

Timber Legality Risk Assessment



Funded by the EU LIFE programme and UK Aid from the UK government. The European Commission support for the production of this publication does not constitute endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein. This material has been funded by UK aid from the UK government; however the views expressed do not necessarily reflect the UK government's official policies.



EUTR knowledge,
tools and guidance

Forestry sector overview

1. Current legislative context
2. Timber source types
3. Specified risks categories in côte d'ivoire timber supply chain chain
4. How to use the risk assessment tools kit

Forestry Sector Overview

- In Ivory Coast, the permanent forest area of the State (State production forests, national parks and nature reserves) covers 19% of the territory, while the rural areas cover more than 78%
 - The State holds, via the Forest Code, a management control over all forest lands and resources of the country including those located in the rural areas.
- The forest industry of the country is composed of several hundred small processing units, and there are only a few big enterprises. A large part of the industry is foreign owned.
- The forest products are essentially export-oriented at the expense of the local market.

1. Current Regulatory Framework



- New forestry code has been adopted (N°2014 – 427) – overriding Law 65-425 of 20th december 1965 – not completely in force yet pending application decrees,
- Ivory Coast has an export ban for logs from natural forests and has export quota for fresh wood.
- Additionally, there is an export ban for small diameter wood of the genus *Pterocarpus* spp. (e.g. Padouk, Kosso, bois de Vêne).

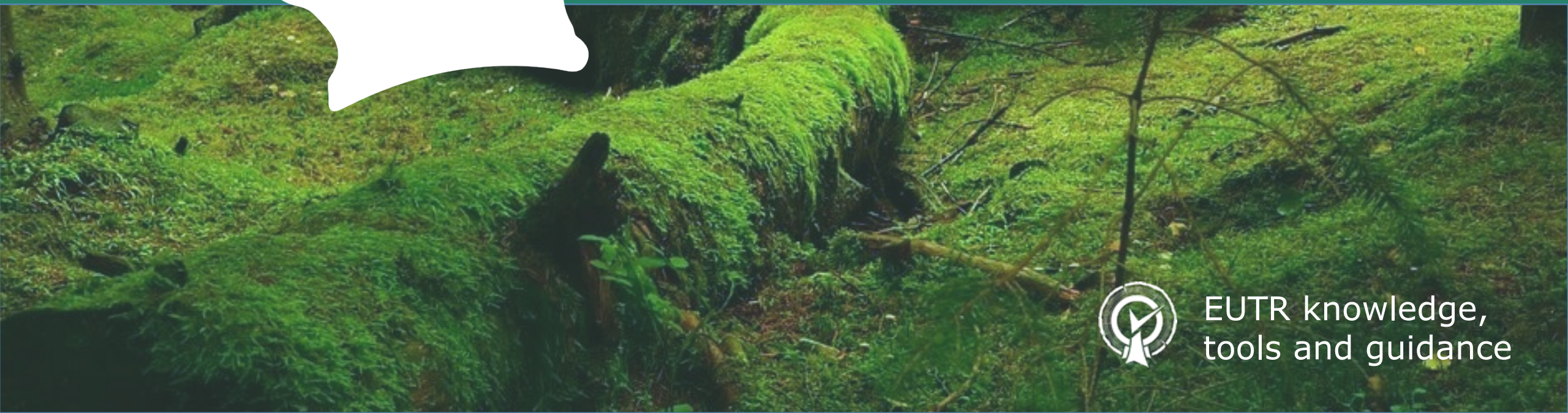
1. Current Regulatory Framework



- There is one tree species listed on CITES Appendix II from Ivory Coast, which is Afrormosia / Assamela (Pericopsis elata). The trade of this species from Ivory Coast has been suspended by the country's government.
- Ivory Coast is negotiating a VPA with the EU, and negotiations started in February 2013 and are still in progress.
- Harvesting is prohibited above the 8th parallel in favor of afforestation



