

MARCH 2018

THE COMING STORM

How Secrecy and Collusion in Industrial
Agriculture Spell Disaster for the
Congo Basin's Forests

 **earthsight**



FIGURE 1

Map showing locations of oil palm and rubber plantation projects mentioned in this report.

Notes: 1. Boundaries of Palme d'Or are not known, so the location is shown as a circle proportionate to the size of the license area; 2. Olam plantations shown include the Kango plantation (developed by Olam but since sold) and the Sotrader plantation (which is 49% Olam-owned, with the remainder held by the Government of Gabon); 3. Boundaries of Lexus Agric are for the overall Lekoumou rubber/palm oil project; part of this area is believed to be under the control of a separate company, Heveco.

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ACKNOWLEDGEMENTS

This publication has been produced with the financial assistance of the UK Department for International Development (DFID). However, the content of the publication is the sole responsibility of Earthsight and cannot in any way be taken to reflect the opinions of DFID.


Earthsight would like to thank the local partners and consultants who assisted with the research behind this report.



COVER PHOTO:
Forest in Odzala National Park, Republic of
Congo © Paul Godard



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Earthsight is a non-profit organisation committed to harnessing the power of primary investigative research and reporting to bring attention to pressing issues of human rights and environmental justice. We aim to get to the core of an issue, using a range of investigative research methods to obtain first-hand, documented evidence of crimes against both people and the planet which is irrefutable and impossible to ignore. By following the money and tracing supply chains, our research also aims to expose the complicity of consumers and financiers in abetting these abuses.

THE COMING STORM

KEY FINDINGS

- > Around 500 square kilometres of forest has been bulldozed in Congo Basin countries during the last 5 years to make way for industrial oil palm and rubber plantations. Another 8400 square kilometres of as-yet-undeveloped land remain under license to companies, with much of this land also heavily forested.
- > Reduced commodity prices have provided a temporary breathing space, preventing the destruction from progressing as quickly as was originally planned. With restricted access to cash to fund up-front development costs, those with the biggest backers – notably the Singaporean and Chinese governments – have cleared the most forest to-date.
- > Elsewhere, local influence is also proving important. Each of the largest logging firms in Republic of Congo, DR Congo and Central African Republic are all now connected in some way with plantation projects clearing forests. These companies have some of the worst reputations for illegalities and human rights abuses of any in their sector; one has even helped fund armed conflict.
- > We expose evidence of high-level corruption linked to a rubber plantation in Republic of Congo, with a top official of the Agriculture Ministry warning a company executive not to ‘brag’ about his illegal timber activities.
- > We draw connections from this to the largest oil palm plantation in the region, which encompasses an area of forest three times the size of Greater London and is home to some of the densest concentrations of Great Apes anywhere in the world. We reveal how the firm which owns this lease has recently been quietly sold, the identity of its new owners hidden behind shell companies and letter-box addresses.
- > We reveal the hypocrisy of governments like that of the Republic of Congo, which make bold promises to protect forests and accept millions in international donor funds to implement them, while at the same time turning a blind eye to rampant illegalities by logging and plantation firms.
- > We explain how the near-total absence of transparency regarding plantation development in the region makes it likely that when commodity prices rise again, there will be little to prevent a repeat of the disaster already wrought by industrial plantations to the forests of SE Asia.

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INTRODUCTION

Over the past year, Earthsight has been monitoring the development of palm and rubber projects in the Congo basin.

The Congo Basin holds one of the three last great tracts of tropical rainforest in the world. It is home to many iconic and threatened species, including gorillas, chimpanzees and forest elephants. The forest also provides a livelihood to more than 75 million people, including ancient hunter-gatherers.¹

Unlike its rivals – the Paradise Forests to the East and the Amazon to the west – the great forest of Central Africa has so far escaped the worst ravages of our increasingly globalised economy. Though much has been thinned by logging, most remains standing. The rate of loss is far below that seen elsewhere. But in the shadows, a storm has gathered.

Over the past year, Earthsight has been monitoring the development of palm and rubber projects in the Congo basin, with a particular focus on Republic of Congo and DR Congo. Our findings show that while unfavourable global economic conditions have provided a breathing space and led many projects to be slowed or cancelled, industrial plantations continue to pose a huge threat to the region’s forests and people. Governments are failing to keep their promises to ensure transparency in the development of the industry, and wherever we were able to get a glimpse inside this ‘black box’, we found illegalities and abuses aplenty. Our findings suggest that there is little to prevent a rapid acceleration of the destruction once commodity prices rise.

Two-thirds of the Congo Basin’s forests are on land with soils and climate suitable for growing palm oil or rubber trees. With available land increasingly constricted in Southeast Asia, in part due to a recognition of the negative impacts of large-scale plantations, the Congo Basin has been eyed by giant firms for some years as the potential ‘next frontier’. During the late 2000s, palm and rubber prices rose dramatically, leading to a rush of investment into the Congo Basin, with huge new plantations being announced every few weeks.

By 2013, deals had been signed covering half a million hectares for oil palm alone, with 1.1 million more hectares of projects under negotiation.² The single most advanced projects in Cameroon, Republic of Congo and Gabon were forecast to increase the deforestation rates in those countries by 14, 48 and 140 percent respectively. It was expected that if these projects progressed at their planned speed, by 2014 forest conversion would have become the single largest source of tropical wood exports from each country.³

Fortunately for the region’s forest, the threat has not materialised as quickly as was once feared. Palm oil and rubber prices crashed in late 2011 and remain well below their peak (see ‘The Story So Far, below). Many projects launched in those heady days have made little progress due to a lack of finance. Other mooted projects were quietly cancelled. The plantations that have made the most progress have been those with the biggest backers, including overseas governments.

THE STORY SO FAR

By the end of 2017, our analysis indicates that some 50,000 hectares (500 square kilometres) of natural forest has been converted for industrial oil palm and rubber plantations in the Congo Basin in recent years (see Figure 2).⁴

Though this is a small fraction of what the worst forecasts predicted, our examination of available information on planned developments indicates that the threat from existing projects alone remains substantial. Such projects encompass an area of more than 8400 square kilometres of as-yet undeveloped land, much of it heavily forested (see Figure 3).

