

Forest governance and illegal logging: Improving legislation, and interagency and inter-stakeholder relations in Russia

A summary of project report
Moscow 2006

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Global Opportunities Fund

The Foreign Secretary launched the Global Opportunities Fund (GOF) in Russia in May 2003 and it is now the largest programme budget run by Foreign and Commonwealth Office (FCO).

GOF runs 3 thematic programmes in Russia:

- The Economic Governance Programme;
- The Sustainable Development Programme and
- The Climate Change and Energy Programme.

During 2003-2005, GOF has funded 12 environmental projects in Russia under its Sustainable Development and Climate Change and Energy Programmes.

The designation of geographical entities in this book, and the presentation of the material, do not imply the expression of any opinion whatsoever on the part of IUCN concerning the legal status of any country, territory, or area, or of its authorities, or concerning the delimitation of its frontiers or boundaries. Please note that the figures and other actual data, strategies and recommendations presented in the workshops are the direct products of the workshop participants. The views expressed in this publication do not necessarily reflect those of IUCN or donor agencies.

This publication is a summary of some results relating to the first stages of the Europe and Northern Asia Forest Law Enforcement and Governance process (ENA-FLEG), primarily emerging from the project entitled: "Forest governance and illegal logging: Improving legislation and interagency relations in Russia". This project was carried out with financial support from the UK Foreign and Commonwealth Office and the United States, through its Voluntary Contribution to IUCN.

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Citation:

Introduction

This Summary Project Report provides a description of the main activities and results of a project carried out by IUCN – The World Conservation Union with the support of the United Kingdom Foreign and Commonwealth Office. The Project aimed at identifying and responding to challenges related to the Russian legal framework and patchwork of agencies and actors having a role to play on illegal logging, forest law enforcement and broader forest governance (FLEG).

Some of the achievements of the Project include:

- The first ever public opinion polls on illegal logging and forest governance in Russia
- The first ever event organized jointly by three committees of the Russian Chamber of Commerce and Industry with IUCN and involving participants from all key agencies and authorities relevant to illegal logging and forest governance
- The most inclusive participatory process related to forests ever undertaken in Russia.

As a result of this project and the one which preceded it (involving public hearings in two regions of Russia), the Russian government, civil society and others actors were well prepared to play an active and effective role in the ENA-FLEG Ministerial Conference process and are ready to do so in the all important follow up process.

Background and brief project description

As a part of the preparatory process for the Europe and Northern Asia Forest Law Enforcement and Governance (ENA FLEG) Ministerial Conference, with financial support from the United Kingdom Foreign and Commonwealth Office, the IUCN Temperate and Boreal Forest Programme and the St.-Petersburg Society of Naturalists co-organised public hearings in St. Petersburg (February 21-23, 2005), with the regional NGO “Ecodal” – a workshop in Khabarovsk (March 3-5, 2005), and follow up meetings .

The participants noted:

- Serious flaws in forest and civil laws, and regulations for internal and external markets
- Inadequate coordination of state and public control over forest products production and trade, which aggravates unregulated and illegal forest use;
- Serious difficulties in the development of a common understanding of the problem, attributed to a lack of agreement among stakeholders over the definition of “illegality” and a tendency to focus on timber while ignoring illegal or unsustainable NTFP gathering, littering, hunting, etc.;
- Insufficient understanding of the causes for illegal logging in the Russian context, specifically at the local level, and possible ways to address these causes;
- Lack of understanding of the consequences of illegal activity;
- Lack of information on the FLEG process and the long term opportunities it offers for the Russian civil society, business and forest sectors.

It was concluded that these problems would significantly diminish opportunities for the Ministry of Natural Resources of the Russian Federation, as well as other government authorities, NGOs and businesses to develop sound, well grounded and relevant proposals for the FLEG Ministerial Conference (St.-Petersburg, Russia, November 22-25, 2005) and more generally to improve forest governance and management in Russia.

Related to the above points, key recommendations on areas for action in Russia were identified, including:

- increase coordination between civil society organizations and state controlling organizations, including federal and regional authorities and customs, responsible for forest use and trade;
- develop an effective and practical mechanism for information exchange on facts of illegal activities in forests and illegal trade of logs, lumber and non-timber forest products;
- develop agreements with the countries importing forest products to limit access of illegal timber on markets;
- further develop terminology and criteria on illegal forest use, products and trade;
- further develop a system of forest certification;
- increase stakeholder awareness of the risks created by illegal forest use.

