



NUMUN

Northwestern University Model United Nations

International Court of Justice

Topic B: Laotian Deforestation

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Lao-Vietnamese Deforestation Dispute

Introduction

As a result of increased globalization and free movement of ideas and other developmental “currencies”, areas of the world previously untouched by industry and urbanization are growing at incredible rates. The second world has grown enormously in the last century, asserting itself as a power on the global stage, and attempting to further escalate rates of economic development. This kind of growth comes at an extremely large cost. Often, such rapid urbanization feeds on excessive human currency (i.e. sweatshop labor), excessive monetary currency (i.e. currency manipulation), and excessive environmental currency (i.e. unsustainable use of natural resources). The latter is the case presently before the ICJ.



Figure 1 Deforestation (*Duke University*)



Building a modern nation-state requires a staggering amount of lumber. To build viable urban infrastructure at the pace that developing nations demand, significant amounts of land need to be deforested. One area with such demand is southeast Asia, particularly in Vietnam. After the United States invasion of Vietnam destroyed much of the previously relied-on agrarian infrastructure, Vietnam was forced to move towards centrally planned industrial economy. Vietnam, however, was then caught Catch-22: destruction of natural resources stymied hope for an agrarian economy, but construction of an urban economy required mass natural resources.

The development of Vietnam created a demand for lumber, and, because of the porous nature of borders in the developing world, lumber and other materials diffused into Vietnam from Laos. Laos has delivered an application for review by the ICJ, accusing Vietnam of unethical and unlawful practices regarding lumber importation from Laos.

Due to poor regulatory infrastructure in Laos, land is deforested at whatever rate is necessary to meet demand and provide profit for Laotian lumber firms. Vietnam presents an almost infinite demand. Although Laos has attempted to employ stricter laws, underground trade rapidly outpaces regulatory progress. Many construction firms in Vietnam import illegally across the border, showing little reverence for the grim environmental reality that Laos will face if deforestation continues at the current pace. The Vietnamese government is accused of turning a blind eye to these unlawful practices, in pursuit of faster development.

In this case, we, the dais, call upon you to perform a rigorous and nuanced cost-effect analysis. What is the cost of development? When is the cost of development too high? How do both Laos and Vietnam stand to benefit from development? Does the Earth bear enough resources to allow for an industrialized world, or must we pick winners and losers?



Background

History of Deforestation in Vietnam

While vigorous new national forestry policies have led to recent rehabilitation of Vietnamese forests, Vietnam struggled seriously with deforestation in the mid- to late-20th century. The devastation of these forests began with the United States' use of the herbicide Agent Orange during the Vietnam War from 1961 to 1971. Over the course of the war, the United States sprayed approximately 20 million gallons of chemical herbicides in Vietnam with the intention of hindering the nation economically, socially, and, of course, militarily.¹ Nearly 18% of the total forested areas in Vietnam were sprayed during the war, ruining forests and food crops, thus forcing rural inhabitants to seek shelter and work elsewhere, creating dramatic and unforeseen urbanization.²

Throughout the latter half of the century, Vietnam struggled to manage this extensive destruction of their forest cover, but in 1992, the national government created new laws to restrict timber harvesting. Between 1992 and 2005, as a result of these new measures, Vietnam was able to regrow 55% of its forest cover.

While this certainly seems to be an impressive feat of national regulation, it is important to understand that much of the reason why Vietnam was able to restore so much its national forestry is due to what many deforestation experts refer to as “leakage”—an increase in deforestation in a particular region as the result of reduction of deforestation in another. In lieu of harvesting timber nationally, Vietnam outsourced to its neighboring nations—Cambodia,

¹ Pellow, David N. "Chapter 5: Ghosts of the Green Revolution." *Resisting Global Toxics: Transnational Movements for Environmental Justice*. Cambridge, MA: MIT, 2007. N. pag. Print.

² Stellman, Jeanne M., and Richard Christian. "The Extent and Patterns of Usage of Agent Orange and Other Herbicides in Vietnam." *Nature*, 14 Apr. 2003. Web. 26 Jan. 2014.



Indonesia, and Laos—to provide timber for national use and international trading.³ As we will discuss further in this topic paper, this apparent leakage has caused wreaked serious ecological and financial havoc on these outsourced countries, especially the nation of Laos.

