



Timber Legality Risk Dashboard: Republic of the Congo

Drafted as of: September 2021

SUMMARY OF LEGALITY RISKS

Risk Score: 89.8 (Higher-Risk^a)¹

Conflict State: YES (High Institutional and Social Fragility)²

Log and Sawwood Export Restriction in Effect: YES

Import Regulation in Effect: NO

- Despite improvements to the legislative framework for forest management in 2020, illegal logging remains pervasive in the Republic of the Congo (ROC).
- The security situation in ROC is improving following a decade of violence in the 1990s, but corruption reportedly permeates almost every sector of the economy.
- ROC has restricted exports of unprocessed products since 2000, but legal uncertainty since the 2020 Forest Code poses a risk that unprocessed logs continue to be illegally exported to international markets, particularly China and Vietnam.
- Independent forest monitoring (IFM) has been a key feature of international efforts to improve forest governance since 2007.
- NGOs continue to document sector-wide illegalities and corruption in the forest sector.

TRADE PROFILE OF FOREST PRODUCTS^{B,C,3,4}

Total Imports (2019): \$50.40 million

Total Exports (2019): \$476.46 million.

\$138.56 million (29.1%) exported to “regulated markets”^d

SUMMARY OF HIGHEST PRODUCT-LEVEL RISKS

Exports - Top Products Exported to the U.S. by 2019 Value⁵

- Sawnwood (HS4407)
- Veneer (HS4408)
- Logs (HS4403)
- Other Articles of Wood (HS4421)

The Republic of the Congo (ROC) has legally restricted the export of logs since 2000, mandating that only semi-processed or processed wood may be exported with the exception of certain “high-quality” species.⁶ These species, which are not clearly enumerated by law other than being “destined for certain industries not yet established in the country,”⁷ have been subject to a log export quota of 15 percent of each company’s annual production volume and require the approval of the minister in charge of water and forests; the remaining 85 percent of this production must be exported as sawnwood, veneer, or other processed products. An amendment was passed in 2009 shifting this 15 percent quota to a national level quota and allowing companies to trade allowances to ensure that the industry collectively remains under this threshold.^{8,9}

In practice, there is evidence that this quota has been applied to all logs (and not just logs of certain high-quality species), and that the 85/15 rule has de facto been ignored, even as it remained in force de jure.^{10,11,12} Furthermore, the legal penalties for surpassing the 15 percent limit appear to be primarily financial in nature and have been inconsistently applied,¹³ although the Congolese forest authority has also reportedly seized the logs of companies found noncompliant.^{14,15,16}

The ROC revised its Forest Code in July 2020.¹⁷ Despite reports suggesting that this new Forest Code effectively widens the coverage of the ROC’s log export restrictions,^{18,19} the new forest law maintains the exception for certain species, now phrased as “heavy and hard wood species whose processing requires specific technology,”²⁰. The species covered by this exception are to be enumerated in additional legislation.²¹ The impacts of this new Forest Code remain unclear. The lack of a clear transition regime between the 2000 Forest Code and the 2020 Forest Code adds additional uncertainty regarding

the rules applicable to logging companies granted rights to concessions prior to 2020. In principle, the 2020 law should not have retroactive effects. The 85/15 rule could therefore still apply to existing logging concessions until they are “adapted” to comply with the 2020 Forest Code over a period of up to three years since the 2020 Forest Code was adopted. Currently, the legal uncertainty poses a risk of illegality for unprocessed logs exported to international markets from ROC. ROC, as one of the six Central African Economic and Monetary Community (CEMAC) members, committed to jointly ban exports of logs from January 1, 2022, although implementation has been delayed until 2023.²²

SUMMARY OF HIGHEST SPECIES-LEVEL RISKS

Illegal logging and trade affect many timber species, but highly valuable - often rare and endangered - species that are protected under harvest and/or trade regulations are a key target and at an elevated risk for illegality. The following species are either currently, or have recently, been protected in ROC.

CITES-Listed Species:²³

Appendix II:

- **Afrormosia** (*Pericopsis elata*)
- **Bubinga or Kevazingo** (*Guibourtia demeusei*; *Guibourtia pellegriniana*)
- **Rosewood** (*Dalbergia* spp.)

Species with reported incidents of illegal logging:^{8,24}

- **Aiele** (*Canarium schweinfurthii*)
- **Alone** (*Rhodognaphalon brevicuspe*)
- **Andoung** (*Bikinia letestui* (syn. *Monopetalanthus letestui*))
- **Avodire** (*Turraeanthus africanus*)
- **Azobe** (*Lophira alata*)
- **Bahia** (*Mitragyna ledermannii*)
- **Bilinga** (*Nauclea diderrichii*)
- **Bodioa** (*Anopyxis klaineana*)
- **Bosse** (*Guarea* spp.)
- **Dabema** (*Piptadeniastrum africanum*)
- **Diania** (*Celtis* spp.)
- **Dibetou** (*Lovoa trichilioides*)
- **Doussie** (*Afzelia africana*)
- **Essessang** (*Ricinodendron heudelotii*)
- **Eveus** (*Klainedoxa gabonensis*)
- **Ilomba** (*Pycnanthus angolensis*)
- **Iroko or Kambala** (*Milicia excelsa*)
- **Izombe** (*Testulea gabonensis*)
- **Khaya or African Mahogany** (*Khaya anthotheca*)

- **Kosipo** (*Entandrophragma candollei*)
- **Lati or White Wenge** (*Amphimas pterocarpoides*)
- **Limbali** (*Gilbertiodendron dewevrei*; *Gilbertiodendron preussii*; *Gilbertiodendron brachystegioides*)
- **Longhi Rouge** (*Gambeya africana*; *Gambeya lacourtiana*; *Gambeya subnuda*; *Gambeya beguei*)
- **Movingui or Ayan or Nigerian Satinwood** (*Distemonanthus benthamianus*)
- **Mukulungu** (*Autranella congolensis*)
- **Niove** (*Staudtia kamerunensis*)
- **Okan** (*Cylicodiscus gabunensis*)
- **Okoumé** (*Aucoumea klaineana*)
- **Olene** (*Irvingia grandifolia*)
- **Olon** (*Zanthoxylon heitzii* (syn. *Fagara heitzii*))
- **Ozambili** (*Antrocaryon klaineanum*)
- **Rikio** (*Uapaca guineensis*)
- **Safoukala** (*Pachylobus heterotrichus* (syn. *Dacryodes heterotricha*); *Pachylobus pubescens* (syn. *Dacryodes pubescens*))
- **Sapele /sapelli** (*Entandrophragma cylindricum*)
- **Sipo** (*Entandrophragma utile*)
- **Tali** (*Erythrophleum* spp.)
- **Tchitola** (*Prioria oxyphylla* (syn. *Oxystigma oxyphyllum*; *Pterygopodium oxyphyllum*); *Prioria mannii* (syn. *Oxystigma mannii*))
- **Tiama** (*Entandrophragma angolense*)
- **Zingana** (*Microberlinia brazzavillensis*)

All tropical hardwood log exports should be considered high-risk based on overall legality risk in the ROC. Robust third-party certification can be considered as a tool to help mitigate this high risk, but should not constitute sufficient due diligence for legality in and of itself.

