



INTERPOL

ENVIRONMENTAL CRIME PROGRAMME
PROJECT LEAF

Assessment of Law Enforcement Capacity Needs to Tackle Forest Crime



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Introduction

INTERPOL recognises forest crime as a significant and growing problem that is undermining government policies to sustainably manage and protect forests. Through Project Leaf, INTERPOL is working with governments to further the skills, capabilities, and capacities of their law enforcement agencies to undertake intelligence-led law enforcement to combat forest crime.

INTERPOL recognises, however, that in many timber-producing countries law enforcement officers face severe difficulties, including low wages, little training and poor equipment. This report has been undertaken by INTERPOL to assess the needs of those officers in the field, and identify areas that need to be addressed to strengthen their law enforcement capacity.

International mechanisms, such as REDD+, and the international donor community can play an important role in providing countries with the funding and resources they need to build the capacity of their law enforcement agencies, through supporting capacity building and training programmes.

Why tackling illegal logging to protect forests is important

Forests play a central role in safeguarding the world's environment, economy and people's livelihoods.

Forests are vital components of the world's ecosystem and provide services such as the supply and filtration of water resources, prevent soil erosion and mitigate climate change by absorbing carbon dioxide (CO₂) out of the atmosphere and storing that carbon both above ground and in the soil as biomass.¹ Forests are also an important reservoir of biodiversity, providing habitat for more than two-thirds of the world's terrestrial species.²

Forests, the world over, support people's livelihoods through providing food security and pharmaceutical products. A quarter of the world's population is estimated to depend on forests for their fuel, food, medicine and shelter.³ Over 90 per cent of those living below the dollar a day poverty line depend fully or in part on forest products for their livelihoods.⁴ The devastation of the natural environment through illegal logging and forest crime has increasingly devastating social effects on these populations.

Illegal logging negatively impacts forest ecosystems and government revenue

Illegal logging is estimated to account for 50-90% of forestry in key producer tropical countries and 15-30% globally.⁵ Every two seconds, an area of forest the size of a football field is clear-cut by illegal loggers around the globe⁶. Forest crime has become a highly destructive criminal activity. These criminals are responsible for

¹ See Green Carbon: the role of natural forests in carbon storage. Part 1, A green carbon account of Australia's south-eastern Eucalypt forest, and policy implications, *Brendan Mackey et al. (ANU, 2008)*;

² *Secretariat of the Convention on Biological Diversity, Forest Biodiversity: Earth's Living Treasure, 2010* <http://www.cbd.int/idb/doc/2011/idb-2011-booklet-en.pdf.int>;

³ See <http://www.fao.org/forestry/livelihoods/en/> and *The World Bank, Recommended Revisions to OP 4.36:Proposals for Discussion, 2001*;

⁴ *Sara J. Scherr, Andy White and David Kaimowitz, A new Agenda for Forest Conservation and Poverty Reduction: Making markets work for low-income producers (2003, Forest Trends)*.
See <http://lib.icimod.org/record/11339/files/3107.pdf>;

⁵ *INTERPOL and UN Environment Programme, Green Carbon, Black Trade: Illegal Logging, Tax Fraud And Laundering In The World's Tropical Forests (2012)*;

⁶ See *the World Bank's Justice for Forests: Improving Criminal Justice Efforts to Combat Illegal Logging report (2012)*. Available at <http://issuu.com/world.bank.publications/docs/9780821389782>

destroying biodiversity and wildlife habitat, threatening the livelihoods of those reliant on forest resources and contributing directly to climate change.

Illegal logging operations are often the most destructive, with operators moving into and out of forested areas to extract timber quickly with little regard for implementing best practice techniques to protect the ecosystem or to repair the damage afterwards. Illegal land-clearing pollutes water sources, and causes landslides and other natural disasters, while illegal logging operations run by organised criminals (often armed) deny forest-dependent communities access to the forest upon which their livelihoods depend.

Forest crime also has a significant negative impact on government revenue and economic stability. Illegal logging denies governments tax and other revenue, while the corruption supporting it undermines the rule of law and confidence in government institutions. This significantly hampers development efforts to tackle poverty.

Addressing forest crime is closely linked to promoting economic viability, political stability and improving public health and national security.

Transnational organised crime is increasing in the forestry sector

Due to the increased profitability of wood and its by-products, crime involving the world's forests has become more prominent. INTERPOL has observed that in recent years the role of organised criminal engagement in the forest sector is growing. The nature of illegal logging is becoming increasingly organized, sophisticated, and transnational. A significant proportion of illegal logging is now carried out by organized criminal networks utilising an international network of quasi-legitimate businesses and corporate structure to hide their illegal activities. These illegal activities include creative accounting to launder criminal proceeds, collusion with senior government officials, and computer hacking to obtain fake permits.

There are a number of factors explaining why the forest sector is particularly vulnerable to corruption and illegality:

- many forests, particularly tropical forests, are situated in developing countries with weak governance;
- poor regulatory regimes or systemic corruption;
- forests cover remote and often huge areas, making them hard to monitor without sufficient resources;
- forest laws can be unclear and ambiguous, increasing the opportunities for criminals to exploit legal loopholes.

Forests at the centre of discussions on mitigating climate change

Deforestation and forest degradation are currently estimated to account for 17% of global carbon emissions, more than from all the world's air, road, rail and shipping traffic combined. Over the last several years, international climate change negotiations have focussed on establishing a financial mechanism to reward countries for implementing policies that promote forest protection and sustainable management of their forests. This mechanism, known as "REDD+" (Reducing Emissions from Deforestation and forest Degradation in developing countries), has focussed principally on finding positive financial incentives to motivate industry and governments to shift their policies to favour more sustainable forestry practices. The REDD+ mechanism is supported by a number of national and international frameworks, including United Nations and World Bank initiatives.