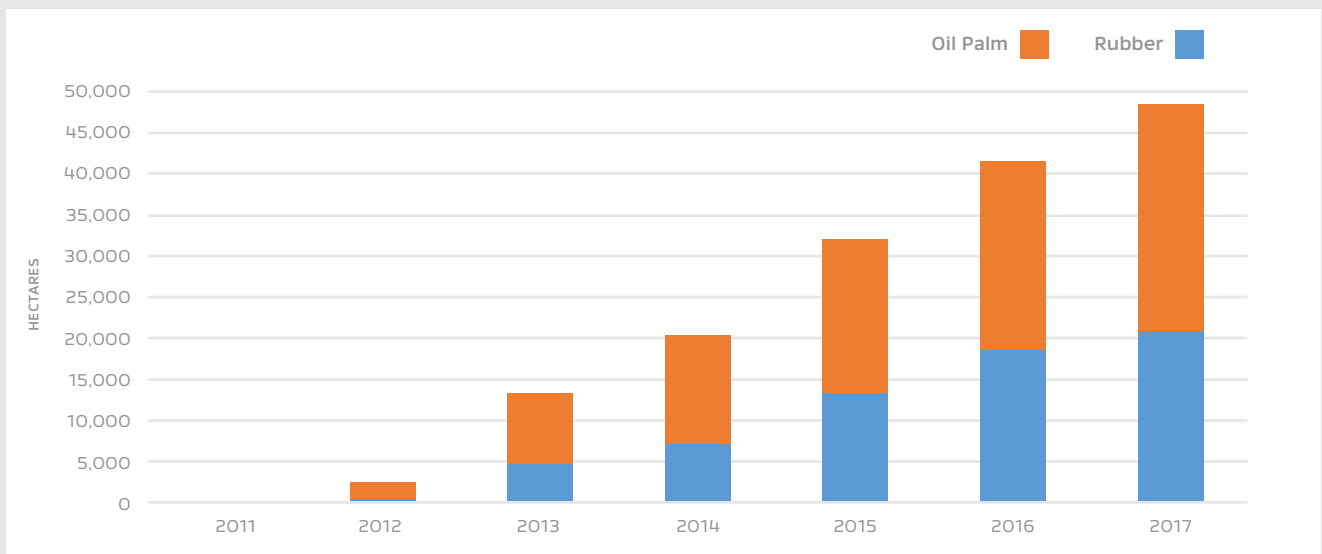
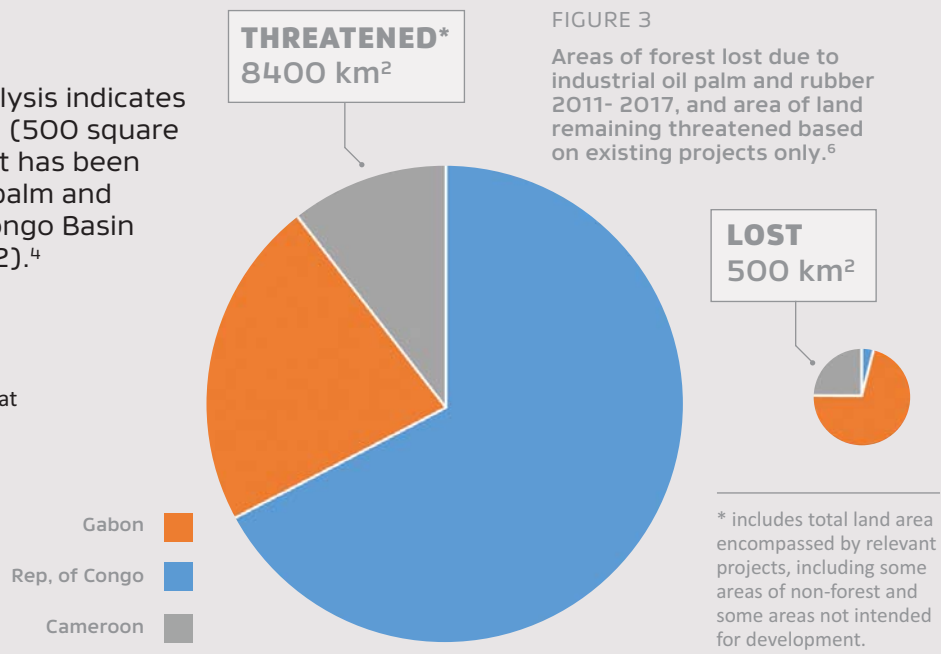


FIGURE 2
Natural forest cleared for industrial plantations in Congo Basin countries, 2011-2017 (cumulative).⁵

THE BIG BACKERS



FIGURE 4
Olam's oil palm plantation at Ngounie in Gabon.

© Jonas Gratzer

The most rapid development has been in Gabon, where Singaporean agro-commodity giant Olam is developing a giant series of palm oil and rubber plantations. Satellite images reveal that some 35,000 hectares of dense forest has been cleared by the company across four different sites during the last six years. In February 2017, after a high-profile exposé of its continued destruction of Gabonese forests⁵, Olam agreed to suspend further clearing for a year. The commitment has since been extended to January 2019.⁶

Olam is majority-owned by the Singaporean government, through its sovereign wealth fund. The second largest destroyer of Congo Basin forests is also government-backed. Sudcam, a subsidiary⁷ of the giant Chinese state-owned oil and chemical conglomerate Sinochem, has cleared almost 10,000 hectares of dense tropical forest in Cameroon⁸, in a project which Greenpeace has labelled “by far the most

devastating new clearing for industrial agriculture in the Congo Basin”.⁹ The project is directly adjacent to the Dja Faunal Reserve, a World Heritage Site home to large numbers of endangered gorillas and chimpanzees whose status UNESCO classifies as ‘critical’. A 2012 UNESCO report specifically cited the threat to the reserve posed by the rubber project.¹⁰

The plantation is mired in scandal. Researchers have alleged that the award of the concession to Sudcam violated local regulations, because much of the land was already awarded to logging firms.¹¹ Some recent reports suggest that the company has been forced to hand back some of the land for this reason.¹² Local inhabitants allege that the plantation has dispossessed them of their community lands, and that local government authorities have reacted to their protests with threats and intimidation.¹³

FIGURE 5

Western lowland gorilla.

© Paul Godard



CASE STUDY

THE 'BLOOD TIMBER' FIRM GETTING IN ON THE ACT IN CAR

Meanwhile in Central African Republic (CAR), another notorious logging company is getting in on the game, and is having little trouble attracting finance. The country's first large-scale plantation development is underway in the south of the country, covering some 26,000 hectares. The Palme d'Or oil palm project is owned by the Lebanese El Sahely brothers, who are the country's biggest private sector employers.¹⁴ Their principal asset is SEFCA, CAR's largest logging company. SEFCA, which is responsible for more than half of all the country's tropical timber production and exports, has been accused in the past of illegal logging. It also stands accused of helping fund armed conflict. An investigation by the NGO Global Witness revealed that in 2013

the company paid hundreds of thousands of euros to the Seleka Islamic terrorist group, which briefly overran the country's capital city of Bangui that year. In October 2013, a multinational peace-keeping mission found Seleka soldiers and munitions at SEFCA's Bangui headquarters.¹⁵

Despite the shady reputation of its owners, African regional banks seem confident, and have committed nearly US\$15 million to fund the development to-date.¹⁶ Satellite images show around 2000 hectares had been developed by the end of 2017. To date the company has cleared only savannah-woodland areas and avoided the densest pockets of forest within its concession.

The country's first large-scale plantation development is underway in the south of the country, covering some 26,000 hectares.

Our analysis of the latest satellite images shows that the rate of clearing accelerated during 2017. Twelve football pitches' worth of forest are being bulldozed every day, or roughly one every hour.¹⁷ Our analysis also indicates that around 330ha has been cleared outside the concession boundaries to-date, including as much as 1.5km from the boundary.

While Sinochem controls 80 percent of the project, the owner of the remaining 20 percent remains secret. Credible sources have alleged that these shares are owned by very senior government officials, perhaps even the family of President Biya himself.¹⁸ In June 2017, inhabitants of several affected villages told Greenpeace that the project has been presented to them by company representatives as the president's plantation and Sudcam as the president's company.¹⁹ Presented by Earthsight with the evidence above in advance of publication, Sudcam's parent company Halcyon Agri told us that the company is *"committed to continuous improvement in the way we operate our assets globally. We view the environment and the communities within which we operate as key stakeholders, and we have implemented solid documentation and progress measurement tools on the ground"*. It did not include any response to our individual findings.

