Participants' Statement

Regional Workshop on Illegal Timber Logging and Trade and Governance

San Pedro Sula Declaration
29 June 2007

Introduction

A regional Workshop on Illegal Timber Logging and Trade and Governance was held in San Pedro Sula, Honduras, on 27 – 29 June 2007, sponsored by the Food and Agricultural Organization of the United Nations (FAO), the International Tropical Timber Organization (ITTO), the Central American Environment and Development Commission (Comisión Centroamericana de Ambiente y Desarrollo - CCAD) and the Honduran Forest Development Corporation ( Corporación Hondureña de Desarrollo Forestal – COHDEFOR).

This event was attended by forest sector representatives with high levels of experience and responsibility from nine Meso-American countries: Belize, Costa Rica, Dominican Republic, El Salvador, Guatemala, Honduras, Mexico, Nicaragua and Panama. A total of 72 participants, including representatives from the government sector, civil society (community groups, indigenous communities and NGOs), private companies, environmental bureaus, and regional and international organizations, participated in the workshop and analyzed the implications, problems and solutions related to illegal timber logging and governance in the management of forest ecosystems in the region.

The workshop participants consider that:

The Meso-American forest ecosystems, characterized by their rich biodiversity, their economic and social values and their ecological functions which provide environmental goods and services to society, are being seriously threatened by deforestation and degradation processes, including illegal logging and trade of forest products.

The governments of the region, through regional and international agreements and conventions, have committed themselves to the conservation and sustainable management of forests and to the development of the forest sector.

The governments of the region have been implementing regional integration processes and committing themselves to the conservation and sustainable management of their natural heritage. To this end, they have undertaken efforts in support of the conservation and sustainable utilization of forest ecosystems with the participation of different social and economic sectors.

The Technical Forest Committee of the Central American Environment and Development Commission (CCAD) has spearheaded the design and expedient implementation of a regional process aimed at improving forest law enforcement within a good governance framework both at the national and regional levels.

Different processes at the world level - such as those of the European Union (Forest Law Enforcement, Governance and Trade - FLEGT) and other tropical timber consuming
countries - are attempting to regulate the trade in illegal timber, thus endangering the export of forest products from the region.

The DR-CAFTA Free Trade Agreement, ratified by the majority of countries in the region, clearly states that the contracting governments should comply with all CITES requirements, particularly those concerning the export of mahogany and cedar, which are two key timber species exported from the region to the aforementioned markets.

**The workshop participants recognize that:**

Illegal timber logging and associated trade seriously affect the stability of ecosystems, making them more vulnerable to climate change and soil degradation and impacting on the quality and quantity of water resources, thus contributing to an increase in rural poverty in the region and endangering the quality of life of the population of the Meso-American region.

The problem of transboundary illegal timber logging and trade is an extremely complex phenomenon and it is very difficult to assess its true dimension and negative environmental impact.

Complex organized crime networks are involved in a high percentage of the illegal logging and trade of timber sourced from the forests of the region.

Despite the many efforts made, the State Forest Administrations (Administraciones Forestales del Estado – AFEs) recognize that their actions have not had great success in fighting against illegal timber logging and trade.

Most countries in the region have legislation to regulate timber harvesting and trade activities, but the enforcement of these laws is beyond the capacities of the AFEs.

Illegal timber logging and trade activities in the countries of the region are partly a consequence of cross-sectoral policy weaknesses, a lack of appropriation and commitment of stakeholders with regard to forest policies and regulations, a deficient regulatory and legal framework, and limited institutional capacity for law enforcement, which can lead to corruption.

Excessive restrictions on legal access to forest resources (land tenure, bureaucratic procedures, etc.) promote illegal logging.

Only through the active and direct participation of all stakeholders involved will it be possible to fight against this evil, which together with other activities such as illegal deforestation will result in the expansion of the agricultural frontier.

Illegal timber logging and trade distort the timber market, negatively affecting the profitability and competitiveness of the forest industry.

In order to reduce the high levels of illegal logging and trade, we must identify specific actions aimed at the de-concentration and decentralization of forest resources management, legal reforms and institutional strengthening as well as the use of economically and socially acceptable environmental practices and incentives.
It is important to draw from the lessons learnt in the region and other parts of the world, as was shown in the FAO/ITTO document presented during the workshop, disseminate this knowledge and ensure its implementation through relevant policies and regulations.