Since 2008, approximately US\$7 billion has been committed for REDD+⁷ which has been directed predominantly to support forested countries develop national strategies and policy reforms. The ultimate objective being to shift government policy and industry practice towards forest protection and sustainable forest management. Providing positive financial incentives, such as tax breaks, subsidies and the opportunity to generate revenue or carbon credits, will play an important role in encouraging this shift.

Even the best forest management policies, however, will be ineffective unless complemented by enforcement mechanisms that help assure compliance. Consequently there is now growing recognition that global efforts to reduce emissions from deforestation and forest degradation must also include strategies to strengthen forest governance, address illegal logging and build the capacity of law enforcement authorities. Without effective law enforcement, even the best government policies will be repeatedly undermined by an industry that simply ignores those policies in favour of quick financial gains.

The importance of strengthening law enforcement capacity

Illegal logging costs governments around US\$30 billion every year in lost revenue and theft of their natural resources. Stronger law enforcement efforts can help recover this revenue. For every dollar invested to build law enforcement capacity to tackle illegal logging, additional revenue of between US\$2 and US\$6 can be recovered by the government.⁸ That is up to a 6-fold return on investment.

Criminal gangs involved in the exploitation of forests are also involved in a variety of other crimes including, corruption, bribery, fraud, money laundering, extortion, violence, and murder. The same routes used to smuggle timber across countries are also often used to smuggle weapons, drugs and people.. As a result, it is important countries adopt a multi-agency approach to forest law enforcement, with collaboration between various law enforcement agencies including police, customs, forestry authorities and financial and tax regulators.

Illegal logging and illicit trade in timber is also not restricted by national borders. Timber may be cut in one place, smuggled across borders and processed elsewhere before shipping to a third country for sale. Meanwhile the illicit proceeds are transferred to overseas bank accounts. The trans-national nature of illegal logging and related financial crimes raises difficulties for law enforcement and regulators, who are often limited in their ability to work outside their own domestic jurisdiction. To be truly effective, actions against illegal logging must be coordinated, collaborative and transnational. Crackdowns in one country must be supported by their neighbouring countries in order to prevent illegal logging operations from switching countries to evade detection.

INTERPOL assessment of law enforcement needs

INTERPOL's analysis of the capacity needs of forested-countries to enforce forest laws, has identified a number of areas where capacity is lacking:

- (i) Increased financial and technical resources, including equipment and human resources, are needed by law enforcement agencies responsible for enforcement of forest laws. Prioritization of illegal logging and forest crime by authorities is often limited by available resources to the police. Unless

⁷ See Markku Simula, 2010. Analysis of REDD+ Financing Gaps and Overlaps, Washington, DC, USA: REDD+ Partnership.

⁸ See Sam Lawson and Larry MacFaul Illegal Logging and Related Trade: Indicators of the Global Response (Chatham House, July 2010) at p. xviii. Available at:

http://www.chathamhouse.org/sites/default/files/public/Research/Energy,%20Environment%20and%20Development/0710pr_illegallogging.pdf

funds are earmarked for this purpose, most police forces will prioritize immediate everyday crimes such as drug trafficking, thievery or violence-related crime;

- (ii) A national strategy to increase coordination between different enforcement agencies will improve law enforcement effectiveness;
- (iii) Institutional reform is necessary to tackle corruption;
- (iv) Strengthened national and international collaboration among agencies including tax, police, prosecution and customs; and
- (v) Finally, legislative reforms are needed to clarify laws and reduce the number of government agencies issuing land clearance permits.

Resource needs for forest law enforcement agencies

Lack of equipment

INTERPOL's assessment of capacity needs has identified the lack of basic adequate equipment as a common constraint. Even the most basic and routine equipment is lacking in many cases, affecting law enforcement officers' ability to provide a basic level of policing to respond swiftly and efficiently to forest crime activities. Most often this includes a lack of access to vehicles, fuel, good maps and cameras.

A lack of equipment creates barriers that limit the capacity of forest law enforcement officers, such as the inability to conduct surveillance and patrols, communicate effectively or track illegally logged timber. This can become dangerous when illegal logging operators employ armed guards. When law enforcement officers are faced with these dangerous situations and lack adequate equipment, it can have devastating and fatal consequences. Furthermore, as organized forest crime continues to evolve and develop new methods to conduct illegal logging operations and launder illegal timber and its criminal proceeds, law enforcement must be provided with new, specialized equipment to stay one step ahead of the criminals and maintain enforcement capacity.

Transport equipment

Access to suitable vehicles, fuel and equipment is vital for law enforcement officers, especially when patrolling expansive territories, parks and reserves. In many countries, forest crime and logging operations occur in remote areas where enforcement officers may have difficulties travelling to.

Equipment of this type includes:

- Vehicles

Evaluate carefully payload, range, terrain, weather conditions (forest roads are usually poor condition and impassable during rains). Supplies, tools and spare parts should be available in vehicles.

- Fuel
- GPS and detailed topographic maps

Equipment to conduct surveillance and locate criminals and logging camps

Equipment and tools to track criminals are fundamental for law enforcement officers. To combat forest crime, law enforcement officers must be able to track criminals even when operating in the most secluded, dense, hazardous forests.

While the most important tool to conduct surveillance is good tactics and methodologies, some simple equipment is also necessary, including:

- Cameras
- Flashlights
- Binoculars

Equipment to conduct aerial surveillance

Aerial surveillance allows large areas of forest to be patrolled quickly and with minimal staff, particularly for large remote areas.

Equipment needed includes:

- Software and hardware to review satellite imagery
- Access to analysed and prepared satellite imagery showing larger areas of rapid deforestation
- Most often, rental of a small fix-wing airplane is the cheapest, fastest and easiest way to conduct aerial surveillance and reconnaissance

Communications

Communication is an important part of enforcement activities. Forestry officers and rangers must be able to communicate with each other regarding information on criminals and their whereabouts. This is even more important when officers conduct enforcement activities in dense forest areas where common communication infrastructure, such as radio towers, do not exist.