Though a number of other greenfield projects have broken ground in the region,

none have progressed at anything like the same rate as Olam or Sudcam (at least until recently – see Case Study regarding Greenfil in Cameroon on page 8).

Many projects launched during the heady days of 2008-2011 have been hampered by a lack of financing, and have progressed very slowly as a result. Some have been slowed yet further by the actions of local communities and civil society groups.

The projects which have managed to stay in business are those with good local connections. Our research shows that with experienced overseas agricultural firms struggling to gain a foothold, the region's logging companies have made a drive into the industry. It also reveals that the largest and most notorious logging firms in each of Congo, DRC and CAR are all connected in some way with plantation projects clearing forests.²⁰ These companies have a long history of flouting the law and getting away with it. Now they are bringing that experience into this new and burgeoning sector.

Because of their experience, when the plantation projects connected to these companies run short of cash, they know where to turn. Our research shows that in many cases, firms struggling to finance their operations are turning to timber as a source of cash. This is especially true in the Republic of Congo, which is home to by far the largest area of forest under imminent threat from industrial plantation development (see Figure 3).

Twelve football pitches' worth of forest are being bulldozed every day, or roughly one every hour.

FIGURE 6

Bulldozed forest within the Sudhevea rubber plantation in Cameroon, January 2016, with close-up (inset) (WV2 image from Google Earth). The river forms the boundary of the Dja Faunal Reserve.



CASE STUDY

HISTORY REPEATING ITSELF IN CAMEROON

In 2011, a company called SGSOC began clearing dense forest for a giant new oil palm plantation in Cameroon, right on the edge of a protected area home to rare wildlife. The company began its operations illegally, without required permits.²¹ Local communities and conservationists, supported by international groups, fought long and hard to halt the plantation. They succeeded in forcing the government to cancel two-thirds of the license and brought the development to a halt by persuading financial backers to pull out.²² But now history appears to be repeating itself, in a different part of Cameroon.

In late 2017, our analysis shows that some of the most rapid deforestation anywhere in the region is being carried out by Greenfil SA, a company owned by one of Cameroon's richest men, billionaire Nana Bouba.²³ The development is intended to

provide raw materials for Bouba's existing soap manufacturing firm, called Azur, whose products are used across Africa. Around six football pitches-worth of dense forest are currently being bulldozed by Greenfil each day.²⁴ At present, the project is by far the biggest source of oil-palm driven deforestation anywhere in the region. This project, like SGSOC and so many others in the region, is also shrouded in both secrecy and scandal.

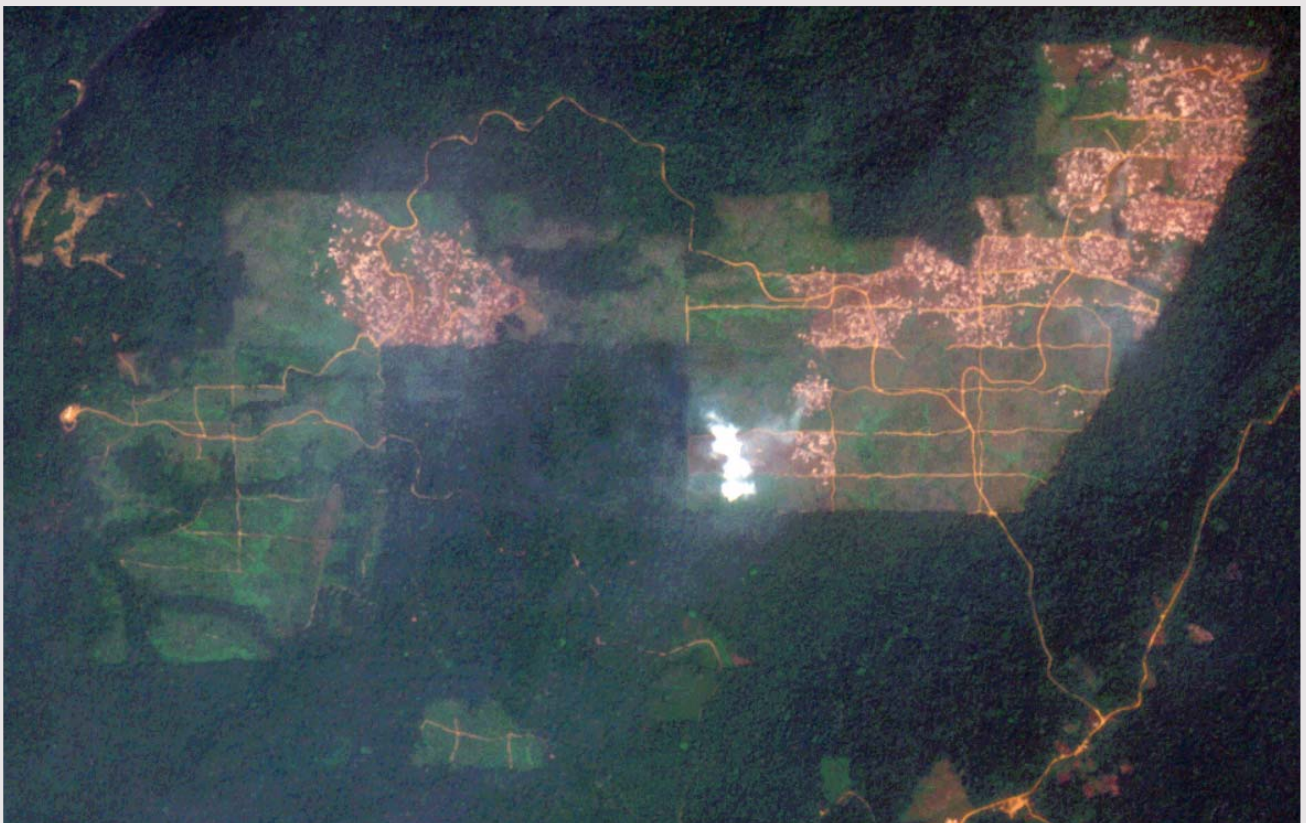
There are no publicly available maps of the planned plantation. Some reports say it could cover as much as 123,000 hectares²⁵, though other sources suggest a more modest 30,000 hectares.²⁶ The clearing is taking place close to the border of the Ebo Wildlife Reserve, home to an array of precious wildlife including an estimated 700 chimpanzees.²⁷ One academic study found evidence that the company had started its operations illegally, before it had received the required permits. An Azur executive and local officials told researchers in 2016 that the Ministry of

Agriculture had given 'informal' permission for the company to begin clearing forest, though consultations, surveying activities and negotiations with the government remained underway, and the required Presidential Decree had yet to be signed.^{28,29}

Local conservationists allege that the minimal buffers the company is proposing to retain along the Reserve's borders breach the terms of its plantation agreement. They also claim that the Environmental Impact Assessment was conducted by a company closely connected to Azur, and cannot be trusted to be impartial.³⁰ Earthsight's analysis of the latest satellite images shows that the clearing has already reached to within five kilometres of the Reserve. Though local opposition to the project is building, it is hampered by a lack of transparency. None of the contracts, maps or plans relating to the development are publicly available, making it impossible for third parties to monitor whether it is abiding by legal requirements.

