
Illegal logging or unsustainable logging?

Is the dichotomy legal logging – illegal logging the one that should prevail in a forest conservation policy? It is understood that illegal logging takes places when timber – converted into a profitable business to be exploited – is harvested, transported, purchased or sold in violation of national laws. However, laws can vary widely from one country to another, so there is no way of distinguishing between legal and illegal logging on a world scale insofar as there are no international standards in this respect. Perhaps in each case the questions to be asked are: What is legal? What should be legal? Is what is legal legitimate?

Although legal, how far are industrial logging concessions granted to European companies in Africa legitimate, where over 11 million hectares of forests are being exploited, very often taking away from local communities the places where they have the right to carry out community resource management? Is it legitimate to log mahogany trees in Brazil to make sumptuous furniture in the United States, the United Kingdom, the Netherlands or Germany? It affects thousands of hectares of forest per concession altering the water cycle, degrading the soil, increasing surface temperature and releasing into the atmosphere carbon dioxide stored in the trees, among other things. How legitimate is the Finnish State company Metsähallitus' logging of primary forests, the ancestral territory of the Sami, who thus see their way of life and livelihood threatened, together with their culture and human rights? In this respect, the definition of what is legal should not be separated from the question of whether what is legal is really based on standards that most people feel in a certain way to be their own. It could be that what is illegal for indigenous communities is perfectly legal for the government and forest concessionaires. For this reason, although illegal logging is often presented as a question of what is involved in applying the law, legal provisions often strengthen unfair relationships or ignore consuetudinary rights.

In countries where forestry legislation is not considered to be legitimate by a large number of people, addressing the issue of illegality by centring on these laws could imply perpetuating social inequality. In Indonesia for example, the 1945 Constitution determined that the State has control over all the forests. The 1999 forestry legislation was drawn up on the basis of this concept and explicitly classifies the indigenous peoples' forests as State forests and grants the Forestry Ministry legal jurisdiction to manage those forest resources. In the framework of an economic policy of exploiting natural resources for export, advised and financially supported by international organizations, the Government has granted logging companies, among others, rights over vast areas of forest lands that the local population considered were theirs. The result is a loss of forest and many conflicts regarding human rights.

Beyond the legitimacy of the logging companies, it is them and the chain of intermediaries which, by increasing their business with illegal activities, are the main components of illegal logging that, linked to international illegal trade, cause the destruction of forests, the introduction and promotion of corruption, making the governments lose billions of dollars through tax evasion and that fund armed conflicts, among other wrongdoings. Even so, in some cases the victims – displaced and impoverished communities - are usually made responsible for exploitation and illegal trade, in these cases, omitting the consideration of the deeper, underlying causes. In this respect, a simple policy

against illegal practices that equals situations and does not aim at resolving the underlying causes of some of these special situations of illegal logging in which the actors are far from being agents of power, could do more harm than good. Even though the small communities are those that in the long run have more to lose when their forests are destroyed and their resources are stolen, there are cases, such as in Peru, of indigenous peoples who, tired of poverty and watching others getting richer day by day with the timber leaving their forests, want to share some profit from their resources and very often enter the chain of illegal logging, knowing that they are exploited and robbed.

Perhaps then what should be discussed is sustainable logging. Legal logging can be unsustainable and sustainable logging can be illegal. If the main objective is sustainability, then the aim should be sustainable activities and this might well imply legalization of activities that today are illegal, and making other activities, now legal, illegal. In these terms it may well seem to be a merely legal issue. There are enough processes centred on the application of the law, as described in the FLEG-T articles (Forest Law Enforcement, Governance and Trade) as promoted by the European Union, that hardly provide true solutions.

Once again, the production, commercialisation and consumption pattern on which illegal logging is based, should be considered. We will see that it is dominated by large corporations that generate short-term profits with the indiscriminate exploitation of natural resources. Commercialization is done by a chain of giants that feed frantic and wasteful consumption. And those agents dominate the global scenario. As in other sectors, local processes and solutions should be encouraged, that could bring about changes from community decisions, either by curbing destruction or by encouraging the construction of other, non-destructive models.

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