Equipment of this type includes:

- High-transmission (HT) radio
- Repeater antenna with radio
- Satellite phones provide relatively cheap and very effective tools of communication
- Mobile phones
- Ordinary police radio equipment (VHF or similar)

Armaments and protective equipment

Firearms and protective equipment are important when law enforcement officers engage with armed criminals. In some countries, not all law enforcement have access to such equipment and this puts their lives in danger. This is especially important when dealing with those illegal logging operations that employ armed guards.

Equipment of this type includes:

- Body armour
- Firearms
- Effective training in tactics to avoid armed contact, and control large number of diverse subjects arrested.

Body armour, and especially goggles and helmets, are heavy. In the humid climates of the tropical rainforests it may make officers less effective and more vulnerable.

Equipment needed at checkpoints

a. Validating permits

The issue and validation of permits is an important mechanism used to regulate logging activities and transport of timber. Unfortunately, criminals can falsify permits and documents to benefit themselves and conceal their illegal activities. Law enforcement must be aware and vigilant of the risks of such forgery, and must be provided with adequate tools and equipment to detect forged permits. Equipment includes tools to have on-hand to verify the authenticity of the document, supported by a database that stores information on valid permits, such as dates issued, details on size and types of concessions, and transportation limits. The database can then be used as a cross-referencing tool.

Equipment of this type includes:

- Ultra-violet devices to detect alterations made to the permit
- Central computer database system if available
- Communication equipment - including internet and telephone services at each station and post to access the central database
- Simple plastic sheets of what a valid permit should look like in the region for officers to compare with

b. Infrastructure/technology for timber tracking

Timber tracking technology provides a way to monitor timber from logging, through its transport to processing, trade and final sale. Tracking timber is important to prevent illegal timber from entering the supply chain. Timber tracking technologies vary in complexity, such as stamping a code onto the logs, or attaching a plastic tag with a barcode. Unfortunately, there is no perfect method to track timber and they all have their strengths and weaknesses. Using technology to identifying wood anatomy or DNA fingerprinting can provide a useful tool to audit and verify the strength of the timber tracking system.

Equipment of this type includes:

- Hand held devices for reading bar codes
- Access to database to verify codes on logs
- Education on using the timber tracking technology
- Evidence sampling kits, for collecting wood samples for forensic analysis (DNA isotopic fingerprinting, etc.)
- Simple plastic guides describing with photographs the legal types of timber and their dimensions, leaf and bark type and common markings used in the legal timber tracking system

Equipment needed for analytical purposes

While on the ground enforcement activities are an important part of law enforcement, it is equally, if not more important, to gather and analyse information and intelligence beforehand to ensure enforcement operations are targeted at the crime hot spots. This type of pro-active law enforcement allows agencies to predict the occurrence of a crime and conduct intelligence-led operations and enforcement activities. This not only improves the likelihood of success of the operation but also increases the ability to gather useful additional intelligence and high quality, compelling evidence. Resources and equipment play a vital role in allowing law enforcement to conduct this level of intelligence-led enforcement activities.

Equipment of this type includes:

- Computer hardware, printers, scanners and telephones
- Computer software, programs and databases used for analysis
- Internet services
- Central information database for storage and cross-referencing
- Access to INTERPOL's i24/7 secure communication channels and international database

Despite the seriousness of illegal logging and the devastating effects it has on society and the environment, there continues to be a lack of equipment provided to combat forest crime. In fact, many law enforcement agencies have been lacking fundamental resources and equipment for an extended period of time. Despite this, law enforcement officers continue to do the best they can, although it risks being inefficient and ineffective.

Raising the revenue needed to purchase the equipment identified faces difficulties due to the general lack of finance available and the fact that whatever resources are available are usually prioritised to other areas. This in turn leads to minimal funding and resources for law enforcement to tackle forest crime.

Organized illegal logging operations usually occur in remote areas and are accompanied by armed criminals. Without adequate equipment to support enforcement operations, officers can find themselves at a severe disadvantage and in extreme danger. Investing in resources and building up law enforcement capacity to tackle forest crime should be amongst government's highest priority as part of any national strategy to protect forests.

There are a number of reasons why tackling forest crime has not been prioritised among government decision makers:

(i) Corruption

Corruption within governments can see resources directed away from government programmes into other areas to the benefit of the corrupt decision-makers. Steps must be taken to rectify this problem immediately, such as increasing the transparency of institutions and decision-making, and increasing the accountability of government decision-makers.

(ii) General lack of awareness of the seriousness of forest crimes.

(iii) Concern about the risk of losing private investments in the forestry and logging sectors.

Response

In order to adequately address a lack of equipment, law enforcement agencies must assess their work and modus operandi, and identify the equipment needed to make these processes more efficient. Once needs have been identified, agencies can begin to seek assistance and support from their respective governments.

Lack of personnel and expertise

This needs assessment has also revealed that having sufficient law enforcement personnel with the necessary skills is vital to perform enforcement activities effectively. A lack of skilled personnel can create stressful working environments due to the extra workload and responsibilities that fall on existing (under-staffed) units.

Law enforcement can be dangerous and hazardous work due to constant interaction with criminals, particularly organized illegal logging operations located in remote areas and accompanied by armed criminals willing to injure or kill law enforcement officers to avoid arrest. A lack of personnel can exacerbate these dangerous work environments through lack of adequate support for enforcement officers, putting them at a severe disadvantage and in extreme danger.

It is equally important that among existing staff there is also an adequate amount of expertise. Expertise builds the knowledge base, capacity and productivity of a team. It helps in the development of new and improved methods of enforcement and the understanding of the complexities of forest crime, including the extent, patterns and trends of forest crime.

