

## ***Forest Law Enforcement and Rural Livelihoods:***

### ***Analysis and Dissemination***

***by the Center for International Forestry Research***

***with funding from DFID and PROFOR***

#### **Background**

International concern about illegal forestry activities has grown markedly over the last two years. Asian and African governments held high-level regional conferences on forest law enforcement and governance (FLEG). The United Kingdom and China signed path-breaking Memorandum of Understanding with Indonesia on illegal logging. The G8, the Convention on Biological Diversity, United Nations Forum on Forests, and the International Tropical Timber Organization issued forceful statements on the topic. The European Commission is formulating a European FLEG Action Plan and organized a workshop to discuss its content. Japan and Indonesia initiated an Asian Forest Partnership, with illegal logging as its central focus. Global Witness, the Environmental Investigation Agency, Transparency International, Greenpeace, Global Forest Watch, and Friends of the Earth have increased public awareness of the problem.

There are good reasons for concern. Illegal forestry activities make governments lose billions of dollars in unpaid tax revenues each year. They also cause environmental damage and threaten forests that people depend on for their livelihoods. Forest-related corruption and widespread violation of forestry laws undermines the rule of law and discourages investment by legitimate businesses. Under such conditions the wealthy and powerful have unfair advantages, due to their high-level contacts and ability to pay larger bribes. Illegal forestry activities sometimes finance violent conflict.

Nonetheless, governments will have to take measures to ensure that efforts to enforce forestry laws do not negatively affect rural livelihoods. There are several reasons why such efforts might have such an effect:

- Existing legislation often prohibits forestry and agroforestry activities that poor rural households depend on for their livelihoods, including some that are relatively sustainable (and others that are not);
- Millions of rural households live in areas that governments have classified as “forestlands” and claim to own. Existing laws considers these households encroachers even though in some cases their families have lived on the land for generations;
- Most forestry laws make it difficult for small farmers, indigenous people, and local communities to engage in commercial logging and timber processing legally since they require large amounts of paperwork and input from professionals that these groups have no access to;
- Forestry and wildlife departments often enforce forestry and protected area legislation more vigorously and with less respect for due process in the case of poor rural

households, since these households are not as well connected and lack money for large bribes.

- In some countries, forestry and wildlife officials regularly engage in illegal forestry activities – often to the detriment of poor rural households. Measures that give these officials more power and resources could increase their ability to act with impunity.

Logical alternatives for solving these problems include reforming the forestry legislation, simplifying administrative procedures and making them more accessible to local people, recognizing communities' rights to the resources they depend on, providing legal assistance to communities, supporting NGO and media efforts to make government officials more accountable, helping previously disenfranchised forest users organize themselves, and providing citizens with resources to monitor illegal forestry activities and law enforcement activities and report violations.

Many of these solutions require major changes in policies or power relations and will not come quickly or easily. Meanwhile, efforts to tackle the problems associated with weak law enforcement must proceed.

## **The Project**

To turn these general ideas into concrete practical policies and strategies will require a more in-depth understanding of:

- How rural households currently use forest resources.
- The relative contribution to legal and illegal timber production of large and small-scale producers and combinations of the two groups.
- The provisions of forestry and conservation laws that discriminate against poor rural households and to what extent they can be justified on economic or environmental grounds.
- How these laws are currently enforced and how new law enforcement efforts might change that.
- Existing opportunities for community participation in forest law enforcement.
- The practical advantages and disadvantages of different policy options for addressing rural livelihood issues in forest law enforcement contexts.

Each of these things is likely to vary significantly depending on the dominant type of forest exploitation and forest tenure, the accountability and capacity of government forestry departments, and the level of international attention and independent public scrutiny. This project will provide initial insights and policy guidance on these issues as they apply to five selected case studies in Asia, Africa, Latin America, and North America. It will then disseminate these insights and policy guidance to key government officials, policy analysts, and NGO and grassroots activists concerned with forest law enforcement.

