

# A LAWLESS STATE: EUROPE'S BORDERS MUST CLOSE TO TRADE IN ILLEGAL TIMBER

A staggering 80% of the world's ancient forests have already been destroyed or degraded and much of what remains is under threat from illegal and destructive logging. The Member States of the European Union (EU) play a key role in fuelling the international demand for timber products from illegal and destructive logging. These products end up being used on construction sites and sold in stores across Europe. This is because, at this time, the EU currently has no mechanisms in place to control timber imports. If the last remaining ancient forests and the endangered species and peoples that they support are to have any kind of future, the EU must immediately introduce legislation to stop the import of illegal timber products into Europe and promote environmentally and socially responsible forest management worldwide.

## WHAT IS ILLEGAL LOGGING?

In the strictest definition illegal logging takes place when timber is harvested, processed, transported, brought or sold in violation of national laws. Laws can be violated at many different stages of the supply chain and can include:

- Obtaining concessions illegally (e.g. via corruption and bribery)
- Cutting protected tree species or extracting trees from a protected area
- Taking out more trees, under sized trees, oversized trees than is permitted or trees outside an agreed area
- Illegal processing and export
- Fraudulent declaration to customs of the amount of timber being exported
- Non payment or under payment of taxes
- Use of fraudulent documents to smuggle timber internationally

It should also be noted that much destructive logging is actually legal and that legal and illegal logging are often closely linked. Therefore addressing only illegally source timber is not sufficient to protect the world's ancient forests.

*'Expecting or asking one country to combat illegal logging while at the same time, receiving or importing illegal logs does not support the efforts to combat these forest crimes....In fact, allowing the import and trade of illegal timber products could be considered as an act to assist or even to conduct forest crime'*

Muhammed Prakosa, Indonesian Forest Minister, January 2003.



In Indonesia it is estimated that up to 90% of logging is illegal. ©Greenpeace/Davison

*'In the EU there is currently no Community legislation prohibiting the import and marketing of timber and timber products produced in breach of the laws of the country of origin.'*

FLEGT Action Plan.<sup>1</sup>

## STOLEN TIMBER

Illegal logging is having a devastating impact on the world's forests. Its effects are global and include deforestation, the loss of biodiversity and climate change. Illegal logging creates social conflict with indigenous and local populations and leads to violence, crime and human rights abuses.

Revenue from illegal logging activities is documented to have been used to fund civil wars, organised crime and money laundering, threatening international security. Weak governance and corruption in timber producing countries is a key component driving illegal logging.

The World Bank estimates that illegal logging costs timber producing countries between US\$10-15 billion per year in lost revenue, which could otherwise be spent on much needed public services such as building schools and hospitals.<sup>2</sup> Illegal logging also undermines the trade in legal and well managed timber by responsible companies by under cutting its price and making it less competitive.

## ANCIENT FORESTS IN CRISIS

Between August 2003 and 2004, the recorded deforestation rate for the Amazon Basin, the world's largest tropical forest, was the second highest ever recorded. An area of 26,130 square kilometers (almost the size of Belgium), was destroyed, much of it illegally<sup>3</sup>

Ancient forests have evolved over thousands of years into unique and vital habitats for millions of plants and animals. They are also home to millions of people who depend on them for their livelihoods and survival. Once they are destroyed they can never be replaced.

It is estimated that some 1.6 billion people worldwide depend on forests for their livelihood and 60 million indigenous peoples depend on forests for their subsistence.<sup>4</sup>

Ancient forests stabilise the structure of the soil, helping to prevent erosion, silting of rivers and flooding. In mountainous areas they also reduce the risk of landslides. Furthermore, forests serve as vast carbon reservoirs, storing carbon dioxide and playing an important role in the regulation of the Earth's climate.



