

October 2012



global witness

# The art of logging industrially in the Congo:

**how loggers are abusing artisanal permits to exploit  
the Democratic Republic of Congo's forests**





# Contents

<b>SUMMARY</b>	<b>3</b>
<b>THE GROWTH OF ARTISANAL LOGGING PERMITS</b>	<b>4</b>
<b>TEN WAYS IN WHICH ARTISANAL LOGGING PERMITS CAN CONTRAVENE DRC LAW</b>	<b>7</b>
<b>CONCLUSION</b>	<b>11</b>
<b>ANNEX</b>	<b>12</b>
<b>ENDNOTES</b>	<b>15</b>



The research for this report was undertaken with the support of Réseau Ressources Naturelles <http://www.rnrdc.org>

# Summary

The Congo Basin is home to the world's second largest rainforest. It is a vital resource for the planet and for millions of forest-dwelling people. Over half of it is in the Democratic Republic of Congo (DRC). Here, decades of weak laws and government have allowed logging companies to plunder the forest, with scant regard for the human or environmental cost.

Recent efforts to bring order to the chaotic situation in the forest sector, including a 2002 moratorium on new logging concessions, are being increasingly undermined by the systematic abuse of *Permis de Coupe Artisanaux* - 'artisanal logging permits' (ALPs). Under Congolese law, these permits are intended to allow small-scale logging by Congolese communities in their forests. But in practice, they are being widely used by foreign loggers to exploit the DRC's forests on an industrial scale, primarily for buyers in China. These ALPs are issued in Kinshasa to foreign companies by the Ministry of the Environment, Nature Conservation and Tourism (MECNT).

During an investigation in the *Territoires*<sup>1</sup> of Kwamouth and Mushie in Bandundu Province in June 2012, Global Witness found evidence that:

- At least 146 artisanal logging permits have been issued for timber extraction in Bandundu Province alone since 2010. The way that these permits are issued and used typically breaches the DRC's forestry laws in up to 10 different ways;
- All of the permit documents seen by Global Witness explicitly grant "the authorisation to carry out industrial logging";
- Certain operators appear to be cutting considerably more than their permits allow;
- Increasingly, permits are issued that are marked as both an Artisanal Logging Permit and a Special Permit (for cutting protected species), creating further legal confusion;

- The existing laws on ALPs place no social and environmental safeguards on permit holders. Companies holding ALPs often have no social agreement with local communities, nor any management plan for sustainable logging;
- ALPs are used primarily to harvest the IUCN red-listed endangered species *Wenge*, the majority of which is destined for the Chinese market, although there is evidence that some is shipped to the EU;
- On-the-ground oversight of the conduct of these companies by MECNT's inspectors is practically zero.

Given this huge range of irregularities, timber sourced using ALPs should be considered illegal by buyers. The DRC's forest authorities should work to ensure that procedures for granting ALPs are brought in line with the provisions of the 2002 Forest Code and other relevant legal texts<sup>2</sup>.

---

## Recommendations:

The key steps that need to be taken include the following:

- MECNT should immediately stop issuing artisanal logging permits or special permits that are in breach of existing legislation – namely the Forest Code, and Ministerial Orders 035 and 105. It should immediately create and maintain a publicly available registry of approved artisanal loggers (as directed by current laws), and refrain from issuing permits to foreigners, private companies, or operators using heavy machinery.
- The Prime Minister should sign the long-awaited Decree on Community Forests, which would provide the basis for communities to make decisions about how to manage their forests sustainably and in their own interests.

- MECNT should then launch a consultation process to identify ways to improve the governance of artisanal logging, involving key government agencies and stakeholders such as artisanal logging associations, civil society and community representatives.
- MECNT should dismiss the idea, currently suggested by some Kinshasa officials, of creating a new category of concessions for 'semi-industrial' logging. This move would lower environmental and social standards across the logging sector.
- The DRC government should delay any consideration of lifting the moratorium on new logging concessions until key steps are taken, including a consultative forest zoning process, and significant improvements are made to official oversight and monitoring of logging.
- International buyers of timber and timber products should ensure that they can trace the origin of wood to the concession level in order to comply with the EU Timber Regulations and the US Lacey Act. This includes buyers of products from China that contain tropical species such as *Wenge*. Until procedures in the DRC regarding the attribution of ALPs are brought in line with the law, ALP documents should not be viewed as proof of legality.
- The European Union and the DRC's Voluntary Partnership Agreement (VPA) Negotiation Committee must ensure that export licences are not granted for timber cut under ALPs that have been issued in an irregular manner.



# The growth of artisanal logging permits

## 1. The post-moratorium legal vacuum:

Since 2002 a moratorium on the issuance of new industrial logging concessions has been in place in the DRC. It was imposed to allow time to review and where necessary cancel existing logging titles, and to implement a new Forest Code so that future concessions would be issued in line with agreed environmental and social standards.

Unfortunately, this process has been extremely slow and logging has continued in earnest and with little official supervision. In 2007 a study on forest governance undertaken by Global Witness at the request of the DRC government found a “complete absence of meaningful controls, legal ambiguity and lack of standardised practices leaving the sector in anarchy and providing fertile ground for abuse and fraud”<sup>3</sup>.

Ten years on from the imposition of the moratorium, neither the review process nor the legal reforms have been completed. The most recent report from the DRC’s official Independent Forest Observer says that “as well as revealing the deep dysfunction of legislative, executive and judicial power in recent years in the (forest) sector,” the failure to see these processes through “creates major legal voids opening the door to irregularities of all types and on a large scale”<sup>4</sup>.

The lack of implementing legal texts for the new Forest Code, coupled with lack of official

supervision in the forest sector, have created the conditions for an explosion in the number of artisanal logging permits awarded since 2007. At least 146 artisanal logging permits (ALPs) have been issued in Bandundu Province alone since 2010. An analysis of this data shows a concentration of ALPs in Kwamouth Territory (in the Sectors of Twa and Bateke Nord<sup>5</sup>), although ALPs have been issued right across the Province, including around Kikwit to the south and Oshwe to the east.

Sources working closely with the DRC’s forest authorities told Global Witness that between 60,000m<sup>3</sup> and 75,000m<sup>3</sup> of illegal timber can currently be found in Kinshasa’s various ports. A visit to Kinkole port by Global Witness in June 2012 revealed that a large proportion of this timber originates from Bandundu and has been cut under an ALP<sup>6</sup>.

When Global Witness contacted José Endundo, who was the Minister of the Environment, Nature Conservation and Tourism (MECNT) at the time these permits were issued, his response accepted that “the shortcomings observed here and there in the application of the forest legislation are well known to everyone”<sup>7</sup>. He explained that forest management in the DRC is in a “transitional phase” as the measures which allow the Forest Code to be fully adhered to have still not yet been fully implemented. He said that “nobody among the designers of the Forest Code could have imagined its shortcomings in terms of national constraints or that its implementation process would take so long (10 years)...”.

In this context, Endundo explained that it was necessary to continue to supply the local wood market against a background of diminishing industrial exploitation, as “the needs of the wood market are increasing” and “the issue of employment is not one that a responsible government can leave aside”. To do this he had to “make do” with the application of the legal texts in place. Endundo says that he undertook a reform of the Ministry’s administration because of the shortcomings in the application of the forest legislation, and that he undertook many actions with the aim of restructuring the forest sector. Endundo opposes any lifting of the moratorium on the basis that the conversion process has not been finalised.

## 2. Permit confusion: Artisanal permits vs. Special permits

An analysis of the permits obtained shows that when the operator has requested to cut solely *Wenge* timber, permits often have *Permis special de coupe de wenge* (Special permit to cut *Wenge*) typed across the top, in addition to the words *Permis de coupe artisanale* (Artisanal logging permit). In the legal texts, these are two different types of permit each with its own purpose and procedures, but in reality neither set of procedures is being respected. It seems that Special Permits are being used as a type of Artisanal Logging Permit, given that they are marked with both names (see Figure 1 below).



