

Social Concerns in Forest Law Enforcement and Governance

Asia Forest Network



Outline

- Forest and related laws and *de facto* rights
- Levels of illegality
- Regional Actions
 - Asia FLEG
- Consequences of Illegal forest activities for MDGs and HS
- Approaches to illegal forest activities from MDGs and HS perspectives



Forest and Related Laws

- International laws and agreements:
 - Trade, Human rights, Labor, Environment
- National laws:
 - Forestry, Land tenure/access, Conservation/wildlife, Natural resources management and environment, Human rights
- Local government ordinances
- Community rules, norms, and regulations
- *De Facto* Rights: Based on the survival activities of persons, often no legal recognition, sometimes lacking citizenship



Levels of Illegal Forest Activities

- Level 1: Subsistence
- Level 2: Cash income generation
- Level 3: Large-scale
- Level 4: Trans-boundary

**Not mutually exclusive in reality



Level 1: Illegality – Subsistence

- Rural communities modifying land use through low-intensity farming, grazing and resource extraction using simple methods often based on traditional knowledge
- Small-scale, low-intensity, but widespread
- Due to lack of other options or skills to secure subsistence



Examples of Social Concerns at Level 1

- Late 1960s- early 1990s, Viet Nam
 - Resettlement of approx. 5 million people from lowland to upland to increase cultivation and exploit NR
 - Local forest users excluded from access to forestland
- 1997-8, Rawa Aopa Watumohai National Park, Sulawesi, Indonesia
 - Indigenous Moronese people were forcibly evicted
 - 175 houses burned, 300 people moved in 1997; 88 houses burned in 1998
- Such cases happen all over the region



Level 2: Illegality– Cash Income Generation

- Rural communities with market or trade connections
- Harvesting through illegal methods or outside of the designated areas
- Extraction in excess of agreed limits or beyond agreed species
- Illegally extracting protected species
- Non-issuance of permits to extract or transport logs and non-timber products for commercial transaction



Example of Social Concerns at Level 2

- 1995-, Menggamat village, Northern Sumatra, Indonesia
 - Logging company offered jobs to villagers after a sharp decline in villagers' cash crop price
 - Extensive logging activities only at state forests, not village forests
 - Villagers did not allow loggers to take wood from village forests



Level 3: Illegality – Large Scale without Social Legitimacy

- Big time organized crime
- Control over resources cutting-off traditional access → incorporation into more destructive extraction practice
- Delineating upland areas as protected areas without responding to the people already living inside
- Entrepreneurial manipulation of decisions on behalf of community/government by means of cash payments



Level 3: Large Scale, Cont.

- Inconsistent program plans driving uncontrolled permit issuances
- Undue compensation
- Closing access of communities to concession forests through violent means
- Resource prospecting and exploration i.e. applying for forest concessions not for the timber but for the mineral resources underneath



Examples of Social Concerns at Level 3

- Cagayan Province, Luzon, Philippines
 - Three forest rangers on duty were gunned down while waiting to apprehend illegal timber poachers
- Superwood IPEP Ltd, Pursat and Kampong Speu, Cambodia
 - Harvesting more than annual allowance
 - Felling undersized logs and inside Wildlife Sanctuary
 - Undue compensation to local loggers
 - River blocked to construct a road for transport of logs



Level 4: Illegality – Trans-boundary

- Timber smuggling
- Trade of illegal timber and timber products
 - Legal and illegal exports/imports
- Money laundering of profit from illegal forest activities
- Capacity of wood processing industries exceeding legal supply or unauthorized wood processing due to high demand for export



Example of Social Concerns at Level 4

- Philippine Log Tranship (EIA/Telapak)
 - Dec 04-Apr 05: 60,000 m³ logs tranship through South Philippines to India
 - Logs arrive on barges with PNG docs – transfer to large cargo vessels
 - Examination of PNG docs shows they were false
 - Other evidence indicates logs originated illegally in Indonesia



Examples of Regional Actions

- East Asia and Pacific Forest Law Enforcement and Governance (Asia FLEG)
- Asia Forest Partnership
- Bilateral MoU
 - UK – Malaysia, UK – Indonesia, Japan –Indonesia, Norway - Indonesia
- National Forest Program Facilities by FAO



Social Concerns in Asia FLEG

- Regional Steering Committee members include civil society group representatives from social and environmental sectors from both producer and consumer countries
- Focus on transparency
- Highlighting but not yet addressing social concerns of forest communities thus far



Law Enforcement and Community Livelihood

- Enforcement tends to focus narrowly on forestry/PA laws to the neglect of other laws that secure rural livelihoods
- Major players tend to be politically protected while local communities are politically vulnerable
- Greater enforcement of forestry and conservation laws may potentially bring adverse effect to rural livelihoods
- Emphasis is now on enforcement rather than governance and agroforestry practices



Illegal Forest Activities: Consequences for MDGs

- MDG 1
 - Job insecurity (level 2, 3)
 - Low income (level 3)
 - Less forest product that the poor rely on (level 3)
- MDG 2-6
 - Less government revenue which could be used for education and health care
 - Less community security, therefore less access to basic needs
- MDG 7
 - Forest loss and degradation
- MDG 8
 - Undermines local accountability and global partnership



Illegal Forest Activities: Consequences for Human Security

- Human Security
 - Threats to physical and economic security
 - Loss of access to forest resources without bribes
 - Loss of social capital
 - Pre-existing mechanism may be undermined when some members of a community take part in illegal forest activities
 - Formal community forest groups often find it more difficult to get official permits than illegal operators because they are less willing to pay bribes for them
 - Formal community forestry initiatives face difficulties competing with illegally operating groups



Local Actions: Community Involvement

- “Soft” law enforcement by communities, Tonle Sap, Cambodia
 - Patrolling by villagers
 - Warning/small fines to higher penalties as the violation increases
 - Even higher penalties for community members
 - Sense of ownership
- Multi-stakeholder Alliances/Partnerships
- Land Use Planning Process
- Local Government Committee

Pre-requisite:

Recognition, Identity, Access, Tenure



Points for Discussion

- What recognition do they have?
 - Right to organize, access, tenure
 - Lack of basic needs
 - undermines the stability of community to participate
- What are the strategies that can help communities overcome illegal forest activities?
 - Transparency, accountability, participation (regional, national, local level)
 - “Governance and Forest Law Enforcement”
 - Mechanisms for situation analysis and action - monitoring



Approach to Illegal Forest Activities from MDGs and Human Security Perspective

Strengthen local government

- Coordinate with local government
 - Schools, clinics, transportation, food security
- Focus on:
 - Transparency, accountability, participation
 - Good governance
 - Action against illegal activities of officials



Approach to Illegal Forest Activities from MDGs and Human Security Perspective, Cont.

- Find “yes” factors to support shift in community
 - Strengthen community rules and regulations
 - Strengthen community monitoring authority and government action
 - Create sustainable livelihood options and transition processes
 - Tailor specific responses for particular contexts: fractional groups, displaced people, trans-border areas
 - Reduce other social risks, threats and challenges related to human security
 - Encourage levels of participation in decision making

**Check whether dealt with illegitimate and subsistence/poverty

**Seek to accomplish above subsistence livelihood