*In just one year the Amazon lost an area almost the size of Belgium to rainforest destruction.*  
©Greenpeace/Cesar



*Ancient forests are critical to indigenous peoples who depend on them for their way of life*  
©Greenpeace

## EXAMPLES OF ILLEGAL LOGGING RATES

*'Today from 6 to 9 of each 10 exported logs are exported from Russia illegally'*

**S.Mironov, Chairman of the Council - S.Mironov, Chairman of the Council of Federation of the Federal Assembly of the Russian, 6 September 2005.<sup>8</sup>**

- In Indonesia it is estimated that between 76 and 80% is illegal.<sup>9</sup>
- In the Brazilian Amazon 60% -80% of logs were produced in 2004 without any authorization<sup>10</sup>
- In Cameroon 50% of logging between 1999-2004 is estimated to have been illegal.<sup>11</sup>
- In Ghana there is no legal timber production because no valid logging permits currently exist.<sup>12</sup>

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*'As a purchaser of timber products you have the power to make a conscious decision from whom, and from where, you source your products. By buying timber sourced from Indonesia you are facilitating the destruction of our rainforest and national parks.'*

**Nabiel Markarim, Indonesian Minister of the Environment, September 2002.**

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## THE EU BUYS FOREST DESTRUCTION

The illegal timber trade in timber may be worth over a tenth of the total global trade, estimated to be more than US \$150 billion a year.<sup>5</sup> In its 1999 review of its global forest policy, the World Bank stated that in many countries illegal logging is similar in size to legal production and that in others it exceeds legal logging by a substantial margin.<sup>6</sup>

Illegal logging and the trade in illegally sourced timber is fueled by demand for cheap wood products in Europe, the US, Japan and China, where governments turn a blind eye to its origin. The EU is a major consumer of timber from areas where illegal and destructive logging is a serious problem. For example:

- The EU is the second largest market for sawn timber from Asia and the second largest market for Asian plywood.<sup>13</sup>
- The EU accounts for around 40% by value of all timber exports from the Brazilian Amazon.<sup>14</sup>
- Total EU timber imports from Cameroon in 2004 were worth approximately 400 million. Italy is the leading EU buyer of sawn wood, logs, veneer and moldings. Spain is a major importer of sawn lumber. Other important importers of sawn lumber are France, Belgium, the Netherlands, and Ireland. Germany is a significant importer of Cameroon logs.<sup>15</sup>
- The EU is the major wood trading partner for Ghana accounting for over 50% of total wood exports in 2004. Key markets include Italy, Germany, the UK, France, Belgium and Spain.<sup>16</sup>
- The EU is the largest importer of logs from Russia by volume and accountable for nearly half of Russia's trade in sawn timber. The EU also imports nearly half of Russia's plywood exports.<sup>17</sup>

As a global political player and one of the largest importers of timber products, the European Union has a shared responsibility with timber producing countries to adopt measures to combat illegal logging and improve forest law enforcement and governance around the world.

## EU ACTION ON ILLEGAL LOGGING – WHY IT IS NOT ENOUGH

To address the problem of illegal logging, the European Commission adopted an Action Plan on Forest Law Enforcement, Governance and Trade (FLEGT) in May 2003. Amongst other things, the Action Plan recommends the development of Voluntary Partnership Agreements (VPAs) with timber producing countries which are aimed firstly at helping these signatory countries improve their governance and forest management and secondly, implementing a licensing system to ensure that they only export legal timber to Europe.



Logging in Russia is destroying ancient boreal forest ©Greenpeace

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*'Illegal logging [is] in two areas important. This is... close to the border with China and close to the border with Finland. Obviously this is due to the high demand for timber that can be brought into the country illegally. I think that we won't be able to solve this problem applying just internal measures.... we need trans-border co-operation.'*

**Minister Trutnev, Russian Minister for Natural Resources, October 2006.<sup>7</sup>**

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Illegal logging in Papua New Guinea destroys the homes of indigenous peoples who depend on the forest. ©Scheltema/Greenpeace