Figure 1: An ALP, which also bears the words 'Special Permit to cut Wenge'

# Artisanal logging title allocation in Bandundu Province, 2010 - 12

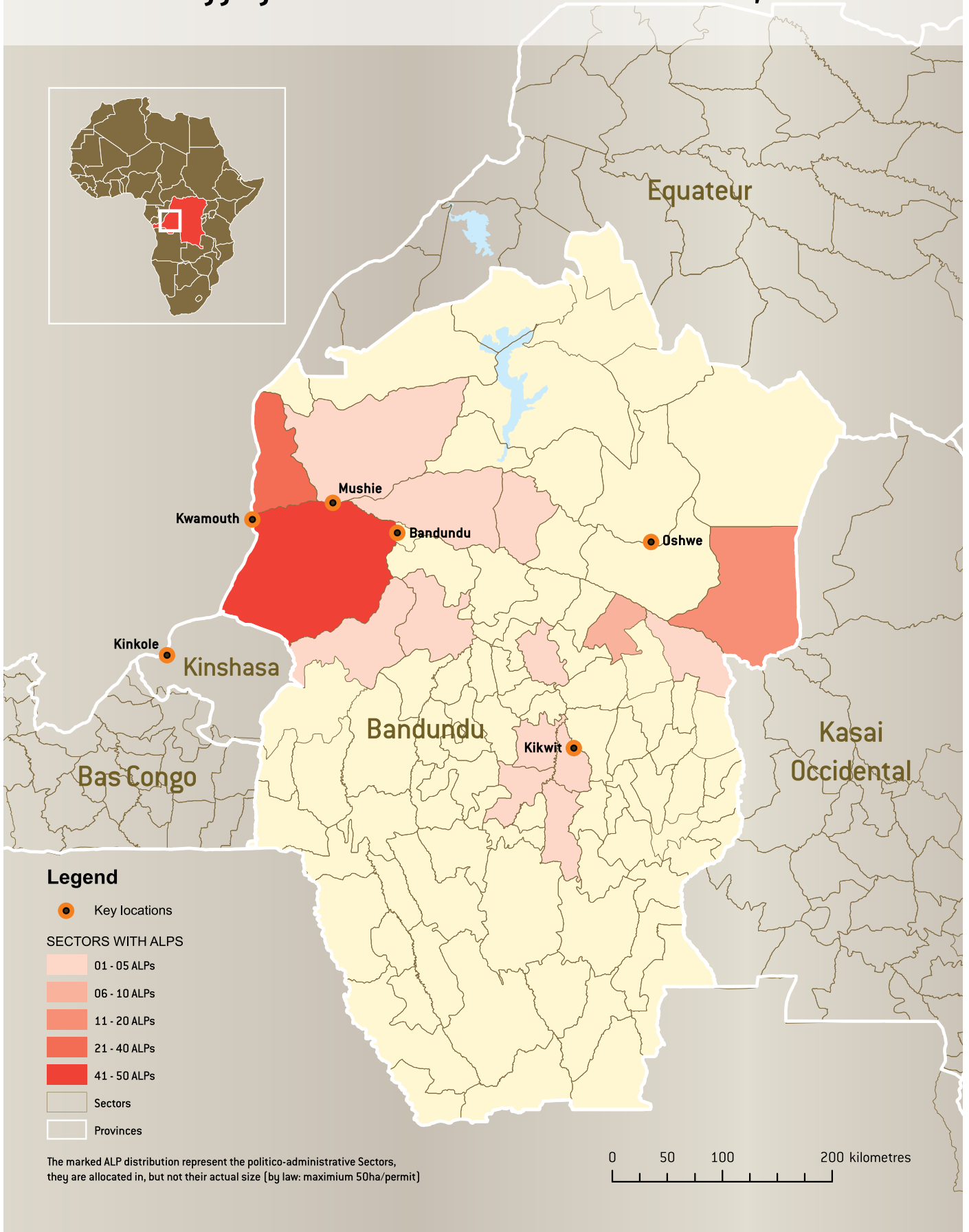


Figure 2: Bandundu's ALP hotspots.

### 3. The importance of China

A significant proportion of the companies using ALPs originate from China or are in partnership with Chinese companies. Global Witness was informed by one Sino-Congolese company that their operations were pre-financed by their Chinese mother company. China also appears to be the principal export destination for wood harvested under ALPs. Official documents obtained by Global Witness show that a number of companies holding ALPs were exporting wood to China including *Azimuts Service*, *CEBA*, *Song Lin Wood*, *Qiu-Hua-Huangfu*, and *Nouvelle Societe de Bois Shushan*<sup>8</sup>. However, interviews in Kinshasa's ports suggest that some timber obtained under ALPs is also being shipped to the European Union.

### 4. Environmental and social standards - a race to the bottom

Sustainability and social standards in the DRC's logging sector are already very poor, but the recent upsurge in ALPs has lowered them yet

further. ALPs have even weaker requirements for sustainability and community engagement than industrial logging concessions – a sector in which reports of human rights abuses and unsustainable practices are already commonplace.

Industrial loggers are legally obliged to put in place 25-year management plans, whereas holders of ALPs have no obligations to respect any criteria for sustainable management whatsoever. Similarly, recent reforms oblige industrial concession holders to negotiate social agreements with populations affected by their operations based on needs identified by the whole community. Prior to these reforms, companies would often focus on providing gifts to village chiefs. There are no legal obligations attached to ALPs to reach a social agreement with the community. In practice, most 'artisanal' companies Global Witness visited in the field use this traditional approach of dealing only with chiefs<sup>9</sup>. This means very few community members obtain any economic benefit from the logging of their forests.

The government and people of the DRC receive very little benefit from this type of logging. Companies typically pay US\$2,500 for a logging permit that will allow them to cut timber worth up to US\$400,000 on the Chinese market<sup>11</sup>.

The lack of capacity of the DRC's forest authorities, particularly at the field level, to monitor companies' compliance poses another problem in terms of the standards observed by loggers. The majority of forest administration inspectors and other forestry officials working in the DRC's forested provinces lack the basic means of transport and equipment necessary to effectively monitor logging operations.

The dramatic growth in the number of ALPs therefore risks dragging down the already low social and environmental standards of logging in the DRC, and undermining any efforts to reform the sector.

## DRC's timber export - the growth of the Chinese market<sup>10</sup>

Between January and May 2012, for the first time, more of the DRC's timber was exported to China than to the whole of the European Union. The table below demonstrates the growth of exports to the Chinese market since 2005. Given that not a single Chinese company has an industrial logging concession in the DRC, and the European and Lebanese logging companies are still mainly exporting to European markets, it is likely that a significant portion of the exports to China are linked to the increase in companies using Artisanal Logging Permits.

