensible, non seulement viole les dispositions pertinentes de la Loi portant Code Forestier, mais aussi est de nature à priver la Province Orientale des ressources indispensables pour sa reconstruction après les années de guerre et de destruction qu'elle vient de connaître.’
255. WRI-Agreco (2007) ii: ‘Il apparaît clairement que l'accès aux documents permettant la vérification complète de la situation du paiement des taxes dès leurs sources d'archivage est difficile si pas impossible.’
256. CBFP (2006)
257. Personal communication, Greenpeace investigations, 2005–07
258. Personal communication, Greenpeace investigations, 2005–07
259. Personal communication, Greenpeace investigations, 2005–07
260. Information collected by Greenpeace from affected villagers from Ibenga, personal communication, 22 October 2006
261. Forest Peoples Programme et al. (2007) 10
262. Trefon (2006)
263. Greenpeace investigations, 2005–07
264. Agence France-Press (2006): ‘Les pygmées souffrent, nous acceptons ce qu'on nous donne,’ dit-il, drapé dans une peau de civette, un bouclier en bois sculpté à la main. ‘Nos enfants vivent dans la saleté, ils souffrent de maladie. Le savon et le sel signifient beaucoup pour nous.’
265. Personal communication, Greenpeace investigations, 2005–07
266. Greenpeace investigations, 2005–07
267. Lewis (2001)
268. Debroux et al. (2007) 9: ‘Disclaimer and method. All figures mentioned in this section are to be taken as tentative approximations of orders of magnitude. In this war-torn country, databases are piecemeal and uncertain. There are few quantitative studies on the economic value of forests. They rarely cover representative samples at the national level, and extrapolations therefore cannot be robust. Uncertainty ranges are obviously high, yet difficult to assess in statistical terms. Methodologies used in various studies may not be comparable. Some estimates are based on assumptions and simplifications that are open to debate and could be inaccurate. All figures mentioned in this section must therefore be treated with the greatest care. This initial effort will need to be further improved and updated as better data become available. Additional studies are needed to that end.’
269. Debroux et al. (2007) 22: ‘Disclaimer and method. All figures mentioned in this section are to be taken as tentative approximations of orders of magnitude. In this war-torn country, databases are piecemeal and uncertain. There are few quantitative studies on the economic value of forests. They rarely cover representative samples at the national level, and extrapolations therefore cannot be robust. Uncertainty ranges are obviously high, yet difficult to assess in statistical terms. Methodologies used in various studies may not be comparable. Some estimates are based on assumptions and simplifications that are open to debate and could be inaccurate. All figures mentioned in this section must therefore be treated with the greatest care. This initial effort will need to be further improved and updated as better data become available. Additional studies are needed to that end.’
270. Lewis (2001)
271. Lewis (2001)
272. Letter to the Director General of DGRAD from Théo Baruti Amisi Ikuimaiyete, 5 April 2005, no. 01/TBAI/473/CAB/PROGOU/PO/2005 (Copy held by Greenpeace): ‘Des informations en notre possession font état de l'affection des produits des redevances de superficie concédées résultant de l'exploitation forestière opérée dans la Province Orientale ... Cette situation totalement incompréhensible, non seulement viole les dispositions pertinentes de la Loi portant Code Forestier, mais aussi est de nature à priver la Province Orientale des ressources indispensables pour sa reconstruction après les années de guerre et de destruction qu'elle vient de connaître.’
273. WRI-Agreco (2007) ii: ‘Il apparaît clairement que l'accès aux documents permettant la vérification complète de la situation du paiement des taxes dès leurs sources d'archivage est difficile si pas impossible.’
274. According to BIC and Environmental Defense (2006b) 4, this ‘rarely’ happens. According to Debroux et al. (2007) xx, these area fees were not transferred in 2003–06, and no

investment programmes or accounting systems were in place at the provincial or territorial levels – ie the local administration would not know how to manage the money responsibly even if it were transferred; Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

275. Debroux et al. (2007) xx and 49

276. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

277. Trefon (2006)

278. Debroux et al. (2007) 75

279. Ngoy Isikimo (2007)

280. Ngoy Isikimo (2007) 5

281. Government of the DRC (2002b)

282. Debroux et al. (2007) xx

283. Ngoy Isikimo (2007)

284. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

285. Cahier des charges between Trans-M and the population of Lomako, 8 February 2005. Handwritten document, reproduced in ARELO (2005)