A preliminary report of approximately 20 single-space pages will address the issues at a general conceptual level, illustrating the main points with examples, based on a brief literature review and the experience of the authors.

Case studies will use mainly literature reviews and secondary data, interviews with key informants, and the experience of the individual authors to address in a common format (included in the Appendix) how the issues discussed above are likely to play out in five case studies: Bolivia, Cameroon, Canada, Honduras and Nicaragua, and Indonesia. These case studies will be used as inputs into the synthesis report, and as inputs to the workshop and subsequent project development.

The countries for the case studies were chosen on the basis of their representativeness of livelihoods and forest law enforcement issues as well as on the basis of the availability of knowledge and previous studies relevant to the subject.

Indonesia, probably the country with the largest illegal logging problem, has widespread large scale and small-scale illegal logging for domestic consumption and for export, and it is still in need of substantial forest policy reform.

Cameroon has already undergone significant forest policy reform, but there is still discrimination against small-scale forest activities, and it has illegal logging linked especially to export activities.

Canada was chosen as an example of a developed country with a developed forest policy, but which has problems with illegal logging and problematic land claims. Bolivia has undergone significant policy reform, but it still has an illegal logging problem, relatively limited to small-scale activities.

Honduras and Nicaragua have forests of more limited global relevance but that are nonetheless important for local livelihoods. The research activities carried out by ODI and its partners on illegal logging and livelihoods present an excellent opportunity to contribute to the study with regards to the links between livelihoods, illegality, and law enforcement.

The synthesis report of 30-40 pages will draw from the preliminary report, the case studies and a broader literature review and key informant interviews to present a well-written and compelling analysis of the potential risks and opportunities that forest law enforcement efforts in different contexts present for rural livelihoods. (Prepared by November 15)

A two-day workshop will be held (in CIFOR) after the completion of the synthesis report to:

- Reflect on the case studies and the synthesis report;
- Assess further research needs;
- Develop a concept note for a research project and consider partnership options.

The project will run from February (date of commencement with DFID support) through November 2003 and have a total budget of 50,000 British Pounds Sterling, and 41,900 American Dollars.

Given the short time framework and limited resources the project will be exploratory. That should set the stage for subsequent more systematic enquiries into the issues by the Center for International Forestry Research (CIFOR).

### **Expected Outputs and Audience**

- 1) A preliminary report will be ready in time for the African Ministerial on Forest Law Enforcement and Governance, and will be used mostly for that meeting and for limited electronic distribution;
- 2) Five case studies from Africa (Cameroon), Asia (Indonesia), Latin America (Honduras and Nicaragua; Bolivia), and North America (Canada);
- 3) A synthesis report: the style will be appropriate for a general policy audience. CIFOR will publish the report in an attractive format and distribute 1,500 copies to key individuals in the international forestry community, including some 200 individuals that have been very active in the international discussions about forest law enforcement;
- 4) A workshop, and concept note for a 2-3 year research project;
- 5) A 4-page policy brief, based on the synthesis report, will be published and (2000 copies) and distributed;
- 6) A short summary of 500 word of the report will be sent through the POLEX electronic listserve, which goes out in English, French, Indonesian, Japanese, and Spanish to a list of over 11,000 individuals concerned with forest policies. and
- 7) Presentations at international meetings on forest law enforcement

### **Desired Impact**

- Greater awareness among international agencies, national governments, and environmental NGOs of the potential risks to rural livelihoods of poorly conceived forest law enforcement efforts.
- Identification of gaps in existing knowledge about the links between forest law enforcement and rural livelihoods, which can be addressed through subsequent efforts.
- Contribute to forest law enforcement strategies that consciously address livelihood issues, and encourage:
  - \* fewer poor rural households losing access to forest resources as a result of inappropriate forest laws and law enforcement,
  - \* higher tax revenues from industrial forestry activities resulting from reduced tax evasion,
  - \* establishment of the rule of law, and
  - \* more sustainable forest management practices.

### **The Research Team**

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