

Typology Report on Illegal Transportation and Trade of Timber and Forest Products

Introduction

1. Forest Department of the Ministry of Natural Resources and Environmental Conservation is implementing the inspection, seizures and taking actions on illegal logging as a major task across States and Regions to eradicate illegal logging, transportation and trade of timber and forest products more than establishment of forests, silvicultural operations and conservation of the forest resources of the nation in according with six ways of Myanmar Forest Policy.

Implemented tactics/ways/strategies to eradicate and seizure illegal timber

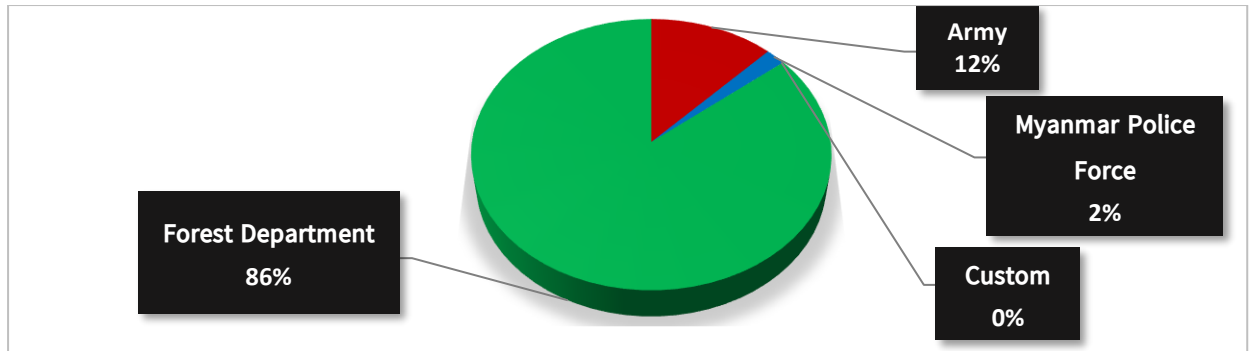
2. The following 8 ways has been applying to investigate and seize illegal timber;
 - a. Patrolling and seizing in townships and districts either regularly or surprised-check
 - b. Patrolling and seizing in States and Regions through monthly patrol-team
 - c. Patrolling and seizing from the office of Director General upon receiving the information
 - d. Patrolling and seizing along such major rivers as Chindwin and Ayeyarwaddy, and at sea ports with special planning
 - e. Seizing in collaboration with line departments and organization such as army and police
 - f. Seizing in collaboration with Forest Security Police distributed in 21 districts of 8 States and Regions.
 - g. Receiving information and seizing through the Community Monitoring and Reporting System (CMRS) starting from September 2017 onwards
 - h. Destruction of roads, within Forest Estates, till not able to be applied which were used for smuggling

The ways of Transporting Illegal Timbers

3. Illegal Timbers are transporting by Five ways as follows.
 - a. Transporting illegal timber based on legal documents (with Bill, Delivery Order and Removal Pass)
 - b. Conversion to legal timber by documenting illegal timber with legal documents after seizing.
 - c. Transporting illegal timber concealed with rice-bags, bran bags, coal, Vegetables, rusty iron bodies etc. by vehicles and watercrafts and transporting by petrol truck and container truck.
 - d. Illegal logging and smuggling by taking a chance on security limitation of forest servants to inspect.
 - e. Transporting (Exporting) illegal timber to foreign countries by using sea routes.

Condition of seizing illegal timber by government organizations

4. 5364.2923 ton of illegal timber seized by government organizations during fiscal year 2022-2023 (from April to October) is describe with pie chart as Mention below.



Army	-	(656.5296)Ton
Myanmar Police Force	-	(106.4224)Ton
Custom	-	(0.3860)Ton
<u>Forest Department</u>	-	<u>(4600.9543)Ton</u>
Total (2022 April to October)	-	(5364.2923)Ton

Forest Crimes

5. A total of 6548 crimes; 5352 cases fall under the administrative authority of Forest Officer and, 1191 lawsuit from 2021 to September, 2022 in monthly wise are as follow;

No.	Month	Year 2021		Year 2022	
		Cases fall under the administrative authority of Forest Officer	Lawsuit	Cases fall under the administrative authority of Forest Officer	Lawsuit
1	January	880	132	433	75
2	February	101	27	266	54
3	March	65	30	278	67
4	April	236	58	397	48
5	May	255	79	163	72
6	June	183	72	184	51
7	July	179	29	198	46
8	August	141	42	180	49
9	September	193	41	160	53
10	October	223	33	259	32
11	November	192	52	-	-
12	December	191	49	-	-
Total		2839	644	2518	547

Opened- and Closed Cases and Lawsuit Related Instruments with Respect to Forest Crimes

6. A total of 19862.4866 tons of illegal timber (teak, hardwood and others) and 1170 cars with respect to forest crimes from 2021 to September, 2022 are as follow;

