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## Background to the research

This country note presents Chatham House's assessment of the likelihood of illegality in the supply chains of the main wood-based products exported by the Republic of the Congo. It was prepared to inform our analysis of illegal trade at the international level which has been published as part of the report '[Establishing fair and sustainable forest economies: lessons learned from tackling illegal logging](#)'. This is the most recent in a series of reports on governance and legality in the forest sector in the forest sector, an issue that Chatham House has been monitoring since 2008.

The country note has been published as a background document to explain how the international estimates of illegal trade were made. Thus, it is not intended to provide a comprehensive review of all the available data and information on forest sector legality for the Congo. International and national experts in Congo's forest sector provided feedback on preliminary versions of the country note.

## Overview of exports

Congo's exports of wood-based products primarily comprise logs destined for China and, to a lesser extent, sawnwood for China and Europe. Pulpwood accounts for the majority of 'other products' shown in Figure 1.

Congo began negotiating a Voluntary Partnership Agreement (VPA) with Europe in 2008. It was agreed in 2009 and came into force in 2013. Its implementation has included the development of a timber legality assurance system, including a financial information management system for the sector, and a process of legal reform.<sup>1</sup>

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<sup>1</sup> APV FLEGT Congo (2021), 'L'APV FLEGT au Congo !', <http://www.apvflegtcongo.com/>; and summaries of the implementation activities are available in the annual joint implementation reports, <http://www.apvflegtcongo.com/index.php/telechargements>

