

# Illegal logging



**Introduction**

Illegal logging is one of the many causes of deforestation and is one of the world's most pressing environmental problems (Chatham House, 2009; EIA, 2008). It is fuelled substantially by a large and indiscriminate international market demand for cheap timber and timber products (EIA, 2008). While poverty, economic collapse, provincial autonomy and many other factors also contribute to this form of rainforest destruction, corruption is at the core of the problem (Plate 1) (EIA & Telapak, 2005). Previously, for the most part, within the international community there has been ambivalence regarding illegal logging and trade and destruction of tropical rainforests (Cock, 2008). This unlawful practice has only come to the attention of the global community in the past few decades (Cock, 2008; EIA, 2008). Efforts to combat illegal logging and trade have started to become a policy priority across the globe and international initiatives have been established (EIA, 2008; Glastra, 1999).

**Outline**

This paper will consider the international response to illegal logging and trade and whether that response has been successful. The discussion will commence by defining illegal logging and other related terms. The analysis will then focus on a brief overview of the occurrence of this illicit practice and the environmental, social and economic issues associated. The next part of the essay will discuss what the international response to illegal logging and trade is and its effectiveness using some key examples. Finally, limitations on data and recommendations for future actions will be discussed and the main arguments of this account summarised.

**Definitions**

Illegal logging is the practice in which loggers, millers, and transporters go against national laws to harvest, mill, and transport timber and wood products illegally, or through corrupt practices (Rhodes, Allen & Callahan, 2006). The illegal trade of timber can involve exporting or importing: tree species prohibited under national or international law; timber or timber products in violation of national bans; the unauthorized movement of timber across borders and the movement of illegally logged timber from forest to market (Callister, 1999). International initiatives are a response to the growing concern of non-governmental agencies, the public, the scientific community and governments about important issues and can include the formation or alteration to organizations, official forums, action plans and conventions (Glastra, 1999). An international organisation attempts to govern the global political economy in relation to some key issue and imposes order through pressures and restraints (Emadi-Coffin, 2002). An international convention is a legally binding agreement to any country that signs it, in which the implementation of national policy or legislation is required to achieve the objectives of the convention (Glastra, 1999).

**Overview of Illegal Logging and Trade**

Illegal logging involves the removal of large and valuable trees from primary forests, which, creates secondary forests, can make forests more susceptible to fires, and facilitates the exploitation of the forests for other uses (Dauvergne, 2001). Factors which aid illegal logging and trade can include: undue political influence, poor government policies, and poor enforcement systems (Glastra, 1999). The causes of illegal logging can encompass: misguided community views that illegal logging is not a criminal or harmful

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activity, over-complex regulatory government frameworks, lack of government willingness or capacity to enforce the law, and corruption (Table 1) (Tacconi, 2007). Illegal logging is driven largely by the profit it generates (Tacconi, 2007).

### **Occurrence**

Illegal logging occurs across the globe and is estimated to affect approximately seventy countries (Tacconi, 2007). It has contributed to an increase in the rate of deforestation worldwide, particularly in the globe's most densely forested areas, such as Asia, South America, and Central and West Africa (Rhodes, Allen & Callahan, 2006). Illegal timber is also exported from Laos, the Philippines, India, and Thailand (Glastra, 1999). Table 2, below, shows estimates of illegal logging and trade in various countries.

### **Impacts and Issues**

Illegal logging and trade can result in a range of negative ecological, economic and social impacts (Callister, 1999). Environmental costs may comprise of accelerated soil erosion, and illegal logging in protected areas (Callister, 1999). The practice also drives global forest degradation, deforestation and the loss of biodiversity (Dauvergne, 2001; EIA, 2008). Social issues that are caused by this illegal activity can include: land use conflicts, restricted access to food and on local use of timber and large scale job losses (Callister, 1999). Additionally, it is a threat to governments' regulatory mechanisms, undermines legislation, and can lead to a climate of lawlessness and corruption (Glastra, 1999). It can also provide the financial resources to support rogue regimes, help finance civil wars and undermine democratic reforms (Rhodes, Allen & Callahan, 2006). Associated economic

impacts can include vast economic loss for the producer country, reduction of resource capacity and marginalisation other stakeholders (Glastra, 1999). Illegal logging and trade can also depress the market value of timber, and disadvantage those companies and countries that engage in legal logging and trade (Rhodes, Allen & Callahan, 2006).

### **The International Response**

In the 1970's and 1980's, numerous international initiatives and organisations were proposed which funded projects aimed at promoting reforms to forest governance in response to growing public awareness of logging and deforestation (Cock, 2008). During the late 1980's and 1990's the international agenda was focused on issues such as conservation and reforestation (Cock, 2008). More recently, however, following the international community's struggle to slow forest loss, the focus has shifted to market-based instruments, environmental protection, public policy, pricing to reflect the scarcity of timber resources, promotion of efficient use and international monitoring systems (Cock, 2008; EIA, 2008; Geist & Lambin, 2002). Climate change and the worries about increased carbon in the atmosphere have also led to greater concern, as forests sequester 45% of terrestrial carbon (EIA, 2008). Western consumer societies create a market for the trade of illegally logged timber, which in turn causes further degradation (Geist & Lambin, 2002). Table 3 reveals estimates of the illegal proportion of wood products imported by many countries, even in those countries who have adopted legislation or formal agreements to exclude illegal material. There are a wide variety of international initiatives that target illegal logging and which will be discussed below.

