Illegal Logging and Illegal Activities in the Forestry Sector: Overview and Possible Issues for the UNECE Timber Committee and FAO European Forestry Commission

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Paper for discussion
Comments on any section of it are very welcome
Introduction

The UNECE and FAO Team of Specialists on Forest Product Markets and Marketing identified the issue of illegal logging and illegal activities in the forestry sector as one that will influence markets in future years, and asked the author to prepare a literature review to stimulate an informed discussion at the Timber Committee session in October 2003. The issue now ranks among the international forestry community’s prime concerns. Many associate this issue only with tropical wood-producing countries and developing countries or nations whose economies are said to be “in transition.” However, existing literature shows that the problem extends well beyond these countries’ boundaries and provides examples in developed nations. The pernicious effects of illegal logging and illegal activities should also prompt us to pay attention to the problem.

This paper has been commented on by members of the Secretariat, but represents the personal views of the author. The author wishes to emphasize that the data or specific countries referred to in this paper were found while carrying out the literature review and are only used as examples. No discrimination is intended against any of these countries. This literature review aims solely to stimulate discussion at the Timber Committee Session.

Rapid Awakening of the International Community

For many in the North American timber industry, the problem of illegal logging and illegal activities in the forestry sector was brought to our attention during the Forest Leadership Forum Conference held in April 2002 in Atlanta, or else by the revised Sustainable Forestry Initiative (SFI) certification standard that now requires companies to develop a procurement policy that contributes to the elimination of illegal logging. The topic has now been discussed at many high-level policy fora, including the UNFF, MCPFE and COFO, and is the subject of a high-level proposal by the EU Commission.

However, the first true public and official statement on the subject was the one made during the G8 summit in Birmingham in 1998 and subsequently at the 2000 G8 summit in Okinawa (EU, 2002). It is worth mentioning that, in 1998, the G8 adopted an action plan (G8 Action Program on Forests) that acknowledged the need for more information on the extent of the problem prior to proposing countermeasures. An Asian ministerial conference (FLEG – Forest Law Enforcement Governance) was also organized by the World Bank in Bali, in September, 2001. This initiative brought Asian wood producers and wood importers countries together to lay the foundations for concerted efforts in combating illegal activities in the forestry sector. The meeting was also significant in that Ministers agreed to a very clearly worded declaration calling for clear action, arguably elevating illegal logging to the highest political levels. This new kind of cooperation has led to similar regional FLEG conferences being organised in Europe and Africa during 2002 and 2003 and contribute to raising awareness of the issue at the international level. In addition, bilateral cooperation agreements to curtail illegal logging and trade have been signed. Moreover, the FAO, the World Resource Institute (WRI) and the Royal Institute of International Affairs (RIIA) have also organized panels and stakeholder meetings on the subject in 2002 and 2003. Furthermore, the implementation plan of the World Summit on Sustainable Development held in 2002 in Johannesburg contains a commitment to “take immediate action on domestic forest law enforcement and illegal international trade in forest products, including in forest biological resources, with the support of the international community, and provide human and institutional capacity building related to the enforcement of national legislation in those areas” (WSSD, 2002).

Illegal logging and illicit trade in timber are subjects that are now being dealt with more openly by governments (Doherty, 2002). This is also the case
for corruption that has been brought to the forefront in international discussions surrounding forests. This is entirely in line with the general concern about problems of governance as regards development, in all sectors. Problems in the areas of governance and law enforcement contribute to the phenomenon of illegal logging which, in turn, contributes to unsustainable forest management. This has prompted several governments, non-governmental organizations (NGOs), private companies and international organizations to focus on the issue (FAO, 2002). Work by the media and NGOs, combined with the speed at which information now travels, has also allowed the whistle to be blown on illegalities (FAO, 2001). Moreover, major international environmental non-governmental organizations (ENGOs), such as the World Wildlife Fund for Nature (WWF), Fern, Greenpeace International and Transparency International through the Forest Integrity Network, appear to be placing increasing emphasis and raising the public’s awareness of the issue. Several of them have published reports on the matter or refer to it. According to Chris Elliott, director of the WWF International’s Forests for Life Program, his organization will continue to support the concept of environmental certification but, from now on, will focus its efforts on combating illegal wood cutting (Anderson et al., 2002). Oliver (2002) suggests that some environmental groups have realized that certification was only a tool to achieve sustainable forest management and that they needed to address the underlying cause of forest degradation. As the result, they would therefore concentrate on illegal logging, especially in tropical countries.