FIGURE 7

Forest cleared for oil palm by Greenfil, as of February 2018.



REPUBLIC OF CONGO



The Republic of Congo is dedicated to the legal and sustainable management of its forests. On paper at least. It has ratified more than a dozen different environmental treaties and conventions.³¹ In addition, in 2010 Congo signed the Forest Law Enforcement, Governance, and Trade Voluntary Partnership Agreement (FLEGT-VPA)³², a bilateral deal with the EU that aims to ensure that all timber imported into Europe from Congo is legally sourced.

Congo is also a member of the Central African Forest Commission (COMIFAC) and involved in two separate multilateral 'REDD+' initiatives aimed at harnessing international climate finance to help fund the protection of forests.³³ In Nov 2016, the Republic of Congo was also among seven West and Central African countries to sign the 'Marrakesh Agreement', a promise to promote a palm oil sector that "secures the long term survival of ... tropical forests" while also ensuring transparency, good governance, and recognition and respect of local customary land rights.³⁴

Through these various initiatives, the Congolese government has received many millions of dollars of donor funding meant

to protect forests. A quick Google search of these programmes gives the impression that progress is being made, with no shortage of ceremonies, workshops, implementation committee meetings and conferences.³⁵ But when one looks deeper, a very different picture emerges. The country isn't just failing to implement these programmes and promises. Through its actions and deliberate inactions, the government is directly undermining and contradicting them.

The first two new logging concessions the government issued after signing the forest governance agreement with the EU were to a company owned by the daughter of the president.³⁶ Since then it has repeatedly handed new logging concessions out without due process, including to companies found to have repeatedly and systematically broken the law in their existing logging operations.³⁷ But perhaps the most contradictory actions it has taken relate to forest conversion.

Between 2008 and 2012, well over half a million hectares of new palm oil and rubber concessions were granted, far more than in any other Congo Basin country.^{38,39} Almost all of the land issued was forested.⁴⁰ Three

FIGURE 8

Forest elephants in Odzala National Park in Republic of Congo, which is threatened by oil palm developments on its borders.

© Paul Godard

major developments have broken ground thus far in the country.⁴¹ The government has never published the contracts, maps or permits for any of them. Every one of them has been found by the Independent Observer of Forest Law Enforcement to be logging or clearing forest illegally.⁴² We have confirmed that none of the companies involved has carried out the legally required social and environmental impact assessment, and our extensive research could find no evidence of the free, prior and informed consent of local customary landholders (FPIC) having been obtained.

One of these projects, run by a company called Atama, remains by far the largest lease for a plantation ever issued in the region. The story of this project demonstrates more than any other the government's hypocrisy, and provides important clues as to the reasons behind it.

CASE STUDY

CORRUPTION & CONGO'S TICKING CARBON TIME-BOMB

In 2010, the government of the Republic of Congo signed an agreement ceding control of 470,000 hectares⁴³ of densely forested land – an area three times the size of Greater London - to the company Atama Plantation SRL. The company's owners were carefully concealed behind multiple layers of shell companies in secrecy jurisdictions⁴⁴, but it later emerged that key players included Malaysian property magnate Robert Tan and Reuban Ratnasingam⁴⁵, the boss of one of Congo's largest and most notorious Malaysian-owned logging firms.⁴⁶

The majority of the license area is virgin rainforest and home to large numbers of endangered species, including gorillas,

chimpanzees and elephants (see Figure 9). The largest section also encompasses part of what has recently been revealed as the world's largest tropical peatland. Earthsight has estimated that at least four billion tonnes of CO₂ would be released if this carbon 'time-bomb' was cleared and drained for palm oil, causing the peat to rot or burn. That is twice as much as all of America's cars and trucks combined produce in a year.⁴⁷

Within a few months of it breaking ground in late 2011, authorities uncovered evidence of multiple serious illegalities relating to the project. Hundreds of trees had been cut but not recorded in official felling reports, records had been illegally altered, and the company had cleared forest for more than two kilometres outside the boundaries of its existing deforestation permit.⁴⁸ The company was also operating without a legally required Environmental Impact Assessment.⁴⁹ In 2014 the officially-mandated Independent Monitor of forest law enforcement found evidence of further breaches, including logging under an expired permit.⁵⁰

Atama's project covers an area of dense forest three times the size of Greater London

FIGURE 9

Atama oil palm plantation license area (red), overlaid on a map of Intact Forest Landscapes (the most pristine forests remaining).

Background image courtesy of WRI/Global Forest Watch; Atama boundary mapped based on GIS points given in original 2010 contract.

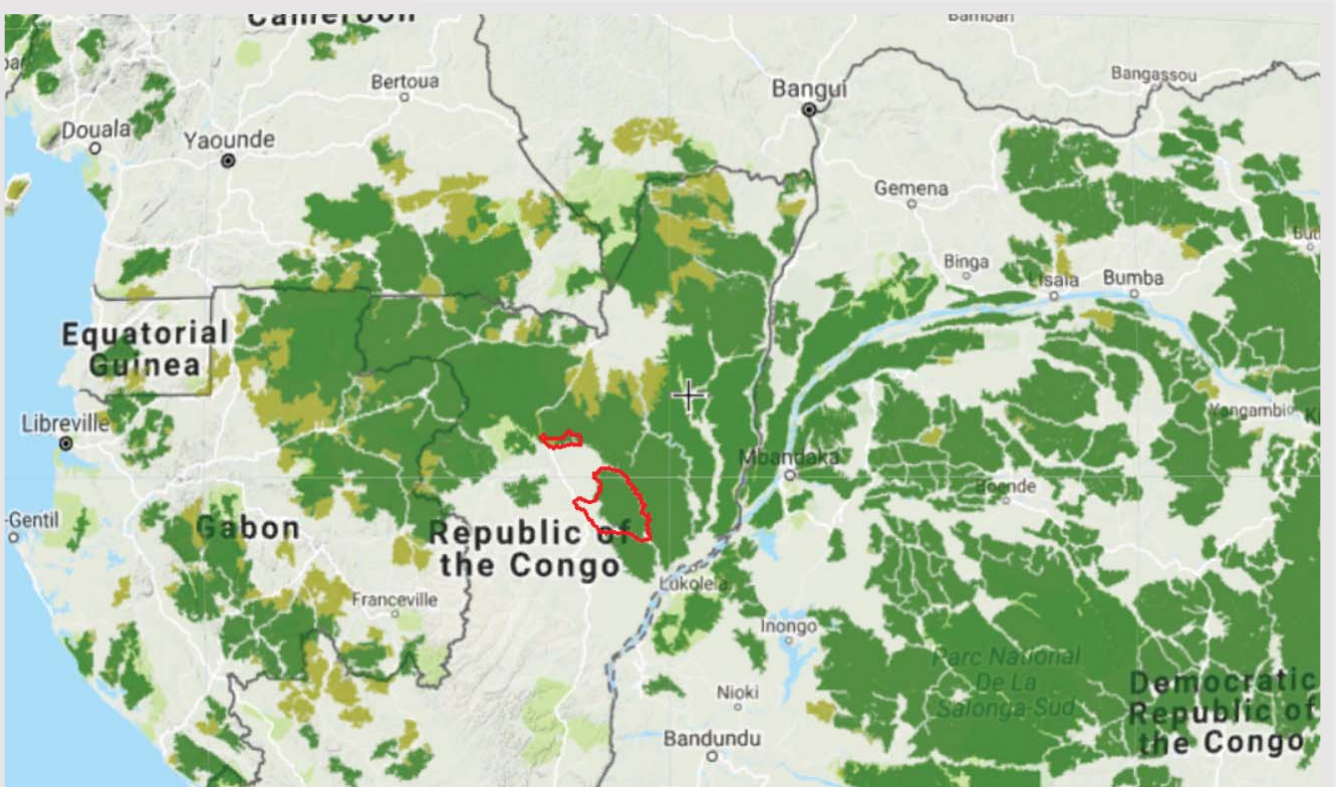




FIGURE 10

Satellite images dated 1st May 2016 (left) and 24th Oct 2016 (right), showing the rapid progression of intensive logging by Atama (0°23'54 N, 15°26'50 E).

