



Marché domestique et régionale du bois d'œuvre

Policy options

Cameroun: la situation actuelle

- Les titres « légaux » pour les exploitants artisanaux n'ont pas (encore) de « grilles » dans l'APV
 - Les potentialités des FC ne suffisent pas (encore)
- Les « champions » s'en vont; héritages à vérifier avec caution et analyse politique des « réseaux » qui restent
- Commerce vs développement, focus politique encore très lourd sur le second
 - Quelles ressources du pays?
- Pas de signes évidents que la demande (nationale + régionale) va diminuer sur le moyen terme



Données 2010

5'

Débités M³

Consommation annuelle sur les marchés urbains	860 000
Exportations informelles vers Tchad et Nigeria	80 000
- Déchets usines	198 000
- Forêts communautaires (142 CAE * 200m³)	29 000
- Production informelle	713 000
Exportations annuelles officielles (2010)	360 000

CIFOR

Options pratiques dans un monde parfait

- **Contrainte: Statut juridique des ressources localisées dans les zones agro-forestières**
 - Reconnaissance des droits de propriété coutumier dans les agro-forêts [++]
 - Consécration du droit d'usage commercial comprenant le bois d'œuvre [+++]
- **Contrainte: Accès a la ressource**
 - Envisager un titre d'exploitation adapté aux exploitants artisanaux sous forme d'« autorisation de coupe dans les agro-forêts » [-]
 - Décentralisation de la délivrance (commission régionale, département, arrondissement) [+]



Options pratiques dans un monde parfait

- **Contrainte: Droits d'accès a la profession forestière**
 - Dissocier le type d'agrément en fonction du type d'exploitation [+++]
 - Créer de facilites pour attirer les operateurs vers les nouveau agréments (décentraliser octroi) [+++]
 - Faciliter la creation d'espaces d'echange et discussion pour les groups qui existent déjà [+]



Options pratiques dans un monde parfait

- **Contrainte: Le « pilote » du marché intérieur du bois**
 - Clarifier et/ou réduire le rôle du MINFOF. Le « marché de bois » n'est pas un problème en soi, ni un domaine du MINFOF, mais il le devienne si on y ajoute le « marché des enveloppes » [--]
 - Le MINFOF peut par contre « faciliter » les conditions pour l'intégration du marché aux nouvelles (futures) conditions réglementaires [-]
 - Pousser pour l'adoption de règles d'achat publique (gouvernement, mais aussi bailleurs!) [+]



Deux contraintes en plus

- **Contrainte: Les « autres » exportations »**
 - *Quid* des exportations vers Tchad et Nigeria?
 - FC solution peu adéquate en volume et en « légalité »
 - Inclure les titres existantes dans l'APV
- **Contrainte: Une grande partie du bois est produite avec inclusion de pratiques de « corruption »**
 - Au moins pendant un certain temps, le bois « légal » sera « légal » mais avec corruption (y compris le secteur industriel)
 - Inclure encore plus le MINJ dans une démarche de lutte aux actes de corruption (rapport CONAC 2011)



DRC



RDC: Conditions actuelles

- Décentralisation réelle (subie plus qu'organisée) avec de nombreux autorités autorisant l'exploitation artisanale
- Personnel rare et âgé du MECNT (et des autres ministères)
- Aucun plan d'aménagement validé
- Une demande domestique importante et croissante
- Un très grand pays: des réalités socio-économiques différentes
- Pas de titre d'exploitation de taille moyenne:
 - Concession ou permis artisanal
 - Forêts des communautés locales encore inopérantes



Options pratiques dans un monde parfait

- **Contrainte: Statut juridique des ressources localisées dans les zones agro-forestières**
 - Parfois de longues distances parcourus par les scieurs
 - Une partie de ces arbres vient des forêts de production (et mêmes essences)
- **Contrainte: Accès à la ressource**
 - Les « permis artisanaux » sont adaptés à la pratique des scieurs individuels: volume, décentralisation, cahier des charges, coût
 - Les permis artisanaux sont accaparés par des exploitants industriels (car pas d'option alternative ?)
 - De nombreux titres fantaisistes octroyés par des institutions non habilitées.