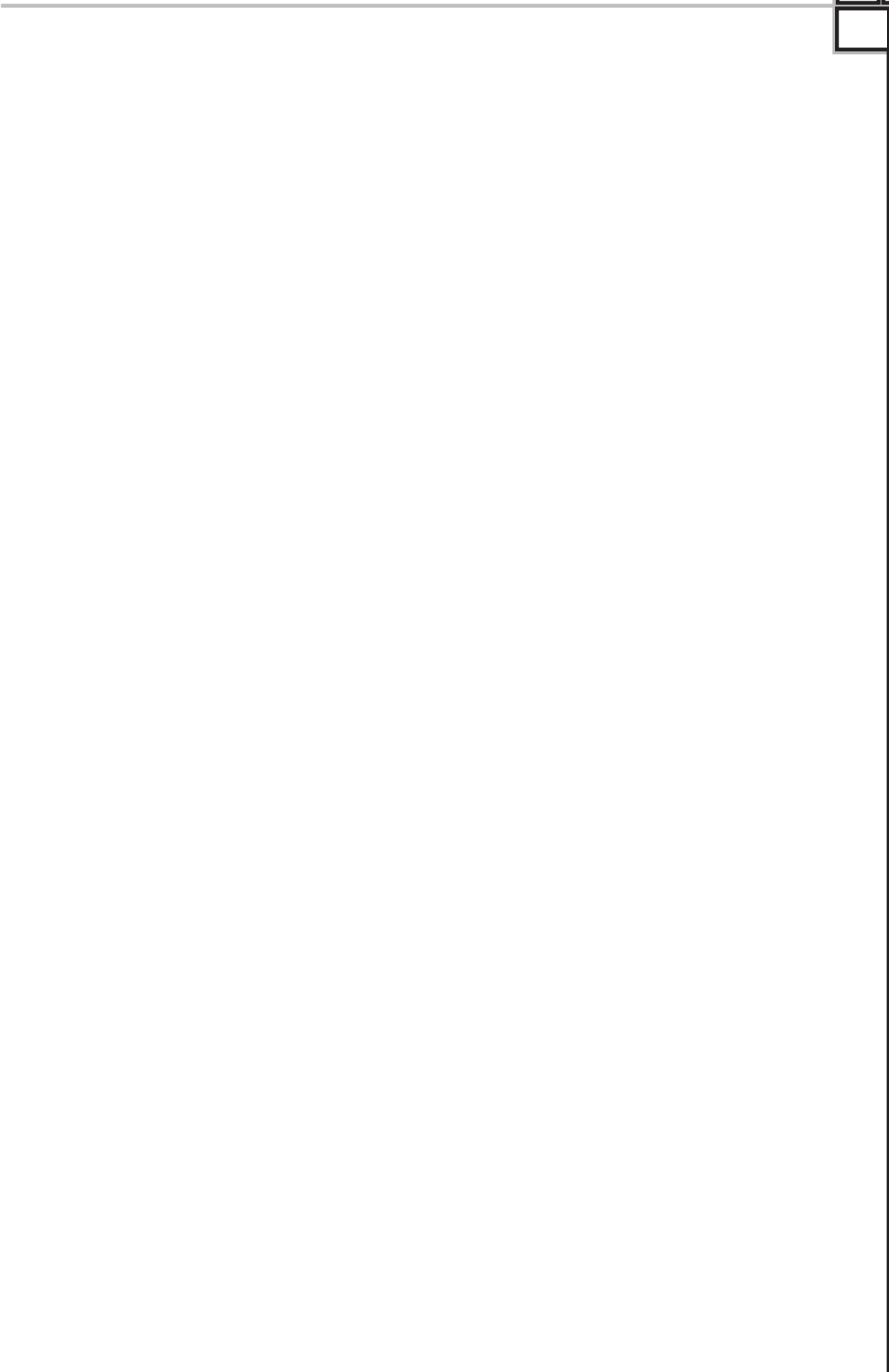
In response to this, the second IUCN/FCO project was focused on the gaps and other hindrances to good forest governance and effective response to illegal logging that relate to Russian laws and regulations and interagency and inter-stakeholder relations in Russia.

