



GREENPEACE



To: CITES Secretariat
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Re: Afrormosia (*Pericopsis elata*) from the Democratic Republic of Congo

Dear Mr. Scanlon,

We are writing you to express our continued concern that large volumes of Afrormosia (*Pericopsis elata*) from the Democratic Republic of Congo continue to be harvested and traded whereas related illegal and irresponsible logging practices have not been dealt with.

After the discussions on Afrormosia at the CITES Standing Committee 7 – 11 July 2014 in Geneva and the decision to remove Afrormosia from the Review of Significant Trade prior to that meeting, Afrormosia loggers have gained a free pass from the government of the Democratic Republic of the Congo. This threatens the credibility of CITES as a tool to support legal and sustainable trade of threatened species. And given the privileged treatment of timber shipments accompanied by CITES permits under the EU Timber Regulation (EUTR) specifically, this immediately affects the effectiveness of the EUTR.

The Congolese Ministry for Environment (MECNT) has published a list of 2014 CITES permits for Afrormosia on its website¹ and stated in the media that all restrictions on exporting Afrormosia have been lifted², which is technically not the case given the species listing on CITES Annex II. On 25 July 2014 during an official Reading Committee of an IM-FLEG report the Secretary General of MECNT stated, ‘Afrormosia was acknowledged to be no longer threatened in the DRC’.³

¹ Ministère de l'Environnement, Conservacion de la Nature et Tourisme, Afrormosia, <http://www.mecnt.gouv.cd/v2/index.php/mecnt3/le-ministere2/textes-legaux/category/403-afrormosia-2014?limitstart=0>

² La RDC à nouveau autorisée à exploiter le bois Afrormosia sans restriction, 22 juillet 2014, <http://radiookapi.net/economie/2014/07/22/la-rdc-nouveau-autorisee-exploiter-le-bois-afrormosia-sans-restriction/#.U8-nlhCqbGs>

³ Compte-rendu. Réunion de la commission ad hoc de lecture du rapport de mission W2 de l'Observateur

According to Notification to the Parties #2014/017, Parties should not accept permits or certificates from DRC until their validity has been verified by the Secretariat. However, it is unclear what is being verified and what the process of verification entails. Given the large number of 2014 permits and regular shipments of Afrormosia to the EU⁴, we are concerned that this verification process is failing to identify instances of illegal logging and invalid permits. We therefore request written clarification from CITES on the following matters:

1. Did the CITES Secretariat verify the validity of all the 2014 CITES permits for Afrormosia published on the MECNT website? What steps did the Secretariat take to verify the validity of those permits?
2. When an importing Party contacts the Secretariat with a permit from the DRC, and asks for verification of validity, what is the process of verification? Does this go beyond checking permit numbers and are additional steps taken, such as checking if the permit was legally obtained and that the harvester and exporter followed all relevant forest laws? In the course of reviewing the permits for validity, has the Secretariat found any of the permits to be invalid and notified the importing Party that they should not accept the permit and the shipment?
3. What is the total volume in the 'verified' permits for 2014 and is this more than 25.000 m³? Could you please provide us with a list of the permits and certificates that the Secretariat has verified since issuing Notification #2014/017 on 2 April 2014?
4. Since issuing the Notification in April, have the majority of Parties importing Afrormosia from DRC contacted the Secretariat for verification before accepting imports?
5. We have grave concerns about the legality of the Afrormosia wood traded internationally and for which permits are published online by MECNT.
 - a. Two recent IM-FLEG reports from DRC's Independent Monitor, Observatoire de la Gouvernance Forestière (OGF)⁵ show that the companies Cotrefor, Forabola, La Forestière, Sodefor, Siforco and others have committed violations of forest legislation. Has the Secretariat used this information during the verification of permits of these companies?
 - b. MECNT has permitted other companies harvest higher volumes than inventoried in their 'plan de gestion'.⁶ Is this type of information included in the verification of the permits by the Secretariat?
 - c. How has the Secretariat been able to effectively confirm the validity of export permits for Safbois/SAFO in the absence of a 'plan de gestion', which is required under the forest laws to be able to harvest timber?⁷
 - d. In 2014 Afrormosia CITES permits have been issued to concession holders that the NDF⁸ indicated had no 'plan de sondage' and probably would not be included in the

Indépendant effectué dans le district de la Mongala du 09 au 30 avril 2014, p. 3: "l'Afrormosia a été reconnu comme n'étant pas menacé en RDC"

⁴ Ship manifests, seen by Greenpeace.