FORESTRY SECTOR

Forested Area: 21.55 million ha²⁵ (19.3% protected)²⁶

Deforestation Rate: 0.06% annually²⁷

Forest Ownership (as of 2015):²⁸

- 22.02 million ha publicly-owned (100%)

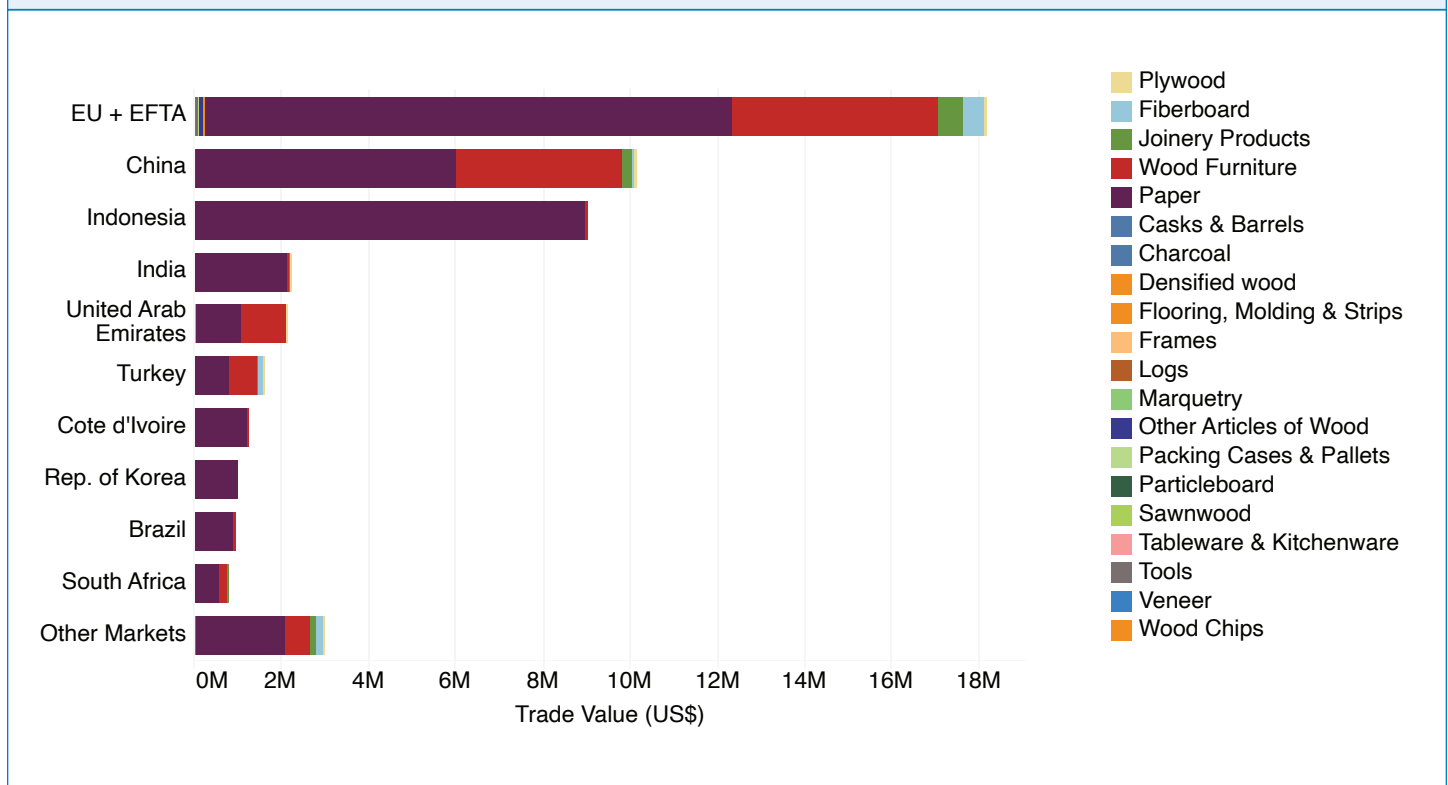
Certified Forests:

- FSC Certification: 2.41 million ha (2019)²⁹
- OLB (Bureau Vertias) Certification: 852 thousand ha³⁰
- LegalSource Certification: 1.11 million ha³¹

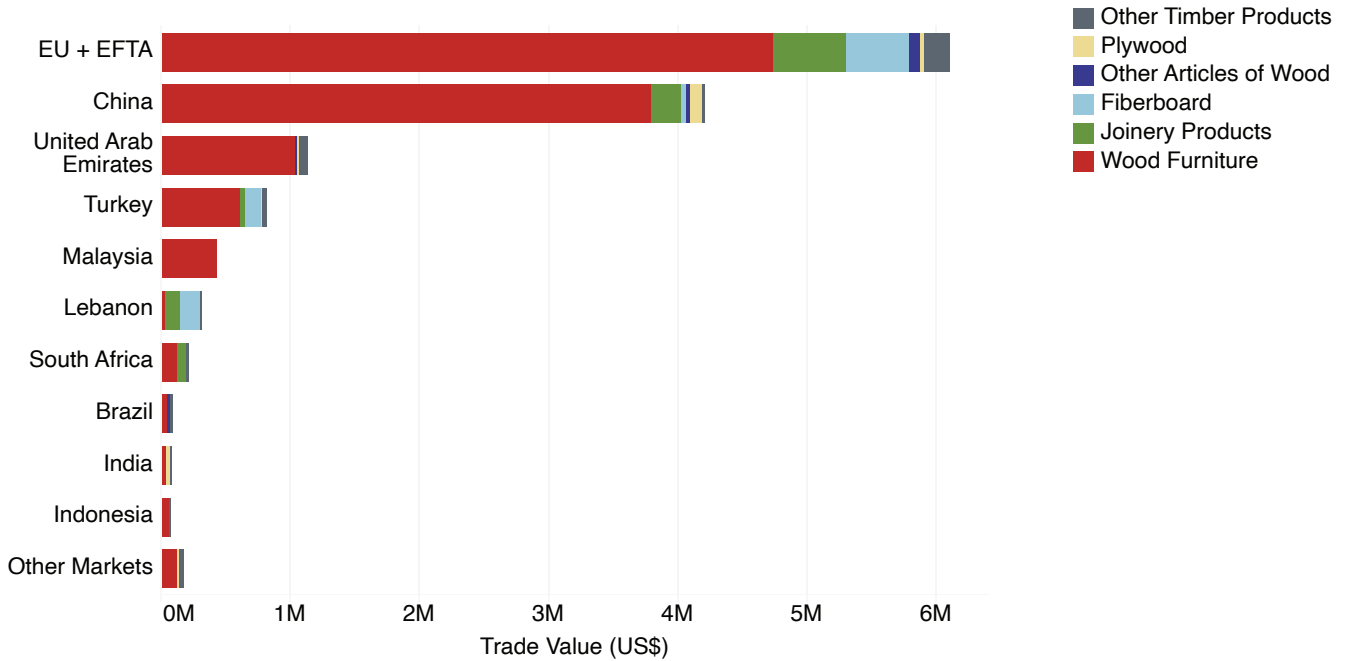
Domestic Production:³²

- Logs: 2.42 million m³ (2019)
- Wood Fuel: 1.51 million m³ (2019)
- Sawnwood: 403 thousand m³ (2019)
- Veneer: 33.58 thousand m³ (2019)
- Plywood: 8 thousand m³ (2019)
- Paper: 6 thousand tonnes (2019)
- Charcoal: 5 thousand tones (2019)

