



Stemming the Tide: Halting the Trade in Stolen Timber in Asia

Introduction

Stolen timber worth almost two and a half billion dollars is traded between the countries of East and South-East Asia each year.¹ China, which consumes timber from some of the countries most badly affected by illegal logging, is reckoned to be the largest consumer of illegal timber in the world,² while Indonesia is the largest tropical supplier.³ It is clear that if illegal logging is to be effectively countered, the countries of this region must work together.

EIA and Telapak's investigations over the past five years have spanned the region and provide a unique knowledge of this trade and attempts to tackle it. Drawing on this experience, this briefing uses specific case studies to illustrate options for action. Though solutions must necessarily begin with improved enforcement in producer countries against illegal cutting and export of timber, this document focuses on how regional consumer and processing states can work with producer countries to help stem the tide.

The Nature of the Problem

The countries of South-East Asia are some of the hardest hit by illegal logging. By the mid-nineties 95 per cent of Asia's frontier forests were gone.⁴ Eighty per cent or more of all timber production in Indonesia is thought to be illicit, as is more than

two-thirds of logging in Papua New Guinea.⁵ The American Forest & Paper Association estimate that ten per cent of Malaysian log exports are of suspicious origin.⁶ These three countries between them account for 60 per cent of worldwide exports of tropical logs, while the two biggest importers of tropical wood – China and Japan – are also in the region.⁷ Altogether, sixty percent of tropical timber in international trade moves between the countries of South-East and East Asia,⁸ and it can be estimated that a total of over nine million cubic metres of illegal tropical logs, sawn-timber and plywood worth 2.3 billion dollars was traded within the region in 2003.⁹ At least a quarter of this timber was illegally exported.¹⁰

Recognising the urgent need for a coordinated response, in 2001 the countries of the region issued a declaration in which they committed to work together to tackle illegal logging and associated trade.¹¹ Since then, Indonesia has signed additional bilateral agreements with both China and Japan.¹²

Unfortunately, almost no shipments of illegal wood have actually been halted as a result. Only one small shipment of stolen timber from Indonesia has been prevented from entering either China or Japan, and progress elsewhere in the region has been little better.¹³ Indeed, it even remains unclear exactly *how* such illegal timber shipments could be stopped in future.

Two and a half billion dollars of stolen timber is traded between the countries of East and South-East Asia each year

	Total volume traded worldwide 2003 (m ³)	Volume traded between the countries of SE/East Asia 2003 (m ³)	Percentage traded within the SE/East Asia region
Logs	15,255,705	8,381,667	55%
Sawn	8,548,661	5,256,183	61%
Veneer	1,101,826	592,099	54%
Ply	8,231,040	5,770,673	70%
TOTAL	33,137,232	20,000,622	60%
Of which illegal (est.)		9,069,007 (45%)	

Left: Trade in tropical timber in SE/East Asia.

Notes: Tropical timber trade figures from ITTO Annual Review 2004; estimate of illegally traded timber calculated using detailed intra-regional trade figures and estimates of levels of illegality in source countries from AF&PA report (see reference No 5).



Date	Source	Location	Cargo	Details
March 2004	Indonesia	Malaysia (China)	Ramin sawntimber	2317 cubic metres seized at port in Peninsular Malaysia following tip-off; timber was due for transshipment for China / Hong Kong / Taiwan; timber later released for onward shipment (see box on page 3).
Sept 2002	Indonesia	Singapore	Ramin sawntimber	120 tonnes of sawn ramin seized following anonymous tip-off; timber repatriated to Indonesia at importer's expense.
2005	Indonesia	China	Ramin products	One small seizure of ramin processed products without CITES permits; no fine or other punishment imposed.
April 2002	Indonesia	China	Merbau round logs	Vessel MV Everwise, carrying 4300 cubic metres of merbau logs illegally exported from Papua in Indonesia, is detained at Wenzhou port following formal request by Indonesia to Chinese authorities. Vessel and cargo are subsequently released without charge.
March 2005	Indonesia	China	Merbau round logs	EIA/Telapak alert Chinese Customs to arrival in Nansha in Guangdong of vessel Celebe 3652 carrying 9000 cubic metres of illegal Indonesian merbau logs with false Malaysian paperwork. No action is taken against the vessel or its cargo.
Aug 2003	Indonesia	Vietnam	Bengkirai (yellow balau) logs	Barge carrying 2064 cubic metres of round and squared logs exported contrary to Indonesian ban seized based on tip-off and subsequent request from Indonesian government (see box on page 6). Cargo released after 3 weeks for lack of legal basis.
2002– 2005	Indonesia	Malaysia	Round & square logs	Series of seizures in Peninsular Malaysia from June 2002 based on reciprocal regulation banning import of logs from Indonesia.