History of Deforestation in Laos

During the 1950s, forests in Laos made up 70% of the nation's total land area, but by 1992, forest coverage dropped to a mere 47%, and timber and wood products accounted for nearly one-third of Laos's total principal exports. Throughout the 1980s, illegal logging was rampant in Laos, and deforestation increased at an annual average rate of 1.2%, accounting for the destruction of approximately 150,000 hectares per year.⁴ In an effort to preserve what waning forest still remains in Laos, the national government has taken serious measures to reduce illegal logging, perhaps most significantly with the 2008 Prime Ministerial decree that concentrated the authority and purview of the Department of Forestry.⁵ Despite these government efforts, illicit logging and lumber trade is still widespread in Laos, primarily due to the corruption of national officials involved with these trades.

Forest Cover Statistics

When studying the issue of deforestation and the effects that it has on a nation both economically and socially, it is important to note and understand that countries often

³ Butler, Rhett A. "Vietnam Outsources Deforestation to Neighboring Countries." *Mongabay.com*. N.p., 2 Sept. 2009. Web. 26 Jan. 2014.

⁴ United States. Library of Congress. *Laos: A Country Study*. By Susannah Hopkins. The Library of Congress Country Studies, July 1994. Web. 26 Jan. 2014.

⁵ Bounnakeo, Khamphachanh. *Forest Law Enforcement and Governance in Lao PDR*. Rep. Forest Trends, n.d. Web. 27 Jan. 2014.



intentionally misreport forest cover statistics. Discussions of deforestation conflicts almost always revolve around nationally reported forest cover information, yet many people fail to consider the accuracy of such statistics. Large tracts of forest attract foreign aid, and therefore less forest cover means that countries desperately in need of aid receive fewer contributions from conservation NGOs and agencies. In an effort to maintain their aid, Vietnam and Laos have both reported hazy forest cover statistics over the years, either by relying on decades-old numbers or using forest cover subclassifications—such as “closed broadleaved forest,” “forest cover,” and “forestry”—making it difficult to geographically understand the actual forest cover in these nations and the effects that logging and deforestation have on the denizens who rely on forests financially.⁶

Of course, it is neither the intention nor the responsibility of this committee to devise a solution to this reporting problem, but it is a prominent example of the complexity of deforestation conflicts and is certainly something to be aware of throughout debates and discussions of this topic.

Current Situation

Given the abundance of Laotian forests and Laos’ proximity to major Southeast Asian nations such as China, Thailand, and Vietnam, Laos’ forests have been seriously threatened by over-exploitation in recent years. As of 2002, Laos’s forest cover is estimated at 41%, a mere shadow of its 70% forest cover in the 1950s. Not only has this deforestation destroyed the

⁶ Vajpeyi, Dharendra K. "Deforestation in Vietnam, Laos, and Cambodia." *Deforestation, Environment, and Sustainable Development: A Comparative Analysis*. Westport, CT: Praeger, 2001. N. pag. Print.



precious environment and biodiversity of Laos, but it has also marginalized so many of the 4.2 million rural Laotian natives who rely on the forests to make ends meet financially.⁷

Officially, Laos has a plethora of laws that aim to control logging and timber trade, but in reality, weak regulation and corruption prevent many of these laws from being upheld. The most powerful figures in Laos—military businessmen, government officials—benefit tremendously, both financially and politically, from illicit logging and trading and thus routinely turn a blind eye to illegal practices within their borders. Laos illicitly trades the bulk of its timber with Vietnam, a nation with a burgeoning timber industry whose earnings for wood exports were \$3.4 billion in 2010 and have been rising steadily.⁸ Given Vietnam's proximity to Laos and the availability of Laotian timber, Vietnamese officials have aggressively, and illegally, engaged in timber trade with Laos, ravaging the Laotian forests without regard for the social or environmental implications of their actions.

The majority of wood traded from Laos to Vietnam eventually finds its way into the international markets, either as raw timber or finished wood products. Both the Laotian and Vietnamese economies depend heavily on the trade of lumber, whether done so legally or not, which brings into question the role and responsibility of the international lumber market within this forest conflict. Increased international demand for wood puts pressure on people in Laos and Vietnam to continue to log and trade illegally.

⁷Environmental Investigation Agency. *CROSSROADS The Illicit Timber Trade Between Laos and Vietnam*. Issue brief. Environmental Investigation Agency, July 2011. Web. 10 Nov. 2013. <<http://www.illegal-logging.info/sites/default/files/uploads/EIA2011CrossroadsreportLaosVietnamtimbertrade.pdf>>.

⁸Smirnov, Denis. *Overview of Illegal Logging in Laos and Related Trans-Boundary Trade*. Issue brief. Global Timber Tracking Network/WWF, 20 Aug. 2013. Web. 10 Nov. 2013. <http://www.globaltimbertrackingnetwork.org/fileadmin/GTTN_Docs/Regional_Workshop_for_Asia_Pacific_Oceania/Denis_Smirnov.pdf>.