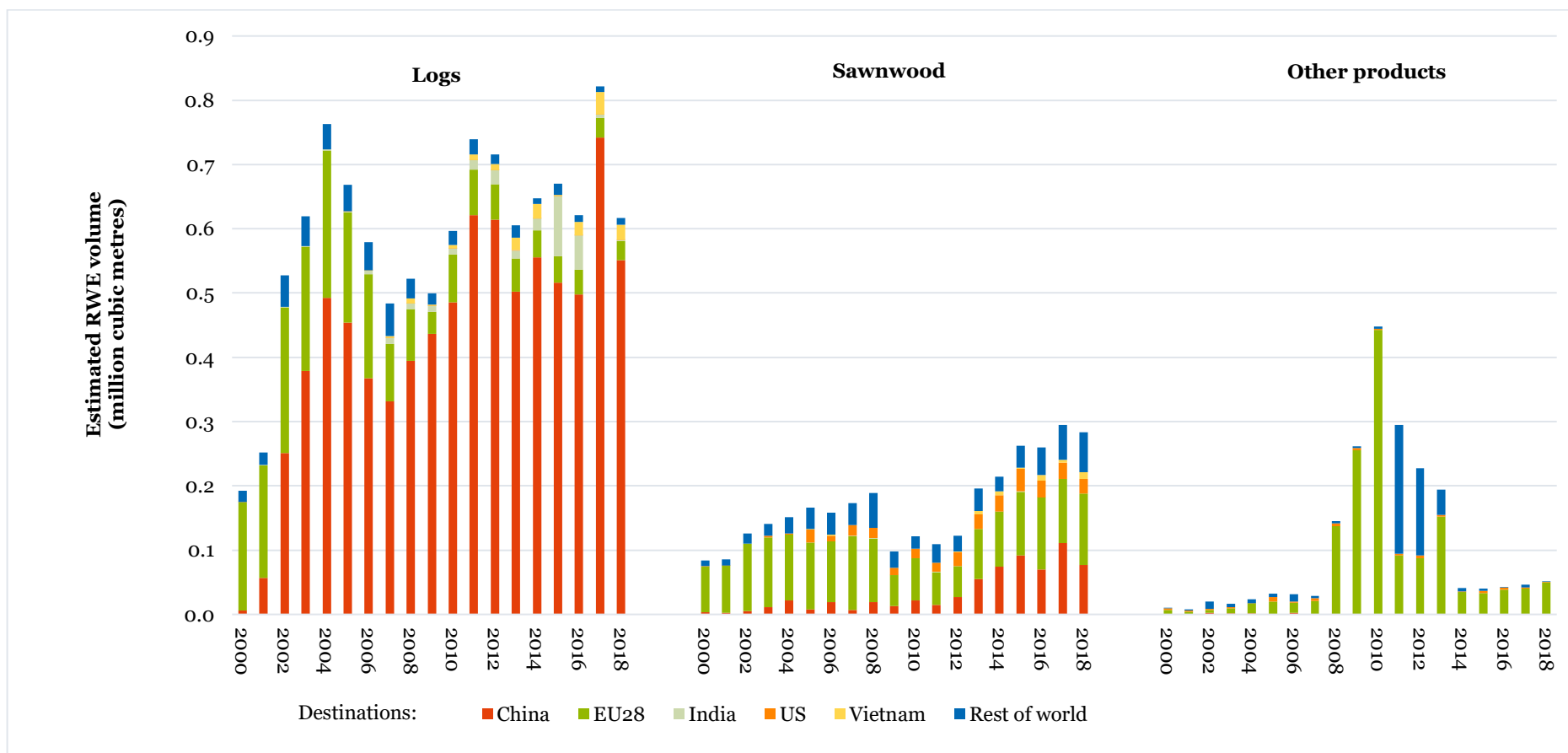


Figure 1: Imports of wood-based products from the Republic of the Congo<sup>2</sup>

Source: Based on Eurostat, General Administration of Customs of the People's Republic of China, and various publications by Forest Trends and UN Comtrade.

<sup>2</sup> Standard conversion rates to estimate roundwood equivalent volume have been adopted for all countries, because of a lack of published data for many countries. The rates adopted are as follows, m<sup>3</sup> per m<sup>3</sup>: 1.8 sawnwood, 1.9 veneer, 2.3 plywood; and m<sup>3</sup> per tonne: 1.6 chips. Where necessary volume has been estimated by multiplying weight by 1.4 m<sup>3</sup>/tonne. However, most commentary on RWE volume in the context of the Congo Basin suggests that 3.0 m<sup>3</sup>/m<sup>3</sup> would better reflect reality than 1.8 for sawnwood.

## Methodology for estimating illegal logging and trade

The analysis considers five categories of illegal practices common across all countries. These categories are listed below, with examples given of the types of illegal activity that they can include in different countries and regions:

- Customary tenure & resource rights
  - FPIC not obtained from any affected people or communities
  - The rights of any affected people or communities not adequately taken into consideration and addressed in the process of allocating permits or developing management plans; and any loss of rights not adequately compensated
- Award of permits
  - EIAs not conducted in accordance with legal requirements
  - Decision-making process for the award of permits does not follow legally required process; e.g. calls for tenders not published; technical requirements for selection of bids not followed; evidence of corruption in the process
  - Use of proxies where the beneficiary would be ineligible
- Forest management & harvesting
  - Management plans not developed or implemented; e.g. plans do not meet legal requirements; logging in restricted areas; overharvesting of particular species; etc.
  - Health & safety and/or labour laws not complied with; e.g. no provision of safety equipment; employment of illegal immigrants; non-payment of salaries or of minimum legal wage
  - Environmental legislation not complied with; e.g. logging of protected areas or species; non-compliance with requirements for protection of wildlife; pollution of water courses
- Forest sector payments & financing
  - Relevant royalties, fees, taxes and fines not paid
  - Benefit-sharing agreements with local communities not complied with
  - Fraudulent financing / money laundering by concessionaires or in relation to mills
  - Transfer pricing
- Transport & trade
  - Export bans or quotas for certain species or products are breached or exceeded
  - False declarations made; e.g. misdeclarations of species, value, source
  - Non-compliance with CITES

Based on a review of the available data, the likelihood of each of the five categories of illegal practice was assessed for the main exported products.<sup>3</sup> This was classified either as low (<10 per cent), low to medium (10–30 per cent), medium to substantial (30–60 per cent) or substantial (>60 per cent).