Furthermore, the major international NGO’s are leading a global campaign on the issue and their efforts have been successful (FAO, 2003). Finally, several initiatives to combat illegal activities in general and those affecting global forests in particular have been undertaken over the last five years, suggesting a fast-growing concern among the international community (Contreras-Hermosilla, 2001).

**Box 1**

**Item for the UNECE Timber Committee to consider in the context of the rapid awakening of the international community**

– Is the problem of illegal logging and illegal activities in the forestry sector now the “MAIN ISSUE” facing the international forest community?

**2 Definition**

At the outset, a distinction should be made between the terms “illegal logging” and “illegal activities” in the forestry sector. Smith (2002) uses the term illegal logging to refer to “timber harvesting-related activities that are inconsistent with national (or sub-national) laws.”1 The Confederation of European Paper Industries (CEPI) (2002) considers illegal logging to be “when timber is harvested in violation of national laws.”2 FERN (2002) and Brack and Hayman (2001) define illegal logging as follows: “Illegal logging takes place when timber is harvested, transported, bought or sold in violation of national laws. The harvesting procedure itself may be illegal, including corrupt means to gain access to forests, extraction without permission or from a protected area, cutting of protected species or extraction of timber in excess of agreed limits.”3 However, because the term “illegal logging” was too controversial for some countries, the term “unauthorized harvesting” was used during the Sixth Conference of the Parties of the Convention on Biological Diversity (Brack et al., 2002).

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As for “illegal forest activities,” this is a broad term that includes illegal logging, it is used to refer to activities broader than just harvesting, that is, transport, processing and trade (Smith, 2002). Brack and Hayman (2001) mention that illegalities may also occur “during transport, including illegal processing and export, misdeclaration to customs, and avoidance of taxes and other monies.” In Table 1, Contreras-Hermosilla presents examples of illegal activities in the forestry sector, grouped into six categories: illegal occupation of forestlands; illegal logging; arson; illegal timber trade and transport, and timber smuggling; transfer pricing and other illegal accounting practices; and illegal forest processing. Also, in a document called Defining illegal logging: what it is, and what is being done about it? the FAO Advisory Committee on Paper and Wood Products (2003) has compiled, from various authors, a list of illegal acts that can be considered as illegal logging and illegal activities in the forestry sector.

<table>
<thead>
<tr>
<th>Table 1: Examples of illegal practices in the forestry sector</th>
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<tbody>
<tr>
<td><strong>Illegal occupation of forestlands</strong></td>
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<tr>
<td>• Invasion of public forested lands by either rural families, communities or private corporations to convert them to agriculture or cattle ranching</td>
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<tr>
<td>• Practice of slash-and-burn agriculture on invaded lands</td>
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<td>• Landless peasants illegally occupying forested areas to force governments to grant land ownership rights to them and these governments buying lands from peasants.</td>
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<tr>
<td><strong>Illegal logging</strong></td>
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<td>• Logging protected species</td>
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<td>• Duplication of felling licenses</td>
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<tr>
<td>• Girdling or ring-barking, to kill trees so that they can be legally logged</td>
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<tr>
<td>• Contracting with local entrepreneurs to buy logs from protected areas</td>
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<tr>
<td>• Logging in protected areas</td>
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<td>• Logging outside concession boundaries</td>
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<td>• Logging in prohibited areas such as steep slopes, riverbanks and water catchments</td>
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<td>• Removing under-/over-sized trees from public forests</td>
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<tr>
<td>• Extracting more timber than authorized</td>
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<td>• Reporting high volume extracted in forest concessions to mask the fact that part of the volume declared is extracted from non-authorized boundaries</td>
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<tr>
<td>• Logging without authorization</td>
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<td>• Obtaining logging concessions through bribes.</td>
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<tr>
<td><strong>Illegal timber transport, trade and timber smuggling</strong></td>
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<tr>
<td>• Transporting logs without authorization</td>
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<td>• Transporting illegally harvested timber</td>
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<td>• Smuggling timber</td>
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<td>• Exporting and importing tree species banned under international law, such as CITES</td>
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<td>• Exporting and importing timber in contravention of national bans</td>
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<tr>
<td><strong>Transfer pricing and other illegal accounting practices</strong></td>
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<tr>
<td>• Declaring lower values and volumes exported</td>
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<td>• Declaring purchase prices higher than the prevailing market prices as equipment or services from related companies</td>
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<tr>
<td>• Manipulating debt cash flows to transfer money to a subsidiary or parent company, such as inflating debt repayment to avoid taxes on profits</td>
</tr>
<tr>
<td>• Under-grading, under-valuing, under-measuring and misclassification of species exported or for the local market.</td>
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<tr>
<td><strong>Illegal forest processing</strong></td>
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<tr>
<td>• Operating without a processing licence</td>
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<td>• Ignoring environmental and social and labour laws and regulations</td>
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<tr>
<td>• Using illegally obtained wood in industrial processing.</td>
</tr>
</tbody>
</table>

