

## Short Report on Law Enforcement Against Illegal Logging in Hin Nam No, April 2014

by Joost Foppes, based on conversations with DONRE staff, 8 April 2014

An attempt was made by the Bualapha District Office for Natural Resources and the Environment (DONRE) to arrest illegal loggers inside the Hin Nam No NPA in the area of Chalou village. A district law enforcement team of ten persons split up into two crews. One crew consisting of seven people (3 soldiers, 1 police, 1 DONRE and 2 villagers) started from Nyavet village moving towards the suspected location of the logging camp. A second team of three people (1 soldier, 1 police and 1 DONRE) waited at the end of another trail coming from the suspected location towards Ban Chalou.

The first crew met with about 10 suspects half way towards their camp site. The suspects consisted of three Lao villagers from Ban Nakhanyong and seven Vietnamese workers. It was not deemed necessary to arrest the three Lao villagers as they were well known and would be easy to find afterwards. Two of the Vietnamese were arrested, the other five fled. On the way back to the village, the two arrested men were also able to escape when allowed to loosen their chains in order to drink water.



The camp and the illegal timber were photographed. The timber was also measured and confiscated; it was 4.03 m<sup>3</sup> of “mai moun” ebony wood (*Diospyros* sp.). The market price of this wood is \$2,200/m<sup>3</sup> in Laos and up to \$10,000/m<sup>3</sup> in Vietnam, so the value of the confiscated wood can be estimated to range from \$8,000-\$40,000.

The Lao villagers were identified as the leaders of the group, they had hired the Vietnamese as laborers to help with the logging and carrying the wood.

As a next step, the DONRE team will request District Authorities to take legal action against the three main suspects from Ban Nakhanyom. If such permission is granted, the policy will take the suspects into custody and an investigation will be launched. Fines or prison sentences will be determined by DONRE based on the findings of the investigation and the existing laws. Usually, a fine is set at around two times the estimated value of the confiscated wood. Final sentencing would be done by the District Court.

The procedure of first asking permission from district authorities to apply the law to villagers is quite unique for Bualapha district, it is not applied in surrounding districts. The reason quoted is that Bualapha district is predominantly made up of ethnic minorities. The Government does not want to be too seen denying economic opportunities to these disadvantaged groups. This kind of statement would seem to imply that logging is still an important economic opportunity here which is benefiting many people and that the poorest should not be left out.



Over 2014, six similar efforts were done by DONRE, mostly without external support. Officially, a total of 30 million kip was collected as fines. Half of this money is returned to the district finance department, the other half is given to DONRE. Part of this payment is used to cover the costs of the operation. The remaining fund is shared between the people who took part in the exercise using the following formula: 25% for the persons who informed the authorities, 25% for the people who took part in the law enforcement work, 20% for the costs of equipment and fuel, 15% for the person in charge of organizing the work and 15% for the responsible authority. Villagers receive the 25% as informants and are also part of the team doing the work, so roughly 30% of the benefits are shared by villagers.

There is a second level of revenues created from selling confiscated timber. These are not documented, but over 2014 they could be as high as \$30,000. In theory, these revenues could be used to fund salaries of volunteer staff and other running costs of the Hin Nam NO NPA. In practice, these funds were used to buy a new car for the DONRE office.

Law enforcement will be a recurring task for the Hin Nam No Park Authority. This particular exercise was supported with funding from the GIZ project. The question remains how GIZ could support DONRE to improve the effectiveness of its law enforcement work. A workshop with all stakeholders involved might help to analyze the logging situation and the options for law enforcement through a problem tree exercise.

Such a workshop could hopefully address questions such as:

- How important is logging as a source of income in the district?
- What alternative sources of revenue could be developed to reduce the economic dependence on logging for the entire district?
- Given the economic importance of logging at present, what is the scope for law enforcement, what are realistic objectives and targets?
- What rules apply, who should be targeted?
- What could be done to reduce incentives for sawmill owners to make deals with local villagers to harvest timber?
- What could be done to reduce the practice of local villagers to hire Vietnamese workers to do illegal logging inside protected areas?
- What could be done to ensure that sawmill owners with permits to harvest timber will follow the law and can no longer access forbidden areas such as the Hin Nam No NPA and other protected forest areas?
- What could be done to improve the effectiveness of arresting and punishing trespassers so as to discourage them in the future?
- Would it help to delegate more law enforcement authority to villagers?
- What else could be done to improve collaboration between villagers and law enforcement officials?
- To what extent could income derived from selling confiscated timber become a source of sustainable funding for the Hin Nam No NPA?
- What can each stakeholder do to improve law enforcement? What specific activities could the GIZ support to improve the capacity of these stakeholders?