⁵ OGF (2014) Rapport de Mission de Terrain No1 & OGF (2014) Rapport de Mission de Terrain No2

⁶ Example Cotrefor (page 5 in: http://ciel.org/Publications/CITES_DRC_8Jul2014.pdf) & Forabola : 7,410 m³ of authorized Afrormosia logging in 2014, FRM inventoried only around 3,200 m³ harvest per year (plan de gestion, p. 18, <http://www.mecnt.gouv.cd/v2/index.php/mecnt3/le-ministere2/textes-legaux/category/140-contrat-n-42-11-forabola>).

⁷ Ministère de l'Environnement, Conservation de la Nature et Tourisme Contrat N 010-11-Safo <http://www.mecnt.gouv.cd/v2/index.php/mecnt3/le-ministere2/textes-legaux/category/212-contrat-n-010-11-safo-001-95>, accessed 12 November 2014

⁸ ICCN, MECNT (2014, May) Avis de Commerce Non Préjudiciable pour l'exploitation et le commerce d'Afrormosia (*Pericopsis elata*) en République Démocratique du Congo. Page 11.

2015 quota calculation. Do you consider this a violation of CITES rules or terms set out for Afrormosia trade in the NDF?

- e. Other companies with permits for Afrormosia logging do not hold industrial concessions (Ets. Lumak & Fils and Ets TAT Bois). The other type of title is for artisanal logging, which cannot be held by companies. If the wood is indeed harvested under an artisanal logging title held by a company, this is illegal.⁹ Moreover, the Ets TAT Bois online permit No. 6111 holds an irregular ACIBO number. Has the Secretariat assessed and validated the two permits for these companies, and the origin and legality of the timber?
- f. OGF found during its field missions in Equateur and Oriental province that the government, contrary to the law, included Afrormosia within normal harvest permits when it is supposed to be harvested based on a special permit due to its endangered status.¹⁰ Has the Secretariat assessed and validated permits for export that are based on incorrect harvest permits?

We continue to call¹¹ upon DRC to immediately suspend all cutting of Afrormosia, to cancel all authorizations for its cutting, and to take legal action against the companies DRC issued CITES permits to and subsequently informed the CITES Secretariat that the permits were “unaccounted for,” as well as against the officials that issued or facilitated the issuing of those permits.

For CITES we hereby repeat¹² our request that a Country-wide Review of Significant Trade for the DRC, or a comprehensive review of both plants and animals by the respective Committees, be undertaken and that trade in CITES listed species from the DRC be suspended, until compliance with CITES and the sustainability of DRC’s Appendix II species can be guaranteed.

We have addressed similar questions as above to several CITES Secretariat staff but have received no response so far. With the November 30 deadline for DRC to inform the Secretariat of the requested quota for Afrormosia approaching quickly, this has now become more urgent. We would also appreciate a clarification on timelines and process for the Secretariat to approve the export quota for 2015. Thank you in advance for your response.

Yours Sincerely,



Danielle van Oijen - Greenpeace
Melissa Blue Sky – Center for International Environmental Law
Alexandra Pardal – Global Witness
Kate Horner – Environmental Investigation Agency

⁹ Order 035/CAB/MIN/ENVEF/2006 (Oct 2006). Note that DRC law allow for artisanal logging permits to be allocated to Congolese individuals who are registered as “artisanal” loggers, but prohibits allocation of such permits to companies.

¹⁰ OGF, supra note 5 at page 5,11,34,40,46,51 for No1 and page 3,4 for No2

¹¹ Open letter from Greenpeace, CIEL, EIA, Global Witness to all parties to CITES dated 7 July:

http://ciel.org/Publications/CITES_DRC_8Jul2014.pdf

¹² idem