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# GREENPEACE REPORT ON THE SITE VISIT TO CIB IN CONGO-BRAZZAVILLE, DECEMBER 2004


Mission members:

Sandra Pfotenhauer, Greenpeace, Germany.

Illanga Itoua, Greenpeace, France.

Christoph Wiedmer, Greenpeace, Switzerland.

Belmond Tchoumba, Centre for Environment and Development (CED), Cameroon.

John Nelson, Forest Peoples Programme (FPP), UK.

Jerome Lewis, Anthropologist, London School of Economics, UK


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# FOREWORD

As a part of its global forest campaign, Greenpeace is increasing its activities in the Congo Basin, the 2nd largest rainforest area in the world. The Congo Basin is of global significance to biodiversity conservation. The logging (and related commercial poaching) of the remaining intact areas of these rainforests is a severe threat to the ecological integrity of the region[1]. This is why Greenpeace has identified the logging sector as the focus of our work in the Congo Basin.

Rather than bringing sustainable development, the current industrial logging system has been for many decades a driving factor for environmental degradation, corruption, social conflicts and poverty[2]. In this highly problematic political, social and economic context, Greenpeace does not support any further expansion of logging in the region. Without very drastic improvements in transparency and governance in general in the Congo Basin and in their forest sectors in particular, it is an illusion to hope that industrial logging will bring sustainable development. There currently are few indications that sufficient political will exists -- both in African States and at the international level -- to implement the reforms required.

Logging in the Congo Basin already dominates the vast majority of forest areas and its importance should be significantly reduced. A significantly greater surface of the region's forests must be allocated back to non-industrial activities by local people and indigenous communities. At the same time, sound initiatives creating protected areas based on prior informed consent must considerably increase, and management of these areas must receive adequate funding. At the same time viable alternatives to logging must be developed and implemented that are more socially adapted and environmentally benign. Greenpeace calls on the international donor community to assist African governments and African civil society to support the development of these alternatives rather than to promote further the industrial logging system.

A reform of the forestry sector will take time. Meanwhile, the logging industry in the Congo Basin is still impacting the lives of millions of people depending on these forests and the many thousands of people depending on the employment generated by the logging sector. Many of the active logging operations are occurring in areas which are very ecologically and culturally significant. Therefore, it is imperative and urgent to drastically improve the environmental and social performance of current logging operations.

The FSC is currently the most credible global forestry certification system to guarantee responsible forestry standards. Greenpeace considers the development of FSC in the Congo Basin as one of the tools to help protect biodiversity and the communities depending on these forests. However, FSC is not yet established in any country of the region. It is important that multi-stakeholder national FSC working groups develop appropriate national standards for the Congo Basin. Meanwhile, FSC certifiers working in the absence of such national standards will need to take great care in interpreting FSC' s international principles and criteria for forest management.

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[1] The partners in the Congo Basin Forest Partnership estimated that logging in the Congo Basin forests was expected "to cause severe and potentially irreversible damage within the next 10 years" (CBFP( 2005) *The Forests of the Congo Basin: a preliminary assessment*, p 13)

[2] Filip Verbelen (2002) *Role of the African timber trade in the creation of conflict and poverty – a call for action*.

Direct participation of stakeholders and the international FSC secretariat will be required in the process of making the decision to certify.

Improving the quality of the forest management in the Congo Basin requires investment. Many logging companies claim that these investments in improved forest management cannot be made due to the massive scale of illegal and destructive logging that goes unsanctioned in the region and creates an uneven "playing field". For Greenpeace, the most effective and immediate way to level the playing field in the African forestry sector is for governments to promote transparency and implement strong law enforcement.

Investments in measures such as reduced impact logging and bushmeat mitigation programs should be included in updated forest laws in order to internalise these costs rather than depend on additional donor money. This is particularly relevant in the continued absence of transparency on logging companies' profit structures, which should be the objective basis on which to ascertain whether the costs of 'improvements' are exceedingly high or not.

Donor agencies aiming to fight poverty, protect biodiversity and improve civil society involvement should also invest much more substantially and systematically in involving and strengthening communities living in the Congo Basin forests.

Discussions about CIB's intention to obtain FSC certification for its concessions in northern Congo-Brazzaville are all related to these debates. In December 2004, Greenpeace carried out a field mission to CIB's concessions with the objective of improving our understanding of the current initiatives undertaken by this company and the regional context in which these developments take place. We hope that this report will contribute to the complex debate on how to protect biodiversity and the people depending on the rainforests of the Congo Basin.

Greenpeace wishes to acknowledge and thank the Government of Congo, CIB and WCS for facilitating this visit.

## Introduction & summary of the recommendations

Greenpeace visited CIB's logging operations in Northern Congo Brazzaville in December 2004. The aim of the mission was to gain a first hand impression of the company's activities in the light of its announcement to aim for FSC certification. The findings in this report are to be read in this context. The report should not be considered an FSC assessment as such. However, FSC principle 2 & 3 were used while evaluating the social aspects of CIB's operations and FSC' s principles and criteria were a general reference for the mission's work.

The mission was too short to develop an in depth understanding of all aspects of CIB's operations and major gaps remain in our knowledge and comprehension on the subject. FSC certifiers will also need to look into a number of issues that are not addressed in any detail in this report such as working conditions and the worker's rights, the financial sustainability of the company, scientific reviews of the forestry and ecological data provided by the company and legal compliance of CIB in relation to a number of international conventions[3].

With regards to the FSC certification objective, CIB's engagement seems genuine and many initiatives are on their way in order to obtain FSC certification. CIB's management seems well aware that they still have a long way to go but they indicated a strong will to strengthen various aspects of their logging operations. Since the time of the Greenpeace mission, CIB has already continued strengthening various aspects of their operations, particularly in relation to indigenous communities. However, CIB's aim to obtain FSC certification by the end of 2005 (as has repeatedly been announced) seems too ambitious as at this stage CIB is still in non-compliance with a number of FSC principles. For instance, organising consultation processes with the local and indigenous populations is a task that will take considerable time.

**From our current state of knowledge, Greenpeace's key recommendations for CIB's certification process are:**

(1) **On social issues:** CIB will need to comply with FSC principles 2 and 3. There is still a serious shortage of community data on indigenous forest use, a lack of knowledge amongst indigenous communities' about CIB's logging plans, an absence of relevant conflict resolution mechanisms within CIB's management system, and a weak capacity of indigenous communities to negotiate with CIB managers. Greenpeace considers that these issues must be addressed before compliance with FSC principles 2 and 3 can be achieved.

(2) **On the plan to build the Loundoungou Sawmill:** The cancellation of this plan is necessary to avoid a further increase in bushmeat poaching pressure as well as assuring the long term ecological integrity of the Nouabalé Ndoki National park. Negotiations to abandon these plans and to find alternatives must be started with the Government of Congo. In addition, it is fundamental to revise the plans for the use of the Loundoungou road.

[3] (for instance, ILO 169, the African Charter on Human and Peoples' rights and national laws such as Congo's constitution and land code).

**On forestry issues**: To ensure that exploitation impacts on biodiversity are reduced as much as possible and the ecological functions and integrity of the forest are maintained as required by the FSC principles, the exploitation effects on, for example, regeneration, density and diameter distribution as well as on volume growth of all harvested species should be further monitored in the different forest types and inform management practices.

- To gain a better understanding of long term exploitation impacts on the forest ecosystem, further research and monitoring of the main harvested species" autecology and their role within the forest ecosystem is required. Once these monitoring systems are established, forest management should be adjusted where necessary.
- In the past decades CIB's logging has mainly concentrated on the two species Sapelli and Sipo, thereby significantly reducing their volume. This significant reduction raises a serious concern on the reconstitution of the volumes of Sipo and Sapelli. This should have implications for the logging of these species with the implementation of the management plans. CIB should be clear on its policy with regards to harvesting these species in all of its concessions.

(3) **On the impacts of logging on forest ecology**: CIB must significantly broaden its knowledge base on and understanding of the ecology of the forests in its concessions in order to reduce the impacts of its forestry operations on those species and groups comprising the vast majority of forest organisms.

- CIB should organise targeted rapid taxonomic assessments in its reference areas in order to supplement the data collected in its tree, non timber forest products (NTFPs) and large mammal inventories and surveys.
- Based on these rapid assessments, CIB should develop systems to monitor and reduce the impacts of logging (such as habitat fragmentation, edge effects, soil damage, systematic removal of high diameter classes of exploited trees species, etc.) on species which are more sensitive and less adaptable to such changes than large mammals, and are therefore more reliable indicators of some of the logging impacts.
- A coherent programme of such assessment and studies should be initiated before compliance with relevant FSC principles can be achieved.

(4) **On bushmeat issues:** the effectiveness of the anti-poaching programs will need to be further assessed and monitored independently. Special consideration must be given to the relocation of commercial hunting activities to adjacent unmonitored areas. The costs of the bushmeat control programs in CIB's concessions should be fully covered by the company.

(5) **On Economic issues:** the financial sustainability of CIB's operations should be clarified, in particular with regard to the internalisation of the bushmeat control program costs and the precautionary measures required in the context of growing industrial infrastructure which will generate additional population pressure.

(6) **On Transparency**: many discussions and conflicts related to CIB have focused on the "lack of transparency". Transparency is also key to the FSC certification process. Inviting Greenpeace to the CIB concession area was a positive step; however there remain many areas where important information has not been made publicly available (e.g. the CIB commissioned gap analysis on FSC certification, reports on social and environmental impact assessments…).

- Greenpeace recommends that CIB further develops and implements open, independent monitoring systems and processes.

- CIB should also publicly state its commitment to the OECD guidelines for multinational enterprises.

**Key Recommendations to the Government of Congo**

Greenpeace also has a number of recommendations to the Government of Congo that are necessary to improve coherence in the policies and measures to protect biodiversity and local communities in Northern Congo, and which will also facilitate the development of FSC certification in Congo Brazzaville.

(7) The government of Congo should implement the agreements made in a number of key international conventions. We draw special attention to the obligation of the Congo government to adhere to the CBD programme of work on forests (2002) and to the commitment made at the World Summit on Sustainable Development in 2002 and further reinforced through its work programme on protected areas (2004) to establish a network of protected areas by 2010, as well as taking measures to significantly reduce the loss of biodiversity by 2010

(8) Greenpeace also urges the Congo government to fully support the commitments made in the AFLEG declaration to promote good governance and law enforcement in order to ensure effective conservation and socially and ecologically responsible forest management.

(9) The government of Congo should clarify and strengthen the legal framework with regards to the protection of indigenous peoples' rights.

(10) As a matter of urgency, the Congo government should renegotiate with CIB the development options for the Loundoungou region. The cancellation of the plans to build the Loundoungou sawmill and strong government policies to control bushmeat traffic along the newly opened Loundoungou road are indispensable.

(11) The Government of Congo should make compulsory for all forestry companies the investments to improve forestry practices and to reduce poaching. These investments should be included in updated forest laws in order to internalise these costs rather than use external funding.

**Recommendations to donors funding Congo's forestry sector**

CIB received significant amounts of external funding from donor agencies. This funding was attributed in the context of a pilot project to test a number of measures which, if implemented by other companies in the region, could be useful for improving forest management throughout Central Africa. Greenpeace demands that investments in improving forestry practices and reducing impacts should be internalised by the logging companies rather than further funded by donors. This is particularly necessary in the continued absence of transparency on the logging companies profit structures, which should be the objective basis on which to ascertain whether the costs of 'improvements' are exceedingly high or not.

(12) Donor funding should be aimed at reducing poverty, protecting biodiversity and improving civil society involvement and participation by investing more substantially and systematically in involving and strengthening communities living in the Congo Basin forests.

(13) Donor agencies currently investing funds in activities that assist logging companies in their efforts to improve their logging operations and reduce poaching should commission an independent and transparent economic audit of the costs and profit structure of logging companies in the Congo Basin.

## Introduction to the regional logging context

### Brief Historical Overview

Industrial logging of the Congo Basin's forests started at the beginning of colonialism, with many companies established as early as the 1880's, following the extractive logic driving the colonial expansion. "*The timber trade produced profits of hundreds and hundreds of million francs… What remained of this money in the countries? Nothing.* (Governor General Reste, to the French Minister for Colonies, 8 July 1937[4]). Similar questions are still relevant today, nearly seventy years later. Since the granting of independence, the new states and their various governments have largely followed the same practices and policies. The past forty years of post-colonial timber extraction have generally brought as little to the populations as have the preceding colonial years[5]. To the contrary, many villages and people are even more impoverished today than they were twenty five years ago, as the logging and destruction front reaches more villages and affects more peoples and the resources they depend on.

Politically the region has been characterised since the 1960s either by periodical violence, wars and high governmental turnover (CAR, Congo-Brazzaville, and more recently DRC) or by abnormally long terms in office (Cameroon, Gabon, Equatorial Guinea, Chad …)[6]. Reports by Amnesty International and the International Federation of Human Rights (FIDH) show that even the more stable countries often do not demonstrate greater rule of law, transparency, and wealth redistribution. In these countries human rights violations may be less visible but are nonetheless recurrent. All Congo Basin Countries rank as "highly corrupt" on Transparency International Corruption Index[7]: out of a maximum of 145, Cameroon scores 129; Chad 142; Congo Brazzaville 114; Congo DR 133 and Gabon 74.

Economically the region remains poor and indebted: despite its important oil reserves and revenues, combined with timber, diamond, gold and other minerals, countries all rank either in the 'Moderately indebted' (Cameroon) or in the 'Severely Indebted' (all the other countries) categories of the World Bank. Although the situation may appear paradoxical, it is to a large extent explained by state patrimonialism and the persistence of "economies of plunder": the appropriation of public goods by public 'servants' and their private partners, rarely managed in the public interest but rather for private gains.

### The political economy of logging in Africa: state patrimonialism

Political scientists such as Jean-François Bayart have been warning international policy makers for many years about an ongoing process of criminalization of many African states: the plundering of natural resources in Africa has developed into a system – into an economy of plunder. Prof. Bayart warns that it would be a major error to consider practices that allow plundering as mere corruption or a system of political decay. He considers such activities as the fundamental modus operandi of what he calls 'the politics of the belly' – *la politique du ventre,* which motivates major decisions in many African States. In this view, the African state is

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[4] Pourtier, R. (1989). For further reading on timber production and trade during the colonial period see: *Le Congo au temps des grandes compagnies concessionnaires,* Catherine Coquery-Vidrovitch, (1972).

[5] „The expatriate origin of logging companies, the export of raw logs and local corruption mean that most of the value of the trees bypasses local communities" in Burgess, N. et al (2004) *Terrestrial Ecoregions of Africa and Madagascar, a conservation assessment*, p92; Topa, G. ( 2002)

[6] FIDH(2004)

[7] At http://www.transparency.org/cpi/2004/cpi2004.en.html#cpi2004

now fundamentally patrimonialist: holding power is more often a proprietary rather than a managerial function.

Confusion between public functions and private interests is actively promoted. The State is generally composed of an official, "legal" authority and – more importantly – a hidden, underlying, "real" one - a shadow state. Often, it is not just the forestry officials who exert real power on the forestry sector, but rather a combination of the bureaucratic elite, the Presidency, and circles of businessmen with strong political ties. Collusion and nepotism dominate the functioning of the state agencies involved in the forestry sector – although these dynamics equally operate for others resources such as oil, diamonds etc. Control over access to the forest resource is control over power and concession allocation becomes a mechanism to reward supporters of the political system and to consolidate existing power structures. In such a system, informal relationships, networks and kinship are much more important factors in the granting of cutting permits than the strictly economic rationale.

**Neglectful States subcontracting through the Cahier des Charges**

In remote areas, Congo Basin states often defer their responsibilities for local and regional development and their duties towards their citizens to economic operators by subcontracting health care, education, infrastructure development and maintenance as part of the "cahier des charges", and as a counterpart for low concession taxation to logging companies[8].

This explicit subcontracting increases the power of the economic operators at a local level (over both local populations and officials), and further impedes the independent administration and control of logging operations both locally and nationally. In addition, government staff mandated to control forestry operations often depend on the logging companies' payments (per diems) and logistics, further jeopardizing the independence required for effective administrative control and law enforcement. Indeed, the World Bank deplored in 2004 that '*the confusion between private companies and public services is such that the tax controllers depend upon those they are supposed to control. The increase of this tendency and the direct payment practices it encourages result in added costs for the companies and losses for the state treasury*[9].

It is also regrettable that the vast majority of logging companies do not fulfil these local development requirements and that governments rarely enforce the full implementation of the "cahier des charges".
The subcontracting logic undermines the process of developing local and regional governments over the long term. It directly impedes the process of building independent governmental and administrative capacity, and sets no timeframe for initiating such a process.

**Social Conflicts**

It is too little realized that conflicts of various nature and extent occur almost universally along with industrial logging operations, as local populations see their resource base degraded without compensation[10], be those their farms, the keystone trees (such as the moabi or sapelli or drinking water supplies etc.).

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[8] Verbelen, F.(2002) *Role of the African timber trade in the creation of conflict and* poverty – a call for action, Greenpeace, published in ATIBT Newsletter ; FIDH (2004)

[9] FIDH op.cit p95. DGCID(2003) p28.

[10] Les Amis de la Terre (2005) *Moabi, Arbre de vie ou de profit ?* Montreuil, France.

These conflicts predominantly occur because no or disputable consultation prior to concession allocation and/or prior to logging activities commencing, or because of destructive activities by the logging operators. Conflicts with the local population occur both on conservation and bush meat issues, brought or followed by variably questionable law enforcement responses. Repression by local or regional authorities further illustrates the close collaboration (or at very least, the political support) enjoyed by logging operators.

**Biodiversity of the Congo forests of Central Africa**

The core forest zone in this area covers some 1.725.000 km2 and is globally surpassed only by the Amazon forest. The Congo forests are rich in biodiversity and rank among the top four wilderness areas on Earth[11]. Bird diversity is over 700 species, mammals are represented by 270 species, reptiles by 142 species and amphibians by 139 species. In addition, they are home to three of mankind's closest biological relatives: the bonobo, the chimpanzee and the gorilla. The Congo forests of Central Africa are also exceptional for the presence and abundance of many other large species, the "megafauna". These include, apart from the Great Apes, forests elephants, bongos, forest buffalos, sitatungas, leopards etc.

Unfortunately, the regional biodiversity conservation context is one of increasing fragmentation of the forest block, a very significant increase in commercial poaching, including massacres of elephant and endangered Great Apes species. The removal of local populations' protein sources by commissioned groups of well organised and heavily armed poachers increasingly leads to the "empty forest syndrome" and to a rapid degradation of biodiversity in most areas[12]. Ebola and forest born diseases have also taken their toll on wildlife populations, particularly gorillas and chimpanzees, and the increasing road infrastructure, opening forest areas and connecting others provide a widening and lengthening path along which the disease is spreading.

Many protected areas have been created on paper in the region. However outside a handful of protected areas with sustained external project funding, most sites currently fail to fully fulfil their function as safe havens for biodiversity, through lack of funding, lack of adequate consultation and negotiation with neighbouring communities (and ensuing conflicts over use of resources or space), and through a relative scarcity of competent, dedicated personnel. A few protected areas may even be occasionally encroached upon by loggers, due to the widespread occurrence of illegal logging in the region.

The biological diversity of the Congo Basin forests makes this forest region one of the world's priority areas for biodiversity conservation. These forests have received several millions of euros of funding from the conservation and donor community over the past decade, but these have all too often failed or been insufficient to halt and/or reverse the destruction of this ecosystem's ecological integrity.

**Cooperation & Funding in the Congo Basin Forests**

Recent forest cooperation history in the Congo Basin has been characterised by relatively high interest from a small number of donors, mainly France, Germany, Switzerland**,** United Kingdom, United States of America and Japan. Development and conservation have continued to be presented in a relative duality, with support to logging activities sometimes being ranked and funded as development activities

[11] *Wilderness, Earth's last wild places*. Mittermeier, Russell A. et al.(2002). pp. 109-132
[12] Burgess, N. et al., op cit, p16

(under the heading of 'natural resources management'). Therefore since the early 1990s, international cooperation in the Congo forests has ranged from funding almost exclusively the large industrial forest operators[13], to funding almost exclusively conservation activities. Some donor institutions have also supported reforms of the forestry sector in various countries (World Bank) and independent monitoring in Cameroon (DFID, World Bank …).

**The Congo Basin Forest Partnership (CBFP)**

At the World Summit for Sustainable Development (WSSD, August 2002), a new initiative for conservation and sustainable forest management in the Congo Basin was launched: the Congo Basin Forest Partnership. Its aim is to bring together public and private partners to ensure the conservation and sustainable management of the Congo Basin forests.

One of the obvious and regrettable features of this partnership is the extent to which local organisations and local communities are excluded from its processes, and how little it effectively succeeded in building local and national capacity in sound forest management. Funding has so far been almost entirely channelled through American or other foreign NGOs.

**FLEGT, AFLEG: The Legality & Eco certification debates**

The logging sector's general lack of transparency, weak law enforcement and consequently widespread illegal activities in the Congo Basin[14] further compound the negative impact on this resource use for states, communities and biodiversity alike. The high level of illegal logging activities in the Congo Basin prompted G8 countries' attention to the subject, and subsequently led afflicted countries and donor countries to jointly attend the African Forest Law Enforcement and Governance Ministerial Conference (AFLEG, Yaoundé, October 2003) and to issue a Declaration[15]. So far the implementation of the AFLEG declaration has been disappointing.

Demand for legal and ecocertified timber in the European Union (which is a major market for Congo Basin timber) is growing both in terms of volume and prices, partly due to the developing FLEGT (Forest Law Enforcement, Governance and Trade) process, which aims to reduce the EU's contribution to forest destruction and illegal logging through its timber imports[16]. This has led to the development of different coping strategies by a regional timber industry whose values and methods have until now been little affected by the growing demand for environmentally and socially responsible logging activities.

The private sector (to a large extent represented by IFIA, the Inter African Forest Industries Association, and ATIBT, the Association Technique International pour les Bois Tropicaux) has developed a voluntary code of conduct with the aim of demonstrating responsible corporate behaviour. Certain IFIA companies are now also collaborating with the World Resources Institute (WRI)/Global Forest Watch, IUCN and others to develop a voluntary system for the monitoring of the law compliance etc in their concessions (FORCOMS – Forest Concession Monitoring System). Moreover, various logging companies have already obtained "legality certificates" in an attempt to consolidate their access to the European market. In general, Greenpeace

[13] 'As a means to maintain economic and political interests', DGCID (2004) pp19,126,128,130.
[14] Burgess et al, op cit, p91.
[15] http://www.forestsmonitor.org/afleg/en/afleg.htm
[16] http://eu.greenpeace.org/issues/forests.html#t_one

considers that these initiatives will not provide sufficient guarantees of the legality or sustainability of individual forestry operations.

Developments for certification of responsible forest management are slow compared to other forest regions of the world[17] even though the last 2-3 years have witnessed an intensification of the debate in the Congo Basin. Certifications schemes such as Keurhout are operational in the Congo Basin; the Pan African Forest Certification system (PAFC) may become operational very soon. Unfortunately, as with the initiatives to demonstrate legality, Greenpeace believes that these certification schemes suffer serious deficiencies both in their methodology, stakeholder process and in their criteria and indicators to deliver acceptable proof of responsible forest management to the European markets place.

Greenpeace considers that the certification scheme as developed by the Forest Stewardship Council (FSC) is currently the only credible operational system worldwide. However national FSC standards are still being developed for Congo Basin countries and so far no single logging operation in the Congo Basin has been certified according to FSC standards. It is important that multi-stakeholder national FSC working groups develop appropriate national standards for the Congo Basin. Meanwhile, FSC certifiers working in the absence of such national standards will need to take great care in interpreting FSC's international principles and criteria for forest management, and should enlist the direct participation of stakeholders and the international FSC secretariat in the process of making the decision to certify. Several companies have now announced that they aim for FSC certification, and a few are already actively preparing the ground in order to obtain an FSC certificate.

**Conclusion**

Greenpeace does not support the further expansion of industrial logging in this highly problematic context of state patrimonialism, corruption, lack of transparency and weak law enforcement in the forests of Central Africa. Industrial logging already is much too dominant an activity in the Congo Basin and major efforts at the political and industry level are first and foremost needed to clean up the forest sector.

Indeed, ". … *many people in the conservation community remain very sceptical that these logging companies are sincere in their stated commitment to reduce the impacts of their activities. Ultimately, they are out for the bottom line, and any conservation activities that substantially cut into that will be given minimal attention or nothing more than lip service. Even if a few companies are truly sincere, the majority of those working at an international level in tropical countries are not, and they will continue to be a major problem for conservation until the full scale shift to fully protecting these unique resources is finally made. The faster this can be done and the faster the nineteenth-century colonial practice of logging tropical rainforests can be eliminated forever, the better it will be for the people and the wildlife of Central Africa".*[18]

Because of the biodiversity crisis facing the Congo forests, and the persisting and deepening impoverishment of its peoples, Greenpeace believes that the dominance of industrial logging in the region should be gradually reduced. There should be less, not more, industrial logging in the forests of the Congo Basin.

[17] Recommended reading on the certification challenge in developing countries: *Progress and options for forest certification in complex governance and socio-political settings,* Richards Michael. Report commissioned by Forest Trends. 2003, 20 p.
[18] Mittermeier, Russell A. et al. (2002), p132

It is of utmost importance that Congo Basin countries first establish fair land use plans that are also based on the needs and aspirations of local communities as well as information provided by conservation biologists.