It was planned that this project would reach out to and engage

- decision-makers in different parts of government, such as Russian State Duma representatives, MNR, regional authorities, fiscal authorities, legislators, etc.;
- key civil society actors, including NGOs and community-based organizations, research institutions and academia;
- the media.

The main activities of the project were:

1. *Provide information on Russian laws and inter-agency and inter-stakeholder relations*
 - 1.1. Compilation and review of raw data and initial analysis by experts with a high degree of credibility and experience
 - 1.2. Presentations:



There is a serious gap in knowledge and understanding of forest management and illegal logging issues not only within general public, but also amongst governmental agencies, for example, at regional level.

In this situation major directions for information flow were identified as follows: 1) problem of the illegal logging and timber trade in Russia and world wide; 2) ENA FLEG process and EU FLEG(T) Action Plan; and 3) general problems in the management of the Russian forest sector (administrative reform, new versions of the Russia Forest Code, corruption, and etc.).

In raising awareness, the Project team used the following tools:

“Forest Review”:

A weekly publication distributed via e-mail to 1550 subscribers. “Forest Review” is a product of the International Socio-Ecological Union Forest campaign. It covers Russian and international mass media articles and news on environmental and social problems of the forest sector in

Russian Government on ENA-FLEG process, which contained 11 items proposed to be included into the Russian National Action Plan on FLEG;

Interregional conference “Forest and Man: Perspectives for collaboration” (Volgograd, September 14-16, 2005). Representatives from 15 regions of Russia adopted a resolution arguing for a new version of the Russian Forest Code in the form of letter to the President V.Putin. (Note that the previous project “ENA-FLEG: Optimising Russian forest resilience to climate change through improved forest governance arrangements – Pilot phase” received an answer to its appeal to the President of the Russian Federation on ENA FLEG process.);

- The ENA-FLEG joint civil society and forest industry preparatory event organised by The Forest Dialogue (St.-Petersburg, November 2-3, 2005) has resulted in the Joint Summary of the Co-Chairs with Recommendations that was sent out to many addresses;
- A position of Russian environmental NGOs towards ENA FLEG process was presented in “Forest Bulletin”, 2005, 4 (30), pp. 19-20 (700 copies);
- NGO statement to the ENA-FLEG Ministerial Conference International Steering Committee “About Transparency of the ENA-FLEG process”, 21 November 2005 (St.-Petersburg);
- NGO statement to the ENA-FLEG Ministerial Conference (St.-Petersburg, November, 25, 2005).

These activities resulted in a better understanding of ENA FLEG issues and of the Ministerial Conference process by Russian society, the business community, governmental agencies and their representatives

2. Increased understanding and recognition of the respective roles of different government, civil society and private sector actors and improved coordination among them

Public opinion polls

For the first time in Russia, wide scale opinion polls were carried out. These contributed to achieving a better understanding of the real situation with governance and law enforcement in the Russian forest sector and the relations between civil society and governmental structures.

The polls revealed a very serious problem in relation between official authorities and the public in the area of law enforcement in forest sector.

Three independent public opinion polls were conducted in May-October 2005, involving 2100 respondents. All polls gave similar results:

- 58-89% of respondents think that in Russia there are serious problems with governance and law enforcement in the forest sector (illegal logging, poaching, forest land take-over etc.) Only 5-10% of respondents think that there are no such problems.
- 51-86% of respondents think that the authorities inefficiently address the issues of governance and law enforcement in the forest sector (tackle illegal logging, poaching, forest land take-over etc.). Only 6-16% of respondents think that authorities deal efficiently with these problems.

16. October 3, 2005. Meeting of Environmental Donors Working Group (EDWG) "Sustainable forestry management, Forestry reforms, Illegal logging and FLEG process in Russia (Moscow, the WB premises)
 17. October 4-7, 2005. The VII-th International Timber Industry Forum (St.-Petersburg)
 18. October 5, 2005. The Forest Forum (St.-Petersburg)
 19. November 16, 2005. Roundtable "Improvement of the law enforcement for better protection of the forest resources" in the Federation Council (Upper Chamber of the Federal Assembly of the Russian Federation) (Moscow).
 20. November 20-21, 2005. Meeting of self-selected NGOs prior the ENA FLEG Ministerial Conference (St.-Petersburg)
 21. November 22-25, 2005. ENA FLEG Ministerial Conference (St.-Petersburg)
 22. December 7, 2005. Meeting of "Friends of enchanted forests" (Murom, Vladimir oblast).
- More detailed information about 3 key workshops and meetings is presented in next sections.

