

## Forest Law Enforcement

### Basic knowledge



**The Forest Law Enforcement Module is targeted at stakeholders in all the sectors involved in forest governance, particularly the enforcement of forest laws and regulations. The module provides basic and more detailed information on the main requirements for good forest law enforcement and governance, such as institutional capacity, intelligence, international cooperation and judicial action.**

**The module also provides links to tools and case studies to foster effective forest law enforcement.**

#### **What is law enforcement?**

Law enforcement is the action taken by legally qualified authorities to determine non-compliance with rules and norms and to prosecute violators of those rules and norms. It may involve patrols or surveillance to deter or detect criminal activity, the investigation of crimes, and the apprehension and prosecution of offenders. Law enforcement, therefore, is one of the main tools for reducing illegal practices in the forest sector.

#### **What is forest illegality?**

Forest illegality occurs when forest products are harvested, transported, processed, bought or sold, or when forests are cleared or otherwise degraded, in violation of subnational, national or international laws. Corruption and poor governance provide an environment that perpetuates illegal behaviour. Inconsistent forest policies, unrealistic laws, and insufficient institutional capacity to enforce laws contribute to illicit activities such as illegal logging. Other drivers of forest illegality include a lack of knowledge of forest laws, and high domestic or export market demand for timber.

#### **The scale and cost of forest illegality**

The clandestine nature of illegal forest activities makes their scale and value difficult to estimate. Nevertheless, in many countries the volume of illegally harvested wood may exceed the official annual wood harvest (see [cases](#)). Illegal logging and illegal timber trade are often associated with other illegalities, such as money laundering, drug trafficking, the corruption of government officials and tax evasion.

Forest illegalities can result in very large tax losses for governments, and they can have other negative long-term economic impacts by

degrading the environment and exacerbating poverty. Illegal logging jeopardizes the livelihoods of rural communities engaged in small-scale forestry by exposing them to unfair competition and depleting the resources on which they depend. Thus, efforts to promote sustainable forest management are likely to be ineffective unless forest illegalities are addressed.

Forest illegalities may lead to:

- the loss of biodiversity;
- the destruction of vital wildlife habitats;
- the destruction of livelihoods in forest communities;
- the emission of greenhouse gases;
- the loss of revenues;
- conflicts with local communities;
- human rights abuses;
- corruption and market distortions;
- political instability; and
- the exacerbation of poverty.

### **Enforcing forest laws**

To succeed, forest law enforcement – and forest governance more generally – requires strong political commitment at all levels to address corruption and increase transparency in the forest sector. Improving forest law enforcement and governance also requires collaboration across sectors and the strong involvement of stakeholders.

Strategies to address illegal forest activities should be tailored to suit the specific local and national conditions. Efforts in the following areas may yield positive results:

1. making forest laws and policies rational, equitable, transparent and streamlined;
2. improving forest monitoring and information gathering;
3. strengthening national institutional capacities to enforce laws; and
4. formulating policies in the forest and other sectors that take into account the economic and social dynamics that underlie forest illegality.

### **Forest law enforcement contributes to SDGs:**



## In more depth

### **Examples of illegal practices in forestry**

#### *Illegal occupation of forest lands*

- Rural families, communities or private corporations invading public forested lands to convert them to agriculture or cattle ranching.
- Private corporations or individuals inducing landless peasant farmers to occupy forested areas illegally, in order to force governments to grant landownership rights to the peasant farmers, and then buying these lands from them.

#### *Illegal logging*

- Extracting more timber than authorized.
- Logging without authorization.
- Obtaining logging concessions through bribes.
- Duplicating felling licences.
- Girdling or ringbarking to kill trees so that they can be logged legally.
- Contracting with local entrepreneurs to buy logs from protected areas.
- Logging protected species.
- Logging in protected areas.
- Logging outside concession boundaries.
- Logging in prohibited areas such as steep slopes, riverbanks and water catchment areas.
- Removing under- or oversized trees from public forests.
- Reporting high volumes extracted in forest concessions to mask the fact that part of the volume declared is extracted from non-authorized areas outside the concession boundaries.

#### *Illegal timber transport, trade and timber smuggling*

- Transporting logs without authorization.
- Transporting illegally harvested timber.
- Smuggling timber.
- Exporting and importing tree species banned from trade under international law, such as the Convention on International Trade in Endangered Species of Wild Fauna and Flora.
- Exporting and importing timber in contravention of national bans.

#### *Transfer pricing and other illegal accounting practices*

- Declaring lower values and volumes than those actually exported.
- Declaring higher purchase prices than the prevailing market prices for inputs such as equipment or services from related companies.
- Manipulating debt cash flows to transfer money to a subsidiary or parent company, e.g. by inflating debt repayment to avoid taxes on profits.
- Undergrading, undervaluing, undermeasuring and misclassifying species exported or marketed locally.

#### *Illegal forest processing*

- Operating without a processing licence.
- Ignoring environmental, social and labour laws and regulations.

The following elements should be considered in any strategic approach to improving forest law enforcement.