Options pratiques dans un monde parfait

- **Contrainte: Capacités et moyens du MECNT très limités**
 - Des titres faciles à octroyer, faciles à contrôler
 - Un appui des propriétaires coutumiers et/ou société civile?
- **Contrainte: Capture des bénéfices par les autorités coutumières**
 - Cahier des charges signé par le chef de village
 - Absence d'accountability and transparency
- **Contrainte: un secteur forestier contribuant peu à la croissance économique; un enjeu pour l'aménagement du territoire**



GABON



Gabon: Conditions actuelles

- Une part majoritaire des exportations de bois vers l'Asie
- Interdiction d'exportation des grumes depuis 2010
- Changement dans les petits permis d'exploitation:
 - Modification de la nature des Permis de Gré à Gré (seul permis d'exploitation individuelle artisanale) pour en faire un permis d'exploitation semi-collectif (fin 2011)
 - Suspension des PGG (juillet 2012)
 - Démarrage des Forêts Communautaires (janvier 2013), inspiré du modèle camerounais
- Confusion institutionnelle pour les responsables FLECT



Gabon - Summary of findings

- Un petit marché domestique, représentant 20% des sciages exportés
- 70 000m³/an, dont 50 000m³ de sciages informels
- Une part croissante des rebus de scieries

- Plusieurs petits permis octroyés par l'administration forestière (Autorisation des Sciage de Long, Permis Spéciaux, Autorisation Spéciale de Coupe) ne sont pas ou peu conformes avec la loi forestière: un décalage entre les discussions sur APV et l'octroi des petits titres informels



Gabon – Options politiques

1. **Focaliser APV et SVL sur les seules CFAD** (sous aménagement durable) et éventuellement PFA (mais sans contrainte de gestion durable). Peu d'impact sur le marché domestique
2. **Intégrer tous les titres mais**
 1. nécessité de vérifier la légalité et la fonctionnalité des petits titres existants; arrêter l'octroi des titres illégaux
 2. réhabiliter les PGG
 3. amendement de la grille de légalité
3. **Abandonner l'APV:**
 1. Exportation vers pays asiatiques
 2. Manque de volonté politique: accent actuel mis sur l'industrialisation (ZES avec Olam)
 3. Diligence raisonnée pour les concessions sous FSC



WP2 FORMALISATION



WP2: Partner Cases Studies

3 SECTORAL CASES

PARTNERS

Non-timber forest products in Southern Africa

Rachel Wynberg et al.,
University of Cape Town

Brazilian Amazon inland fisheries

David McGrath et al.,
Woods Hole Research Center

Conflict minerals in DR Congo and Rwanda

International Peace
Information Service

2 CROSS CUTTING STUDIES

Land tenure

Nancy Peluso et al.,
University of California,
Berkeley

Natural resource extraction

Samuel Spiegel
University of Edinburgh

Sectoral cases product foci

3 SECTORAL CASES	PRODUCT FOCUS
Non-timber forest products in Southern Africa 4 “NTFP” s →	Baobab (<i>Adansonia digitata</i>) bark and fruit Marula (<i>Sclerocarya birria</i>) fruit Hoodia - Plant material <i>Pelargonium sidoides</i> - Plant material
Brazilian Amazon inland fisheries Fish →	Freshwater fish Pirarucu (<i>Arapaima gigas</i>) Fresh and frozen
Conflict minerals in DR Congo and Rwanda 3 minerals →	3 Ts: Tin, Tantalum, Tungsten Ores (=cassiterite, coltan, wolframite)



Context of sector cases - NTFPs

- **Southern Africa** is a “hub of NTFP commercialisation activities.” Regional and global demand has resulted in ecological concerns due to unsustainable extraction and issues of rights ranging from tenure to intellectual property.
- Global regimes (e.g. CBD and CITES) interact with multi-scale legislation and customary systems across borders





Context of sector cases - Fisheries

- Brazil's lower Amazon floodplain fisheries have experienced conflicts over access to fish – a common pool resource – as growth of national and international markets have stimulated increased fishing by outside commercial fishers bringing technological innovations allowing larger catches and larger storage capacity for transport to more distant markets.
- Importance of social movements in driving effective formalisation efforts





Context of sector cases – 3T Minerals

- The **African Great Lakes** Region is rich in minerals used in electronics, telecommunications and heavy industries. Access and trade of these mostly informally extracted minerals is a source of conflict and human rights abuse.
- Use of cooperatives and a state agency to oversee small-scale sector; regional coordination and certifications to reduce illegal cross-border trade