286. ARELO (2005)

287. 'l'exploitation forestière illicite qu'effectue la société Trans-M' (ARELO (2005))

288. ARELO (2005) 4

289. Radio Okapi Kisangani (2006): 'À Kisangani, les habitants des villages situés à environ 40 km aux alentours de la ville, s'insurgent contre les entreprises qui exploitent le bois dans leurs forêts. Selon les notabilités de ces villages la population ne trouve pas gain de cause dans ces activités. Pas une seule action humanitaire ou sociale n'est entreprise par ces exploitants de bois. Les villages manquent des écoles, des centres de santé, des routes carrossables, et autres infrastructures adéquates. Bref, dans la plupart des cas, les cahiers de charge ne sont pas respectés... Pour le moment celles qui sont visibles, qui sont vraiment actives, sont – je pourrais citer Trans-M-Bois, une filière de Congo Futur.'

290. ARELO (2005) 5

291. ARELO (2005) 5

292. ARELO (2005) 5: ... et ont constaté un usage de faux et défaut. Cela s'aperçoit dans certaines signatures apposées sur ce document à la réunion du 08 février 2005 à laquelle on demanda à cette population de poser obligatoirement leurs signatures'

293. ARELO (2005) 6: 'Nous nous insurgeons contre cette manière cavalière de procéder qui est contraire à la bienséance et au respect des communautés de Lomako.'

294. ARELO (2005) 6: 'Nous demandons à l'administration provinciale en charge de forêt de revoir sa méthodologie et d'ordonner la suspension immédiate et inconditionnelle des activités qui mène la société Congo Futur dans cette aire protégée en devenir, car cela ne rencontre pas le désiderata de la population autochtone.'

295. Greenpeace research 2006-07

296. Confidential report A on Trans-M (2007) (copy held by Greenpeace)

297. Protocole d'accord between Trans-M and the communities of Babali, Bamanga and Bandombi, Province Orientale, signed on 19 February 2005 (partial copy held by Greenpeace)

298. Government of the DRC (2007), under www.rdc-conversionstiresforestiers.org/wrapper/index.php

299. Confidential report A on Trans-M (2007) (copy held by Greenpeace)

300. Trefon (2006)

301. BIC and Environmental Defense (2006b) 5

302. Confidential report A on Trans-M (2007) (copy held by Greenpeace)

303. BIC and Environmental Defense (2006b)

304. Radio Okapi Kisangani (2005)

305. Radio Okapi Kisangani (2005)

306. Greenpeace investigations, 2006-07

307. ITTO (2007) 1-15

308. Dickson et al. (2005), citing MECNEF (2004) État des lieux du potentiel en Pericopsis elata (Afromosia) en République Démocratique du Congo

309. CITES (2003)

310. UNEP and WCMC (2007)

311. CITES (1979) Article IV

312. European Union (1996)

313. Dickson et al. (2005) citing MECNEF (2004) État des lieux du potentiel en

Pericopsis elata (Afromosia) en République Démocratique du Congo.

314. Government of the DRC (2007)

315. SOS Nioki (2004): 'Les forêts de Mai-Ndombe sont exploités au profit des intérêts égoïstes de la société SODEFOR et de leur entreprise familiale SOFORMA. ... Cette exploitation qui génère un chiffre d'affaires colossal ... contraste tristement avec la situation économique et sociale dans laquelle se retrouve la population du District de Mai-Ndombe ... où aucun signe de rétribution des richesses exploitées sur son sol est perceptible. Contrairement à sa dénomination qui proclame le développement, la SODEFOR n'a jamais songé un seul instant à quelconque projet de développement de cette contrée.'

316. Greenpeace investigations, 2005-07

317. Greenpeace investigations, 2005-07

318. World Bank (2006d)

319. Greenpeace investigations, May-June 2006

320. Letter to local territorial administrator from Sodefor, 20 November 2005, with a request to 'legalise' the signatures of the agreement signed between Sodefor and the villagers (copy held by Greenpeace)

321. Confidential NGO report on monitoring of cahiers des charges (2006) (copy held by Greenpeace)

322. (copy of contracts held by Greenpeace): 'Monsieur (xxx) prend l'engagement d'éviter ou de prévenir tout trouble de quelque nature que ce soit (barricades, soulèvement de la population) dans l'exploitation de la forêt par la Sodefor. Il est en outre responsable de la bonne marche des travaux sur le chantier d'exploitation sans qu'il se mêle pour autant des méthodes de travail.'

