

15 April 2008

Original: English

[Start]

**Commission on Crime Prevention
and Criminal Justice**

Seventeenth session

Vienna, 14-18 April 2008

Agenda item 4

**World crime trends and responses: integration and
coordination of efforts by the United Nations Office on
Drugs and Crime and by Member States in the field of
crime prevention and criminal justice**

**International cooperation in preventing and combating
illicit international trafficking in forest products, including
timber, wildlife and other forest biological resources***

Note by the Secretariat

Summary

The conference room paper has been prepared to bring to the attention of the Commission information provided by Member States pursuant to Commission on Crime Prevention and Criminal Justice resolution 16/1 and the Note Verbale from the Secretary-General CU 2007/161 of 12 November 2007 presented to the Secretary-General following the finalization of document E/CN.15/2008/9.

* This conference room paper has not been edited.



Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction	1	3
II. Comments received from Member States	2-33	3
Algeria	2-4	3
Indonesia	5-13	3
Lebanon	14	6
Madagascar	15-16	6
Norway	17-22	7
Syrian Arab Republic	23	8
United States of America	24-33	8

I. Introduction

1. In response to note verbale CU 2007/161 of 12 November 2007, in which comments were sought from Member States on their efforts to implement resolution 16/1 of the Commission on Crime Prevention and Criminal Justice, entitled “International cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources” and adopted at its sixteenth session on 27 April 2007, the Secretariat received additional information from the following Member States: Algeria, Indonesia, Lebanon, Madagascar, Norway, Syrian Arab Republic and United States of America. These replies were received after the finalization of the report of the Executive Director on international cooperation in preventing and combating illicit international trafficking in forest products, including timber, wildlife and other forest biological resources (E/CN.15/2008/9) and are therefore covered in the present Conference Room Paper.

II. Comments received from Member States

Algeria

2. Algeria referred to the domestic forest legislation which was in place since 1984 and intended to ensure the protection, development, extension, control and rational exploitation of forests. The basic forest law was amended in 1991 to include penal provisions imposing sanctions for offences against the national forest heritage and establishing aggravating circumstances for such offences. It was also reported that the national police forest had competence for the prevention, investigation and detection of forest crime.

3. Algeria further reported on recent legislation against contraband which set up preventive measures and established special rules to punish such conduct, including through the establishment of criminal offences. In addition, that legislation paved the ground for the creation of a national office, supported by local committees, to prevent and fight contraband and to collect information and indications on that activity.

4. With regard to international cooperation and mutual legal assistance to prevent, combat and eradicate illicit international trafficking in forest products, including timber, wildlife and other forest biological resources, Algeria pointed out that it had already ratified the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. Furthermore, the Ministry of Agriculture and Development was identified in Algeria’s response as the competent authority to deal with matters related to illicit traffic in forests products, savage species and other forest biological resources.

Indonesia

5. Indonesia reported on its strategic plan on forestry focusing on poverty eradication, multi-stakeholder engagement through a national forest programme, acceleration of forest rehabilitation, conservation of biological diversity and the

implementation of sustainable forest management to address natural disasters, conversion of forest land, illegal practices and past biases in forest utilization policies. The country adopted forestry programme priorities, including the fight against illegal logging, the control of forest fires, the restructure of the forestry sector, the rehabilitation and conservation of forest resources and the decentralization of forest management. These priorities had determined mainstream forest-sector-related policies and actions. Law enforcement efforts included joint operations between forestry officers, police, army, customs and local governments.

6. Indonesia referred to the commitments undertaken to intensify the fight against illegal logging, including the implementation of a forest crime case tracking system, the prosecution of forest crimes and the enhancement of bilateral, regional and multilateral collaboration, as well as the sharing of information on forest crime and illegal timber shipments with other Member States who signed the Bali Declaration on Illegal Logging in September 2001. Indonesia also provided information on the domestic regulatory framework on forest law compliance and management. The country further reported on the establishment of a Biodiversity Strategy and Action Plan for the period 2003-2020 to provide guidance and strengthen coordination for activities on the conservation and sustainability of biodiversity in line with the Convention on Biological Diversity.

7. At the operational level, Indonesia made reference to the establishment of the Eco-labelling Institute (LEI), a non-governmental independent institution which established a “voluntary certification” programme to assess concessionaires regarding sustainable forest management. It was underscored, in this connection, that, while many challenges remained, a few positive effects of certification had been noted, including the establishment of a government incentive for companies to pass LEI certification, an increased willingness of companies to engage in public consultation and greater political space for non-governmental organizations and communities to express their concerns.