In view of the above, the participants of the “Regional Workshop on Illegal Timber Logging and Trade and Governance” recommend the following:

A. Sectoral policy and legal framework

- Develop national and regional land use management and development plans to optimize the management of forest resources and the social participation of local communities.

- Ensure consistency and continuity in sectoral and cross-sectoral policies as well as policy and legislation consistency, and avoid clashes and overlapping of laws.

- Categorize illegal logging as a serious crime under a hierarchical system of severity. In other words, enforce the law more severely for those who gain the most financial profits from illegal logging activities.

- Categorize organized environmental delinquency as a serious crime, as this would make it unnecessary to prove the legal responsibility of each individual offender and it would be sufficient to simply demonstrate a certain degree of responsibility to charge them.

- In the context of illegal timber and forest product logging and trade, strengthen the justice system and law enforcement with the support of the competent authorities so as to guarantee respect for human rights and due process.

- Propose a simple and easy-to-implement legal framework that will promote transparency and good governance and, as far as possible, standardize this framework at the regional level. This legal framework must be consistent with existing government policies.

- Promote policies aimed at stimulating forest and industrial production, so as to guarantee a production process that will not only improve value-added processing but will also ensure the payment of a fair price in relation to the value of trees as the essential raw material.

- As a matter of priority, prepare a strategy in each country to prevent and mitigate illegal timber logging and trade.
B. Institutional structures and social involvement

- Institutional structures
  - Improve the monitoring and follow-up of (official and independent) forest activities.
  - Improve the management of the environmental/forestry justice system, in particular:
    a. Improve law enforcement in the environmental/forestry field.
    b. Create and/or strengthen special environmental courts and judges.
    c. Develop the technical-legal capacities of environmental judges in the area of forest crimes.
    d. Train and accredit environmental/forestry experts, creating a specialized task force in the area of forest crimes.
    e. Modernize the environmental/forestry regulations and compile and disseminate jurisprudence information.
  - Promote investments by governments, international organizations and the private sector to fight against illegal timber logging and trade and to improve governance in the sector.

- Social involvement
  - Make it a government obligation to provide the communities with all the necessary information regarding forest harvesting activities and any other actions related to the management of forest resources that may be authorized in their areas of interest.
  - Guarantee that all stakeholders involved in the forest sector are recognized and equitably represented in a body that will propose policies and instruments to promote law enforcement at the regional, national and local levels.
  - Promote and increase the participation of local communities and local governments:
    o in the discussion and development of public forest policies.
    o in forest management and the benefits derived thereof; and
    o in the community-based control of illegal activities and forest crimes.
  - Promote the participation of the public sector in the discussion and development of public forest policies, in forest management activities and in monitoring the legal origin of timber supplies.
  - Disseminate legal texts related to illegal timber logging and trade, including information about sanctions to be imposed.
C. Technology and information dissemination

- Develop a database and make available to the public all the information related to the forest sector so as to ensure transparency in the investigation of reported cases, support good governance and social auditing, guarantee fair competition, and ensure compliance with free trade agreements and other national and international commitments.

- Strengthen the institutional information system so as to ensure the collection, updating and analysis of information (Regulations, Forest Inventories, Forest Cover Maps, Forest Statistics: resources, forest management, production, trade and economic indicators) and facilitate its dissemination, monitoring and verification.

- Increase the use of technological options and establish control systems to improve the monitoring and investigation of illegal logging practices and the transport and marketing of illegal products.

- Undertake studies based on modern monitoring systems so as to update information on forest inventories, deforestation rates and illegal logging volumes.

- Improve public access to information to provide a better perception of management as the public is currently misinformed and has a negative and distorted image of forest production activities.

- Promote the transfer of successful technologies and experiences between the countries of the region.

D. Recommendations at the regional level

- Identify the roles of the regional processes, evaluate current instruments and rationalize these processes.

- Support the CCAD/Technical Forest Committee initiative to hold a meeting between the ministries for the environment and agriculture (CAC and CCAD) so as to express the political will of the countries of CA and the DR to improve forest law enforcement and governance.

- Promote bilateral cooperation between countries in the region so as to address transboundary issues related to illegal regional trade in forest products.

- Promote the sharing of experience, information, training and standardization of international trade procedures, including regional CITES cooperation, among the countries of the region.

- Request the support of FAO, ITTO and other international cooperation agencies for the development of guidelines and strategies aimed at curbing illegal logging at the national and regional levels.

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