Drivers of formalisation

	NTFPs Southern Africa	Fisheries Brazil	Conflict minerals Great Lakes
Rationale & Demand	<ul style="list-style-type: none"> • over-exploitation of the resource • equitable benefit sharing • revenue generation for the State 	<ul style="list-style-type: none"> • fisheries conflicts – Access by outsiders • technological changes and increased extraction 	<ul style="list-style-type: none"> • financing of armed groups • human rights abuses • health risks & use of child labor • lost tax revenues
Driving Institutions and Interests	<ul style="list-style-type: none"> • Convention on Biodiversity (CBD) • Convention on International Trade in Endangered Species (CITES) • National institutions 	<ul style="list-style-type: none"> • community-based fisher and smallholder movements • Catholic church • Locally-based NGOs 	<ul style="list-style-type: none"> • UN panel & peacekeeping • Int'l conference Great Lakes • Dodd-Frank act • Sector specific bodies • National institutions

Risks of formalising

- Expropriation and exclusion, loss of rights
- Conflict
- Adverse effects on women
- Economic losses from sector
- Barriers to entry affecting small-scale operators
- Increased poverty
- Enforcement failures leading to impunity
- Elite capture and new forms of corruption
- Erosion of customary systems and sustainable practices
- Criminalisation of poor



Policy options - 1

Challenge: Incomplete understanding of customary laws and practices of tenure, resource access and delivery to market, with potentially damaging rights and livelihoods outcomes from formalisation initiatives.

Responses:

- For VPA processes that have started, support reviews of customary systems in domestic timber sector (already addressed by EU support to Pro-Formal)
- In new VPA countries, ensure in-depth review of customary systems of forest & tree tenure, access, and trade and understand potential effects of formalisation prior to implementation.



Policy options - 2

Challenge: Formalisation initiatives can favor large scale vs. small scale actors and individual private owners vs communities.

Two options EC could discuss with partners countries to avoid negative livelihood effects:

- Formalisation of artisanal mining in DRC involves collectives that register small scale miners and designation of artisanal mining zones. These mechanisms could be considered for small scale loggers as well.
- Proactive identification of small-scale/cooperative/community logging operations to promote to international buyers interested in developing “closed pipelines” to sustainable sources



Policy options - 3

Challenge: Exclusion of small scale actors from processes of designing & negotiating policies and regulations. Only elites tend to be involved in “multi-stakeholder” discussions

Responses:

- In future VPA negotiations, look for opportunities to support (and include in discussions/negotiations) groupings of producers and sellers, collectives, cooperatives, associations of small scale actors
- Conduct surveys of the practices and interests of small-scale actors to bring into discussions of designing VPA



Policy options - 4

Challenge: New rules have to be enforceable *and enforced* to avoid a culture of impunity. For this, rules must be fair and without major deleterious effect on vulnerable stakeholder groups, and the government or local authority has to have ample capacity to enforce the rule and punish offenders.

Responses:

- Make more efforts to include relevant agencies of local government (ministries of justice) in discussions and design/implementation
- Review of penal codes is necessary. Consequences of violating new rules must not be so great as to incentivize bribery. The cost of complying should not be greater than the cost of operating illegally.
- Avoid criminalisation of vulnerable user groups



Policy options - 5

Challenge: Different forest products have very different ecological effects and are produced in very different biocultural systems, so important to avoid blueprint approach that leaves no pathway for existing sustainable practices.

Responses:

- This might be addressed through creating mechanisms for small-scale community-based production validated by collectives
- Decentralized permitting is very important