The existing industrial logging activities must embrace and implement much higher standards (FSC) and clearly demonstrate a lasting, positive contribution to the local and national development – a huge challenge in a context where governance in the forestry sector is extremely poor[19]. With this perspective in mind, Greenpeace views the possible emergence of FSC in Central Africa as one of the tools to help change the logic of predatory exploitation which is currently driving a major part of the logging industry. FSC could become one of the pragmatic tools to lift the standards of existing logging practices in the short term to a minimum level where logging practices become less harmful to peoples and ecosystems in the Congo forests and contribute to the sustainable development of the country's economy. However, more fundamental reforms of forest politics in the region (including drastic reform of the logging sector and revision of the land use planning) are required to establish the rule of law in the region, as opposed to mere legality. Without the rule of law, sustainable development cannot and will not occur in Central Africa. These reforms also include and require a fundamental alteration of donor-recipient relations, both bilaterally and multilaterally.

[19] DGCID, op cit. p 102

## Presentation of Congo Brazzaville

Congo is a relatively small (342 000km²), mostly forested country (over 60% of its total surface), characterized by a low population size (approximately 3 Millions in 2004). It has a young population and an economy entirely dependent on natural resource extraction, of which oil has been the overwhelming primary asset (95% of state export revenues 2003) and forests a secondary one.

Despite abundance of natural resources and a low population size to manage and develop the country, Congo Brazzaville has failed to use oil and timber exports to build lasting development. According to the World Bank, '... *the successive governments since independence have not been able to translate the country's rich economic potential into an actual improvement of living conditions for the largest part of the population*[20]'. The country finds itself heavily indebted[21] instead. In Congo's oil sector, as in forestry, more than 50% at least of export revenues go to the extracting industry[22], and little reaches the Congo's state treasury or the Congolese people.

Congo's recent history is marked by a series of civil wars and violent government turn-over, '*including three presidential coups and one presidential assassination between 1958 and 1979*[23]. Governance is poor and corruption widespread: Congo was rated 114th out of 145 countries on Transparency International's 2004 corruption index[24] : this high score indicates that Congo Brazzaville is perceived as one of the most corrupt countries in the world. Law enforcement is neither widespread nor effective, and impunity remains a prevalent factor in national life, including in the forestry sector, where donors were worried « about the plunder of Congo's forests»[25].

State patrimonialism is prevalent in Congo Brazzaville. The *'confusion between public and private goods, a system in place for the past decades and which involves the appropriation of national wealth by an interest group, is neither new nor specific to the Congo. However, this small Congo Basin country is exemplary by the extent to which it condemns such a majority to the deepest misery and allows so few to become euro- billionaires* '[26].

Congo still lacks clear regional (i.e. in country) development strategies[27], particularly on urbanisation, agricultural development, road building etc. The World Bank Fact sheet on Congo Brazzaville states that '*The social crisis is acute. According to UNICEF, […] about 70 percent of Congolese currently live under the poverty line. Life expectancy dropped from about 52 years in the early 1990s to 48.6 years in 2002*[28], partly a consequence of the civil wars. Basic governmental services to population (health, education, shelter) lack both in terms of over budget allocated to them (compared to the army or cabinet functioning, for instance) and in terms of funds disbursed for their day to day functioning[29].

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[20] World Bank Web Site, http://www.worldbank.org/, Fact sheet on Congo -Brazzaville.
[21] According to the World Bank (op. cit.) and UNDP, Congo's debt in 2003 reached circa 6 Billion euros or 2100 USD per inhabitant.
[22] FIDH (2004) op. cit.
[23] World Bank, op. cit.
[24] http://www.transparency.org/cpi/2004/cpi2004.en.html#cpi2004
[25] FIDH (2004) op. cit.
[26] FIDH (2004) p96
[27] UNDP Website, 2005: http://mirror.undp.org/congo/Congo.htm
[28] World Bank, op. cit.
[29] FIDH (2004) op. cit.

Clear regional differences also appear in the funding and efforts deployed by the central administration. The UNDP Human development index for Congo Brazzaville has shown a constant decrease since 1996.

**Congo's Logging Sector**

It is indicative that the name for the Ministry in charge of forests is that of 'Forest Economy and Environment' (MEFE – Ministère de l'Economie Forestière et de l'Environnement). Although modest in terms of revenues compared to the oil sector, industrial logging is one of the country's main private sources of formal employment. Congo's forestry sector is characterised by the presence of a few large concessions in the north (approximately 11 UFAs - Unité Forestière d'Aménagement) and many small concessions in the southern, more populated region (8 UFAs divided into 34 UFE – Unité Forestière d'Exploitation). A total of 319 Forests and Waters agents are mandated to control Congo's 22.1 million has of forests: this represents approximately 70,000 hectares per agent, including the office based staff.

Since 2001, the elaboration and legalisation of forest management plans is a legal requirement for all concessions, although none of the companies operating in the country currently have legalised management plans - a handful are finalising them. The companies operating in the Congo are European, Asian, North African and Middle-Eastern (Libyan and Lebanese) and Congolese owned and operated. Except for a few individual companies, the Congolese logging sector as a whole has not yet experienced considerable pressure from the markets place. In other countries, markets pressure has often been a driving factor behind the improvement of forest management.

In general the financial revenues of the Congolese logging sector do not sufficiently contribute to the development of the country[30]. They barely constitute 5% of the GNP. Until recently Congo had one of the Congo Basin region's lowest forestry taxation levels. Due to a lack of transparency and independent monitoring of the forest sector in Congo-Brazzaville, relatively little information is available about the scale and nature of illegal logging in the country. However, recent studies do suggest that illegal logging is a significant problem in the country.[31] The government of Congo-Brazzaville did participate in the ministerial conference on African Forest Law Enforcement and Governance (AFLEG Ministerial conference, 13-16 October, 2003. Ministerial declaration, October 16th 2003. Yaoundé – Cameroon) during which a number of measures to tackle illegal logging were announced.

**Biodiversity Conservation in Congo Brazzaville**

Congo Brazzaville is a party to the Convention on Biological Diversity (CBD), the Framework Convention on Climate Change (FCCC), the Convention on International Trade in Endangered Species (CITES), the RAMSAR Convention on wetlands and the African Charter of Human and Peoples Rights. Congo Brazzaville is a member of the Commission of Ministers in charge of the Forests of the Congo Basin (COMIFAC) as well as of the Congo Basin Forests Partnership (CBFP). It has neither signed nor ratified the ILO 169 Convention on indigenous peoples.

Congo currently has 8 forest Protected Areas, including 3 National Parks (Conkouati, Nouabalé-Ndoki and Odzala). All three National Parks are surrounded by logging operations and/or oil (or diamond) extraction.

[30] FIDH (2004) pp 93-96.

[31] Auzel, P. et al.( 2003), SGS (2002); CED, Forest Monitor and Rainforest Foundation (2004); Fabing, A. and Bakouma, J.

The Wildlife Conservation Society (WCS) and Ecofac are Congo's main external conservation partners. Two further national parks are under discussion, and a number of wildlife reserves exist including one RAMSAR site, the Lac Télé Community Reserve.

Congo-Brazzaville also is a key country in the regional conservation context. During a region wide evaluation on conservation priorities in the Congo Basin (April 2000), which gathered in Libreville over 160 biological and socio-economic experts for the region and around the world– 11 priority landscapes for conservations were identified. Not less than 6 of these landscapes are partly located in Congo-Brazzaville[32].

[32] These six landscapes are: the Gamba – Conkouati forest landscape, the Lopé – Chaillu – Louesse Forest landscape, the Dja – Minkébé – Odzala (TRIDOM) trinational forest landscape, the Sangha trinational forest landscape, the Lac Télé / Lac Tumba forest swamp landscape , the Batéké plateau Forest Savanna landscape.

## General Introduction: Greenpeace forest campaign & CIB

The Greenpeace Forest Campaign aims to prevent destruction of the last "ancient" forests[33], including their biological and cultural diversity. The world's second largest tropical rainforest block is located in the Congo Basin. Covering a total area of over 1.7 Million km², it is home to hundreds of thousands of forest people and endangered species such as lowland gorillas, chimpanzees and the forest elephants.

Industrial logging is one of the major threats to large intact forest ecosystems ("frontier forests") and its inhabitants. Therefore Greenpeace opposes destructive logging, actively campaigns for the creation of a representative and comprehensive network of well managed protected areas, and supports ecologically responsible and socially just forest management such as certified by the international standards of the FSC (Forest Stewardship Council)[34].

**BOX 1 : Greenpeace position on Ancient Forests**[35]

(Appendix to the Greenpeace Principles and Guidelines for Ecologically Responsible Forest Use, 1994)

**Greenpeace calls for all the Earth's remaining ancient forests to be protected from destruction.**

**Protected Areas**

Noting that only one fifth of the world's original forest cover remains as large areas of intact ancient forests, and that nearly half of what is left is now under threat – mainly from logging, but also from mining, flooding, agriculture and fires – Greenpeace calls for a moratorium on industrial development in ancient forests until appropriately large areas of ancient forest reserves have been established. These must be based on conservation needs assessments, encompass all local ecosystem types and form ecologically representative networks of protected ancient forest areas. These networks must include all ancient forests in regions where most ancient forests have already been degraded or destroyed.

**Indigenous rights**

Noting that ancient forests are the customary lands of indigenous peoples who play essential roles in maintaining and defending these ecosystems, Greenpeace affirms the rights of these forest peoples over their traditional territories. Greenpeace calls on all parties to recognise these rights and ensure the participation and informed consent of indigenous peoples and by other forest dependent communities that sustain the natural dynamics and biodiversity of the ancient forest ecosystems through time and at both landscape and stand levels.

**Forest Use**

Outside of the network of protected ancient forests, acceptable forest uses are set by comparisons of the managed areas with representative unmanaged reference areas appropriate to the scale of the activity. Forest use areas shall be managed to minimise differences with reference areas and sustain the natural dynamics and biodiversity of the ancient forest ecosystem. Assessment parameters include the following:

- Species composition, size and/or age distribution and standing volume of the trees
- Fragmentation level
- Presence of key habitat and indicator species
- Soil condition
- Other ecological processes and services, including water and nutrient cycles.

[33] "Ancient forests" are defined as the world's remaining forests which have been shaped largely by natural events and which are little impacted by human activities", in Greenpeace (1999) *Buying destruction,* p V.

[34] FSC is an international certification system with a goal of environmentally responsible and socially beneficial and economically viable forest management. www.fsc.org

[35] Greenpeace op. cit. p56.

Until recently, ecologically just and socially sound industrial forestry has not been seriously considered or implemented in Central Africa. Day-to-day logging practices in many cases are still based on "hit and run" techniques[36]. In the last decades industrial logging has destroyed numerous intact rainforest areas, causing losses in biodiversity and sparking numerous social conflicts. As a result, the Congo-Basin has lost around 85% of its frontier forests[37]. Illegal logging is one of Central Africa's major problems that create an uneven playing field for responsibly harvested timber to compete on markets flooded with illegal and unsustainably harvested timber. Timber from the Congo Basin forests enters the European market on daily basis. In March 2004 the timber producing company "CIB", an important player on the market for African timber products, announced its commitment towards FSC certification.

Greenpeace and CIB had a tense relationship in the past (Box 2). In addition, CIB' former Président Directeur Général Hinrich Stoll had been publicly opposed to the FSC system: CIB's 2004 announcement was therefore surprising. Should CIB receive the FSC certificate, it may well be the first FSC certified forestry operation in the Congo Basin. Because no national FSC standards exist yet for Central African countries, the CIB certification process would in this case *de facto* play a crucial role for setting standards in terms of ecologically just and socially sound forest management in Central Africa. For this reason, it is all the more necessary that stakeholders and the FSC International Secretariat should be informed and involved in the preparatory and decision-making process.

**CIB Congolaise Industrielle des Bois**

CIB (Congolaise Industrielle des Bois) is a daughter company of the Swiss-German tt Timber Group. In 2004, their main shareholders were the German company "Hinrich Feldmeyer Internationale Holzagentur GmbH" and the Swiss company tt Timber International Ltd. [38]. With a total area of almost 1.3 Mio. Ha, the CIB concession system is one of the largest in northern Congo. CIB employs approximately 1600 people permanently and 200 on temporary contracts.[39] CIB's Pokola centre has a strong presence of staff from the Ministry of Forest Economy and Environment: half of CIB's management plan unit is composed of government officers.

CIB's concessions include four UFAs (Unité Forestière d'Aménagement[40]): Pokola (377 550 ha), Kabo (267 048 ha), Loundoungou (390'096 ha), and Toukoulaka (162 580 ha). They also include the UFE (Unité Forestière d'Exploitation[41]) of Pikounda Nord (93 970 ha). In 2003 CIB cut 330 000m$^3$ of round timber, of which 84'000 m$^3$ logs and 62'000 m3 of sawn timber and finished products were exported[42].

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36 Burgess et al, (2004) op cit, p 92. Rose et al (2003), op cit. , p 14

37 Bryant, D. et al, (1997) *The last Frontier forests*, WRI, p9.

38 The question of CIB shareholders' identity became a sensitive issue : on 29/07/2004 information was published on the internet forum of "Africa time" alleging that Congo's president Mr. Sassou Nguesso has financial stakes in CIB. The intelligence magazine "La Lettre du Continent" (25/11/2004) commented that this type of information could only have come from very well informed sources close to the president. CIB chose not to publicly respond to these allegations. Greenpeace raised the issue with CIB during the mission. CIB verbally denied this allegation. A copy of 2004 shareholders list was shown to Greenpeace, but we were not allowed to take a copy. A copy of the 1998 shareholders' list was made available to us after the mission. Based on the 1998 list, HIF holds 57.97% of the total 414'000 shares, tt-timber international holds 42.03% of the shares. 9 out of the total 414'000 shares remain in the hands of three German and Swiss individuals and one private company.

39 Meeting with CIB staff manager, M. Disso Bakonga, December 2004.

40 A UFA is a Forest Management Unit (FMU)

41 A UFE is a Forest Exploitation Unit resulting from the division of UFA into smaller units for administrative or technical reasons.

42 As indicated to Greenpeace by tt in May 2005.

Annually an area of about 30'000 ha is being logged at an average of about 10-12 $m^3$ of timber harvested per hectare. In 2002 about 74% of the exploited volume was processed locally[43].

CIB's concessions are located at the border of the Nouabalé Ndoki National Park (400 000 ha) and of Congo's only Ramsar site, the Lac Tele Community Reserve. The Nouabalé Ndoki National park is part of a larger area of ecologically valuable rainforests, stretching over three countries and known as the Sangha Tri National Conservation Area: the Lobeké National park (Cameroon), the Dzanga-Ndoki National park (CAR), and the Dzanga-Sangha Wildlife Reserve (CAR).

**CIB and Public Funding**

CIB and WCS work in close partnership with the Ministry of Forest Economy and Environment (MEFE) in a project called PROGEPP (1999), aimed at contributing to biodiversity conservation as well as to the timber production in a concession forming a managed buffer zone adjacent to the Nouabalé-Ndoki national park. The Swiss government (Seco[44]) contributed 600'000 US dollars to a 3-year project partly funded by ITTO called "Biodiversity management and conservation in a forest concession adjacent to a totally protected area (Nouabalé-Ndoki National Park)"[45]. The costs of the project added up to at least 2, 3 Million US dollars of which 1'022'084 US dollars were paid by ITTO. CIB contributed an additional 410'900 US dollars, and the conservation organisation Wildlife Conservation Society (WCS) another 634'400 US dollars. Other donor funding received by CIB included a public 1.3 Millions euro loan[46] and a public 873'000 euro grant[47] from the French government) to carry out forest inventories and develop management plans. Since 2002 CIB has engaged into a Public Private Partnership Program (PPP) with the German Development cooperation GTZ (Gesellschaft für Technische Zusammenarbeit[48]). GTZ, which is mainly financed by BMZ (Bundesministerium für Zusammenarbeit)[49], provided 690.000 euros to support "sustainable forest management in northern Congo" including the development of a management plan for CIB's concessions. According to GTZ, their financial contribution was 30% of the project's total costs.

Because CIB is a privately owned company and has received direct or indirect subsidies from several governments, these subsidies have been heavily questioned and criticised by many NGOs. This criticism prompted two of the public donors (Swiss and German Governments) to carry out independent assessments[50].

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[43] Paget, D. et al (2004) Ressources forestières de Kabo, Unité forestière d'Aménagement de Kabo, Rapport d'Inventaire, Version Provisoire, Octobre 2004, p23.
[44] State Secretariat for Economic Affairs, Switzerland.
[45] ITTO Project PD4/00 Rev. 1.
[46] Loan received from AFD, the French Development Agency : http://www.afd.fr/jahia/webdav/site/myjahiasite/users/administrateur/public/fiches-pays/fiche-pays-congo-brazza.pdf
[47] Grant given by the French Global Environmental Facility (FFEM) : http://www.ffem.net/jahia/webdav/site/ffem/users/administrateur/public/projets%20FFEM/Fiche_Projet_Congo_CIB.pdf
[48] International cooperation enterprise for sustainable development with worldwide operations.
[49] German Federal Ministry for Economic Cooperation and Development.
[50] Seco report (2004) and BMZ-GTZ (August 2003) Project PPP Nr. 1996.4203.0-165.03 in *Evaluation of the public private partnership project, sustainable management of a forest in Northern Congo*, p.7.

**Box. 2 . The History of Greenpeace and CIB**

**2001 Greenpeace deposits a large CIB log in front of the Swiss Parliament** - This log belonged to the door producer Türenfabrik Brunegg, a major client of CIB.

**2001 Greenpeace challenges CIB's Keurhout Certificate** - Greenpeace argued that the Keurhout certificate (a Dutch certification system) did not guarantee "ancient forest friendliness". Greenpeace filed a complaint to Keurhout's complaint committee on Keurhout procedures and on CIB's non fulfilment of four required criteria.

**2002 Greenpeace Action against major CIB Client, the door producer Türenfabrik Brunegg** - Brunegg took legal action against the Greenpeace activists based on charges of 'damage of private property' and 'breach of domestic peace'. This led to a settlement between Greenpeace activists and Brunegg. Brunegg withdraw the legal proceedings against Greenpeace activists on the condition of a financial contribution to medical equipment for the CIB hospital in Pokola. After the settlement, GP Switzerland received a letter from CIB, including an invitation for the campaigner and one activist to visit Northern Congo to see the machine as well as the CIB hospital.

**2002 CIB loses its Keurhout certificate** - due to not fulfilling 3 out of 4 required criteria. (No approved management plan, no certificate for sustainable forestry given by an accredited certifier, no Chain of Custody certificate).

**2002 The Joseph Melloh Case** - Joseph Melloh, a former Cameroonian poacher, carried out undercover research within the CIB concession, organised by Karl Amman and partly funded by Greenpeace Switzerland and Rettet den Regenwald (German NGO). Mr. Melloh was discovered by a CIB employee and handed over to the police. He was locked in a Congolese jail for over 3 months without formal prosecution charges. Greenpeace actively campaigned for his release, demanded greater transparency from CIB and called for more general independent monitoring of the Congolese forestry sector. Greenpeace received another invitation followed by meetings between Greenpeace and the tt Timber international management in Basel, Switzerland.

**2002 CIB-GTZ funding controversy -** GTZ signed a 690 000 euros contract with CIB to partly finance the development of their new management plan, only a few days before the publication of new sectoral guidelines for German development aid. These guidelines had been elaborated with numerous NGO's and include clear and strong criteria for the co-operation between GTZ and developing countries, including the forestry sector. The GTZ-CIB contract could not have been authorised based on these new criteria. Therefore this coincidental timing raised suspicion and led Greenpeace to question why the contract was signed just before the publication of these new guidelines.

**2003 GTZ – CIB Mission and Report to German NGOs** - GTZ sent an evaluation team to northern Congo to the project they had partly financed. After this mission the German government organised a meeting between several NGO's and CIB in order to present their findings, including Greenpeace.

**2003 Greenpeace Nordenham Action** - Greenpeace Germany protested against ancient forest destruction in a sawmill in Nordenham, which is mainly used by Stoll/ Feldmeyer (as well as other German importers).

**2004 CIB's FSC Announcement** - CIB announced that they would go towards FSC. This decision surprised Greenpeace since CIB's former director, Hinrich Stoll, had always claimed that FSC was not feasible for forest operations in Central Africa. CIB's FSC announcement eventually led to the decision to organise a Greenpeace mission to the CIB concession sites in the Republic of Congo.

**2004 Greenpeace mission to CIB concession in Northern Congo**

## Mission Goal & presentation

The objective of the Greenpeace visit to the CIB concessions was to develop a first hand impression of the current situation within this forestry operation, with particular intention paid to social and ecological issues. CIB and TFT had already identified social issues as major shortfall in the TFT gap analysis forwarded to Greenpeace prior to the mission.

Greenpeace decided to build a team of experts including non-Greenpeace staff. Since social issues are crucial to the process of FSC certification, and have caused problems within the CIB concession in the past[51], Greenpeace asked two social experts and one forester to join the mission. The impacts of CIB operations on indigenous people were assessed according to the principles number 2 and 3 of the international FSC criteria. Other issues mentioned in this study have also been considered using the international FSC criteria as references. CIB insisted that the Greenpeace visit was not a formal or comprehensive assessment of its FSC certification process. Greenpeace does not believe that a comprehensive assessment for large parts of CIB's forest management would have been possible within a timeframe of two weeks. Issues such as the impact of logging on biodiversity or poaching can only be assessed by following a long-term independent, open and transparent monitoring process. All the data, observations and conclusions in this report refer to CIB's state of performance as observed in November-Mid December 2004, and further completed by additional data on the subjects considered which were provided to Greenpeace after the mission.

The team members were:

- Jerome Lewis, Anthropologist, London School of Economics, UK
- John Nelson, Forest Peoples Programme (FPP), UK
- Belmond Tchoumba, Forester, Centre for the Environment and Development (CED), Cameroon
- Illanga Itoua, Tropical Ecologist and Geographer, Greenpeace France.
- Sandra Pfotenhauer, Forester, Greenpeace, Germany.
- Christoph Wiedmer, Forest Campaigner, Greenpeace, Switzerland

The mission took place in a generally constructive atmosphere. Greenpeace wishes to acknowledge the team's general impression of good will on the part of CIB – although only parts of the financial information were made available. The team was given access to the concession and allowed to look at most of the requested documents and studies. Obtaining copies was more difficult. Some of the documents had not been signed off by the Congolese government at the time of our visit. Therefore the team was allowed to take notes but not to copy the entire draft document. Other requested documents were sent to us after the mission (for example the Forest Resource Inventory Report for the Kabo concession, once approved by the government).

[51] See section on Social Impacts

## Social impacts: FSC Principles 2 and 3 and their application in CIB concessions

### Overview

CIB has made substantial investments and has received considerable external financial aid that has improved the quality of its forest operations. In addition to making significant social investments that benefit the populations of Pokola, Kabo and the logging camps, the CIB has been supporting indigenous communities to some extent.

However, in our view CIB has not yet complied with FSC criteria for Principles 2 and 3 because the indigenous population, especially the semi-nomads, are not informed, nor involved in certain key processes, and institutional capacity is lacking. In this respect, our conclusions agree with CIB's own conclusions, and those of the TFT gap analysis forwarded to us prior to our mission. Mechanisms to enable indigenous communities' to participate in the management of the forest and in the development of forest plans, to exercise free, prior and informed consent and for their customary rights to be respected and protected are currently absent[52]. At the moment indigenous community forest rights are threatened.

While emphasising what it has done, CIB has openly acknowledged its failings in relation to indigenous peoples. CIB's management team insisted to Greenpeace that it is prepared to establish a management-level social initiative targeting the indigenous populations, with the goal of achieving FSC standards. Support for their efforts to do this should be accompanied by regular, independent monitoring to ensure that both the spirit and letter of Principles 2 and 3 inform the way indigenous communities' rights are recognised and protected within concession management plans, and their involvement in the management of forest operations assured.

### Summary of Findings

The government of the Republic of Congo granted CIB legal rights to exploit timber concessions. The indigenous peoples who were first living in the forests now covered by CIB concessions exercise customary rights to use the flora and fauna of the forests based upon their long-term prior occupation and use. Their rights to do this are supported by national and international laws and standards, including the Convention on Biological Diversity, to which the Republic of Congo is signatory[53]. In these concession areas the rights of CIB thus overlap with those of indigenous communities.

[52] Customary rights are those resulting from a long series of habitual of customary actions, constantly repeated, which have, by such repetition and by uninterrupted acquiescence, acquired the force of a law within a geographical or sociological unit (FSC-AC, February 2000).
[53] See Box 13.

**BOX 3: The indigenous populations of the CIB concession**

PROGEPP have categorised those local people who lived in the region prior to the arrival of logging as indigenous people.[54] These indigenous groups are further categorised according to the degree of mobility of their different traditional lifestyles. Thus, despite their more recent arrival, the predominantly farming communities are referred to as the sedentary indigenous population. This contrasts with the ancient residents, the hunting and gathering communities, who are referred to as the semi-nomad indigenous population.[55] These indigenous peoples are contrasted with foreign populations attracted into the area by the presence of the logging industry.[56] Using mobility to differentiate indigenous people, although unusual, makes sense in the context of CIB's forest zoning process. In this report we follow these PROGEPP conventions.