Response

Forest law enforcement agencies must provide a suitable workplace to attract and retain skilled and experienced law enforcement officers. To do this, it is important they provide adequate employment opportunities, including good salaries, benefits and promotion opportunities, based on merit. Adequate salaries and benefits are important to attract competent personnel. Ensuring promotions are based on merit ensures an agency runs efficiently and provides an honest and equal opportunity to all law enforcement officers based on performance and results. These resources encourage the retention of staff, reducing turnover, loss of corporate knowledge, and the need to retrain incoming staff. They also encourage current employees to take responsibility for their own capacity building and development since they will be rewarded for increased expertise and skills.

In addition, training opportunities must be provided to build up the expertise among forestry law enforcement. Training should include:

- basic police training for all forestry enforcement officers;
- survival training for conducting patrols in the forest, together with investigative skills training;
- training in use of equipment;
- legal training to understand and interpret the laws they are enforcing;
- Strong focus on simple plastic pocket size information sheets with minimal text; and
- Strong focus on tactical training

Governments and institutions worldwide provide a variety of forestry enforcement training and capacity building programmes. Innovation in capacity building and training must also be emphasized to improve expertise as well as to maintain law enforcement expertise one step ahead of the criminals.

Finally, establishing dedicated forestry law enforcement units can increase the level of expertise amongst staff. It allows employees who are part of the dedicated forestry unit to focus specifically on this area of crime, without having to spread their responsibilities and duties around. It provides an opportunity for agencies to develop clear strategic and tactical responses to forest crime and for officers to increase their of expertise through experience.

Additional comments on addressing the lack of resources

To ensure law enforcement agencies get the equipment and staff they need, it is necessary to raise the profile of forest crime. This encourages governments, when preparing their budgets and policies, to prioritise law enforcement, providing forestry enforcement agencies with the financial and technical resources needed. This requires raising awareness of the seriousness of forest crime, perhaps through educational conferences and workshops with experts who understand the environmental, health, social, and economic harm caused by forest crime. These conferences should be aimed at government leaders, to educate them on the environmental consequences of illegal logging and forest crime.

Many government officials see forest crime as a victimless crime when compared to other crimes, such as murder and illicit trade in arms and drugs. This view, however, fails to recognise the harm forest crime can cause people and communities that depend on forests for a living. Developing countries are the most affected by the illegal trade in, and overexploitation of, natural forests with biodiversity loss and ecosystem degradation damaging their development efforts.⁹ Illegal logging deprives these countries of resources which, when sustainably managed, are key to ensuring long term revenues, particularly for rural communities. Further, the corruption associated with illegal logging undermines the rule of law and public confidence in government institutions, significantly hampering efforts to implement the government reform needed to tackle poverty.

Many Governments have historically shown reluctance to reform forest laws and regulation for fear this may unintentionally hinder legitimate activities of the timber industry, which bring in much needed revenue to the economy. Fear that companies may move elsewhere if confronted by strict regulations and monitoring by law enforcement, causes government officials to reduce the priority level of forest crime within their legislative agendas, leading to a lack of funding, support and resources for law enforcement. Such concerns fail to recognise the significant negative impact forest crime has on government revenue and economic stability.

Further, government officials need to understand that unregulated, illegal operations rarely provide income for the State. Income is lost from the failure to pay appropriate taxes and duties. Stronger law enforcement efforts can help recover this revenue.

It is important that governments also begin to prioritise investment in law enforcement agencies to tackle forest crime. Various international organizations and agencies can be leveraged to provide support and initial funding to governments to support their capacity building needs, as part of their overseas development assistance. International donor programs, such as REDD+ and other methods of support, are available for countries who lack adequate funds to protect their forests and natural resources, and to help mitigate climate change. For every dollar invested to build law enforcement capacity to tackle illegal logging, additional revenue of between US\$2 and US\$6 can be recovered by the government, making it a particularly useful investment in meeting development objectives.

⁹ See The Economics of Ecosystems and Biodiversity Report (*TEEB Interim Report*), released in 2008. *TEEB estimates the extent of losses of natural capital taking place as a result of deforestation and degradation at US\$2–4.5 trillion per year, every year. Available at: http://www.teebweb.org/wp-content/uploads/Study%20and%20Reports/Additional%20Reports/Interim%20report/TEEB%20Interim%20Report_English.pdf*

Legislative reform needed to clarify laws and strengthen legal mandate

A lack of clear legislation and laws

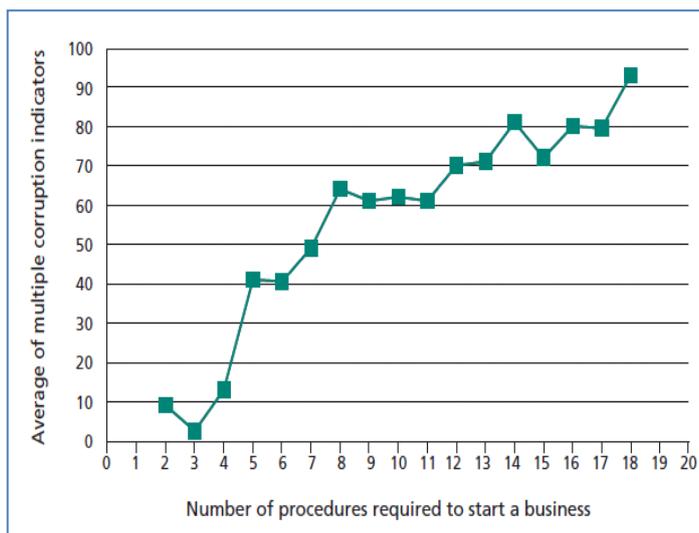
INTERPOL’s assessment of capacity needs has found that law enforcement agencies face considerable difficulties in enforcing forest laws and regulations when the legislation is unclear or ambiguous. Laws dealing with forest, land and carbon rights, recognition of customary rights, and the allocation of licenses and concessions are often ambiguous or inconsistent, making enforcement difficult. In many countries, forested land falls under the jurisdiction of a number of different government agencies, each with competing jurisdiction. A failure to harmonise the applicable legal regimes results in laws that are inconsistent, and where certain legal loopholes exist. The law enforcement community tend to be practical, preferring to enforce clearly tangible rights and responsibilities.