8. Two additional initiatives were highlighted in Indonesia’s response: the development in 2007, in cooperation with the EU FLEGT and under the EU-Indonesia FLEGT framework, of a new Timber Legality Verification Standard, the implementation of which would start after ratification by the government and the confirmation of other stakeholders’ involvement; and the imminent launching of field tests on an online system for timber administration, known as the Timber Traceability System, which included online reports on payment of forest levies and reforestation funds. This online system of timber administration would be part of a proposed integrated system which would be developed jointly by the EU-Indonesia FLEGT Support Project and the Ministry of Forestry. It would enable online verification of timber legality to support the legal timber trade in both national and international markets.

9. Other activities undertaken by the Indonesian Government included: the encouragement of companies to produce sustainable harvested timber; the management of open-access forest areas through granting of permits to manage forest concessions; controlling the use of heavy equipment for timber exploitation in forest concessions under the authority of the Ministry of Forestry; granting permits for timber utilization only for converted forest areas; controlling annual planning through assignment of annual production or cutting targets for each forest concession; strengthening the control system for forest areas to control harvesting

activities with regard to felling; and implementation of a national reforestation programme which included forest plantations by 2009 to create job opportunities and reduce illegal loggers in the field.

10. In the field of international cooperation, Indonesia was a party to international instruments related to forest protection, including the Convention on Biological Diversity (CBD), the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) and the Ramsar Convention on Wetlands, which was an international treaty for the conservation and sustainable utilization of wetlands, entered into force in Indonesia on 8 August 1992. The country was also a party to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption

11. Indonesia also referred to bilateral and regional agreements and arrangements with other countries to enhance law enforcement cooperation against forest crime. In this context, it had embarked upon a Voluntary Partnership Agreement (VPA) negotiation on timber trade with the European Union since early 2007. Under that Agreement, both parties would agree to help each other in combating illegal logging. In the framework of the EU-Indonesia FLEGT Support Project, focus was directed at achieving sustainable forest management through a programme of capacity-building, awareness-raising, governance reform and timber legality certification. As a member of the Association of Southeast Asian Nations (ASEAN), Indonesia was actively involved in bodies like the ASEAN Ministers on Agriculture and Forestry (AMAF), ASEAN Senior Officials on Forestry (ASOF) and specific Working Groups which functioned as dialogue mechanisms to promote the implementation of the international forest-related commitments and agreements in the region.

12. In 2001, Indonesia hosted the initial East Asia Forest Law Enforcement & Governance (EA-FLEG) Ministerial Meeting in Bali, which led to the Bali Ministerial Declaration. The Declaration had been converted into actions in the subsequent ASEAN strategic plan and regional programme of action under the ASEAN Ministers on Agriculture and Forestry (AMAF). Three thematic areas had been identified, including regional customs cooperation, forest sector transparency and reporting on country level efforts on FLEG. In November 2007, the ASEAN ministers issued an ASEAN Statement on Strengthening Forest Law Enforcement and Governance (FLEG) which would enhance collaborative activities building upon the EA-FLEG. Furthermore, ASEAN launched in December 2005 an ASEAN-Wildlife Law Enforcement Network (ASEAN-WEN). The membership of the network was open to officials from CITES authorities, customs, police, prosecutors, specialized governmental wildlife-law enforcement organizations and other relevant national law enforcement agencies. Moreover, Indonesia was actively involved in the work of the Center for International Forestry Research (CIFOR) and The Nature Conservancy (TNC) within the context of the 35-member Asia Forest Partnership. The AFP provided a formal framework for the exchange of information and experiences by addressing urgent issues, such as good governance and forest law enforcement, developing capacity for effective forest management, control of illegal logging, control of forest fires and rehabilitation and reforestation of degraded lands.

13. Indonesia further reported that it had been actively involved in the preparations for the World Summit on Sustainable Development (WSSD) by hosting

the Fourth Preparatory Committee Meeting, Ministerial Level for the WSSD in Bali, Indonesia from 24 May to 7 June 2002. In accordance with the outcome of the WSSD, commitments were undertaken to developing 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. Indonesia also organized a special Leaders Meeting of Tropical Rainforest Countries in the margins of the High-level Event on Climate Change and the 62nd Session of the United Nations General Assembly in New York. On 24 September 2007, the leaders of countries with half of the world's rainforests met and issued a Joint Statement, consolidating their position and restating their commitment to preserving the rainforests.

Lebanon

14. Lebanon stressed that the Ministry of Agriculture issued several decisions to prohibit the illegal exportation and importation of forest and natural resources, including certain tree species. The domestic legal framework defined certain criteria, requirements and restrictions for the legal trade of such resources and for the banning of harvesting certain plants unless such harvesting was done for medical purposes and there was prior approval of the competent authority.

