



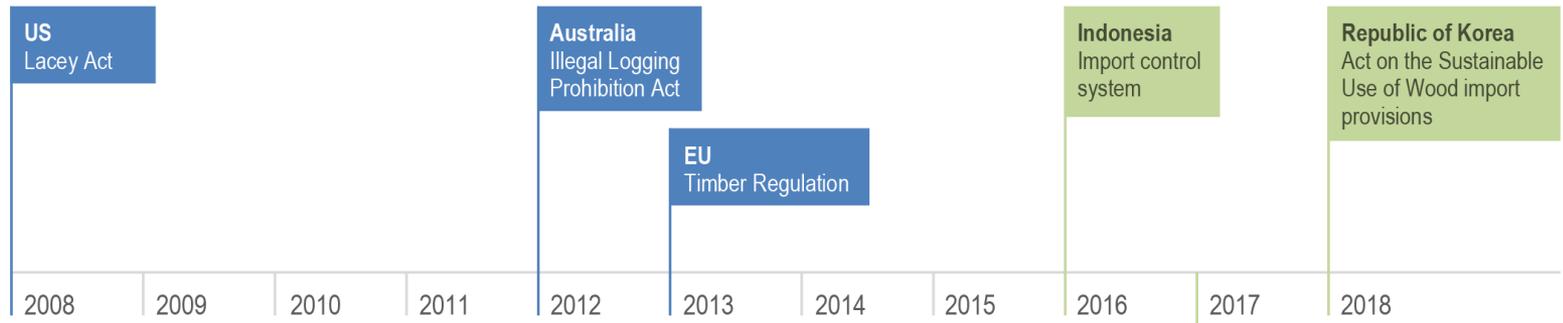
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International Cooperation: enforcement and science

Beijing, May 2019

Timeline of Regulations to Tackle the Trade in Illegal timber (Year of entry into Force)



Note

China: Import measures: Under development

Vietnam: Import measures expected to come into force 2021

Thailand: Import measures expected to come into force 2021

Ghana: Import measures expected to come into force 2020?

Japan
Import provisions under the Clean Wood Act

Malaysia
Import Legality Regulation under the Timber Legality Assurance System (TLAS) FLEGT-VPA



Source: Norman, M. and Saunders, J. (2017). *Regulating the Trade in Illegal Timber: Asian Approaches Compared*. Forest Trends: Washington DC.

Emerging expectations for compliance / legal timber trade in regulated countries

Companies should be able to:

- Document source / supply chain,
- Identify species (trade name, scientific name),
- Assess the risk of buying illegal timber and document mitigation of risk (what options have been used to buy high risk timber, responsibly),
- Accept cost of third party verification: certification, independent auditing of supply chain claims, routine 'spot check' scientific testing (widely used in the food industry),
- Pay penalties for non compliance.



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Global imports of timber, pulp + paper and furniture products 2009-2016 (netweight in kg)