Agreements and Provisions

Currently, the European Union's Forest Law Enforcement, Governance and Trade (FLEGT) initiative is in talks with both Laos and Vietnam to ensure that the European Union imports only legal timber supplies.⁹ Vietnam is in the process of drafting their own Timber Legality Assurance System (TLAS) in an effort to ensure that all of their exported timber is acquired legally.¹⁰ In October 2011, Laos and Vietnam reached a formal agreement to improve enforcement of timber trade regulations and transparency of trading information.¹¹

While Vietnam and Laos have both made commendable public efforts to engage in discussions and agreements to ameliorate their logging dispute, illicit lumber trade between the two is still rampant due to corruption amongst those high in public office. As long as officials stand to gain personally by allowing illegal limber trade—or worse, actively helping to propagate it—international agreements and national laws are rendered essentially useless. In order to truly ameliorate this situation, international legal action must be taken against these countries and the individuals who have allowed this conflict to exist and grow.

⁹ *CHECKPOINTS: How Powerful Interest Groups Continue to Undermine Forest Governance in Laos*. Rep. Environmental Investigation Agency, Sept. 2012. Web. 24 Jan. 2014.

¹⁰ Quyen, Nguyen T., and Tran H. Nghi. *How Viet Nam Is Prepared to Meet Legal Requirements of Timber Export Markets*. Rep. Tropenbos International Viet Nam and Viet Nam Timber and Forest Product Association, 2011. Web. 24 Jan. 2014.

¹¹ Agreement between the Ministry of Agriculture and Rural Development of the Socialist Republic of Vietnam and the Ministry of Agriculture and Forests of the Laos People's Democratic Republic, on Cooperation in the fields of Agriculture, Forestry, and Rural Development 2012 and Plan 2013 – 2015, Signed in Luang Prabang on October 18, 2011



Bloc Positions

Judicially Active Judges

Judicial activists seek to look beyond the ink and paper on international laws, and take into consideration other factors in their decision making, such as socioeconomic and political concerns. These judges will seek to read into the purpose of documents rather than their specific provisions, and, more broadly speaking, seek to remedy the situation rather than purely apply law. In this case, judicially active judges will take into special consideration the needs of the region as a whole. What is this issue a symptom of, and how can the court best recommend a course of action that will remedy the root cause? These judges will recognize the complex network of politics and power that have led to this standoff, and take into careful consideration the possible outcomes and sociopolitical realities of the situation.

Judicially Restrained Judges

Judicially restrained judges, to the contrary, will seek to apply international law above all else. These judges will read carefully into the Lao-Vietnamese Treaty of Friendship and Cooperation, and other bilateral and multilateral agreements. Without an infringement of any such laws, these judges will tend to be less persecutory of Vietnam. In short, the primary goal of these judges is not to come to the aid of the Laotian people and provide long term frameworks for successful development. The primary goal of these judges is to carefully and thoroughly investigate the legal precedent, and provide a nuanced and rigorous application of this precedent.



Questions to Consider:

1. What are the relevant international laws and agreements pertaining to this case?
2. Are there any other similar international cases whose decision can serve as a precedent for this case?
3. Are perhaps both nations legally accountable for this dispute? How can they share the legal burden to ensure that this situation is put to an end?
4. Are nations who knowingly buy wood products from Vietnam that have been produced from illicitly traded Laotian timber legally accountable as well in this situation?
5. Could this case also be considered in the International Criminal Court to try individuals who are responsible for the perpetration of this situation?
6. What legal frameworks could be put into place to end this conflict and avoid similar conflicts in the future?
7. How do we address the fact that Laos and Vietnam have both made many public efforts to manage this conflict but have, behind closed doors, allowed the situation to continue because national officials serve to profit from it?
8. Could the decision on this case serve as a model to ameliorate the multitude of other deforestation conflicts also occurring in Southeast Asia?



Recommended Resources:

1. Various news sources (NYTimes, Reuters, BBC): This is a rapidly evolving issue that will likely have significant changes up until the day before the conference. You will be held accountable for being up to date.
2. Lao and Vietnamese Government: This government information, which can be found online, can provide valuable insight into the arguments presented by either side of the debate.
3. *Deforestation, Environment, and Sustainable Development: A Comparative Analysis* (2001) edited by Dhirendra Vajpeyi. A valuable overview on deforestation and its consequences for development.