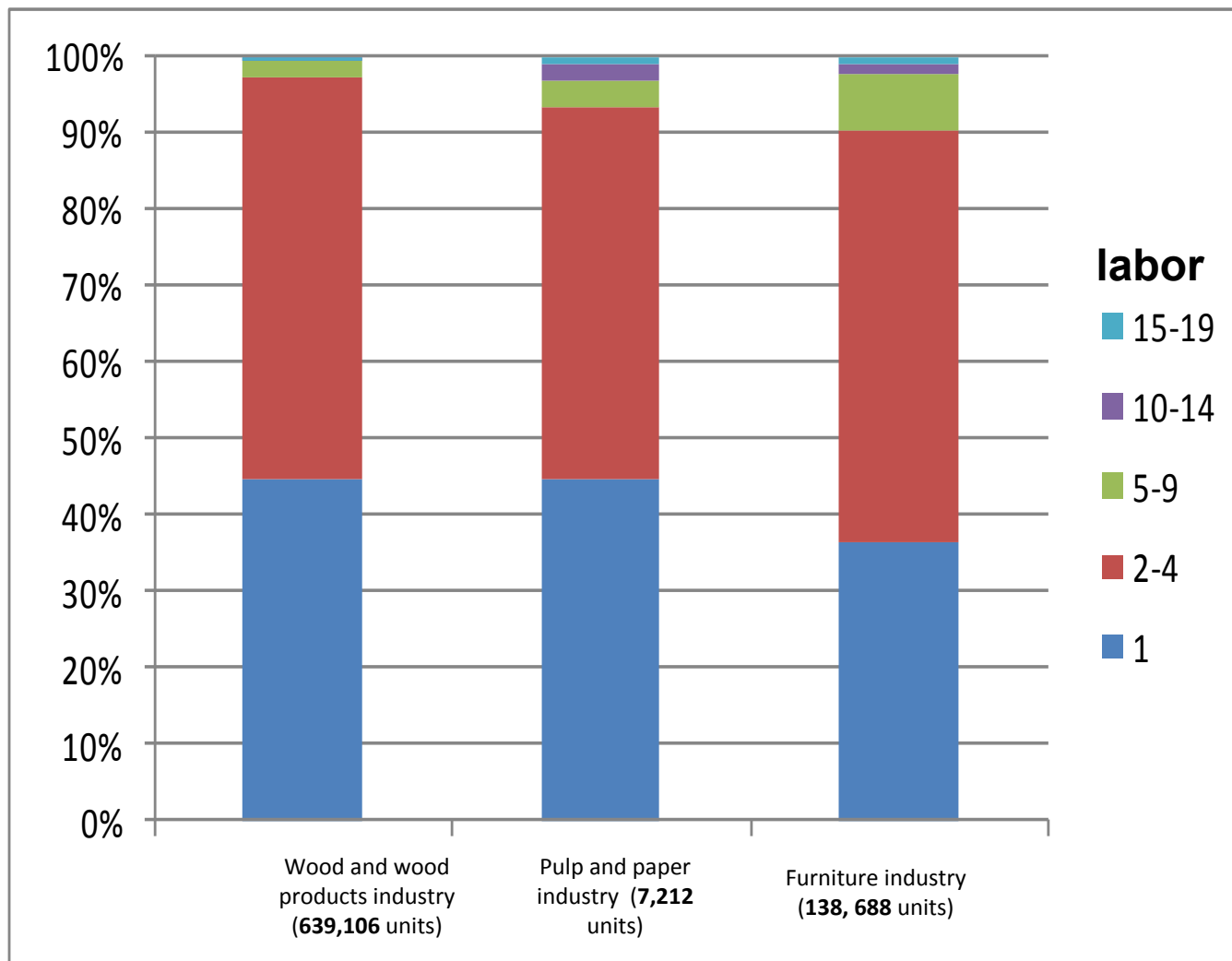
INDONESIA



Indonesia: Current situation

- **4,000** businesses officially registered as timber exporters
- About **1,000** active → large/medium enterprises
- **000s** of small-scale unregistered mostly for domestic market but also passing products to those registered for a fee (BRIK)
- There may be up to **10,000** of small scale sawmills and related businesses in Indonesia (Adams and Asycarya 2012)
- Many more, if tertiary industry and handicrafts are included:
- **15,000** small-scale timber businesses in Jepara alone, Central Java, which employ 175,000 workers (Roda et al. 2007; Irawati et al. 2009; and Melati et al. 2010)
- In Java and Bali there are estimated **140,000** of small enterprises (MoF; BRIK) which may employ up to 750,000 people
- Up to **180,000** units nation-wide; employing about 1.3 million people; up to **15 million m³** RWE demand per annum (MoF; BRIK)





