

Fishing boats frequently transport illegal timber from West Kalimantan, Indonesia, to Sarawak, Malaysia. Photo: Yayasan Titian



In search of justice

In recent years, a series of agreements and action plans have redefined the ways in which governments are tackling illegal logging. Most of these Forest Law Enforcement and Governance (FLEG) initiatives promote better law enforcement. In principle, this makes sense. Illegal logging is a major problem, accounting for over half the timber harvest in Amazonia, Central Africa and the Russian Federation, and even more in Indonesia. It is causing massive losses of biodiversity. It deprives governments of billions of dollars of revenue. It sometimes fuels armed conflict. And it's also destroying the resources which the rural poor need for their survival.

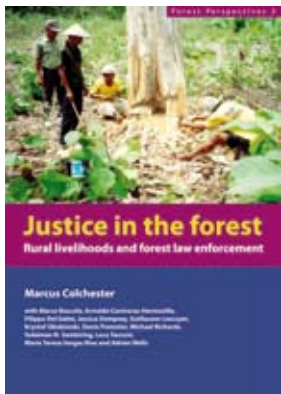
But stricter law enforcement, on its own, could do more harm than good to many rural communities, according to a report, *Justice in the Forest*, published in 2006. "Our report confirms that this new emphasis on forest law enforcement could have a negative effect on tens of millions of forest dwellers if existing laws are simply enforced more vigorously," explains Marcus Colchester, lead author and director of the Forest Peoples Programme. The CIFOR-commissioned report pulls together the findings of a series of case studies which examined the relationship between law enforcement and rural livelihoods in Bolivia, Cameroon, Canada, Honduras, Indonesia and Nicaragua.

In most forest-rich countries, laws relating to forests have been framed to favour the commercial and political élites: the timber industry, politicians,

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and sometimes even the army and police. Frequently, laws prevent local committees from using forests which have been in their care for generations. This is precisely what happened in Indonesia when the Suharto government introduced the Basic Forestry Law in 1967. All of a sudden, the daily subsistence activities of millions of forest dwellers became illegal over most of the country. Likewise, forestry laws in Cameroon have favoured large logging companies and discriminated against forest dwellers such as the Pygmies, who have found it virtually impossible to secure land titles for areas where they practise their traditional activities of hunting and gathering.

Illegal logging is often intimately connected to the political structures which control and manage forests. In Indonesia, politicians and government officials are often associated with the *cukong* who dominate the illegal logging business. And in



Honduras, there is a close relationship between illegal logging and the drugs trade. This goes some way towards explaining why law-enforcement campaigns often penalise the villagers who are driven by poverty to do the dirty work of getting illegal timber out of the forests, and leave the *cukong*, and their powerful allies, untouched.

The report also highlights the fact that laws are often contradictory, thus making the definition of what constitutes 'legal' forest use highly contentious. The extent to which these laws are applied varies. Laws that restrict access and use by local communities, and give preferential access to big timber companies, are usually enforced more vigorously than measures that recognise community rights.

So what needs to be done? According to *Justice in the Forest*, law enforcement initiatives should be guided by a series of basic principles which ensure that proper attention is paid to the rights and needs of forest communities. "What's needed in countries like Indonesia is a new natural resource policy, and laws which give greater protection to communities and acknowledge their customary rights to forest land," suggests Colchester. He and his co-authors believe forest-law enforcement initiatives should be linked to governance reform programmes whose aim is to create greater transparency in the management of natural resources. Such initiatives should be developed through processes which engage civil society organisations and local communities.



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Crime and punishment

Since 2001, the Indonesian authorities have launched at least five major clampdowns – or 'sweeping' operations – against illegal logging activities along the border between Kalimantan and the Malaysian provinces of Sabah and Sarawak. These have had a dramatic impact, with the amount of illegal timber crossing the border falling from 4 million to 1.5 million cubic metres a year.

All this would be a cause for celebration, suggests CIFOR researcher Krystof Obidzinski, if it wasn't for the impact operations such as these have had on local livelihoods. He estimates that the number of jobs in the logging industry along the border has fallen from 90,000 to around 35,000. "That's over 50,000 jobs lost in two years, in a region with a population of just over a quarter of a million people," explains Obidzinski. "This is highly significant, even if many of the jobs are part-time and seasonal." A similar story can be told for Papua, which experienced an almost complete shutdown of its timber industry in 2006, following revelations that vast quantities of illegal timber were being exported to China.

Obidzinski questions whether major sweeping operations are the answer to Indonesia's illegal logging problem. They are costly, time-consuming and have serious implications for the welfare of families and communities involved in the timber industry, whether legal or illegal. Most seized timber is either left to rot away, or it becomes a trade item for unscrupulous law-enforcement officers. Ultimately, says Obidzinski, Indonesia needs to increase the area devoted to sustainable plantations. The government should also dramatically reduce processing capacity. Overcapacity is driving illegal logging, and some two-thirds of the timber used by Indonesia's mills is illegally harvested and traded. "As long as there is a gaping hole between supply and demand, the government is never going to eliminate the problem of illegal logging, no matter how many sweeping operations it launches," says Obidzinski.