For the earlier years (2000, 2008 and 2013), the likelihood of illegality was determined based on Chatham House analyses in 2010 and 2015<sup>4</sup>, with updates where additional data have since become available. The assessment for 2018 builds on this analysis, using available data and information to assess changes in legal compliance in the last five years of the study period. This included recent Chatham House research into governance reforms, analysis of trade data and the results of perception surveys, as well as a review of reports and data from other organizations.

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<sup>3</sup> This analysis focuses on a limited number of products, these were selected according to three criteria: the scale of trade and rate of change in this, trade flows in which high proportions of illegal timber have been documented, and examples of particular types of illegality.

<sup>4</sup> Lawson, S. (2014), Methodology for Import-source Estimates of Illegally Sourced Wood Imports: Thailand, South Korea and India, Chatham House Report, London: Royal Institute of International Affairs, <https://chathamhouse.soutron.net/Portal/Default/en-GB/RecordView/Index/187057>; Hoare, A. (2014), Methodology for Estimating Levels of Illegal Timber- and Paper-sector Imports: Estimates for China, France, Japan, the Netherlands, the UK, the US and Vietnam, Chatham House Report, London: Royal Institute of International Affairs, <https://chathamhouse.soutron.net/Portal/Default/en-GB/RecordView/Index/187059>.

## Overview of trends in illegality

Previous analysis by Chatham House estimated that illegal logging in the period 2000–2010 could account for as much as 70 per cent of production.<sup>5</sup> ‘Informal’ artisanal logging – most of which supplies the domestic market – is thought to have accounted for almost a third of this, and the remainder to derive from licensed concessionaires.

Reported illegal activities include corruption in the allocation of concessions, lack of management plans, logging outside concession boundaries, and non-payment of taxes and fees.<sup>6</sup> Furthermore, those concessions allocated prior to 2005 will have expired, assuming their term was 15 years.<sup>7</sup> Timber from clearance of forests for agricultural plantations has also become of increasing importance, in which illegality is an issue.<sup>8</sup>

A number of concessionaires have undergone auditing to legally verify their business or to certify that a concession is being sustainably managed. During the period 2007–2012, about a quarter of the logging concession area in Congo was independently verified as legal and/or sustainable.<sup>9</sup> The total area of certified forest remained at about the same level up to 2018.<sup>10</sup> Trials have also been implemented for the timber traceability and legality assurance system that is being developed under the country’s VPA.<sup>11</sup>

The risk of illegality in the production of logs is higher than that for the other products assessed. This is in part because logs are more likely to come from those concessions without legality or sustainability certification. In addition, there is a legal requirement to transform 85 per cent of export-oriented log production before export,<sup>12</sup> but this is frequently breached.<sup>13</sup>

<sup>5</sup> Lawson, S. (2014), *Illegal logging in the Republic of Congo*, Research Paper, London: Royal Institute of International Affairs, <https://chathamhouse.soutron.net/Portal/Default/en-GB/RecordView/Index/189457>

<sup>6</sup> See various reports by CAGDF (Cercle d’Appui à la Gestion Durable des Forêts), independent forest monitor in Congo, <http://cagdf.org/>, for example: CAGDF (2019), *Analyse sur l’Exportation des Bois en Grumes en République du Congo (Analysis on the Export of Log Timber to the Republic of Congo)*, CAGDF Analysis Note No. 10, [http://cagdf.org/wp-content/uploads/2019/02/NOTE-DANALYSE-N%C2%B010\\_OI-AOV-FLEGT.pdf](http://cagdf.org/wp-content/uploads/2019/02/NOTE-DANALYSE-N%C2%B010_OI-AOV-FLEGT.pdf); CAGDF (2016), *Analyse sur l’Attribution des Concessions Forestières du 08 Janvier 2016 (Analysis on the Allocation of Forest Concessions of 08 January 2016)*, CAGDF Analysis Note No. 09, [http://cagdf.org/wp-content/uploads/2019/02/NOTE-DANALYSE-n%C2%B09\\_OI-AOV-FLEGT.pdf](http://cagdf.org/wp-content/uploads/2019/02/NOTE-DANALYSE-n%C2%B09_OI-AOV-FLEGT.pdf); see also WWF (2019), *Cartographie des Acteurs Chinois du Secteur Forestier en République du Congo (Mapping of Chinese Actors in the Forestry Sector in the Republic of Congo)*, WWF Regional Office for Africa and DFID, [https://d20uvy59podg6k.cloudfront.net/downloads/rapport\\_cartographie\\_des\\_acteurs\\_chinois\\_du\\_secteur\\_forestier\\_au\\_congo.pdf](https://d20uvy59podg6k.cloudfront.net/downloads/rapport_cartographie_des_acteurs_chinois_du_secteur_forestier_au_congo.pdf)