3. Findings: summary

1. Significant progress in large-medium industries with SVLK verification
2. Slower progress with SVLK verification in concessions (IUPHHK HA/HT)
3. Slow progress with SVLK verification in the small scale forestry sector
4. Low level of awareness about SVLK still low, particularly in outlying districts in Kalimantan and Papua
5. A gap between high timber demand and available supply from legal sources drives illegal sourcing
6. High level of illegality in small scale logging and processing



4. Policy options



Challenge 1: Slow pace of SVLK timber legality verification

Relevant Legislation

1. Ministry of Forestry Regulations No. P. 38/Menhut-II/2009, No. P.68/Menhut-II/2011 and No. P.45/Menhut-II/2012 regarding Standards and Guidelines for Evaluating the Sustainability Performance of Production Forest Management (PHPL) and Timber Legality Verification.
2. Ministry of Trade Regulation No. 64/M-DAG/PER/10/2012 regarding Forest Industry Export Rules

Policy Options

- Strengthen the number and capacity of Verifiers (VBs) through increased donor funding and government support (tax breaks or deferrals) for VBs working with small scale enterprises
- Increase donor funding for training modules for prospective VBs
- Focus on large and medium enterprises
- The Ministry of Forestry (MoF) and EC agree to revise SVLK targets for the small scale forestry sector and implement SVLK over a longer period of time. The MoF thus revises the Regulation P.45/Menhut-II/2012.
- MoF to simplify procedures for small scale enterprises to apply to the Forestry Financial Unit (BLU) for financial assistance. Low interest rates and longer payback times.
- MoF should ensure that BLU has representation in each province where small scale forestry sector is significant.

Challenge 2: Limited knowledge of SVLK in remote areas and poor understanding of timber legality requirements

Relevant Legislation

1. Ministry of Forestry Regulation No. P.38/Menhut-II/2009 on Standards and Guidelines for Evaluating the Sustainability Performance of Production Forest Management (PHPL) and Timber Legality Verification, updated with P.45/Menhut-II/2012

Policy Options

- Promoting the concept of SVLK, including collective certification mechanisms, should be intensified particularly with respect to small-scale industry: training courses/modules by MFP II, NGOs.
- Donor and government resources should be made available to spread the information on SVLK via FM radio, TV, print, and social media
- Awareness-raising of SVLK by MoF, MFP, industry associations should be extended to districts where many small-scale industries are located.
- Large scale timber industries should assist small scale producers/enterprises with SVLK as per MoF Regulation No P.45/Menhut-II/2012 and earlier declaration
- Donor support for implement pilot projects in remote areas to increase awareness and overcome identified bottlenecks

Challenge 3: Shortage of legal timber at affordable prices for local needs

Relevant Legislation

Ministry of Forestry Regulation No. P.7/Menhut-II/2009 on Guidelines for Fulfilling Local Raw Material Requirements

Policy Options

- MoF should revoke inactive logging company permits which failed to develop 10-year business work plans, and failed to operate in the field for more than one year
- Regional government forestry offices should collect data on the size of local industry timber needs based on official raw material requirements (*Rencana Pemenuhan Bahan Baku Industri*, RPBBI), as well as the requirements of informal industries.
- Based on these estimates, quota should be allocated to logging companies to meet the 5% production obligation for district for local needs (P.7/Menhut-II/2009)
- In granting Annual Work Plan (*Rencana Kerja Tahunan*, RKT) approvals, District forestry offices should make the Annual Allowable Cut (AAC) recommendation contingent upon the fulfillment of the 5% obligation
- The association of sawmill and furniture industries should build a terminal in each district where timber from the 5% obligation should be stored

Challenge 4: Small holder tree growers do not produce enough timber, limiting the supply of legal timber for the market

Relevant Legislation

Director General of Forestry Enterprise Development Regulation No. P.8/VI-BPPHH/2011 on Standards and Guidelines for Evaluating the Sustainability Performance of Production Forest Management (PHPL) and Timber Legality Verification (Annex 2.2 HTR, HKm and Village Forests; Annex 2.3. Forests under Rights)

Policy Options

- Community forest management in group/village community units need capacity building on all aspects of forestry: planting, maintenance and harvesting, distribution/marketing – donor financial assistance for NGOs to do this work
- MoF should encourage community timber plantations (*Hutan Tanaman Rakyat*, HTR) by revising relevant laws. The government should offer marketing guarantees for HTR timber and easier permitting process. Furthermore, HTR permit should be made transferable and inheritable.
- MoF Forest Development Funding Center (*Pusat Pembiayaan Pembangunan Hutan*, PPPH) should simplify access to loans for HTR permit holders.
- PPPH should have representation at the provincial level to enable farmers easier access for loan application and technical assistance.
- Community forest farmers need to resolve the '*tebang butuh*' (cut timber only when in financial need) issue. One possible mechanism is '*kredit tunda tebang*' (credit to enable farmers to hold the cutting until the price is better).