The clearing of land for the palm oil concession progressed extremely slowly through 2014 and 2015, before coming to a complete halt late that year. In February 2016 it was reported that the government, frustrated with the slow progress, was considering cancelling the concession.⁵¹ But no action was taken.

Instead, Atama began a new strategy to make money: turning itself into a logging firm. Atama had been cutting, selling and processing wood since it first began operating (see Figure 14), but it could just about claim that this was a side-effect of its clearance of forest for palm. Now, any semblance of doing anything else was abandoned. From May 2016 onward, satellite images show the rapid spread of intensive and destructive selective felling of trees across a wide area of previously untouched forest within the company's concession (see Figure 10).

In July 2016, the Independent Monitor declared that this logging was illegal, since it was occurring within a deforestation permit which had expired two years previously.⁵² Yet the logging continued, and soon extended even beyond that expired permit, into an area of the concession where no authorisation to fell trees had ever been given. During late 2016 and into early 2017, satellite images show Atama was illegally logging 25 football pitches of prime gorilla habitat every single day.⁵³

In February 2017 the government finally demanded a halt to the illegal logging.⁵⁴ By that time, 5000 hectares had been heavily degraded.⁵⁵ Shortly afterwards, an investigation by a local NGO found the company continuing to process large volumes of high value timber. According to that NGO, Atama had also suppressed protests by local villagers through intimidation. It demanded that the government prosecute the company for its crimes and cancel the concession license.⁵⁶

In September 2017 Congolese media reported claims by the Forest Minister that Atama's CEO, Reuban Ratnasingam, had been interrogated and confessed to an elaborate scheme to export logs illegally without paying the necessary taxes. Some 14,000 cubic metres of logs cut within Atama's concession are alleged to have been smuggled out of the country, with the complicity of a range of corrupt officials from the forestry and customs authorities. Large volumes of additional logs owned by Atama were seized at the port of Pointe Noire, and the company's export license suspended.⁵⁷

In December 2017, Tan's Malaysian stock-exchange-listed firm Wah Seong, which had formally purchased Atama in 2012, quietly sold its stake⁵⁸ for US\$6 million: \$19 million less than it paid for it.⁵⁹ The announcement was rushed out just prior to Christmas, and only named an intermediate shell company described as

an investment holding firm, without mentioning that its principal asset is a contract to develop a vast oil palm plantation in the Republic of Congo.

The buyer was a shell company which Earthsight has established was registered just two weeks prior to the sale.⁶⁰ This mysterious company, whose given address is a nominee firm operating out of a small office suite in a Kuala Lumpur suburb (and operating as a front for more than 250 companies)⁶¹, is now the largest shareholder in the Atama project. The fate of thousands of square kilometres of dense primary forest in the heart of the Congo rests in its hands. A clue to that fate may lie in the activities of another company.

Around the same time that logging activity ramped up at Atama's concession in the middle of 2016, logging and clearing also began at an oil palm and rubber concession issued to a related company, Lexus Agric, in southern Congo. Reported to be a Malaysian-owned subsidiary or sister firm of Atama⁶², in 2013 Lexus was issued a license for a 50,000 hectare concession around the village of Komono in Lekoumou province, half of which was to be planted

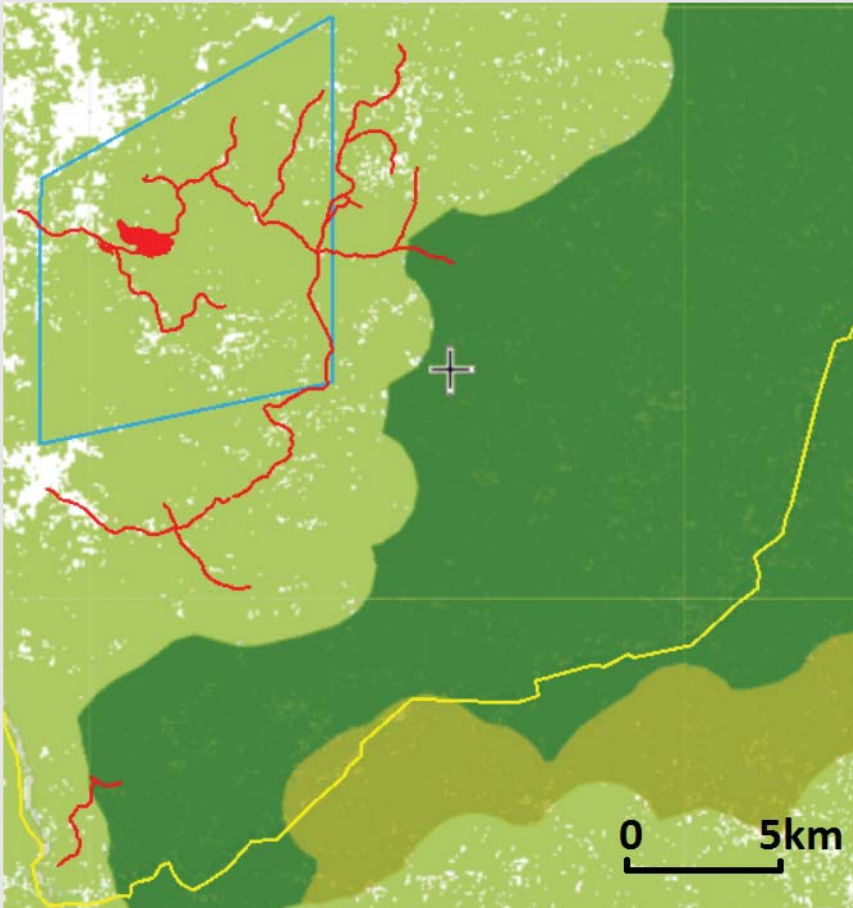


FIGURE 11
 Logging roads (red) cut by Lexus Agric, including outside the boundaries of the company's 5,000 hectares deforestation permit (blue box), and extending by January 2018 into areas of intact forest landscape (dark green).

with palm and half with rubber.⁶³ No concession contracts, maps or permits have ever been published by the government, but analysis of a map obtained from the authorities by Earthsight reveals that most of the license area is densely forested, and around a third is 'intact forest landscape' (IFL) – the most precious, virgin forest. It is among the only remaining areas of IFL in Southern Congo not already slated for logging.