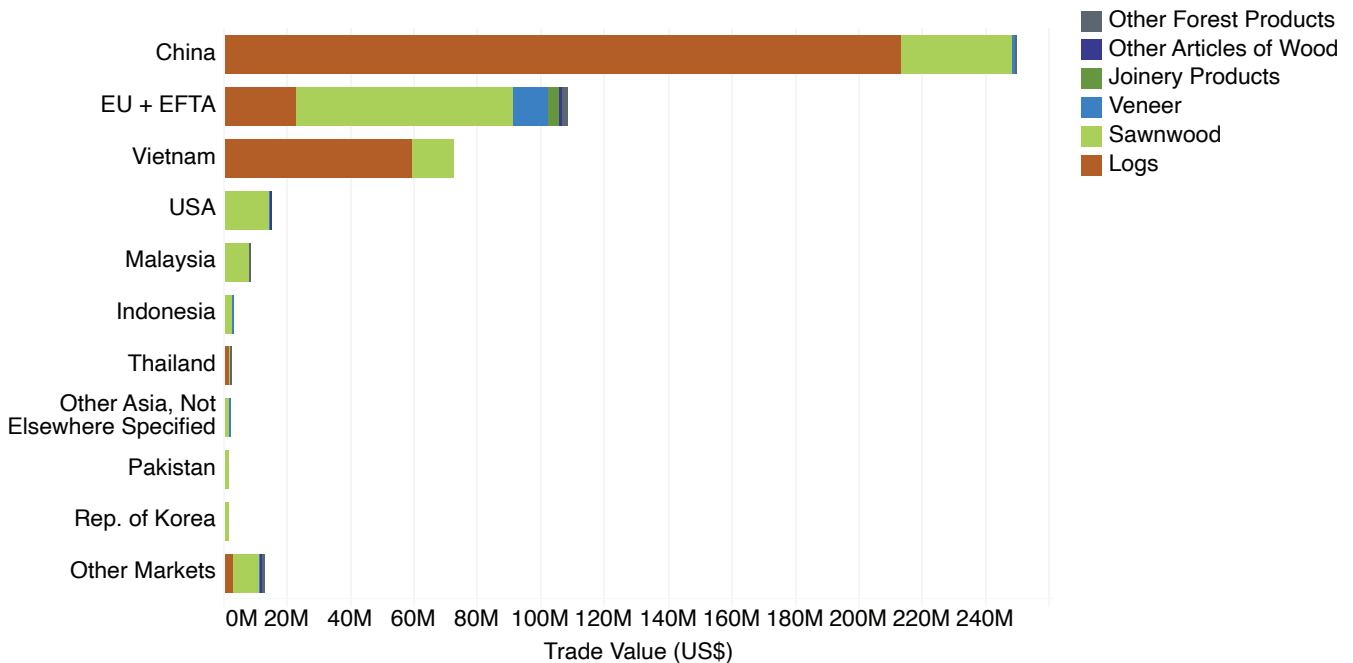
ROC'S TOP SOURCE COUNTRIES FOR FOREST PRODUCTS BY VALUE (2019) ^{F,33}



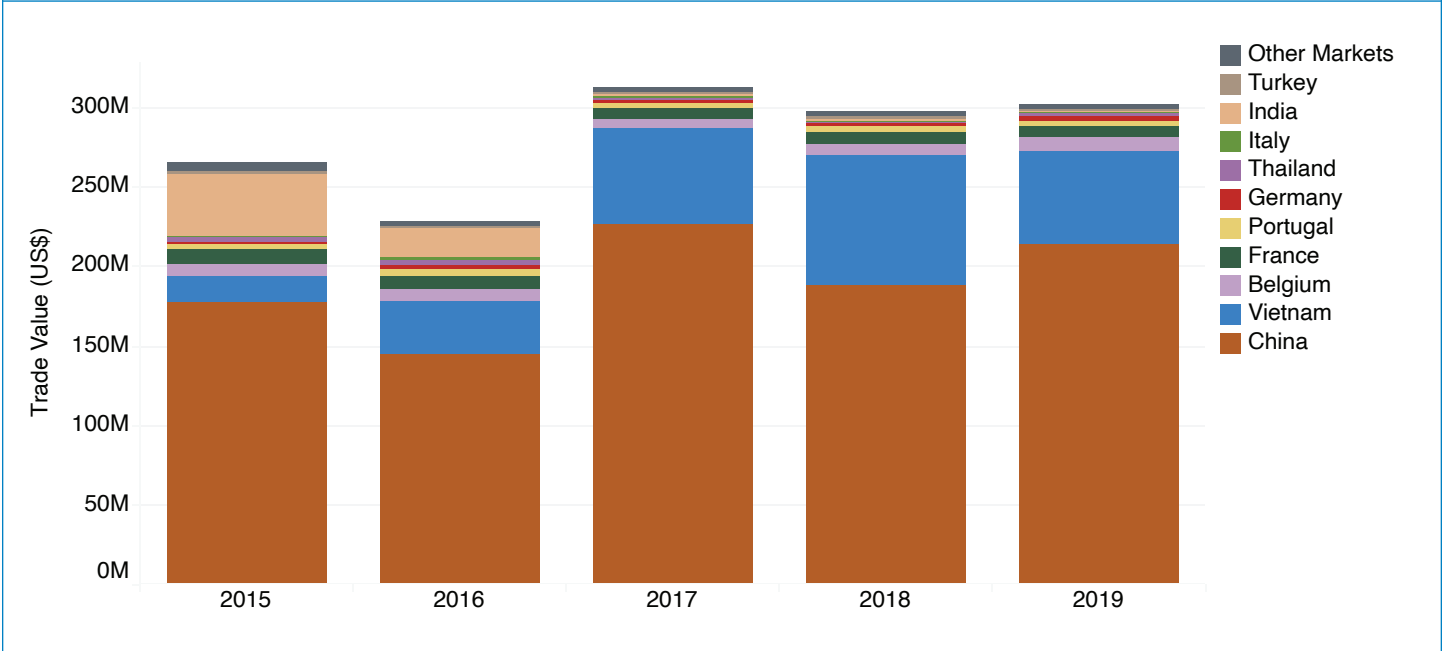
ROC'S TOP SOURCE COUNTRIES FOR TIMBER PRODUCTS BY VALUE (2018)



ROC'S TOP DESTINATION MARKETS FOR FOREST PRODUCTS BY VALUE (2019)