Challenge 5: Most small-scale timber industries do not fulfill legal permit requirements and operate in contradiction to the licenses they hold

Relevant Legislation

1. Director General of Forestry Enterprise Development Regulation No. P.8/VI-BPPHH/2011 on Standards and Guidelines for Evaluating the Sustainability Performance of Production Forest Management (PHPL) and Timber Legality Verification (Annex 2.5. IUIPHHK, IUI and TDI Holders)
2. Papua Governor Regulation No. 18/2010 on Instructions for Timber Extraction Permit Implementation (IPHHK) in Papua Province

Policy Options

- District government authorities should facilitate small-scale timber enterprises with incomplete permits to obtain full formalization.
- Formalization of informal small-scale timber enterprises could be done in stages. Initially, the government agencies can grant basic formal status with business permits (*Tanda Daftar Industri*, TDI) and tax registration numbers (*Nomor Pokok Wajib Pajak*, NPWP).
- The provincial government should give district heads the authority for issuing permits to sawmills with annual capacities below 2,000 m³.
- District forestry officers should encourage timber depots or timber kiosks, many of which display characteristics of sawmills, to obtain sawmill (IUIPHHK) permits.
- With such permits, they could get SVLK certification.

Challenge 6: Limited options for formalization of small-scale forestry enterprises

Relevant Legislation

1. Minister of Forestry Regulation No. P. 46/Menhut-II/2009 on Procedures for Issuing Permits for Extracting Timber and Non-Timber Products from Production Forests
2. Papua Governor Regulation No. 18/2010 on Instructions for Timber Extraction Permit Implementation (IPHHK) in Papua Province
3. Papua Governor Regulation No. 13/2010 on Utilization Permits for Timber from Customary Community Forests (IUPHHK-MHA) in Papua Province
4. Director General of Forestry Enterprise Development Regulation No. P.8/VI-BPPHH/2011 on Standards and Guidelines for Evaluating the Sustainability Performance of Production Forest Management (PHPL) and Timber Legality Verification (Annex 2.2 HTR, Hkm and Village Forests; Annex 2.3. Forests under Rights)

Policy Options

- If IPHHKs small scale logging permits are to be for local needs only (no trade), then stricter district forestry controls need to be imposed.
- Recognizing the control failure so far, Ministerial and Provincial regulations should be changed to enable IPHHK as a commercial enterprise – increased annual felling quota, require annual and multiyear forest management plans, require SVLK.
- The central and Papua provincial governments should evaluate IUPHHK-MHAs community logging enterprises. Right now these concessions are not recognized by Jakarta.
- Small enterprises such as unlicensed chainsaw operators should be encouraged by district forestry services to establish cooperatives.
- Subsidized loans could be offered by the district government for these cooperatives to turn into small formal business (sawmills).

ECUADOR

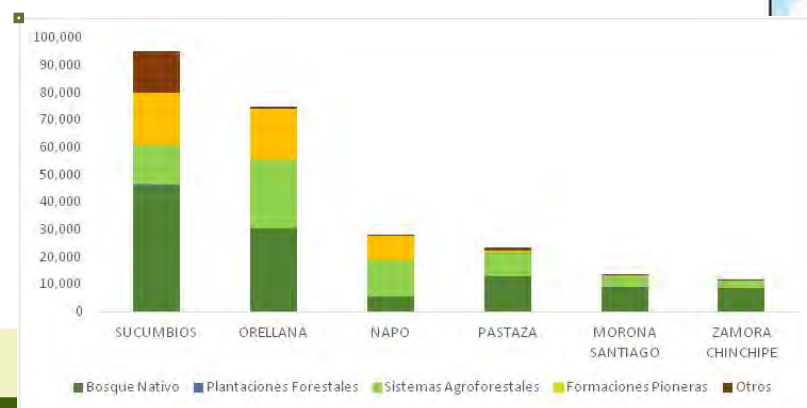


Ecuador: Current situation

- Most timber supply originates in forest plantations and agroforestry systems followed by native forests
- The Amazon contributes with 12% of total extraction, but provides 48% of wood from native forests, 81% from small-scale operations
- Medium- and large-scale depots intermediate most of the timber