In 1996 the rural population of the CIB concessions of Pokola, Toukoulaka, Loundoungou and Kabo numbered 6186 people. This figure excludes the towns of Kabo and Pokola, and CIB workers' camps in the forest. Of these 6186 people, 3237 people were indigenous semi nomads and 2959 people were members of sedentary indigenous groups. Thus proportionally the semi nomads represent 52% of the rural population living in these CIB concessions (Lewis 1997: 7-13).[57] Comparable up-to-date survey data was not available to Greenpeace.

Under PROGEPP categorisation, ***sedentary indigenous populations*** are the Bomassa, Bomitaba, Bongili, Kabounga, Kaka, Ngundi, Pomo, Sangha-Sangha Lino and Bomouali, and Yasua. The ***semi-nomadic indigenous populations*** are the Mbendjele, Luma and Baka.

By regional standards the level of social investment made by the CIB is exceptional and commendable[58]. CIB ensures that Pokola has clean drinking water and 24-hour electricity. CIB has provided and maintains the best hospital in the region with a laboratory, surgery and a pharmacy, and large primary and secondary schools, including some support for the Foyer Frederic which serves mostly the semi-nomads and destitute children. Houses are provided for employees – and they are now being built in brick, and Pokola's central market has been rebuilt. The CIB supports a local FM radio station for Pokola and a television channel – Canal Pokola. In the concessions, CIB is responsible for constructing and maintaining logging roads, and numerous public works in sedentary villages – notably in the construction of primary schools. Apart from occasional health missions to semi-nomadic communities, social investments are made in Pokola town and workers' camps or in sedentary villages. Thus, unless they are in these places the semi-nomadic populations do not benefit from them.

We conclude that a proper balance[59] between the exercise of CIB's rights to develop the forestry concessions and the exercise of indigenous communities' rights to maintain their forest-based livelihoods is not being achieved in CIB concessions we visited.

[54] This conflation of different groups obscures the serious discrimination practiced by sedentary farming groups against the hunter-gatherers (see OCDH 2004; Woodburn 1997 for more details) and the hunter-gatherer perception of the farmers as colonisers of their forest (Lewis 2002: 208-210).

[55] This categorisation thus conforms at least in part to the spirit of the UN definition for indigenous peoples.

[56] For a recent review of this categorisation, and the problems with existing demographic data on the semi-nomad population in CIB concessions, see LeClerc, C (2004) *Un Plan D'Amenagement à L'Echelle Des Groupes Humains. Spécificités Des Communautés Semi-Nomades*. PROGEPP. WCS, ITTO.

[57] This data broadly accords with data on semi-nomad population density in similar semi-rural and heavily forested zones adjacent to Pokola in Cameroon, around Lobéké and Boumba-Bek National Parks (up to 60%) and Nki National Park (up to 75%) (FPP).

[58] According to Christian Schwartz (CIB Administrative Director) CIB's social costs and investments average 1.3 Million euros each year. Investments cover houses, machinery and technical development, but do not cover infrastructure or salaries.

[59] As evoked in Collier, R (2004).

Although individuals from the indigenous community do work as employees of CIB (100 semi-nomads were employed at the time of our visit), often on what was presented to us[60] as favourable terms by regional standards, they are not involved in the management or planning of forestry operations.

At present there are no mechanisms by which the indigenous community as a whole is kept informed about logging plans, or by which they can have an input. Apart from some participative mapping activities that support the elaboration of forest zoning for conservation (see Box 8), there are no formal consultative links between indigenous communities and CIB. Indigenous peoples' participation in forest planning is currently negligible, and they are not aware of their right to exercise free, prior and informed consent. Indigenous communities' rights to forest areas and resources are still being defined by others, including the State, CIB, and conservation authorities. Indigenous communities have not been given the opportunity to define their rights to outsiders as recommended by FSC. Good consultation processes need to be established for this to occur (see Box 4)[61].

We have been shown examples of the salary system which is based on the national forestry and agricultural sector salary regime and which is completed with a prime system developed by CIB. We briefly discussed the salary issue with the unions; who expressed no concern on this specific issue. They indicated that the primes are renegotiated every few years, and are due for renegotiation soon. However, we not know what proportion of the overall social costs is represented by the expatriate salaries and benefits as compared with the costs of the local workforce salaries and benefits.

[60] By unions, local staff and most of the other people we met during our visit.

[61] According to tt, a consultation process within the EIA/SIA exists with local populations; its outcomes are integrated into the management plan. The minutes of these consultative gatherings are listed in the annexes of CIB's EIAs and SIAs.

BOX 4: What is "good consultation?"[62]

Consultation describes the continuous process of seeking the views of interested or affected stakeholders and engaging in constructive two-way dialogue. It requires ***exchange of information***, ***mutual understanding, and negotiation*** to assure ***collaboration in decision-making*** by the parties involved.

Consultation should never be interpreted as a process for extracting information from communities or for instructing them on what they will be doing and how they should behave. It must be a two-way dialogue with communities. It should be considered as a basic component of the management system that enables forest managers to integrate community views, and their rights, into forest plans.

Where indigenous communities do not have much experience interacting with formal agencies, and where they are marginalised, as in northern Congo, good consultation requires developing local peoples' capacities and skills to engage meaningfully in discussions concerning forest plans.

**Some practical recommendations:**

***Designing meaningful consultations*** with indigenous peoples must take account of the national, legal, and political context; the linguistic and cultural characteristics of the indigenous groups; and the degree of interaction and type of relationships they have with regional and national structures and actors (such as state officials, school systems, conservationists, or logging companies). It also depends on the nature of their traditional social organizations and leadership patterns, and to what extent there exist groups organized to represent the interests of indigenous peoples.

***Some general principles for organizing and conducting meaningful consultations with indigenous peoples***:

Use facilitators who speak indigenous languages well, are knowledgeable about indigenous peoples' culture, and who recognize their duty to "do no harm";

Work with communities to establish appropriate settings, locations and timetables for the consultations, preferably in the territories and settlements where indigenous peoples live;

Ensure indigenous people are regularly provided with sufficient background information to inform the consultation process, and in a language and format that is understandable to the population – this may require support for community capacity building;

Plan in a way that recognizes that the time frames of indigenous peoples may be different from those of outsiders, especially in terms of decision-making;

Respect indigenous leadership patterns and religious beliefs, and ensure that elders and other traditional authorities have the opportunity to express their points of view;

Recognize that there may be different factions within a community with contrasting views, and act upon this appropriately. Procedures for the peaceful resolution of conflicts and differences must be established, this should be one aspect of community capacity-building;

Resources should be provided (for example; interpreters, food, shelter, travel funds) so that persons can attend the consultations from distant villages, or their representatives can attend consultations in regional or national capitals;

Support for local and regional indigenous representatives to improve communication with their communities and their ability to follow up the consultation process properly should be provided; and

Specific actions should be taken to ensure that consultation does not exclude or marginalize any sectors of society, especially women and discriminated groups.

In our view there are structural problems in PROGEPP's relationships with the various indigenous inhabitants of the forests now covered by the concessions because rural communities are systematically excluded from planning.

[62] See the World Bank participation and consultation overview at http://www.worldbank.org/ogsimpact/cpoverview.htm. See also Peeling 2003:85.

This is especially true for the semi-nomad community that remains severely socially, economically and politically marginalized in northern Congo[63]. Their exclusion from participation in the institutions managing forests upon which their livelihoods depend helps to perpetuate the discrimination that plagues semi-nomadic hunter-gatherer communities here and elsewhere.

There is strong evidence to suggest that the activities of PROGEPP partners have negatively impacted upon indigenous communities' rights to access and use forests for subsistence and cultural purposes (see Boxes 5-8). The relationship between existing forest and wildlife management plans and indigenous communities' current and historical forest use remains unclear because local people have not been consulted. This leaves semi-nomads especially vulnerable to the arrival of logging operations in forest they are using or intended to use, and to the introduction of new biodiversity protection rules that bar their access to, and use of, subsistence forest products.[64] We observe an internal tension between the wildlife protection goals of PROGEPP, and particularly the methods used to enforce these rules, and the goals of FSC and the Convention on Biological Diversity which support indigenous communities' traditional, sustainable use of their forests.

BOX 5: Extracts from discussion with the Pokola Village Committee[65]

'We are pleased that the hospital will accept anyone and treat them. When there are serious problems the CIB will always help us.'

'La population vie donc grâce à la CIB. Tout ça, toutes les routes, tout est fait par la CIB'[66]

'But what is the role of the 'service d'aménagement'? We can see that there are changes occurring: no more unrestrained hunting, no small trees are felled. But we don't understand what our role is. The real problem is that we don't have fields near to where we live. This is the (Pokola) population's biggest problem.'

'The 'Parc-à-bois' (where logs are stored) and areas for CIB tree re-generation (UPARA) have occupied the land near Pokola, so if we need farms we have to go far. Yet they have vehicles at their disposal, we do not.'

'The 'service d'aménagement' has changed everything – go to the market and see for yourselves. There's hardly anything there. 15,000 people can't get fed properly. We need fields. Eco-guards don't even let blue duikers through, so we are forced to eat beef. But if you have a big family this is difficult since beef costs 2200CFA a kilo[67]. The hunting zones for Pokola are far from the town, those that are nearby are empty.'

'Eco-guards are badly trained, some can not read or write, they just take our small game and even beat us up. They have killed because of animals.[68] Two weeks ago at kilometre six a woman was beaten up. People in Pokola were really angry. The village president had to go and calm them down. But this is difficult when he also thinks it is not right.'

According to the Village Committee the eco-guards are not following the rules they tell others to follow.

"even though it is the hunting season they still confiscate small game and beat us"

"they do not auction what they confiscate, so we don't know what they do with it – Maybe they are feasting'

The president finished by saying;

'If you tell me not to wash in the river then build me a shower'

PROGEPP is telling us not to hunt and preventing us from farming. Therefore we want a micro credit scheme to distribute nets so we can have more fishermen – from 45 to 70 men. I was promised assistance, so I helped people get organised. But it never came. Now I look like a liar.

"But at the end of the day, CIB must not close otherwise everything will fall apart. Why doesn't the Congolese state help sort out the problems here? Why does our state hospital have no medicines?"

[63] This is a characteristic these communities share with other Central African forest hunter-gatherer populations confronted by outside interests targeting forests they use. For further information see www.forestpeoples.org and www.cedcameroun.org .

[64] Also see Box 11 concerning official numbers of semi-nomads arrested by eco-guards. This figure ignores the number of unreported encounters between eco-guards and semi-nomads from which communities gain their mainly negative perceptions.

[65] Sedentary urban-based indigenous community.

BOX 6. A semi-nomad (Mbendjele) view from Pokola

Mbendjele interviewed were very resentful of the work of eco-guards. They claimed that if they were found with meat in the forest they would be beaten and the meat confiscated. The men interviewed were very resentful of PROGEPP's proposition that they should become fishermen (see below and Boxes 7 and 8). They also felt it unfair to stop them from using firearms for hunting when on long journeys.

Due to their fear of eco-guards when subsistence hunting, many are forced to rely on increasingly marginal subsistence strategies within the economies set up by the logging industry. Some men provided examples of what they do to get food. Work in the fields around Pokola between 7am and 1pm earns a man or woman between 500 and 1000 CFA. The work mostly involves weeding, clearing, digging and carrying harvest back to town. Additionally women go by truck to more distant areas and collect marantacae leaves and koko (*Gnetum bucholzianum*). They bundle them up into more or less standardised packs. The women have to pay two packets of koko for their return journey to Pokola. The women can sell a basketful of marantacae leaves for 2500 CFA, a single bundle for 100 CFA.

Despite these various types of work people find it difficult to get enough money to sustain their families in Pokola without experiencing hunger. It is the animated social life of the town that remains an enduring attraction.

Some commonly held views among the semi-nomads are well summarised by the following Mbendjele Yaka man familiar with CIB and forest work:

"We are the guardians of the forest. We think that the white people should be sharing money better. So much money just goes to the Bilo, just to the Bilo (the sedentary indigenous groups and outsiders). Us Yaka, the guardians of the forest, we suffer working for no money. Just a little gets to us." [69]

The forest is ruined. It is ruined … The forest is full of more and more soldiers (eco-guards). They forbid us the forest because of bush meat … These soldiers (eco-guards) have taken our forest from us. They are everywhere. Our *moongo* journeys (long voyages in the forest) are no longer possible. They tell us to find work with the white people. But we can't get work.

Yaka are being sacked everyday and being replaced with non-Yaka. We Yaka are the forest people; we should be working in the forest. But instead outsiders who come from large villages and towns take all our work. If we don't sort this out Yaka will start dying of hunger, each day some Yaka will die."

They forbid us the good forest and only let us walk in ruined forest. So where shall we take our long journeys? Going on these journeys is now impossible. All the Yaka's strength and respect comes from the forest. So what shall we do? Others (PROGEPP) say we must get nets and start fishing. But we are not fishermen we are forest hunters."

The organisation of semi-nomad quarters in Pokola corresponds to the forest areas they come from. The quarter of Mopepe is inhabited by Mbendjele from the area of Ngandzikolo. When CIB built a new road in town they asked these Mbendjele to move. They did so, and came to there current location three years ago. They described the back-breaking work of carrying planks for six kilometres to build their new houses. Recently, without any warning or consultation the town's waste started to get dumped right next to where they live. They find the smell awful and are very unhappy about this. They said they had complained but no-one listens to them. For Mbendjele human waste is the most polluting of all waste. Mbendjele have a taboo on eating domestic animals, such as poultry, sheep and goats, precisely because they consume human waste and rubbish.

We conclude that indigenous peoples' representation in disputes over forest tenure, access and use is still extremely weak or non-existent. This is progressively undermining indigenous livelihoods and rights (see Boxes 6 and 7). This problem is compounded by the absence of formal mechanisms for resolving disputes in an equitable way, and to reach agreement on possible mitigation or compensation measures. In the context of FSC Principles 2 and 3 numerous issues remain unaddressed, and a sample of these is detailed below.

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[66] 'The population lives due to the CIB. All of this, all the roads, everything is done by the CIB.'

[67] tt indicated that the price for 1Kilo of Boneless Beef is 1800 FCFA (circa 2.7 euros), this price is controlled by the local unions.

[68] They cited the example of Mabesu who died from his injuries after resisting arrest for having killed a chimpanzee in 2001.

[69] This is due to the activities of loan sharks who charge extortionate interest on loans to non-literate Yaka workers in the forest industry. Many Yaka's wages are taken by these loan sharks on payday.

**Box 7. Excerpts from discussion with sedentary indigenous people, the Kabounga of Bene, Terres des Kabougas**[70]

"In 1997-98 the CIB exploited our territory. The Cahier des Charges[71] was determined by the Préfet of Impfondo[72]. So we got schools in wood not brick, our plantations were damaged and the trees they removed were very important to us. 'C'était notre bien' – we used these trees for boats, medicines and caterpillars (see Box 12).

The CIB came and took our wood and what have we got for it? Sapelli really was very useful to us. CIB prospectors hunted our animals and made layons (a grid-work of paths) in our forest.

Now PROGEPP says we can't hunt meat, and they put eco-guards in our forest. Fishing here is hard because the river is far away. But the eco-guards take our meat and our guns. Even our subsistence hunting is being confiscated. We understand that they want to check gun licences. But our guns are being taken to Ouesso by WCS instead of our administrative centre Impfondo. Even when we show them our hunting permits they still take our guns away to Ouesso. The eco-guards 'nous défendent la viande'[73] without giving us any alternative.

It was in 2003 that we were first explained what PROGEPP was. They told us about all sorts of alternative activities: animal husbandry, hooks, nets, microcrédit for wheelbarrows, hoes etc. PROGEPP come around promising so much – we'll show you animal husbandry. When did they do that? We didn't see them.

They brought us fishing nets and hooks. But they were all the wrong size. The holes in the nets were too big for the fish we have around here.

We wanted our youth to find employment with CIB. But they haven't. The Cahier des Charges was presented by the Préfet to the village. But we couldn't say what we thought because we were intimidated by all the armed men he had with him. We told them we wanted the road to go through the village but they refused. Maybe they didn't want us to see all that they were taking out?

We pay our regional taxes. But what does the government do for us? CIB pay their taxes to the government. Yet nothing happens here. When we complain or resist we get intimidated by the Préfet. Soldiers come and menace us 'if you carry on like this you'll find problems with us'. So we are forced to comply. 'Le Préfet nous traite comme des pygmées.[74]'

So we just fall back on our ancestors. We have cursed these people (CIB and WCS) if they come into our forest again.

We are not supported by our administration in resisting CIB. We have no money and no jobs. None of the eco-guards are from here. Infrequent transport along our road means it is difficult to get agricultural produce out to Pokola. CIB took laterite from our stream but left the place in a big mess and have not sorted it out.

CIB took more trees from Minganga and Bene than from other places, so we should have got more compensation than others. All the remaining trees are marked. The irony is that now if we want to cut one of the trees that are left, even when it is in our own corn field, we have to apply for a license from MEFE. We don't understand why we have MEFE and now eco-guards too."

[70] Sedentary indigenous community.
[71] Public works to be done by CIB.
[72] Impfondo is the administrative capital of the Likouala Region to which Bene belongs. Ouesso is the capital of the Sangha Region in which Pokola is located.
[73] 'Do not allow us to eat meat.'
[74] 'The Prefect treats us as if we were Pygmies.'

**BOX 8: Extracts from discussions with semi-nomad indigenous people. The Mbendjele of Mombangui, Terres des Kaboungas[75]**

"The CIB came with Courtois (a French tree prospector) cutting layons (a grid-work of paths) in our forest. Then the CIB came and made a road. More white men came and took out our trees. And we got nothing.

Then we met another white man (WCS) who came to tell us to stop hunting and that the eco-guards would make sure we did. Now we are afraid to go far in the forest in case the eco-guards catch us. (Two weeks before Greenpeace visited, a member of this community was beaten up by eco-guards who also confiscated his meat).

We are the guardians of the forest. The forest people. But we get nothing from anyone. They took our trees and then they came to forbid us our hunting. So we have to stay in the village. Now we are dying of hunger. Just eating manioc leaves, koko, manioc leaves, koko, manioc leaves, koko…[76]

They tell us to fish. But we are hunters not fishermen. Even if we wanted to become fishermen where would we do it? The villagers claim all the rivers and streams as their own. They get angry if we fish in these rivers and streams.

Our ancestors told us how to look after the forest. We children of afterwards (their descendants), we know how to look after the forest."

During Greenpeace' s two week mission, and since then, CIB managers have repeatedly expressed their commitment to work with the indigenous community to develop a coherent framework and the mechanisms necessary to overcome the gaps identified by this assessment. We judge this commitment to be genuine and urge it to be supported. The time required to develop this coherent framework and these mechanisms needs to be evaluated.

**Detailed Review of CIB and FSC Principles 2 and 3**

The following is a detailed, but not comprehensive, criterion-by-criterion review of CIB's application of FSC Principles 2 and 3 as set out in FSC-STD-01-001, FSC Principles and Criteria for Forest Stewardship[77], based on a two week visit to CIB concessions in northern Congo Republic in December 2004. We have also taken into account the gap analysis of CIB's performance in relation to FSC principles prepared by the Tropical Forest Trust (TFT),[78] the SGS Audit from 2003,[79] and other relevant reports prepared by PROGEPP donors, partners and evaluation teams that we also reviewed. This analysis is intended to complement this existing body of work but also highlight areas where the interpretation of FSC principles by CIB/ TFT is problematic from our point of view.

**Principle 2: Long-term tenure and forest use rights to land shall be clearly defined, documented and legally established.**

*Criterion 2.1: Clear long-term tenure and forest use rights to the land shall be clearly demonstrated.*

Before any logging began in Northern Congo the forests were inhabited by indigenous semi-nomadic hunter-gatherers and sedentary farmers. Large scale logging around Pokola commenced with the arrival of the company Emile Chamabault in 1949, which by 1968 had become the Sangha Forestry Society (SFS).

In 1968 SFS was combined with an existing Brazzaville-based timber processing operation called IBOCO, to form CIB.[80]

[75] Indigenous semi-nomadic community.
[76] This diet is considered a starvation diet.
[77] April 2004. Forest Stewardship Council.
[78] TFT (2004).
[79] SGS (2003).
[80] SECO (November 2004).

When CIB began operating in Northern Congo in 1968 they found the sedentary Sangha-Sangha living in the small fishing village of Pokola, and the semi-nomadic Mbendjele Yaka living by hunting and gathering in surrounding forest. While the Sangha-Sangha's oral history recounts how they arrived in this area two centuries ago, the Mbendjele, like other semi-nomadic Yaka groups, have no history of migration into this area. They claim to have always lived here.[81] The indigenous population from the forests attributed to CIB by the government of the Republic of Congo have therefore well-established customary rights to the forest based upon their long-term occupation and use of it, as recognised by national and international standards, including the Convention on Biological Diversity (CBD), to which the Republic of Congo is a signatory.

As CIB expanded its logging operations it moved into lands used by these and other indigenous groups (see Box 3). This occurred through permissions granted to CIB under the terms of the Republic of Congo's law, regulated through the Congolese Government Ministry of Environment and Forest Economy (MEFE). MEFE are directly involved in the management of the concession as partners in PROGEPP and in their role as enforcers of national laws governing logging[82]. Indigenous communities' and CIB's forest rights thus overlap.

There are currently tensions between existing legal provisions governing forest management and those governing wildlife protection in the Republic of Congo[83] that have thus far confused discussions concerning indigenous communities' customary forest rights in forests targeted by logging and conservation organisations. There is also a tension between these national laws and FSC's international principles which recognise indigenous communities' forest rights. In addition, national laws in the Republic of Congo have not yet been adapted by government to conform to the international standards to which it has committed itself by signing up to the CBD (see box 13),[84] so some legal reform will be required in the near future. Formal recognition for indigenous communities' forest rights by the government of the Republic of Congo through such a reform process could eliminate this confusion, and facilitate FSC certification. We are therefore impressed that the Ministry of Justice of the Republic of Congo has already proposed to develop laws specifically related to the problems faced by semi-nomadic indigenous peoples in Congo.[85] Progress on the development of these new laws is still being defined, and the experience of CIB with the indigenous communities of northern Congo is likely to be instructive in this process.

*2.2. Local communities with legal or customary tenure or use rights shall maintain control, to the extent necessary to protect their rights or resources, over forest operations unless they delegate control with free and informed consent to other agencies.*

Under FSC criteria indigenous communities should be involved in the design of mechanisms by which they can maintain control over their forests or delegate control with free, prior and informed consent. These mechanisms should include processes in which they are informed and consulted about management plans, and their concerns explicitly accounted for. These mechanisms do not exist in CIB concessions.

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[81] Lewis, J (2002) Chapters 1 and 2.

[82] Based on an organigram distributed by CIB to Greenpeace.

[83] République du Congo (1985) Décret 85/879 du 06/07/85 portant sur la protection de la faune; République du Congo (2002) Décret no 2002-437 du 31 Décembre 2002 fixant les conditions de gestion et d'utilisation des forets, see especially Articles 24, 25, 33, and 34. Also see SECO, op. cit., and papers from: République du Congo (2003) Elaboration de la Stratégie et du Plan d'Action National Sur la Viande de Brousse. Rapport de l'Atelier et Plan d'Action National. WWF/CITES/FAO.

[84] Agreement to the CBD is one of the criteria enabling national government access to GEF funds for biodiversity conservation.

[85] Lettre du Directeur Général des Droits Humains et des Libertés Fondamentales, No. 170/MJDH-DGDHLF-SD, du 02 Août 2004 portant Amendement du projet de Loi portant protection et promotion des pygmées en république du Congo.

Conflicts, such as those highlighted in the Boxes 5-8 should be documented and resolved. CIB has recently begun documenting how it informs indigenous communities of its plans in areas where commercial forest operations will overlap with forests they use, as we were shown in Bomassa. Although this represents a positive step in the right direction, it does not on its own constitute good consultation practice (see Box 4). In particular the discriminated semi-nomad forest dwellers that depend most on forests to secure their livelihoods are marginalised in these types of encounters (see Boxes 4, 10 and 11). Finally, there is little evidence that semi-nomads' traditional forest management practices are taken into account by CIB or WCS (see Boxes 7 and 8). Although this has recently begun to change (see Box 10), much remains much to be done.

Up to now CIB's legal right to log their concessions has taken *de facto* precedence over local indigenous peoples' customary rights to use forest resources and to occupy forest land. This is a consequence of the inequality in influence and power between PROGEPP partners MEFE, CIB and WCS, and the indigenous population. This inequality is rooted in a Point of Concern to formally recognise indigenous customary rights. Unresolved conflicts relating to this exist (Boxes 6 - 8), and we concluded that a fair balance between the rights of CIB to develop the concession and indigenous peoples' rights to continue to use the forest has not been achieved.

In our view this is one of the main issues that CIB should address if it is to secure FSC certification.