The latest findings of the official Independent Monitor (IM) show that this company is also operating illegally, while Earthsight has uncovered evidence of additional illegalities. During an inspection by the IM in July 2016, it was found that the company was continuing to clear forest despite its relevant Forestry Department authorisation having expired the previous month.⁶⁴ Checks in October 2016 by Earthsight with relevant authorities also confirmed that Lexus Agric has never obtained an Environmental Impact Assessment as required by Congolese law.⁶⁵

“Be careful. Don't brag too much about your secondary activity. Otherwise sanctions.”

Director-General of Agriculture, Republic of Congo, to plantation firm involved in illegal logging

Analysis of satellite images by Earthsight reveals additional illegal logging. During 2016 a small area of around 40 hectares of forest was cleared, within an initial 2000 hectare zone for which a deforestation permit had been issued to Lexus Agric in June 2015. But the company's logging activity cover a much wider area, and satellite images show this extending far beyond the legal boundaries of that deforestation permit. By January 2018, the company had cut more than 20km of logging roads into the surrounding forest, including into areas of IFL (see Figure 11)

That those additional illegalities were apparently not detected by the Congolese authorities may be because the company was warned. The identity of the person who sent that warning reveals that the rot of corruption exposed in the Atama case goes much deeper.

The Director General of Lexus Agric is a man called Jeremie Issamou, who until 2015 was also the Assistant Director General at Atama.^{66,67} Issamou has played an important role in bringing big palm oil investment to the country. Pictures from 2009 show him travelling by private jet across Congo with Malaysian investors, in advance of the conclusion of the Atama contract (see Figure 12).⁶⁸

In June 2016, while both Atama and Lexus were busy logging illegally, Issamou posted a picture of a giant log on the back of a truck on his Facebook page. A Facebook friend commented, saying (in French) “Be careful. Don't brag too much about your secondary activity. Otherwise sanctions. Moreover, aide-Memoire: July for objective control” (see Figure 13).

FIGURE 12

Pictures on Jeremie Issamou's personal Facebook document the history of palm oil development in the Republic of Congo.

Top: Multi-millionaire Malaysian palm oil investors touring Congo by private plane, 2009.

Bottom left: Logging company executive Reuban Ratnasingam (left) with Chua Seng Yong of Malaysian stock-exchange-listed firm Wah Seong, on the signing of Atama's license, 2010.

Bottom right: A photo of logging trucks posted by Issamou in May 2016, likely taken within the concession of his company Lexus Agric.



The person who made that comment was none other than Simon Dieudonné Savou, the Director General of Agriculture in Republic of Congo. Savou has for some time been travelling to international climate and forest meetings, extolling the environmental virtues of the country's plans for its palm oil industry.⁶⁹ Most recently, in a December 2017 workshop on Congo's implementation of its commitment under the Tropical Forest Alliance to halt deforestation, Savou was quoted as saying that the country is "committed to promoting oil palm [only] in the savannah zone"⁷⁰, diverting it away from the forests that, in fact, are now being targeted by his Facebook friend. The 'secondary activity' to which Savou was referring was the logging and timber processing. The 'aide-Memoire', meanwhile, appears to have been a warning regarding inspections. In July 2016, the Independent Monitor did visit both Atama and Lexus Agric, accompanied by forestry officials.



FIGURE 13

Facebook comment by Congo's Director General of Agriculture, warning an executive of plantation firm Lexus Agric of impending inspections and telling him not to "brag" about his company's "secondary activities".



FIGURE 14

Kosipo logs from Atama’s oil palm development in Republic of Congo at Zhangjiagang port, China, March 2014.

© EIA

14,000 cubic metres of logs cut within Atama’s concession are alleged to have been smuggled out of the country

Savou’s boss is the Minister of Agriculture, Henri Djombo. Djombo had been the Minister of Forests when Atama’s original deforestation permits were issued. He took over the agriculture portfolio in April 2016, just before logging activity at Atama suddenly exploded. Three days after the current Minister of Forests announced the exposure of Atama’s illegal log export scheme, Djombo arranged a high-level joint Ministerial meeting with Atama’s Malaysian CEO. After a light dressing down, at the end of the meeting, Djombo expressed his government’s continued support for the company, saying it will “certainly be the biggest player” in Congo’s planned palm oil expansion.⁷¹ The Atama CEO even took the opportunity to ask for an extension of the company’s existing 25-year lease, on the basis that this would reassure potential financiers.⁷² It seems Atama has friends in high places.

EarthSight wrote to Atama, Wah Seong and Lexus Agric to give them an opportunity to respond to our findings. Only Jeremie Issamou responded. Issamou claimed the firm was justified in continuing its operations after its permit had expired because it had submitted an application to renew it. He claimed that Lexus’ actions were not illegal because “no one up to now has accused us of anything.”



FIGURE 15

The joint ministerial meeting in Brazzaville to discuss Atama, September 2017.

DR CONGO

In DR Congo, while no major green-field projects are known to have broken ground, our research indicates that illegal clearance of natural forest is occurring under the guise of projects to re-develop abandoned plantations. And while no contracts for new developments in forest areas have come to light, our researchers encountered a near-total lack of transparency from relevant government agencies, so it is impossible to know for sure what additional threats may be developing.

Like its neighbour Congo-Brazzaville, DRC was a signatory to the 2016 Marrakesh declaration on oil palm development in Africa, which included a promise of transparency. That same year, the DRC government also announced that it would make all large-scale agricultural contracts available to the public via the OpenLandContracts.org website. At the time of the announcement, it was estimated that there were around 20 such contracts, and it was expected that these would be uploaded by early 2017.⁷³ To-date, however, the only agricultural contracts uploaded to the site are a combined 10,000 hectares of land leases issued in 2009 for a maize development project in Katanga.⁷⁴ Earthsight's own extensive inquiries yielded only a list of registered agricultural companies, but nothing about the location, size or status of any of their projects. If nothing else, the list shows that there are a number of palm oil companies active in the country about which no information exists in the public domain.

In late 2016, a decree was being drafted by the Prime Minister's office which would make transparency in DRC's agricultural sector a legal obligation. Though Earthsight was told by well placed sources within the government that the decree was due to be formally adopted in early 2017, we have since learned that progress with the new law has stalled. The government's promises have come to nothing.

The absence of transparency in the sector in DRC is especially concerning given what we have heard is really happening behind this veil of secrecy.

Since 2002, authorisations have been required in DRC for clearing any area of forest greater than two hectares. Yet to-date not a single such permit has been issued by the Forestry department to an agricultural firm.⁷⁵ The answer to this apparent conundrum was supplied by a former senior official at the Ministry of Environment in DRC to whom Earthsight spoke in late 2017. He said that the industrial agriculture sector in the country was a veritable free-for-all, with companies being allowed to clear forest without required deforestation permits or impact assessments and without paying relevant taxes.

The official refrained from naming names. But Earthsight has uncovered one large company which appears to confirm the situation as he describes it.

The absence of transparency in the sector in DRC is especially concerning given what we have heard is really happening behind this veil of secrecy.

FIGURE 16

Palm oil plantation in DR Congo, September 2017.

© Daniel Beltrá / Greenpeace



CASE STUDY

A BURNT-OUT CASE: CCP IN DRC

Graham Greene’s classic novel ‘A Burnt-Out Case’ has as one of its principal characters the Belgian manager of an oil palm plantation deep in the heart of the Congo. The novel’s setting was based on a real-life location near Basankusu, now in the Democratic Republic of Congo. The colonial-era palm plantation still exists, and its recent activities make for quite a story in their own right.