Parliaments should prioritise a programme to clarify jurisdiction and make the legal regime consistent and robust. Feedback from enforcement agencies however, is that the governments of many forested countries are mainly focused on the implementation of policies and government strategies addressing the REDD+ mechanism (particularly the REDD+ funding streams), but are failing to adequately address forest law enforcement or the need to tackle forest crime on the ground.

Need to simplify forest regulations

Developing countries tend to have an overabundance of regulations.¹⁰ Having an excessive number of procedures to achieve a policy objective is often an indicator of a weak policy framework. Regulatory proliferation increases the risk of legal inconsistencies and overlapping jurisdictions. It also stretches the capacity of government agencies responsible for administering those regulations to properly understand and implement the regulatory regime.

The consequence is more discretionary decisions and, therefore, increased opportunities for corruption. In fact there is a direct correlation between the amount of existing regulations and the increased likelihood of corruption.



Relationship between number of procedures required to start a business and level of corruption.¹¹

Need for clear legal definitions to determine illegal logging and forest crime

In many cases, the laws require forestry activities to respect certain standards, without clearly defining what those standards are. This places law enforcement officers in a difficult position to interpret and understand ambiguous laws, with no clearly defined objective standard to determine whether certain activities are in

¹⁰ See study by World Bank (2004) Doing business in 2005. Removing obstacles to growth. Washington, DC, USA, Oxford University Press and World Bank.

¹¹ Source: Kaufmann, D., Kraay, A. & Mastruzzi, M. (2003) Governance matters III: governance indicators for 1996-2002. World Bank Policy Research Working Paper No. 3106. Available at: http://papers.ssrn.com/sol3/papers.cfm?abstract_id=405841

breach of the law or not. The laws also do not clearly define certain terms, meaning law enforcement, logging companies, prosecutors and judges may not share a consistent definition of what activities constitute illegal logging. This leads to difficulties in convicting criminals, while also allowing corruption to thrive with government officials and criminals colluding to take advantage of the ambiguities and legal loopholes. In fact, when laws are unclear, or subject to spontaneous and impromptu changes, many logging companies find it easier to turn to bribery and corruption to continue their business activities.

Need to publicise new legislation

INTERPOL has found that in certain countries legislative reform is undermined by administrative failures to publish the new laws. Similarly, court decisions that help understand and interpret laws are not being published. As a result of this, law enforcement officers may be unaware of the current laws in place, or their proper interpretation, hindering their ability to enforce new laws effectively. These new laws and court decisions are meant to help clarify which activities are legal and which are illegal. If this information is not readily available to law enforcement, it may result in officers spending time investigating and arresting people who are complying with the (new) laws, while failing to investigate other illegal logging activity under the mistaken belief it complies with the law.

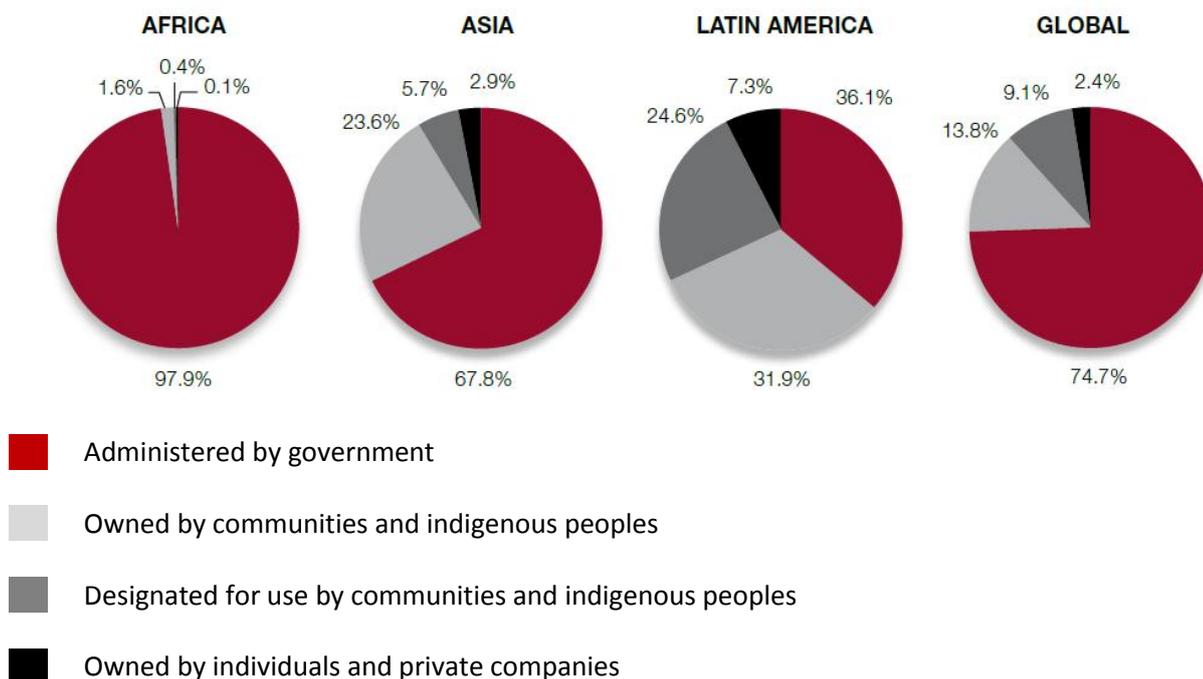
Need for clear laws to determine ownership of forest land

The failure to clearly define property rights over forested land provides opportunity for fraudulent claims to that land using forged documents or bribery of government officials. Clear land tenure is important to determine who has the legal right to enter forest land and conduct logging activities on it. It also helps determine who is liable when illegal logging is identified. Unclear land boundaries results in overlapping forest, farm, protected and unprotected lands, making enforcement difficult since officers in the field may be unfamiliar with the area and land-use regulations, and often lack access to a database to verify land boundaries.