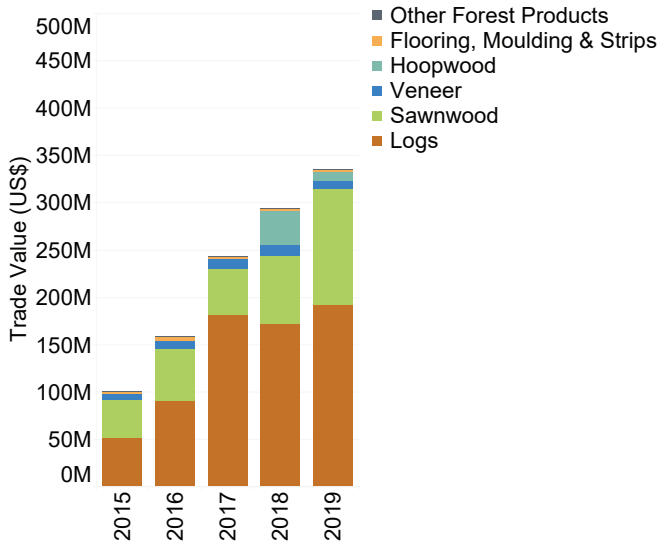


HIGH-RISK EXPORTS: LOG EXPORTS IN YEARS IN WHICH ROC HAD AN ACTIVE LOG EXPORT RESTRICTION³⁴ (2015 - 2019)³⁵

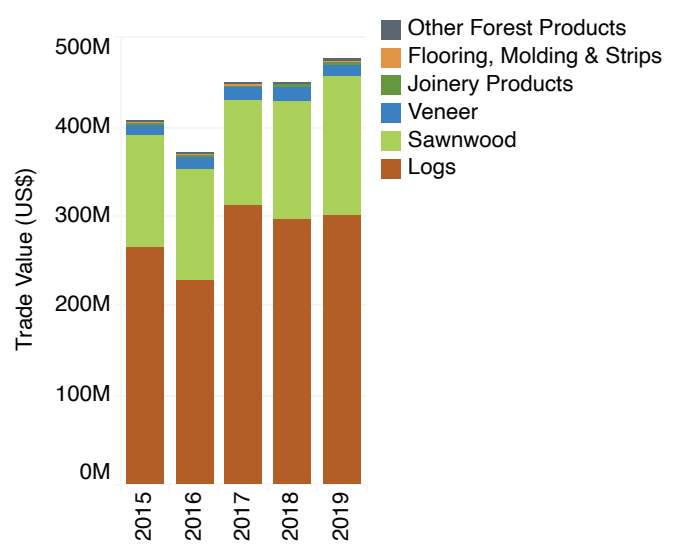


TRADE DISPARITIES: ROC REPORTED EXPORTS AND GLOBAL IMPORTS FROM ROC (2014 - 2019)

ROC Exports³⁶



Global Imports³⁷



- **Despite improvements to the legislative framework for forest management in 2020, illegal logging remains pervasive in ROC.**

ROC's forest area is estimated at 21.9 million hectares of dense forest or 64 percent of the total land area of the country.³⁸ Natural forests account for 99.7 percent of the forest area with the most widely growing species reported to be limbali (*Gilbertiodendron dewevrei*), limba (*Terminalia superba*), essia/abalé (*Petersianthus macrocarpus*), sapele/sapelli (*Entandrophragma cylindricum*), dabema (*Piptadeniastrum africanum*) tali (*Erythrophloeum ivorense*), okoumé (*Aucoumea klaineana*), ilomba (*Pycnanthus angolensis*) niové (*Staudtia kamerunensis* / *Staudtia kamerunensis* var. *gabonensis*) and azobé (*Lophira alata*).³⁹ A high share of the national forest area is allocated for industrial logging, with 13,913,699 ha or roughly 65 percent of the natural forest area allocated as forest concessions.^{40,41} This is significant, and reportedly a much higher proportion than in other Congo Basin countries.⁴² ROC reported 59,500 hectares of forest plantations to the Food and Agricultural Organization (FAO) as part of their national submission for the 2020 Forest Resources Assessment. These plantations are reportedly eucalyptus, pine and limba, located in the south of the country.^{43,44} In 2021, Total and Forêt Ressources Management signed a partnership agreement with the government of ROC to plant an additional 40,000-hectare plantation forest on the Batéké Plateaux, which is being designed to support natural regeneration of local species and produce lumber and plywood.⁴⁵

Forests in the north of the country are reportedly isolated which has limited harvesting to selective logging of larger diameter trees of commercially valuable species, whereas forests in the center and south of ROC have been subject to logging for much longer periods, which has reduced the volume of large diameter commercially viable species.⁴⁶ There are two major logging areas in the south (massifs of Mayombe and Chaillu), which are particularly known for species such as okoumé and limba, whereas the forests in the north are known for sapele/sapelli and sipo.⁴⁷ Recent research has demonstrated an accelerated rate of logging road construction, particularly in the north of the country over the last two decades, which is reportedly impacting forest degradation and biodiversity.⁴⁸

The key piece of forestry legislation in ROC is the Forest Code Law No. 33-2020 of July 8, 2020 (replacing Law No.16- 2000, amended by Law No.14-2009 in 2009), which outlines the governance framework of the forestry sector and sets the rules for exploitation and trade of forest products.⁴⁹

Although natural forests are publicly owned, the government of ROC has granted forest harvesting rights to private interests through the allocation of forest concessions since the 1990s. The regulatory framework in ROC was recently reviewed, with a new Forest Code adopted in 2020. This has created a dual regulatory regime where companies operating concessions established prior to the Forest Code's entry into force in 2020 are currently subject to the rules of Law 16/2000 for up to three years. At the end of this transition period, the companies will be expected to have "adapted" to comply with the rules of Law 33/2020. Companies with concessions established as of its entry into force in 2020 are subject to the new 2020 Forest Code. This creates a challenge for international buyers of timber from ROC as they must currently check compliance with two different legal regimes.

Articles 49, 50 and 95 of the 2020 Forest Code are designed to guarantee the durability of the forest and avoid its destruction for ecological, social and economic reasons.⁵⁰ Articles 117, 118, and 130 require logging companies' harvest to remain strictly within their annual allowance for both the total harvested volume each year and the harvest per species.⁵¹ Logging operations are subject to an Environmental Impact Assessment (EIA) requirement (article 55) and a management plan requirement (article 76). Article 97 also stipulates that timber should be processed domestically, but there remains legal uncertainty around the extent to which exceptions apply and additional clarity is needed.^h

It should be noted that in the absence of implementing regulations, the 2020 Forest Code is reportedly considered not to be fully operational.

Illegal logging is reportedly widespread in ROC. A 2014 analysis by Chatham House found that around 70 to 75 percent of all timber harvesting in ROC is illegal in some way.⁵² Illegality tends to be categorized as either small-scale logging for the domestic market or large, licensed logging in concessions that takes place in contravention of the forest legislation.⁵³ The majority of the illegal harvest, and all of the exports from ROC, are reportedly carried out by operators with a legal license, but the timber is reportedly harvested by companies that do not have required forest management plans or have failed to pay the appropriate taxes.⁵⁴ According to a wood sector state of play conducted by the International Tropical Timber Technical Association (ATIBT) in 2019, out of a total area of 14,950,342 hectares of forest land allocated for harvesting,

5,589,275 hectares (or 37 percent) were still unmanaged or under elaboration of the management plan.⁵⁵ Preferred by Nature suggests that the key legality risks in ROC concern legal rights to timber harvesting, timber harvesting activities, payment of taxes and fees, third parties' rights, trade and transport and wood processing.⁵⁶

ROC has signed a wide-ranging agreement to tackle illegal logging with the European Union (EU), the second largest market for the country's timber exports. ROC and the EU entered into a Forest Law Enforcement Governance and Trade (FLEGT) Voluntary Partnership Agreement (VPA) in 2013 to promote trade in legal timber products and improve forest governance.⁵⁷ The VPA has been described as very thorough, with the government of ROC committing to include all timber production, exports, imports and transiting timber, including domestic consumption and exports to non-EU destinations within the scope. While a number of significant steps have been made in the last few years, FLEGT licensing is still not operational, mainly due to difficulties in implementing the computer-based legality verification system.^{58,59}

- **The security situation in ROC is improving following a decade of violence in the 1990s, but corruption reportedly permeates almost every sector of the economy.**

ROC is classified by the World Bank as a state with *High Institutional and Social Fragility*.⁶⁰ Political violence and two civil wars in the 1990s (1992-1994 and 1997-1999) severely damaged the social fabric of the country and increased rifts among communities along north-south and urban-rural divides.⁶¹ The security situation in ROC has reportedly remained volatile following a constitutional referendum which reinstated the position of Prime Minister and eliminated presidential term limits in 2015.⁶² Observers documented a deterioration in human and civil rights conditions in 2015-2016 as a number of opposition supporters and activists were arrested, reportedly tortured, or forcibly disappeared.⁶³ A ceasefire was signed in December 2017 between the Government and the Ninja militia, active during the civil war, with the security situation reportedly slowly improving.⁶⁴ However, reports indicate that other human rights issues continue including arbitrary detention and harsh prison conditions, as well as limits on freedom of assembly. Freedom of the press have been constrained by state closures of newspapers and expulsions of foreign reporters which means that journalists reportedly self-censor to evade persecution.⁶⁵ Local civil society also suffers from internal divisions and fragmentation which affects its capacity to play an effective monitoring role.⁶⁶