323. Personal communication, Greenpeace investigations May-June 2006 and copies of agreements held by Greenpeace

324. Greenpeace investigations, 2005-07

325. Confidential NGO report on monitoring of cahiers des charges (2006) (copy held by Greenpeace)

326. Confidential report C documenting social and environmental impacts of logging operations in DRC (2007) (copy held by Greenpeace)

327. Confidential report C documenting social and environmental impacts of logging operations in DRC (2007) (copy held by Greenpeace)

328. Greenpeace investigations, 2006-07

329. Government of the DRC (2007), under www.rdc-conversionstiresforestiers.org/wrapper/index.php: GA 42/04 (127,300 hectares, Lissala); GA 032/04 (109,320 hectares, Lissala); GA 033/04 (158,130 hectares, Lissala)

330. Greenpeace investigations, 2005-07

331. Confidential report C documenting social and environmental impacts of logging operations in DRC (2007) (copy held by Greenpeace)

332. Confidential report C documenting social and environmental impacts of logging operations in DRC (2007) (copy held by Greenpeace)

333. La Voix du Paysan (2005)

334. La Voix du Paysan (2005)

335. Confidential report C documenting social and environmental impacts of logging operations in DRC (2007) (copy held by Greenpeace)

336. Greenpeace investigations, 2006-07

337. Lintner (2007): 'At a time when tropical forests are under increasing pressure around the globe, when biological diversity and the climate of our planet are in danger, and in a country the size of a continent where nearly 40 million of the world's poorest people depend on the forest for their day-to-day survival, alternative models for forest management and financing must be developed urgently.'

338. World Bank (2006e) 6

339. World Bank (2006e) 14

340. World Bank (2006e) 113

341. CBFP (2006) 13: 'Indépendamment de leur richesse en espèces et de leur taux d'endémisme, les forêts du bassin du Congo représentent l'une des dernières régions au monde qui possèdent de vastes étendues interconnectées de forêt tropicale humide où les processus biologiques peuvent encore se dérouler sans perturbation. C'est par exemple un des rares endroits au monde où un animal de la taille de l'éléphant de forêt peut encore librement agir sur son écosystème, tel un ingénier qui transforme le paysage, influence la distribution des espèces et maintient le fonctionnement de systèmes écologiques naturels. D'autre part, rien que par sa taille, la forêt du bassin du Congo constitue une réserve de carbone d'importance mondiale pour la régulation du principal gaz effet de serre, le dioxyde de carbone. Enfin, cette forêt a aussi un rôle régulateur sur le climat régional et local. Elle assure notamment le recyclage de l'eau, car plus de 50% des précipitations qui s'abattent sur la Cuvette congolaise proviennent de l'évaporation et de l'évapotranspiration locales.'

342. WCS (2004)

343. CBFP (2006) 87

344. Mittermeier et al. (2002)

345. Mittermeier et al. (2002)

346. Debroux et al. (2007) xii

347. WCS (2004)

348. WCS (2004) 3

349. Mittermeier et al. (2002)

350. Kingdon (2001) 12; Butynski et al. (2000a); UNEP and WCMC (2005)

351. Mittermeier et al. (2002)

352. WWF (undated)

353. Butynski et al. (2000b)

354. Kingdon (2001) 42

355. Counsell (2006)

356. Letter to Greenpeace, Rainforest Foundation, BIC and Environmental Defense from John McIntire, World Bank Senior Adviser, Sustainable Development Network, Africa region, 7 November 2006 (original held by Greenpeace)

357. Bayol (2005) 10

358. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

359. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

360. Bayol (2005) 13

361. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

362. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

363. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

364. GA 034/05 (Government of the DRC (2007)

365. CBFP (2006) 196: 'La société Trans-M a obtenu 358,513 hectares au sud de la réserve (proposée) de Lomako-Yokokala après le moratoire.'

366. Greenpeace investigations, 2005-07

367. CBFP (2006) 198: 'Devant l'absence des acteurs de la gouvernance et de la conservation, les acteurs de l'exploitation ont le terrain libre pour une exploitation anarchique.'