**BOX 9: Wildlife protection model and community reactions**

The administration of eco-guards' activities has been tightened up substantially over recent years and their duties rationalised. WCS told us that the main focus of their activities was to prevent the exportation of bushmeat from the concessions by controlling the activities of outsiders, notably the refugee influx from DR Congo, and others attracted to the logging industry. In Kabo, WCS explained the basic principles of their wildlife protection strategy within CIB concessions. WCS accompanies, inspects & controls the hunts; CIB supplies transport, driver etc.:

No hunting of protected species.
No hunting in protected areas (including some areas outside the park as well as NNNP).
No cable traps and no unlicensed guns.
No exportation of meat between forester's camps.
No meat or guns in CIB vehicles (whether legal or not).
Local commercial meat trading is permitted, but no export of meat outside the concession.
WCS now takes CIB hunters out on fortnightly hunts rotating through different hunting zones.[86] CIB hunting areas are created in consultation with local indigenous communities so as to keep CIB workers out of village territories.
Legally no hunting camps are allowed inside the UFA so eco-guards will map and destroy the ones they find.
Eco-guards do transects noting dung and habitat types for monitoring animal populations.
Eco-guards inform local people on the law concerning wildlife in Congo.

This reorientation to focus on the main culprits of serious environmental crime – mostly in-coming non-indigenous people, rather than to the mostly subsistence hunting of local indigenous peoples makes sound logistical, public relations and financial sense. PROGEPP' s director told Greenpeace that in 2004 there were only seven semi-nomad infractions of hunting rules, in comparison to many hundreds by other groups. This supports the claim that eco-guards are rationalising their activities, despite protestations among indigenous peoples to the contrary. Eco-guards in 2004 removed 23,041 wire cables from the forest and 84 guns of various types were seized.

Indigenous peoples we interviewed expressed their distress at the intensive hunting practiced by many outsiders. If the current rationalisation of eco-guard activity continues and if this is accompanied by effective communication with indigenous populations and the establishment of fair conflict resolution mechanisms, and if changes to the wildlife management plans are made in favour of subsistence hunting and gathering by the semi-nomad population, it may become possible for communities to begin to appreciate the eco-guards work of deterring commercial poachers. This might encourage alliances between them that could significantly reduce costs without compromising the eco-guards' efficiency. Such alliances may be vital to maintain control over the bush meat trade should the 'National 2' road open the CIB concessions to the rest of Congo.

However, it is clear from our experience that the indigenous peoples of the concessions have yet to notice the eco-guards' change in tactics (see Boxes 6 to 8). This is a consequence of several factors, most noticeable of which are continued abuses by some eco-guards and poor communication between PROGEPP and indigenous communities.

The potential for logging and related activities to impact on subsistence hunting and gathering is very high, as are the potential impacts of new conservation measures over lands used by subsistence hunter-gatherers (see Boxes 6, 8 and 9). Indeed it is in relation to conservation measures implemented because of logging activities that indigenous communities express the greatest resentment. At the moment indigenous peoples' forest access and use rights are being defined by outsiders, including WCS and CIB staff, with limited community consultation or participation in the design of new measures (see Boxes 9 - 11). This un-participative process

[86] In 2002 each CIB hunter averaged 11kg meat per hunt. In 2004 the yield per hunter was 20kg.

has led to a plethora of different zoning propositions created mainly by outsiders using partial information, as indicated by the different versions of forest zoning maps presented to us over the course of our research. None of these maps show how indigenous communities use lands inside the newly designated protected zones.

During our visit we identified several cases where indigenous people's customary rights were in conflict with forest management plans, or where communities' rights had been modified by MEFE, CIB and WCS without communities' free and informed consent (see Boxes 6 - 12). This indicates potential conflicts of interest between, most notably, forest management plans and the forest management regimes of indigenous peoples, especially those related to securing their subsistence.

**BOX 10: Mapping indigenous peoples' forest use**

The team was impressed by the scientific approach to establishing zones of different indigenous populations' forest use. In other parts of the Congo Basin restrictions of indigenous forest use rights are generally imposed without consultation by government agencies. PROGEPP' s approach of first researching local communities' forest use, using GIS mapping techniques and information gathered from semi-nomadic communities, is commendable, and an important step towards developing rational methods for establishing local communities' forest use rights.

However this must be followed by further steps if the full potential of this process is to be achieved. Certain important issues remain:

There is an absence of any Mbendjele permanent villages marked and named on maps used by the project, suggesting that semi-nomad communities' claims over forest areas are not yet systematically recorded;

It appears that semi-nomads are being accessed opportunistically via sedentary farmer villages and through farmer interpreters. In the context of their discrimination and marginalisation by their sedentary neighbours, this is a serious methodological weakness in current mapping practice;

Fine grained participative mapping of the location and variety of indigenous peoples' resource use has not been carried out. This will be necessary if CIB is to be able to prove that they have taken indigenous peoples' concerns into account when planning the annual harvest (VMA);

The process of obtaining usage data is not in line with "good consultation", and does not allow for communities to define their forest rights for themselves;

There is no evidence that local indigenous people understand that the information they provide is being used to fix the limits of their forest use, and there is no evidence of a consultation process to agree forest boundaries. People are generally unaware of the implications of this mapping process in the elaboration of the forest management plan;

It appears that current mapping processes are documenting forest usage as affected by eco-guard activity, rather than what might be communities' forest usage where they not so intimidated by eco-guards (see Boxes 6 and 7). If zoning is based on usage today it will create an artificial picture that may lead to controversy in future.

*2.3 Appropriate mechanisms shall be employed to resolve disputes over tenure claims and use rights. The circumstances and status of any outstanding disputes will be explicitly considered in the certification evaluation. Disputes of substantial magnitude involving a significant number of interests will normally disqualify an operation from being certified.*

During this brief mission we were able to identify a series of conflict areas associated with logging that should be addressed. These included:

1. Disputes over access to forest resources between indigenous communities, CIB and other involved parties which are undermining the customary rights of indigenous communities (Boxes 5 to 9, 11 and 12);
2. Weaknesses in the existing institutional framework and approach to consultation make the resolution of land tenure disputes in a manner consistent with FSC standards unlikely (Boxes 5 to 10);
3. Poor communication between indigenous communities, the administration and other outside parties, has contributed to an atmosphere mistrust, and allegations of abuse (Boxes 5 to 8);
4. The marginalisation of indigenous communities from decisions concerning their use rights and land tenure (Boxes 9 to 11).

It is probable that there are other issues and conflicts exist that have yet to be documented. The key problems so far expressed by indigenous peoples focus principally on the hunting restrictions imposed upon them by PROGEPP as part of the wildlife management policy being implemented by eco-guards, and on the removal, by CIB, of particular *Sapelli* trees that used to be harvested for caterpillars and used in boat making.

**BOX 11: Sensitisation and alternative activities by PROGEPP in indigenous communities**

PROGEPP activities in indigenous communities, although conducted by enthusiastic individuals, are poorly supported within the project. This is most obvious by the small size of this understaffed office in comparison to the size of offices and number of staff involved in monitoring and enforcement. This needs rectification. The marginalisation of the semi-nomadic Mbendjele from these activities was immediately apparent when we entered the PROGEPP office. Cards adorn the walls with the names of all the villages the project works with and linked cards indicate what activities are being undertaken there.

Not a single Mbendjele village is marked on the walls. It was explained that no Mbendjele villages are marked on maps used by the project. Despite mapping the commercially valuable trees in the concessions, large and long-established settlements of the semi nomads; places such as Mombangui, Djello, Ibamba, or Indongo have gone undocumented.

This glaring omission is a poignant example of the degree of marginalisation of the semi-nomads from benefits and support offered to local indigenous people by PROGEPP. The alternative activities offered by the project are designed for farmers (though evidence of their promotion in villages did not emerge, see Box 4) and are only concerned with farmer interests – domestic livestock (taboo for most Mbendjele – see Box 5), fishing and agricultural production. Only those semi-nomads who are employed benefit directly from PROGEPP.

The semi-nomads' presence, concerns and needs are currently absent from project planning and implementation strategies. They are only consulted if they happen to be in farmer villages at the same time as researchers. There is no explicit strategy to address the specific issues of semi nomads. They depend on the benevolence of the project managers and have no effective representation within the project.

The acuteness of their dependence on good will is illustrated in maps defining who has access to use different forest areas that WCS is developing. The outcome of this zoning process will be crucial to the future lives and culture of the semi-nomads. Certain of these forest zoning maps attribute large areas to semi-nomads, whereas published maps, such as the one available on the TT Timber website, mark them as 'un-attributed'. Who is deciding their future? Certainly not the semi-nomads.

During our visit it appeared that conflict resolution with local and indigenous communities has been reactive and dependant on the personal initiative and goodwill of powerful individuals, rather than an embedded

component of company procedures clearly linked to the management plan. Resolution of conflicts through such ad hoc mechanisms means that outcomes for communities are unpredictable.

From discussions with rural and urban indigenous communities it became apparent to us that the former Directeur délégué of CIB, Mr. Jacques Glannaz, was a principle "conflict resolution mechanism" to which they could address their grievances in the concession concerning CIB, WCS and other communities. Communities still look to CIB to fulfil this mediating role, but many people expressed their concerns about the difficulty of replacing Mr. Glannaz, since his long personal involvement with communities in the region had provided him with a deep understanding of local politics and customs which resulted in effective and appreciated solutions to conflicts.

The absence of appropriate formal mechanisms by which disputes can be resolved, combined with indigenous communities' marginalisation means that their livelihoods are highly vulnerable. Under FSC, mandatory conflict resolution mechanisms should be developed with such communities in line with the principles of free, prior and informed consent. Accessible conflict resolution strategies should be developed for both the sedentary and semi-nomad indigenous populations should be developed during establishment of CIB's proposed social programme.

The resulting participative mechanisms of consultation should be integrated with other aspects of the concession management, including the designation and management of VMAs (annual harvests), the building of roads, and the wildlife management plan and protocols (e.g., PROGEPP). These are the areas where conflicts over tenure and resource rights already occur, and may deteriorate as the concession is developed by CIB in coming years.

**Principle 3: The legal and customary rights of indigenous peoples to own, use and manage their lands, territories and resources shall be recognised and respected.**

*3.1 Indigenous peoples shall control forest management on their lands and territories unless they delegate control with prior, free and informed consent to other agencies.*

We found that indigenous communities, especially the semi-nomads, are excluded and marginalized from forest planning and management processes (see above and Boxes 9 to 11)[87] .The indigenous community is not adequately represented in the management system of CIB, nor through any other institutional arrangements other than individual employ, for example, as a member of a tree prospecting team. The indigenous community has not delegated its role in the management of forest they use to any other party. For the FSC, indigenous sedentary and semi-nomad communities should be empowered to participate in appropriate mechanisms of control and consultation, and to develop their own consensus concerning their forest rights.

[87] SECO, op. cit.

**BOX 12: Indigenous uses of the Sapelli tree**

The sapelli tree (*boyo* in Mbendjele and *mboyo* in Lingala) represents an important and highly valued resource for indigenous peoples in northern Congo. Its uses fall into three categories: Food, medicine, and as a construction material.

**Food**: Large sapelli are the unique host of the caterpillar *Imbrasia (Nudaurelia) oyemensis*, a highly regarded local delicacy. Their significance to indigenous people is clear in the labelling of the period when they fall from the trees 'caterpillar season'. Studies in CAR have shown that 75% of the protein eaten by Pygmies at this time is from caterpillars (Bahuchet, 1972). Caterpillars fall from large emergent trees during the rainy season when game is difficult to find, fishing is unsuccessful and next season's crops are not yet ripe. Both farmers and hunter-gatherers consider the caterpillars a blessing due to the shortage of other protein.

Sapelli caterpillars are especially valued for their delicious taste and the great numbers that can be collected in a short time. Their small size (c.60mm by 15mm) and firm texture allow them to dry out exceptionally well for preservation. Sapelli caterpillars are a high value trade item in local commerce. In the late 1990s a sack could fetch 100,000 CFA on local markets. Collecting caterpillars is a communal task that depends largely on the labour of women, children and the elderly. This provides an important source of income for some of the poorest sectors of society.

**Medicine**: The most important medicinal properties of sapelli are the analgesic and anti-inflammatory effects of the bark and outer trunk. It may also have certain anti-bacterial properties. It is commonly used for the treatment of the severe head-aches associated with malaria, of swollen and painful eye infections and also to relieve exhausted and painful feet. Motte (1979:99) reports the use of sapelli bark and trunk in the treatment of abscesses by the Aka Pygmies of the Central African Republic.

**Construction material**: The qualities of durability, insect repellence, strength, buoyancy and water-resistance result in sapelli wood being considered the best material for making pirogues and the central roof-supports of local houses.

*3.2 Forest management shall not threaten or diminish, either directly of indirectly, the resources or tenure rights of indigenous peoples*

As highlighted above, during the mission we identified several problems concerning indigenous peoples' rights to use forests for subsistence purposes. The current zoning of forest areas and non-participative designation of use-rights by WCS may be diminishing tenure and resource-use rights. Accounts by indigenous peoples suggest that limitations of their rights to access and use forest resources are already common (see boxes 6, 7 and 10). This and other evidence suggests to us that the present situation is undermining their customary rights, without their free, prior and informed consent. Consultative mechanisms to compensate them for these losses and damages have not been established.

During our visit we came across no cases where a community had freely delegated control over the forests they used to CIB. Indeed, as described in Box 6, in some cases we researched, communities claimed to have been intimidated by local government into acquiescence as land and trees were taken by CIB. These examples show that indigenous communities' rights are still very vulnerable to the activities of CIB and its partners[88]. Without institutionalised mechanisms to identify and resolve conflicts and without good consultation procedures it is likely that communities' customary rights will continue to be undermined.

*3.3 Sites of special cultural, ecological, economic or religious significance to indigenous peoples shall be clearly identified in cooperation with such peoples, and recognised and protected by forest managers*

The semi-nomads' resource rights, (such as harvesting sapelli for caterpillars – see Box 12, or to hunt wild animals) are widely distributed throughout the concession.

[88] In the case of the establishment of Nouabalé-Ndoki National Park (NNNP) Kaka from Linganga and Mbendjele communities from Linganga, Makao and Bayanga have been denied access to forest they consider their own by the imposition of the protected area, and traditional forest paths connecting these communities that marry each other have been closed to them (Lewis 1997b: 18-19, 38).

Mobility is central to indigenous resource management practices. It enables the semi nomads to use resources according to changing ecological conditions, political contexts, seasonal changes and cultural imperatives. There is overwhelming evidence to show that indigenous hunter-gatherer communities' rights to use the forest have been undermined and remain vulnerable to both logging and wildlife management operations.

Detailed information on how semi-nomads define their rights over the forest and its resources is still not available, in spite of the socio-economic studies carried out over the past few years.[89] WCS has recently begun to document current usage. But this does not take into account historical use patterns, nor does it take into account the impact of restrictions on current hunting and mobility due to eco-guard and logging activity. There is thus a likelihood that such exercises will not be able to fully capture the extent of semi-nomads' forest use, which is crucial for defining their rights. Under FSC Principles and criteria indigenous communities should be able to define these rights for themselves.

*3.4 Indigenous peoples shall be compensated for the application of their traditional knowledge regarding the use of forest species or management systems in forest operations. This compensation shall be formally agreed upon with their free and informed consent before forest operations commence*

CIB and PROGEPP have benefited from Indigenous Peoples Knowledge (IPK) through their work with indigenous individuals or groups who provided knowledge of the ecosystem that has considerably facilitated access and identification. In exchange these people directly involved are sometimes provided with money or goods, although CIB and PROGEPP documentation on this was not evident. It appears that there is no clear mechanism by which the indigenous community as a whole are compensated for the use of this communal knowledge and set of skills.[90] Mechanisms for appropriately compensating communities need to be developed with them by CIB and other involved parties.

**BOX 13: Key Articles relating to indigenous peoples from the Convention on Biological Diversity**

**Article 8(j)** obliges States "as far as possible and appropriate." "Subject to its national legislation, to respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices."

**Article 10(c)** obliges States "as far as possible and as appropriate," "to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements."

**Element 2** of the CBD Programme of work on Protected Areas, on Governance, Participation, Equity and Benefit Sharing, established at COP 7 (April 2004): "*Recalls* the obligation of the Parties towards indigenous and local communities in accordance with article 8(j) and related provisions and notes that the establishment, management and planning of protected areas should take place with the full and effective participation of, and full respect for the rights of, indigenous and local communities consistent with national law and applicable international obligations."

[89] Including, for example, Moukassa, A (2001); Pierre, Jean Michel (2004).
[90] CBD, op. cit.

**Conclusion**

This section summarises the major outstanding issues in the context of FSC Principles 2 and 3 and is followed by recommendations to enable compliance. By regional standards CIB has gone far in seeking to address many of the pressing social issues that accompany urbanisation around industrial logging activity in remote Central African forest. However, as CIB management recognise, and the preceding sections demonstrate, in the context of achieving FSC certification there remains a great deal to be done.

The preceding discussion concludes that both CIB and the indigenous communities have the right to use forests in CIB concessions. CIB's rights are based upon permissions granted to it by the government of the Republic of Congo. Indigenous communities possess rights to their forests based upon their long term occupation and use of them, exemplified by the link between forest, culture and the livelihood of the semi-nomad community. These rights are recognised by international treaties signed by the government of Congo[91]. CIB has yet to formally recognise indigenous communities' rights and indigenous communities are presently marginalised from CIB's management structures, and co-management processes such as PROGEPP.

Indigenous communities are currently barely aware of logging plans and conservation proposals for CIB's concessions, and there are no mechanisms by which indigenous communities are systematically informed and consulted about them. For FSC certification this must change since evidence clearly shows that current management strategies are having negative impacts on indigenous communities' access and use of their traditional forest. Zoning proposals for CIB's management plan produced by CIB and WCS are not based upon a full understanding of indigenous communities', especially the semi-nomads', forest rights. This is contrary to FSC norms, and is likely to lead to an increase in the number of disputes over forest tenure.

Under current conditions such disputes cannot be resolved fairly because relevant conflict resolution mechanisms do not exist within CIB's management system, and indigenous communities' capacity to negotiate with CIB managers is very low. We therefore conclude that indigenous communities' rights are under threat from the activities of CIB and its PROGEPP partners. Urgent measures to reduce this threat and promote improvements in line with FSC Principles 2 and 3 are set out below.

**Key recommendations for achieving compliance with FSC Principles 2 and 3:**

1. *Enable Participation and Consultation;*
2. *Clarify and document indigenous peoples' rights;*
3. *Build Institutional Capacity and Infrastructure.*

[91] Existing national laws are unclear about the extent of forest peoples' rights to forest land and resources and certain laws are in contradiction with Congo's international commitments. National laws governing forests and biodiversity do not yet fully conform to agreed international norms such as FSC.

**1. Enable Participation and Consultation**

In order to enable participation by indigenous communities in the development and implementation of the forest management plan in line with FSC principles, CIB should establish a process of "good consultation", targeting indigenous communities, which:

- Is culturally appropriate;
- Targets both sedentary and semi-nomadic indigenous communities;
- Provides timely information to communities about forest plans and other processes that may affect their rights;
- Documents their views concerning these plans;
- Enables communities to present their views to CIB managers;
- Includes feedback and negotiation mechanisms that demonstrate to communities how their views and rights are taken into account in concession management plans;
- Builds the organisational and technical capacities of indigenous communities;

Measures to facilitate indigenous communities' participation should include:

- The establishment of a specialised group of extension workers, that includes indigenous community representatives, to build direct links between CIB management and indigenous communities throughout CIB concessions, to inform communities about forest plans, and to systematically document community views for CIB managers;
- To develop a concession-wide local language radio service targeting indigenous communities to provide them with relevant information concerning forestry plans, consultation programmes etc, and a forum for exchanging views. Indigenous people must be involved in its development and management from the outset.

**2. Clarify and document indigenous peoples' rights in the concession area**[92]

***Implement Community-based Land Use Mapping***

In order to reduce the threat to communities from logging operations, and to help communities to define their rights in line with FSC guidelines, CIB should resource and ensure a participatory process for the identification and documentation of indigenous communities' forest use and their perception of their customary rights. A community-based mapping process that includes all the indigenous peoples living in CIB concessions would lead to the production of community-owned maps based upon community-generated data documenting their forest use and their key resources. Integrating these maps into CIB's planning procedures would resolve a number of outstanding issues.

***Clarify the legal framework***

CIB should work with the government of the Republic of Congo, notably with the Ministry of Justice and Human Rights, to clarify the legal situation of the indigenous communities in northern Congo, especially the semi-nomadic population, particularly with respect to their access and use of forests now in CIB concessions. This will require examination of existing legislation governing forests, biodiversity protection, and indigenous peoples in relation to FSC and other international norms

[92] tt argues that a private company such as CIB cannot clarify the law; that is the prerogative of the government, possibly with pressure from NGOs.

(See recommendation N. 2 to the Government of Congo). This could contribute to the development of reforms to support the government of the Republic of Congo to comply with its international obligations under the CBD, and facilitate implementation of FSC standards and regional agreements such as the 2005 COMIFAC treaty. The Congo government has already ratified the Sangha Landscape project that overlaps all of CIB's concessions.

**3. Building Institutional Capacity and Infrastructure**

- CIB should establish a dedicated unit at management level that will be responsible for enabling compliance with all relevant social provisions demanded by FSC, especially those programmes targeting the indigenous communities. CIB needs to recruit new expertise to manage this work. This unit should pro-actively manage CIB's interactions with communities, and systematically document the outcomes. This unit should have ultimate responsibility for all CIB's activities or programmes that affect indigenous communities, including wildlife management programmes such as PROGEPP.

- Through its work with indigenous communities CIB should establish appropriate and fair dispute resolution mechanisms in its concessions that include the meaningful participation of indigenous community representatives.

- CIB should consider the development of concession-wide community compensation measures specifically targeting indigenous communities' needs such as mobile health services, adult literacy, and appropriate education systems.

- In order to eliminate doubt about its work with indigenous communities, and the impact of its activities on them, CIB management should agree to regular independent monitoring of its work. The role of the independent monitor should be included in a new protocol between CIB, MEFE and WCS.

- CIB should issue a statement of intent setting out what it intends to do in order to satisfy the requirements of FSC Principles 2 and 3.

- CIB should establish partnerships with competent individuals and institutions, to support the development of its capacities and procedures with respect to indigenous communities, and to provide independent advice.

## Ecological Impacts part I : Impacts of Industrialisation by CIB

CIB's industrial centres are mainly located alongside the Sangha River in Pokola, and on a smaller scale in Kabo. CIB owns 5 sawmills and 25 drying kilns. They maintain 3 permanent forest camps (Ndoki 1, Ndoki 2 and Loundoungou) in the forest with a population between 300 and 1200 people each, mainly forest workers and their families[93].

**Problems related to Industrialising remote forest areas**

**Pokola**

Before CIB started operating in northern Congo in 1968 Pokola was a small village of 150-300 inhabitants. Until the year 2004 population increased tremendously and Pokola today is a town of about 13'000 inhabitants[94]. The primary reasons for this growth are the industrial forest activities of CIB which provide employment, health care and, compared to other villages or towns in the area, a network of functioning infrastructure.

Pokola became and still remains a centre of attraction in the north of Congo. Even if the growth rate is slowing down, population growth remains a huge threat to the forests, the social development and the social security of the area. Some of the most negative impacts on the forests around Pokola include: the clearing of forests (planned to an extent of over 4000 ha), high pressure on wildlife through hunting and poaching, opening of forests in an area of about 1'300'000 ha, fragmentation of a relatively undisturbed forest ecosystem and finally changes imposed upon traditional peoples such as the Mbenjele Pygmies living in the area. The growth of Pokola was unplanned for and did not take place in a sustainable manner. The scale of CIB's activities does also induce a high responsibility of the company' with regards to the impact its presence and activities create. A planned national road to the North of Congo will further increase existing pressure on Pokola.

Points of concern

- No Environmental or Social Impact Assessment studies have been presently carried out for the UFA of Pokola[95].
- Although the government of Congo is the entity primarily responsible for planning development; no clear and coherent development strategy is apparent for the region (See Recommendation No. 1 to Government of Congo).

Recommendations

- EIAs and SIAs should be completed as planned and made public before compliance with FSC principles can be achieved. The aim of these impact assessments should be to avoid even greater uncontrolled demographic growth of the Pokola area.

[93] Van der Walt, L.(2004) '*Experience of Congolaise Industrielle des Bois in Sustainable Tropical Forest Management*', Power point Presentation.
[94] In 1999 Pokola counted 7'200 inhabitants, in 2003 12'634, with a medium annual growth rate of 16%. The annual growth rate slowed down from 27% to 11% in this period.
[95] Although tt informed us that an EIA on the extension of the Pokola and Kabo sawmills has recently been carried out in 2005, in which a socio-economic study is recommended.

- These studies must clearly identify the various population categories (see Box 3), their potentially differing rights and interests, particularly with regards to farming and hunting, and present possible solutions to conflicts of interest.
- The socio-economic study recommended in the EIA on the extension of mills in Pokola and Kabo should be carried out and made public[96].

**Kabo**

Kabo also hosts CIB industrial facilities, but the village is much smaller than Pokola. However its growth rate is even higher than Pokola's. In 1999 Kabo had 1406 inhabitants; at the end of 2003 numbers had increased to 2665 inhabitants. The average annual growth rate was 21%, although decreasing in 2004. An area of over 2500 ha has been either cleared or set aside to develop the village. The impact on the region, the environment and the local population are similar to those in Pokola, but on a smaller scale.

Points of concern:

- CIB lacks a policy that describes all measures required to reduce the pressure on the forest and the local population resulting from the growth of Kabo (see the previous chapter's description of social impacts)
- The EIA did not integrate the local population inasmuch as they were not aware of the conduct of the assessment, its purpose and its outcome[97].