Timber Sources in Ivory Coast



EUTR knowledge,
tools and guidance

2. Timber Sources in Ivory Coast

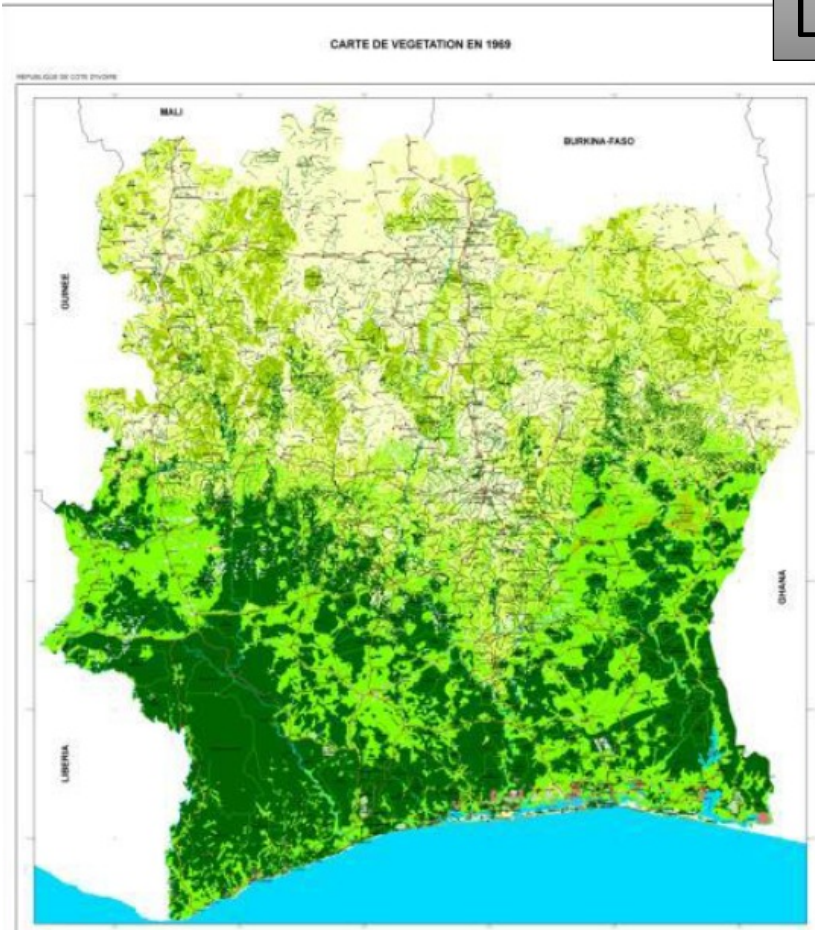
Land use changes at the national scale

Consequences:

- The scarcity of the timber resource,

RISK:

1. Non respect the existing logging ban for protected species
2. Harvesting species below allowable diameters (DME).
3. Harvesting beyond boundaries



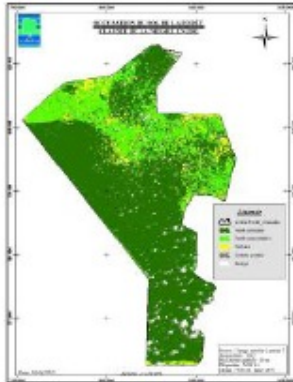
Forest cover 1969



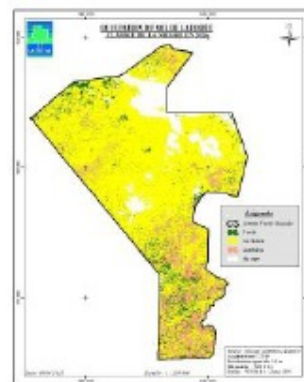
Forest cover 2004

2. Timber Sources in Ivory Coast

FORÊT CLASSEE DE LA NIEGRE ANNEE 2002

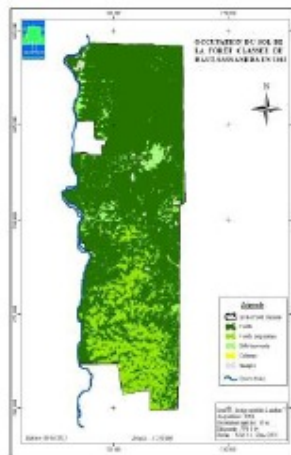


FORÊT CLASSEE DE LA NIEGRE ANNEE 2014

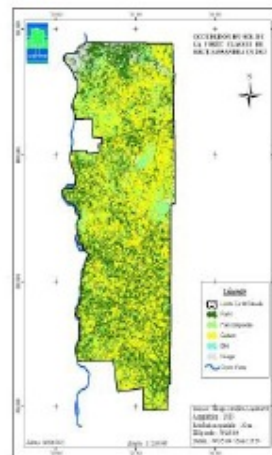


- 2002 – 2014 (NIEGRE)
- 2003 – 2013 (SASSANDRA)

II. FORÊT CLASSEE DE HAUT SASSANDRA ANNEE 2003



FORÊT CLASSEE DE HAUT SASSANDRA ANNEE 2013



Observations of changes at the concessions level

2. Timber Sources in Ivory Coast

There are two common harvesting licenses in Ivory Coast: (1) **Partnership agreements for the classified forest “forêt classé”**; and the Périmètres d'exploitation “harvesting perimeter”

SODEFOR – State agency created in 1966 is the main implementer of forest policy in Côte d'Ivoire, with responsibility for reforestation and for managing natural forests, termed ‘classified’ forests

While the Ministry of Water & Forestry is in charge of the
« harvesting perimeter »

2. Timber Sources in Cote D'Ivoire

Published list of Forêt classé « classified forest » under convention with the private sector as available.