4. Ibid. p. 5.
Lastly, illegal forest activities is linked to the inability of governments to enforce their laws and from the corruption that flourishes among some countries’ politicians and civil servants (FAO, 2001).

The reasons given to explain governments’ inability to enforce compliance with their laws and corruption are far too numerous and will therefore not be dealt with here.

Box 2

Item for the UNECE Timber Committee to consider regarding the definition of illegal logging and illegal activities in the forestry sector

– Is there a need to clarify and/or spell out the definition of illegal logging and/or illegal activities in the forestry sector?

3 Extent of the Problem

The European Union (2002) and FAO (2001) have both stated that there is no comprehensive evaluation or estimate of illegal logging and illegal forest activities at the global or regional level, or regarding the extent of the problem. According to Kaimowitz (2003), most of the information is still anecdotal or speculative. According to Random Lengths International in 2003, “The AF&PA attempted a study recently, but eventually dismissed the data as unreliable. (...) Groups that study the issue agree that the impact of illegal logging on forests and economic worldwide is substantial but reliable statistics have proven elusive.” However, partial information and specific studies on some countries provide some indication of its extent. The partial evaluations focus on illegal logging in terms of the volume of timber that is illegally harvested in some countries, and on imports by consumer countries. Other partial evaluations focus on the monetary losses incurred by governments.

Wood production and trade from illegal logging

A significant portion of the timber that is harvested globally is done so illegally (EU, 2002). Estimates of the proportion of illegally harvested timber are available for some producer countries as shown in Table 2. These estimates are mainly for tropical producing countries as this is where the problems broadly considered to be most acute, but estimates have also been done for countries that produce softwood lumber such as Russia and Estonia. The estimated revenue lost by governments ranges from US$10 to 15 billion per year of forest resources from public lands (World Bank, 2002). Considering that the worldwide value of trade in wood products is estimated at $150 billion, illegal forest activities would account for more than 10% of global trade (RIIA, 2003).
Table 2: Estimated proportion of wood that was illegally harvested in some countries in 2002

<table>
<thead>
<tr>
<th>Country</th>
<th>Proportion of wood harvested illegally (%)</th>
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<tbody>
<tr>
<td>Bolivia</td>
<td>80</td>
</tr>
<tr>
<td>Brazil (Amazonia)</td>
<td>85</td>
</tr>
<tr>
<td>Brazil</td>
<td>80</td>
</tr>
<tr>
<td>Cambodia</td>
<td>90</td>
</tr>
<tr>
<td>Cameroon</td>
<td>50</td>
</tr>
<tr>
<td>Colombia</td>
<td>42</td>
</tr>
<tr>
<td>Ghana</td>
<td>34</td>
</tr>
<tr>
<td>Indonesia</td>
<td>51 – 73</td>
</tr>
<tr>
<td>Estonia</td>
<td>50</td>
</tr>
<tr>
<td>Russia</td>
<td>20 – 50</td>
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</tbody>
</table>


In terms of monetary losses that illegal logging represents for individual governments, again only partial evaluations are available. According to the Russian Natural Resources Ministry, the annual losses from illegal logging are some US$183.3 million (Rosbalt News Agency, 2003). In 2002, this represented a volume of illegally harvested timber of approximately 716,000 m³. In addition, the Forest Integrity Network (FIN, 2003) reported that a study funded by the World Bank estimated the direct annual financial losses due to illegal logging and forest corruption at US$12-18 million for Honduras and US$8-12 million for Nicaragua.