Recommendations:

- CIB must develop policies aiming to control the growth of Kabo, in collaboration with other PROGEPP partners, particularly the Government of Congo. These policies must be implemented and constantly monitored ( See Recommendation N.1 to Government of Congo).
- An Environmental and Social Impact Assessment has been completed for the Kabo concession. Its results should be made pubic and taken into account regarding future planning of the region's development.

**The National Road through Loundoungou**

CIB and the Government of Congo signed a "Cahier des Charges" for the concession of Loundoungou, whereby the company agreed to build a national road that links the upper north of Congo with Pokola. During our December 2004 visit, we were taken to the road building site. Construction was quite advanced, with the CIB caterpillars only 20 km away from the northern end of the concession. Up to now the Loundoungou concession is a large, relatively intact forest area that has suffered little from human impacts. The new road will open currently undisturbed and inaccessible forests. This road will be open around the clock, unlike CIB's logging roads within the concession which are closed between 22.00 and 04.00. It is likely that pressure from outside will increase, that access will be facilitated for poachers and that overall pressure on wildlife, forests and the local populations' subsistence resources will increase. It is likely that the costs for bushmeat mitigation will increase tremendously. In addition, further uncontrolled population growth in the Loundoungou area will increase the pressure on forest resources and inhabitants.

[96] Greenpeace has not seen the EIA on the extension of Pokola and Kabo' s sawmills. This recommendation stems from information given by tt.

[97] According to tt, the EIA went through a detailed exercise to achieve this.

According to WCS, the eco guard anti-poaching programme cannot solve all wildlife poaching problems. There is a point at which the pressure (demographic, economic, etc.) becomes such that a change of scale occurs and a parallel increase in law enforcement measures will not be effective to control or suppress poaching, particularly in a general context of relative lawlessness.

It is extremely problematic that road building has started without the completion of environmental and social impact assessments, although the issue was raised in the wider Loundoungou UFA EIA (as later indicated by tt). This EIA has not been made public

Points of Concern:

- No social impact assessment has been elaborated prior to starting road construction, either by the Government, or by CIB.
- It remains unclear what the conclusions of the Loundoungou EIA were with regards to the construction of this road, and whether they have influenced the road building.
- The impacts of the Loundoungou road on the NNNP are likely to be severe and long term. Little account of this issue seems to have been taken (See Recommendations N. 4 and 5 to Government of Congo).
- CIB lacks a policy that describes all measures taken or to be taken in order to reduce the pressure on the forest and the local population resulting from the building of the Loundoungou road..
- The building of the Loundoungou road is not integrated into a regional development plan (See Recommendation N.1 to Government of Congo).

Recommendations:

- Loundoungou Road EIA & SIA[98] on the consequences of road building and use must be carried out (see Box 3 p. 24 for definitions). These impact studies must clearly reflect the local peoples interests and rights, and suggest possible solutions to problems created by road building and use and must be made public. Policies must be developed and measures taken to counteract and limit the negative ecological and social impacts of the Loundoungou road, implemented and constantly monitored (See Recommendation N. 4 to Government of Congo).

**The Loundoungou Sawmill**

The construction of this sawmill is one of Greenpeace's key concern with respect to the long term protection of the Nouabalé Ndoki National Park, and with respect to the viability of CIB's FSC process.

CIB and the Government of Congo agreed on a "Cahier des Charges" for the Loundoungou UFA which requires the construction of a sawmill in the Loundoungou forest. The creation of the sawmill may require the clearance of several thousand hectares of primary forest, as was the case with Pokola and Kabo. A new industrialised centre would be created in the middle of a primary rainforest adding tremendous pressure on the forest, wildlife and the traditional life-style of local peoples.

[98] CIB later indicated that the national road issue does appear in the EIA of the Loundoungou UFA, and that a SIA is currently carried out. The rules outlined in CIB's protocol for logging roads does not apply to this national.

Combined with the building of the national road through the concession, this sawmill represents a huge additional threat to the integrity of the forest ecosystem, the effective protection of the Nouabalé Ndoki National Park (NNNP) and to the long term goals of ecological and social sustainability of CIB's operations, which are a condition for achieving forest certification under the principles of Forest Stewardship Council. The immigrant population attracted to employment prospects would have a deep and lasting impact on the primary forest, as has been clearly shown in Pokola and Kabo, where the resident population greatly exceeds employed staff, families and service providers, and where their impacts are still largely uncontrolled. It has been suggested this sawmill should be build in Pokola, rather than Loundoungou, for economic, social and environmental reasons.

Conclusions:

- The uncontrolled population growth and activities resulting from the construction of the Loundoungou sawmill would undoubtedly add pressure to the neighbouring NNNP, and compromise the already considerable and costly efforts made by PROGEPP to minimize the impacts of neighbouring logging operations and associated poaching activities on the area's wildlife.
- The building of the Loundoungou sawmill would significantly jeopardise CIB's FSC process, equally from economic, social and environmental perspectives.
- It is to be expected that the building of the Loundoungou Sawmill would have a heavy impact on the flora and fauna of these largely intact forests, as well as on the indigenous people living in this area.
- The Loundoungou sawmill project clearly highlights deficiencies in regional development planning and policies (See Recommendation N.1 to Government of Congo).

Points of concern:

- Sustainable, appropriate and functional solutions to the problems created by the industrialization of forest sites such as Pokola and Kabo have not been explored, found or implemented before further plans on new centres of industrialisation are developed, particularly in intact primary forests. This is the case with the plans to build the Loundoungou sawmill;
- No environmental or social impact assessments concerning the potential effects of the building of a new industrial centre have been completed/made public.
- The cost benefit analysis of the Loundoungou sawmill project (environmental, social and economic) has not been carried out. Based on current experience in Pokola and Kabo, it is clear however that the ecological consequences of opening a new industrial centre in primary forest are more than likely to be negative and that with little existing governmental staff or infrastructure, mitigation measures will be impossible to implement effectively.

Recommendations:

- Greenpeace therefore urges CIB and the Congolese government to abandon the plan to construct a sawmill at Loundoungou (See Recommendation N. 6 to the Government of Congo). Greenpeace strongly recommends that this industrial project be reconsidered and relocated to an existing industrial centre such as Kabo or Pokola.
- CIB should explore and present to the central Congolese government, the Likouala regional authorities, populations, elected representatives and other concerned stakeholders alternative development activities and measures for the Likouala population in order to adequately replace those potentially provided by the Loundoungou sawmill.

- All wood processing should be carried out in Pokola or Kabo. Special Impact studies on further industrial development should be initiated, completed, analysed and discussed with the central Congolese government and concerned stakeholders.
- CIB should make its Cahier des charges public.
- Sustainable, appropriate and functional solutions to the problems created by the industrialization of forest sites such as Pokola and Kabo should be explored and implemented before new centres of industrialisation are created, particularly in primary forests.
- Studies on the potential effects of the building of new industrial centres should be initiated, completed and made public. These studies must clearly reflect the local peoples interests and rights through prior informed consent and suggest possible solutions for conflicts of interests.

**Conclusions on CIB's EIAs and SIAs**

The process of industrialisation is quite advanced in Pokola and Kabo. In general it has not been planned and impact assessments general occur *post facto* rather than in the logical sequence. However, besides describing the impacts of industrialized centres, the EIA and SIA should also form the base of the measures required in order to reduce these impacts. Recommendations and concrete policies addressing negative impacts should be developed. CIB must continue to develop the EIAs and SIAs for all areas and to aim for certification in all its concessions.

- Environmental Impact assessments have been completed for the UFAs of Kabo and Loundoungou
- A social Impact assessment has been completed for the UFA of Kabo
- Environmental impact assessments for Pokola, Toukoulaka and the UFE of Pikounda have not been carried out and should be completed as planned before compliance with FSC standards can be reached.
- Social impact assessments for Pokola, Toukoulaka, Loundoungou and Pikounda should be completed before compliance with FSC standards can be reached.
- According to tt, the Loundoungou EIA included a section on the planned road building and sawmill

## Ecological Impacts Part II : Impacts of CIB Forest Exploitation

Although our time in the field was limited, the operations we did witness (felling etc.) were of high technical quality. We participated in several meetings with CIB's cellule d'aménagement in which they explained the processes undergone to obtain data, analyse them, produce managements plans and develop further operational procedures. The section below is therefore based on data supplied by CIB, and used by Greenpeace.

During the past few years CIB has developed a number of maps studies, analyses and protocols[99]. Based on the information generated by these studies, CIB defined a process outlining the development and adoption of new regulations. Generally, the management plan department carries out a study on a certain topic to research and understand the problems and processes associated. It is then approved by all parties concerned. Following the recommendations of these studies operational procedures are then formulated and formally signed by CIB senior management. The moment it is signed off, it becomes adopted as CIB policy and as such it is communicated to employees (accompanied by the necessary training as needed). Evaluation and monitoring of the implemented procedures are put into place. Results from monitoring are then fed back into the operational procedures and which are adjusted (corrective actions) accordingly at predefined intervals (normally once a year).

**The CIB management plan**

Greenpeace acknowledges the fact that CIB is Congo's most advanced company in the elaboration of a forest management plan. This plan should enable CIB to reduce the impacts of its logging operations on the ecosystem and the local populations. The CIB management plan aims at compliance with the FSC standards, and is produced by CIB's Cellule d'Aménagement, which includes MEFE officers. It is then examined and approved by the MEFE, and finally legalised by all the Government's Ministers (Conseil des Ministres).

Before the management plan was developed the entire concession area was designated for timber production. With the management plan 5 different series[100] are being created. These series include:

- sustainable timber production ,
- conservation of areas of ecological, biological or cultural interest,
- protection of fragile ecosystems such as wetlands,
- community development units,
- Research units (can be part of the other areas).

**Inventories**

Before the management plan was developed, the annual allowable logging volume for every concession was determined by the Congolese administration. The calculated volume was based on older Tropical Forestry Technical Centre (CTFT[101]) and FAO studies, prepared for northern Congo. The yearly logged area was calculated by the logging volume allowed. The inventory concentrated on the areas to be logged and was done the year before. The administration was requested to authorise the number of trees per species and the limits for the "Assiettes de Coupe"[102] for the following year.

[99] See list of CIB studies and policies
[100] « série » : zones
[101] Centre Technique Forestier Tropical
[102] Assiette de Coupe : Annual Cut Block

The inventory concentrated on the volume authorised by the administration. The number of species to be extracted was determined by the company. The minimum diameters were and still are determined by the administration for the whole of Congo. With the implementation of the new management plan the exploitable volume is calculated on the analysis of the inventory results which are being carried out on UFA level.

The logging of "series" in forest production units[103] and "assiettes annuelles de coupes" allows to plan and guarantee the exploitation of commercial species over the duration of the rotation established in the management plan. These units correspond to five years exploitation and are determined by the exploitable volume and the commercial species. The commercial tree species are chosen according to the current market.[104]

In 2001 the Congolese government and CIB initiated an inventory of the four UFAs (and later, of the Pikounda UFE as well) with financial support from GTZ, AFD and FFEM[105]. The main objective of the inventory was to estimate the timber resources in order to determine exploitation possibilities. The inventory was carried out by CIB's Cellule d'Aménagement, with some technical support from TWE[106], a consulting company. The inventory covered mainly trees above 20cm DBH (Diameter at Breast Height) and regeneration data (5-20cm DBH) for the main tree species. Data was collected on the different forest types, soils, forest covers and structures, population composition (abundance of species, diversity...), density and diameter distribution, standing volume, commercial volume, quality of trees, etc... In addition, Non Timber Forest Products (NTFPs) used by the local population were recorded. An inventory of wildlife and human activities was also carried out, but required a separate analysis by PROGEPP partner WCS.

Conclusion

- The collected data seems comprehensive and forms a sound basis for timber management planning and third party control within the FSC certification process.

**Effects of the sylvicultural management on the forest ecosystem**

The section on forest exploitation effects is based on the Kabo Inventory Report, and therefore only concerns Kabo and not CIB's other concessions.

The forests of the Kabo concession show a typical tree species distribution for moist tropical forests: very few species occur often, many occur scarcely. The 20 most abundant species represent more than half of all individuals. They also represent about 35% out of all trees above 80cm. Amongst the commercial species, Sapelli and Ayous occur relatively often (0, 86/ 0, 78 trees larger than 40cm per ha). Sipo is much more scarcely distributed and is not amongst the most abundant species in the Kabo concession (0,081 per hectare).

[103] UFP : Unité forestière de Production
[104] All management plan information is based on the « comparaison de la planification de l'exploitation forestière avant et après l'aménagement », CIB, February 2005. Data was presented to GP Mission by CIB's Cellule d'Aménagement during meetings.
[105] GTZ gave a 690,000 euros grant, FFEM a 873,000 euros grant, and AFD a 1.3 Million euros loan.
[106]Tropical Wood Environment, an independant consultant based in Libreville bureau d' études.

**Commercial Tree Species & their Selection**

Nearly 250 tree species have been identified within the CIB Kabo concession[107]. Amongst these MEFE identified 20 species which are frequently exploited. CIB identified 47 species as secondary species. These species are currently less commercialised, but are considered by CIB to have a market potential in the future. The main harvested species are Sapelli, Sipo, Tiama, Ayous, Iroko and Wengué.

In the Kabo concession these six species represented 98% of the total volume exploited between 1978 and 2002. Sapelli and Sipo alone represented 87% of this volume, or respectively 75% and 12% of the total volume logged in that timeframe. The number of species logged has increased since 1996. Whilst only 3 tree species were logged in 1996, the number had increased to 26 species in 2002, followed by a decrease of Sapelli production. (88% of the production in 1996, 63% in 2002). Nevertheless, the absolute logging volume has also increased significantly (from 36340m³ in 1996 to 152493m³ in 2002), so that only the relative, Sapelli production has decreased. Absolute Sapelli production has in fact tripled between 1996 and 2002[108].

Data has been collected on the estimated standing volume of the main tree species. For the 20 main species a total standing volume of 8.567 Million m3 has been calculated. The exploitable volume (above DME[109]) is estimated at 6.762 Mio m³, of which 4.866 Million m3 have been identified as commercially exploitable (DME+10cm). This means that theoretically a standing volume of 24.14 m3 per ha[110] could be commercially exploited by the company.

The inventory data for Kabo shows that amongst the main species most of the commercial volume is represented by Ayous (over 27%). Sapelli (above DME) represents 17, 7% of the volume, Sipo only 2, 4% and Wengué 0, 9%.

The "reconstitution rate" has been calculated for the main species (for 3 different rotation durations and for different diameters).[111] However, these reconstitution figures should be interpreted with care because they do not show general regeneration deficits, including those which could have been caused by previous exploitation.

CIB decided to harvest no Afrormosia or Ebony trees on the basis of their scarce distribution within the concession areas and their classification on the endangered species lists[112]. This measure reduces the impact of CIB's forest exploitation on these two endangered species.

CIB's management has already taken certain measures which could reduce the pressure on Sapelli and Sipo by attempting to commercialise more tree species, even though they would have to cut less Sapelli and Sipo in absolute numbers.

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[107] Paget, D. et al (2004) *Ressources Forestières Unité Forestière d'Aménagement de Kabo, Rapport d'Inventaire d'Aménagement*, version provisoire. CIB et MEFE

[108] Paget, D. et. al, op. cit.

[109] DME : Minimum Exploitable Diameter

[110] Paget, D. et al (2004), op.cit., page 7, table 37.

[111] The reconstitution rate is based on the number of future trees above the DME (i.e. the trees that will reach the DME after one rotation, taking into account natural mortality and felling damages). This number is then compared to the number of trees that could be exploited at the current rotation (one rotation length in the CIB concession is usually 30 years).

[112] Afrormosia is listed on CITES Appendix 2 and Ebony is listed as endangered on the IUCN Red List

It will be a challenge for CIB to find new marketing approaches to open the market access for less valuable tree species, especially since relatively long transport distances to ports increase the costs and therefore the timber prices. The European market requires high quality timber so that lower quality timber is more difficult to sell.

Points of concern:

- So far primarily economical and ecological (such as DME, quality...) criteria are taken into account to decide whether a tree should be felled or not. An inventory software which can incorporate all inventory datasets has been developed by CIB. However, its level of advancement and the extent to which it is already implemented in field management (including in selecting trees for felling) remains unknown to Greenpeace.
- Since the management plan is not finalised yet, it remains unclear whether calculations which ensure that not more volume per species is logged than grows back within one rotation cycle are being incorporated and already affect management measures.
- In the past decades logging has concentrated mainly on the two species Sapelli and Sipo, as is the case in most of this part of the Congo basin[113]. The standing volumes of both Sapelli and Sipo have been significantly reduced. This raises serious concerns about their reconstitution and must have clear implications for further logging these two species in all concessions. Yet it remains unclear whether CIB has reduced the absolute logging volume of both Sipo and Sapelli since 2002 or whether it is planning to do so with the implementation of the management plan.
- The concentration on Sipo and Sapelli is also problematic for ecological and social reasons. Ecologically, removing a disproportionate number of large individuals of these two species has significantly affected their diameter distribution and may have effected tree species composition[114]. In the longer term, the genetic variability of the species may be affected, as well as their ability and resilience to adapt, particularly in the context of human induced climate change[115]. Socially, Sapelli is used by local indigenous peoples so that its exploitation also has consequences for their food security as well as their access to medicine and construction material(See Box 12).
- The selection of a wider group of potentially commercial tree species based on the UFAs inventories could help reduce the pressure on Sipo and Sapelli. However, this measure can only be effective if the reduction of Sipo and Sapelli volume logged is absolute, rather than simply relative.
- Criteria for adapting timber management to commercial species' Red List status are unclear. Ebony and Afrormosia have been excluded from exploitation, whereas this precautionary approach may also be required for the other red-listed species also occurring and harvested in the concession.

Marketing lesser known timber species in an attempt to reduce pressure on a few target species (Sipo, Sapelli) may make sense in CIB's current FSC logic. However it may also indirectly create significant new ecological problems when concession holders operating in a more predatory manner in the region take advantage of the newly opened markets for lesser known species and start cutting these without reducing pressure at the same time on the already known and easily marketed species such as Sapelli and Sipo, etc. (See recommendation No. 7 to Government of Congo).

[113] Hall, J.S. et. al(2003), op. cit.
[114] See also two studies on *Entandrophragma* species: Hall, J.S. et. Al (2003) and Makana, J.R. (2004)
[115] Van Gemerden, B.S. (2003) Disturbance, diversity and distribution in Central African rain forest, PhD Thesis.

Recommendations

- Considering the fact that CIB has classified their entire concession area as HCVF to reach both ecological and social sustainability, the measures taken should follow a precautionary approach. Ecological and social criteria should be considered in planning processes equally with economic criteria. In particular, CIB must recognize and respect the needs of the local population (See Boxes 7, 10 and 12).
- All relevant social information should be collected in co-operation with indigenous people, fed into the inventory program and taken into account before the decision to harvest a tree is made on an equal weighing with economic and (broader-base) ecological information.
- The software program incorporating ecological and social criteria into inventory and management plans could be a useful example for other forest operations. Results and workability should be made publicly available and frequently monitored.
- Measures to minimise the risk of overexploitation should be taken in cases where data demonstrates or strongly suggests problems. These measures could include further increasing the Minimum Exploitable Diameter (DME), extending the rotation cycles or harvesting significantly less absolute volume of specific species compared to previous practices. CIB should commit to keep as much as possible the natural tree species composition and use monitoring in the reference areas to verify this.
- Particular attention should be paid to the reconstitution of Sipo and Sapelli. The measures taken by CIB to reduce pressure on Sapelli and Sipo (e.g. increasing DME and attempting to commercialise larger group of species) should be monitored and evaluated. If indicated, Sipo and Sapelli should be logged significantly less or not at all until they have recovered from the effects of exploitation (See Recommendation N.8 to the Government of Congo).
- Further knowledge on the main harvested species' autecology and their role within the forest ecosystems is required and should be gained through (possibly commissioned) research.
- A post-harvesting monitoring system should include and address research results on tree genetic diversity.
- CIB should clarify the criteria currently used for applying a precautionary approach to all IUCN Red List timber species

**Regeneration**

Regeneration has been researched for the 20 main species (with the exception of Azobé, Padouk, and Tali). The inventory has been carried out on 0, 2% of the mixed forests[116] of the Kabo concession.

The research study on the Forest Resources in the Kabo UFA [117] from 2004 shows the following results:

Absolute Density of Regeneration:

- In general the absolute density of Sapelli regeneration is relatively high for the diameter classes of 5 to 20 cm.
- Absolute density of regeneration seems weak for Ayous and Sipo (less than 0, 1-0,5 trees per hectare), as well as for Doussié and Bilinga. Absolute density of regeneration seems very problematic or not

[116] "forêts mixtes de terre ferme"

[117] Paget, D. et al, op. cit.

identifiable for Iroko (less than 0, 1 tree per hectare), as well as for Aniégré, Etimoé, Afrormosia and Acajou (*Khaya anthotheca*).

It is problematic to look at species regeneration without looking at forest composition in general. If a species is found in low density, its regeneration can hardly be compared to that of a species in high density. This is why the abundance indicator must also be taken into account. The abundance indicator compares the regeneration of a species to the number of trees above DME.

*Fig.1. Regeneration Density by Diameter Class for Kabo's main tree species*

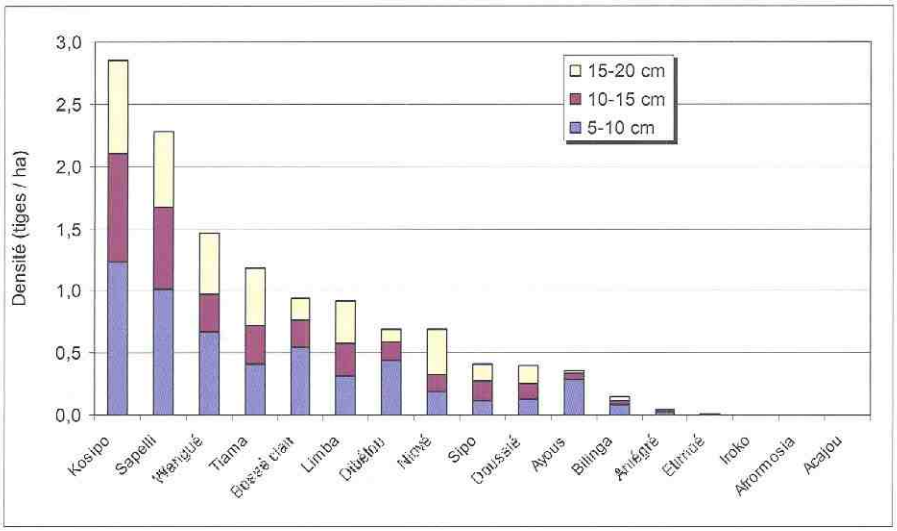



**Figure 27 : Densité de régénération par classe de diamètre pour les essences principales sur l'UFA de Kabo**

Regeneration in comparison to number of trees above DME (Diamètre Minimum d'Exploitation) per hectare (abundance indicator):

The abundance indicator (trees per hectare 5-20cm DBH/ trees per hectare >= DME) in certain cases shows different results than absolute density numbers[118]:

- Sipo and Sapelli Regeneration seems abundant[119] ;
- Tiama, Bossé Claire, Dibétou, Doussié, Kosipo regeneration seems strong[120];
- Ayous, Iroko, Afrormosia, Acajou, Etiomé and Limba regeneration is very weak and seems very problematic. [121]

Exploitation effects on regeneration

The following results show that weak regeneration cannot automatically be considered as an effect of exploitation.