Amazon: Timber harvested by forest type and provinces (in cubic meters)



Latest developments

- Important efforts to enhance forests governance with emphasis on: 1) simplifying norms, 2) implementing a system for timber legality verification, and 3) incentives
- Main latest developments are related to:
 - Improvements in the system of timber legality verification with the adoption of SAF II (Forestry Administration System)
 - Expansion of economic incentives for conservation (Socio-Bosque) to incentives that will apply to forest regeneration
 - Redesign of a program for promoting plantations expansion
- Smallholders, however, find difficult to overcome barriers to operate legally and there in place vigorous informal market networks to access finance and markets



Obstacles to legality

- Main obstacle for smallholders is the ability to pay for the elaboration and approval of 'forest management plans'
- Working informally allows flexibility for species selection and volumes harvesting, while legal programs lead to larger volumes and higher dependency on intermediaries
- The timber verification system (SAF) tends to reinforce the asymmetries between the different market players, often favoring to those who have control of the timber markets
- Diverse strategies are put in place by forest actors to avoid control that combine legal and illegal practices, for example, through laundry, smuggling and bribery



Main current challenges

- Adapt forestry norms to diverse smallholder needs
- Provide economic incentives for forest management
- Enhance the effectiveness of timber verification
- Improve market transparency to reduce asymmetries
- Monitoring of illegal trade beyond the domestic market



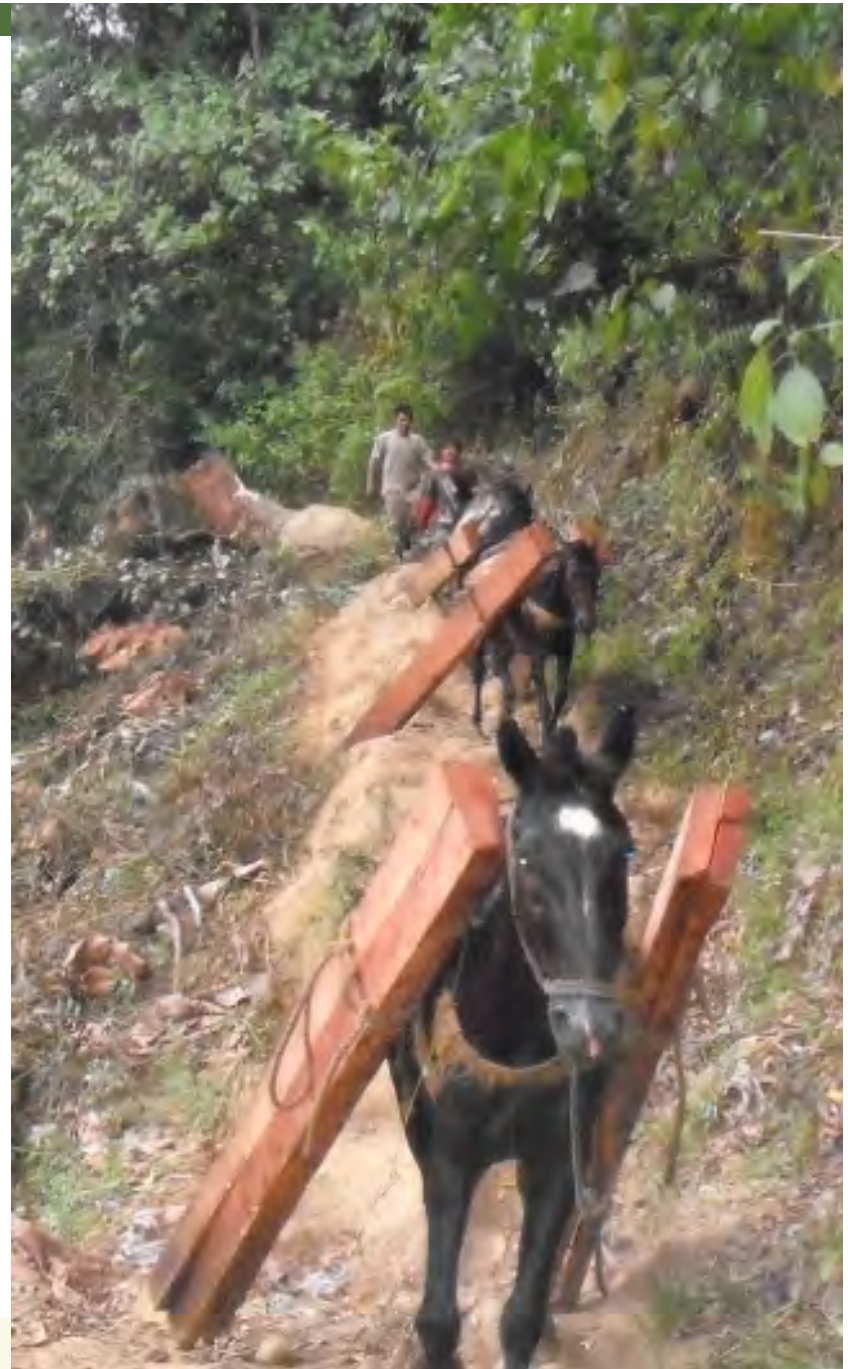
Streamline and adjust current forestry norms