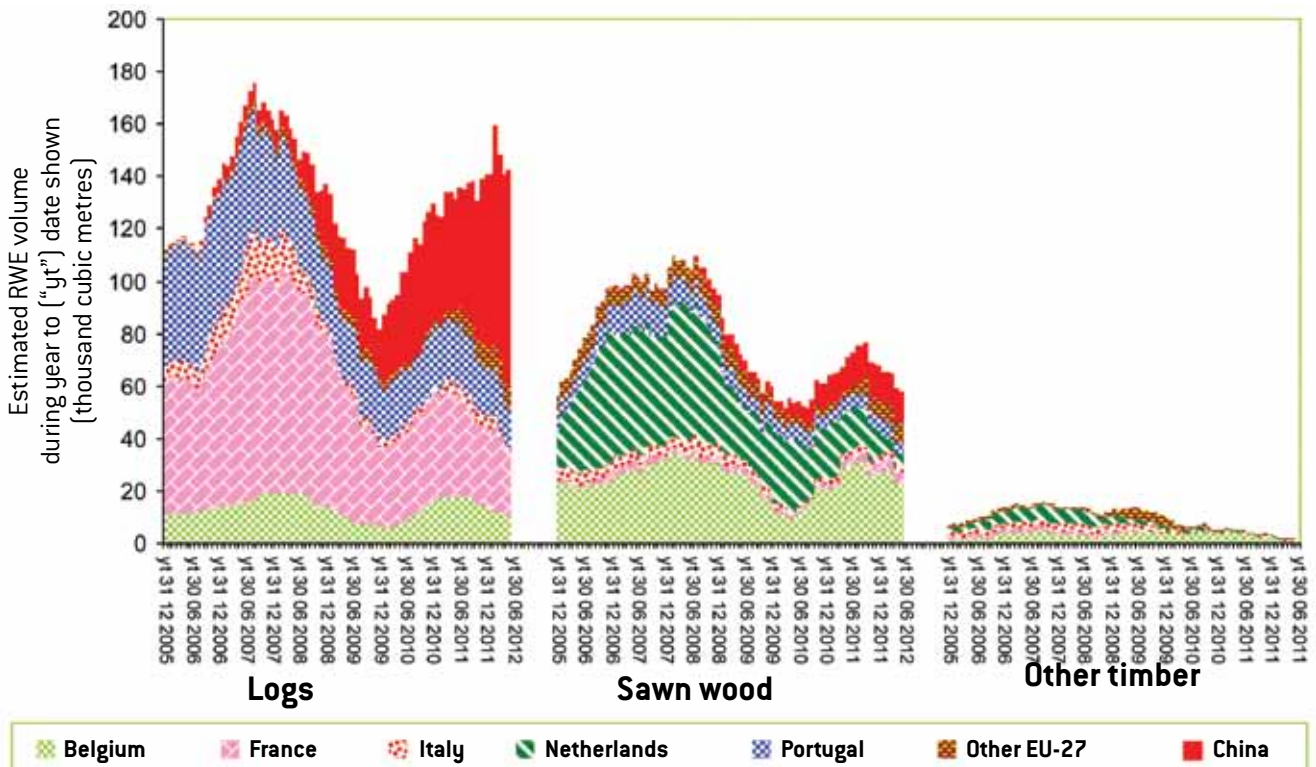


Figure 3: Destination of DRC's timber exports

# Ten ways in which Artisanal Logging Permits can contravene DRC law

During its field investigation Global Witness obtained copies of 124 permits issued for artisanal logging operations in Bandundu Province since 2010. Permit lists were also obtained from the *Direction de la Gestion Forestière* (DGF) in the Environment Ministry in Kinshasa. While the latter lists are far from complete<sup>12</sup>, by combining the two sources of information Global Witness identified 146 different ALPs issued for Bandundu Province since 2010. These ALPs are listed in the Annex of this report.

Global Witness' research in Bandundu Province also identified ten different ways in which ALPs can violate the legal framework. While not all of these permits break the law in each of the ten ways listed below, none of them were issued according to the procedures outlined in the law. This section identifies the range of irregularities that we came across during our research.

The way in which ALPs are to be granted and used is detailed by the Congolese Forest Code and by a Ministerial Order that outlines various types of permits (*Arrêté ministériel 035*<sup>13</sup>).

After analysing the permits and undertaking interviews with local communities, loggers and officials about the way that ALPs are issued and used, it is possible to identify a number of serious breaches of DRC's own law.

Minister José Endundo who had signed the ALPs told us that Ministerial Order 035 which sets out the majority of these legal requirements has never been applied because forest management in DRC was in a "transitional phase". He claimed that the execution of this Order had been explicitly suspended before he came into office. Global Witness asked for a copy of the ministerial note suspending Ministerial Order 035 but did not receive a reply.

---

## 1. Permits should only be awarded to artisanal loggers following an agreement with a local community that has chosen to create a Community Forest and to sign a contract with an artisanal logger.

DRC's forest law and its regulatory texts are designed to ensure that artisanal logging is undertaken by local communities for their own benefit. The 2002 Forest Code (Article 112) and Ministerial Order 035 (Article 24) specify that a community has the right to exploit its forests – either on its own or through an "intermediary private artisanal logger" following the conclusion of an agreement between the community and the logger. However, because the decree on community forestry drafted in 2010 has still not been signed, there are no designated community forests in place in the country, thus creating a legal void as far as the granting of artisanal logging permits is concerned. As a result, communities remain unable to apply for the creation of a Community Forest in their area and to make decisions about how these forests are used.

The Congolese government has committed to dividing the country's forests into three categories<sup>14</sup>, defining the best use for each type of forest for logging, conservation or other uses. Legally, ALPs can only be granted for use in "Protected Forests", as opposed to "Production" or "Classified Forests". The classification process for the country's forests (in French: 'zonage') has not been started. However, for the last five years MECNT has been granting ALPs in uncategorised forests, apparently including within industrial logging titles<sup>15</sup>, creating confusion and in some instances conflicts within communities.

Interviews with communities, 'artisanal' loggers and forest administration officials indicate that obtaining an agreement between an artisanal logger and a community does not seem to be a prerequisite for the award of an ALP. None of the permit requests (*Demandes de permis de coupe*) obtained by Global Witness contain a written and signed agreement with the affected local community. However, in various cases an agreement

(*Protocole d'accord*) was negotiated between the 'artisanal' logging company and the local community at a later stage, in order to facilitate acceptance of logging amongst the local population.

In most instances, the only beneficiary of these agreements is the Village Chief through the granting of the *Droit de jouissance* (the traditional right of a chief to receive a gift from a visitor). Giving gifts to chiefs is not in itself illegal, but it tends to benefit locally powerful individuals rather than the wider community. In many ways the system mirrors the way in which "benefits" were given out to communities, or rather their traditional chiefs, by industrial logging companies before a 2010 decree on obligatory social agreements between logging companies and affected communities was put in place<sup>16</sup>.

Documents obtained by Global Witness show that in one instance a Sino-Congolese company, TERCO, committed to give US\$750 in cash and one motorbike each to two local chiefs. In addition, one of these chiefs received two bottles of whisky, while the other opted for two cases of beer. Other documents show that Hong Kong based company *Vegas Sawmill Factory*<sup>17</sup> signed a contract with the chief of Ngambomi village paying him US\$15 per (*Wenge*) log and personal gifts including two cases of beer, a carton of cigarettes, a blanket and US\$500 in cash<sup>18</sup>. In both cases, negotiations have been focused almost exclusively on local chiefs rather than the broader community. *Vegas Sawmill* confirmed to us that this is the only written agreement that they have with a community. They explained that giving personal gifts to chiefs is the way that things are done by visitors in DRC and that, in their view, neither this nor any of their other activities involve attempting to buy off individuals in a corrupt way.

---

## 2. Special permits for cutting protected species should be issued according to different procedures.

As outlined above, there is an increasing tendency to mark some ALPs as a 'Special Permit to cut *Wenge*'. The fact that these are therefore marked as being two different



types of permit on the same document adds a further layer of legal confusion. In any case, the actual procedures for issuing these permits respect neither the legal provisions for Artisanal Permits nor those laid out in the law for issuing Special Permits.

Articles 12 and 13 of Ministerial Order 035 specify that the harvesting of protected species can be authorised through the issuance of special permits, called *Permis Spéciaux de Coupe*. They are to be issued by the Secretary General of MECNT and are intended only for the exceptional cutting of protected species, or for the cutting of ebony for 'artistic or craft' purposes.

During its field investigation Global Witness obtained copies of dozens of ALPs that also bear the words '*Permis spécial de coupe de Wenge*'. *Wenge* is a species listed as endangered on the IUCN Red List. They are listed as Artisanal Logging Permits by DGF, using the same form headed with the words '*Permis de Coupe de Bois Artisanale*' (Artisanal Logging Permit). The only difference is that *Permis Spécial de Coupe de Wenge* (Special Permit for Logging *Wenge*) is also typed across the top (see Figure 1). Many of the permits listed in the table in the Annex are marked with both permit names in this way.