Rule of law, corruption, regulatory quality, and accountability remain problematic in ROC, undermining the effectiveness of government policy.⁶⁷ Weak governance and institutions, including inconsistent enforcement of laws and regulations persist with reports of corruption permeating almost every sector of the economy.⁶⁸ An anti-corruption regulatory framework exists, and includes potentially serious penalties, but to date, implementation remains very poor and government officials reportedly engage in corruption with impunity.⁶⁹ Several forms of corruption have been criminalized in ROC, including bribery, extortion and abuse of office in the public sector. Gifts and facilitation payments are illegal but are reportedly widely practiced in the Republic of the Congo.⁷⁰

The long serving President of ROC Sassou Nguesso and his family have been accused of embezzlement and money laundering of natural resource (oil) revenues, with a judicial inquiry ongoing in France.⁷¹

- **ROC has restricted exports of unprocessed products since 2000, but legal uncertainty since the 2020 Forest Code poses a risk that unprocessed logs continue to be illegally exported to international markets, particularly China and Vietnam.**

To address illegal logging, encourage the development of a domestic processing industry, and capture more value from wood production, ROC adopted laws that considerably limited the export of unprocessed timber products since 2000. The only exception made was for "high quality wood for industries not yet established in the country" that could be exported, with the authorization of the minister in charge of water and forests, only up to 15 percent of the company's total production.^{72,73,74,75,76} An amendment was passed in 2009 shifting this 15 percent quota to a national level quota and allowing companies to trade allowances to ensure that the industry collectively remains under this threshold.^{77,78}

Despite efforts to promote the domestic processing of timber, very little secondary processing takes place within the Republic of the Congo. In practice, ROC exports much higher volumes of unprocessed timber.⁷⁹ About 81 percent of ROC's timber was exported as logs and 17 percent exported as sawn timber in 2019 (based on volume),ⁱ and while there has been a 14 percent increase in veneer exports between 2016 and 2019, veneer only accounted for 1 percent of ROC's timber exports in 2019.⁸⁰

The 85/15 rule does not appear to have been included in the 2020 Forest Code. Instead, article 97 of the 2020 Forest Code states that "products from natural or planted forests must be transformed in the Republic of the Congo, so that exports do

not relate to raw material but to finished or semi-finished products".⁸¹ Despite reports suggesting that this new Forest Code effectively widens the coverage of the ROC's log export restrictions,^{82,83} the new forest law maintains the exception for certain species, now phrased as "heavy and hard wood species whose processing requires specific technology."⁸⁴ The species covered by this exception are to be enumerated in additional legislation.⁸⁵ The impacts of this new Forest Code remain unclear. Preferred by Nature reports that this new system has not yet been proven or documented.⁸⁶ The lack of a clear transition regime between the 2000 Forest Code and the 2020 Forest Code adds additional uncertainty regarding the rules applicable to logging companies granted rights to concessions prior to 2020. In principle, the 2020 law should not have retroactive effects. The 85/15 rule could therefore still apply to existing logging concessions until they are "adapted" to comply with the 2020 Forest Code. Currently, the legal uncertainty poses a risk of illegality for unprocessed logs exported to international markets. ROC, as one of the six Central African Economic and Monetary Community (CEMAC) members, committed to jointly ban exports of logs from January 1, 2022, although implementation has been delayed until 2023.

China and Vietnam remain the main markets for ROC. China was the destination for roughly 70 percent of ROC's log exports, with Vietnam the destination for 25 percent of ROC log exports in 2019 based on volume.⁸⁷ The EU and EFTA is also an important market for the ROC, particularly France, the United Kingdom and Belgium. The northern logging concessions – of which five concessions are certified – reportedly supply timber to the EU and EFTA countries (around 20 percent), while the southern logging concessions, where illegalities are reportedly higher risk, supply Asian markets (67 percent).⁸⁸ While more than 80 species are harvested in ROC, two-thirds of the logs are reportedly just two species: okoumé (*Aucoumea klaineana*) and sapele/sapelli (*Entandrophragma cylindricum*).⁸⁹

The vast majority of logging companies in ROC are foreign-owned, which exacerbates the risk of tax evasion and transfer pricing as a result of Congolese companies under-billing the value of the wood and derived products that they sell to subsidiaries located abroad, particularly in countries with low corporate tax rates.⁹⁰

- **Independent forest monitoring (IFM) has been a key feature of international efforts to improve forest governance since 2007.**

ROC has had an international donor-funded Independent Monitor of Forest Law Enforcement in place since 2007. The Mandated Independent Monitor (MIM) is a civil society organization or a service provider that signs a Memorandum of Understanding with the government to gain access to relevant sites (e.g., logging concessions, sawmills, ports, ministerial departments) and official documents (e.g., harvest authorization, invoices, official statement logbooks). Through officially sanctioned investigations, the MIM aims to provide specific, credible, and verifiable information on forest law enforcement and governance issues.^{91,92} The existence of the MIM reports for ROC have been vital in understanding the ongoing challenges and situation on the ground.

The Republic of the Congo-EU VPA acknowledges the important role of independent observers in monitoring forest law enforcement and governance,⁹³ and the role has been further formalized in the recent Forest Code.⁹⁴ IFM was initially implemented by two international NGOs, Resource Extraction Monitoring (REM) and Forest Monitor (FM). The national civil society organization Cercle d'Appui à la Gestion Durable des Forêts (CAGDF) was integrated as a partner in January 2014. The Protocol Agreement signed between these civil society organizations and the government through the Ministry of Forest Economy allows the MIM to gain access to relevant non-public information. An official report from the MIM, prior to its publication, is examined and then validated by the "Review Committee," composed of representatives of the Forestry Administration, civil society and donors. Once published, the credibility of the reported observations and recommendations cannot be contested.⁹⁵

CAGDF published 42 reports between 2010 and 2020 which have shown evidence of some companies exceeding their harvest allowance, logging dozens of non-authorized species, felling trees smaller than the minimum exploitable diameter, routinely falsifying log markings, and failing to mark logs.^{96,97,98} The MIM also discovered that some companies had misdeclared their production and manipulated records in order to hide the overharvesting of certain species. Companies were also repeatedly found guilty of not respecting social obligations with neighboring communities as required by the agreements between the companies and the government. While CAGDF found breaches of regulations in every logging concession they visited, CAGDF noticed a significant decrease in the number of infractions over time and confirms that having a forest management plan positively impacts companies' performance.⁹⁹ Certified logging companies in the north reportedly perform relatively well and there is also reportedly evidence that the situation is gradually improving in the south, but there are still some companies breaching the law.¹⁰⁰

- **NGOs continue to document sector-wide illegalities and corruption in the forest sector.**

In addition to MIM reports documenting illegal logging and trade in ROC, the Environmental Investigation Agency (EIA) released findings from a four-year investigation in 2019 revealing how illegal timber from ROC entered 'regulated markets' in the EU and United States or those markets with regulations designed to exclude imports of illegal timber.¹⁰¹ EIA focused on the 'Dejia Group', a Chinese timber conglomerate operating in Gabon and the Republic of the Congo. In ROC, EIA reports that Dejia Group companies were specifically involved in bribing government officials, illegally obtaining rights to harvest in the Lebama concession, operating without approved management plans, overharvesting, and logging non-authorized species, exceeding annual log export quotas and tax avoidance.¹⁰²