2009 2010 2011 2012 2013 2014 2015 2016

Economies with an operational timber import regulation/measure

Source: Data from UN Comtrade, 2017. Compiled by Forest Trends, 2017



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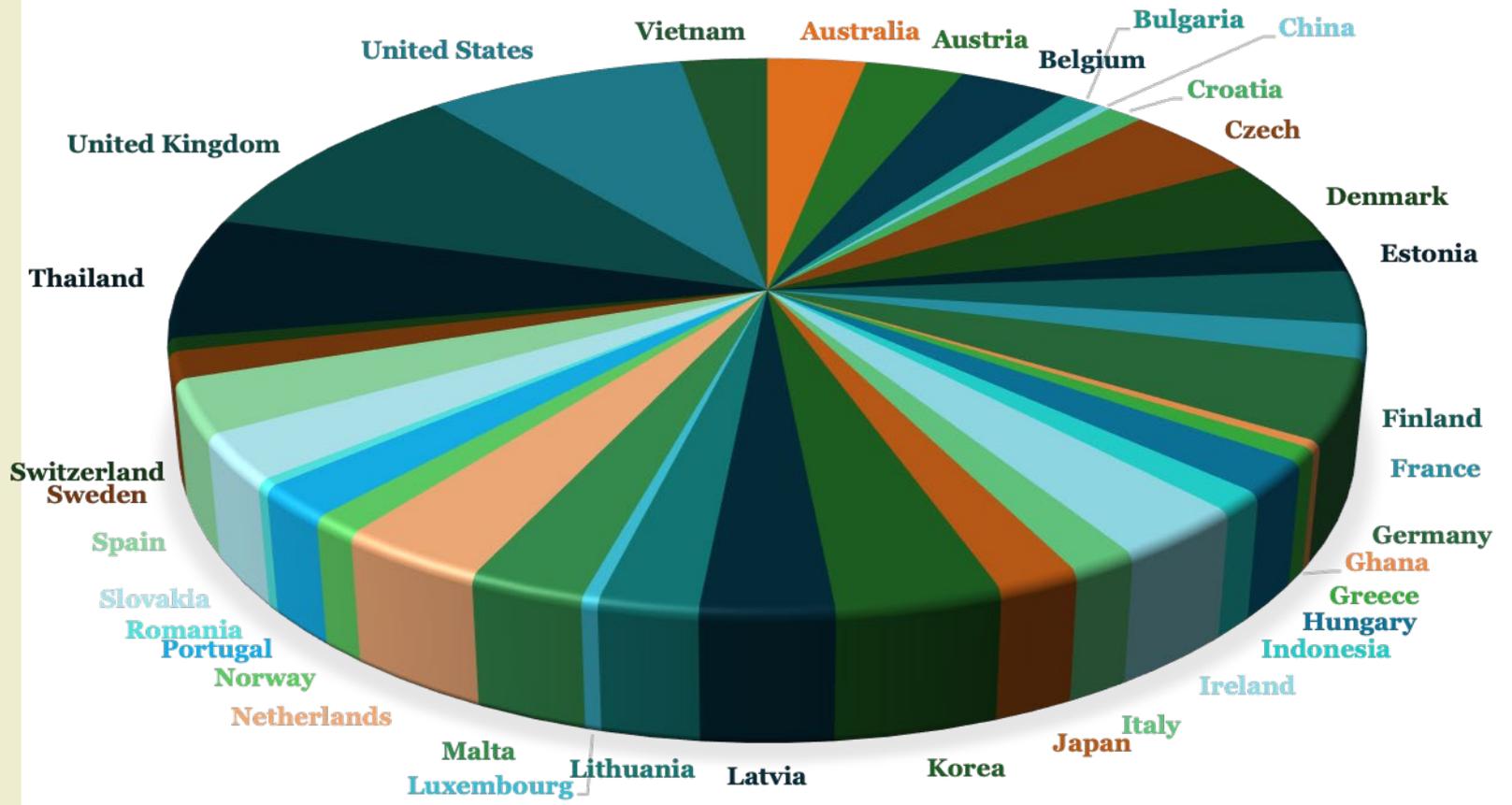
Timber Regulation Enforcement Exchange (TREE) network: facilitated by Forest Trends

- Established 2012 – Chatham House and Forest Trends;
- Government invite-only network with an implementation and enforcement focus;
- Meetings every ~6 months;
- Peer-peer sessions to establish consistency in investigation and enforcement
- Can involve additional experts from industry and wider civil society for specific sessions where approved by the TREE network;
- Equal focus on company compliance tools / best practice and information/intelligence for investigations.



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Total TREE country participation



How authentication sciences can support enforcement and prosecution:

US Lacey Act

- Demonstrate that there has been an import Misdeclaration, denoting incorrect species or country of harvest
- Demonstrate that products in trade in the USA cannot have been legally harvested – protected species, grown and harvested in protected areas.

EU Timber Regulation/ILPA:

- Demonstrate that supply chain documentation in stage one of required Due Diligence is incorrect: does not indicate the actual species or location of harvest of the physical product.
- Demonstrate that products in trade in the EU/Australia cannot have been legally harvested – protected species, grown in protected areas.



