
**National Action Plans to Combat Illegal Logging and Other
Forest Crimes – Progress and Lessons Learnt**
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Expert Meeting on Forest Law Enforcement and Governance

- Progress and Lessons Learned

Bucharest, 13 – 15 October 2008

14 October 2008

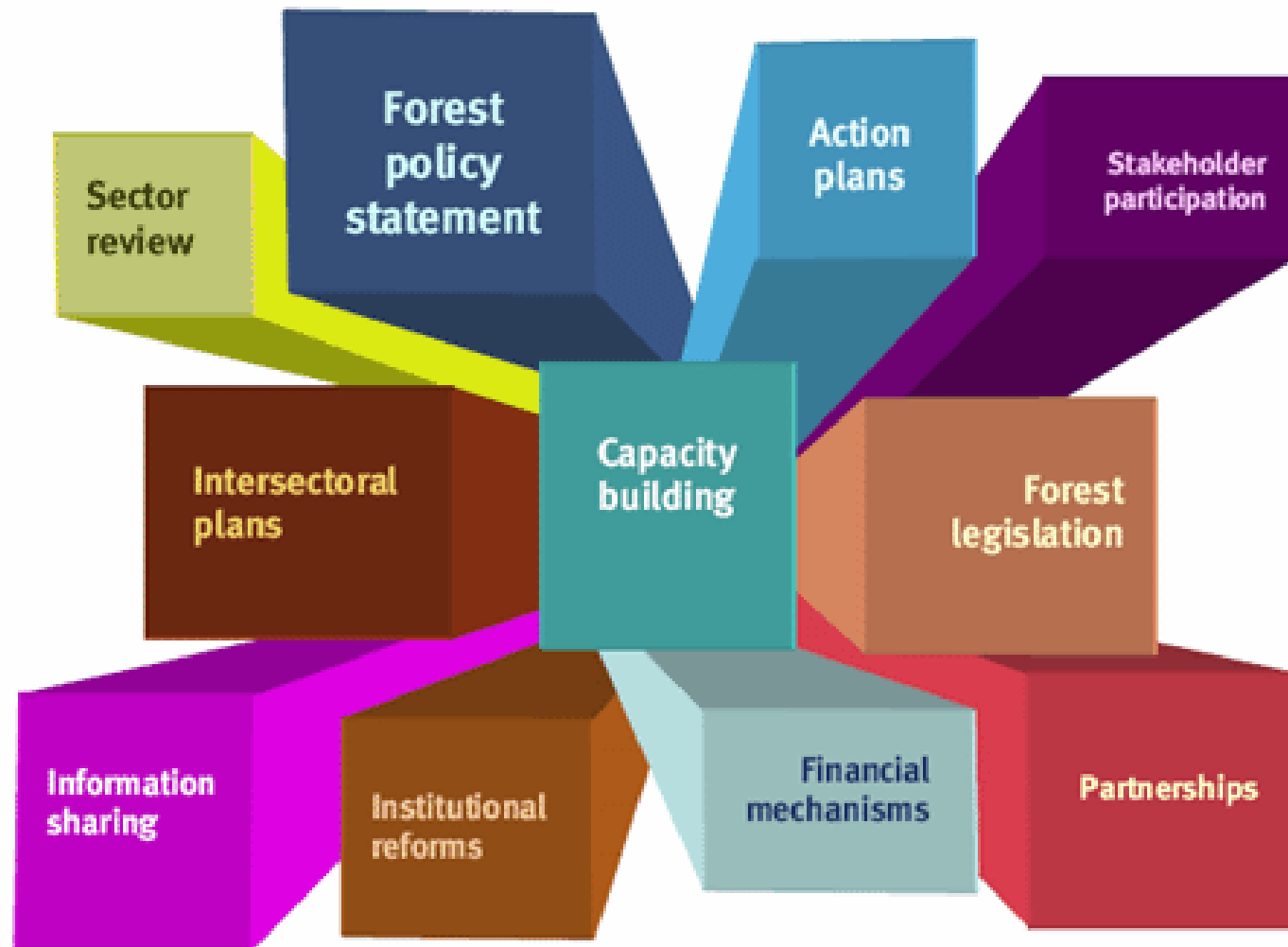
inter
cooperation

INDUFOR

WB/Dutch Trust Fund financed project to support preparation of NAPs

- World Bank contract with Indufor & Intercooperation to support four countries in the process of preparing National Action Plan (NAP) and to provide initial training in identified key topics
- 2008 – April 2009
- USD 475 000
- FLEG processes are currently being supported in
 - Albania
 - Moldova
 - Montenegro
 - Serbia
- Implementation support need to be sought after from other sources