Between 2013 and 2016, EIA estimated that 17 percent of one company's timber production came from overharvested species, which amounted to 84,363 cubic meters from 46 different species, 37 percent of which were categorized as Vulnerable or Endangered on the International Union for Conservation of Nature (IUCN) Red List.¹⁰³ Despite restrictions on exporting unprocessed timber during the period of the investigation (not to exceed 15 percent), EIA estimated that log exports from two companies of the 'Dejia group' reached an average of 86 percent of their production (round wood equivalent) between 2013 and 2016, with 657,583 m³ of the 707,517 m³ of exported timber comprised of logs. Over 100,000 logs worth almost \$83 million were estimated to have been exported in breach of the quota.¹⁰⁴ The companies implicated in the EIA investigation strongly deny EIA's claims, with four companies providing evidence countering the EIA allegations through a right to reply released to Mondafrique in 2019.¹⁰⁵

REPORTS & ADDITIONAL RESOURCES

A list of relevant reports and additional online tools to complement this country report are also available at the IDAT Risk website: <https://www.forest-trends.org/fptf-idat-home/>

Key Reading:

1. Preferred by Nature. 2021. Timber Legality Risk Assessment Republic of the Congo. Version V2.0. 2021 Forthcoming.
2. Environmental Investigation Agency. 2019. "Toxic Trade – Forest Crime in Gabon and the Republic of Congo and Contamination of the US Market." EIA. https://content.eia-global.org/posts/documents/000/000/830/original/Toxic_Trade_EIA-web.pdf?1553480150
3. ATIBT. 2019. Etat des lieux des acteurs du secteur privé de la filière forêt-bois au Congo. Available at: <https://www.atibt.org/wp-content/uploads/2020/08/14-08-20-CONGO-Rapport-final-Etat-des-lieux-acteurs-fili%C3%A8re-bois.pdf>

METHODOLOGY & TERMINOLOGY NOTES

^a Risk scores reflect Preferred by Nature's Timber Risk Assessment which measures the risk of illegality occurring in 21 areas of law relevant to timber legality, as well as Forest Trends' national governance scores which provides an average relative governance and corruption risk score for 211 countries globally. Preferred by Nature's scores have been flipped to ensure compatibility with Forest Trends' national governance scores, where higher scores are associated with greater governance and corruption challenges. An average of both the Preferred by Nature and Forest Trends scores has been calculated for 66 countries where both are available as of 2021. For all other countries, the risk score reflects Forest Trends' national governance scores. Countries scoring less than 25 are considered "Lower-Risk," countries scoring between 25 and 50 are "Medium-Risk" and countries scoring above 50 are "Higher-Risk." It is important to note that it is possible to source illegal wood from a well-governed, "Lower-Risk" state and it is also possible to source legal wood from a "Higher-Risk" country. As such, the risk scores can only give an indication of the likely level of illegal logging in a country and ultimately speaks to the risk that corruption and poor governance undermines rule of law in the forest sector.

^b The term "forest products" is used to refer to timber products (including furniture) plus pulp and paper. It covers products classified in the Combined Nomenclature under Chapters 44, 47, 48 and furniture products under Chapter 94. While the term "forest products" is often used more broadly to cover non-timber and non-wood products such as mushrooms, botanicals, and wildlife, "forest products" is used to refer to timber products plus pulp and paper in this dashboard.

- ^c Except where otherwise specified, all trade statistics and chart data is sourced from UN Comtrade, compiled and analyzed by Forest Trends. Except where otherwise specified, the charts and statistics in this dashboard are derived from globally-reported data (i.e. global imports are utilized as a proxy for Congolese exports, and global exports are utilized as a proxy for Congolese imports).
- ^d Regulated markets reflect countries and jurisdictions that have developed operational measures to restrict the import of illegal timber. As of 2021, this included the U.S., Member States of the European Union (as well as the United Kingdom, Iceland, Liechtenstein, Norway and Switzerland), Australia, Canada, Colombia, Indonesia, Japan, Malaysia, South Korea and Vietnam. Some measures are more comprehensive in scope, implementation, and enforcement than others.
- ^e The EIA report also listed “*accuminata*”, “*kahia*” “*chisso*”, “*glumea*”, “*muwulu*”, “*mukalaya*”, “*sifu sifu*” and “*singandola*”, but these species’ scientific names remain unclear (EIA, “Toxic Trade”).
- ^f All references to “EU + EFTA” signify the 27 Member States of the European Union, as well as the United Kingdom, Iceland, Liechtenstein, Norway and Switzerland.
- ^g The current Forest Code of 2020 replaces Forest Code 2000 and has been amended a few times. Key changes over the years include: the establishment of “Free, Prior and Informed Consent” (FPIC) to bolster the involvement of local communities and indigenous peoples in forest governance; the establishment of a community forest scheme along with forest management rights for communities dependent on forests; involvement of civil society organizations in adjudicating forest concessions; provision for communities affected by forest concessions contracts to negotiate special benefit-sharing agreements; the establishment of two distinct multi-stakeholder committees comprised of indigenous people, local communities, and civil society organizations to examine forest management plans; and legal recognition of an independent monitoring system.
- ^h Preferred by Nature note that some new elements in the 2020 Forest Code require additional implementing texts, particularly regarding matters like FPIC, forest communities, private forests, the running of the forest classification committee, the organization of public tender procedures, and the exercise of user rights, etc.
- ⁱ Data was based on globally-reported imports from the Republic of the Congo as reported on UN Comtrade. Volume data was used (netweight in kg) as reported by UN Comtrade.
- ^j IFM has become a component of the Voluntary Partnership Agreements (VPAs), which are a pillar of the EU’s Forest Law Enforcement, Governance and Trade (FLEGT) Action Plan. The Action Plan entered into force in 2003 in response to rising international concerns about the social, economic and environmental impacts of illegal logging and related trade. Each VPA is a bilateral trade agreement negotiated between the EU and a timber-exporting country. While parties enter into a VPA voluntarily, the agreement becomes legally binding when both parties have ratified it. The Republic of the Congo’s VPA entered into force on March 1, 2013.
- ^k Available on <http://cagdf.org/rapports/>, <http://www.apvflegtcongo.com/>

WORKS CITED

- ¹ Forest Trends. 2020. “Global Illegal Deforestation and Associated Trade (IDAT) Risk Data Tool—Summary of Data and Methodology.” Forest Trends. Accessed June 30, 2020. <https://www.forest-trends.org/wp-content/uploads/2020/03/Methodology-for-ILAT-Risk-Data-Tool-March-2020.pdf>
- ² World Bank Group’s Fragile, Conflict and Violence Group. 2020. “Harmonized List of Fragile Situations.” World Bank Group’s Fragile, Conflict and Violence Group. Accessed June 30, 2020. <https://www.worldbank.org/en/topic/fragilityconflictviolence/brief/harmonized-list-of-fragile-situations>
- ³ United Nations Statistics Division. 2020. “UN Comtrade.” United Nations Statistics Division. Accessed June 30, 2020. <https://comtrade.un.org/data/>
- ⁴ Government of the People’s Republic of China. “Customs Statistics.” General Administration of Customs. Accessed June 30, 2020. <http://43.248.49.97/indexEn>
- ⁵ UN Statistics Division, “UN Comtrade.”
- ⁶ Government of the Republic of Congo. 2020. Code Forestier, Loi n°16-2000 du 20 novembre 2000. <http://extwprlegs1.fao.org/docs/pdf/con25237.pdf>
- ⁷ Government of the Republic of Congo, Loi n°16-2000