368. WCS (2004)

369. World Bank (2005a)

370. Personal communication

371. IFIA (2007)

372. Bourguignon (2007)

373. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

374. Kiboko (2007)

375. Danzer Group (2006)

376. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

377. ARD (2003)

378. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

379. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

380. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

381. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)

382. Greenpeace investigations, 2006-07

383. Debroux et al. (2007) 13

384. Debroux et al. (2007) 15

385. BBC (2007b)

386. Debroux et al. (2007) 15

387. According to UNFP, the DRC human population could grow from around 50 million people in 2000 to something like 200 million people in 2050 (World Bank (2005a) 66). This implies a strong need for land use planning and establishment of protected areas before it is no longer possible.

388. World Bank (2006e) 126

389. Debroux et al. (2007) 26; see also World Bank (2004b)

390. Greenpeace (2007)

391. ICCN (2003); World Bank (2006e)

392. Logging titles up for legal review on the periphery of the Lomami IFL: No. 9 (GA 021/05, Bego-Congo, 63,250 hectares, Ubundu); No. 21 (GA 036/04, CFT, 79,300 hectares, Ubundu); No. 44 (LI 02/81, Ikrombe Sprl, 60,000 hectares, Ubundu); No. 51 (GA 037/04, KTC, 43,700 hectares, Ubundu); No. 59 (GA 018/05, Lugerero Zawadi, 242,000 hectares, Ubundu); No. 61 (GA 19/05, Lumoo Emile, 230,000 hectares, Isangi-Opala); No. 77 (GA 048/05, OLAM Congo, 75,900 hectares, Ubundu); No. 85 (GA 091/03, Safbois, 250,000 hectares, Isangi); No. 86 (GA 034/04, Safbois, 84,700 hectares, Isangi); No. 126 (GA 018/03, Sodefor, 190,000 hectares, Ubundu); No. 143 (GA 02/03, Soforma, 200,000 hectares, Opala).

Source: Government of the DRC (2007)

393. Letter to villagers from Safbois, 28 February 2005 (copy held by Greenpeace)

394. Mittermeier et al. (2002)

395. World Bank (2006e) 19

396. Embassy of the United States, Kinshasa (2007); ARD (2003) 56; Custers (2005)

397. ARD (2003) 56

398. Confidential report D on logging and zoning in Bikoro (2005) (copy held by Greenpeace)

399. Greenpeace investigations, October 2005; Custers (2005)

400. Greenpeace investigations, October 2005

401. Custers (2005)

402. Greenpeace investigations, 2005-07; letter to the Governor of Province Orientale from the chiefs of the communities of Bambelota, Baluola-Mbila and Kombe, 28 February 2005, concerning the fulfilment of a protocole d'accord (copy held by Greenpeace)

403. Greenpeace investigations, 2005-07; letter to the Governor of Province Orientale from the chiefs of the communities of Bambelota, Baluola-Mbila and Kombe, 28 February 2005, concerning the fulfilment of a protocole d'accord (copy held by Greenpeace)

404. Greenpeace investigations, 2005-07; letter to the Governor of Province Orientale from the chiefs of the communities of Bambelota, Baluola-Mbila and Kombe, 28 February 2005, concerning the fulfilment of a protocole d'accord (copy held by Greenpeace)

405. Letter to the Governor of Province Orientale from the chiefs of the communities of Bambelota, Baluola-Mbila and Kombe, 28 February 2005, concerning the fulfilment of a protocole d'accord (copy held by Greenpeace)

406. Greenpeace investigations, 2005-07; confidential report C documenting social and environmental impacts of logging operations in DRC (2007) (copy held by Greenpeace)

407. Open letter to Safbois and Ondri logging managers at Isangi from the provincial deputies of Isangi, 5 March 2007 (copy held by Greenpeace)

408. Greenpeace investigations, 2005-07

409. Greenpeace investigations, 2005-07

410. Justice et al. (2001)

411. Knudsen (2003)

412. Houghton (2005a)

413. Calculated from IPCC (2001) and FAO (2005)

414. FAO (2005)

415. FAO (2005)

416. Houghton (2005a)

417. Gaston et al. (1998)

418. IPCC (2001); Gaston et al. (1998)

419. Houghton (2003); FRA (2005); Houghton (2005b)

420. Houghton (2003); FRA (2005); Houghton (2005b). Transport accounts for 20% of fossil fuel emissions (IPCC (2001))

421. WRI et al. (2005)

422. Avissar and Werth (2005)

423. For forestry, the IPCC only looks at 'harvest' (ie volume). National reporting does not address emissions from fragmentation (eg logging roads and biomass loss around logging roads), but includes only deforestation and harvesting (for logging, firewood, etc).