The annual gross economic value of “clandestine timber” was estimated at US$55-70 million for Honduras and US$20 million for Nicaragua. At the second Asia Forest Partnership meeting held in July 2003, Indonesia estimated losing US$600 million annually to illegal logging (LBM Daily, 2003). Furthermore, over 50% of logs produced in that country are illegally harvested (Japan Lumber Journal, 2003). In the US, illegal logging in national forests represents at least US$1 billion (FIN, 2003). Also, in Canada, some timber companies have reported losing millions of dollars from thefts on their private lands.

Illegally harvested timber imports

As for illegally harvested timber imports, according to FERN, approximately 50% of the European Union’s imports of timber from tropical forests and 20% of its imports from boreal forests would be from illegal sources (FERN, 2002). In addition, a study published by the WWF in 2002 suggests that 13% of the timber and wood products purchased by the G8 and China may be sourced timber or traded illegally, percentage varying from 3 to 32% depending on countries.

For environmental groups, the fight against illegal logging depends in part on steps taken by importer countries, particularly through the adoption of policies on the purchase of timber from legal sources. Oliver (2002) states that there is heightened monitoring of timber imports to the European Union and, although campaigns by ENGOs to denounce illegal timber imports focused initially on tropical timber, in the end, he argues that all timber companies exporting to the European Union could be challenged.

Items for the UNECE Timber Committee to consider regarding the extent of the problem

– If there is, can the UNECE Timber Committee play a role internationally in achieving this?

The seminar on sound use of wood in Romania in March 2003 pointed out that the “extent and causes (of illegal logging) are not well known or understood” and suggested the UNECE Timber Committee and the FAO European Forestry Commission “estimate, with the help of partners, the volumes of illegally logged wood in the ECE region, and the reasons underlying this phenomenon” (ECE Timber Committee and FAO European Forestry Commission, 2003).

– Could the policy measures that might be put in place to improve forest law enforcement and governance put an excessive cost burden on legitimate producers?
4 Consequences for the Wood Products Industry

There are numerous consequences due to illegal logging and illegal activities in the forestry sector. Before looking at the consequences for the wood products industry, it is important to consider some of the more general repercussions. Contreras-Hermosilla (2001) divides the impacts into three categories, i.e. economic impacts, poverty impacts and impacts on the quality of forest management. Contreras-Hermosilla (2001) maintains that, although there has been no assessment of the effects of illegal logging and illegal forest activities on the economy of the forestry sector, it can be presumed that the poor investment incentives offered to companies result in an increase in practices that exploit the forest in a non-sustainable manner. Revenues lost by governments decrease their ability to invest in the forestry sector. This has an effect on poverty levels, primarily because of the revenue lost by governments, thus reducing their financial capability as well as the programs that could be implemented to help the poor. Moreover, poor people are not in a position to influence political bodies, and this keeps them from accessing the forest resource. Finally, the resource’s low cost contributes to an increase in waste and provides very little incentive to buy timber harvested from forests managed in a sustainable manner. Inadequate forest law enforcement and governance in other countries can also threaten sustainable forest management.

As for the direct negative consequences of illegal logging on the wood products industry, their effect is to simultaneously increase harvesting and increase the availability of timber, thus lowering the price for producers (EU, 2002). The price decrease suffered by producers can lead to unfair competition, thus reducing the profitability of legal companies. Illegal logging is a disincentive to sustainable forest management. The illegal timber trade threatens not only the viability of legal trade, but also its reputation (Scotland and Ludwig, 2002). At the last UNFF meeting in June of 2003, the International Council of Forest and Paper Associations (ICFPA) stated that illegal logging “...not only contributes to deforestation, but also undermines the viability of legally harvested and traded forests products and is a serious detriment to forest sustainability”.