**International Law**

Currently, there is no one international instrument designed to suppress the trade of illegal timber (Schloenhardt, 2008). For the most part, current instruments under international law are agreements that are designed to protect the environment and promote sustainable use of resources (Schloenhardt, 2008). At present, there is an absence of legal liability for private businesses that cause environmental damage, no offence of illegal logging in international law, and the trafficking and sale of illegally obtained timber is not criminalised in any treaty (Glastra, 1999; Schloenhardt, 2008). There is a need to strengthen legislation that protects forests and increase penalties for infractions (Glastra, 1999). Many international treaties and organisations have developed frameworks that partially regulate, control and limit to some extent, the international trade of timber (Schloenhardt, 2008).

**International Initiatives**

In relation to illegal logging and trade, there are numerous international agreements, treaties, organisations and conventions that exist under international law. They can be concerned with: the conservation and protection of individual species, the preservation of specific areas or habitats, protection of biodiversity, and may focus on sustainable development (Schloenhardt, 2008). Glastra (1999) offered the opinion that generally, international conventions appear to act as an excuse. Cock (2008) claims that the applications of policy, reforms or other international initiatives have had little effect in slowing forest loss. The following examples demonstrate the general lack of effectiveness of many international response mechanisms.

The Convention on Biological Diversity was established in 1992, with 168 signatories (Fisher, 2003). Signatories are required to limit activities that threaten extinction of species or degradation of ecosystems, such as forests, within their territory, and are expected to rehabilitate and restore damaged ecosystems as well as create and enforce laws and regulations (Glastra, 1999). Schloenhardt (2008) comments that the convention has been criticised for being largely ambitious, achieving little practical outcomes, that it does not effectively contribute to suppressing the illicit timber trade. Glastra (1999) notes that the convention fails to deal with some elements that are specific for forests, and as such, additional protocols should be added. Little progress has also been made to implement national policy and legislation for this convention and this poor implementation as well as lacking enforcement needs to be addressed (Glastra, 1999). Conversely, Sayer and Maginnis (2005) argue that the convention has contributed to the development of current strategies for sustainable forest management and that it has promoted two key principles, that forest management must be a matter of societal choice and that it must be developed as far as possible to local stakeholders. Overall, this response mechanism appears to have negligible effectiveness.

The Forestry Law Enforcement and Governance (FLEG) conference was held in Bali in 2001, and focused particularly on how to combat illegal logging (Tacconi, 2007). The responding EU FLEG and Trade action plan is said to be a positive step forward (House of Commons Environmental Audit Committee, 2009). However, the progress is slow, there is still no timber on the market that is EU FLEGT approved, and some countries pursuing EU FLEGT Voluntary

Partnership Agreements (VAP) are making negligible progress (House of Commons Environmental Audit Committee, 2009). The effectiveness of many of these agreements is questionable, such as in Indonesia, since there has been inconsiderable subsequent implementation or follow-up and they do not include sufficient sanctions for countries not taking part or not making adequate progress (Chatham House, 2009; House of Commons Environmental Audit Committee, 2009). These voluntary agreements do not address trade through third party countries, do not cover all timber producing countries; and may legitimise destructive practises and will not be sufficient alone to reduce illegal logging significantly at a global level. (House of Commons Environmental Audit Committee, 2009) Cameroon, however, has demonstrated a political commitment to tackling illegal logging and trade through negotiating a FLEGT VPA with the EU and respondents to a Chatham House survey were positive regarding the level of international co-operation shown by the government with more than half agreeing that the level of Cameroon's international cooperation was good (Chatham House, 2009). The FLEGT VAP programme seems to be having some effect in selected countries.

The International Tropical Timber Organisation (ITTO) and Agreement (ITTA) were introduced in the late 1980's (Cock, 2008). The ITTA was originally designed as a commodity agreement with an environmental clause that allowed it to address the issue of sustainable logging (Cock, 2008). Its ability to address illegal logging has been restricted by a lack of authority and resources (Cock, 2008). Additionally, the ITTO's budget has generally been small and based on voluntary contributions with disagreements frequently



occurring between its temperate and tropical members (Cock, 2008). Glastra (1999) states that the ITTO debilitates its target to ensure that all internationally traded tropical timber originates from forests that are sustainably managed by not supporting or accepting import bans on illegally exported or sourced timber. Some non-governmental organisations consider association with the ITTO pointless as it has neither successfully reformed the timber trade, nor established any mechanism to accomplish reform (Glastra, 1999). Schloenhardt (2008) points out that a number of documents, such as guidelines regarding sustainable forest management, have been produced but the organisation has failed to do anything considerable in relation to illegal timber trade.