[118] If the abundance indicator is <1, regeneration is considered very weak, if it is >10 it is considered very abundant; in between these values, regeneration is abundant

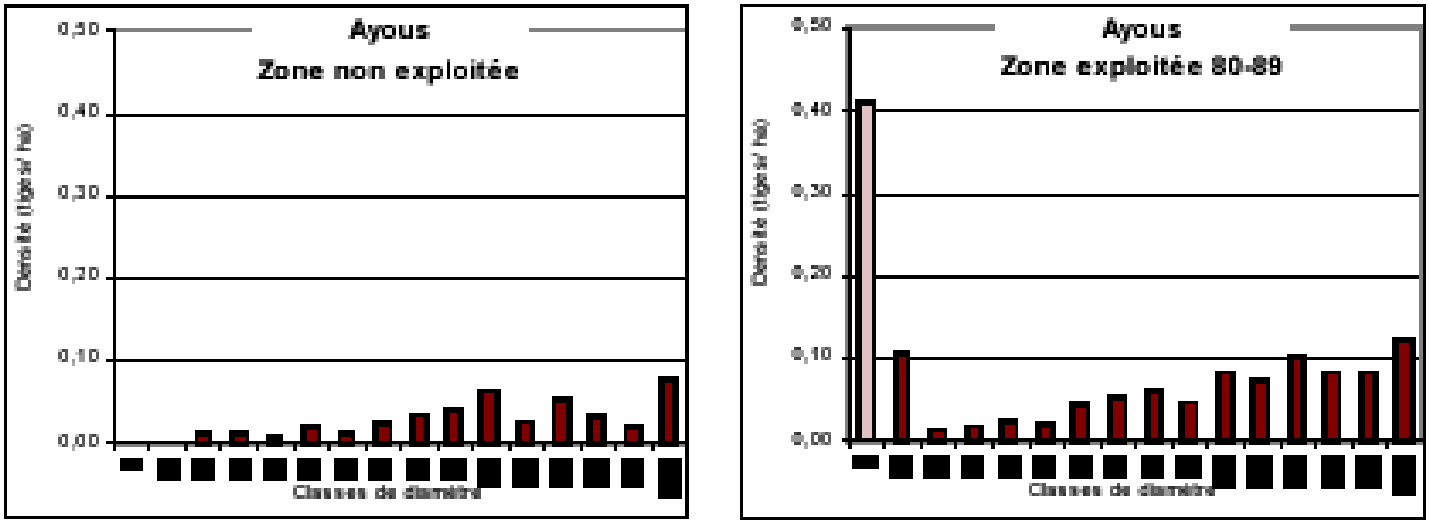
[119] Abundance indicator for Sipo: 6,9, Abundance indicator for Sapelli, 4,2

[120] Abundance indicator for Tiama: 11,9

[121] Abundance indicator of those species: <1

- The absolute regeneration density (trees per ha) and abundance indicator of Ayous (5-10 cm) is higher in areas that have been logged between 1968 and 1979 than in areas that have never been logged.
- The absolute regeneration density (trees per ha) and abundance indicator of Sipo (5-10 cm, 10-20 cm) is higher in exploited areas, highest in areas exploited between 1980-1989
- The absolute regeneration density (trees per ha) and abundance indicator of Sapelli (5-10 cm, 10-20 cm) is highest in areas logged between 1980 and 1989; it is also higher than in non exploited areas.
- The heliophilous species Ayous and Iroko do not regenerate well in unexploited areas.
- The density of regeneration seems to be higher in exploited areas than in unexploited areas.[122]

*Figure 2: Density (trees/ha) of Ayous per diameter class in unexploited and exploited areas (Paget, D. et. al, (2004) op. cit. figure 32)*




Conclusion:

- Exploitation can lead to increased or decreased regeneration and may therefore (together with a differing tree species density) lead to different tree species composition in exploited areas[123].
- In general CIB increases the DME to ten centimetres above the current legally required level (also for economic reasons). Mature trees therefore remain longer in the forest to seed. The legal minimum diameter required for Ayous for example is 70 cm. CIB only harvests Ayous trees of more than 100 cm.
- Regeneration in Marantaceae forests[124] (unlogged or logged) seems to be problematic. This issue requires further research and the application of a precautionary approach.
- In general the canopy is more closed in primary forests. In exploitation areas lianas and herbaceous species occur more often than in unexploited areas, due to the openings caused by logging[125].

Points of concern

- Little is known about the long term ecological impacts of logging on these forest ecosystems. It is not

[122] Paget, D. et. Al, op. cit.
[123] Tree species composition can also change naturally to a certain extent (e.g due to processes as ecological succession or long term through evolutionary processes)
[124] Marantaceae forests have an open canopy, the trees occur in widely dispersed clumps. The forest floor is densely covered by herbaceous plants from the Marantaceae family.
[125] Paget, D. et al, op. cit.

known how much logging can occur in these forests before natural processes and species composition are irreversibly altered.

- It is unclear whether increasing the diameter as practiced or planned by CIB is sufficient to guarantee a healthy regeneration.
- Neither absolute density of regeneration nor abundance indicator alone is sufficient to state whether the maintenance of a species population can be guaranteed or not. This also depends on survival rates, natural mortality and e.g. felling damages.
- Ayous, Iroko, Afrormosia, Acajou, Etiomé and Limba regeneration is very weak and seems very problematic[126].
- Regeneration of Marantacae forests seems to be problematic.
- The increase in lianas in logged areas might lead to increased felling damages in the next rotation cycle.
- The growth of more herbaceous species in logged areas might (in addition to exploitation) create different light conditions for regeneration especially if logging occurs in clusters.

Recommendations

- Regeneration should continue to be monitored via long term research carried out in both logged and unlogged areas to:

- ensure that species loss does not occur in the concessions;
- verify that natural processes, natural forest species composition and biodiversity are maintained;

- The effectiveness of sylvicutural measures taken (e. g, such as increasing the DME) must be monitored.
- Further research must be carried out on regeneration in Marantaceae forests.

- Particular attention must be paid to the regeneration of Ayous, Iroko, Afrormosia, Acajou, Etiomé and Limba, as it is very weak. The autecology of these particular species should be further researched and monitored. Research results may lead to further required changes in logging practices.
- The impact of the increase in herbaceous species on the species regeneration should be researched and monitored.
- The decision concerning which tree will be felled should not be taken on the basis of regeneration data alone. Even if regeneration of a species is sufficient to maintain the population, there are many other variables to be taken into account. These variables can be ecological or social.

**Density and Diameter Distribution**

Diameter distribution has been researched for the main tree species. Data exists on diameter distribution in non-exploited forests, forests exploited between 1968-1979, 1980-1989 and 1990-2001. Diameter distribution data, compared with species distribution data (whether a species is homogeneously distributed within the concession areas of not) allows the identification of exploitation effects.[127] Without comparing these complementary datasets the identification of exploitation effects is problematic. Ayous and Wengué occur less frequently in previously unexploited areas. These two species do not occur equally in all concession areas, so that their higher distribution in logged areas cannot be automatically classified as an exploitation effect.

[126] Abundance indicator of those species: below 1

[127] Paget, D. et al.., op.cit., p. 57

*Figure 3: Density of main species (Paget, D. et. al, (2004) op. cit. Table 32)*

**Tableau 32 : Densité des essences principales (tiges / ha) dans l'UFA Kabo en fonction des zones d'exploitation ; diamètre > DME (E = Erreur statistique sur l'estimation)**

| Essence | UFA | E (%) UFA | Zones Non exploitées | Zone exploitées 1968-1979 | Zone exploitées 1980-1989 | Zone exploitées 1990-2001 |
|---|---|---|---|---|---|---|
| Acajou | 0,05 | 21 | 0,05 | 0,05 | 0,03 | 0,07 |
| Afrormosia | 0,03 | 32 | 0,00 | 0,08 | 0,00 | 0,00 |
| Aniégré | 0,03 | 26 | 0,02 | 0,04 | 0,03 | 0,04 |
| Ayous | 0,70 | 8 | 0,37 | 0,75 | 0,72 | 0,94 |
| Azobé | 0,11 | 17 | 0,08 | 0,16 | 0,08 | 0,11 |
| Bilinga | 0,05 | 20 | 0,07 | 0,05 | 0,05 | 0,06 |
| Bossé clair | 0,07 | 17 | 0,08 | 0,08 | 0,07 | 0,06 |
| Dibétou | 0,03 | 27 | 0,02 | 0,03 | 0,03 | 0,03 |
| Doussié | 0,01 | 41 | 0,02 | 0,01 | 0,01 | 0,02 |
| Etimoé | 0,03 | 25 | 0,05 | 0,04 | 0,03 | 0,02 |
| Iroko | 0,03 | 26 | 0,08 | 0,01 | 0,00 | 0,04 |
| Kosipo | 0,15 | 12 | 0,17 | 0,11 | 0,18 | 0,17 |
| Limba | 1,22 | 5 | 0,96 | 1,26 | 0,93 | 1,93 |
| Niové | 0,41 | 8 | 0,92 | 0,15 | 0,27 | 0,64 |
| Padouk | 0,34 | 8 | 0,32 | 0,33 | 0,33 | 0,36 |
| Sapelli | 0,55 | 7 | 1,18 | 0,55 | 0,38 | 0,34 |
| Sipo | 0,06 | 19 | 0,15 | 0,04 | 0,04 | 0,04 |
| Tali | 0,53 | 6 | 0,45 | 0,60 | 0,52 | 0,53 |
| Tiama | 0,10 | 14 | 0,18 | 0,09 | 0,10 | 0,08 |
| Wengué | 0,22 | 13 | 0,03 | 0,03 | 0,45 | 0,23 |
| Total | 4,72 | | 5,19 | 4,46 | 4,23 | 5,73 |

*Les densités nettement différentes en zones exploitées et non exploitées apparaissent en caractères gras*

Exploitation effects on density and diameter distribution of different species

In the Kabo concession Sapelli, Sipo, Tiama and Iroko occur less often in exploited areas. For Sipo the differences between the density within the exploited areas and the non-exploited areas vary between 55-75% (these species are found in a homogeneous density throughout the whole concession areas of Kabo so that an exploitation effect can clearly be recognised.):

- The density of timber of the diameter classes 40-80cm and >80cm is slightly higher in non-exploited areas.
- The density of lower diameter classes (20-40cm) is slightly higher in areas that have been logged formerly (until 1990).
- In exploited areas the higher diameter class >90cm for Sipo and Sapelli is clearly less represented than in previously unlogged areas. The lower diameter classes (20-30cm) of these two species are higher in the areas logged between 1968 and 1990

Conclusion

- There is a solid data basis for the Kabo concession. Exploitation effects on regeneration, density and diameter can be assessed in certain cases.

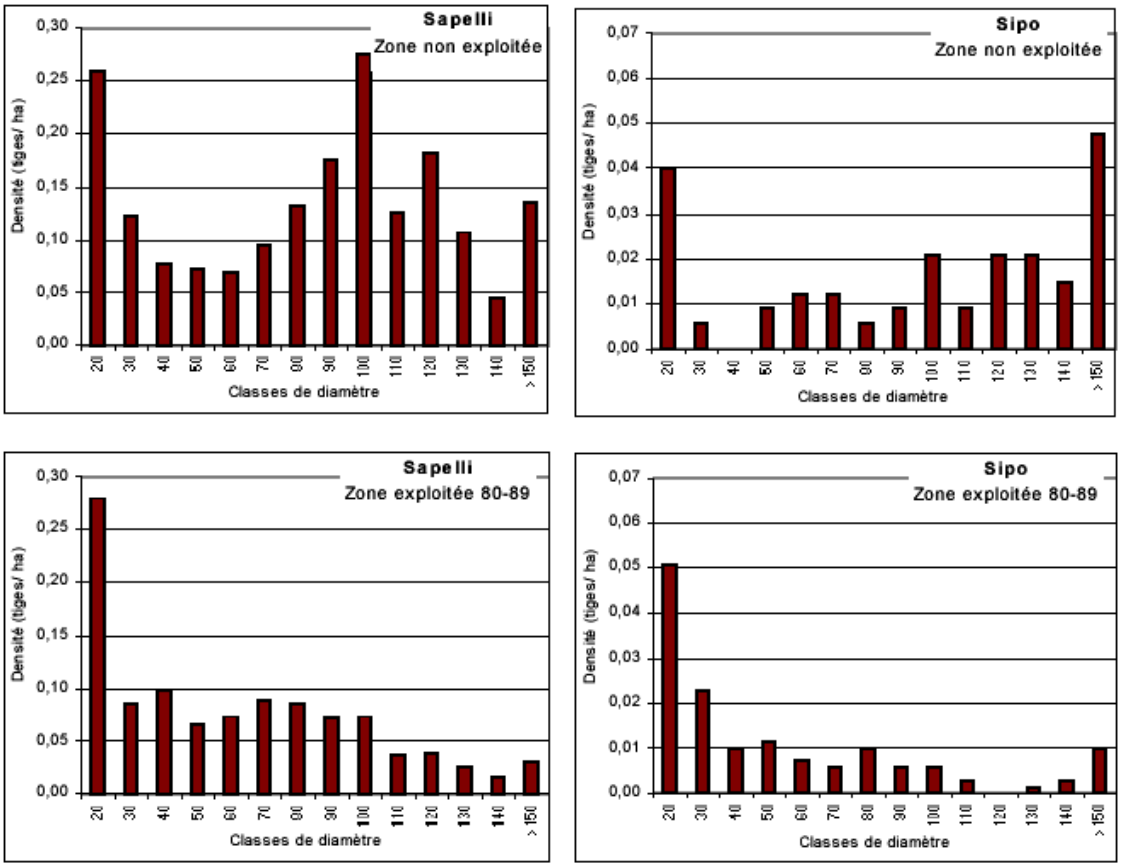
Points of concern

- Although CIB only logs low volumes (a maximum of 2.5 trees per hectare, with an average of 1.2) the research study[128] shows that exploitation influences the forest ecosystem, particularly certain species diameter distribution. Old or large trees that fulfil important functions within the forests ecosystem are being removed from the forest.

[128] Paget, D. et. al, op. cit.

- In exploited areas the higher diameter class >90cm for Sipo and Sapelli is clearly less represented than in previously unlogged areas.
- There is little knowledge on the long term impacts of exploitation effects on tropical forests in general and in particular on the autecology of harvested species and their role within the forest-ecosystem.

*Figure 4: Density of Sapelli and Sipo in unexploited and exploited areas (Paget, D. et al, op. cit., figure 21)*




Recommendations

- Certain species need time to recover from the exploitation which heavily impacted their diameter distribution. It should be ensured that their diameter distribution resembles the natural distribution before they are logged again.
- A sufficient number of large and "future large" individuals of each species must be left within the forest ecosystem - as they fulfil important ecological functions.

**Main recommendations on forestry issues**

- To ensure that exploitation impacts on biological diversity are reduced as much as possible and the ecological functions and integrity of the forest is maintained as required by the FSC principles, exploitation effects on, for example, regeneration, density and diameter distribution and volume growth should be systematically monitored within the different forest types. Measures to reduce impacts should be adopted in the management plan (e.g. such as increased DME, longer rotation cycle or reduced logging volume). Their effects should also be closely monitored and adapted if indicated.
- To gain a deeper understanding of long term exploitation impacts on these forest ecosystems, further research on the species autecology and their role within the forest ecosystem is required.

**Reduced impact logging (RIL)**

Since 2001 CIB has progressively implemented a program to reduce logging impacts, with assistance from TWE[129]. These measures are consistent with ISO 14000 certification. The RIL program addresses issues such as exploitation methods, anti-pollution measures and biodiversity (mainly faunal) aspects. Even though the implementation of the program is in progress, the RIL program itself is not formally defined. Many research studies have been initiated, standards have been rewritten and immediate measures implemented.

The main parts of the program implemented in 2004 are summarized in a CIB note called "Programme CIB d'Exploitation Forestière à Impact Réduit". They include:

- Reorganisation of inventory, exploitation and methodology (mapping of harvestable trees and future harvestable trees, species inventory, diameter distribution, quality of trees);
- Measures to control and monitor the quality of exploitation inventories;
- Development of new rules for felling techniques and security measures;
- Monitoring of the quality of the felling process;
- New rules for road building and road use (for different types), follow-up modalities and control;
- Workshops to train workers in exploitation inventory, felling procedures, selection, and road construction. CIB invited the International Vocational Training Centre to assist them on two of those workshops. CIB hired an expert to train workers and to ensure control and monitoring for an 18 months period.

Measures planned for implementation in 2005:

- Procedures to control road construction and road use;
- Rules for "felling" and "skidding";
- Procedures to control "skidding";
- Log tracking from stump to mill in order to reduces loss of logs;
- Definition of protected areas (see chapter 6.4);
- Buffer zones around rivers, streams and other wetland areas;
- Maximum of 2.5 trees exploited per ha and rotation;
- Protection of seed trees.

Conclusion

- CIB can demonstrate progress in many components of RIL. Greenpeace recognises that the RIL program is an open process rather than a formally defined program. It is therefore difficult to obtain an overview of all different protocols. An overall policy should be developed that covers all aspects of RIL.

Points of concern

- The RIL program is not formally defined.
- The RIL program seemingly monitors performance, but not impact on relevant biological indicators[130].

Recommendations:

- CIB should outline the frame of the RIL program with greater precision to ensure clarity and

[129] TWE, Tropical Wood Environment, based in Libreville.

[130] Hall, JS. et. al. op. cit.; Friends of the Earth (1999).

transparency. Measurable objectives should be described. The RIL program should be integrated into the management plan. Major steps and measures should be described.

- Baseline studies used in decision-making should be listed and made public.
- The effectiveness of measures should be monitored, frequently reviewed and adapted if required.
- A post-harvesting monitoring system should assess and monitor felling damages, analyse results and integrate corrective measures into the management plan. The monitoring of felling damages could be included in CIB's 2005 development of RIL procedures to control the felling process. An assessment of the felling damage in the second rotation is of special interest as research results show a higher presence of lianas in exploited areas, which means that under these circumstances higher damages could occur[131]

[131] Parren, M.P.E. (2003)

## Ecological Impacts part III : Management in High Conservation Value Forests

**High Conservation Value Forests : The Sangha Tri National Forests**

CIB's concessions fall within the Sangha Tri National forest landscape, itself part of the Northwest Congolian forest ecoregion[133]. What is known about the biodiversity of these forests is globally significant for three main reasons. First, these forests have maintained assemblages of megafauna and natural processes such as seasonal migrations. Second, these forests are species rich for most of the taxonomic groups which have been surveyed. Finally the ecoregion features a number of endemic species in different groups. These forests are equally significant for what remains unknown about their biodiversity and ecology : only a fraction of these forests' surface has been sampled during biological surveys, and within these small portions of the landscape only a fraction of taxonomic groups have been investigated. Surveys of the canopies of these forests have taken place in only a handful of locations within the Congo Basin, and include no full or even partial inventories. Yet scientists know that the canopies of tropical forests constitute a major unknown frontier in which a significant number of species live, most of them unknown to science. In summary, what is known about the forests of the Sangha landscape is outstanding. But what is unknown greatly exceeds what little is known.

Amongst the local species known to science, several are threatened which occur in this Sangha Trinational landscape. According to the Congo Basin Forest Partnership, they include the forest elephant, the western gorilla, the chimpanzee, the hippopotamus, the spot-necked otter and the dwarf crocodile. The threatened plant species include an ebony (*Diospyros crassiflora*) and several *Entandrophragma* species.

In this context of high biological diversity, ecological complexity and enormous scientific ignorance, managing industrial activities within this forest ecosystem requires great precaution. CIB is one of the first company world wide that agreed for the forests within their concessions to be declared 100% HCVF (High Conservation Value Forests). Managing HCVF's within the FSC certification process requires applying a precautionary approach. This is the first time the FSC certifiers will have to apply a precautionary approach in the natural forests of Central Africa. Experiences gained in the CIB concession concerning the logging of HCVF will therefore be highly influential for the African FSC certification process, particularly to elaborate national and regional standards in the Congo Basin. For this reason, it is indispensable that stakeholders and the International FSC secretariat participate in the elaboration of regional and national standards, including the management of the Congo Basin HCVF with regards to intact (or relatively intact) faunal assemblages, species richness and endemism, biologically data deficient areas or taxa, and from the viewpoint of local peoples' values (ecological, cultural and economic).

Greenpeace welcomes CIB's decision to declare the entire concession area as High Conservation Value Forests, thereby clearly recognising that the forests in which they are producing timber is of very high biological and cultural importance. However, applying a precautionary approach also requires a more accurate and systematic assessment of the ecological costs of logging, be it in terms of species loss through systematic removals of large diameter trees, impaired ecosystem function or lost resources for local peoples (see Social

[133] Burgess, N. Et al, op. cit.

Impacts Chapter) as well as the regeneration of harvested species and large mammal dynamics which are the current and major focus of bio-monitoring in the concession.

For example, considering the historical and current high pressure which Sipo and Sapelli trees are facing, very few autecological and synecological studies of these harvested species have been carried out beyond investigations into their recruitment and regeneration (See Sylvicultural Management section). None include studies of their canopy. The number and identity of co-dependent species hosted by Sipo and Sapelli trees is unknown, beyond the well known Sapelli caterpillar *Imbrasia* (*Nudaurelia) oyemensis* (see Box 12). In addition, the age/size specific synecology of these two species is also unknown: the older or larger trees with high DBH may have specific species cohort and dynamics unique to their age or size-group, and yet are systematically targeted by logging. In the absence of this baseline information, it is extremely difficult to assess and minimize the ecological impact of harvesting the host tree species in general, and large trees in particular.

Points of concern

- Insufficient data exists on the auto and synecology of current and future harvested species, and on species from other major taxonomic groups dependent upon the harvested species.
- Insufficient knowledge exists on the long term ecological impacts of logging activities on the forest ecosystem.
- The perception that the impact of forest exploitation primarily concerns tree population and large mammals persists in PROGEPP, and leads to a failure to address the numerical majority of smaller species in the forests as well as the huge gaps in taxonomic and ecological knowledge – in tropical forests in general and in Africa and the Congo Basin in particular. This perception clearly limits the scope and breadth of EIAs, inventories and monitoring systems developed or carried out by CIB and partners, and therefore reduces the possibility of identifying and redressing logging impacts on the majority of the living 'components' of these HCVF.

Recommendations:

- Greenpeace recommends that CIB begins to outline, document and monitor precautionary measures in line with the precautionary approach required for maintaining and enhancing the HCVF[134]. These proposed measures should be circulated to other stakeholders (such as the FSC, other concession holders...).
- In line with TFT's Gap analysis, CIB must define the attributes which define their forests as High Conservation Value Forest (amongst others these criteria will include the presence of protected species, indigenous peoples, and large tracts of primary forests, but also high species' numbers, including an indeterminate number of unknown species).
- More accurate ecological costs of logging must be assessed through monitoring, including decline in populations & species loss, damaged ecosystem function as well as the regeneration of harvested species and large mammal dynamics which are the current and major focus of bio-monitoring in the concession). CIB should facilitate the conduct of such assessments by external research institutions (See Recommendation No. 12 to Government of Congo).

[134] TFT (Tropical Forest Trust)

- Greenpeace recommends broader rapid taxonomic assessments of reference areas for major groups (plants, smaller vertebrates and invertebrates) in order to reduce the risk of species loss (i.e. endemic or threatened species), to ascertain the presence of new, threatened or migratory taxa, using the available rapid taxonomic assessments methodologies. Partnerships could be envisaged and sought to carry out this work (See Recommendation No. 13 to Government of Congo).
- The reference areas must provide the ecological and taxonomic baseline against which CIB management must be continually assessed with regards to the maintenance of ecological processes and biodiversity structure.
- Rapid Taxonomic Assessments (on the major taxonomic groups) must be carried out specifically on current and future harvested species in order to establish baseline ecological and taxonomic information on each harvested species/ essence and the cohort of species of other taxa nesting, feeding or using it.
- CIB must develop policies and procedures to address discoveries of new, threatened or endangered taxa in the primary forests of its concessions prior to logging (in line with FSC criterion 7.1), clearly explaining how management will take into consideration these discoveries, (including how extinction risk will be balanced with plans to log specific areas or individual trees), when such biological knowledge becomes available (as should be the case after results of EIAs are known and remedial measures or cancellations of specific activities occur).

**Bio-monitoring**

Broadly speaking, biological monitoring can include the medium to long term monitoring of areas (i.e. a particular section of the forest), individuals of one or several species, groups of species or even relationships between species. Biological monitoring is developed from monitoring objectives and methods, the collection of baseline data and through the regular collection and analysis of additional data.

Bio-monitoring in the CIB Concessions is based on data for the CIB concessions collected during inventories focused on large tree species[135], trees between 5 and 20cm DBH and NTFPs. Results from this inventory prompted additional studies on Ayous regeneration and Marantaceae forest studies by the University of Gembloux. Simultaneously the same inventory procedure was also used to carry out an inventory of fauna in the concession, and also includes information on mushrooms, lianas. Monitoring in the CIB concessions is mainly focused on timber species regeneration.

The main aspects of current PROGEPP bio-monitoring activities are:

1. the use of baseline data from WCS studies in and around NNNP;
2. a focus on large and medium size hunted mammals; and protected species (bongo, elephant, great apes, antelopes etc;
3. the use of recce (reconnaissance) surveys[136]; on 9 permanent trails (289 km in total), stratified by habitat and hunting/no hunting zones , which are monitored twice a year (wet and dry seasons); and
4. the monitoring of "natural" forest clearings (« bais, yangas ») every two months (five days/month).

Conclusions

[135] Approximately 800,000 individual specimens were counted, representing 250 species.
[136] For a presentation of survey methods see http://www.cites.org/esp/prog/MIKE/pilot/tech_rep2.shtml

- The current choices of focus, methods and indicators logically reflect each operator's interests and expertise, as well as the proximity between the concessions and the National Park. The medium and large species for which the poaching impact is most immediate are being monitored in the CIB concessions.
- The monitoring systems do not currently take into account the impact of logging on the majority of forest species affected by CIB's operations.

Points of concern

- The effects of logging on the forest ecosystems are currently largely unknown and unmonitored.
- The effects of logging on harvested species synecology are unknown and unmonitored.
- The main bio-indicators for monitoring in CIB's concessions are trees and hunted mammals.
- Although the current choice of focusing on poaching and monitoring larger wildlife is necessary given the scale of uncontrolled poaching, this choice is insufficient to document, understand and monitor the effects of CIB logging on the forest ecosystem and on the wide range of taxa affected by these new dynamics, considering both the high levels of biological diversity and ecological complexity of Northern Congo's forests and the scale of CIB's activities therein.
- The semi-nomad peoples are not directly involved in monitoring the impacts of logging and of poaching in the forests, yet they clearly referred to sections of the forest as being "ruined" (See Box 6). The nature and evolution of the degradations they refer to remain unclear, as well as their consequences for their livelihoods and cultural survival.
- At this stage, the RIL program seemingly monitors performance but not impact on relevant indicators. For example, disturbances such as newly built roads or skid trails (even as narrow as 2 meters) may have little effect on most larger mammals whilst at the same time prevent smaller species from different groups (bats, birds, insects, amphibians etc.) from crossing this newly created gap[137]. Neither the RIL program nor PROGEPP monitoring in CIB concessions currently address or monitor these impacts.
- Knowledge of the harvested tree species' autecology and synecology[138] is extremely limited and no plans are currently made to gain such knowledge;
- It is unclear whether the research planned for the research series will be mainly sylvicutural or not.