3. Engagement in the FLEG process by government organisations responsible for forest use and trade, including not only MNR but also, for example, regional authorities, customs and fiscal authorities, forest management unit auditors, etc.

Dissemination of information and development of joint proposals

The Project team informed different governmental stakeholders, especially from the regions, about the ENA-FLEG process. Some of those people participated in the development of draft recommendations aimed at Ministers and others in the FLEG process, which were prepared and distributed via Internet, e-mail lists, publications, and at various meetings and conferences.

By involving a range of actors in developing practical recommendations for addressing flaws in the current legal framework and in the relations between agencies and stakeholders, the project was able to present a set of proposals that enjoyed the support of different civil society, business and governmental structures.

In the current Russian situation it is a very important task, especially for NGOs, to facilitate the engagement of a wide range of governmental structures in the FLEG process, and the Project was successful in doing so.

Illegal logging round table

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Enterprise; N.Buridin, Director of NIPIEIllesprom; L.Maklukov, ViceDirector of the Timber Industry and Forest Exporters Union; A.Beliakov, Chair of the Committee for the Chamber of Commerce and Industry of the Russian Federation; V.Teplyakov, Coordinator of IUCN Temperate and Boreal Forest Programme; V.Gorokhov, Head of the Forestry Department of the Ministry of Defence of the Russian Federation; V.Gorbunov, Head of the Department of Ecology and Nature Resources of the Federal Antimonopoly Service; V.Mishchenko from the Federal Customs Service; E.Markov, Deputy Governor and Head of the Department of the Industrial Development for Kirov oblast and others.

The Resolution entitled “Cooperation of Federal Executive Bodies for Illegal Logging and Trade Prevention” (Annex 2) was adopted and sent out to many agencies and legislative bodies having relations to forest sector. This document with brief description of the roundtable was also disseminated at the ENA-FLEG Ministerial Conference.

National workshops prior to the FLEG ministerial conference to refine the recommendations

In addition to the illegal logging round table described above, on October 31, 2005 a national workshop was held for regional NGOs on “International process of counteraction to the illegal forest use – the role of the civil society” (St.-Petersburg).

This meeting was organised by Centre for Expertise ECOM (Saint-Petersburg) jointly with IUCN and attended by about 30 representatives mostly from NGOs and regional and local authorities and business people of the North-West Federal District. As a result of this workshop and follow up discussion the Tentative list of indicators to measure FLEG progress in Russia was drafted (Annex 3) and then presented at the VII-th International Timber Industry Forum (St.-Petersburg) and distributed at the ENA FLEG Ministerial Conference.

4. Concrete recommendations on how to address flaws in the legal framework and interagency relations which enjoy the support of a wide range of stakeholders

The Project developed and presented a list of concrete recommendations based not only on its own analysis and discussions (especially in area of combating corruption, increasing transparency, improving collaboration between official authorities and the public in the forest sector), but also facilitated or was involved in the preparation of similar recommendations by other actors (for example, for the Conference on “Human Rights, Environment and Civil Society”, International workshop “Illegal logging: focus on the government-private business dialogue in the Russian Forest Sector”, the Russian Far East “Sosnovka” meeting, The Forest Dialogue, tripartite small meetings in many regions of the Russian Federation, and etc).

This cross-fertilization of efforts and events created the conditions for more sustainable and powerful results of the project and ensured that the proposals developed enjoyed wide support from different stakeholders.

Communications Strategy

To promote the practical recommendations a communications strategy was developed and implemented. The communication strategy included:

- Oral presentations in different fora. These are listed in the sections above.
- Information distribution via environmental NGO Internet sites, www.forest.ru www.iucn.ru, www.forestforum.ru and others;
- Dissemination of the “Forest Review” using e-mail lists (1550 subscribers);
- Use of external Internet sites, including leading Russian information agencies;
- Publication of articles in environmental “Bulletins” as well as separate brochures, and their distribution via regular mail to conferences, workshops and other public events;
- Publication of articles in national newspapers (2 articles);

Media coverage included interviews with the radio station “Liberty/Free Europe” (two project staff – A. Grigoriev and V. Teplyakov – were interviewed during and after the Ministerial Conference).