Above: Attempts to halt shipments of illegally sourced timber in SE/East Asia since 2001.¹⁴

Since 2001 there have been a small number of attempts made to halt specific shipments of stolen timber in the region, mostly as a result of tip-offs from companies or NGOs rather than active enforcement (see table). These case studies have shown that the problem is as much one of policy as it is of implementation. Indeed, no country in Asia or elsewhere has laws which specifically prohibit the import of timber or wood products which were illegally sourced in the country of origin. In the absence of such laws, enforcement officials are left with very few legal tools with which to act – and even these are poorly understood.

In order for trade in stolen wood to be effectively countered, it is critical that importing countries in the region first clarify the existing legal basis to act, and then work with producer countries to seek simple means of expanding it. Greater effort is needed to improve co-operation and enforcement, but this alone will not solve the problem.

CITES

In many timber importing countries in Asia and elsewhere, the only legal tool enforcement officials can use to seize imports of stolen wood and prosecute those responsible is the Convention on International Trade in Endangered Species (CITES). CITES-listed species are subject to strict trade controls and

require special paperwork, and all countries have laws to enable enforcement officials to seize shipments traded without valid documents.

The only timber species currently listed on CITES which is traded in significant volumes in Asia is ramin (*Gonystylus spp.*). Severe illegal exploitation of the species in Indonesia led the government to list ramin on Appendix III of CITES in 2001. The listing had a dramatic effect in reducing the illegal trading of the species, and the closure of markets to Indonesian ramin assisted the government in halting illegal cutting of the species within their borders.¹⁵ Following the CITES listing there have been a number of major seizures of illegal Indonesian ramin around the world, including in Asia. Indeed, in Singapore and China the only seizures of illegally sourced timber and wood products which have ever taken place have been of ramin without CITES documents.

Though CITES is not the ultimate answer to the problem, listings under the Convention offer a powerful tool with which to empower customs officials in importing countries to act against shipments of illegal timber in the medium term. Further listings of commercially traded Asian timber species threatened by illegal trade should be supported, including the Appendix III listing of merbau (*Intsia spp.*), which is currently being considered by Indonesia.

Enforcement alone will not solve the problem.



Case Study – Seizure of Ramin in Malaysia

In February 2004 officials discovered 2317 cubic metres of illegal ramin in Johor port on the tip of the Malaysian peninsula. The wood had originated in Indonesia and was not accompanied by CITES permits. It was the largest ever haul of illegal CITES listed timber in Asia.

The stolen ramin had been arriving from Sumatra on wooden vessels and air-dried in the port in preparation for onward transshipment in containers to Hong Kong, Taiwan and mainland China. The local agent handling the business had confirmed to EIA/Telapak investigators that though the timber was from Indonesia it was leaving the port bearing Malaysian paperwork which ensured an easy onward passage. Around 85 000 cubic metres of stolen ramin had been passing through the port each year – more than twice the global legal supply.¹⁶

Unfortunately a loophole in local CITES laws governing free trade zones forced Malaysian officials to release the stolen timber for onward shipment. Faxed warnings were sent to CITES offices in the destination countries, but not until long after the shipments would have arrived.¹⁷ The stolen wood was thus able to re-enter international trade, while the Malaysian companies involved received payment and escaped prosecution.