Further, in many parts of the world “traditional ownership” of land by the people who live in or around the forest is based on their longstanding occupation. These land claims may not, however, be recognised under the country’s domestic legal system, making these people vulnerable to competing land claims or illegal land grabs. As the figure below shows, land tenure in many forested areas is still unresolved and remains classified simply as “administered by government”.

Failure to clarify tenure over this land increases the risk of fraudulent claims to land ownership. Further, even where traditional ownership is recognised under the law, many indigenous peoples and forest dwelling communities do not have easy access to government administration to formally claim or register that legal title.

Forest Land Tenure by region¹²



Response

To ensure law enforcement agencies can tackle forest crime effectively, it is important that laws and regulations dealing with the management of forested land be clear and that all laws and decisions are made public. In many countries this will require appropriate law reform to clarify and harmonize forest laws, and ensure all terms and standards are clearly defined. When unclear or ambiguous laws are identified, a careful law reform process must be undertaken to provide clarity as to what activities are illegal and how criminals should be punished. A clear understanding of what consists “illegal logging” in each country will also benefit international law enforcement cooperation between all countries involved in the export, transit and import of timber. Before any new legislation commences, it is essential there be a period of consultation, during which the implementation is delayed, for the laws to be tested by law enforcement officers in the field to ensure the laws are enforceable.

Finally, it is also imperative that enforcement officers receive adequate training and education on the legislation they are enforcing.

Permits

In the forestry sector, logging in forests is usually managed through the granting of permits. Permits may be granted as part of a regime to regulate the agricultural industry, logging companies, or the development of infrastructure. In each case, however, the right to cut or clear trees should be conducted pursuant to the permit. Effective forest governance, therefore, requires a well-defined permit system that regulates who has rights to access the forest to log trees, with clearly defined rules setting out the logging permitted, such as amount to be logged, species to be logged and/or area to be logged. Once logging has concluded, permits

¹² See *Rights and Resources Initiative, The End of the Hinterland, 2010 (ITTO/RRI 2009)*, available at: http://www.rightsandresources.org/documents/files/doc_1400.pdf.

Source of diagram: Global Witness, *Forest Carbon Cash and Crime*, September 2011

can be used by forestry law enforcement officers to verify that any logging that took place was carried out in accordance with the permit requirements.

INTERPOL has found that many law enforcement agencies lack capacity to adequately regulate the permit system in their countries. The permit system is often complicated with different permits issued by different government agencies in an uncoordinated manner. These permits may overlap and be inconsistent with each other.

Further complicating the issue is the fact that front-line law enforcement officers may not have received training in the various permits that are in existence or how to enforce them in the field. Without the proper training, officers may be unable to detect forgeries, or may be unable to uncover loopholes being exploited by criminals.

In addition to training, officers need appropriate equipment to verify whether permits are authentic, such as ultra-violet devices. Similarly, officers need access to a central database that allows them to cross-reference the authenticity of permits with one another. In a large number of countries, permits are issued on paper with hand-written approval. While records of this permit may be kept in a computer or database, rarely is that database available to law enforcement officers on the ground. As a result, enforcement officers lack the capacity to check the accuracy or authenticity of these hand written approvals. This is particularly important since criminals are known to alter, re-use and re-sell permits so they can be used by others to conceal illegal logging activities. Criminals have also been known to hack into government websites and databases to illegally obtain permits. In such cases, there is a need for increased cyber-security. When such permits are identified they can be cancelled, however enforcement officers must be able to access the centralised database to determine if any permit presented to them is valid or has been cancelled.

Response

Forest law enforcement officers must receive training to properly identify the various permits that exist and verification techniques to use when checking permit authenticity. Training should include courses on detecting forged and fake permits. Officers also need to be educated on the various laws, restrictions and guidelines that must be followed by anyone using these permits.

A confidential database should be created, where electronic copies of permits that have been issued and authorized are stored and can be checked. This database must be secure from criminals attempting to hack the system. This database must be made available for law enforcement officers in the field, even in remote locations, to verify the authenticity of permits.

Lack of clear legal mandate between the different agencies responsible for forest management and enforcement

While undertaking this needs assessment, INTERPOL identified a number of systematic difficulties that hamper law enforcement capacity to properly enforce forest laws. One particular issue is that in many cases the management of forested land falls under the jurisdiction of a number of different government agencies, each with overlapping responsibilities. For example, the forestry department may have authority to issue logging permits, while the department of public works may grant permission to build infrastructure (such as roads) that also authorises logging and clearing of forests. Similarly the mining department and department of agriculture may also have authority to allow logging of forests to clear land for mining or agriculture respectively. This situation becomes even more complicated in decentralized countries, where there are also district and local government bodies involved. INTERPOL has found that law enforcement agencies often struggle to determine if logging activity is illegal when confronted with overlapping permits or licences

issued by different government agencies, each operating under their own laws and regulations. In many cases the enforcement officers are unfamiliar with the different types of permits that are issued by various government agencies and lack the expertise to confirm whether or not the activity is authorised under a valid permit.

Efforts to coordinate and harmonise these different government institutions in the exercise of their powers can face difficulties with each government agency reluctant to surrender power or reduce the extent of their jurisdiction.

Response

Clearly defining the roles of the different government institutions responsible for forest management, and harmonising the competing permit systems, should be a primary concern of governments to ensure proper management of their forests, and ensure law enforcement has the capacity to properly implement the country's forest laws.