The statement made by the president of the American Forests and Paper Association (AF&PA) in February of 2002, when announcing that his association was taking a stand on illegal logging, summarizes well the impacts on the industry: “Stopping illegal logging is critical to the future competitiveness of our industry. Illegal forest harvesting is not only bad for the world’s forests, it also undermines consumer confidence that the forest products they use are made from trees harvested in an environmentally responsible manner.”

Despite the negative impacts, according to Tacconi and al. (2003) some stakeholders might benefit from illegal forest activities, such as consumers who could benefit from lower prices and national industries that could increase their competitiveness by having access to lower timber prices.

Box 4

Items for the UNECE Timber Committee to consider regarding the consequences of illegal logging and illegal activities in the forestry sector for the wood products industry

– Does illegal logging have a real impact on the pricing of products and capacity to penetrate new markets? If so, where and how strong?

– Are there more direct effects on the timber industry, and is there a need to quantify them better, in particular for specific products and markets? 

The Fight Against Illegal Logging and Illegal Activities in the Forestry Sector

Several initiatives have emerged to combat illegal logging and illegal activities in the forestry sector. Among them, it is important to mention the policy statements issued by wood producers’ associations, government initiatives which range from procurement policies to the signature of memoranda of understanding between countries, and the procurement policies of major do-it-yourself centres.

Associations of paper, board and wood product producers

To date, several paper, board and wood product producers’ associations have taken positions denouncing illegal logging, notably the Forest Products Association of Canada (FPAC) in June 2002, the AF&PA in January 2002, the Pan-European Forest Certification Council (PEFC Council) in August 2002, CEPI in August 2002 and the ICFPA in April 2002. In addition, the United Kingdom’s Timber Trade Federation (TTF) has established a code of conduct in which it condemns illegal logging and in which member companies are committed to sourcing their timber from legal and well-managed forests. The TTF has also released a ten-point action plan to promote the sourcing of legal and sustainable timber from Indonesia in the summer of 2003. (TTF, 2003).

Governments

With regard to governments, in addition to the G8’s action plan, certain governments have taken various initiatives to curtail the import of wood from other countries. For example, in order to assure purchasers that Malaysian wood products are taken from legal sources, this government has prohibited the import of logs from Indonesia (Malaysian Timber Council, 2002). Cambodia, for its part, has suspended all logging since January 1, 2002 (AFOCEL, 2002).

Recent government initiatives include memoranda of understanding between countries, particularly the one between the United Kingdom and the Republic of Indonesia signed in April 2002. This protocol is a plan of action that is articulated around six commitments that range from legislative reforms, to a system for verifying legal compliance with an independent audit of the traceability chain, to the exchange of data and collaboration among government agencies (Brack and al., 2002). Norway, Finland, China and Malaysia have all signed protocols with the Republic of Indonesia. Russia and China signed a mutual protocol. In 2002, two initiatives were launched at the World Summit on Sustainable Development in Johannesburg. The Asia Forest Partnership, led by the Japanese and the Indonesian governments, outlines the areas where several countries must cooperate so as to combat illegal logging and the resulting trade in timber. For its part, the U.S. is leading the Congo Basin Forest Partnership notably to combat illegal logging and improve local governance. According to Brack and al. (2002), such agreements will, in the short term, advance the fight against illegal logging: “It seems far more likely that progress will be made in the short term through bilateral and regional agreements. In the longer term, these can pave the way towards a global, multilateral agreement”.

In May 2003, the European Commission released its draft EU action plan addressing the problem of illegal logging and related trade, and in which some regions or countries were targeted: Central Africa, Russia, Tropical South and Southeast Asia. Among the actions proposed in the draft plan, the ones having the most direct influence on timber trade are:

- The EU will work with timber producing countries in the form of cooperation to implement effective systems that could distinguish legal from illegal production and track timber from the point of origin to final markets.