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- If the IPCC were to assess and monitor the full carbon impacts of industrial logging in Central Africa, its figures would be substantially higher – see case study on K7 in main document
424. Laurance (2005)
425. Houghton (2005a)
426. Gaston et al. (1998)
427. Bayol (2005)
428. Greenpeace (2007)
429. CBFP (2006)
430. ISIS (2007)
431. Biodiversity Support Program (1992); Job (1994)
432. Baidya Roy et al. (2005)
433. Todd and Washington (2004)
434. Todd and Washington (2004)
435. Knudsen (2003)
436. Washington et al. (2004)
437. WRI (2007)
438. CBFP (2006)
439. Knudsen (2003)
440. Justice et al. (2001)
441. UK CO₂ emissions for 1943–2003 were 34.9 billion tonnes (WRI 2007)
442. articles 72, 87, 96 and 199
443. Stern (2006) under www.hm-treasury.gov.uk/media/8AC/F7/Executive_Summary.pdf
444. Bayol (2005)
445. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
446. Confidential May 2006 report on Siforco (2006) (copy held by Greenpeace)
447. Laurance et al. (1997)
448. Laurance et al. (1997)
449. Brown et al. (2005)
450. IFIA (2005)
451. Assuming a conversion factor of 2.31 – calculated using the National Energy Foundation's CO₂ calculator (National Energy Foundation (2007))
452. Length of road network: 740,000m. Average width of feeder logging roads: 50m. Area of log pond: 380ha. Estimated from assessments of 2002 Landsat 7 ETM+ images (resolution 30m in 1 pixel) of Siforco retrocession area K7 (NASA/USGS (2002))
453. Gaston et al. (1998) Estimate calculated using a shape file of the K7 retrocession installed into Google Earth and adding up the total edge areas created by feeder logging roads.
454. Based on studies of rainforest fragments in central Amazonia where it was found that areas experienced a dramatic loss of above-ground biomass that was not offset by recruitment of new trees. Above ground dry biomass carbon lost within 100m during first 10–17 years after logging fragmentation. Laurance et al. (1997)
455. Bayol (2005)
456. Brown et al. (2005)
457. Trefon (2006) 105
458. Debrux et al. (2007) xi
459. Letter to Dr. Arnoldo Contreras-Hermosilla and Dr. Markku Simula, Independent Review Team from Global Witness, 30 June 2006 (copy held by Greenpeace)
460. Trefon (2006) 105
461. Trefon (2006) 115
462. Trefon (2006) 106
463. CBD (2007)
464. CBD (2007)
465. Email to Greenpeace from Sharon Harvey, Africa Division, DFID, 23 February 2007
466. Knudsen (2003)
467. CBD (2004): 1.1.2: 'As a matter of urgency, by 2006, take action to establish or expand protected areas in any large, intact or relatively unfragmented or highly irreplaceable natural areas, or areas under high threat.'
468. CBD (2002), Programme Element 1, Goal 3, Objective 3b: 'Establish (in accordance with Article 8(j)) with the full participation and with respect for the rights of indigenous and local communities, and other relevant stakeholders, comprehensive, adequate, biologically and geographically representative and effective networks of protected areas.'
469. CBD (2002): para 30: 'Urges Parties and other governments to address the effectiveness of forest and forest-related laws and their enforcement and implementation of policies and related trade as a matter of urgency, recognizing the negative impacts on biodiversity in the absence of these actions.'
470. CBD (2002): para 16: 'Urges donors and the international community to contribute through financing and technology transfer to country-identified or regionally-identified priorities for forest biodiversity, with an understanding of the impact of scarce resources on the effective implementation of the objectives of the Convention.'
471. CBFP (2006)
472. Government of the DRC (2006a)
473. Chirac (2007)
- LOGGING TITLE INFORMATION SOURCES**
- The logging title maps presented in this report are based principally on data published in the Congo Basin Forest Partnership's 2006 report on the state of the Congo Basin's forests.⁴⁷¹ They reflect the situation in the DRC after 2002, following the cancellation of 163 logging titles covering 25.5 million hectares. However, the map published in the CBFP report does not fully cover all logging titles for which contracts were signed after the May 2002 moratorium. Where more up-to-date information has been available, it has been incorporated into the maps.
- The list of logging contracts in Appendix 1 (of which the table on p66 is a subset) is based on the 'Liste des lettres d'intention et des garanties d'approvisionnement déposées en requête de conversion', published by the DRC Ministry of Environment in April 2006.⁴⁷² The following sources were used to assess whether each title is located in an area of especially high conservation value:
1. for intact forest landscapes – Greenpeace (2007)
 2. for important carbon reserves – Greenpeace (2007)
 3. for forest-dependent communities – Ministère du Plan (2006)
 4. for pygmy communities – Ministère du Plan (2006)
 5. for identified conservation landscapes – CBFP (2006) and WCS (2006)
 6. for CITES afromosia landscape – Dickson et al. (2005)
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ACRONYMS