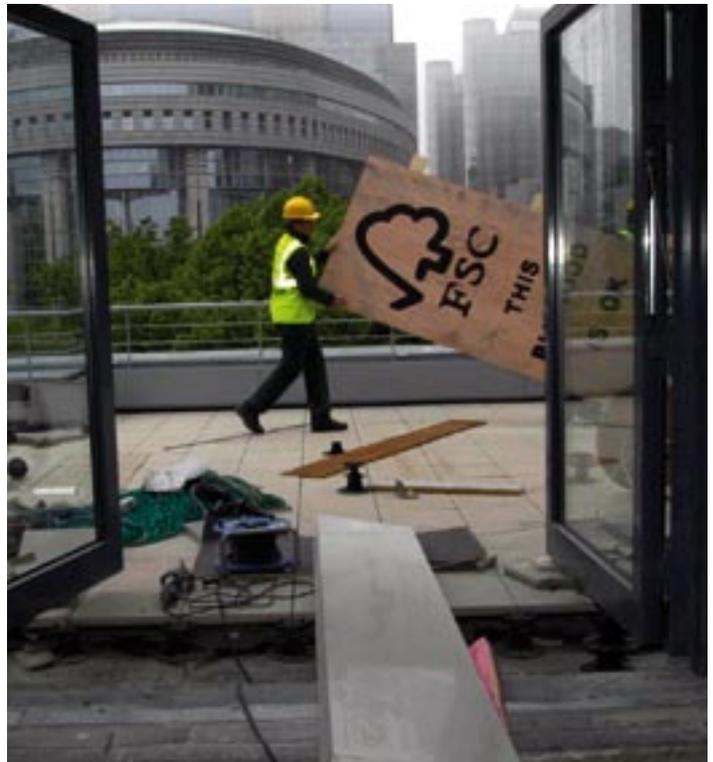
## LOOPHOLES IN THE VOLUNTARY APPROACH

While the Action Plan also recommends the development of further legislative options that could include legislation to prohibit the import of illegally logged timber products into Europe, the European Commission is promoting VPAs as best solution to tackle the problem of illegal logging. Although Greenpeace has been supportive of some elements of the VPA's, they on their own can not tackle the import of illegal timber, they could even backfire and contribute to the laundering of illegal timber and undermine the drive towards sustainable forest management.<sup>19</sup> This is because there are serious loopholes in the voluntary approach that include the following:

- **VPAs will only cover direct trade with Europe, not timber products imported via a third party country, such as China.** European Member States make up approximately 14% of China's total export market, a figure that is increasing rapidly.<sup>20</sup> More than half of China's total timber imports originate from forests in Russia, Malaysia, and Indonesia, with Papua New Guinea, Burma and Gabon also being significant sources. In all of these areas illegal and unsustainable logging is rampant. Given this, it is very likely that illegal timber will continue to come into Europe, even if VPAs come into effect.
- **VPAs will only apply to countries that enter into such agreements.** The European Commission admits that 'some important wood-producing countries may chose not to enter into FLEGT partnership agreements with the EU', meaning that products imported into Europe from such countries will not be covered by VPAs.<sup>21</sup>
- **The current proposal only includes plywood, logs and sawn timber products.** This means that pulp, paper and furniture will not be covered by the system.
- **No mechanisms have been established to ensure meaningful consultation with civil society groups regarding VPAs.** These include Members of Parliament, Non Governmental Organisations (NGOs) and indigenous peoples groups.
- **VPA could lead to the entrenchment of environmentally and socially destructive forest practices.** There is a risk that timber producing countries may base their licensing scheme on existing private systems. Many of these systems are weak and can not guarantee independent monitoring of forest management practices, third party verification of legality throughout the supply chain or the engagement of civil society groups. There is also the risk that timber producing countries may water down their existing laws or legalize existing illegal practices to meet Europe's demands.