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– In the short term, it is proposed to help countries set up a voluntary licensing scheme to ensure that only legal timber is imported from those countries. Under this scheme, exporting countries would become Forest Law Enforcement, Governance and Trade (FLEGT) Partner Countries and the exported timber would be accompanied by an export permit.

– Timber originating in a FLEGT Partner Country and arriving at an EU point of import would not be released for free circulation in the EU without such a permit.

– In the case of a refusal by a country to develop a FLEGT Partnership, the feasibility of legislation to control imports of illegally harvested timber into the EU could be undertaken.

(Commission of the European Communities, 2003)

The United States are not only involved through the Congo Basin Forest Partnership in combating illegal logging. They have also launched the President’s Initiative Against Illegal Logging in July 2003. This initiative will not only focus on the Congo Basin region in Africa, but also on the Amazon Basin in South America, Central America and South East Asia. The goal of this initiative is to reduce the threats posed by illegal logging in protected areas and other high-value conservation forests.

Finally, given their purchasing power, governments are actively considering putting in place responsible procurement policies that not only advocate certified wood products, but require that these products come from legal sources. The government of the United Kingdom seems to have taken the lead, by adopting the United Kingdom Forest Partnership for Action, which will prohibit illegally harvested timber on UK markets. This partnership commits the members of the partnership to purchase wood and wood products from legal sources and sustainably managed forests. This will be ensured through a credible third-party verification system.

Method to combat illegal logging

Numerous published reports on the topic of illegal logging and illegal forest activities have established and discuss the link between corruption and the inability of governments to enforce their own laws as the underlying causes of illegal logging. The solutions to improve governance and to halt illegal harvesting activities are complex and call notably for policy reforms.

Others solutions, more practical, are being put forward to reduce illegal logging and trade. Some of those solutions relate more to timber trade. There is no doubt that forest certification is seen, for some, as a tool, among many others, that enables control over the illegal lumber trade, especially when it comes to the chain of custody. Also, there are other methods presently used or put forward to help combat illegal logging and illegal trade; they include log tracking systems, legality license-based verification systems such as labelling, private and public procurement policies, international cooperation and coordination on trade statistics, information exchange on illegal logging and illegal trade and the study of possible trade-related measures.
Conclusion

This review of literature tends to demonstrate that, even if there is no consensus on how to define illegal logging and illegal forest activities, more and more people are discussing these issues on the international scene within governments, ENGOs and wood product producer associations. Moreover, they have become major new issues. First, given the extent of the problem and potential impact on the world trade, illegal forest activities pose a threat to the forest products industry.

Second, there is a broad concern for the negative impacts on markets if we take into account unfair competition created by these illegal activities potentially leading to lower prices. Honest industries could therefore have a problem facing this competition in a global market context. While illegal logging is a relatively new issue, there is broad feeling that it impacts honest industries. As the international dialogue continues, greater care needs to be taken to situate the problems and proposed solutions on a firmer scientific and fact-based foundation.

The UNECE Timber Committee may wish to reflect on its own role in this regard. A starting point could be the relevant conclusions and recommendations made to the UNECE Timber Committee and the FAO European Forestry Commission at the Seminar on Strategies for the Sound Use of Wood, held last in March 2003 in Romania, and which are reproduced below:

Conclusion:

“Bad governance of the forestry sector, including illegal logging, corruption and trade in products resulting from these actions, is harmful to the forest ecosystem, to government authority and revenue, and to those who abide by the law, who are put at a competitive disadvantage. Bad forest governance, including illegal logging, exists all over the world, including in Europe, although its extent and causes are not well known or understood. Governments are beginning to coordinate their action against bad forest governance.”10.

Recommendation to the UNECE Timber Committee and the FAO European Forestry Commission:

“Monitor and analyse issues connected with forest law enforcement and governance, e.g. estimating, with the help of partners, the volumes of illegally logged wood in the ECE region, and the reasons underlying this phenomenon.”11.

Finally, should any proposed new or additional activities be undertaken with regard to forest law enforcement and governance, what and how much resource, including budgetary implications, should the Timber Committee devote to this new issue?

11. Ibid. p. 7.
BIBLIOGRAPHY