<sup>7</sup> BDO (2019), *Initiative pour la Transparence des Industries Extractives: Rapport 2016 (Extractive Industries Transparency Initiative: Report 2016)*, ITIE Congo, [https://eiti.org/files/documents/rapport\\_itie\\_congo\\_2016\\_version\\_finale\\_modifiee\\_2.pdf](https://eiti.org/files/documents/rapport_itie_congo_2016_version_finale_modifiee_2.pdf)

<sup>8</sup> Client Earth (2015), *Risques d’illégalité provenant de la conversion des forêts en République du Congo (Risks of illegality arising from forest conversion in the Republic of Congo)*, Client Earth, <http://documents.clientearth.org/wp-content/uploads/library/2015-09-29-risques-dillegalite-lies-au-bois-de-conversion-en-republique-du-congo-ce-fr.pdf>; Tchatchou, B., Sonwa, D.J., Ifo, S., and Tiani, A.M. (2015), *Deforestation and forest degradation in the Congo Basin: State of knowledge, current causes and perspectives*, CIFOR Occasional Paper, doi.org/10.17528/cifor/005894

<sup>9</sup> Lawson, S. (2014), *Illegal logging in the Republic of Congo*.

<sup>10</sup> See certification data, <https://forestgovernance.chathamhouse.org/countries/republic-of-the-congo>

<sup>11</sup> Republic of Congo and the EU (2018), *Rapport annuel conjoint 2018 Sur la mise en oeuvre de l’APV FLEGT en République du Congo Promouvoir ensemble (Joint annual report 2018 On the implementation of the FLEGT VPA in the Republic of Congo Promoting together)*, EU-FLEGT Facility,

<https://www.euflegt.efi.int/documents/10180/463576/Congo+VPA+Annual+Report+2018.pdf/8b2bd1ba-88d6-f70b-eadc-381d003b4730>; Association Technique Internationale des Bois Tropicaux (ATIBT) (2020), *Republic of Congo, Legality Profile*, <https://www.timbertradeportal.com/countries/congo/#legality-profile> (accessed 8 Sept. 2021).

<sup>12</sup> ATIBT (2020), *Republic of Congo, Legality Profile*.

<sup>13</sup> CAGDF (2019), *Analyse sur l’Exportation des Bois en Grumes (Analysis on the Export of Log Timber)*.

### Summary of estimates

The following table presents an overview of the likelihood of illegal practices in the production of the country’s main exported wood-based products. The ‘overall likelihood’ column reflects all the types of illegal practice and is thus the most pessimistic assessment of the categories for a given year.

	Tenure and resource rights				Award of permits				Forest management				Revenue and finance				Transport and Trade				Overall likelihood of illegality			
	2000	2008	2013	2018	2000	2008	2013	2018	2000	2008	2013	2018	2000	2008	2013	2018	2000	2008	2013	2018	2000	2008	2013	2018
<i>from natural forest:</i>																								
<b>Logs</b>	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium
<b>Sawnwood</b>	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium
<b>Veneer</b>	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium
<i>from plantations</i>																								
<b>Pulpwood</b>	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium	Low to medium

#### Likelihood of illegality in the supply chain





-  Low (<10%)
-  Low to medium (10-30%)
-  Medium to substantial (30-60%)
-  Substantial (>60%)

Table 1: Estimated likelihood of illegality for the Republic of the Congo’s main exported wood-based products