

Press Release
For Immediate Use

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Millions of acres of African rainforest threatened as Congolese government moves to 'legalise' felling for timber

A group of international NGO's have today warned that millions of acres of rainforest could be at risk as the government of the Democratic Republic of Congo (DRC) considers whether to legalise more than 150 timber felling contracts. The groups condemned the process used to review of the legality of the country's entire logging industry as being fundamentally flawed.

Intended to introduce accountability and transparency into the forest sector, the review, carried out by a high-level 'inter-ministerial commission' of the Congolese government, will decide which of the 156 logging contracts under review should be converted into legal logging concessions. However, the non-governmental organisations claim that the process has been shrouded in secrecy and has largely excluded people living in the forest from any meaningful role. The groups say that the legal review should cancel outright all logging contracts obtained in violation of a government ban introduced in 2002, and which are clearly in breach of the country's Forest Code.

"These illegal permits now risk being converted into concessions, making a mockery of the concept of legality in the DRC. Until basic control and enforcement measures are in place, the 2002 government ban on new logging permits should be upheld, as logging companies have obtained millions of hectares of new forest land under the pretext of regrouping, reshaping or restoring old permits since the ban imposed in 2002", **said Michelle Medeiros, Africa Forest Coordinator of Greenpeace International.**

Simon Counsell of the Rainforest Foundation said: "The traditional rights of people living in and around the forest should be paramount. Many logging operations have been illegally set up where thousands of people depend on the forest for their meagre livelihoods, and their continuation is likely to provoke long-lasting conflicts".

The NGOs also said that the Inter-Ministerial Commission will only initially disclose its findings to the logging companies concerned, giving them ample time to prepare appeals. In contrast, local communities living in or near the forests will be denied the same information, creating a serious and unfair disadvantage in these communities' ability to contest the review's decisions.

The NGOs questioned why equally important criteria for reviewing companies' operations were left out of the process, in particular compliance with national and international laws and regulations on the rights of workers, affected populations and indigenous peoples. Crucial aspects such as respect for social and environmental obligations were almost completely ignored, even though they were listed as required.

"Such an empty process should not serve as a basis for cleaning up the DRC logging sector," said Patrick Alley, Director of Global Witness. "It could be disastrous for both the forests and the millions of forest-dependent Congolese people. The impact of these decisions on the local populations living in and around the concessions is not being adequately considered."

The NGOs also raised doubts as to how the review outcomes would be managed. They stated that the poor track record of many logging companies in complying with legal and regulatory obligations and the absence of forest authority oversight would undermine public confidence that the decisions of the IMC would be fully implemented. They also highlighted the weakness of forest governance in the DRC and the absence of mechanisms to verify the origin and legality of timber produced in the country.

The NGOs warned that a failure to establish reliable systems to control the effective cancellation of non-converted titles will result in total uncertainty about the legal status of any timber leaving the DRC. The neglect of the environmental and social impacts of the conversion of logging titles into long-term contracts could also lead to serious social unrest.

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NOTES TO EDITORS

- The 2002 Forest Code introduced a new type of logging contract in the DRC: the forestry concession. According to its article 155, all existing logging titles must be converted into forestry concessions, provided they comply with the conditions set out in the Forest Code.
- With the introduction of the new Forest Law in 2002, the government imposed a moratorium on the allocation of new forest concessions including exchange, relocation or rehabilitation of old titles.
- The World Bank pointed out, as early as July 2003 that millions of hectares of new forest land obtained by logging companies since the 2002 moratorium, including through reshaping and exchanging old permits, were essentially new acquisitions, hence illegal. See Aide mémoire, « Mission de suivi du secteur forestier (1er – 12 juillet 2003) », World Bank, 2003
- A Presidential Decree of 2005 reconfirmed the moratorium and introduced the following three core criteria for the legal review of logging contracts: 1) the payment of area tax since 2003; 2) respect of permit limits; 3) the existence and continued operation of a processing unit.
- The NGOs contend that none of these very limited criteria for the legality review could be properly verified due to problems with data collection and due process. The problems with the verification of criteria are well-documented in the reports of the Independent Observer to the review, available at www.rdc-conversiontitresforestiers.org
- Crucial review aspects such as respect for social and environmental obligations have been almost completely ignored, even though they were listed as verification elements in the screening of requests for conversion in article 4 of the 2005 Presidential Decree.

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