- ⁸ Government of the Republic of Congo, Loi n°16-2000
- ⁹ The Timber Trade Portal. 2020. "Republic of the Congo, Legality Framework." The Timber Trade Portal. <https://www.timbertradeportal.com/countries/congo/#legality-profile>
- ¹⁰ World Trade Organization. "Trade Policy Review (WT/TPR/S/285). Report by the Secretariat, Countries of the Central African Economic and Monetary Community, Annex 2 – Congo." https://www.wto.org/english/tratop_e/tpr_e/s285-01_e.pdf
- ¹¹ Environmental Investigation Agency. 2019. "Toxic Trade – Forest Crime in Gabon and the Republic of Congo and Contamination of the US Market." EIA. https://content.eia-global.org/posts/documents/000/000/830/original/Toxic_Trade_EIA-web.pdf?1553480150
- ¹² EIA, "Toxic Trade."
- ¹³ World Trade Organization. WT/TPR/S/285 Annex 2- Congo."
- ¹⁴ Environmental Investigation Agency. 2018. "African Log Bans Matter: Reforming Chinese Investment and Trade in Africa's Forest Sector." EIA. https://content.eia-global.org/assets/2018/09/AfricanLogBansMatter_LowRes.pdf
- ¹⁵ Akono, Faustin. 2013. "Exportation forestière : des grumes illégalement exploitées et entreposées au port de Pointe-Noire." Agence d'Information d'Afrique Centrale, September 21. <http://adiac-congo.com/content/exportation-forestiere-des-grumes-illegalement-exploitees-et-entreposees-au-port-de-pointe>
- ¹⁶ EIA, "Toxic Trade."
- ¹⁷ Government of the Republic of Congo. Law no. 33-2020 of 8 July 2020. Forest Code. https://www.atibt.org/wp-content/uploads/2020/07/21.07.2020_nouveau-code-forestier_RoCongo.pdf
- ¹⁸ The Timber Trade Portal, "Republic of the Congo, Legality Framework."
- ¹⁹ Rowling, Megan. 2020. "Central African states seek to make forests work for people and planet." Reuters, August 7. <https://www.reuters.com/article/us-africa-forests-climatechange-analysis-idUSKCN2530SD>
- ²⁰ Government of the Republic of Congo, Law no. 33-2020.
- ²¹ Government of the Republic of Congo, Law no. 33-2020.
- ²² International Tropical Timber Association, ATIBT. 2021. "Log export ban: CEMAC postpones entry into force to 2023." ATIBT, August 27. Accessed October 2021. <https://www.atibt.org/en/news/13044/log-export-ban-cemac-postpones-entry-into-force-to-2023>
- ²³ The Timber Trade Portal, "Republic of the Congo, Legality Framework."
- ²⁴ EIA, "Toxic Trade."
- ²⁵ FAO. 2020. "Global Forest Resources Assessment 2020, Main Report." Food and Agriculture Organization of the United Nations. Accessed July 31, 2020. <http://www.fao.org/3/ca9825en/CA9825EN.pdf>
- ²⁶ FAO, "Global Forest Resources Assessment 2020."
- ²⁷ FAO, "Global Forest Resources Assessment 2020."
- ²⁸ FAO. 2020. "Global Forest Resources Assessment 2020, Congo." Food and Agriculture Organization of the United Nations. <http://www.fao.org/3/cb0124fr/cb0124fr.pdf>
- ²⁹ Forest Stewardship Council. 2019. "FSC Facts & Figures – November 21, 2019." Forest Stewardship Council. Accessed June 30, 2020. https://fsc.org/sites/default/files/2019-11/Facts_and_Figures_2019-11-21.pdf.
- ³⁰ The Timber Trade Portal, "Republic of the Congo, Legality Framework."
- ³¹ The Timber Trade Portal, "Republic of the Congo, Legality Framework."
- ³² FAO. 2019. "FAOSTAT." Food and Agriculture Organization of the United Nations. Accessed August 30, 2020. <http://www.fao.org/faostat/en/#data>.
- ³³ UN Statistics Division, "UN Comtrade"; Government of the People's Republic of China, "Customs Statistics." .
- ³⁴ Forest Trends, "FPER."
- ³⁵ UN Statistics Division, "UN Comtrade."
- ³⁶ UN Statistics Division, "UN Comtrade."
- ³⁷ UN Statistics Division, "UN Comtrade."

- ³⁸ FAO, "Global Forest Resources Assessment 2020, Congo."
- ³⁹ FAO, "Global Forest Resources Assessment 2020, Congo."
- ⁴⁰ COMIFAC.2018. "Concessions forestières." Accessed October 23, 2020. https://www.observatoire-comifac.net/monitoring_system/concessions.
- ⁴¹ United Nations Environment World Conservation Monitoring Centre. 2020. "Republic of the Congo - Country Overview to Aid Implementation of the EUTR." UN- WCMC. https://ec.europa.eu/environment/forests/pdf/EUTR%20country%20overview_Republic%20of%20Congo%20_November%202020_EN.pdf
- ⁴² Lawson, Sam. 2014. "Illegal Logging in the Republic of Congo." Chatham House. https://www.greenpeace.org/static/planet4-eastasia-stateless/2019/11/8bf87cff-8bf87cff-lawson_republic_of_congo_pp_2014.pdf
- ⁴³ FAO, "Global Forest Resources Assessment 2020, Congo."
- ⁴⁴ Preferred by Nature. 2020. "Analyse de risqué sur la légalité du bois. République du Congo." Preferred by Nature.https://preferredbynature.org/sites/default/files/projects/Congo%20Risk%20Assessment%2017June20_FRE_Final_rev30June2021.pdf
- ⁴⁵ Total Energies. 2021. "Total and Forêt Resources Management to Plant a 40,000- Hectare Forest in the Republic of the Congo." Total Energies, March 16. <https://totalenergies.com/media/news/press-releases/total-and-frm-to-plant-forest-in-congo>
- ⁴⁶ Government of the Republic of Congo, Ministère d'Économie Forestière. 2018. "Stratégie Nationale REDD+ de la République du Congo." http://wri-sites.s3.amazonaws.com/forest-atlas.org/cog.forest-atlas.org/resources/docs/Redd_registry/Strategie_nationale_REDD_Republique_Congo.pdf
- ⁴⁷ Government of the Republic of Congo, "Stratégie Nationale REDD+."
- ⁴⁸ Morgan, D., Strindberg, S., Winston, W., Stephens, C. R., Traub, C., Ayina, C. E., ... & Sanz, C. M. 2019. "Impacts of selective logging and associated anthropogenic disturbance on intact forest landscapes and apes of Northern Congo." *Frontiers in Forests and Global Change*, 2, 28. <https://www.frontiersin.org/articles/10.3389/ffgc.2019.00028/full>
- ⁴⁹ Government of the Republic of Congo, Law no. 33-2020.
- ⁵⁰ Government of the Republic of Congo. 2020. Article 20 and 88 of the Law No 33-2020, Congolese Forest Code. https://www.atibt.org/wp-content/uploads/2020/07/21.07.2020_nouveau-code-forestier_RoCongo.pdf
- ⁵¹ Government of the Republic of Congo. 2020. Article 103, 104, and 111 of the Law No 33-2020, Congolese Forest Code. https://www.atibt.org/wp-content/uploads/2020/07/21.07.2020_nouveau-code-forestier_RoCongo.pdf
- ⁵² Lawson, "Illegal Logging in the Republic of Congo."
- ⁵³ UN WCMC, "Republic of the Congo - Country Overview to Aid Implementation of the EUTR."
- ⁵⁴ Lawson, "Illegal Logging in the Republic of Congo."
- ⁵⁵ ATIBT (2019). Etat des lieux des acteurs du secteur privé de la filière forêt-bois au Congo. Available at: <https://www.atibt.org/wp-content/uploads/2020/08/14-08-20-CONGO-Rapport-final-Etat-des-lieux-acteurs-fili%C3%A8re-bois.pdf>
- ⁵⁶ Preferred by Nature. 2021. Timber Legality Risk Assessment Republic of the Congo. Version V2.0. 2021 Forthcoming.
- ⁵⁷ EU FLEGT Facility. 2018. "Voluntary Partnership Agreements." EU FLEGT Facility. <http://www.euflegt.efi.int/vpa>.
- ⁵⁸ Lawson, "Illegal Logging in the Republic of Congo."
- ⁵⁹ Preferred by Nature. 2021. Timber Legality Risk Assessment Republic of the Congo. Version V2.0. 2021 Forthcoming.
- ⁶⁰ World Bank Group, "Harmonized List of Fragile Situations."
- ⁶¹ The World Bank. 2019. "Country Partnership Framework for the Republic of Congo for the Period FY20-FY24." The World Bank. <https://documents1.worldbank.org/curated/en/763151576206076142/pdf/Congo-Republic-of-Country-Partnership-Framework-for-the-Period-FY20-FY24.pdf>
- ⁶² Congressional Research Service. 2019. "The Republic of Congo (Congo-Brazzaville)." CRS Reports. <https://crsreports.congress.gov/product/pdf/IF/IF11301/2>
- ⁶³ Congressional Research Service, "The Republic of Congo."
- ⁶⁴ The World Bank, "Country Partnership Framework for ROC for the period FY20-FY24."