It appears that when the logger wishes to target this endangered species, officials issue the ALP as usual, but simply type the words 'Special Permit' at the top of the paperwork. There is no evidence that any conservation logic has been applied to the distribution of these permits, nor that the wood is destined for 'artistic or craft' uses as prescribed for *ebony*.

### 3. ALPs must only be given to registered artisanal loggers

Articles 25 and 26 of Ministerial Order 035 state that artisanal loggers must be registered with the provincial authorities and that registration must be renewed after three years. In order to be registered, an operator has to provide references as to their "good conduct...and morals", and proof of [artisanal] equipment to be used in line with the law.

However, Global Witness' interviews with various forestry officials at provincial and national level, and with loggers<sup>19</sup> holding ALPs revealed that no such register of operators exists. In addition, no meaningful screening

of applicants for ALPs appears to take place before permits are granted. Not a single person that Global Witness interviewed was aware of any instance of an operator being denied a permit because of previous misconduct, or on any other grounds.

### 4. Permits must be granted by the Provincial Governor on the recommendation of provincial forestry officials

According to the law<sup>20</sup>, the granting of ALPs falls under the responsibility of the province. Ministerial Order 035 prescribes that ALPs are issued by the Provincial Governors upon examination of the application and subsequent recommendation by the Provincial Forest Administration. In reality however, the provincial authorities are sidelined and permits are signed in Kinshasa.

The Head of Bandundu Province's Forest Administration, who is the representative of the national Ministry (MECNT) and not part of the Provincial Government, sends the approved *Demande de permis de coupe* to the national Minister in charge of forests for signature. Every ALP seen by Global Witness was signed by José Endundo, who served as the DRC's Minister of the Environment, Nature Conservation and Tourism until April 2012.

Endundo states that "the provisions giving provincial governors competencies for issuing artisanal logging permits cannot become effective until after the adoption of the Ministerial Order establishing the

modalities for granting forest concessions to local communities. This order is still pending, basically as a result of disagreements between the Ministers of the Interior and the Environment, without forgetting the time dedicated to involve civil society as a result of my concern for transparency".

The law (Article 17 of Ministerial Order 035) states that permit requests should include proof of the logger's registration, information about the location of the forest concerned, and a copy of the contract signed with the local community concerned. In the examples of permit requests seen by Global Witness, only one of these elements was included – a map of the area to be cut. Documents obtained show that in many permit requests that were later granted, maps are hand-drawn to a very low standard, often lacking basic details such as the location of trees to be cut and routes for evacuating timber (as illustrated by Figure 4). The paucity of such maps makes it far harder to police abuses such as cutting outside of boundaries.

Global Witness heard complaints by industrial logging companies such as *Riba Congo Sprl.* and *NBK Service*<sup>21</sup> that 'artisanal' logging companies were logging in the areas allocated to them by MECNT. Global Witness was not able to confirm these allegations, although some were repeated by local community members. The number of irregularities and the reported overlapping of ALPs with industrial logging titles indicate that the vetting of ALP requests by the Provincial Forest Administration is not a particularly rigorous process.



Figure 4: A map submitted by TERCO Sprl as part of a request for an ALP. The map lacks basic details required to accurately locate the bloc. It was nevertheless accepted by the authorities.



Endundo explains that “it should also be noted that poor mobility and other difficulties experienced by all ranks of agents and officials of the Provincial Environmental Services do not always allow them to precisely locate a solicited logging site and also quite often to control logging in that place. These services do not have modern cartography tools to work with, nor other services for typing and/or photocopying documents.”

### 5. Permits must be granted to individuals rather than companies

Articles 8 and 23 of Ministerial Order 035 clearly prescribe that ALPs are to be awarded to ‘*personnes physiques*’ (individuals) rather than ‘*personnes morales*’ (companies or associations). Nevertheless, as the list compiled by Global Witness shows, the vast majority of permits issued in recent years have been allocated to companies.

### 6. Permits must only be granted to Congolese nationals

Article 23 of Ministerial Order 035 also states plainly that ALPs can only be issued to a person of Congolese nationality. An examination of the list of permits issued for Bandundu Province demonstrates that companies from various countries have obtained ALPs. These include some of the main beneficiaries of ALP issuance, namely the companies *CEBA* (reportedly Lebanese-controlled<sup>22</sup>) and *TERCO* (Chinese-Congolese partnership) as well as others that, according to field interviews, are controlled by individuals from Portugal, France, Jordan and Pakistan.

A lower proportion of permits appear to have been given out to foreign companies in 2012 than in previous years. At the same time, there appears to be a growing tendency for foreign companies to use Congolese front companies to obtain permits. For example, *Vegas Sawmill Factory* appears to be marking the logs that it is cutting with a permit



Figure 5: TERCO machinery for transporting logs in their Ngambomi base

number that was actually allocated to a company or individual called *Ngoy Njolo*<sup>23</sup>. Similarly, in Kinkole port in Kinshasa, Global Witness saw many logs marked for export with the brand or name of one (usually foreign) company and the permit number of another (usually Congolese) company.

Vegas Sawmill denied that any of their activities were illegal or corrupt, explaining that they were processing wood cut under signed valid permits from the authorities.

### 7. Operators should be equipped with a long saw or chainsaw

The law prescribes that holders of ALPs must be equipped with “*a long saw or a chainsaw*”. Although the law does not explicitly forbid the use of specific items of industrial machinery, the use of such equipment makes it extremely difficult to describe logging activity as genuinely artisanal. Global Witness’ investigation found widespread evidence that operators holding artisanal permits are working with heavy machinery. *TERCO* for example, which held two ALPs in 2011 in the Kwamouth area, is using a log loader, two lorries, two bulldozers and five chainsaws.

This kind of equipment allows companies like *TERCO* to effectively open up logging areas, and does far more damage than genuine artisanal logging. Global Witness saw new logging roads

and log skidding tracks reportedly created by *TERCO*’s heavy machinery in areas south of *Riba Congo*’s industrial logging concession in the Territory of Kwamouth<sup>24</sup>. These and other observations contained in this report were put to *TERCO* prior to publication, but no response was received.

Another company based at Ngambomi, *Vegas Sawmill Factory*, has established a well equipped sawmill in order to process wood that has been cut under ALPs. The scale of these operations is comparable with sawmills run by many industrial concession holders. When we put to the company that their heavy machinery was not in line with the law they informed us that they do not currently use bulldozers.

In many instances heavy machinery is listed by the companies on the *Demandes de permis de coupe*. For example, one of *Azimuts Service’s Demandes* lists four lorries, two tractors, 20 chainsaws and 97 workers.

Studies demonstrate that once industrial-scale loggers move in to an area with heavy machinery and build logging roads, deforestation becomes a far stronger possibility. Even selective logging opens forests up to severe degradation, fire risk, illegal logging, and wildlife poaching and makes the ultimate conversion of forests to agriculture more likely<sup>25</sup>.

Endundo in his reply to Global Witness commented that the artisanal mode of timber exploitation is “*very selective in terms of the equipment that can be used*”.

### 8. Operators may not receive more than two permits per year

Article 8 of Ministerial Order 035 states that “*an artisanal logger is entitled to two permits per year at most*”. Yet an analysis of documents collected by Global Witness shows numerous cases where companies



Figures 6-8: Abandoned bulldozer and traces of logging operations reportedly undertaken by *TERCO* near Dumu village.



Figures 9-11: Vegas Sawmill Factory installation in Ngambomi where logs bearing ALP numbers are processed

have received significantly more than two permits in one year.

