

EXECUTIVE NOTE
SECOND NATIONAL FORUM¹: ARTISANAL LOGGING

Date: 13th – 14th July 2009

Participants:

Four directors from the Ministry in charge of forests; representatives of FAO implementing the FORCOM project, Conservation International (CI), WCS, SNV, Union of forest users, Union of the wood industry, EU Good Governance Programme, civil society, field officials from Ituri, Bansankusu and Bas Congo; and legal practitioners.

Main results:

The Forum concluded that artisanal logging should be regulated within the legal framework for local community forests, because under the Forest Code small-scale logging can only be undertaken within local community forests. The debates highlighted the rules, safeguards and balance needed in any regulation on artisanal logging in order to make it compatible with the sustainable and social management of local community forests.

Executive summary of discussions & points of consensus:

1. Artisanal logging should be allowed for legal entities as well as for natural persons. This would allow “Local interest initiatives” (*Initiatives d’intérêt local - ILD*) wishing to undertake such activities to create a cooperative for that purpose. This would also make Congolese law compatible with imminent OHADA regulations that will establish the notion of a sole proprietor company.
2. Experts also agreed that demonstrating sufficient technical and financial capacities should be added to the conditions required to obtain an agreement to practice artisanal logging.
3. A local community should not, as an entity, be required to register as artisanal loggers, as this activity does not cover all the functions a forest provides for local communities. For this reason, the exploitation and management of forests by local or indigenous communities should fall under a specific legal system yet to be put in place. This relates to the notions of “community forestry”, “industrial forestry”, and “artisanal forestry”.
4. Based on their experience in Ituri, WCS and IUCN as well as community representatives highlighted the benefits of portable saws as tools for artisanal logging. The use of such saws increases productivity and reduces wastage compared to chain saws. The need to ban the export of wood produced with chain saws was also noted.

¹ The National Forums serve as a platform where experts, practitioners and researchers can discuss and analyse technical and legal concepts and ideas related to community forestry.

5. Official marking of sawn wood must be adapted to the reality on the ground and should therefore be limited to the tree and the logging permit numbers in order to facilitate traceability. The marking of logs produced by small-scale logging operations should be the same as for logs produced by industrial logging.
6. *Arrêté* 035 stipulates that artisanal logging can only take place in local community forests. Some analyses have underlined the need for a community whose forest is being logged by an artisanal logger to be entitled to have a copy of the travel permits (*permis de circulation*) and field documents (*feuille du carnet de chantier*). These documents would make it possible for a community to monitor the amount of wood logged and transported from its forest.
7. The Congolese State needs to produce a standard contract for use between local communities and artisanal loggers operating in their forest to help avoid infringement and abuse of local community rights. This model contract would constitute an annexe of *Arrêté* 035.
8. The majority of the wood produced through artisanal operations should be processed before being sold. The Centre for the Support and Control of Small Scale Mining (*Centre d'Appui et d'Encadrement de Small Scale Mining (CAESCM)*) created by the Congolese government and supported by various partners to control and support small-scale mining operations could be used as an example. The Centre's experience could be beneficial for artisanal logging, for example, to increase the added value of wood produced from artisanal operations, to control and reinforce the capacities of market chains and to prevent neighbouring countries from setting a low price for wood produced by Congolese artisanal producers. This option could be the subject of a special legal text.
9. One or more trade centres for wood produced by artisanal operations could also be created in different parts of the country. Such a mechanism would make monitoring and law enforcement easier and would ensure a better export price.
10. Finally, the need for legal texts to sanction more strictly non-compliance with the agreements signed between artisanal loggers and local communities was noted. Sanctions should include cancelling of the agreement in addition to civil liability sanctions.

Conclusion

All participants agreed that the Forum provided a timely and unique approach, enabling in-depth discussions of the issues related to artisanal logging before it was subject to regulation. The wide range of participants also meant that different perspectives could be shared.

"Community conservation" will be the subject of the next Forum. It will be organised jointly with Conservation International (CI) and local communities already engaged in this approach.

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