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Utilizing Existing Laws on False Paperwork

Most countries have regulations requiring imports of certain timbers and other products to have been treated to eradicate foreign pests. The key document used is the phytosanitary certificate. In many countries it is considered an offence to import timber without a valid phytosanitary certificate from the country of origin, and an offence to provide false or forged phytosanitary permits. In November 2004 EIA/Telapak undercover investigators were told by a Hong Kong-based timber dealer how he organised shipments of illegal Indonesian logs for shipment to Chinese ports using false Malaysian paperwork including phytosanitary certificates (see box on next page).¹⁸ Analysis shows that Chinese quarantine laws specify considerable penalties for such falsification,¹⁹ but the regulations are poorly enforced and no log shipment from Indonesia has ever been halted on this basis.

In addition most governments have customs regulations which require that all foreign cargoes are accompanied by valid standard shipping documents, including ‘certificates of origin’ issued by the source country. It is

common practice for log smugglers in Asia to provide false certificates of origin for shipments of contraband timber – especially where the product in question is banned from export from the true source. The giant cargo vessels regularly bringing illegal Indonesian logs into Zhangjiagang port in China (see box over page) were all accompanied by forged documents falsely stating the origin of the logs as Malaysia.

In another case, when a UK garden furniture retailer asked its Vietnamese supplier for proof of origin of the timber, a Malaysian certificate of origin for yellow balau logs was provided. Subsequent checks made by the Malaysian authorities at the request of EIA/Telapak revealed that the document was a forgery.²⁰

It is not only Malaysian documents which are routinely forged. Shipments of illegal Indonesian logs transiting through the Philippines en route to India are known to have been accompanied by false documents from Papua New Guinea.²¹ Other standard shipping documents are also often falsified. A barge of stolen logs from Indonesia destined for Vietnam in August 2003 was reported to have provided a false ‘Port Clearance’ to officials at Da Nang, claiming the vessel had come from a port in

Above: Illegal Indonesian ramin air-drying at Johor port, Malaysia, November 2003.



Illegal Indonesian logs arrive in China with false Malaysian paperwork

Sarawak (see box on page 6 for more on this case). Checks confirmed that no vessel with the relevant name had been cleared through a Sarawak port in recent weeks.²²

Laws regarding phytosanitary and other standard shipping documents provide one of the few existing avenues for action in Asia to stem flows of stolen wood, but there has yet to be a single seizure made on this basis.

Regulations governing quarantine and origin are often poorly understood, implemented or enforced with regard to timber. Penalties permitted under relevant legislation can often be insufficient to provide much deterrent in any case. Cross-checks between the countries involved never take place, due to a lack of resources, clear contact points and language difficulties.

So much more could so easily be done to assist customs officers at the point of import, especially clear information on source country regulations. Every log legally exported from Malaysia, for example, has easily recognisable white government tags bearing code numbers and details of the species and dimensions (see picture on opposite page). None of the illegal Indonesian merbau logs arriving at Zhangjiagang port in China with false Malaysian paperwork bore such tags (see picture below).

Opposite:
Forged Malaysian Certificate of Origin for Indonesian logs shipped to Vietnam, Jan 2004.

Below:
Illegal merbau logs at Zhangjiagang port in China, Nov 2003.

CERTIFICATE OF ORIGIN

ISSUED BY
THE CHINESE CHAMBER OF COMMERCE W.P. LABUAN, MALAYSIA

Shipper: PERMIRA HARMONI (M) Sdn Bhd Date: 6 JANUARY 2004

Vessel: MT DESTINY NO. 4/NO DINARY NO. 4 V.16/2003

Part of Shipment: LABUAN, MALAYSIA

Consignee: TO THE ORDER OF SAIGON BANK FOR INDUSTRY AND TRADE (S.B.I.) LTD. AND MOTKEY VIM THAI TIMBER IMPORT-EXPORT CO., LTD. (PHU THUAN ST., DIST. 2, HOCHIMINH CITY, VIETNAM. TEL: 1 8324190)

MARKS & NOS	QUANTITIES PACKAGES	PARTICULAR	WEIGHT DIMENSIONMENT AS GIVEN BILL OF LADING
SAO Y BAN CHINH Nhiệm vụ: 61/104/2004	731 LOGS	FRESH CUT MALAYSIAN ROUND LOGS	5,536.95 KI

Country of Origin: MALAYSIA

HUỶNH VĂN HOÀNG hereby certify that the merchandise contained in this statement and shipped by us is produced in Malaysia (Name of Country of Origin)

W.P. LABUAN: [Signature]

We hereby certify that the above, to the best of our knowledge and belief to be correct and without prejudice.