To cite just some of the authorities' most obvious breaches of the law, for Bandundu Province alone the company *CEBA Spri* has obtained four permits for 2012 in addition to six in 2011 and twelve in 2010. *Azimuts Service*<sup>26</sup> received seven permits in 2010 and six in 2011. The company *Transexco* received four permits in 2010 and a further four in 2011. Many of these ALPs were Special Permits to cut the endangered species *Wenge*.

Endundo explains that “the granting of more than one artisanal logging permit to certain companies that have sawmills ... was given with a view to efficiently combat illegal artisanal exploitation.”

### 9. ALPs are to be issued using the model set out in law

Ministerial Order No. 105, issued by the Environment Minister in 2009<sup>27</sup>, sets out the correct models for various types of logging permits and contains an official template that must be used when ALPs are issued. However, in each of the 124 examples of ALP obtained by Global Witness in Bandundu Province a different format is used, with certain key differences.

Most notably the form that is actually used gives loggers “the authorisation to carry out industrial logging”, which clearly contradicts both the spirit and letter of the law.

### 10. Companies must not exceed the volumes specified in their permits

The law stipulates a maximum area of 50 hectares for ALPs, but no maximum volume of timber is specified. Typically however, ALPs authorise operators to cut 350m<sup>3</sup> per permit, although in some instances up to 450m<sup>3</sup> is permitted. However, there is very little official oversight to ensure that these volumes are

actually respected by loggers, nor is there a chain of custody system in place for logs cut under ALPs. Global Witness' research suggests that these limits are not being respected.

According to the information Global Witness investigation team received from the local forest authorities in Bandundu, an average yield of the major species in Bandundu Province is around 3m<sup>3</sup> per tree, meaning that cutting around 120 trees would yield an authorised volume of 350m<sup>3</sup>. Most permit requests seen by Global Witness estimate that 140 trees will be cut, with an average *volume utile* ('useful volume') of 2.5m<sup>3</sup> per tree.

In accordance with regulations in the formal forest sector, logs must be marked with the number of the felled tree and the permit code. A company called *YFIDE* for example has

seemingly cut at least 227 trees with one permit, which would constitute approximately double the amount specified on its permit. In a private port outside of the town of Mushie visited by Global Witness, logs marked with tree numbers of up to 227 were seen (see Figure 13). The permit number also visible on the logs shows that this wood has been cut with a single permit<sup>28</sup>.

During visits to ports and 'artisanal' logging companies' log parks Global Witness observed dozens of logs marked with tree numbers over 500<sup>29</sup>. If standard log marking practices are being followed, this would suggest that over 500 trees are cut with a single permit, exceeding the authorised volume four-fold. In Kinkole port in Kinshasa, many of *TERCO*'s logs can be found marked with tree numbers in excess of 600, which would obviously far

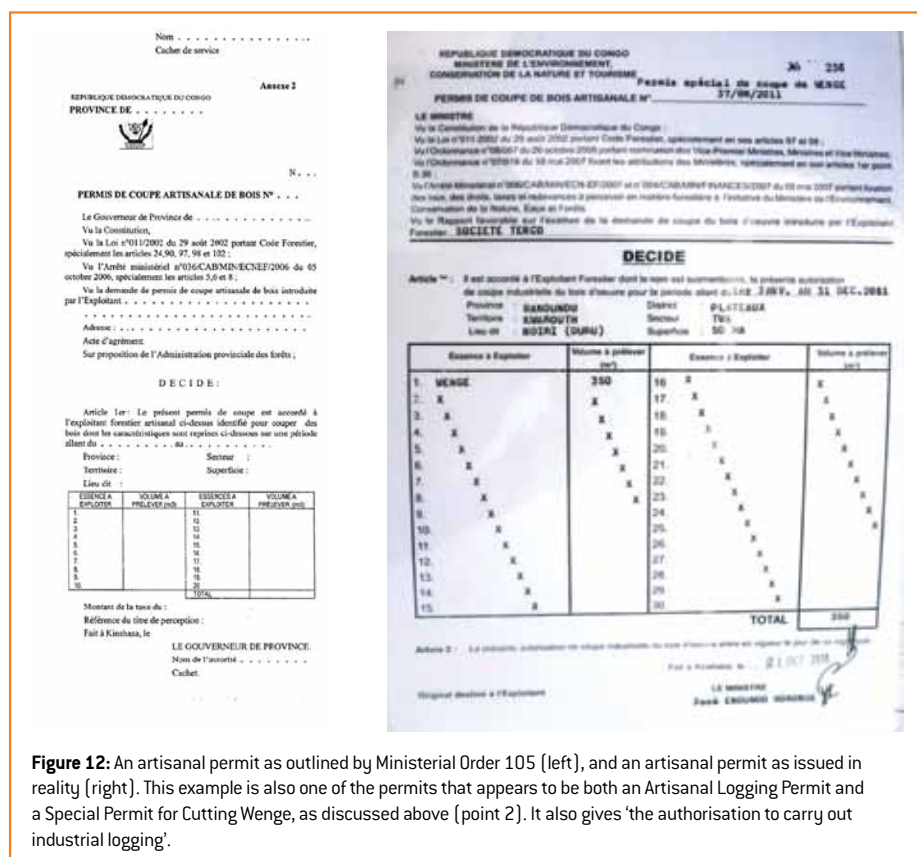


Figure 12: An artisanal permit as outlined by Ministerial Order 105 (left), and an artisanal permit as issued in reality [right]. This example is also one of the permits that appears to be both an Artisanal Logging Permit and a Special Permit for Cutting Wenge, as discussed above (point 2). It also gives 'the authorisation to carry out industrial logging'.



exceed the amount that can be cut with one permit. It is highly questionable whether the company would be able to cut such an amount even by combining the four permits that they appear to hold. Many similar cases can be seen in the port of Kinkole.

### The response of ex-Minister José Endundo

As a result of the legal vacuum regarding Community Forestry and shortcomings in the implementation of the forest legislation, according to ex-Minister Endundo, the following steps have been applied in the granting of artisanal logging permits:

- i. Identification of the logging site by the operator with the assistance of the Environmental Service (territory, district and province);
- ii. Issuance of a notice by the Environmental Service (province) that the site has not otherwise been allocated;
- iii. Verification of the location through the juxtaposition of maps by the Directorate of Forest Management; and
- iv. Issuance of the logging permits.

According to Endundo, “the artisanal mode of timber exploitation has on no occasion led to over-exploitation of the forest in Bandundu”. He considers that during his mandate he gave particular importance to the fight against the illegal extraction of timber and he denies being party to any illegal logging. He told Global Witness that he negotiated successfully with donors such as the World Bank and Japanese government for improved equipment and funding for strengthening control and oversight of the timber sector.



Figure 13: Some of the 240 logs cut with a single permit by YFIDE at “Port Jules” outside of Mushie town.



Figure 14: Terco logs in Kinkole, numbered as high as 633.

## Conclusion

Global Witness identified ten ways in which ALPs are being issued in breach of existing laws. These include the granting of permits to foreign companies rather than Congolese individuals, the granting of more than two permits per year to the same operator, and the bypassing of provincial authorities by MECNT in Kinshasa. These practices mean that timber originating from the DRC carries particular risk for international buyers seeking to comply with US and EU laws on the trade of illegal timber.

Coupled with the use of heavy machinery, the use of ALPs increasingly facilitates the

logging of valuable timber – particularly the IUCN red listed species *Wenge* – on an industrial scale. If the irregular and illicit granting of ALPs, without the slightest requirement to log sustainably, is not halted and the current system reformed, foreign logging interests can continue stripping the forests of the DRC, with scant benefits for the communities who live there, or for the DRC’s provincial governments.

Local communities are the key stakeholders in the DRC’s forests and depend on them for their livelihoods, yet they are excluded from decisions about how these forests are

managed. Artisanal logging, if undertaken in a sustainable manner, could be a way for communities to secure their livelihoods and supply local markets with timber.

