

The judge and the forest in Central Africa
Why illegal operations persist in the region

The contours of illegality in the forests of Central Africa

- Between 50 and 90% of the timber produced in Central Africa could be illegal
- The value of illegal timber exceeds the treasury's revenue from the sector in producing countries in Central Africa
- The existence of overwhelming evidence of illegal logging does not always lead to sanctions (Independent Observation, NGO and media reports, complaints from communities, etc.)

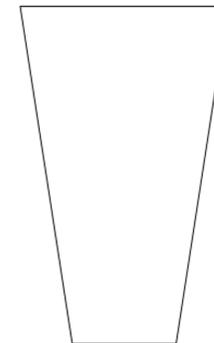
The quality of legislation as a cause of the problems (1)

- **There are many obligations whose non-compliance cannot be legally sanctioned, the laws not having provided for it**
 - Not all obligations come with violations
 - Not all violations result in penalties
- **Issues where there is no exact match**
 - a. Issues relating to rights and the interests of communities
 - b. Preservation of the forest environment

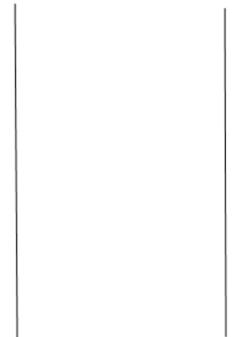
Obligations

Infractions

Sanctions



La structure des textes en vigueur en matière forestière



La structure normale des textes de loi

The quality of legislation as a cause of the problems (2)

- **For similar or identical violations, forest law is more lenient than criminal law**
 - fraudulent use of the marking hammer
 - forgery and use of forgery
 - forging of the state seal
- **The central role played by the administration in forest litigation is prejudicial to justice**
 - The transaction initiated by the offender is the main mode of forest litigation management
 - The judge plays only a marginal role, referral to the judge depends on the forestry administration

The quality of legislation as a cause of the problems (3)

- **Sanctions are not very dissuasive**
 - A low probability of having custodial sentences applied to the offender
 - Low probability of getting caught
 - A low probability of being sanctioned
 - Sanctions equalling less than the gains of the offender
- **Low probability of having custodial sentences applied to the offender**
 - Due to the concentration of litigation by the forestry administration

How to move forward? Forest laws need to be reformed

- To restore consistency between obligations, offences and penalties
- To restore uncertainty for the offender, in particular through concurrent jurisdiction of the forest administration and the public prosecutor's department
- Make penalties more dissuasive, and apply them effectively so that offenders understand the risks of their actions
- Make the checks more systematic, in order to increase the likelihood of the offender being caught