Forêts classées sous conventions

<u>Partenaires</u>	<u>Forêts</u>	<u>Superficie (ha)</u>	<u>Date</u>	<u>Durée</u>
STBC	CAVALLY	67 600	25/11/2010	25 ans
STBC	HAUTE DODO	196 733	25/11/2010	25 ans
THANRY	GOIN DEBE		25/11/2010	25 ans
SITBI	H. SASSANDRA	102 400	20/12/2010	15 ans
TRABEX	NIOUNIOUROU	7 840 000	27/12/2010	15 ans
INPROBOIS	BESSO	21 565	18/01/2011	40 ans
ASS. MALEBI	AHUA		03/10/2011	5 ans
IBC	SANGOUTINE	24 610	03/11/2011	5 ans
IBC	GUEOULE	16 752	03/11/2011	5 ans
ITS	MABI	51 041	04/04/2014	25 ans
ITS	YAYA	23 876	04/04/2014	25 ans
RANCH DU K.	BANDAMA S.	10	11/07/2014	40 ans
FIP	SONGAN	13 364 050	22/07/2014	25 ans
SITRANSBOIS	BEKI	16 100	22/07/2014	25 ans
STBO	KANI B. R.	67 267	11/03/2015	5 ans
ADK Industries	KASSA	51 132	12/01/2016	99 ans
AK International	HEIN	10 580	08/02/2016	25 ans
AK International	NTO	9 585	08/02/2016	25 ans

Situation As of January 2017



2. Timber Sources in Cote d'Ivoire

National enforcement agencies

- [Ministry of water and forests control agents](#)

Décret n°2012-962 du 2 octobre 2012 - Comité national de défense de la forêt - Côte d'Ivoire

- **SODEFOR – Société de Développement Forestier**

Décret n°66-422 du 15 septembre 1966 portant création de la SODEFOR - Côte d'Ivoire

- The Wild Chimpanzee Foundation carry out independent monitoring

3. Specify risk categories



Legal Rights to Harvest

There are known risks related to the four subcategories; 1.1 Legal tenure and management rights, 1.2 Concession licences, 1.3 Management and harvesting planning and, 1.4 harvesting permits.

There is found to be a lack of implementation of the new Forestry Code of 2014, unreasonable expansion of agricultural activities and in general insecure landrights in rural forest areas.



3. Specify risk categories



Taxes and Fees

There are known risks related to two subcategories; 1.5 Payment of royalties and harvesting fees and, 1.6 Value added taxes and other sales taxes.

There are risks related to classification of species or disguise in order to bypass/reduce forest taxes to the Forest Administration



3. Specify risk categories



Timber Harvesting Activities

There are known risks related to the five subcategories; 1.8 Timber harvesting regulations, 1.9 Protected sites and species, 1.10 Environmental requirements, 1.11 Health and safety and, 1.12 Legal employment. For indicator 1.8, timber harvesting is regulated through several texts, which are not always respected by the forest administration and the operators.

Operators do not respect logging bans for protected species and also protected species are often disguised as species which can be subject to logging,

Harvesting of trees below minimum diameter is also a common harvesting malpractice

Despite legal requirements, many employees of logging companies are not declared to social security and are not covered by insurance. Also employees often do not have access to personal protection equipment and health services.

Forest are often not registered with the social security services by their employer.



3. Specify risk categories



Third Parties' Rights

There is a known risk with regards to the sharing of benefits

Although Law 98/750 dated 23 December 1998 on rural land tenure, granted ownership of the land to the people, the fact remains that much of the rural land has not yet been subject to registration under the land tenure plan . So for now, the State holds, via the Forest Code of 1965, a management control over all forest lands and resources of the country including those located in the rural areas,,

Nevertheless, décision n°65 of 29 March 1995 prescribes the payment of the CDR (Contribution to Rural Development) by operators. This tax is of 1,000 CFA/m³ and is split as follows: 10% for the PEF management committee; 20% for the forest service; **70% for the village.**



WAY FORWARD FOR MORE IMPLICATIONS OF LOCAL COMMUNITIES IN SUSTAINABLE FOREST MANAGEMENT

- ❖ Community forestry is now recognized in the new forestry code.
- ❖ Creation of communal forest is also in a testing phase through in a pilot site identify in the “autonomous district of Yamoussoukro”.