Yet, in the continued absence of a decree governing community forestry, and with the current laws being widely disregarded by forest administration officials, the current system for granting Artisanal Logging Permits is failing to meet the needs or respect the rights of affected communities. This threatens to have disastrous consequences for the DRC’s forests and for the many people that live in them.



# Annex

## Permits issued for Bandundu Province 2010-2012

This list has been compiled by Global Witness from two sources. Firstly, from 124 copies of permits obtained by Global Witness in Bandundu Province. Secondly, from official – though rather incomplete – lists produced by the *Direction de la Gestion Forestière* (DGF). The former contain considerably more detail than the latter. On the DGF permit lists, detailed place names, sectors and districts are not given. In

the tables below, an asterisk is used to denote permits that appear on the DGF lists but that Global Witness has not obtained copies of.

In general, a short permit number (e.g. 24/BN/2012 as opposed to 24/2012/BN/01) seems to denote that the ALP is marked as a special permit to cut *Wenge* timber. The list may not be exhaustive.

### 2012

SOCIETES	N° PERMIS	SUPRFICIE (ha)	VOLUME (m³)	TERRITOIRE	LIEU DIT	DISTRICT	SECTEUR
Almafia RDC Sprl	18/BN/2012	50	350	Oshwe	Bombole	Mai Ndombe	Kangara
Almafia RDC Sprl	08/BN/2012	50	350	Oshwe	Bombole	Mai Ndombe	Kangara
Candy Business	16/2012/BN/09	20	245	Kiri	Bobanda	Mai Ndombe	Lotoy
Candy Business	32/BN/2012	30	300	Kiri	Bobanda	Mai Ndombe	Lotoy
CEBA Sprl	04/BN/2012	50	450	Bolobo	Mongama 11	Plateaux	Bateke Nord
CEBA Sprl	05/BN/2012	50	450	Bolobo	Mongama 12	Plateaux	Bateke Nord
CEBA Sprl	03/BN/2012	50	450	Bolobo	Mongama 10	Plateaux	Bateke Nord
CEBA Sprl	02/BN/2012	50	450	Bolobo	Mongama 9	Plateaux	Bateke Nord
Congo Zone	17/BN/2012	50	350	Kutu	Senkie	Mai Ndombe	Kemba
Dieudonne Bomu Lolipa	41/BN/2012	50	350	Oshwe	Bonianga	Mai-Ndombe	Kangara
Ets Best Wood	01/BN/2012	50	350	Kwamouth	Meko Yakala-Ludjinu	Plateaux	Twa
Ets Boli	15/2012/BN/08	50	462	Bulungu	Kasoma	Kwilu	Kipungu
Ets D D Luaka	07/BN/2012	50	450	Kwamouth	Mongama	Plateaux	Twa
Ets Express Service	44/BN/2012	20	140	Kwamouth	Mbuma Amibe	Plateaux	Twa
Ets Folges	06/2012/BN/03	30	211	Oshwe	Ngowo	Mai-Ndombe	Kangara
Ets Mabami	10/2012/BN/07	50	350	Inongo	Modka /	Mai	Basengele
Ets Mabami	22/BN/2012	50	350	Inongo	Modka / Lopoko	Mai Ndombe	Basengele
Ets Ngoy Njolo	42/BN/2012	50	350	Kwamouth	Foret Lewane BI 2	Plateaux	Twa
Ets Ngoy Njolo	43/BN/2012	50	350	Kwamouth	Foret Lewane BI 3	Plateaux	Twa
Ets NZ NZ	07/2012/BN/04	50	350	Bulungu	Kakundu / Kazamba-Kisongo	Kwilu	Kipuka
Ets SGW	33/BN/2012 [ ? ]	50	350	Kwamouth	[Illegible]	Plateaux	Twa
Ets Scotty Bois	09/2012/BN/06	50	350	Bagata	Kunimbu	Kwilu	Wamba
Ets Solo & fils	17/2012/BN/10	20	140	Kenge	Fuapasi & Tangongi	Kwango	Kasanji
Ets Solo & fils	45/BN/2012	20	140	Kenge	Fuapasi & Tangongi	Kwango	Kasanji
Ets TFB / Tobongisa Mboka	31/BN/2012	50	660	Bolobo	Nganda Kawa	Plateaux	Lebo
Katembe Odia	24/BN/2012	50	450	Bolobo	Embirima	Plateaux	Bateke Nord
Katembe Odia	27/BN/2012	50	450	Mushie	Nsa	Plateaux	Babdma Nord
Matondo Kwa Nzambi	29/BN/2012	50	450	Bolobo	Ebali/Ngampoko	Plateaux	Bateke Nord
Matondo Kwa Nzambi	28/BN/2012	50	350	Mushie	Lovua	Plateaux	Baboma Nord
Matondo Kwa Nzambi	26/BN/2012	50	450	Mushie	Kempwe	Plateaux	Baboma Nord

Mavambu Davain	30/BN/2012	50	350	Bolobo	Bodjuna	Plateaux	Bateke Nord
Mavambu Davain	25/BN/2012	50	450	Bolobo	Bilu / Gampoko	Plateaux	Bateke Nord
Nsuaya- Tshilumba	39/BN/2012	50	350	Kwamouth	Masiambo	Plateaux	Twa
Nsuaya- Tshilumba	38/BN/2012	50	350	Kwamouth	Bukusu – Nganda – Bangala	Plateaux	Twa
ONG / PACD	21/BN/2012	15	105	Kwamouth	Falio	Plateaux	Twa