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TREE Activities 2012- 2021

Meeting agendas include:

- Emerging new trade data or trade route investigations
- New tools or databases, new indices of potential risk
- Bespoke training in national documentation systems
- Private sector best practice - helping enforcement officers determine what is reasonably possible in terms of traceability, risk assessment and mitigation.
- Commissioned work to respond to gaps information identified in previous meetings.

Specialist discussions: Prosecutors Group, 'Science' Group?

Enforcement study tours: EU->USA, Canada->USA, China->EU, Korea->EU, Japan->EU (forthcoming). In discussion: Ghana, Thailand..

Tours include visits to libraries and labs: Kew Gardens, Thuenen, Agrolsolab..



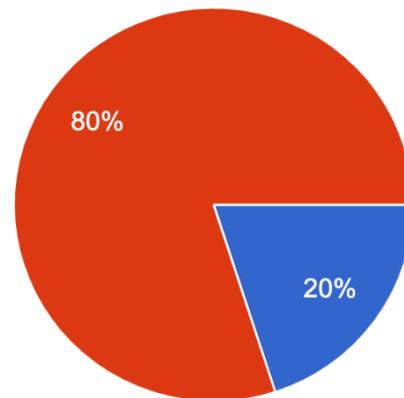
Additional TREE Asia Pacific Activities 2018 -> 2021

- Focus countries: Japan, Korea, China, Vietnam, Indonesia, Thailand,
- 'Inception' meeting Da Nang April 2018,
- Second meeting Bangkok January 2019,
- Next planned meeting Singapore October 2019,
- Exploring regional best practice in policy design and implementation
- Sharing best practice and 'lessons learned' by officials in USA, EU, Australia, experiences on study tours,
- Sharing Private sector best practice: experiences of establishing Due Diligence, including documentation, risk assessment and robust risk mitigation,
- Commissioning research to respond to gaps information identified in meetings,
- Sharing best practice in science-based enforcement,
- Supporting robust consistent enforcement across the Region, and ultimately combining the AP group into the growing global network.



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“The TREE Asia-Pacific meeting in Da Nang (April 2018) supported my efforts to better understand and identify high- and low-risk timber flows from key producer and exporting/manufacturing countries.”

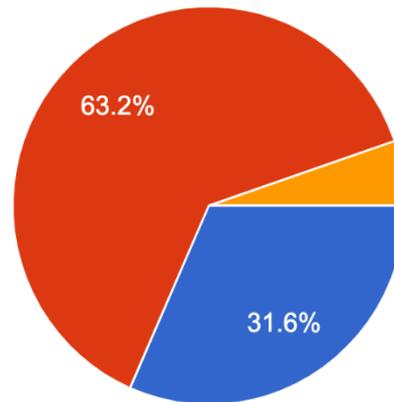


- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree



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“The Tree Asia-Pacific meeting in Bangkok (Jan 2019) contributed toward more harmonized implementation of legislation across various countries to exclude illegal wood from imports globally.”



- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree



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Emerging challenge for all TREE network officials:

How to tackle systematic forest sector document fraud/misuse and “illegal logging with papers”?

>> AUTHENTICATION SCIENCES: objectively test the relationship between the product and the paperwork..

- 8 Government enforcement agencies in TREE systematically using Isotopic testing for location of harvest,
- 5+ Government enforcement agencies in TREE systematically using various testing methods for species identification,
- Development of shared ‘enforcement’ sample library at Kew Gardens begun: determining best sampling and sample/data management practices, collecting sample geolocation data,
- TREE meetings promote integration/feedback loop for enforcement officials.



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Challenges for further integrating science in enforcement/judicial processes

- How to ensure that testing is cost effective (cheap!)?
- How to ensure that the libraries “stand up in court”?
- How to ensure that the testing/scientists “stand up in court”?
- How to make samples, data and scientific best practice available to all labs that are accredited to use them?
- How to ensure consistent use of scientific techniques/testing machines, globally? (Avoid challenges between labs/scientists in court..)
- How to fund and manage building reference libraries so that no important forests are left out/exempted from referencing?



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Thank you

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