NAP as an element of National Forest Programme / Policy development



National Action Plans (NAPs) – present status

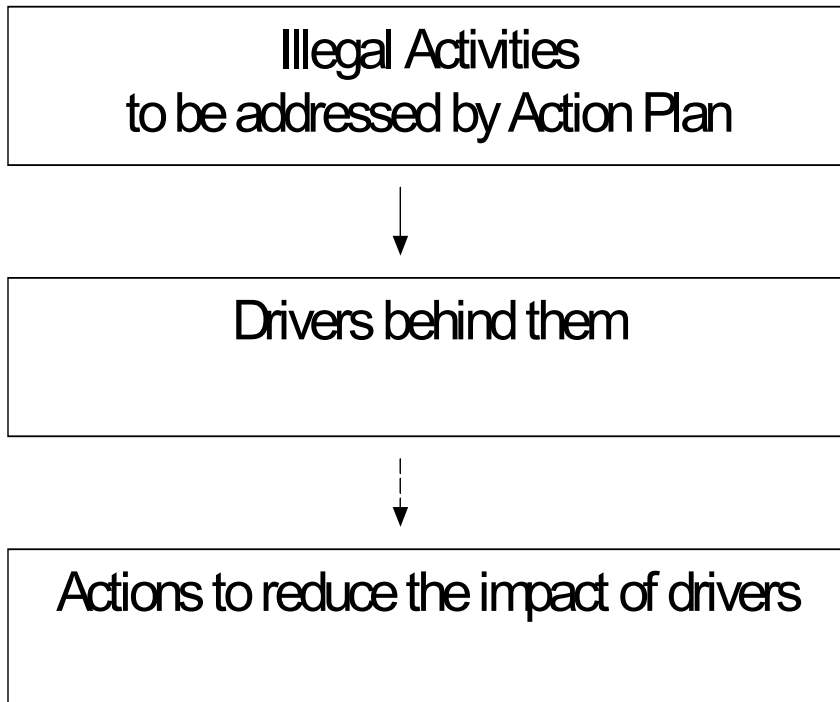
- Albania (2001, now up-dated; draft expected in late 2008)
- Armenia (2004)
- Bosnia and Herzegovina (2005)
- Kyrgyzstan (2007)
- Mongolia (2007-2008)
- Russia (2008)
- Moldova (draft, 2008)
- Serbia (preliminary draft, 2008)
- Montenegro (preliminary study on illegal logging)

Guidelines for Formulation and Implementation of National Action Plans

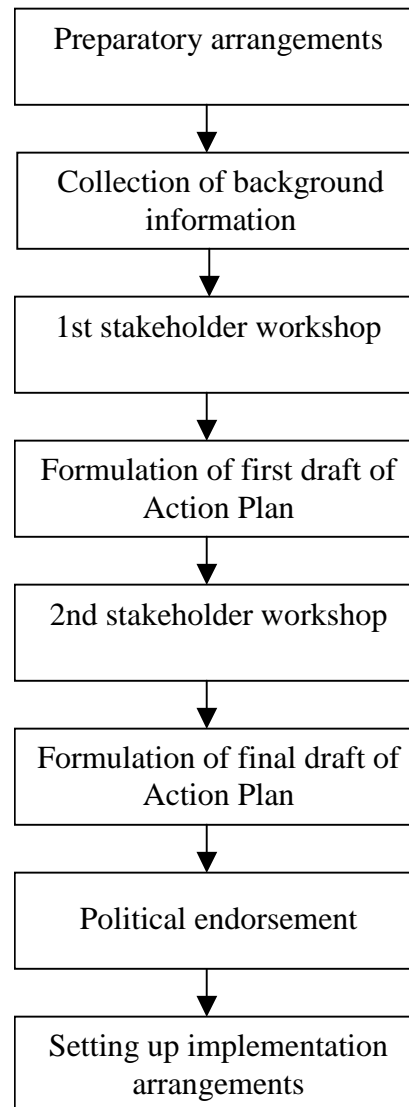
- Based on the regional FLEG processes, particularly the ENA FLEG and the St. Petersburg Declaration
- Perceived need by the governments and stakeholders to have guidance on methodologies and approaches for FLEG processes
- Guidelines were based on lessons learnt from early national processes
- Result of the Antalya Workshop of ENA FLEG in May 2006
- Guidelines describe:
 - Process of conducting the formulation process
 - How to design contents of NAP
 - How to establish arrangements to implement NAP