Madagascar

15. Madagascar provided information on national measures against the activities of organized criminal groups in the forest sector, including activities of transnational nature. Reference was made to the relevant forest legislation and the regulations in place to protect forest products and resources and wild species. It was reported, in particular, that international trafficking in wildlife species threatened by extinction was punished by deprivation of liberty of 2-10 years and administrative sanctions. Information was further provided on the applicable legal framework to curb criminal acts associated with illicit traffic in forest products, such as corruption and money-laundering.

16. Madagascar also reported on the domestic institutional framework to address the problems posed by forest crime and highlighted the work of the Department of Water and Forest as the competent body for the repression of forest crimes, as well as the existence of scientific authorities in charge of providing opinions on forest management issues. In addition, an independent office against corruption (BIANCO) and other supplementary bodies, such as a safeguard integrity committee, were established to implement anti-corruption policies and ensure effective coordination of action against corruption at the national level, including in the forest sector. Reference was also made to measures aimed at enhancing detection of the relevant crimes such as border controls by customs officers, law enforcement officers and forestry officers.

Norway

17. Norway reported on the competence and capacity of the National Authority for Investigation and Prosecution of Economic and Environmental Crime as the specific department being responsible for the fight against environmental crime and encompassing both law enforcement and prosecutorial functions. That authority reported for its police functions to the National Police Directorate and for its prosecutorial functions to the Director General of Public Prosecutions. One of the objectives of that authority was to offer assistance to the local police districts, both in investigation and prosecution of individual cases and for developing skills and expertise. It also investigated and prosecuted its own cases.

18. Norway further stressed that recent legislation and court decisions had provided a good foundation for effective enforcement of the legislation on environmental crimes. The legal framework was defined by a fundamental provision in the Norwegian Constitution, coupled with special laws on the protection of the environment, wildlife species and cultural heritage, as well as provisions in the Penal Code which, among others, permitted the use of special investigation techniques in cases where organized crime was involved. In addition, a regulation was in place to implement CITES, which also covered endangered species of exotic timber and provided for a credible import and export control regime. In general, the domestic legal framework provided for the punishment of both individuals and legal persons involved in environmental crime. The sanctions available were fines and/or imprisonment. Furthermore, maximum penalties had been increased to address the challenges posed by the involvement of organized crime in the commission of related offences.

19. Norway reported that a new Biodiversity Act was under preparation and envisaged to be adopted in 2008 with the aim to replace parts of the current legislation. That act would replace parts of the current legislation and fulfil the country's international commitments pertaining to the protection of biological diversity and other natural resources. It would have a much broader scope than that of protecting traditional nature conservation and would also contain provisions on access to genetic material, foreign species and principles on sustainable use, both generally and specifically with respect to species and types of nature.

20. Norway also stated that its law enforcement authorities had been actively involved in international police cooperation to combat environmental crime through Interpol, Europol and the Baltic Sea Task Force. More specifically, the country had the chairmanship of a subgroup within the Baltic Sea Task Force cooperation that had focused on the illicit importation of endangered species. The group's work had resulted in a CD-Rom with useful information for the police, customs and civil services.

21. The network of contacts established by Norway as a result of international police cooperation was considered as invaluable in combating environmental crime at both the national and international levels. It was pointed out, in particular, that violations of legislation to protect predators often involved organized crime and required enhanced law enforcement cooperation with the Nordic countries. Furthermore, international cooperation was promoted to combat trafficking in exotic timber and other endangered species, as well as criminal acts involving falconry. In

such cases, border check by the Customs Service was identified as the most common law enforcement measure. Checks on the Norwegian borders were conducted in accordance with the CITES. It was also reported that international cooperation included the use of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption, although no concrete statistical information existed on that matter.

22. Norway further indicated that deficiencies in the national database of criminal cases involving environmental offences resulted in substantive underreporting of such cases. Many of them were registered as contraventions of only the customs legislation. Specific cases of illegal importation of flora and fauna were reported and reference was made to the illegal smuggling of exotic animals. It was further stressed that, in addition to being a recipient of endangered biological resources, Norway was also a “supplier” to foreign buyers. Both birds for falconry and other birds for collection were smuggled out of the country.

Syrian Arab Republic

23. The Syrian Arab Republic provided brief information on measures taken at the national level to curb the problem of illegal logging and forest crime. In this context, it was underlined that the work on amending the domestic forest and anti-hunting legislation was ongoing.

United States of America

24. The United States underlined its commitment to combat illicit international trafficking in forest products, particularly timber and wildlife, and work, for that purpose, with other countries to find effective approaches to addressing the problem. Through the “President’s Initiative against Illegal Logging” (PIAIL), launched in 2003, the United States was helping developing countries to combat illicit trade in timber. It further paid particular attention to strengthening regional cooperation and processes, such as forest law enforcement and governance processes, as well as promoting the use of technology transfer and supporting community-based actions and public private partnerships.