- ⁶⁵ Congressional Research Service, "The Republic of Congo."
- ⁶⁶ Bollen, An. 2020. "Evaluating the VPA process in the Republic of Congo – Views from civil society." Fern. https://www.fern.org/fileadmin/uploads/fern/Documents/2020/2020_Evaluating_VPA_process_in_RoC.pdf
- ⁶⁷ The World Bank, "Country Partnership Framework for ROC for the period FY20-FY24."
- ⁶⁸ GAN Integrity. 2020. "Republic of the Congo Corruption Report." Risk & Compliance Portal. <https://www.ganintegrity.com/portal/country-profiles/republic-of-the-congo/>
- ⁶⁹ GAN Integrity, "Republic of the Congo Corruption Report."
- ⁷⁰ GAN Integrity, "Republic of the Congo Corruption Report."
- ⁷¹ Congressional Research Service, "The Republic of Congo."
- ⁷² Government of the Republic of Congo, Loi n°16-2000, Article 48 and 180.
- ⁷³ Government of United States of America, Department of State. 2020. "2020 Investment Climate Statements: Republic of the Congo." U.S. Department of State. <https://www.state.gov/reports/2020-investment-climate-statements/congo-republic-of-the/>
- ⁷⁴ World Trade Organization. WT/TPR/S/285 Annex 2- Congo."
- ⁷⁵ EIA, "Toxic Trade."
- ⁷⁶ EIA, "Toxic Trade."
- ⁷⁷ Government of the Republic of Congo. 2009. Law n. 14-2009 of December 30, 2009. Published on January 14, 2010. <http://extwprlegs1.fao.org/docs/pdf/con93698.pdf>
- ⁷⁸ The Timber Trade Portal, "Republic of the Congo, Legality Framework."
- ⁷⁹ U.S. Department of State, "2020 Investment Climate Statements."
- ⁸⁰ UN Statistics Division. "UN Comtrade."
- ⁸¹ Government of the Republic of Congo. 2020. Article 97 of the Law No 33-2020, Congolese Forest Code. https://www.atibt.org/wp-content/uploads/2020/07/21.07.2020_nouveau-code-forestier_RoCongo.pdf
- ⁸² The Timber Trade Portal, "Republic of the Congo, Legality Framework."
- ⁸³ Rowling, Megan. 2020. "Central African states seek to make forests work for people and planet." Reuters, August 7. <https://www.reuters.com/article/us-africa-forests-climatechange-analysis-idUSKCN2530SD>
- ⁸⁴ Government of the Republic of Congo, Law no. 33-2020.
- ⁸⁵ Government of the Republic of Congo, Law no. 33-2020.
- ⁸⁶ Preferred by Nature. 2021. Timber Legality Risk Assessment Republic of the Congo. Version V2.0. 2021 Forthcoming.
- ⁸⁷ UN Statistics Division, "UN Comtrade."
- ⁸⁸ Bollen, "Evaluating the VPA process in the Republic of Congo."
- ⁸⁹ Lawson, "Illegal Logging in the Republic of Congo."
- ⁹⁰ Preferred by Nature. 2021. Timber Legality Risk Assessment Republic of the Congo. Version V2.0. 2021 Forthcoming.
- ⁹¹ Global Witness, 2010. "Principles for Independent Monitoring of REDD (IM-REDD)." Global Witness, Feb 2. <https://www.globalwitness.org/en/archive/principles-independent-monitoring-redd-im-redd/>
- ⁹² Brack, D. and C. Léger, 2013. Exploring credibility gaps in Voluntary Partnership Agreements – A review of independent monitoring initiatives and lessons to learn.
- ⁹³ European Union. 2011. "Voluntary Partnership Agreement between the European Union and the Republic of the Congo on forest law enforcement, governance and trade in timber and derived products to the European Union (FLEGT)." Official Journal of the European Union. Brussels, Belgium. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22011A0406\(03\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:22011A0406(03)&from=EN)
- ⁹³ Lawson, "Illegal Logging in the Republic of Congo."
- ⁹⁴ Bollen, "Evaluating the VPA process in the Republic of Congo."
- ⁹⁵ EU, "VPA between the EU and the Republic of Congo."

- ⁹⁶ Bollen, "Evaluating the VPA process in the Republic of Congo."
- ⁹⁷ IM reports related to SICOFOR and CDWI are available at: Open Timber Portal. N.d. "Incentivizing legal timber by improving access to information." <http://www.opentimberportal.org/> .
- ⁹⁸ Cercle d'appui à la Gestion Durable Forests. 2020. "Rapports 2020." CAGDF. <http://cagdf.org/rapports-2020/>
- ⁹⁹ Bollen, "Evaluating the VPA process in the Republic of Congo."
- ¹⁰⁰ Bollen, "Evaluating the VPA process in the Republic of Congo."
- ¹⁰¹ EIA, "Toxic Trade."
- ¹⁰² EIA, "Toxic Trade."
- ¹⁰³ EIA, "Toxic Trade."
- ¹⁰⁴ EIA, "Toxic Trade."
- ¹⁰⁵ Mondafrique. 2019. "Droit de réponse des sociétés mises en cause par l'ONG britannique EIA." Mondafrique, April 24. <https://mondafrique.com/droit-de-reponse-des-societes-mises-en-cause-par-long-britannique-eia/>

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The Dashboards have been compiled from publicly available information sources to support risk assessments on the legality of timber products entering international supply chains. The Dashboards are for educational and informational purposes only. The Dashboards have been drafted with input from the Environmental Investigation Agency (EIA) and are subject to external peer review. The Dashboards will be updated periodically based on newly available information.

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