

Sharing experiences and lessons learned on forest law enforcement

FAO and ITTO join hands to identify best practices for improved forest law compliance.

There is a considerable body of literature describing the wide diversity of illegal forestry operations, their complex underlying causes and the far reaching consequences they may have on local peoples, nature and the long term sustainability of the forest sector at large. However, little research has been done to document and publicize the various efforts that are being made around the world at the local, national, regional and international levels to address forest crime and to promote better law enforcement and governance in the forest sector.

A side event was organized at COFO 2005 precisely to illustrate – through a few examples of best practices – the concrete steps that are being taken by governments, the private sector and civil society to restore the rule of law in the forest sector today.

The side event was jointly organized by FAO and the International Tropical Timber Organization (ITTO) and chaired by the latter, with presentations from FAO, Tropical Forest Trust and Instituto Nacional de Recursos Naturales, Peru.

Several countries are in the process of rationalizing their legal and policy framework, building institutional capacity to foster better law compliance and gathering additional data and up-to-date information about their forest resources and the extent and nature of illegal operations.

Realizing that local communities were often unable to follow the many requirements for forest management plans, the Government of the Gambia has established simpler harvesting guidelines and easier forest resource assessment and monitoring techniques and has recognized local forest management rules.

In Ecuador, the system of *Regencia forestal* was established in 2000 to assist the State in its forest monitoring functions. The forest regents are professional, independent foresters who check the compliance of forest operators with the legal and regulatory frameworks, supervise forest operations and report violations. Failure to comply with rules and regulations leads to the revocation of the operator's licence and other penalties.

Cambodia undertook important institutional changes in 2003 to foster law compliance and put an end to rampant corruption. The newly created Forestry Administration includes

a Community Forestry Unit to promote community and participatory forestry, which was identified as a way to limit forest crime.

Peru has established new financial incentives for sustainable forest management to increase the competitiveness of legal, sustainable forestry operations and to decrease the attractiveness and profitability of illegal operations.

In Mozambique, forest policy frameworks have been revised in a coordinated manner among all forest-related government agencies and through a participatory process.

Non-governmental organizations (NGOs) and the private sector are also important actors in improving law compliance in the forest sector. NGOs can act as watchdogs, analysing, gathering evidence on and exposing illegal operations. Several governments have established partnerships with independent NGOs in an effort to enforce the law better. Forest certification, voluntary corporate codes of conduct, independent monitoring of forest operations and log tracking are examples of initiatives involving the private sector that have proved useful in fighting forest crime.

Case studies commissioned for a joint FAO/ITTO study on best practices in forest law enforcement, to be published later in 2005, are making it clear that a holistic, step-by-step strategy is needed to restore the rule of law in the forest sector and to encourage legal behavior. Any strategy aimed at preventing, detecting and suppressing forest crime will need to include:

- identifying and addressing the underlying social, economic, legal and cultural causes of non-compliance;
- prioritizing remedial actions, depending on the national context;
- assessing the economic and political feasibility of these actions before putting them into practice;
- ensuring stakeholder participation from the very start.

However, even well designed initiatives to promote forest law compliance will fail unless there is political commitment at the highest level to address corruption and lack of transparency. Tackling illegality in the forest sector therefore implies the political will to address underlying socio-economic and cultural factors, for which no easy fix is available.