Direct lines of communication need to be set up between relevant officials in producer and consumer countries in the region to enable swift verification of suspect documentation, and training in timber identification and the markings and tags which should be found on legal logs from given countries is vital. Systems of 'prior notification' of legal shipments could also be established between key importing and exporting states such as Malaysia and China, to aid the detection of illegal timber imports.

Case study – Indonesian Merbau to China

In February 2005 EIA/Telapak revealed how as much as 300 000 cubic metres of merbau logs were being smuggled from Indonesia's Papua Province to China every month in large cargo vessels, in contravention of the country's 2001 ban on log exports.²³

EIA/Telapak undercover investigations revealed how a network of middlemen and brokers from Singapore, Malaysia and Hong Kong were masterminding the billion-dollar trade, reckoned to be the single largest illegal tropical timber trade route in the world. The logs carried forged Malaysian documents and were mostly destined for Zhangjiagang port near Shanghai. Nearby flooring factories were processing one merbau log every working minute.

Indonesia responded with a massive enforcement crackdown, seizing more than a quarter of a billion dollars' worth of stolen timber and logging equipment and arresting 173 people, including corrupt officials and Malaysian nationals.²⁴ The flow of illegal merbau has drastically reduced as a result and merbau prices have skyrocketed worldwide. Though the use of false paperwork was violating Chinese laws, no equivalent enforcement response was seen in China. On the two occasions in which specific intelligence on illegal merbau log vessels was provided to the Chinese authorities no seizures resulted (see table on page 2).²⁵



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Emerging Regional Cooperation

In some instances timber consuming countries in the region have put in place very specific import requirements regarding timber. Usually these regulations are country-specific, and take the form of broad prohibitions, reciprocating equivalent export controls in neighbouring states. These bans ensure there is a clear legal basis to seize illegally-sourced timber from given countries, and provide invaluable clarity and assistance to enforcement officials. Though rare, such controls have proved startlingly effective.

Reciprocal import bans

In an attempt to halt illegal logging, at the end of 2001 Indonesia implemented an indefinite ban on exports of round and squared logs. Early the following year large scale laundering of illegal Indonesian logs through neighbouring Malaysia was exposed.²⁶ Following international pressure, Malaysia banned imports of logs from Indonesia in June 2002. One year later Malaysia extended the ban to squared logs (flitches) in order to match the definitions in the Indonesian export regulation. Faced with instances where dubious paperwork purporting to show that logs arriving at west coast ports in Peninsular Malaysia were from countries other than Indonesia, the Malaysian government further stipulated that genuine proof of origin be provided in advance of import clearance.²⁷

By August 2003 shipments of round logs across the Straits of Melaka from Indonesian Sumatra to Peninsular Malaysia had dropped off dramatically. Field reports from Riau and Jambi provinces in Sumatra indicate that illegal cutting was reduced as a direct result, with some illegal loggers and illegal log shippers returning to agriculture.²⁸

The eventual effectiveness of the ban was also reflected in stories in the timber trade press of diminishing supplies and increased prices for certain timber products for export from Malaysia, for which raw materials were traditionally sourced in the neighbouring country. These changes were being directly attributed to the new Malaysian regulation.

This is one of precious few cases where any of the commitments on this topic made by governments in the region over the past few years has been shown to have had any real impact on the ground. It is worth learning from.

Many of the tropical timber producing countries in South East Asia have implemented similar

blanket prohibitions to Indonesia's log export ban, giving ample opportunities for reciprocal regulations to be agreed by consuming states and large flows of illegally traded timber to be halted by this means. Cambodia, Laos, Vietnam, and the Philippines all have broad bans on export of logs as well as rough-sawn timber from natural forests. Peninsular Malaysia prohibits export of all round logs, and Sarawak in Malaysian Borneo bans the export of logs less than 33 cm in diameter.²⁹

In October 2004 Indonesia extended its export ban to include all sawn-timber and railway sleepers (HS customs codes 4406 and 4407). Yet customs authorities in many countries in the region and elsewhere continue to record large quantities of imports. In the first five months after the sawn-timber export ban took effect, Malaysia alone registered imports of more than 650 000 cubic metres of Indonesian sawn-

Below:
Malaysian export logs with legal tags, Sarawak, August 2005.