## 2011

SOCIETES	N° PERMIS	SUPRFICIE (ha)	VOLUME (m³)	TERRITOIRE	LIEU DIT	DISTRICT	SECTEUR
Azimuts Service	17/BN/2011	50	400	Bolobo	Ntsia Bloc III	Plateaux	Bateke Nord
Azimuts Service	16/BN/2011	50	400	Bolobo	Ntsia Bloc II	Plateaux	Bateke Nord
Azimuts Service	15/BN/2011	50	400	Bolobo	Ntsia Bloc I	Plateaux	Bateke Nord
Azimuts Service	23/BN/2011	50	400	Bolobo	Mbali	Plateaux	Bateke Nord
Azimuts Service	22/BN/2011	50	400	Bolobo	Lenkolo	Plateaux	Bateke Nord
Azimuts Service	24/BN/2011	50	400	Bolobo	Ntsia Bloc III	Plateaux	Bateke Nord
BTNC / GFB	32/2011/BN/13	50	350	Gungu	Kwanga-Kinwanza	Kwilu	Mudikalunga
BTNC / GFB	31/2011/BN/12	50	483	Gungu	Kwanga-Kinwanza Bloc I	Kwilu	Mudikalunga
C.A.P./E.J.C.S.K.	35/2011/BN/15	50	350	Kwamouth	Empunu	Plateaux	Twa
C.A.P./E.J.C.S.K.	41/BN/2011	50	350	Kwamouth	Empunu	Plateaux	Twa
CEBA Sprl	31/2011/BN/15	50	[illegible]	Bolobo	Mongama Bloc VII [ ? ]	Plateaux	Bateke Nord
CEBA Sprl	09/BN/2011	50	450	Bolobo	Endala	Plateaux	Bateke Nord
CEBA Sprl	08/BN/2011	50	450	Bolobo	Mongama Bloc II	Plateaux	Bateke Nord
CEBA Sprl	07/BN/2011	50	450	Bolobo	Mongama Bloc I	Plateaux	Bateke Nord
CEBA Sprl	40/BN/2011	50	450	Bolobo	Mongama Bloc 8	Plateaux	Bateke Nord
CEBA Sprl	39/BN/2011	50	450	Bolobo	Mongama Bloc 7	Plateaux	Bateke Nord
Ets Afroxyl	49/BN/2011	50	350	Kwamouth	Kimomo	Plateaux	Twa
Ets Business Center	43/2011/BN/22	50	250	Masimanimba	Nounga-Bangonzu	Kwilu	Pay-Kongila
Ets Congo Zone	02/BN/2011	50	350	Kutu	Senkei	Mai Ndombe	Kemba
Ets Goshen Bois	51/BN/2011	10	70	Kwamouth	Bikana	Plateaux	Twa
Ets Heng Ling	04/BN/2011	50	350	Mushie	Letwaki	Plateaux	Baboma Nord
Ets Josma	42/BN/2011	50	350	Kwamouth	Lueme/Masia	Plateaux	Twa
Ets KSR	47/BN/2011	50	350	Kwamouth	Bukusu/Nganda, Bangala	Plateaux	Twa
*Ets Mabani	20/2011/BN/06	50	350	Inongo			
Ets Mot/Bois	40/2011/BN/20	50	150	Oshwe	Mpombi / Mombi-Lisala	Mai Ndombe	Ka
Ets PM Wood	06/BN/2011	50	350	Kwamouth	Mambubi	Plateaux	Twa
Ets EGW	11/BN/2011	50	350	Kwamouth	Nganda Bangala	Plateaux	Twa
Ets Sico Cent	50/BN/2011	50	350	Kwamouth	Camp Banku	Plateaux	Twa
Ets Soleil Business	34/2011/BN/14	50	350	Kwamouth	Libiolo	Plateaux	Twa
Ets Soleil Business	38/BN/2011	50	350	Kwamouth	Ligbiolo 3	Plateaux	Twa
Ets Song Ling Wood	43/BN/2011	50	350	Kwamouth	Mbangi	Plateaux	Twa
Ets The Full Business / Tobongisa Mboka	35/BN/2011	50	660	Bolobo	Nganda Mawa	Plateaux	Lebo
Ets Vanbist Amisi Daniel	42/2011/BN/21	50	350	Oshwe	Ntumbalangu	Mai-Ndombe	Kangara
Ets Wabelo	22/2011/BN/07	10	105	Kwamouth	Boku	Plateaux	Twa
Kasereka Tsetsele	19/BN/2011	50	350	Oshwe	Onko / Mbende	Mai Ndombe	Kangara
Maison Kavosa	48/BN/2011	30	210	Kwamouth	Dikana-Elykia / Keko	Plateaux	Twa
Moult Secteur	33/BN/2011	50	350	Kwamouth	Faliu / Fauiaika	Plateaux	Twa
Sele Shaba	20/BN/2011	30	300	Kwamouth	Nsungi Mbole	Plateaux	Twa
Sino Congo	05/BN/2011	50	350	Kwamouth	Ingweme	Plateaux	Twa

Socoge Sprl	48/BN/2011	10	80	Kwamouth	Riviere Mbali	Plateaux	Twa
SPEC	34/BN/2011	20	140	Kwamouth	Bankay / Tanga	Plateaux	Twa
Societe TERCO	36BN/2011	50	350	Kwamouth	Baa (Ebwa)	Plateaux	Twa
Societe TERCO	37/BN/2011	50	350	Kwamouth	Ndimi(Dumu)	Plateaux	Twa
Transexco	09/2011/BN/04	50	350	Idiofa	Mbako	Kwilu	Sedzo
Transexco	08/2011/BN/03	50	350	Idiofa	Naien	Kwilu	Sedzo
Transexco	07/2011/BN/02	50	350	Idiofa	Mutshun	Kwilu	Sedzo
Transexco	11/2011/BN/05	50	350	Idiofa	Nsong ( ? )	Kwilu	Sedzo
Tropical Bois	10/BN/2011	50	350	Kwamouth	Nbomo	Plateaux	Twa

## 2010

SOCIETES	N° PERMIS	SUPRFICIE (ha)	VOLUME (m³)	TERRITOIRE	LIEU DIT	DISTRICT	SECTEUR
*Azimuts Service	04/BN/2010	50	350	Bolobo			
*Azimuts Service	05/BN/2010	50	350	Bolobo			
*Azimuts Service	06/BN/2010	50	350	Bolobo			
*Azimuts Service	16/BN/2010	50	350	Bolobo			
*Azimuts Service	17/BN/2010	50	350	Bolobo			
*Azimuts Service	21/BN/2010	50	350	Bolobo			
*Azimuts Service	22/BN/2010	50	350	Bolobo			
*CEBA Bois	24/BN/2010	50	350	Bolobo			
*CEBA Bois	25/BN/2010	50	350	Bolobo			
*CEBA Bois	35/BN/2010	50	450	Bolobo			
*CEBA Bois	36/BN/2010	50	470	Bolobo			
*CEBA Bois	37/BN/2010	50	470	Bolobo			
*CEBA Bois	38/BN/2010	50	460	Bolobo			
*Ets Mabami	14/2010/BN/07	50	350	Inongo			
*Global Ressources Corporation	06/2010/BN/02	50	350	Kwamouth			
*Global Ressources Corporation	09/BN/2010	50	350	Kwamouth			
*TERCO	12/BN/2010	50	350	Kwamouth			
Afroxyll	18/2010/BN/11	50	490	Bagata	Mbalipome / Ndana	Kwilu	Manzasay
Afroxyll	18/2010/BN/12	50	476	Masimanimba	Kapenda Mbalaka	Kwilu	Pay Kongila
BTNC/GFB	14/BN/2010	50	470	Idiofa	Olay	Kwilu	Bulueme
BTNC/GFB	54/BN/2010	50	470	Idiofa	Mbankom	Kwilu	Kapia
BTNC/GFB	28/BN/2010	50	350	Idiofa	Ijong	Kwilu	Kapia
BTNC/GFB	55/BN/2010	50	350	Idiofa	Okra	Kwilu	Kapia
BTNC/GFB	27/BN/2010	50	350	Idiofa	Nglebeke	Kwilu	Kapia
BTNC/GFB	12/2010/BN/05	50	470	Idiofa	Nbeyange-Ediba	Kwilu	Bulueme
Candy Business	33/2010/BN/18	20	245	Kiri	Bobanda	Mai Ndombe	Lutoy
Candy Business	42/BN/2010	30	300	Kiri	Bobanda	Mai Ndombe	Lutoy
CITSO	21/2010/BN/13	30	300	Masimanimba	Mundanda / Pondji	Kwilu	Pay Kongila
Ets BTP	15/BN/2010	50	350	Kwamouth	Wuo	Plateaux	Twa
Ets Fondation Gerard Kondjo	30/2010/BN/16	10	143	Kwamouth	Mutshueto	Plateaux	Twa
Ets Goshen Bois	17/2010/BN/10	10	76	Kutu	Kendale	Mai Ndombe	Mfimi
Ets Kasereka Tsetsele	22/2010/BN/14	20	180	Oshwe	Pombi	Mai Ndombe	Kangara
Ets Mwata Force	43/BN/2010	50	350	Oshwe	Bole kwa	Mai Ndombe	Kangara
Ets Pemasi	32/2010/BN/17	30	212	Kwamouth	Nokele	Plateaux	Twa
Ets Pemasi	32/2010/BN/23	50	330	Kwamouth	Dimi	Plateaux	Twa