The plantation is now operated by Compagnie de Commerce et Plantation (CCP), a subsidiary of Groupe Blattner Elwyn (GBE), a powerful conglomerate in DR Congo controlled by its eponymous owner, a colourful American expatriate. As well as a series of palm and rubber plantations, GBE’s holdings include a bank, an airline and DRC’s largest logging company. Elwyn Blattner built much of

his family’s Congolese business empire during the reign of the kleptocratic Mobutu Sese Seko, buying – at knock-down prices – companies seized from their Belgian owners by the dictator.^{76,77} In September 2017, Mr Blattner was reportedly arrested by DRC authorities, for unclear charges relating to the spectacular collapse of his group’s bank, BIAC, the previous year. He was later released on bail.⁷⁸

"We no longer have forest areas for our children. The scarcity of non-timber forest products is causing malnutrition in our villages"

Blattner’s companies control an area of DRC’s forest⁷⁹ more than half the size of Switzerland. The group’s main logging company - SIFORCO - produces a quarter of all the timber harvested in the entire country.⁸⁰ In a 2015 report, the NGO Global Witness accused the company of being one of the worst offenders in a forestry sector it found was rife with illegality and abuse.⁸¹ To give just one example, the officially-mandated Independent Observer of Forest Law Enforcement discovered that in 2013 one of SIFORCO’s concessions had cut 50% more trees than authorised – 26,000 cubic metres of illegal timber, much of it of prohibited species⁸², worth millions of dollars.

GBE is one of DRC’s largest agribusiness firms, controlling more than 42,000 hectares of land for the production of palm, rubber and cocoa. Among its holdings are the CCP plantations, Lisafa and Ndeke, which cover around 6900 hectares.⁸³ GBE took control of these plantations between 1987 and 1990.⁸⁴

Over the last year, Earthsight has examined these plantations in detail, analysing satellite images and carrying out field research in partnership with a local NGO, the Group for Action to Save Man and the Environment (GASHE).⁸⁵ Though hampered by a lack of public access to documents, we uncovered evidence of numerous illegalities by the company.

Our findings indicate that CCP has illegally converted an estimated 1,860 hectares of natural forest to palm oil plantations, without the required deforestation permits. They also reveal that the company is operating without a required Social Environmental Impact Assessment or Management Plan. We also discovered that the company is in conflict with local communities in all six of the plantation areas we visited, who allege that it has failed to fulfil its obligations to them. Our findings even call into question the company’s rights over much of the land it occupies.

The conversion of natural forest was assessed using satellite imagery and confirmed by interviews with local people. Most of this conversion occurred at the Lisafa plantation, including in an area

FIGURE 17

Greenpeace action at a port in Caen in 2011 regarding DRC logging company SIFORCO, now owned by GBE.

© Greenpeace



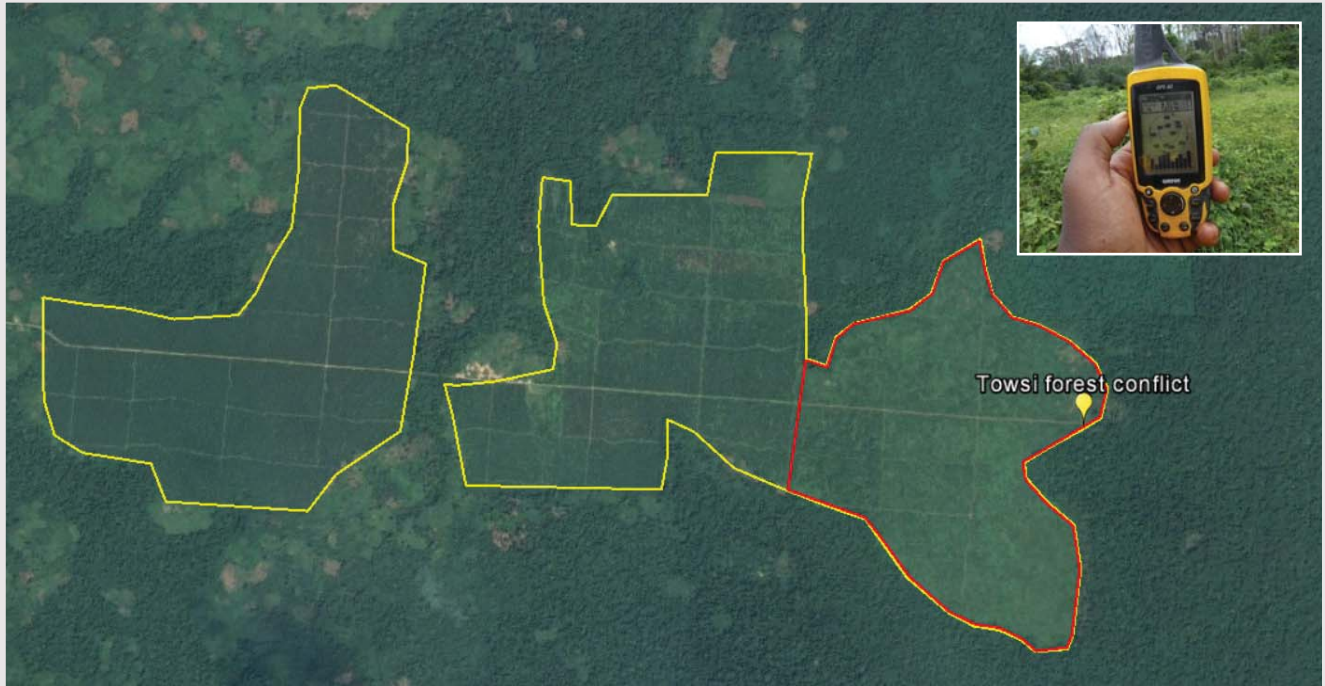


FIGURE 18

Part of the Towski forest in DRC (red boundary), cleared by palm oil firm CCP during 2012-13. Satellite image interpretation and interviews with villagers indicate that this area was natural forest, not abandoned plantation.

known as the Towski forest. The company's activities in this area have been a source of conflict with communities, who told GASHE's investigators that the company was still clearing forest in the area as recently as 2015. Inquiries by the mandated Independent Forest Monitor had previously confirmed that no deforestation permit had been issued to the company.⁸⁶

At village after village, we heard story after story of broken promises and shattered livelihoods. The Chief of Nkoy-Moke village, for example, claimed that CCP had converted 1,200 hectares of forest on their customary land between 2009 and 2011. A resident of another village affected by the same deforestation, Nkoy-monene, said that as a result of the company's activities, "we will no longer have forest areas for our children. The scarcity of non-timber forest products is causing malnutrition in our villages." On its website, GBE claims to be supporting local communities by building and equipping schools⁸⁷, but field research reveals that many promised schools were never finished or never equipped. Another villager said that "although the company exploits our forests, we still live in poverty. My population does not benefit from CCP. They started building a school in 2005 and it is still not finished." GBE's apparent failings in this regard should not come as too much of a surprise, since the group

has a long history of failing to deliver on its obligations to communities in its logging concessions.⁸⁸

In addition to the evidence of other apparent illegalities, our research also suggests that the titles giving the company rights over the land may themselves be invalid. We were able to obtain 16 land registration certificates issued to CCP in 2010, covering a total of just over 3,000 hectares, but found these had been issued by local authorities, whereas the law requires them to be issued by provincial or central government.⁸⁹ Local land officials admitted to GASHE that the licensing was improper, but said that in this case, "politics are above the law".