*'The [European] Commission continues to believe that a voluntary approach offers the best means to combat illegal logging in an effective and proportional manner. A solution to this serious problem requires the full co-operation of wood-producing countries.'*

Louis Michel, EU Commissioner for Development, 18th July 2005<sup>18</sup>



At the European Commission construction site Greenpeace volunteers replace plywood from Indonesian rainforest destruction with plywood certified by the Forest Stewardship Council. ©Greenpeace/Cobbing

## EU COMMISSION USES TIMBER FROM RAINFOREST DESTRUCTION

In 2004, Greenpeace exposed the European Commission for using timber from Indonesian rainforest destruction in its own building and refurbishment work. Greenpeace investigators found that the new offices of the EU, the Berlaymont, and the Economic and Social Committee (Committee of the Regions) buildings both used Indonesian rainforest plywood for walls and flooring. Indonesia has one of the highest rates of illegal logging in the world and has one of the longest lists of endangered species in the world. The plywood was supplied by companies like Korindo and Asia Forestama Raya (AFR) both known to have traded in illegal timber.<sup>25</sup>

## THE NEED FOR LEGISLATION IN THE EU

Greenpeace believes that to fill the gaps in the voluntary approach set out above, there is an urgent need for EU legislation to prohibit illegal timber and ensure that timber on the European market is from legal as well as socially and environmentally sustainable sources.

To outline how such legislation could work, Greenpeace, FERN and the WWF drafted model legislation and circulated it to governments of the EU Member States at the end of November 2004.

In July 2005 the members of the European Parliament called on the Commission to go beyond the proposed voluntary regime by adopting a resolution calling on the Commission to put forward "legislation that will prohibit the import of all illegally sourced timber and forest products into the EU, regardless of the country of origin, and set the promotion of socially and ecologically responsible forest management worldwide as the final objective".

## NGOS AND INDUSTRY SUPPORT LEGISLATION

Over 180 non governmental organisations and 70 progressive EU companies including B&Q, Homebase and Habitat (UK), Castorama (France), IKEA and Skanska International (Sweden), Unital (Union of Italian Industries of Wood Furniture), JYSK Nordic (Denmark) and Puertas Luvipol (Spain), also called on the Commission to introduce legislation that will lead to clear rules in Europe for fair competition and sustainable markets.

### MARKET REJECTION OF ILLEGAL AND DESTRUCTIVE TIMBER

Some European timber traders have begun to reject timber from dubious sources. In response to Greenpeace investigations that revealed illegal timber from Papua New Guinea was being used in Chinese plywood, a number of companies in the UK, Germany, France, the Netherlands and Belgium committed to not buy Chinese plywood faced with bintangor timber originating in PNG. The French timber importers association also recommended that its members do not purchase such plywood. The UK Timber Trade Federation has gone further and recommended that its members not buy products that may include timber sourced from Papua New Guinea, in the absence of any evidence of legality. Despite these commitments, illegally logged timber from PNG continues to find its way onto the European market most recently being found in high profile

refurbishment work at the UK Cabinet Office and the Houses of Parliament in London.



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*'Binding legislation is required....to prosecute companies and individuals importing or marketing illegally sourced timber and forest products.'*

EU Parliamentary Industry and Trade Committee, January 2004.



A truck loaded with African logs heads for processing into plywood in China. ©Greenpeace

*'Cheap imports of illegal timber and the noncompliance of some firms with basic social and environmental standards destabilises international markets, threaten jobs and create unfair competition. Without a clear European legal framework, companies that behave responsibly and want to invest in sustainable practises will always be at a disadvantage.'*

André de Boer, Director of the Dutch Timber Trade Federation. April 2005



Plywood mill in China supplying timber to the EU. ©Greenpeace

## BANNING THE OBVIOUS

EU legislation would be aimed at eliminating trade derived from criminal activities in the country of origin. The following table sets out the criminal issues that are related to illegal logging:

CRIMINAL ISSUES	EXAMPLE COUNTRIES	ILLEGAL LOGGING: IMPACTS AND COSTS
Corruption and Fraud	Brazil, Indonesia, Russia, Cameroon, Gabon, Democratic Republic of Congo (DRC)	<ul style="list-style-type: none"> <li>• Promotes and sustains corruption.</li> <li>• Costs governments billions of dollars in lost revenue.</li> </ul>
Lawlessness	Brazil, Peru, Papua New Guinea, Indonesia, Cameroon, Gabon	<ul style="list-style-type: none"> <li>• Illegal logging undermines the rule of law and good governance.</li> <li>• Retards sustainable development in some of the poorest countries</li> </ul>
Conflict Related issues	Liberia, Sierra Leone, Democratic Republic of Congo (DRC)	<ul style="list-style-type: none"> <li>• Profits from timber funds armed conflict</li> <li>• Finances rogue governments</li> </ul>
Death Threats and Murder	Brazil, Peru, Indonesia	<ul style="list-style-type: none"> <li>• Logging companies use force to displace forest communities and indigenous from their land.</li> </ul>
Slavery and Debt Bondage	Brazil	<ul style="list-style-type: none"> <li>• Workers are held in debt bondage in remote areas of forest</li> </ul>

*'Corruption is like a disease. If the disease is not detected and diagnosed promptly and appropriate treatment applied, the disease will invade and suffocate the host and terminate life.'*

*Due Diligence' inquiry into corruption into the PNG Forest Service, 2003.<sup>22</sup>*

### ANARCHY IN THE AMAZON: THE MURDER OF SISTER DOROTHY STANG

Lawlessness and violence goes hand in hand with forest destruction. On the 12th of February 2005, Sister Dorothy Stang, a 73 year old missionary who had devoted half her life to defending the rights of rural workers against the interests of farmers and ranchers in a remote part of the Amazon, was assassinated in the Brazilian state of Pará. Sister Dorothy, an American nun and Brazilian citizen was working to minimize land tenure conflicts, involving land grabbing, deforestation and illegal logging.



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At a memorial one year after her death, community people, environmental and human rights advocates planted white crosses for each rural worker who has been assassinated in land conflicts over the last 33 years in the state of Pará alone. They erected red crosses for every community leader currently under a death threat in the state

*'Illegal logging robs national and subnational governments, forest owners and local communities of significant revenues and benefits, damages forest ecosystems, distorts timber markets .... and acts as a disincentive to sustainable forest management.'*

*G8 Finance Ministers, 1998<sup>26</sup>*

## CALL TO ACTION FOR GOVERNMENTS:

At the United Nations Convention on Biological Diversity (CBD) in 2004, signatories including the EU and its Member States, agreed, 'individually and collectively to take further steps in curbing the illegal exploitation and trade of resources, particularly from existing protected areas and from areas of ecological importance for biodiversity conservation'.<sup>23</sup>

To fulfil international commitments, the European Commission and EU Member States must under the FLEGT initiative, immediately:

- Adopt effective EU legislation to ensure that all timber products on the European market are from legal as well as socially and environmentally sustainable sources. Such a law should allow for the prosecution of individuals and companies involved in the illegal trade of timber and timber products. Ultimately such a law will ensure European consumers that only timber products from legal and well managed forests are sold in their marketplace and that traders engaged in legitimate trade are not undermined.
- Develop strong Voluntary Partnership Agreements (VPAs) between timber producing countries and the European Union which will improve the forest laws and governance, tackle corruption and ensure a meaningful participation of civil society within those countries, leading to responsible forest management practices, such as those specified under the principles and criteria of the Forest Stewardship Council (FSC).
- 'Green' their timber procurement by introducing legal and sustainable purchasing criteria, so that they no longer fuel illegal and destructive logging activities using public money.
- Implement and enforce existing national and European legislation on bribery and money laundering, which are regularly linked to the trade in illegally logged timber.