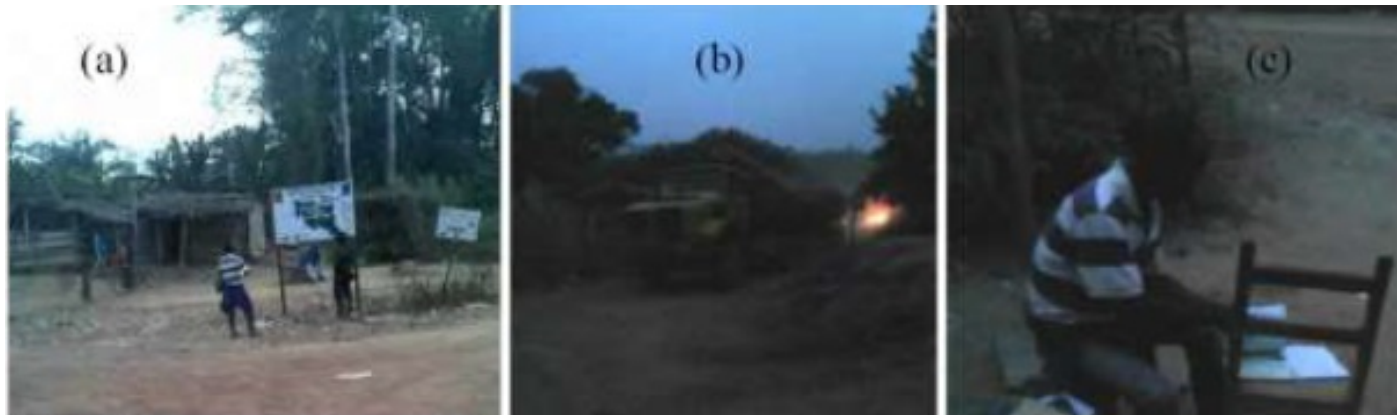
3. Specify risk categories



Trade and Transport

There are known risks related to four subcategories; 1.16 Classification of species, quantities, qualities, 1.17 Trade and transport, 1.19 Custom regulations and 1.20 CITES.

The declarations for quality, quantity and species harvested do not always correspond to reality.



3. Specify risk categories

In general

RISK CAN BE CLASSIFIED IN TWO CATEGORIES : THOSE ATTRIBUTED TO SODEFOR and those that are the responsibilities of the PRIVATE LOGGING COMPANY

The image shows a 'CIRCULATION DES BOIS EN GRUES' form, which is a document used for logging operations. It features a central diagram of a logging unit with a crane and a truck. The form is filled with handwritten information. Two red boxes highlight specific areas: one in the top right corner containing handwritten text, and another at the bottom left where a signature is missing. Red arrows point from the accompanying text labels to these boxes.

Wrong declaration of the harvesting blocs : company responsibility

Absence of SEDEFOR Field agent Signature

3. Specify risk categories

In general

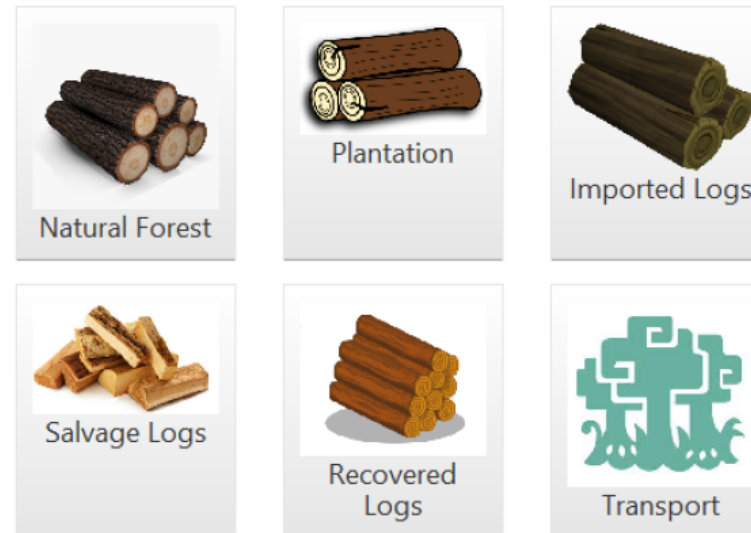
Ignorance of IUCN redlist of prohibited species :

- Makoré (*Thieghemella heckelli*)

3. Specify risk categories

In general

Other risk can be attributed to wrong measurements as the materials move along the supply chain -> **underestimation of volumes to minize taxes.**



3. Specify risk categories

In general

Current transition period whereby the players in the sector do not know which text to rely on for the regulation of logging (between 1965 forest code still binding and the new forest code enacted since 2014 awaiting comprehensive regulatory texts to be fully operational).