Recommendations:

- Surveys and studies of species supported or hosted by exploited timber species (including their canopy) should be carried out, and strategies should be developed to monitor and mitigate effects of systematic 'host or keystone' tree removal by logging (i.e. Sipo, Sapelli, Ayous, etc.).
- Surveys and monitoring systems should involve the local indigenous peoples, particularly the semi-nomads, both with regards to status of relevant indicator species and with regards to the impact of logging activities on species or areas they are familiar with and/or which are important to them (be it for nutritional, medicinal or cultural reasons).
- Broader taxonomic surveys should be carried out in the reference areas (smaller vertebrates, invertebrates and plants), including some targeted field taxonomy studies in the canopy. These

[137] Marsh et. Al (1987) in FOE (1991); Struhsaker – The Kibale forest, 1991;

[138] Autecology is the study of the relation of the organism with its environment , as an individual species. This contrasts with synecology in which the system as a whole is studied. The related term population ecology is sometimes used synonymously. (http://encycl.opentopia.com/A/AU/AUT).

inventories and research programs can be carried out by various research institutions, although discussed and facilitated by CIB[139].

- The areas identified and set aside for non-exploitation by CIB should be monitored, particularly with regards to threatened and vulnerable species.
- In the medium term the results of biological and ecological studies and monitoring should inform management and logging regimes in the concession and by becoming integrated into the management plans.

**Anti-Poaching & Bushmeat Control**

Extensive literature now clearly demonstrates the causal link between the arrival of logging and the resulting increase in the bushmeat trade[140]. Managing agencies can only attempt to control & reduce this phenomenon as much as possible, but poaching in/near logging concessions is unlikely disappear completely. Too many people who live in the region have with little or limited access to alternative proteins and will eat, buy or hunt bushmeat given access to funds or to wildlife. In addition, the considerable improvement in transport capacity brought by logging operations usually renders the task of evacuating poached meats much easier and speedier[141].

The bushmeat problem can only effectively be tackled at the regional level, and remains linked to logging activities. Anti-poaching programmes are absolutely necessary in this context but it must be realised that they only represent damage control, which is not suitable in the long term because of its intenseness and extremely high costs. Anti-poaching units cannot solve the poaching problem, but can only attempt to mitigate it. In addition, poaching and the measures currently available or applied to reduce it are particularly problematic in a regional context of lawlessness.

CIB's Concessions fall within the buffer zone of two protected areas. Kabo and Loundoungou are adjacent to the Nouabalé Ndoki National Park, whereas Pokola and Toukoulaka are close to the Lac Télé Reserve, Congo's only Ramsar site (Toukoulaka is adjacent to Lac Télé). CIB's main impact, however, currently bears on the NNNP, and PROGEPP has been established to harmonize and minimize the social and ecological impacts of CIB's activities on wildlife conservation in and around NNNP. The aim of the PROGEPP, therefore, is to reduce poaching in CIB's concessions by harmonising and implementing the wildlife protection regime outside the National Park.

The near hundred-fold increase in Pokola's population between 1968 and today, particularly the near doubling of Pokola (see earlier section on industrialisation), has made the uncontrolled poaching and bush meat market a particularly serious and conspicuous problem. The close proximity of CIB's concessions to the NNNP has made control and reduction measures indispensable. The PROGEPP was created in 1999 and given this mandate through collaboration between MEFE, WCS and CIB.

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[139] For an example of rapid biological assessment carried out to gather data on major taxonomic groups prior to carrying out mining activities in West Africa: http://investigate.conservation.org/expeditions/cotedivoire/report.htm#repsandphibs

[140] Rose, A. et. al. (2003) p15; Burgess, N. et. al, op cit (2004), pp 15-16.

[141] Rose, A. et. al, op. cit.; Burgess, N. et. al, op cit

Its main aim is to reduce high poaching pressure on local wildlife through protection; to de-link logging and hunting through the elaboration and implementation of a wildlife management protocol; and finally to provide and explore alternative protein solutions[142].

Information on the wildlife management protocol is based on meetings with WCS/PROGEPP, as well as on the report to ITTO. During our mission, the PROGEPP team in Kabo presented their staff and explained their operations(See Box 9 for a description of the anti-poaching protocol). As an illustration of their work, our team was shown some of the seized weapons, ammunitions and ivory.

The measures taken to address the bushmeat poaching problem by CIB stricto sensu include:

1. the elaboration and adoption of new internal regulations (1999) which penalise employees involved in the bush meat system (whether through hunting, trading or transporting), and includes the prohibition of guns and bush meat transport on CIB trucks. 6 employees lost their position due to involvement in irregular or illegal bush meat activities in 2004[143].
2. the organisation and conduct, in collaboration with PROGEPP, of organised hunts for CIB staff, which yielded over one ton of meat for CIB staff between the months of May and October 2004.
3. the provision of imported meats (10 tons/month), and their storage in freezers and cold chambers in Ndoki 1, Ndoki 2 as well as Pokola and Kabo.
4. the provision of financial and logistical support to the PROGEPP eco guard programme.

The measures implemented or tested by WCS for PROGEPP include:

1. an eco guard system focused on wildlife protection, dealing with current and evolving threats; and eco guard training. It consists of fixed and mobile forest posts, which control hunting activities; stops and controls vehicles driving through CIB roads; seize bush meat products, confiscate weapons. Local market surveillance is also carried out through studies of local markets and household food consumption.
2. support to domestic protein production activities such as goat and mutton farming, live and dead beef imports (approximately 20 per month in Pokola, 10 to 12 in Kabo); support to fishermen (sale of fishing material at cost price; figures on nets given out etc.); phyto sanitary and fencing support to chicken farmers (4654 vaccines in 2004); fish farming (1206 kg of tilapia in 2004); provision of small ruminants to local herdsmen etc.
3. ecological monitoring studies, as well as mapping of hunting/ fishing/poaching activities in the concessions.

PROGEPP concluded that the hunting effort had been reduced by circa 85 % in two sites in 2004 (Ndoki 1 and Ndoki 2) due to the combined effect of eco guard activities, organised hunts and new internal regulations within CIB. The rate of cable netting significantly diminished in Kabo (>1000/100 patrol days to <100/100 pat/d). However a smaller reduction of cable use was recorded in Pokola, indicating that cable hunting may not be under control in this concession. An observed increase in households' consumption towards greater use of the meat imported by CIB and less consumption of bushmeat could possibly mean a reduction in bushmeat consumption coming both from within and outside CIB's concessions.

[142] Meeting with WCS/PROGEPP, December 2004 in Kabo; PROGEPP (2004) pp30- 34.
[143] This information was given by the representatives of the local unions met by the mission in Pokola.

In 2004, PROGEPP recorded over 880 infractions, including 8 killings of fully protected species (5 of which were elephants). 7 of the 8 infractions involving protected species involved CIB employees[144].

At the time of the Greenpeace visit, imported meat containers were empty in the camps of Ndoki 1 and 2. This protein substitution programme's high dependence on meat imports (which may suffer delays, as was the case in December) point to a short, rather than long term solution to reducing pressure on wildlife. The discussions held during meetings with the Comité de village de Pokola and in the Terre de Kabounga also referred to fish farming and pointed to problems with the provision of fishing nets by PROGEPP, and increased CIB's support to Pokola fishing community, although no overall solution has been found yet.

Conclusions

- Our mission had too little time to assess the wildlife poaching situation. An independent assessment of poaching reduction results are required in order to verify the trends presented by the PROGEPP project.
- Our discussions with villagers and semi-nomads in Pokola as well as with populations further a field (Kabounga etc.) clearly showed the predominance of their negative perception and misunderstanding of eco guards and their mission. Several different sections of the local population (See boxes 7, 8 and 9) feel persecuted, particularly with regards to their subsistence hunting of smaller, unprotected species. The eco guards also feel pressure from the population, which contributes to the creation of a negative interaction dynamic.
- Although PROGEPP' s preliminary results show that cable poaching pressure might be decreasing in Kabo concession, no major decrease has been observed in Pokola. This particularly points to the current unmanageability of a large component of Pokola's population made up of unemployed individuals and immigrants from DRC, all heavily involved in poaching. In addition, hunting pressure in the Pokola concession also partly originates from poachers coming from Ouesso and from Cameroon. This points to the necessity for increased bi national patrols (Cameroon/Congo) and in particular for greater controls on the rivers and in fishing camps.
- CIB has made obvious efforts in supporting the infrastructure, personnel of PROGEPP eco guard component Figures from the ITTO report sent to us and meetings with CIB indicate that CIB pays almost all of the 40 PROGEPP eco guards and also supplies fuel.
- The cost of wildlife protection / anti-poaching control is high (188400$/ per year for the PROGEPP eco guard component, or 1,8 US Dollars per square kilometre from 2005 onwards[145]).
- Although the anti poaching initiative seems relatively effective within CIB's concessions (mostly Kabo), it must be verified that the commercial problem has not simply been relocated/displaced to neighbouring areas in which no wildlife protection and monitoring takes place. Only a regional approach to control commercial poaching and trade in bushmeat could effectively reduce poaching (See recommendation No. 9 to the Government of Congo)
- The very large scale of CIB's industrial logging activities has attracted large workforce, associated family members, and a significant number of people looking for employments. This large scale

144 PROGEPP (2004) 8éme RAPPORT TECHNIQUE DU PROJET Période de juillet en décembre 2004 PD 4/00 Rev.1 (F) Report to OIBT, p33;
145 PROGEPP Report to ITTO, op. cit., p18.

immigration into a largely unpopulated area has resulted in high pressure on the region's resources, particularly wildlife.

- It is also clear that no level playing field currently exists in the Congo regarding anti-poaching programs, or even around the NNNP (two other logging concessions effectively border the NNNP). Few other logging companies in the country carry out anti-poaching programs to reduce pressure on wildlife and address the exhaustion of subsistence resources for local populations (See recommendation No. 10 to the Government of Congo).

Recommendations

- The overall effectiveness of the anti-poaching measures should be assessed independently and include investigation of the relocation of poaching onto other neighbouring but unmonitored areas. Such investigations cannot only be carried out in CIB's concessions, but must occur regionally.
- The eco guard system should be reviewed and improved, including further training of eco guards in communicating and interacting with local populations (see Social Section Boxes4,5,6,7,8,9 and 10).
- Further research on and investments in the protein substitution program should be carried out (excluding meat imports), particularly fishing. An effective and sustainable local protein substitution programme should help reduce poaching pressure, in complement to anti-poaching activities.
- The costs of the anti-poaching program should be entirely internalised by CIB for its concessions; at present these costs are only partially covered by the company.
- The other concessions directly adjacent or extremely close to the NNNP (Mokabi, Ipendja) should rapidly initiate, implement and fully pay for anti-poaching control programmes to ensure that all commercial poaching pressure on NNNP is equally addressed by all the surrounding companies and activities.
- The other concessions in the region to which commercial poaching pressure may have shifted should also initiate and implement such programs (See p X. Recommendation N.X to Government of Congo).
- All other concessions in the country should pay for anti-poaching programs (See Recommendation N.11 to Government of Congo).

**Protected Areas within CIB's Concessions**

CIB's cellule d'aménagement[146] confirmed that the company had set aside about 30% of its concessions as unlogged forests. These areas contain, for example all swamps and the buffer zones. 25,000 ha of important chimpanzee habitats (the Goualougou triangle) have been added to the Nouabalé-Ndoki National park[147]. Areas which will not be logged, as well as protection, community development and research series, and include three culturally sacred forest sites.

Criteria for the designation of each type are still unclear. CIB explained that the criteria which led to protect these areas have been the subject of numerous verbal discussions in various meetings, particularly with WCS. It was recognized that the areas protected should represent all forest types, logged as well as unlogged areas, sacred forests and keystone habitats for "naïve" apes[148]. The areas removed from exploitation currently

[146] CIB Concession areas excluded from the production forest.

[147] whilst the Pikounda UFE (93 970 ha) has been added to CIB's concession system :there is an ongoing debate on whether or not the Pikounda UFE can be considered a compensation to CIB for their conservation efforts on the triangle.

[148] Meeting with CIB's forest management unit, December 2004

represent several thousands hectares for conservation (of areas of ecological, biological or cultural interest), protection of fragile ecosystems and finally for research. Excluding swamps and buffer zones, 20% of the entire concession area is included in the protection series[149]. The extent to which these remaining 20% include dense forest on dry lands, Marantaceae forests and monospecific Limbali (*Gilbertiodendron dewevrai*) stands on dry land (all valuable for logging) remains unclear to Greenpeace.

Points of concern

- It remains unclear whether areas in the protection series represent all forest types, especially within the unlogged areas;
- Criteria establishing the basis for including concession areas in the protected series remain unclear;
- Indigenous communities and local people seem largely excluded from a consultation and discussion process aimed at deciding the establishment of community series and other unlogged areas (See Box 4).

Recommendations

- CIB should clarify the criteria for including areas in the protected series. Protected areas should represent all forest types, especially within the unlogged areas and should equally focus on ecological and social values such as "sacred sites". Good consultation on the selection procedures and meaning of these protected series with the local indigenous peoples is indispensable and should take place (see Boxes 4 and 10).
- Greenpeace therefore recommends that criteria based on an integration of conservation biology principles and community land use planning are used as the basis for selecting, designing and managing areas excluded from exploitation within the concession.
- These criteria should be made available to interested stakeholders. Based on these criteria appropriately large areas representing all forest ecosystems should be appointed as protected areas to maintain local ecological and evolutionary processes as well as indigenous cultural values.

[149] According to tt, watercourses and wetlands are protected as a precautionary measure since Congo's only Ramsar site is east of concession. CIB decided not to harvest in these areas as well as to establish buffer zones around watercourses despite valuable tree species being found there (Limbali, Bahia); buffer zones around forest clearings, bais and yangas are other areas which should be set aside in the future.

## Economic Viability & Other Issues

Many institutions, mostly governments, the private sector and certain NGO's see industrial development as a driving factor for sustainable development in poor countries. The logging industry often stresses its contribution to local development via their tax payments (fiscal revenues), creation of jobs & social infrastructure and contributions to the local populations' well being in general. But illegal logging, corruption and tax evasion often lead to the opposite results, and numerous case studies reveal unacceptable behaviour on the part of many logging companies. Many external costs of industrial logging remain unaccounted for.
The governments "loses" tax income, the natural resources base upon local people depend is being degraded or destroyed. At best, local people only benefit marginally from the investments and profits made by the logging companies.

Since CIB has benefited from considerable external funding (mostly public tax payers' money), Greenpeace was and remains interested in information on the companies' economic background. This paragraph can however not present a comprehensive analysis of CIB related economic issues. Huge gaps remain in our knowledge and understanding of the economic aspects of CIB's and tt Timber International's operations. The profit structure of the CIB Company is not known to Greenpeace and should in any case also be considered in the broader context of the tt International group that is related to CIB.

Logging companies often claim that the required investments to improve logging practices and control bushmeat would make their operations no longer competitive[150] or would not be possible due to the already small profit margins, the huge costs and the high risks related to their business. However, in general logging companies are not at all prepared to provide an insight into their cost and profit structures even though there are strong indications that logging of primary forests is a very profitable business. Such research is further complicated by the often complex structures of logging companies or groups of companies which are often vertically integrated (both organising the logging, transformation, commercialisation of the timber).

Recommendation

- Greenpeace asks that donor agencies currently investing funds in activities that assist logging companies in their efforts to improve their logging operations and to reduce poaching should, as a matter of priority, commission an independent and transparent economic audit of the costs and profit structure of logging companies in the Congo Basin[151].

**CIB and illegal logging**

In a joint publication by CED, Forests Monitor and the Rainforest Foundation on the occasion of the ministerial conference on African Forest Law Enforcement & Governance, a case study[152] on Law Enforcement & governance in Congo Brazzaville was presented. The report mentioned a list of fines related to illegal logging activities by a number of companies, including CIB.

[150] tt did point out that CIB always matched external funding despite competition from a non level playing field.
[151] Marchés Tropicaux, February 2004.
[152] CED, Forests Monitor and Rainforest Foundation (2003) *Forest management, transparency, governance and the law. Case studies from the Congo Basin.* Part III – chapter 6: recovery of penalties in the Congolese forestry sector. October 2003, pp32 –44.

When questioned about these fines, tt explained that all infractions reported were minor and that some fines were due to 'racket' by the controllers[153], who do have financial incentive to distribute fines. However, Greenpeace did not receive a written response on the settlement or contestation of these fines. Compared to the annual tax rate paid by CIB, the cost of these fines should not, however, have created financial difficulties for CIB. In general the level of the fines that are related to illegal logging is very low.

Recommendations

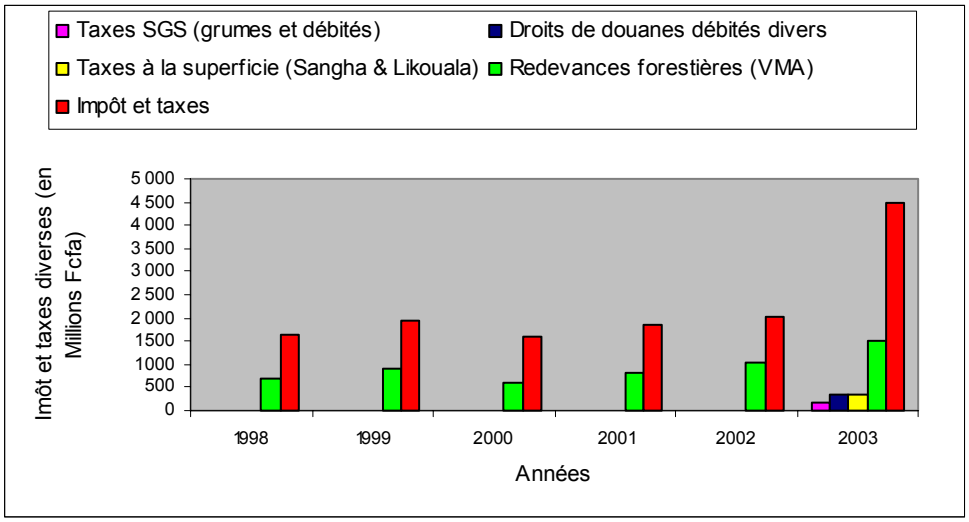
- CIB must clarify its compliance with Congo's existing forestry laws, and the payment of any outstanding fines resulting from illegal logging (or contestation of allegedly illegal) activities.
- CIB should elaborate and publish a company's anti-bribery policy.
- The entire tt group must implement a policy which guarantees that no timber from illegal sources will be commercialised[154].

**Taxes**

According to CIB figures, the 2003 turnover reached 45 Millions of euros. In 2003 the Congolese government significantly increased taxes. CIB reports paying altogether around 5 Millions of euros in taxes (3 Billion FCFA) before 2003, which represented approximately 10% of the company's turnover. After the 2003 tax increase, all taxes together summed up to around 10 Millions of euros (6.6 Billion of FCFA), which represents about 22% of the turnover (Fig. 5 below) Tax payments have more than doubled since 2002.

Even though the tax level in Congo has indeed significantly increased in the past few years[155], these increased revenues still do not benefit the Congolese population (See Recommendation N. 3 to the Government of Congo p 78). For instance, the second hospital built in Pokola by CIB on behalf of the national and regional authorities is still not staffed and is rapidly decaying through lack of use, much to the local population's dismay (See Box 5).

*FIG 5. CIB declared tax payments, 1998-2003 (source: CIB)*




153 As also discussed at length in FIDH report pp90 and 95

154 tt signed a statement on illegal logging : Timbnet Silverman (March 2005) Policy Submission to the Commission for Africa.

155 To 8%, as opposed to 6% previously according to FIDH (2004), op. cit. pp90-95

**Transport costs**

The long transport distance to the nearest ports is considered very costly by CIB. As distances to Douala, Cameroon, or to Pointe Noire, Congo-Brazzaville, are greater than 1200 km, the costs of transports are very high. The high transport costs are primarily due to the current impossibility to bring timber to the port of Pointe Noire using either the river (which is only navigable 6 months in the year) or the unreliable rail infrastructure – which is currently not operational.

In addition to the financial and logistical costs of the Cameroon export system, CIB staff expressed concern during our mission about CIB's extreme dependence on Cameroon's continued political stability to export (and import) their products: the staff did observe closely past assumptions about Ivory Coast's stability and current developments in that country, and worried about the long term viability of a transport choice which may in fine prove very problematic for CIB should Cameroon experience instability**.**

**Public Funding**

CIB and/or its partners such as WCS received significant amounts of external funding, including funds from ITTO (for the PROGEPP programme), from AFD, FFEM and GTZ (for the development of the management plan), although CIB also contributed financially to these projects[156]. CIB is a private company with a yearly turnover of 45 Million Euro per year and unknown profits. Consequently the funding of CIB projects with tax payers money has been questioned by many NGO's, including Greenpeace.

CIB's management plan contains information concerning inventories, planning processes, ecological and social issues. This set of information and measures could - if fully considered and implemented thoroughly - be useful for improving forest management in Central Africa through adaptation by other concession holders. The costs of the improvement measures must be internalised, although CIB/ tt would argue that this is problematic because there currently is "no level playing field" : the higher price of certified timber makes competition with companies involved in illegal and/or destructive logging practices almost impossible.

Greenpeace acknowledges the arguments brought forward by CIB but believes that the most effective way to level the playing field in the Congolese forestry sector is for the Congo governments and the international donor community to implement strong law enforcement and ensure that investments in measures such as reduced impact logging and bushmeat mitigation measures are all included in updated forest laws in order to internalise such costs rather then having to depend on additional donor money. In addition, producers' groups and federations should not admit members repeatedly and significantly involved in illegal activities; timber producers should stop buying and/or processing illegally produced or traded timber, and timber traders should stop supplying a market for such timber. Greenpeace states that for all future activities CIB must cover the costs that result directly or indirectly from its activities. Public funds should not be used for the running costs of forest concession management.

In addition, donor agencies, particularly those aiming to reduce poverty, protect biodiversity and improve civil society involvement and participation, should also invest more substantially, directly and systematically in involving and strengthening communities living in the Congo Basin forests.

[156] tt indicated that CIB more than double matched GTZ's contribution to the project.

Greenpeace did ask CIB whether they intended to internalise the costs of programmes such the poaching reduction programme. CIB did state that they expected their costs to be covered by the market price of their timber once they would obtain their FSC certificate. Past funding for CIB was attributed in the context of a "pilot project". Results now need to be fully taken into account in order for other logging companies to meet or beat the results reached in this project.

**Transparency**

Many discussions and conflicts related to CIB in the past did focus on the issue of "lack of transparency". Several individuals, journalists and organisations were denied access to the CIB concessions in the past, which created suspicion. Since transparency is key to the FSC certification process, CIB is encouraged to further develop and implement open, independent monitoring systems and processes. Inviting Greenpeace to the CIB concession area was a positive step.

Recommendations:

- CIB and the entire tt Timber International group should adopt the OECD guidelines for multinational enterprises.
- All studies funded or co-funded by public donors should be made publicly available.
- All non-confidential documents shall be made publicly available. Further clarification is needed to explain what is considered confidential information and what is not.
- CIB should open their concessions to other stakeholders interested, involved or affected by their logging operations.

## List of recommendations to CIB

**Social Impacts**

Enabling Participation and Consultation

1. In order to enable participation by indigenous communities in the development and implementation of the forest management plan in line with FSC principles, CIB should establish a process of "good consultation", targeting indigenous communities, which:
   - Is culturally appropriate;
   - Targets both sedentary and semi-nomadic indigenous communities;
   - Provides timely information to communities about forest plans and other processes that may affect their rights;
   - Documents their views concerning these plans;
   - Enables communities to present their views to CIB managers;
   - Includes feedback and negotiation mechanisms that demonstrate to communities how their views and rights are taken into account in concession management plans;
   - Builds the organisational and technical capacities of indigenous communities;
2. The establishment of a specialised group of extension workers, that includes indigenous community representatives, to build direct links between CIB management and indigenous communities throughout CIB concessions, to inform communities about forest plans, and to systematically document community views for CIB managers;
3. To develop a concession-wide local language radio service targeting indigenous communities to provide them with relevant information concerning forestry plans, consultation programmes etc, and a forum for exchanging views. Indigenous people must be involved in its development and management from the outset.

**Clarifying and documenting indigenous peoples' rights in the concession area**[157]

***Implementing Community-based Land Use Mapping***

4. In order to reduce the threat to communities from logging operations, and to help communities to define their rights in line with FSC guidelines, CIB should resource and ensure a participatory process for the identification and documentation of indigenous communities' forest use and their perception of their customary rights. A community-based mapping process that includes all the indigenous peoples living in CIB concessions would lead to the production of community-owned maps based upon community-generated data documenting their forest use and their key resources. Integrating these maps into CIB's planning procedures would resolve a number of outstanding issues.
5. Clarifying the legal framework: CIB should work with the government of the Republic of Congo, notably with the Ministry of Justice and Human Rights, to clarify the legal situation of the indigenous communities in northern Congo, especially the semi-nomadic population, particularly with respect to their access and use of forests now in CIB concessions. This will require examination of existing legislation governing forests, biodiversity protection, and indigenous peoples in relation to FSC and other international norms. This could contribute to the development of reforms to support the government of the Republic of Congo to comply with its international obligations under the CBD, and facilitate

[157] tt argues that a private company such as CIB cannot clarify the law; that is the prerogative of the government, possibly with pressure from NGOs.

implementation of FSC standards and regional agreements such as the 2005 COMIFAC treaty. This treaty signed into law the Sangha Landscape project that overlaps with all of CIB's concessions.