While the FLEGT programme takes steps to address issues of law enforcement and governance in timber producing countries and the trade in illegal timber with the EU, it is not enough to protect the world's last ancient forests. In addition the EU and Member State Governments must:

- Support establishment of moratoria on new industrial developments in all intact forest landscapes<sup>24</sup>
- Support setting up a global network of protected forest areas while the moratoria are in place. This must involve local stakeholders and prior informed consent of indigenous peoples and other local communities
- Ensure sufficient financial resources for forest conservation and cut subsidies that threaten forests



*There is currently no law to stop the import of illegally logged timber into Europe.  
©Greenpeace/Cobbing*



*Landowner Sakas Aonomo on a stockpile of logs in PNG. His family faces an uncertain future as logging threatens to destroy their lands. ©Scheltema/Greenpeace*

### THE FOREST STEWARDSHIP COUNCIL

The Forest Stewardship Council (FSC) is the only internationally recognised forest certification scheme on the market that can give credible assurance that timber products come from responsibly managed forests. It is also the only scheme supported by major environmental groups including Greenpeace, Friends of the Earth and World Wide Fund for Nature (WWF), as well as progressive timber companies and many indigenous peoples' organisations. All products carrying the FSC logo must meet the FSC Principles and Criteria of Forest Stewardship, which cover environmental, social and economic issues. The FSC logo can only be used on products whose chain of custody has been audited and monitored. This requires that the timber be tracked through all stages of processing- from the forest to the final labeled product.