### **Definition of legality**

A critical first step in effective forest law enforcement is to define, using a multistakeholder approach, what constitutes legality in the forest sector. All the components of forest legality should be identified, taking into account international norms and national and local laws and circumstances. The definition should be simple and unambiguous. It should also be based on tested approaches and clear control procedures with defined roles and responsibilities, and it should involve minimal discretionary powers.

The legality definition should identify the requirements that must be met to ensure compliance with existing laws. The main elements that should be included in a legality definition are:

- principles (a useful way to group the intentions of different laws);
- requirements (often referred to as indicators);
- verifiers of compliance (documents, reports or activities that demonstrate compliance with a given requirement); and
- legal references (legislative texts justifying each requirement).

### ***Institutional capacity and human resources***

Most jurisdictions have more than one law enforcement agency. For effective forest law enforcement, it is important to clearly define and allocate the roles and responsibilities of the various agencies, promote interagency linkages at the national, subnational and local levels, and ensure adequate training and staffing. To reduce the potential for bribes and other forms of corruption, the salaries of enforcement officers should be proportionate to their responsibilities and workloads. Law enforcement officers should be empowered to conduct searches, interview witnesses and suspects, enter premises, seize assets and make arrests. Processes and codes should be established to ensure the integrity of officials and their departments and to hold officials accountable for their decisions.

International organizations may be able to assist in building institutional capacity to enforce forest laws. For example, the World Customs Organization is implementing Project GAPIN to assist Customs administrations in Africa in the fight against the illicit trafficking of wildlife protected by the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES).

**Intelligence.** Accurate and up-to-date information – involving the collection, crosschecking, analysis and dissemination of data – is essential for detecting, monitoring, reporting, investigating, deterring and suppressing forest illegalities. Those responsible for implementing forest-related laws, and other stakeholders such as local communities, must be familiar with and able to access and use intelligence on forest illegalities. Independent mechanisms involving local communities (where necessary supported by non-governmental organizations – NGOs) in monitoring forests and detecting illegalities have been shown to be effective in many countries (see [cases](#)).

### ***International cooperation***

Cross-border cooperation is essential for ensuring the appropriate investigation and prosecution of forest offences involving the international trade of forest products. International organizations such as the [United Nations Office on Drugs and Crime](#) and [Interpol](#) can provide targeted training, expert investigative support, relevant data and secure communication channels.

Interpol facilitates cross-border law enforcement and assists countries in gathering evidence and locating offenders and their assets. It has 188 Member States, most of which have established “national central bureaus” to act as focal points for cooperation with Interpol and other national central bureaus. These bureaus also act as liaison points between national wildlife and forest enforcement units and Interpol.

**Trade agreements and international conventions.** Various international tools are available to support countries in enforcing their laws. For example:

- Voluntary partnership agreements (VPAs) are legally binding trade agreements between the European Union (EU) and certain timber-producing countries outside the EU. Their purpose is to ensure that timber and timber products exported to the EU come from legal sources. As of March 2014, six countries had signed VPAs with the EU and were developing the systems needed to control, verify and license legal timber. Nine more countries were in negotiations with the EU to create VPAs.
- CITES is the principal international instrument to control and regulate international trade in protected species and to ensure that the international trade of such species does not threaten their survival.

### ***Judicial action***

Successful forest law enforcement requires an efficient judicial system in which impartial and transparent decisions are made and law-breakers are convicted to fair sentences. Sanctions should be sufficient to encourage compliance with the law. Judicial action is often the weakest aspect of forest law enforcement, partly because of a lack of understanding among judges and others in the judicial system of the importance of environmental issues.

Steps can be taken to help ensure that the judicial system assists in forest law enforcement. For example, [LAGA](#), in Cameroon, and [Conservation Justice](#), in Gabon, organize investigations into forest illegality, in close collaboration with their governments. They help gather the information needed to arrest dealers in illegal forest products and to present concrete evidence in the courts.

**Public involvement.** Governments are unlikely to be effective if they attempt to enforce forest laws without the involvement of other

stakeholders. Independent NGOs can act as watchdogs, often in close collaboration with the media, and may be instrumental in uncovering illegal activities and ensuring that corrective action is taken. Local communities and the general public should also be engaged in combating forest crime.

## Further learning

**Boscolo, M., Brack, D. & Tacconi, L. 2003.** [National and International Policies to Control Illegal Forest Activities](#). CIFOR.

**European Forest Institute.** Fighting illegal logging: [FLEGT voluntary partnership agreements](#). Online video clip. Youtube, 13 January 2012.

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**Smith, J., Colán, V., Sabogal, C. & Snook, L. 2006.** *Por qué las reformas políticas no logran mejorar las prácticas de aprovechamiento forestal? Administración pública y códigos de conducta en el Perú*. CIFOR, Jakarta.

**Sundari Akella, A. & Cannon, J.B. 2004.** [Strengthening the Weakest Links. Strategies for Improving the Enforcement of Environmental Laws Globally](#). Center for Conservation and Government at Conservation International.

## Credits

This module was developed with the kind collaboration of the following people and/or institutions:

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