- Link forest fees to frequency and intensity of harvested volumes
- Revisit the system of “regentes”
 - More emphasis on management than in timber legality verification
 - Expand the assistance of free technical services for smallholders
- Municipal governments could play a greater role in monitoring and promotion of management



Incentives for small-scale forests management

- Economic incentives to manage forests for production vis-à-vis the ones for forests conservation
- Make cheap credit available to smallholders as a way to reduce dependency from informal finance
- Provide training and assistance to professionalize local forest service providers (e.g. sawn milling)



Targeted control downstream the value chains

- Important to monitor timber supply but place greater attention to verification in downstream activities of the timber value chain (e.g. depots, sawmills, industry)
- Large-scale depots and industry should undertake some actions in helping to formalize their supply chain



Measures to make timber markets more transparent

- Explore measures to improve the bargaining power of smallholders and recognize the value of intermediaries in the markets
- Support more transparent contracts negotiation - make available information on prices for main products and species
- Public procurement schemes to promote legal timber extraction and smallholder's operations



More attention to transboundary timber trade

- Greater attention to monitoring domestic and transboundary timber flows and transactions
- Include transboundary trade of timber as part of bilateral and regional agreements & processes
- Coordinated actions between countries involving approaches of mutual legal assistance



Conclusions 1 – Review FLEGT Strategy?

- Review FLEGT strategy by
 - Developing more inclusive TLV and FLEGT licensing systems (for both large and small-scale timber producers) with more realistic timeframes
 - Adopting a broader forest governance approach (cf. central and south America)
 - Strengthening collective action and the emergence of producer associations
 - Exploring the use of fiscal incentives and other market-based instruments to promote SMEs
 - Reinforcing demand-side interventions within producer countries, and EU member states, notably opportunities for public procurement of timber and all timber-based products



Conclusions 2 – To SME or not to SME?

- Current focus on TLV systems, FLEGT licensing and VPAs tends to centralize functions. This will probably result in:
 - Exclusion of domestic markets from VPAs and
 - Unforeseen socio-economic consequences of excluding thousands of SMEs
- Need to decentralize key functions if SMEs with commercial rights are to be integrated in VPAs
- Need to broaden institutional partnerships beyond forest administrations (*cf.* CONAC Report, 2011)
- Need to improve access to credit
- Need to argue why relatively little attention paid to SMEs, and domestic markets in anticipation of likely criticism of the same



Conclusions 3

- How can we effectively respond to
 - the new geographies of global timber trade (China, Russia, India and the Middle East)
 - multilateral responses to the same e.g. APEC's EGILAT in Asia-Pacific region
- Improving our understanding of the informal ethnic trading networks
- Changing the emphasis from verifying legality to demonstrating shifts towards sustainable forest management and better livelihoods



Merci beaucoup

This document has been produced with the financial assistance from the European Union. The views expressed herein can in no way be taken to reflect the official opinion of the European Union.

**Thinking beyond
the canopy**

Center for International Forestry Research



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