No.	Month	Year 2021		Year 2022	
		Timber (ton)	Car (no.)	Timber (ton)	Car (no.)
1	January	2977.3280	95	2066.8702	69
2	February	528.9370	32	1391.6462	51
3	March	302.7619	32	1355.6069	51
4	April	1172.1301	61	1391.0409	66
5	May	936.1016	74	753.1471	50
6	June	698.0280	89	478.3475	35
7	July	410.9713	46	1037.3680	41
8	August	718.0047	43	615.4022	52
9	September	479.7032	51	536.7943	58
10	October	414.0954	52	624.1977	23
11	November	490.8765	51	-	-
12	December	555.1333	48	-	-
Total		9684.0710	674	10178.4156	496

Standard Operation Procedures of Forest Department in Confiscation on Seized Timber and Forest Product

7. Procedures are as follow;

- a. In accordance with the Section 33 (a) (1) of the Forest Law (2018), confiscation of teak and reserved timbers seized under 1 ton by means of administrative actions by Forest Officer
- b. In accordance with the Section 41, 42 and 43 of the Forest Law (which is under the authority of police), seized timber, in case of felling, logging, transportation and in-hand illegally having above 1 ton, the cases are opened at designated Police Stations and sue at courts, and the courts order to confiscate instrumentals in accordance with the Section 47(b).

Case Studies of Seizure on Illegal Timber Transport to Abroad

8. Case studies of investigation and seizure on transporting illegal timber and forest products which were extracted from the sources to vehicle routes by using cattle and man; then stored in containers and transported to sea routes with various ways such as vehicles and boats intend to smuggle to abroad are as follows.

Case Study 1: Transporting via containers

On 18-07-2021 at 11:00 AM, a joint team led by Deputy Director of Forest Department and the Director of Custom Department of Yangon Region seized 319 illegal sawn teak having 28.0853 tons from two containers (having 20 feet long) at AWPT.

On 16-07-2021, the defendants (drivers) drove two trucks carrying two containers to the AWPT, where the Greater Delta Force Co., Ltd had registered illegal timber as mung bean so that the commodity can be exported to Shanghai, China.

Those drivers and agent fled before the Custom Officials arrived and inspected on that site, and the illegal timbers were seized in line with the procedures.

Case Study 2: Transporting via containers

On 24-07-2021 at 10:30 AM, a joint team led by Assistant Director of Forest Department and staff from Custom and other departments of Yangon Region were got informed and checked two containers (having 20 feet long) by X-ray techniques and could seized 295 illegal sawn teak having 23.5699 tons at AWPT.

On 16-07-2021, the defendants (drivers) drove two trucks carrying two containers to the AWPT, where the Greater Delta Force Co., Ltd had registered (illegal timber) as mung bean so that the commodity can be exported to Shanghai, China.

No defendant was found during the case but only the two containers and illegal timbers.

9. These cases are under the scrutinizing of Myanmar Financial Intelligence Unit (MFIU).

Forest crimes on seizures of timber and forest products related to money laundry

10. (a) On 5-2-2022 at 15:30 PM, a team led by Major Min Thein from Frigate (567) seized 869 illegal *padauk* sawn timber having 100.7896 tons (estimated price of 231,120,000 Kyats), 1 boat and 10 offenders, at a place about 15.5 miles from Myanmar-India sea territory line (6), of Kyun-su township, Myeik district, Tanintharyi Region, and a case was opened against the defendants at Kyun-su township court under the Section 42(a) of the Forest Law.

(b) The case of seizure of illegal timber in Kyunsu Township, Myeik District, Tanintharyi Region had been sent to Financial Intelligence Unit (FIU) on 14th, March, 2022 (case file attached) and the case is under the investigation of a joint team led by Director of Bureau of Special Investigation (BSI) to scrutinize the case in which seized property was the conversion of black money or not; which was entangled with Anti Money Laundering Law (AML).

Synthesis

11. Assessment related to the forest crimes are as follow;

(a) Forest crimes have been taking actions by means of administrative actions by Forest Officers and by opening cases at the Police Stations. Defendants from the cases were found out as transporters and followers accompanied with cars. Furthermore, some cases were with no

offenders as timbers were collected and piled, and most of the cases stemmed from selling and transporting for basic needs.

- (b) Forest Department has been involving in the process of submitting the Myanmar Country Progress Report, regarding the forest crimes, to the Asia Joint Pacific Group (APJG), where cases related to the money laundry crimes are scarce despite the forest crimes are plenty thereof and this is because the cases include with no offender during seizures and also some cases fall under the administrative authority of Forest Officer for being under 1 ton of seizures.
- (c) In cases where offenders and vehicles are seized, forest staff could proceed criminal investigation upon related and potential cases such as sources and destinations; however, there are several challenges arise due to lack of technical and legal authority in such cases as financial investigation and analysis.

Conclusion

12. Under the guidance of the Deputy Minister (Central Financial Investigation Unit) for the Ministry of Home Affairs, the Forest Department will fully cooperate and collaborate with line departments to be able to take actions by Anti-Money Laundry Law on illegal logging, trade and smuggling of timber and forest products.

Forest Department
Ministry of Natural Resources and Environmental Conservation