No country gets close to a perfect score in the Corruption Perceptions Index 2016.
Cote d'Ivoire rank 108/176. with a score of 34/100 (far below the midpoint of a very clean country).

4. HOW TO USE THE RISK ASSESSMENT TOOL KIT

Ivory Coast Document Guide

- Copies of key documents, and a guide to their content and key considerations when checking their authenticity.

To use this document guide, you will first need to determine the origin of your timber.

You have to identify not only the country, but also the type of forest the timber comes from in terms of ownership, management, classification and permits – this is called the Timber Source Type.

This information is very important in order to find out what documents you can use to indicate legal harvest, transport and trade of your timber products.

4. HOW TO USE THE RISK ASSESSMENT TOOL KIT

Ivory Coast Forestry Risk Mitigation Guide

This guide provides an overview of the risks that timber was harvested, transported or traded illegally in Ivory Coast and the actions that can be taken to mitigate those risks.

The guide can be used by any company wishing to reduce the risk that the timber they are buying is illegal.

4. HOW TO USE THE RISK ASSESSMENT TOOL KIT

Ivory Coast Forestry Risk Mitigation Guide

To use this document, you should:

- Look up the legality risks that exist for the source types from in Ivory Coast
The risks are listed by type of law-category and source of the timber.
- Determine whether there is a chance that this risk applies to your supply chain or not.
If there is a risk in your supply chain, you have to carry out risk mitigation activities to the point where you can demonstrate that the risk of illegality is negligible.
- Look up the potential actions that you could take to address each of the identified risks

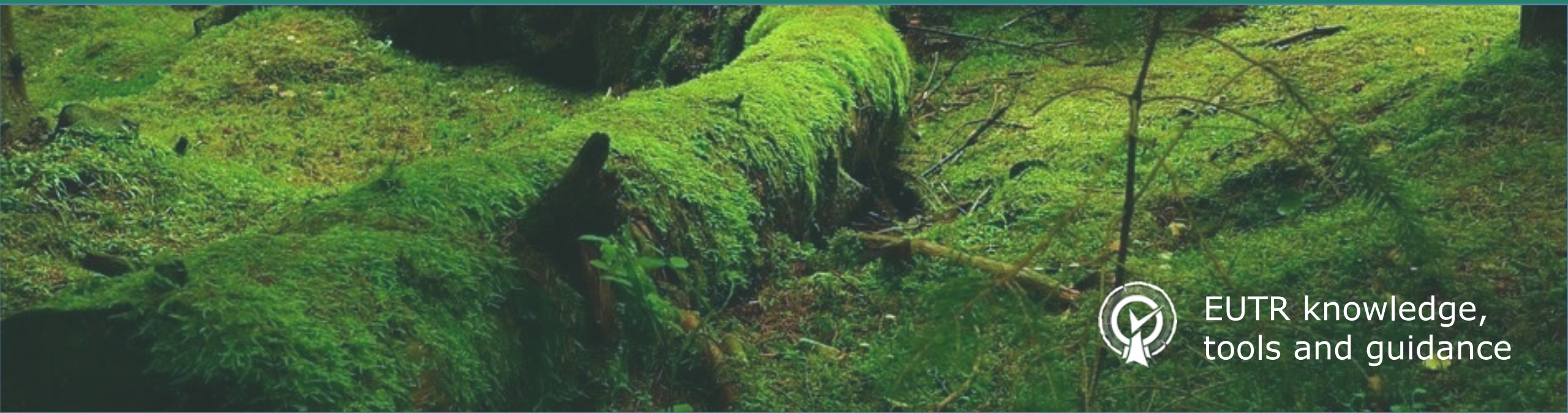
This list provides suggestions of actions you could take.

NEPCon have been working on risk assessments for timber legality, in partnership with a number of organisations, since 2007

This tool provide detailed, objective data and guidance on whether there is a risk that:
Timber is harvested, transported or traded illegally in 62 timber-producing countries,
covering 87% of the imports of wood into the EU.



Questions?



EUTR knowledge,
tools and guidance

Thank you!

Find out more at nepcon.org 



Achille DJEAGOU

Consultant – NEPCon AFRICA

adjeagou@gmail.com | 00237 699109564



EUTR knowledge,
tools and guidance