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## Endnotes

- 1 FLEGT Proposal for an EU Action Plan, 21 May 2003, section 4.2.4, [http://europa.eu.int/comm/development/body/theme/forest/initiative/docs/Doc1-FLEGT\\_en.pdf#zoom=100](http://europa.eu.int/comm/development/body/theme/forest/initiative/docs/Doc1-FLEGT_en.pdf#zoom=100)
- 2 The World Bank Group, A Revised Forest Strategy for the World Bank Group, 31 October 2002 p. 1 [http://lnweb18.worldbank.org/ESSD/essdext.nsf/14DocByUnid/403A34FDD7B9E84A85256BD00077D91B/\\$FILE/FSSPFinal1Nov02.pdf](http://lnweb18.worldbank.org/ESSD/essdext.nsf/14DocByUnid/403A34FDD7B9E84A85256BD00077D91B/$FILE/FSSPFinal1Nov02.pdf)
- 3 INPE, 2005. PRODES – Amazon Forest Satellite Monitoring/2003-2004 deforestation data. [www.obt.inpe.br/prodes/](http://www.obt.inpe.br/prodes/)
- 4 World Bank Press Release, 'Global Forum calls to curb illegal logging and promote responsible forest investment, 23rd October, 2003.
- 5 OECD Environmental Outlook p 122. <http://www.oecd.org/dataoecd/51/6/2088589.pdf>
- 6 World Bank, A Review of the World Bank's 1991 Forest Strategy and its implementation, January 2000, p 4
- 7 Statement of Minister Trutnev at the EU-Russia Permanent Partnership Council, Helsinki. 9-10 October 2006
- 8 Speech at the international conference on "Responsible use of Nature - 2005", <http://www.rosbalt.ru/2005/9/7/224795.html>
- 9 'Calculation based on 'Forest Futures Scenario Analysis' in Multistakeholder Forestry Programme, Timber Industry Revitalization in Indonesia in the First Quarter of the 21st Century, 2005. [www.mfp.or.id/v3/images/uploads/d01-fsr01-be.pdf](http://www.mfp.or.id/v3/images/uploads/d01-fsr01-be.pdf). The 80% figure takes into account massive smuggling of logs to Malaysia, China and other countries. See: Greenpeace UK. 2003. Partners in Crime: Greenpeace Indonesian Forests Investigation. [www.greenpeace.org.uk/MultimediaFiles/Live/FullReport/5733.pdf](http://www.greenpeace.org.uk/MultimediaFiles/Live/FullReport/5733.pdf)
- 10 Official figures lead to an estimate of at least 60% but as is charcoal and firewood are not taken into account, the true figure likely lies around 80%.
- 11 Evolution de l'exploitation des forêts du Cameroun: production nationale, exploitation illégale, perspectives, Philippe Auzel, Timothée Fomete, ODI Joseph & Jean-Cyril Owada and World Bank/WWF Alliance, Forest Law Assessment in Selected African Countries, Final Draft, Oct 2002
- 12 Forest Ghana Watch, interview with Kyeretwie Opoku, Yaounde, Cameroon, October 2005. The All timber concessions are required to be reviewed by the Ghanaian Government. Most companies failed to apply for a review and those that did have yet to have a response from the Government.
- 13 Figures by value, from FAO FAOSTAT online database, quoted in FLEGT Proposal for an EU Action Plan, 21 May 2003, Annex 2 p. 28-29
- 14 MDIC/Greenpeace, 2004
- 15 Rupert Oliver & Emily Fripp, Changing International Markets For Timber: What African Producers Can do, African Timber Trade Forums, Producer Country Draft – Cameroon, May-July 2005, section 1.2.
- 16 Rupert Oliver & Emily Fripp, Changing International Markets For Timber: What African Producers Can do, African Timber Trade Forums, Producer Country Draft – Ghana, May-July 2005, section 1.8.
- 17 Figures from FAO FAOSTAT online database, quoted in FLEGT Proposal for an EU Action Plan, 21 May 2003, Annex 2 p. 28-29
- 18 Answer given by Louis Michel on behalf of the Commission E-2242/05EN, 28 July 2005
- 19 For more on this see How to ensure the EU FLEGT licensing scheme will contribute to controlling illegal timber and sustainable forest management, NGO statement, 25th September, 2005. See also FERN, Global Witness & Greenpeace Briefing: Forest Law Enforcement, Governance and Trade (FLEGT) Voluntary Partnership Agreements. September 2006.
- 20 Sun Xiufang, Forest Trends, The Chinese Market: Supply, Demand and Trade Workshop, June 6-7, 2005 -- Beijing, China
- 21 FLEGT Proposal for an EU Action Plan, 21 May 2003, section 4.2.4, [http://europa.eu.int/comm/development/body/theme/forest/initiative/docs/Doc1-FLEGT\\_en.pdf#zoom=100](http://europa.eu.int/comm/development/body/theme/forest/initiative/docs/Doc1-FLEGT_en.pdf#zoom=100)
- 22 Quest Investigation International (2003).
- 23 Text from final Declaration of Conference of the parties, CBD meeting, Malaysia, February 2004, VII/28. Protected Areas (Article 8(a) to (e)). <http://www.biodiv.org/doc/decisions/COP-07-dec-en.pdf>
- 24 The term Intact Forest Landscape refers to areas larger than 500 square kilometers. Many smaller forest areas with a high conservation value and in need of protection are not part 'intact forest landscapes' but are included in the term 'Ancient Forests'.
- 25 Investigations in 2003 by the Dutch based campaign group Milieudéfensie revealed that AFR has been accepting illegal timber from the Giam Siak Kecil wildlife refuge. Giam Siak Kecil is a 50,000 hectare reserve that is home to the critically endangered Sumatran tiger. The report, 'Suspect timber from Indonesia' can be found at [www.milieudéfensie.nl/foenl/publicaties.htm](http://www.milieudéfensie.nl/foenl/publicaties.htm) Korindo's Ariabima Sari mill was inspected by Indonesian Department of forestry Inspectors in May 2003 and found to be using illegal logs purchased from the notorious Rasyid family, known for the trade in illegal timber from Tanjung Puting national park (see for example EIA/Telapak, 'Illegal logging in Tanjung Puting National Park' [www.eia-international.org](http://www.eia-international.org)).
- 26 G8 (1998). Finance Ministers' Meetings and G8 Foreign Ministers' Meetings: G8 Action Programme on Forests. (Section VI points 10 and 11). G8 Birmingham Summit 9th May 1998. University of Toronto G8 Information Centre. <http://www.g8.utoronto.ca/foreign/forests.htm>

Greenpeace International  
 Ottho Heldringstraat 51  
 066 AZ Amsterdam  
 The Netherlands

<http://www.greenpeace.org>  
 Tel: +31 (0) 20 514 8150  
 Fax: +31 (0) 20 514 8151  
 Media Inquiries +31 (0)646162038