25. The United States referred to its legislation which supported other countries’ conservation efforts by prosecuting violations in the U.S. territory of foreign laws protecting wildlife. It was reported, in this connection, that a broad bipartisan coalition of non-governmental organizations, businesses and government agencies were exploring modifications to the legislation that would allow its expansion to address timber issues.

26. The United States made reference to agreements and arrangements with other Member States, including China, Peru and Indonesia, to enhance forest law enforcement and governance. In addition, the country was supporting and financing a number of ongoing partnerships, initiatives and activities, including: the conclusion of debt-for-nature agreements with 12 countries in Africa, Asia and Latin America with the aim to generate \$163 million over 10-25 years to help conserve important tropical forests in partner countries; cooperation, under the umbrella of the multi-donor Liberia Forest Initiative, with the Liberian Government and other

partners to help implement the reforms contained in Liberia's new national Forest Reform Act; assistance to countries in Central America and the Amazon to develop their capacity to manage mahogany and regulate and document its export; and specific assistance to Peru and Colombia to monitor and verify the management of forests under logging concessions, including facilitating the sharing of technologies and approaches for increased forest transparency in the Amazon Basin.

27. The United States further reported on its initiative to reinforce the efforts of timber producing countries to combat illegal logging and associated trade by incorporating obligations for effective environmental law enforcement, transparency, customs cooperation and rules of origin in bilateral and regional Free Trade Agreements (FTAs) and by including relevant cooperative projects in the parallel Environmental Cooperation Agreements with partner countries. Over the past three years, the United States had provided \$38.8 million to strengthen environmental cooperation under the U.S. Free Trade Agreement with Central America and the Dominican Republic. Among other activities, those funds were being used to improve governance in the region, including forest law enforcement.

28. Furthermore, the United States was working with G8 countries to implement the commitments agreed upon in the G8 Summit in Gleneagles, Scotland, in 2005, to tackle illegal logging, especially in timber producing nations, as well as those contained in the St. Petersburg Declaration on Forest Law Enforcement and Governance in Europe and North Asia.

29. As a partner in the Congo Basin Forest Partnership, the United States had committed about \$85 million to, among other actions, provide local forest users and owners with tools needed to monitor and protect their forests. Through the Sustainable Forest Products Global Alliance, the United States was working with forest product companies and their suppliers worldwide to promote responsible forest management, reduce illegal logging, and improve the well-being of local communities in developing countries. Through the global Coalition against Wildlife Trafficking, launched internationally in February 2007, the United States and the Coalition's government and non-government partners were working together to raise public and high-level political awareness of the economic, social and environmental impacts of the illicit trade in wildlife and build regional and national enforcement capacity to combat that criminal activity.

30. The United States and The Nature Conservancy launched in 2007 the Responsible Asia Forestry and Trade (RAFT) programme, a \$4.4 million regional public-private partnership to promote responsible timber trade in Asia. The partnership brought together governments from both timber producing and timber importing countries, non-governmental organizations and the private sector with the aim to improve forest management practices, promote timber trade from certified legal sources and strengthen regional cooperation on forest management and trade.

31. The United States also provided both financial support and expertise to assist in the development of the ASEAN-Wildlife Enforcement Network (ASEAN-WEN). In the context of the 59-member International Tropical Timber Organization (ITTO), which represented about 80 percent of the world's tropical forests and 90 percent of global tropical timber trade, the United States provided about \$1 million per year in voluntary contributions and worked with other donors to jointly fund capacity-building projects and other initiatives. In November 2007, at the Council meeting of

the ITTO, the United States joined the Netherlands, Japan, Australia and Norway in establishing and funding a new work programme element on “Tropical Law Enforcement and Trade” (TFLET). The TFLET aimed at improving forest law enforcement in ITTO member countries and promoting international trade in tropical timber from legal and sustainably managed forests.

32. In June 2007, the United States hosted a side event during the 14th session of the Conference of the Parties to the CITES, highlighting the role that the illicit trade in wildlife played in undermining conservation efforts and presenting regional enforcement activities against the illegal trade on the ground. In August 2007, the United States provided funding to improve enforcement in the Virungas transboundary protected areas, which had been experiencing significant illegal poaching. In addition, the United States was funding the development of a Crime Scene Investigations training program and toolkit related to coral reefs.

33. In April 2007, the United States led efforts within the United Nations Forum on Forests (UNFF) to incorporate commitments to combat illicit trafficking in forest products drawing on language from resolution 16/1 of the Commission on Crime Prevention and Criminal Justice into the Non-Legally Binding Instrument on All Types of Forests and the UNFF Multi-year Programme of Work.