It is recommended that in each country one central national agency be responsible for overseeing forest management issues, including harmonizing the issue of permits. At the same time, possible on-going decentralization processes need to be taken into account. In this case the use of a central database, including electronic information on permits and updated results of on the ground inspections, is necessary.

At the national level there is a lack of coordination between different agencies responsible for forestry law enforcement

Forest crime is complex, often involving a variety of crimes including illegal logging, possession of illegal firearms, bribery of government officials, fraud, money laundering, violence and intimidation. Illegal logging companies utilise a sophisticated and international network of quasi-legitimate businesses and corporate structures to mask their illegal activities and launder their criminal proceeds. As a result, enforcement efforts fall under the jurisdiction of various law enforcement agencies, such as forestry authorities, national park authorities, financial investigation units, anti-corruption units, the police and customs.

While conducting this capacity needs assessment INTERPOL has identified a common problem, namely the lack of any clear strategy at national level for different law enforcement agencies to coordinate their enforcement actions or operations. In many cases, law enforcement efforts are undertaken by a single agency at a time, whereas joint operations in cooperation with other agencies would be more effective. Examples include where enforcement actions against illegal logging are undertaken by the Forestry Authority alone, while slash and burn practices are separately enforced by the Ministry of Agriculture and the transport of illegal timber enforced by the National Police and Customs. This can create fragmented enforcement responses that decrease the effectiveness of law enforcement.

Response

It is recommended that a dedicated forest crime taskforce be created with the legal mandate to investigate forest crime across multiple government agencies, thereby avoiding problems with conflicting jurisdictions. This forest crime unit can coordinate the enforcement actions of the different government agencies, helping to clarify their areas of expertise and improve information sharing. The forest crime taskforce should also link with the INTERPOL National Central Bureau to ensure information exchange with other law enforcement agencies in other countries.

Institutional reform to tackle corruption

Corruption amongst those responsible for regulating the forest sector

Corruption within government agencies responsible for forest management and forestry law enforcement facilitates forest crime, allowing criminals to exploit forests at an unsustainable rate. It also weakens efforts to build law enforcement capacity, prevents necessary law reform, due to corrupt government officials protecting their criminal networks, and limits legislative penalties and fines handed out to criminals.

Corruption flourishes when there are systemic government problems, characterized by a lack of adequate oversight, lack of transparency in government decision-making and auditing tools. Corruption can be found on all levels of forestry law enforcement, with Ministers, law enforcement officers and external actors being involved.

Embezzlement

This occurs when corrupt officials direct funds allocated for forestry law enforcement to their own purposes. This prevents the distribution of the necessary resources to build forestry law enforcement capacities.

Bribes

Officials may accept payments to prevent law enforcement from interfering with criminal activities. This may involve officers turning a blind eye to illegal logging taking place in forests, or on highways during transport. It may also involve officials accepting bribes in exchange for selling permits without conducting a fair and transparent bidding process.

Patronage and cronyism

This occurs when corrupt officials favour their supporters in the allocation of logging permits, or authorise other forestry activities, as a reward for supporting them.

Response

Institutional reform is necessary to establish transparency and independent oversight. Reforms highlighting transparency can be achieved by improving access to information regarding a government agency's processes and results, and clearly designating accountability for the organization's leaders. Independent oversight must also be emphasized by ensuring auditing services and tools are sourced externally. Allowing agencies to monitor themselves provides opportunity for corruption to continue.

Another tool that will help address the problem of corruption is the formation of a dedicated forest crime unit, operating as a multi-agency law enforcement taskforce. Bringing together different agencies with the goal of addressing forest crime, improves transparency and oversight, as each agency will be able to monitor and work closely with each other, helping to prevent corruption.

When criminal activity is detected and punished, a proportion of any fines paid should be allocated to the local enforcement agencies involved in detecting and prosecuting that criminal activity. This encourages local enforcement offices to enforce the law rather than accept a bribe to turn a blind eye. This can also be used as a tool to prevent departmental and agency corruption by reinvesting in offices and agencies that lack resources and support.

Ensuring law enforcement officers receive adequate salaries and benefits provides them with sufficient means to live and provide a comfortable life for their families without the need to seek additional funds through bribery. Similarly, promotion by merit allows the most competent and deserving officers to continue to progress into management positions. This ensures that hard working individuals with the most knowledge and expertise are rewarded, rather than corrupt, incompetent individuals.

Strengthening international collaboration between agencies

Inconsistent strategies for implementation and enforcement

Illegal logging, and the international trade in illegal timber, is a transnational crime, carried out by organized criminal networks utilising international networks to conduct their illegal activities. Law enforcement must have the capacity to respond with cross-border, regional and international enforcement operations. Law enforcement operations that respond to the transnational nature of forest crime will be more effective in dismantling these international criminal networks and detecting a wider range of crimes and criminals. This requires, however, effective collaboration between law enforcement agencies in different countries.

INTERPOL's assessment of law enforcement capacity has found that in many cases neighbouring countries have adopted different enforcement strategies, often targeting or prioritising different crimes, within the wide scope of crimes associated with forest crime. For example, one country may focus on trade in a particular timber species, which is not prioritised by neighbouring countries. In other cases, a country may focus on financial crimes, such as tax fraud, associated with the saw milling industry and timber exporters, while another country focuses on logging operators crossing borders to illegally cut in protected areas. These different priorities can create difficulties in collaboration on cross-border operations, and means that any intelligence shared may not directly relate to each other's investigations.

In addition to differing enforcement strategies, INTERPOL has also found a number of other factors limiting the capacity of law enforcement to undertake cross-border enforcement operations:

- (i) There may be general differences in legislation between countries, meaning some activities may be illegal in one country, but legal in others, hampering the ability of those countries to cooperate in cross-border enforcement actions.
- (ii) Law enforcement agencies in different countries have varying capacities, including levels of training and expertise and different levels of access to funds and resources, limiting their ability to participate in operations to the same extent.