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Right: Barge 'Wan Lai 1' with illegal Indonesian logs, Hai Phong, Vietnam, 22nd August 2003.

timber.³⁰ This is more than Malaysia imported from Indonesia in the whole of 2003. China, Japan, Korea and Thailand also registered continuing imports, though in smaller quantities, as did a number of countries in Europe.³¹

EIA/Telapak teams visiting Malaysia in June, August and October 2005 witnessed sawn timber arriving unhindered at Malaysian ports in both Peninsular Malaysia and Sarawak aboard Indonesian-flagged vessels, and sawn merbau arriving in shipping containers.³² The Indonesian government has suggested that Malaysia consider the logical step of extending the reciprocal legislation prohibiting import of logs to cover sawn-timber. No such action has yet been taken.

In a key test case in late 2003, the Indonesian government asked the Vietnamese authorities to seize a barge of logs which had escaped the country in violation of the log export ban (see box below). Though Vietnamese officials did impound the timber, they could find no legal basis to hold it and the wood was released without further action.³³ If a reciprocal ban had existed on imports of logs from Indonesia, this problem would have been overcome.

Reciprocal paperwork requirements

Another measure used to assist in halting cross-border trade in stolen wood is in evidence in Sarawak. The state has long had a unilateral ban on import of logs from Indonesia which has been relatively well enforced. There is, however, a thriving trade in sawn-timber across the long border separating Sarawak from West Kalimantan. A series of investigations by EIA/Telapak and others over the last five years have



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Malaysia continues to record imports of sawn-timber from Indonesia in spite of the export ban

revealed how as much as one million cubic metres of sawn-timber enters Sarawak from Kalimantan every year, borne on fleets of small trucks and ships.³⁴ With a dwindling domestic forest estate and increased controls on local harvesting, this trade has become an important source of raw materials for Sarawak's numerous sawmills and wood factories. Unfortunately, as EIA/Telapak's investigations have shown, much of this timber is illegally sourced.

Faced with exposés revealing the dubious nature of these imports, the Sarawak authorities implemented a series of controls aimed at ensuring that the timber entering the state was

Case Study - Illegal Indonesian logs in Vietnam

In August 2003 Indonesia sent a request to the Vietnamese government that they intercept a barge carrying illegally-sourced square and round logs which had already left Indonesian territorial waters. The barge, the Wang Lai 1, was carrying 2064 cubic metres of bengkirai (yellow balau) timber worth at least half a million dollars, and was en route to Hai Phong port in northern Vietnam.³⁵

Documents revealed the owners of the cargo to be Indonesian company PT Sinarut Wiryra Perkasa, part of the empire of renowned timber baron Abdul Rasyid, whose companies had been repeatedly implicated in large-scale illegal logging in the world-famous Tanjung Puting National Park.³⁶ The timber had been shipped contrary to Indonesia's 2001 ban on export of logs, and the vessel was thought to be carrying fake Port Clearance documents from Sarawak.

After eight days and much confusion, Vietnamese officials eventually entered Hai Phong port, by which time the vessel had arrived and begun to unload. The barge was permitted to depart, but the cargo was held at the port pending an investigation. Three weeks later the Vietnamese authorities released the timber without charge, stating that insufficient evidence had been provided by the Indonesian government.³⁷ Despite detailed intelligence and a clear case of illegality, once again effective enforcement did not take place.



Left: Timber seized by Indonesian authorities at the border with Sarawak, August 2005.



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of legal origin.³⁸ The most important of these has been a requirement that certain Indonesian legal documents be supplied for each shipment on arrival at the depots on the Malaysian side of the border. The documents required are the Indonesian timber transport permit, known as the SKSHH, and the equivalent export permit, the PEB. Though it is undermined by the prevalence of fake and improperly issued SKSHH documents, this requirement for legal paperwork specific to a foreign state is unique. Such measures hold great promise and deserve to be replicated elsewhere.