Objective of the NAP process

- Issues on forest law compliance and good governance in the sector are identified
- **Root causes (“drivers”)** of illegal acts in the sector in the country are identified and understood
- A strategy and prioritized remedial actions are designed
- Proposal endorsed at high political level and all relevant stakeholders are informed



Step-wise process



Contents of NAP

- Context (sector definition, existing policies, legislation & programmes, extra-sectoral key policies & processes)
- Scope (illegal activities to be targeted)
- Drivers
- Priority actions
- Resources

Scope

■ Small-scale

- Theft for subsistence consumption
- Theft for sales
- Evasion of taxes, royalties or other fees by community or private forest owners

■ Large-scale

- Illegal removal of trees (theft)
- Breach of harvesting regulations
- Manipulation of data on legally removed trees
- Irregularities in timber sales, award of concessions or service contracting
- Evasion of taxes, royalties or other fees by enterprises
- Violation of labor laws
- Unauthorized wood processing

Drivers

- Poverty
- Shortcomings of legal framework
- Timber demand
- Shortcomings of public administration
- Failures in enterprises
- Failures in communities
- Shortcomings of monitoring
- Inefficiencies of judicial processes
- Inadequate stakeholder involvement

Priority actions

Prevention

- Adjust the legal framework to make its impacts more effective
- Improve management structures and systems in public administration/enterprises
- Combat corruption at higher levels of government and public administration
- Support development of responsible business practices in forest sector
- Introduce demand-side measures locally and/or in importing countries to reduce demand for illegal timber
- Reduce costs of legal timber harvesting and trade
- Reduce domestic demand for timber
- Increase long-term supply of timber
- Alleviate rural poverty
- Enhance stakeholder dialogue
- Strengthen international collaboration

Priority actions

Detection

- Improve monitoring of forest use and timber trade
- Enhance effectiveness of legal oversight
- Develop transboundary control mechanisms

Suppression

- Strengthen collaboration with police force
- Increase effectiveness of judiciary

Capacity development as an integral component of the process

- To ensure the active participation of major stakeholders in the process
- To reinforce the key stakeholders' capacity for an effective and constructive involvement in the NAP process
- To ensure local ownership of the NAP
- To build the understanding of governance principles and apply them at every stage of the process

Bosnia and Herzegovina NAP

- 2 workshops, all key stakeholder groups from the two entities, Federation of Bosnia-Herzegovina and Republica Srpska, participated in the process
- The two entities drafted separate Action Plans, due to differences in administrative structure, past actions etc. The key elements are, however, similar
- Two main lines of action:
 - Improvement of external control
 - Internal development in state/cantonal forest enterprises
- Basic notions:
 - actions shall not be limited to regulation, stakeholder's commitment essential; lasting results can be achieved only if the stakeholders, in particular public forest enterprises, demonstrate a will to meet the objectives
 - combatting illicit activities is not an isolated activity but part of broader forest sector policy work and general efforts to improve governance in the country
 - the majority of the identified activities will be implemented under on-going projects and programmes
- The stakeholders showed firm commitment to the process during the formulation phase but it is unclear whether implementation has been effective

Kyrgyzstan NAP

- November 2005: commitment to the FLEG process by the Kyrgyz delegation in St. Petersburg
- Financial support given by Switzerland to the process in addition to the ongoing KIRFOR program already financed.
- Step by step approach: (i) identification of stakeholders, (ii) coordinating unit with 5 people, (iii) 9 regional workshops to collect information and questionnaire sent to 148 different stakeholders, (iv) draft strategy prepared by the CU, (v) 3 days national conference in August 2007 to discuss the draft NAP
- Integration of the FLEG Plan into the Forest National Action Plan
- The Plan is still waiting for official approval
- Good commitment and interest of various stakeholders
- Willingness to address the issues of illegal activities



Moldova NAP (draft)

