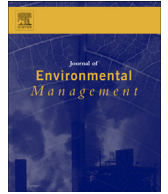




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## Review

## Understanding illegality and corruption in forest governance

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## ABSTRACT

This review synthesizes the literature studying illegality and government corruption in forest management. After discussing the theoretical connections between different types of corruption and illegal forest-related activities it describes the major trends in previous studies, examining cross-national patterns as well as local in-depth studies. Both theory and available empirical findings provide a straightforward suggestion: Bribery is indeed a “door opener” for illegal activities to take place in forest management. It then discusses the implications for conservation, focusing first on international protection schemes such as the REDD+ and second on efforts to reduce illegality and bribery in forest management. Key aspects to consider in the discussion on how to design monitoring institutions of forest regulations is how to involve actors without the incentive to engage in bribery and how to make use of new technologies that may publicize illegal behavior in distant localities. The review concludes by discussing avenues for future research.

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## 1. Introduction

The governance of the world's tropical forests remains weak. Media reports indicate that corruption is one of the major current problems facing the forestry sector (e.g. The [Guardian](#), 2014). Anecdotal stories from such reports often suggest that

deforestation in different regions of the world is fuelled by corruption in particular, as loggers can bribe their way into false contracts and permits. A growing field of scholarly research investigates this relationship systematically, largely supporting the claim that corruption increases deforestation rates (e.g. [Wright et al., 2007](#); [Koyuncu and Yilmaz, 2009](#); [Burgess et al., 2012](#)). However, our understanding of this topic is in need of further progress.

[Smith and Walpole \(2005\)](#) asked, “should conservationists pay

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more attention to corruption?” Since then, several studies have debated how to measure and conceptualize the linkages between corruption in government authorities and the conservation of biodiversity and natural resources (Halkos et al., 2015). However, scholars note that there is a general lack of research on corruption in the conservation literature (Agrawal, 2007; Hanson and McNair, 2014; Smith et al., 2015). Within forest management research there has been a larger attention to corruption and, compared to other fields of environmental research, a rather large amount of studies have explored this topic. Yet, this knowledge has not yet been synthesized. That is, while studies repeatedly mention that corruption assists illegality in forest management, there is no review over this body of research.

The aim of this review is threefold; First, to provide a clear theoretical reasoning of how illegality and corruption affects forest management, second to summarize the empirical findings from this literature in a thematic manner and third, to discuss what implications this has for the outlook international protection schemes such as the REDD+ and the efforts to reduce illegality and bribery in forest management. Through this review we find theoretical as well as empirical reasons for concluding that corruption and bribery indeed is a door opener for illegal practices to take place in forest management. It is evident that the most aggressive form of illegality of forest management – large-scale illegal logging in tropical forests – is enabled through corruption. We identify that key aspects to consider in the discussion on how to design monitoring institutions of forest regulations is how to involve actors without the incentive to engage in bribery and how to make use of new technologies that may publicize illegal behavior in distant localities.

## 2. Theoretical perspectives

The scope of this review is limited to studying illegality and corruption in forest management. Hence, it does not discuss the reverse relationship, that is, the effects from having high-value forests on corruption in government institutions. The ambiguous blessing for a country of having an abundance of natural wealth before state capacity is developed is often portrayed as a “resource curse,” since this feature may sustain despotic rule and hinder domestic calls for reforms of democracy (Ross, 1999). Thus, the objective is not to explain the occurrence of poor institutions, but rather to synthesize how the literature has dealt with the effects from illegality and corruption on forest management.