ARELO Association des ressortissants de Lomako
 BIC Bank Information Center
 CAN Climate Action Network
 CBD Convention on Biological Diversity
 CBFP Congo Basin Forest Partnership
 CFBC Compagnie Forestière du Bassin du Congo
 CFE Compagnie Forestière de l'Est
 CIFOR Centre for International Forestry Research
 CIRAD Centre International de Recherche Agronomique Pour Le Développement
 CITES Convention on International Trade in Endangered Species of Wild Flora and Fauna
 DFID UK Department for International Development
 DRC Democratic Republic of the Congo
 FAO Food and Agricultural Organisation
 FCFA Central African Zone Franc
 FIDH Fédération Internationale des ligues des Droits de l'Homme (International Federation for Human Rights)
 GPS Global Positioning System
 GTF Groupe de Travail Forêts
 ICCN Institut Congolais pour la Conservation de la Nature
 ICG International Crisis Group
 IFC International Finance Corporation
 IFIA Interfrican Forest Industries Association
 IMF International Monetary Fund
 IRIN Humanitarian news and analysis service of the UN Office for the Coordination of Humanitarian Affairs
 ISIS Institute of Science in Society
 ITTO International Tropical Timber Organisation
 NGO Non-governmental organisation
 UNDP United Nations Development Programme
 UNEP United Nations Environment Programme
 UNFCCC United Nations Framework Convention on Climate Change
 UNSC United Nations Security Council
 WCMC World Conservation Monitoring Centre
 WCS Wildlife Conservation Society
 € = Euro
 £ = British pound
 \$ = US dollar

A wide-angle photograph capturing a dramatic sunset. The sky is filled with thick, horizontal clouds, painted in deep orange, red, and yellow hues. In the lower-left foreground, a small, dark silhouette of a person in a narrow boat is visible on the water. To the left of the boat, a large, dark, triangular silhouette of a mountain or hill rises against the horizon. The overall scene conveys a sense of vastness and the impact of human activity on the environment.

'Nature is sick. Species are dying out at an alarming rate. We have proof that human activity is causing these disorders. The day is fast approaching when runaway climate change will spin out of control. We have almost reached the point of no return. ... [C]limate change made it possible for the human race to evolve from its cradle in Africa; and climate change, racing ahead, could now spell its demise. ... Let us combine the fight against poverty and the ecological revolution by rethinking the concept of a common human heritage. Innovative financing, such as an international carbon tax, would make it possible to give developing countries which commit to protecting the ecological treasures in their custody – such as primary forests – the means to do so; and would also enable them to gain immediate access to clean technologies.' 473

Jacques Chirac, President of France, 2007



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Greenpeace is committed to stopping climate change.

We campaign to protect the world's remaining ancient forests and the plants, animals and peoples that depend on them.

We investigate, expose and confront the trade in illegal and destructively logged timber and other products causing forest destruction.

We challenge governments and industry to end their role in ancient forest destruction.

We support the rights of forest peoples.

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Greenpeace International
Otto Heldringstraat 5
1066 AZ Amsterdam
The Netherlands
www.greenpeace.org/forests