- 15 ministries and agencies participated in the process
- 3 stakeholder meetings were held
- 40 activities of which 7 high priority
- budget: USD 15 million for 2009 – 2011
- main problems & some action points:
 - poverty is the main driver for illegal harvesting, particularly of firewood; beyond the scope of forest sector
 - high firewood consumption: legal supply does not meet the demand: allowable cut should be increased by 30-50% & policy dialogue on alternative sources of energy needed
 - supervision function need to be separated from management and operation
 - corruption; need to reduce bureaucracy, ensure transparency, take antimonopoly measures, remove administrative hurdles
- NAP process methodology (broad stakeholder involvement) was found useful:
 - helped in deciding on concerted actions
 - it was interesting to see that different stakeholder groups came to the same conclusions

Serbia NAP (early draft)

- 16 institutions participated in the beginning of the process (5 Ministries, 2 Forestry Enterprises, 4 National Parks, 1 PFOA, 2 NGO, 2 Agencies)
- 1 stakeholder meeting was held (30 participants), several individual follow-up meetings
- 60 activities of which 7 very high (1st) priority and 14 of high (2nd) priority
- No budget prepared yet
- Main problems & drivers:
 - Crime considered to be driven above all by poverty and lack of alternatives
 - Inefficient processing of criminal cases
 - High taxes and fees on legal timber considered an important driver by State Forest Enterprises and Private Forest Owners
 - Shortcomings in law enforcement and judicial process are important drivers
 - Corruption and lack of transparency in timber sales also seen as problems
 - Lack of stakeholder dialogue identified by Ministries and Private Forest Owners
- NAP process methodology was very useful and effective
- Very first draft of Action plan
- Follow up activities in November 2008

Albania, preliminary results of the 1st national workshop: priority actions

1. Relax regulations to expand the volume of legal supply of fuelwood and timber for subsistence consumption
2. Adjust regulations to strengthen local ownership and user rights of forest resources
3. Adjust penalty codes to be reasonable and effective
4. Harmonize conflicting regulations
5. Protect key forest officials from private interests and political influence
6. Promote forest certification and chain of custody systems
7. Adjust domestic public procurement policies to reward legal timber
8. Simplify administrative procedures (e.g. when granting logging licences, preparing forest management plans)
9. Enhance fuelwood supply by securing natural regeneration of forest and bush land
10. Enhance rural incomes and reduce population pressure
11. Establish institutional arrangements separating monitoring and law enforcement from timber production and sales
12. Provide training to law enforcement staff
13. Provide financial incentives for law enforcement staff
14. Improve the use of non-forest legislation to prosecute forest crime offenders
15. Raise awareness about the importance of forests among judges and law enforcers

Lessons Learnt: General

- NAP process and the NAP Guidelines generally highly appreciated
- National commitment & political support key to success
- Imported models do not work (often rejected outright or resisted)
- Many drivers are outside forest sector (particularly poverty)
- Many actions require strong inter-sectoral cooperation and collaboration
- Forest sector internal efforts are often insufficient
- Focus should not be only on illegal logging, but broader issues of governance and law enforcement require attention
- Problems more in implementation of laws than lack of legislation
- Overregulation is contributing to illegality, especially regarding fuelwood and other products required by the rural poor
- Institutional separation of control and operational management and utilization functions has not been common; requires to be separated
- Necessity to establish the link with existing Forest Policy and NFP (if any)

Lessons Learnt: Creating basis for legality requires

- In the short term
 - Better and more transparent information
 - Better and more transparent stakeholder participation
- In the longer term
 - Resolution of forestland tenure in a way that creates responsible and capable managers
 - Increasing rural incomes and decreasing dependence on fuelwood
 - Improving governance in the society as a whole, especially addressing weaknesses in the judicial system and addressing high-level forest related corruption

Lessons learnt: Stronger forest governance requires

- Improved forest information systems and transparent procedures enabling access to information to third parties
- Clear separation of monitoring and commercial functions
- Independent monitoring involving civil society organizations
- Reduced bureaucracy for legal fuelwood cutting & legalizing the currently illegal fuelwood cutting for own use by rural poor
- Increased transparency of timber sales
- Better paid and equipped law enforcement staff
- Multi-stakeholder forums for dialogue on forest policy development and implementation
- Introduction and promotion of forest certification