Ets TFS / Tobongisa	04/2010/BN/01	50	445	Kwamouth	Menko	Plateaux	Twa
Ets TFS / Tobongisa	08/BN/2010	50	675	Bolobo	Ngazua	Plateaux	Lebo
Ets Wabelu	37/2010/BN/22	5	81	Kwamouth	Village Botulu	Plateaux	Twa
Ets Wood Invest	19/BN/2010	50	350	Kwamouth	Bunsele	Plateaux	Twa
Ets Wood Invest	18/BN/2010	50	350	Kwamouth	Bebentsie	Plateaux	Twa
Groupe Kagi Sprl	53/BN/2010	50	350	Oshwe	Bwanda/Bolumu	Mai Ndombe	Kangara
Kasereka	31/BN/2010	30	210	Oshwe	Mbende Yaalema	Mai Ndombe	Kangara
Maison Agostino	52/BN/2010	10	70	Kwamouth	Riv. Tiana / Masambio	Plateaux	Twa
Mbiki Dorcas	46/2010/BN/28	30	210	Gungu	Mabunda-Bunda	Kwilu	Mudikalunga
Moult Secteur	41/2010/BN/24	50	350	Kwamouth	Falio / Fadiaka	Plateaux	Twa
Moult Secteur	46/BN/2010	50	350	Kwamouth	Falio / Fadiaka	Plateaux	Twa
Nkoy Letedji	38/2010/BN/23	50	350	Bagata	Ndana / Mamben	Kwilu	Manzasai
SETB	51/BN/2010	50	350	Bagata	Siam/Ntokiy	Kwilu	Manzasai
SETB	50/BN/2010	50	350	Bagata	Muntar/ Mbaya Mbimi	Kwilu	Manzasai
SETB	44/2010/BN/26	50	350	Bagata	Muntar/ Mbaya Mbimi	Kwilu	Manzasai
SETB	45/2010/BN/27	50	350	Bagata	Siam/Ntokiy	Kwilu	Manzasai
SISCO	42/2010/BN/24	50	350	Bulungu	Kianga	Kwilu	Kwilu Kimbata
SISCO	43/2010/BN/25	10	70	Bulungu	Kiboba	Kwilu	Kwenge
SISCO	47/BN/2010	50	350	Bulungu	Kianga	Kwilu	Kwilu Kimbata
Societe Congo Zone Sprl	03/BN/2010	50	350	Kutu	Senkei	Mai Ndombe	Kemba
TERCO	13/2010/BN/06	50	350	Kwamouth	Mulieme	Plateaux	Twa
Transexco	10/BN/2010	50	350	Idiofa	Song	Kwilu	Sedzo
Transexco	10/2010/BN/03	50	301	Idiofa	Song	Kwilu	Sedzo
Transexco	11/BN/2010	50	350	Idiofa	Baya	Kwilu	Sedzo
Transexco	11/2010/BN/04	50	301	Idiofa	Baya	Kwilu	Sedzo
Tresor Bois	35/2010/BN/20	50	350	Kasimanimba	Lundu	Kwilu	Pay Kongila
YFIDE	45/BN/2010	50	350	Mushie	Kempani	Plateaux	Baboma

## Endnotes

- In the administrative structure of DRC, Provinces are subdivided into Districts, which are in turn sub-divided into *Territoires*.
- Namely Arrêté 035 and Arrêté 105, the Ministerial Orders that lay out procedures for the granting of various logging permits. Arrêté n°035/CAB/MIN/ECN-EF/2006 du 05 octobre 2006 and Arrêté ministériel n° 105/CAB/MIN/ECN-T/15/JEB/009 du 17 juin 2009.
- Global Witness, *Forêts de RDC : « Vers des normes satisfaisantes de gestion et de gouvernance » ?*, 2007. <http://www.globalwitness.org/sites/default/files/library/policybrieffinalfr.pdf>.
- « en plus de révéler de profonds dysfonctionnements du pouvoir législatif exécutif et judiciaire de ces dernières années dans le domaine, il crée surtout des vides juridiques majeurs ouvrant la porte à des irrégularités de tous types et de grande échelle. », Resource Extraction Monitoring, Annual Report on DRC 2010-11, [http://www.observation-rdc.info/documents/Rapport\\_annuel\\_OIFLEG\\_RDC\\_REM\\_1\\_2011.pdf](http://www.observation-rdc.info/documents/Rapport_annuel_OIFLEG_RDC_REM_1_2011.pdf).
- The Sector (Secteur) is the smallest unit in the administrative structure of the DRC - a sub-unit of the *Territoire*.
- Figure 14 show some of the hundreds, possibly thousands, of logs bearing ALP numbers in Kinkole port.
- José Endundo's response letter to Global Witness was in French and has been translated for the English language version of this report.
- These documents referred to are official declarations to the *Fonds Forestier Nationale* (National Forest Fund) by companies who are paying *taxe de reboisement* (reforestation tax) on their exports.
- However, the legal texts governing artisanal logging require an agreement between the community and the logger in question as a prerequisite to a permit being issued by the authorities. According to Global Witness field interviews, loggers typically first obtain an ALP from the authorities and then approach the affected community and agree to give some gifts to traditional leaders in order to avoid local opposition to their operations.
- Data supplied by [www.duediligencetimber.eu](http://www.duediligencetimber.eu).
- For logs that are exported, customs, evacuation and reforestation taxes are also payable, with rates seemingly the same for both the 'artisanal' and industrial sectors. Price calculations are based on market data supplied by the International Timber Trade Organization. These show that Wenge prices range between US\$770 and US\$2300 per m<sup>3</sup> in China in 2011.
- A number of permits issued by MECINT in Kinshasa which Global Witness obtained copies of were not listed in the DGF documents.
- Arrêté ministériel No. 035/CAB/MIN/ECN-EF/2006 du 05 Oct 2006 relatif à l'exploitation forestière, hereafter referred to as "Ministerial Order 035".
- According to Article 10 of the 2002 Forest Code *Classified Forests* are mainly protected areas, such as National Parks, *Permanent Production Forests* are destined for forest exploitation (logging concessions), and *Protected Forests* – contrary to their name – are all forests without specific restrictions on their use. Community Forests can be accorded to communities only within *Protected Forests*.
- In fact, industrial logging titles (concessions) were likewise allocated before the classification of DRC's forests has started, thus creating a 'de-facto' classification of a vast part of the country's forests.
- Ministerial Order 023 of 07 June 2010 (Arrêté ministériel No. 023 CAB/MIN/ECN-T/28/JEB/10 du 7 juin 2010 fixant le modèle d'accord constituant la clause sociale du Cahier des charges du Contrat de Concession forestière).
- Previously operating under the name *Timberline*
- The documents referred to are a mission report written by a TERCO employee dated March 2012 and a 'contrat de coupe de bois' signed by Vegas Sawmill Factory and the customary chief of Ngambomi on 12 June 2012.
- Interviews conducted between 11 and 22 June 2012 in Kinshasa and locations in Bandundu Province (Bandundu Ville, Ngambomi, Dumu and Embwa).
- Article 112 of the Forest Code, Article 25 of Ministerial Order 035.
- Interviews conducted in Bokala and Mushie on 14, 15 and 17 June 2012.
- Greenpeace, *Artisanal logging = industrial logging in disguise*, May 2012, <http://www.greenpeace.org/africa/Global/africa/publications/forests/LoggingIllegalEnglishA4.pdf>.
- When Global Witness visited *Vegas Sawmill Factory's* premises on 16 June 2012 logs were photographed with the initials VSF but with permit number 42/BN/2012 – the permit number issued to the company *Ngoy Njolo* (see Annex).
- Interviews with local communities and with *Riba Congo* personnel. The location of the logging was consistent with TERCO's permit and close to both, their camp in Dumu village and their base in Ngambomi.
- See for example : Shearman, P., et al. *Are we approaching a 'peak timber' in the tropics?* Biol. Conserv. [2011].
- The company Azimuts Service is a DRC registered company. Global Witness does not believe it is related to companies with the same name based in France and Belgium.
- Arrêté ministériel n° 105/CAB/MIN/ECN-T/15/JEB/009 du 17 juin 2009 complétant l'Arrêté n°035/CAB/MIN/ECN-EF/2006 du 05 octobre 2006 relatif à l'exploitation forestière. <http://www.leganet.cd/Legislation/Droit%20economie/Code%20Forestier/AM.105.17.06.2009.htm>.
- Permit number 45/BN/2010 allows the company to cut 350m<sup>3</sup>.
- For example, logs marked with numbers as high as 590 could be seen, marked with a permit number allocated to a company named *Shele Shaba*. Global Witness research suggests that this company holds only one ALP as indicated by the respective log marking.

