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U.S. DOJ Forms Task Force to Fight Global Illegal Timber Trade

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By Timbre Shriver
Associate | Global Litigation



By Jayshree Balakrishnan
Associate | Global Litigation

To investigate and prosecute the illegal trade of timber around the world and the deforestation that results, the U.S. Department of Justice has formed the Timber Interdiction Membership Board and Enforcement Resource (TIMBER) Working Group. The group **will focus on** prioritizing enforcement in respect of timber trafficking by identifying and prosecuting violators, strengthening the abilities of partner foreign governments and removing obstacles to successful enforcement. The TIMBER Working Group is an interagency initiative comprised of members from the Departments of Justice, Agriculture, Interior and Homeland Security, as well as the U.S. Council on Transnational Organized Crime's Strategic Division.

At the TIMBER Trafficking Enforcement Roundtable on April 19, 2023, Principal Deputy Associate Attorney General Benjamin Mizer observed that the illegal timber trade plays a major role in deforestation and is therefore inextricably linked to climate change. In particular, teak is commonly harvested in Myanmar and an investigation by the International Consortium of Investigative Journalists (ICIJ) published in March 2023 revealed that despite sanctions against it, Myanmar's state-run timber company Myanmar Timber Enterprise (MTE) still manages to export teak to the U.S. in vast quantities. In the coming months, the TIMBER Working Group will be working with government officials in countries adversely affected by deforestation and illegal trade, including Guatemala, Honduras, Cameroon, Indonesia and Vietnam.

The TIMBER Working Group is the latest in a slew of initiatives aimed at combatting deforestation and forest degradation linked to the production of commodities such as soy, beef, palm oil, wood, cocoa and coffee. The **EU Deforestation Regulation (EUDR)** mandates supply chain due diligence for all operators and traders dealing with such products. Operators will need to trace the commodities they are selling back to the plot of land where they were

produced. The provisions are similar to the [Biden Administration's FOREST Act](#), which also prohibits the importation of designated products containing commodities sourced from illegally deforested land.

Taking the Temperature: Teak is one of Myanmar's largest exports and is used around the world for decking on yachts, flooring and high-end furniture. MTE, which has the exclusive right to harvest and sell timber for export from Myanmar, was sanctioned by several western jurisdictions including the U.S., the EU and the UK in 2021 following a military coup in February 2021. The military dictatorship has controlled the Southeast Asian country and all exports of teak ever since. [According to a report](#) published by the UK's Environmental Investigation Agency, the considerable proceeds of the continuing teak trade are being used to fund the regime. The report predicts that if deforestation in Myanmar continues at its current rate, the country's forests will disappear by 2035.

Traders in the U.S. are required, pursuant to the Lacey Act 2008, to ensure that the timber they import is harvested in compliance with the laws of the origin country but since the coup, several U.S. companies have been found to have imported the timber anyway. In contrast, the EU Timber Regulation imposes an outright ban on all timber imports from Myanmar and is therefore generally perceived as more effective. This, coupled with the EU Deforestation Regulation and collaboration with the TIMBER Working Group, presents a potentially cohesive approach towards reducing deforestation and biodiversity loss by the jurisdictions that import high proportions of timber.

Deforestation is now squarely among the more significant sustainability areas subject to regulatory and environmental advocacy attention. As reported in another article in this edition, last month Brazil's President, Luiz Inácio "Lula" da Silva, and the Minister of the Environment, Marina Silva, announced a package of eight presidential decrees designed to increase Brazil's leadership in mitigating climate change and slowing deforestation. In May, environmental group ClientEarth [filed a complaint](#) against Cargill, one of the world's largest soy and grain traders, over [alleged deforestation and related human rights issues in Brazil](#). The [complaint](#) was filed with the Organization for Economic Cooperation and Development pursuant to the Guidelines for Multinational Enterprises (OECD Guidelines). Under the OECD Guidelines, "companies are expected to conduct risk-based due diligence to identify, prevent and mitigate the actual and potential adverse environmental and human rights impacts of their operations." In April, the European Commission and the European Investment Bank announced their intention to jointly provide €18 billion in funding to finance projects covering a variety of climate-related issues, including an [initiative to reverse deforestation](#) and enhance climate and biodiversity protection.