### 2.1. Defining illegality in forest management

In a context of forest management, the term “illegality” complicated: Legal actions in the forestry sector are not always justifiable (certain logging concessions may be questionable for a range of reasons) and some illegal acts may in fact be rather acceptable in the eyes of most people (such as collection of firewood by customary practice in protected areas). As Irland (2008) notes, illegal actions often take place in a context of poverty and could include “people harvesting for building materials and fuel in areas prohibited under unwise, ill-considered, and unenforced paper ‘logging bans’” (p. 191). Scholars have therefore considered using terms such as ‘misuse’ or ‘destruction’ of forests to define acts that are morally unwanted (Hafner, 1998). Yet, these terms are imprecise and not very useful. This is partly the reason why criminologists have suggested the term “conservation crime” as it denotes a violation of formal conservation rules rather than an abuse of a vaguely defined environmental value. Scholars with a more Marxist perspective, that view social inequalities as a root cause of harm to both the environment and humans, may have problems with such a

definition of illegality (Gibbs et al., 2010). A related potential problem of discussing illegality in forest management is that it risks putting the blame on smaller actors while larger actors, that are perhaps better equipped at hiding their practices, continue their illicit behavior (Richards et al., 2003). Taking this conceptual critique seriously, we support any attempts to discuss what illegality is, or ought to be, in forest management. However, what actions that are justifiable – or not – are in the end a normative issue and a conceptualization that is outside the scope of this review. Instead we use the terms “illegality” and “illegal acts” since they are widely used in this literature and among practitioners. Following previous authors we define illegality in forest management as actions “which fails to conform to national laws and standards regulating forest resource allocation, forest management and extraction, processing, transport and trade” (Wells et al., 2007, p. 141).

Stressing that a discussion on forest sector illegality manage to keep such social concerns in mind we see the merit of using this concept. Recent works within criminology discuss a wide array of unlawful behavior that impacts on conservation practices (Gibbs et al., 2010; Solomon et al., 2015). Gore (2011) notes that there are linkages between legal and illegal actions that seldom go studied – for instance, so-called “timber barons” often use the same roads as companies with contracts when moving extracted trees. Moreover, she discusses organized syndicates: “The role of organized crime in deforestation includes a high degree of planning (e.g., conscription and outfitting of poachers) and sophisticated smuggling techniques (e.g., counterfeit documents, cargo concealment) for cross-border movement” (p. 2). Research holds that the enforcement of resource management regulations is crucial for sustainability (Dietz et al., 2003). While widespread compliance among resource users is not a sufficient criterion for sustainable outcomes, the likelihood of achieving such goals is generally held to be higher with widespread compliance (Platteau, 2008). Compliance may be viewed as a dichotomy, yet in practice refers to “the degree of adherence to rules, as when a person breaks some rules but not all, or respects most of the rules but not always” (Arias, 2015, p. 134).

What type of actions illegality denotes in the forest sector can be further specified. Illegal logging is broadly defined as, “Timber harvesting-related activities that are inconsistent with national laws (or sub-national laws)” (Smith, 2002, p. 3). These activities can thus vary from logging in a protected area or obtaining concessions illegally (Callister, 1999). As noted by Amacher et al. (2012, p. 93) illegal logging often occurs when a harvester breaks a concession contract and, for instance, log a greater area than is allocated by the contract, removing only the greatest valued trees and leaving low valued ones or using unallowed harvesting techniques. Then there is also a range of illegal activities related to income generating activities from forest use that may be illegal but not yet considered illegal logging. Examples include “girdling” or “ring-barking”, where harvesters kill trees so that they can be legally logged (Søreide, 2007, p. 17). Contreras-Hermosilla (2002, p. 1) writes that crimes in forest management also include “other sector operations such as forest products transport, industrial processing, and trade.” Finally, Guertin (2003) provides further illustrations that are not logging per se, such as “illegal occupation of forestlands; Woodlands arson ... Transfer pricing and other illegal accounting practices” (p. 11).

### 2.2. Defining corruption in forest management

Corruption is generally viewed as “the abuse of entrusted power for private gain” (Transparency International, 2010). It is said that “corruption in monitoring institutions can usually be separated from political decisions” (Kolstad and Søreide, 2009, p. 223) and political or grand corruption is often contrasted to bureaucratic or

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