EarthSight wrote to GBE to offer them an opportunity to respond to our findings, but they did not reply.

Local officials admitted that the licensing was improper, but said that "politics are above the law"

THE COMING STORM



© Paul Coudard

Our findings paint a worrying picture for the future.

Earthsight's confidential industry sources have confirmed to us that given current commodity prices, developing new plantations in 'frontier' areas like Africa is a high-risk, low-return business attracting few heavyweight investors. Those companies still trying to engage are generally new entrants struggling to find a niche.

Various explanations have been mooted by analysts for the lower prices seen in recent years. What nearly all of them agree on, however, is that it is surely only a matter of time before they start to rise. When they do, the boom will be back on.

The Congo Basin remains unprepared to handle the consequences. Local communities and civil society groups fighting destructive and illegal developments have had some notable successes. According to Atama's CEO for example, the widely publicised allegations by NGOs about illegal activities were what led its main financial backer to pull out, slowing the development of the giant plantation to a crawl.⁹⁰ The high-profile, brave campaigning regarding SGSOC's plantation in Cameroon may not have killed the project, but has helped slow it and reduce its size.

But those fighting these plantations are fighting an uphill battle, hamstrung by a lack of transparency. In the few instances where governments have supplied information or taken enforcement action,

Right now, we are in the eye of the storm. There is a brief window of opportunity to prepare before the hurricane winds return. But time is running out.

it has commonly been driven by the Forestry ministries, prompted in turn by longstanding support for action on illegal logging and timber, especially from the European Union. The powerful agriculture ministries have remained a total black box, and the international donors working with them have made little observable effort to crack it open. The international community has obtained high-level promises from governments in the region to protect forests and forest people from the ravages of plantation development. But they are failing to keep those promises, and are not being held to them. The donor money continues to flow.

If governments aren't going to help, might companies come to the rescue? There have been a spate of promises in recent years by large producers and consumers of forest-

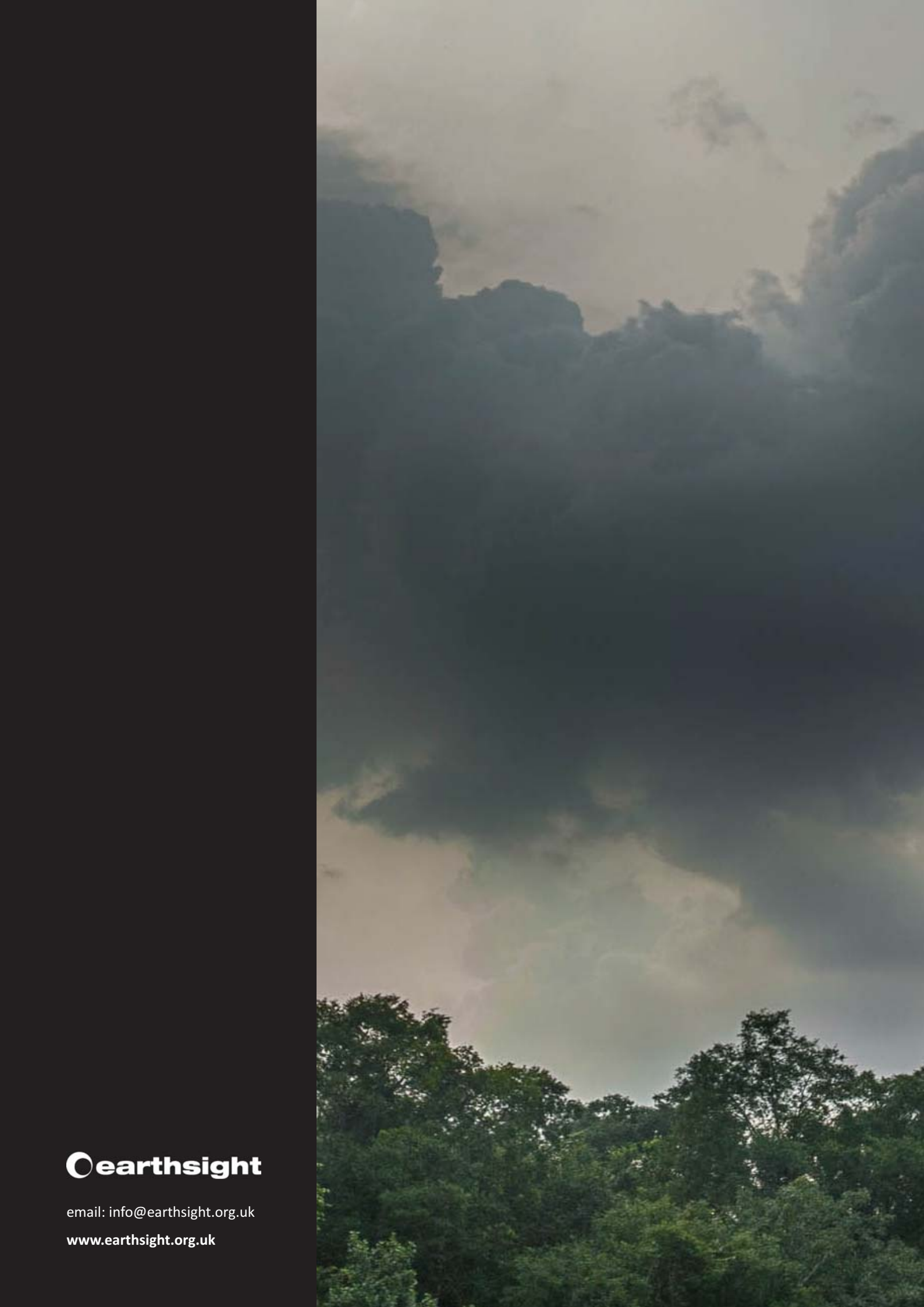
risk commodities like palm oil to avoid deforestation or abuses against people. But these cannot be relied on to protect the Congo Basin. Most of the companies already active in the region are not signatories to such pledges, and have little obvious motivation to join up. They intend to sell their products within the region or in emerging markets. Both Greenfil in Cameroon (see Case Study on page 8) and Palme d'Or in CAR (see Case Study on page 6) are being developed by firms which already have their own downstream factories making products like soap for domestic use. Even where the companies involved have made such promises, it is hard to hold them to account given the absence of meaningful transparency. Evidence from elsewhere suggests that some will deliberately hide their involvement.

Our research reveals that the same ingredients which fuelled the deforestation disaster in Indonesia are all now present. Malaysian know-how, venal logging companies looking for new opportunities, corruption, and a lack of transparency or rule of law. All it would take to ignite a rapid acceleration of the destruction is a modest increase in the price of rubber or palm oil.

As it stands, when the boom begins again, local civil society actors will be overwhelmed. There will be little to prevent a repeat of the disaster that befell other tropical forest regions. Right now, we are in the eye of the storm. There is a brief window of opportunity to prepare before the hurricane winds return. But time is running out.

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