Response

To strengthen collaboration between law enforcement agencies in different countries it is first necessary to build the law enforcement capacity of each country to ensure they are capable of contributing to an operation to the same extent. In addition, it is also important to ensure effective communication channels exist between those agencies so they can coordinate their enforcement strategies.

The INTERPOL Environmental Crime Programme recommends establishing a Forest Crime Working Group or expanding the activities of the existing Wildlife Crime Working Group to forest crime related matters. This will bring operational leaders from all INTERPOL member countries together to provide a platform to exchange opinions and form an international strategy to combat illegal logging and forest crime, appropriately adjusted to the particular needs of each region.

Lack of capacity to manage and share information and intelligence

While the capacity to collect, manage and analyse information and intelligence is vital to effective law enforcement at the national level, additional resources are also needed to ensure agencies can also manage and communicate internationally to exchange intelligence with other countries. This requires law enforcement agencies to have access to international communication networks, supported by IT infrastructure (including databases, computer networks and analytical software) and skilled staff to interpret and analyse the information received from other countries (often in different languages and expressed in the local context).

The capacity to collect, manage and analyse information received from other countries adds value to cross-border law enforcement efforts, including facilitating strategic and tactical decision making. Information that has been evaluated, collated, put in context and analysed can be used to identify links between criminal networks, and high-risk areas. Improving information sharing between law enforcement agencies at the international level allows for international cross-referencing, resource need identification, and exchange of best practice information.

In conducting this needs assessment, INTERPOL has identified differences between law enforcement agencies in different countries in their capacity to access and use secure and efficient communication and networking channels. In many cases, officers have found using internet-based email (such as google and yahoo) to be easier. This, however, creates significant security risks when sharing police intelligence and information.

Response

To combat forest crime efficiently, environmental law enforcement should adopt pro-active intelligence-led approaches, allocating resources to support information gathering, analysis and sharing. It is particularly important when tackling transnational forest crime that information is circulated among the countries concerned. However when sharing information, law enforcement authorities must ensure they are using a secure network.

INTERPOL provides a secure police communication network, the I-24/7 system, that facilitates information exchange between INTERPOL's 190 member countries. This enables users to share crucial police data with one another and to access INTERPOL databases and service 24 hours a day. The I-24/7 system is currently installed at all National Central Bureaus in INTERPOL's member countries. INTERPOL recommends extending access to this system to other national law enforcement agencies involved in policing forest crime. In addition to the exchange of information related to specific cases, the use of INTERPOL's Notices and diffusions also alerts national authorities to the identity of suspected criminals, and to new criminal modus operandi etc.

Recommendations

This assessment of law enforcement capacity needs by INTERPOL's Environmental Crime Programme has identified a number of areas that require attention and need to be addressed if we are to improve law enforcement response to forest crime. This report also raises awareness of the significant harmful effects that forest crime causes the environment and local communities, along with the significant financial loss to governments. Consequently, INTERPOL calls on governments to prioritise forest crime and ensure sufficient resources are invested in law enforcement capacity building.

INTERPOL provides a secure communication network for connecting all stakeholders, sharing regional and international intelligence, and coordinating cross-border operations. INTERPOL also facilitates the sharing of best practice techniques, and supporting capacity building and training.

This report provides a general guideline of where and how to begin addressing the needs of forestry law enforcement. Key recommendations are:

- 1) Raise awareness of the seriousness and devastating effects of forest crime.
- 2) Institutional reform to remove obstacles blocking resources from reaching front-line officers.
- 3) Co-ordinate cross-border law enforcement by harmonising forestry law enforcement strategies and tactics, especially on a regional basis.
- 4) Improve collaboration, communication and the sharing of intelligence between countries.
- 5) Legislative reform to clarify laws, remove legal loopholes, and simplify the process for officers to determine which activities are illegal and which are legal.
- 6) Legal mandate of government agencies responsible for forest management must be clearly defined to clarify enforcement responsibilities and provide a framework for coordinated enforcement actions.
- 7) Independent oversight, monitoring, and auditing tools and techniques should be implemented in agencies responsible for or related to the enforcement of forestry, in order to prevent corruption.
- 8) Improved work opportunities for officers working in forestry law enforcement to attract and retain skilled officers.
- 9) Training for forestry law enforcement officers on all aspects of enforcement and the legislation they are expected to uphold.
- 10) Law enforcement agencies must conduct an assessment and identify their equipment and resource needs.
- 11) Create a dedicated, multi-agency forest crime taskforce, linked to a country's INTERPOL National Central Bureau, for the purpose of improving collaboration and intelligence-led enforcement.

ANNEX

Methodology used for this needs assessment

INTERPOL conducted this analysis of forest law enforcement capacity needs following a series of engagements with member countries, including:

1. 1st International Chiefs of Environmental Compliance and Enforcement Summit, hosted by INTERPOL, March 2012

During this Summit, INTERPOL and UNEP officers met with representatives of member countries and inter-governmental agencies concerned with forestry. Intelligence was gathered to build a global picture of illegal logging, criminal groups involved, key individual criminals, their modus operandi and their international links. Discussions were held with government delegates to address regional and national issues, including individual agency needs.

2. Needs Assessment Questionnaire

INTERPOL issued a needs assessment questionnaire to its member countries through the National Central Bureau, seeking information on law enforcement needs and how their government, INTERPOL, and other international organisations can best support them.

3. Analysis of INTERPOL law enforcement operations

INTERPOL has coordinated law enforcement operations targeting illegal logging and forest crime, under the code name "Operation LEAD". INTERPOL has conducted an analysis of these operations, to identify law enforcement needs among participating countries.

4. Open-source research

INTERPOL undertook research through publicly available databases regarding law enforcement needs in various areas around the world. This research was performed using literature, journal articles and NGO reports. The information gathered was used to supplement the results provided by INTERPOL member countries.



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