**Building Institutional Capacity and Infrastructure**

6. CIB should establish a dedicated unit at management level that will be responsible for enabling compliance with all relevant social provisions demanded by FSC, especially those programmes targeting the indigenous communities. CIB needs to recruit new expertise to manage this work. This unit should pro-actively manage CIB's interactions with communities, and systematically document the outcomes. This unit should have ultimate responsibility for all CIB's activities or programmes that affect indigenous communities, including wildlife management programmes such as PROGEPP.
7. Through its work with indigenous communities CIB should establish appropriate and fair dispute resolution mechanisms in its concessions that include the meaningful participation of indigenous community representatives.
8. CIB should consider the development of concession-wide community compensation measures specifically targeting indigenous communities' needs such as mobile health services, adult literacy, and appropriate education systems.
9. In order to eliminate doubt about its work with indigenous communities, and the impact of its activities on them, CIB management should agree to regular independent monitoring of its work. The role of the independent monitor should be included in a new protocol between CIB, MEFE and WCS.
10. CIB should issue a statement of intent setting out what it intends to do in order to satisfy the requirements of FSC Principles 2 and 3.
11. CIB should establish partnerships with competent individuals and institutions, to support the development of its capacities and procedures with respect to indigenous communities, and to provide independent advice.

**Ecological Impacts Part I: Problems related to industrialising remote forest areas**

12. EIAs and SIAs should be completed as planned and made public before compliance with FSC principles can be achieved. The aim of these impact assessments should be to avoid even greater uncontrolled demographic growth of the Pokola area.
13. These studies must clearly identify the various population categories (see Box 3), their potentially differing rights and interests, particularly with regards to farming and hunting, and present possible solutions to conflicts of interest.
14. The socio-economic study recommended in the EIA on the extension of mills in Pokola and Kabo should be carried out and made public[158].
15. CIB must develop policies aiming to control the growth of Kabo, in collaboration with other PROGEPP partners, particularly the Government of Congo. These policies must be implemented and constantly monitored.
16. An Environmental and Social Impact Assessment has been completed for the Kabo concession. Its results should be taken into account regarding future planning of the region's development.
17. Loundoungou Road EIA & SIA[159] on the consequences of road building and use must be carried out. These impact studies must clearly reflect the local peoples interests and rights, and suggest possible

[158] Greenpeace has not seen the EIA on the extension of Pokola and Kabo' s sawmills. This recommendation stems from information given by tt.

[159] CIB later indicated that the National Road issue does appear in the EIA of the Loundoungou UFA, and that a SIA is currently carried out. Although CIB has a protocol for logging roads, this is a national road to which different rules apply.

solutions to problems created by road building and use and must be made public. Policies must be developed and measures taken to counteract and limit the negative ecological and social impacts of the Loundoungou road, implemented and constantly monitored.

18. Greenpeace therefore urges CIB and the Congolese government to abandon the plan to construct a sawmill at Loundoungou. Greenpeace strongly recommends that this industrial project be reconsidered and relocated to an existing industrial centre such as Kabo or Pokola.
19. CIB should explore and present to the central Congolese government, the Likouala regional authorities, populations, elected representatives and other concerned stakeholders alternative development activities and measures for the Likouala population in order to adequately replace those potentially provided by the Loundoungou sawmill.
20. All wood processing should be carried out in Pokola or Kabo. Special Impact studies on further industrial development should be initiated, completed, analysed and discussed with the central Congolese government and concerned stakeholders.
21. CIB should make its Cahier des charges public.
22. Sustainable, appropriate and functional solutions to the problems created by the industrialization of forest sites such as Pokola and Kabo should be explored and implemented before new centres of industrialisation are created, particularly in primary forests.
23. Studies on the potential effects of the building of new industrial centres should be initiated, completed and made public. These studies must clearly reflect the local peoples interests and rights through prior informed consent and suggest possible solutions for conflicts of interests

**Ecological Impacts Part II: Sylvicultural Management effects**

24. Considering the fact that CIB has classified their entire concession area as HCVF to reach both ecological and social sustainability, the measures taken should follow the precautionary approach. Ecological and social criteria should be considered in planning processes equally with economic criteria. In particular, CIB must recognize and respect the needs of the local population.
25. All relevant social information should be collected in co-operation with indigenous people, fed into the inventory program and taken into account before the decision to harvest a tree is made on an equal weighing with economic and (broader-base) ecological information.
26. The software program incorporating ecological and social criteria into inventory and management plans could be a useful example for other forest operations. Results and workability should be made publicly available and frequently monitored.
27. Measures to minimise overexploitation should be taken in cases where data demonstrates or strongly suggests problems. These measures could include further increasing the Minimum Exploitable Diameter (DME), extending the rotation cycles or harvesting significantly less absolute volume of specific species compared to previous practices. CIB should commit to keep as much as possible the natural tree species composition and use monitoring in the reference areas to verify this.
28. Particular attention should be paid to the reconstitution of Sipo and Sapelli. The measures taken by CIB to reduce pressure on Sapelli and Sipo (e.g. increasing DME and attempting to commercialise larger group of species) should be monitored and evaluated. If indicated, Sipo and Sapelli should be logged significantly less or not at all until they have recovered from exploitation effects.
29. Further knowledge on the main harvested species' autecology and their role within the forest ecosystems is required and should be gained through (possibly commissioned) research.

30. A post-harvesting monitoring system should include and address research results on tree genetic diversity.
31. CIB should clarify the criteria currently used for applying a precautionary approach to all IUCN Red List timber species.
32. Regeneration should continue to be monitored via long term research carried out in both logged and unlogged areas to ensure that species loss does not occur in the concessions, and verify that natural processes, natural forest species composition and biodiversity are maintained.
33. The effectiveness of sylvicutural measures taken (e. g, such as increasing the DME) must be monitored.
34. Further research must be carried out on regeneration in Marantaceae forests.
35. Particular attention must be paid to the regeneration of Ayous, Iroko, Afrormosia, Acajou, Etiomé and Limba, as it is very weak. The autecology of these particular species should be further researched and monitored. Research results may lead to further required changes in logging practices.
36. The impact of the increase in herbaceous species on species regeneration should be researched and monitored.
37. The decision concerning which tree will be felled should not be taken on the basis of regeneration data alone. Even if regeneration of a species is sufficient to maintain the population, there are many other variables to be taken into account. These variables can be ecological or social.
38. Certain species need time to recover from the exploitation which heavily impacted their diameter distribution. It should be ensured that their diameter distribution resembles the natural distribution before they are logged again
39. With the implementation of the management plan a sufficient number of old and "future old" individuals of each species must be left within the forest ecosystem - as they fulfil important ecological functions.
40. To ensure that exploitation impacts on biological diversity are reduced as much as possible and the ecological functions and integrity of the forest is maintained as required by the FSC principles, exploitation effects on, for example, regeneration, density and diameter distribution as well as on volume growth should be systematically monitored within the different forest types. Measures to reduce impacts should be adopted in the management plan (such as increased DME, longer rotation cycle or reduced logging volume). Their effects should also be closely monitored and adapted if indicated
41. To gain a deeper understanding of long term exploitation impacts on these forest ecosystems, further research on the species autecology and their role within the forest ecosystem is required.
42. CIB should outline the frame of the RIL program with greater precision to ensure clarity and transparency. Measurable objectives should be described. The RIL program should be integrated into the management plan. Major steps and measures should be described.
43. Baseline studies used in decision-making should be listed and made public.
44. The effectiveness of measures should be monitored, frequently reviewed and adapted if required.
45. A post-harvesting monitoring system should assess and monitor felling damages, analyse results and integrate corrective measures into the management plan. The monitoring of felling damages could be included in CIB's 2005 development of RIL procedures to control the felling process. An assessment of the felling damage in the second rotation is of special interest as research results show a higher presence of lianas in exploited areas, which means that under these circumstances higher damages could occur.

**Ecological Impacts Part III: Management in High Conservation Value Forests**

46. Surveys and studies of species supported or hosted by exploited timber species (including their canopy) should be carried out, and strategies should be developed to monitor and mitigate effects of systematic 'host or keystone' tree removal by logging (i.e. Sipo, Sapelli, Ayous, etc.).
47. Surveys and monitoring systems should involve the local indigenous peoples, particularly the semi-nomads, both with regards to status of relevant indicator species and with regards to the impact of logging activities on species or areas they are familiar with and/or which are important to them (be it for nutritional, medicinal or cultural reasons.
48. Broader taxonomic surveys should be carried out in the reference areas (smaller vertebrates, invertebrates and plants.), including some targeted field taxonomy studies in the canopy. These inventories and research programs can be carried out by various research institutions, although discussed and facilitated by CIB[160].
49. The areas identified and set aside for non-exploitation by CIB should be monitored, particularly with regards to threatened and vulnerable species.
50. In the medium term the results of biological and ecological studies and monitoring should inform management and logging regimes in the concession and by becoming integrated into the management plans.
51. The overall effectiveness of the anti-poaching measures should be assessed independently and include investigation of the relocation of poaching onto other neighbouring but unmonitored areas. Such investigations cannot only be carried out in CIB's concessions, but must occur regionally.
52. The eco guard system should be reviewed and improved, including further training of eco guards in communicating and interacting with local populations (see Social Section recommendations on improvements to poaching control programs).
53. Further research on and investments in the protein substitution program should be carried out (excluding meat imports), particularly fishing. An effective and sustainable local protein substitution programme should help reduce poaching pressure, in complement to anti-poaching activities.
54. The costs of the anti-poaching program should be entirely internalised by CIB for its own concessions; at present these costs are only partially covered by the company.
55. The other concessions adjacent to the NNNP (Mokabi, Ipendja) should rapidly initiate, implement and fully pay for anti-poaching control programmes to ensure that all commercial poaching pressure on NNNP is equally addressed by all the surrounding companies and activities.
56. The other concessions in the region to which commercial poaching pressure may have shifted should also initiate and implement such programs.
57. All other concessions in the country should pay for anti-poaching programs.
58. CIB should clarify the criteria for including areas in the protected series.
59. Protected areas should be representing all forest types especially within the unlogged areas and should not only be focused on ecological but also on social values such as "sacred sites". Indigenous communities and local people should be consulted to decide the establishment of community series/ unlogged areas.
60. Greenpeace therefore recommends that criteria based on an integration of conservation biology principles and community land use planning are used as the basis for selecting, designing and managing areas excluded from exploitation within the concession.

[160] For an example of rapid biological assessment carried out to gather data on major taxonomic groups prior to carrying out mining activities in West Africa: http://investigate.conservation.org/expeditions/cotedivoire/report.htm#repsandphibs

61. These criteria should be made available to interested stakeholders. Based on these criteria appropriately large areas representing all forest ecosystems should be appointed as protected areas to maintain local ecological and evolutionary processes as well as indigenous cultural values.
62. Greenpeace recommends that CIB begins to outline, document and monitor precautionary measures in line with the precautionary approach required for maintaining and enhancing the HCVF[161] as presented in the FSC. These should be circulated to other stakeholders (such as the FSC, other concession holders...)
63. In line with TFT's Gap analysis, CIB must define the attributes which define their forests as High Conservation Value Forest (amongst others these criteria will include the presence of protected species, indigenous peoples, and large tracts of primary forests, but also high species numbers, including an indeterminate number of unknown species).
64. More accurate ecological costs of logging must be assessed through monitoring, including decline in populations & species loss, damaged ecosystem function as well as the regeneration of harvested species and large mammal dynamics which are the current and major focus of bio-monitoring in the concession). CIB should facilitate the conduct of such assessments by external research institutions.
65. Greenpeace recommends broader rapid taxonomic assessments of reference areas for major groups (plants, smaller vertebrates and invertebrates) in order to reduce the risk of species loss (i.e. endemic or threatened species), to ascertain the presence of new, threatened or migratory taxa, using the available rapid taxonomic assessments methodologies. Partnerships could be envisaged and sought to carry out this work.
66. The reference areas must provide the ecological and taxonomic baseline against which CIB management must be continually assessed with regards to the maintenance of ecological processes and biodiversity structure.
67. Rapid Taxonomic Assessments (on the major taxonomic groups) must be carried out specifically on current and future harvested species in order to establish baseline ecological and taxonomic information on each harvested species/ essence and the cohort of species of other taxa nesting, feeding or using it.
68. CIB must develop policies and procedures to address discoveries of new, threatened or endangered taxa in primary forests prior to logging (in line with FSC criterion 7.1), clearly explaining how management will take into consideration these discoveries, (including how extinction risk will be balanced with plans to log specific areas or individual trees), when such biological knowledge becomes available (as should be the case after results of EIAs are known and remedial measures or cancellations of specific activities occur).

**Economic Viability & Other Issues**

69. Greenpeace asks that donor agencies currently investing funds in activities that assist logging companies in their efforts to improve their logging operations and to reduce poaching should, as a matter of priority, commission an independent and transparent economic audit of the costs and profit structure of logging companies in the Congo Basin[162].
70. CIB must clarify its compliance with Congo's existing forestry laws, and the payment of any outstanding fines resulting from illegal logging (or contestation of allegedly illegal) activities.
71. CIB should elaborate and publish a company's anti-bribery policy.

[161] TFT (Tropical Forest Trust)
[162] Marchés Tropicaux, February 2004.

72. The entire tt group must implement a policy which guarantees that no timber from illegal sources will be commercialised[163].
73. CIB must clarify its compliance with Congo's existing forestry laws, and the payment of any outstanding fines resulting from illegal logging (or contestation of allegedly illegal) activities.

[163] tt signed a statement on illegal logging : Timbnet Silverman (March 2005) Policy Submission to the Commission for Africa.

## Recommendations to the Government of Congo

1. The government of Congo should produce responsible a clear and coherent development strategy for the Northern Congo region which ensures the effective protection of biodiversity and the durable alleviation of poverty for its indigenous populations. The Loundoungou national road and sawmill projects clearly highlight serious deficiencies in the coherence of existing strategies and projects for the region's social, economic and environmental development.
2. The government of the Republic of Congo, notably its Ministry of Justice and Human Rights, should work with CIB and other interested parties, to clarify the legal situation of the indigenous communities in northern Congo, especially the semi-nomadic population, particularly with respect to their access and use of forests in logging concessions. This will require examination of existing legislation governing forests, biodiversity protection, and indigenous peoples in relation to FSC and other international norms. This could contribute to the development of reforms to bring the government of the Republic of Congo into compliance with its international obligations under the CBD, and facilitate implementation of FSC standards and regional agreements such as the 2005 COMIFAC treaty.
3. The government of Congo should ensure that forestry taxes paid at the local and national levels do enter the national treasury and contribute locally to the Congolese population. The information on use of forestry taxes should be made public to ensure transparency. The government of Congo must develop policies and measures aiming to control the growth of Pokola and Kabo, in collaboration with other PROGEPP partners. These policies and measures must be implemented and constantly monitored.
4. Loundoungou Road EIA & SIA[164] must be carried out on the consequences of road building and use (see Box 3 for definitions). These impact studies must clearly reflect the local peoples interests and rights, and suggest possible solutions to problems created by road building and use and must be made public. Policies must be developed and measures taken to counteract and limit the negative ecological and social impacts of the Loundoungou road, implemented and constantly monitored. A precautionary approach should be applied to national road building processes.
5. The MEFE should make impact studies public. A precautionary approach should be applied to national road building processes. This means that EIAs and SIAs should be carried made public and their conclusions taken into account before other projects are considered .
6. Greenpeace therefore urges the Congolese government and CIB to abandon the plan to construct a sawmill at Loundoungou. Greenpeace strongly recommends that this industrial project be reconsidered and relocated to an existing industrial centre such as Kabo or Pokola.
7. The MEFE should investigate whether the marketing lesser known timber species in an attempt to reduce pressure on a few target species (Sipo, Sapelli.) may not indirectly create significant new ecological problems when concession holders operating in a more predatory manner in the region take advantage of the newly opened markets for lesser known species and start cutting these without reducing pressure at the same time on the already known and easily marketed species such as Sapelli and Sipo, etc .
8. The MEFE should pay particular attention to the reconstitution of Sipo and Sapelli in all concessions of Congo Brazzaville. The MEFE should monitor and evaluate measures taken to reduce pressure on Sapelli and Sipo (e.g. increasing DME and attempting to commercialise larger group of species),

[164] CIB later indicated that the National Road issue does appear in the EIA of the Loundoungou UFA, and that a SIA is currently carried out. Although CIB has a protocol for logging roads, this is a national road to which different rules apply.

and explore replicability in other concessions should be explored and facilitated. If indicated, MEFE should enforce a significant reduction or a complete cessation of Sipo and Sapelli exploitation until these two species have recovered from the effects of exploitation.

9. The MEFE should verify that the commercial poaching problem has not simply been relocated/displaced to neighbouring areas in which no wildlife protection and monitoring takes place.
10. The government of Congo should level the playing field regarding anti-poaching programs in the country through regional approaches to control commercial poaching and trade in bushmeat. For example, the two other logging companies operating in the concessions bordering the Nouabalé Ndoki National Park should also initiate and pay for anti-poaching programs.
11. The Government of Congo should make, all logging companies currently exploiting UFA or UFE pay for anti-poaching programs in the Congo Brazzaville through an update of the relevant national legislation.
12. The Government of Congo should encourage and facilitate the more accurate assessment of the ecological costs of logging through monitoring, including decline in populations & species loss, damaged ecosystem function as well as the regeneration of harvested species and large mammal dynamics. The Government of Congo should facilitate the conduct of such assessments by external research institutions.
13. The Government of Congo should encourage and facilitate broader rapid taxonomic assessments of reference areas for major groups (plants, smaller vertebrates and invertebrates) in order to reduce the risk of species loss (i.e. endemic or threatened species), to ascertain the presence of new, threatened or migratory taxa, using the available rapid taxonomic assessments methodologies. Partnerships could be envisaged and facilitated to carry out this work.

## Brief Presentation of Team Members

**Sandra Pfotenhauer**, 31, works with Greenpeace since 2000. Within the Greenpeace Forest Campaign her work focuses on tropical forests and certification issues. Prior to joining Greenpeace she studied forestry at the University of Freiburg, writing her diploma thesis on environmental awareness and education issues in Ivory Coast.

**Illanga Itoua,** 31, works with Greenpeace since 2003. A Congolese citizen, she has been working with conservation NGOs and communities in the Congo Basin for the past nine years, mainly on biological field surveys, monitoring systems and GIS.

**Christoph Wiedmer,** 45, works for the forest campaign of Greenpeace Switzerland since 1992 and did consultancy work for Greenpeace International and other NGOs. He lived about three years in the Amazon area and campaigns currently mainly on the role of Swiss/European company in Africa and the trade to Europe/Switzerland.

**Jerome Lewis,** 38**,** teaches anthropology at the London School of Economics, University of London. Since 1992 he has been working with hunter-gatherers and former hunter-gatherers in Central Africa, notably in Congo-Brazzaville with the Mbendjele and in the Great Lakes Region with the Twa.

**John Nelson**, 41, works with Forest Peoples Programme (FPP) since 2000, currently acting as a policy advisor and coordinating FPP's Parks and Peoples Programme in Africa. He has been working on conservation issues with communities, NGOs and government agencies in West and Central Africa for over 15 years, and is now based in the UK.

**Belmond Tchoumba,** 38, works with the Centre for Environment and Development (CED) since 1996, in Cameroon. He is currently acting as CED program manager and is involved in forest campaigns and indigenous peoples issues. He is also working on the certification of community forests in Cameroon.

## Mission's calendar

**Monday, November 29th 2004**

Arrival in Brazzaville of Greenpeace staff – the rest of the team arrived in Pokola the previous week.

**Tuesday, November 30th 2004**

Meeting with MEFE (Mr. Eteka; Mr. Namedoum*)*

Meeting with Mr. Mabiala from Department for Protected areas,

Meeting with M. Dubois, CIB,

Logistics

**Wednesday, December 1st, 2004**

Meeting with Minister Djombo

Flight to Ouesso & transfer to Pokola by boat

First meeting with CIB management, including WCS, unions, TFT, SGS

**Thursday, December 2nd 2004**

Meeting with Dominique Paget, Lucas van der Walt, Olivier Desmet, management plan presentation

Meeting with management, missions schedule,

Visiting sawmill and kilns

Team meeting

**Friday, December 3rd 2004**

Ndoki 1, 2, Loundoungou

**Saturday, December 4th, 2004**

Meeting with M.Schwartz, Administrative director

Meeting with chef du personnel Mr. Disso Bakonga

Meeting with unions MM. Kouayas (CSTC); Etoka Oniang (CSC); Alan Jacques (CSTC); Ntamboudila (CSC), Ngassaki (CATC)

Evening: reception at guesthouse, farewell Monsieur and Mme. Glannaz

**Sunday, December 5th, 2004**

Departure to Kabo

Bomassa, WCS research station,

Night in NNNP

**Monday, December 6th, 2004**

Mbeli Bai, NNNP

Bomassa village, meeting with village chief

Return to Kabo

**Tuesday, December 7th, 2004**

Kabo, WCS, interviews with different staff members

Presentation of Ecoguards Programme, Education programme & Research unit

**Friday, December 8th, 2004**

Forest field trip, logging operation (felling, skidding, reduced impact logging techniques)

Departure to Terre de Kabounga, meeting with Bantu people in Bene,

Night in Mobangui (Mbendjele village), discussions with Mbenjele community.

**Saturday, December 9th, 2004**

Meeting with Lucas van der Walt, Dominique Piaget

Meeting with Comité de village
Team meeting
Departure for Brazzaville

**Monday, December 13th, 2004**

Scheduled MEFE debriefing appointment cancelled due to Mr. Eteka's absence

## Abbreviations

| | |
|---|---|
| **AFD** | Agence Française de Développement, French Development Agency |
| **BMZ** | Bundesministerium für Zusammenarbeit, German Federal Ministry for Economic Cooperation and Development |
| **CAR** | Central African Republic |
| **CED** | Centre pour l'Environnement et le Développement, Cameroon |
| **CIB** | Congolaise Industrielle du Bois |
| **CTFT** | Centre Technique Forestier Tropical, Technical Tropical Forestry Centre |
| **DBH** | Diameter at Breast Height |
| **DME** | Diamètre Minimum d'Exploitation, Minimum Exploitation Diameter |
| **EIA** | Environmental Impact Assessment |
| **FAO** | Food and Agriculture Organization of the United Nations |
| **FFEM** | Fonds Français pour l'Environnement Mondial |
| **FPP** | Forest Peoples Programme |
| **FSC** | Forest Stewardship Council |
| **HCVF** | High Conservation Value Forests |
| **GTZ** | Deutsche Gesellschaft für Technische Zusammenarbeit GmbH, Germany |
| **ISO** | International Organization for Standardization |
| **ITTO** | International Tropical Timber Organisation |
| **MEFE** | Ministère de l'Economie Forestière et de l'Environnement du Congo ; Ministry for Forest Economy and Environment |
| **PPP** | Public Private Partnership |
| **RIL** | Reduced Impact Logging |
| **SIA** | Social Impact Assessment |
| **TFT** | Tropical Forests Trust |
| **tt** | Tropical Timber |
| **TWE** | Tropical Wood Environment |
| **WCS** | Wildlife Conservation Society |

## LIST OF BOXES AND FIGURES

## List of CIB Studies and Policies

Existing Documents

CIB Protocole de contrôle de la qualité d'abattage. CIB.

CIB (2003) Ressources forestières de l'unité forestière d'aménagement de Loundoungou. Rapport d'inventaire d'aménagement. Cellule d'aménagement CIB. Décembre 2003. Version provisoire.

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CIB (2003) Ressources forestières de l'unité forestière d'aménagement de Pikounda-nord. Rapport d'inventaire d'aménagement. Cellule d'aménagement CIB. Décembre 2003. Version provisoire.

Déclaration d'engagement de la Congolaise Industrielle des Bois (CIB) pour une amélioration continue des performances socio-économiques et environnementales.

Etude d'impact environnemental sur le projet d'extension des usines de Pokola et Kabo et le projet d'exploitation de l'UFA Loundoungou (GSB, 2004)

Etudes d'impact environnemental des UFA Kabo et Loundoungou - volet environnement et biodiversité (JMN-Consultant, 2004)

Etude d'impact social de l'UFA Kabo (JMN-Consultant, 2004)

Studies planned for 2005

Etudes d'impact environnemental des UFA Pokola et Toukoulaka et de l'UFE Pikounda – volet environnement et biodiversité : description du milieu, analyse de l'impact de l'exploitation forestière sur l'environnement et propositions de mesures d'atténuation. (premier semestre 2005, JMN-Consultant).

Etude d'impact social de l'UFA Pokola : étude du milieu humain, analyse des impacts sociaux de l'exploitation forestière et propositions de mesures d'atténuation (premier semestre 2005, JMN Consultant).

Etude d'impact social de l'UFA Toukoulaka: étude du milieu humain, analyse des impacts sociaux de l'exploitation forestière et propositions de mesures d'atténuation (premier semestre 2005, JMN-Consultant).

Etude d'impact social de l'UFA Loundoungou: étude du milieu humain, analyse des impacts sociaux de l'exploitation forestière et propositions de mesures d'atténuation (premier semestre 2005, JMN-Consultant).

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