Forest certification and the promotion of sustainable logging have been suggested as alternatives to conventions and organisations (Cock, 2008). However, while the idea is good in theory, it is not as effective in the real world as it does not deliver on the ground (House of Commons Environmental Audit Committee, 2009). Documents of certification can be forged and corruption in some countries can allow certification to be given when the timber has not come from legal or sustainable logging practices (EIA, 2008). In 2008 in the UK, the EIA conducted an experiment in which sixteen random retailers selling merbau (a timber which is associated with a high degree of illegality) were called and researchers who posed as customers found that none could provide any evidence that their timber was legal (House of Commons Environmental Audit Committee, 2009). However, these schemes do increase awareness of and generate an interest in the issue of illegal logging, highlighting to companies that they need to take

action on illegal timber (House of Commons Environmental Audit Committee, 2009). Schloenhardt (2008) states that certification would assist in identifying legal products and that electronic certification systems would facilitate this certification effectively. This response may be effective if there were highly developed monitoring systems in place.

## **Strengths, Limitations and Recommendations**

### **Strengths and Limitations**

There are some limitations with the current data regarding the extent and occurrence of illegal logging and trade. Data provided by many producer countries may be misleading as it is subject to corruption, lack of resources, weak identification of illegal products, difficulty with monitoring remote areas and a lack of transparency (Schloenhardt, 2008). Also, much of the data available is in the form of estimates, as the majority of research is limited to examining the process of the licit timber trade, legislative frameworks and environmental issues (Schloenhardt, 2008). The House of Commons Environmental Audit Committee (2009) supports this claim, insisting that reliable statistics on illegal activities, such as illegal logging and trade are difficult to gather and quantify. The available information on illegal logging is mostly limited to sources of non-governmental and some intergovernmental organisations, and not from academic research (Schloenhardt, 2008). Discrepancies with the data were also found between sources and there are issues with the definitions of illegal timber varying between countries (Schloenhardt, 2008). Another limitation is regarding international law as conventions and agreements are usually based on good faith, with enforcement in the form of pressure from the international community,

naming and shaming and on rare occasions, economic sanctions (Fisher, 2003).

Present international responses to illegal logging and trade have had some success in a few countries, such as in Madagascar and Cameroon (Chatham House, 2009). The pressure exerted by the international community and the growing awareness that is promoted by international actions can, as in the case of Madagascar, persuade governments in producing and consuming nations to adopt beneficial policy and legislation (Butler, 2010). Some progress has been made with producer countries, with major consumer countries of timber and timber products failing to close their markets to illicit wood (House of Commons Environmental Audit Committee, 2009).

### **Recommendations**

There are a number of recommendations available regarding the reduction of illegal logging and trade. Further research is required into the trade and trade paths of illegal logging (Schloenhardt, 2008). However as Geist & Lambdin (2002) have shown, illegal logging on its own is not as significant a cause of deforestation, compared to agricultural expansion or technological factors. It may be more appropriate to address significant forest loss issues and target the underlying and proximate causes of deforestation, rather than signalling out illegal logging. Alternatively, instead of trying to curb the trade of illegal timber, it may be more prudent to directly address the causes of illegal logging, which will in turn reduce the trade of illicit timber. The EIA (2008) states that to successfully combat this illegal practice, there must be in-country forest governance and international trade policies that are consistent with the goal of reducing drivers of deforestation. Other

alternatives may include payment incentives to reward reforestation, afforestation and avoided deforestation (House of Commons Environmental Audit Committee, 2009). Additionally, clearing external debt of countries that are major producers of illegal timber may provide a pathway to eliminate concessions and subsidies related to timber and timber products (McCarthy, 2002). Another solution may be to make it an explicit offence to import, sell or possess illegal wood.

International agreements should have their statuses raised to protect them from being weakened by global trade agreements, the environment should be given precedence over free trade and an international system should be implemented that can restrict, control and make transnational and private operators legally accountable for their illegal operations (Glastra, 1999). Importing countries should be encouraged to implement measures and processing countries, such as China and Malaysia, need to establish agreements and enter into legally binding mechanisms (House of Commons Environmental Audit Committee, 2009). Not all major consumer countries have agreements in place. The US implemented an amendment to the Lacey Act only recently in 2008 which prohibits the import of illegal timber and allows for prosecution of violations either through civil, criminal or forfeiture provisions (Chatham House, 2009). While the UK and Australian governments have been proactive in supporting measures against illegal logging and trade, there has been no tangible progress in implementation of any measures (House of Commons Environmental Audit Committee, 2009). Glastra (1999) concludes that as long as there is illegal logging, sustainable forestry management cannot occur and that the unwillingness of some

governments to address key underlying causes, will prevent strategies to combat illegal logging and trade from being effective.

### **Conclusions**

Illegal logging and trade occurs across the globe and has numerous economic, environmental and social impacts. International response to this illicit practice has occurred only recently, from the 1970's onward. Currently, this response is not sufficient enough to properly address, prevent and suppress illegal logging and trade. Some measures are having positive impacts in selective countries, however on the larger scale, more needs to be done. Further research and alternate actions are required to achieve significant reductions in illegal logging and trade. There isn't and never will be a 'quick fix' to illegal logging and trade. Successful solutions will undoubtedly be complex, and will need to target multiple levels of issues and have long term application.