In most timber producing countries in the region, there are specific regulations governing the control of cutting, transport and export of raw timber. Every shipment of logs from Sarawak, for instance, requires the issuance of an 'Export Clearance Certificate' by Harwood Sdn Bhd, a privatised subsidiary of the government agency STIDC;³⁹ timber cargos leaving Peninsular Malaysia requires the prior issuance of an equivalent 'Export License' by the Malaysian Timber Industry Board.⁴⁰ Log exports from Papua New Guinea must all pass through a control mechanism overseen by the independent verifiers SGS. In most cases, legal log exports also require specific tags and hammer stamps as well as paperwork. If importing countries were to follow Sarawak's example and incorporate the requirement for such paperwork and log markings into their import controls, this would offer a powerful

means with which to fight illicit trade, providing a clear legal basis and practical enforcement tools for customs officers to halt shipments of illegally sourced wood.

A Regional Enforcement Protocol

An effective response to this problem will not be possible without formalised co-operation and additional dedicated resources. The past four years have seen sporadic meetings attended by officials often lacking the mandate, powers, time or money in which to do much more than show up. The record of failed attempts to halt shipments of stolen wood attests to the inadequacy of the current arrangement.

An enforcement protocol needs to be agreed between key regional governments, allowing for the establishment of a task force of officials with appropriate powers and sufficient resources. A secretariat and office could be set up within a chosen member country, with dedicated staff supported by seconded officials in partner countries. In addition to enabling cross-border enforcement, a well constructed agreement of this kind could also provide a vital forum in which to co-ordinate policy and ensure there are sufficient legal tools with which to act.

Similar agreements on other subjects, such as the Lusaka agreement on cross border trade in wild fauna and flora in Africa, have proved effective and could provide a useful guide.

An effective response to this problem will not be possible without formalised co-operation and additional dedicated resources



Conclusions

- Almost two and a half billion dollars of illegally-sourced timber is traded between the countries of East and South-East Asia each year. Practically none of this timber is ever intercepted on import.
- Despite commitments to halt this trade, there have been only a tiny number of co-operative attempts by regional governments to halt shipments of stolen timber, and most of these attempts have failed.
- Few legal tools are currently available for halting illegally sourced timber on import, and relevant existing regulations are not well known or implemented.
- Greater use could be made of existing regulations governing shipping documents and phytosanitary certificates to halt illegal timber shipments, and enforcement improved by the sharing of information on paperwork, controls and markings for legally exported timber.
- Listings on CITES and reciprocal timber trade controls have been shown to be effective tools for enabling better regional enforcement and further such measures should be considered, as should prior notification systems for legal timber shipments.
- A Regional Enforcement Protocol would be a useful measure in enabling improved co-operative efforts to halt illegal timber, though a holistic response must encompass changes in policy and not rely on improved enforcement alone.

Recommendations

Importing Countries

- Research and establish the currently available legal basis to seize illegally-sourced wood on import.
- Provide training to enforcement officials in timber trade patterns, legal tags, markings and paperwork, and existing legal basis for halting suspect shipments.
- Improve internal co-ordination between relevant agencies such as police, forestry, customs, and port authorities.
- Publish full timber and wood product import statistics, including details of volumes, values, origins, ports of import and species.
- Enact reciprocal bans and reciprocal regulations requiring presentation of timber-specific legal documents from origin countries on import.
- Support additional CITES tree species listings proposed by producer countries.

Exporting Countries

- Publish and circulate information on paperwork, controls and markings for legally exported timber.
- Publish full timber and wood product export statistics, including details of volumes, values, destinations, ports of export and species.
- List appropriate additional threatened tree species on CITES Appendix III.
- Improve surveillance at main timber exporting ports.

All Regional Countries

- Establish central point of contact in each country, including out-of-hours contact details.
- Use contact points to routinely verify authenticity of timber shipping documents.
- Negotiate and establish a Regional Enforcement Protocol, with a Secretariat of permanent staff seconded from regional governments.
- Explore the possibility of setting up systems of prior notification of legal timber shipments between exporting and importing states.

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