In addition, the report on “Forest Law Enforcement and Governance: attitudes in Russia”, the analytical report on the sociological survey commissioned by IUCN, and the Roundtable on illegal logging, (October 31, 2005) as well as other project activities were covered by www.rosbalt.ru, www.rian.ru, www.regnum.ru, www.wood.ru, and other key information agencies. (A list of 17 such publications, covered by the most popular Russian Internet search engine YANDEX.RU, is presented in Annex 4.)

Overall the number of people addressed by the project via direct mailing is estimated to be about 5000.

Participation in the Ministerial Conference and Civil Society pre-meeting

A member of the Project Team, who was actively involved in the consultation process, was charged with promoting the outcomes of this Project through participation in the Ministerial Conference and the Civil Society Pre-Meeting. Close to 15 Russian civil society representatives were enabled to participate in those events with strategic support from the Project team. These included Alexey Grigoriev (International Socio-Ecological Union), Dmitry Afinogenov (Saint-Petersburg Society of Naturalists), Mikhail Karpachevsky (Biodiversity Conservation Centre), Irina Bogdan (Khabarovsk regional NGO “Ecodal”) Yuri Shuvaev and Ksenia Pakhorukova provided technical and media support.



Annex 1

Interagency coordination to combat illegal logging and trade in Russia (draft)

What follows is a review of the roles of different agencies, which was carried out by a consultant to the project. This review provides a starting point for consultations on the relations between different key actors.

Problems of illegal timber logging and illegal timber rotation are more and more often considered by the world community, the international public organizations, and also bodies of the government, social scientists, researchers, experts and practitioners in our country.

Illegal logging have appeared simultaneously with lawful logging, from that moment when the mankind began to apply legal regulation to forests. Unfortunately, illegal loggings accompany people on all ways of their evolutionary development.

Despite of a centuries-old stage of existence, illegal loggings even today have no well qualified legal concept.

In the Forest Code of the Russian Federation establishing legal relations during forest use, in the Criminal Code of the Russian Federation, and in the Code of the Russian Federation on the Administrative Offences providing the responsibility for forest use there is still no definition of illegal logging. And only the Decision of Plenum of the Supreme Court of the Russian Federation from November, 5, 1998 # 14 (item 11) gives legal interpretation to concept «illegal felling», which is conclusive is applied by courts of all instances.

Wrong names and incomplete characteristics of illegal actions during forest use objectively do not allow taking into account an offence and fully apply norms of civil, administrative and criminal laws.

Increased in a number of countries demand for forest resources, spoiled with constant reorganisation of forest management system in Russia, imperfect legislative base of forest relations and growth of illegal logging cause alarm in civil society.

The estimation of volumes of illegal logging in the country and their influence on environment is inconsistent. According to the federal enforcement authorities illegal logging makes 726 thousand cubic meters or 0.4-0.5% from the volume of timber logged; at the same time non-governmental and public organizations and independent experts objectively consider that the level of illegal logging is much higher. The reason of dual interpretation is obvious.

Preliminary results of the comparative analysis of competency of federal enforcement authorities' activities on illegal logging prevention and illegal timber rotation, and also the analysis of federal laws application practice containing norms of forest legislation show, that the majority of federal structures participate in the work against illegal logging and an illegal timber rotation together with the Ministry of Natural Resources of the Russian Federation and subordinated to it Federal Forestry Agency and Federal Service on Supervision in the Sphere of Nature Use Management.

Activity of the *Constitutional Court of the Russian Federation*, which considered materials and have accepted the Decision of 09.01.1997 «On the affair about checking of constitutionality of the Forest Code of the Russian Federation», and subsequently other materials does not demand the detailed comment; as well as a work of the Federation Council of the Federal Assembly of the Russian Federation, which have accepted the Decision of 01.04.1998 «On forest management in the Russian Federation» and regularly considers issues of forest law enforcement at sessions of its Committees.

According to the order established by legislation of the Russian Federation, courts of all instances and bodies of the Office of Public Prosecutor consider affairs on illegal logging and others forest offences and define a measure of the responsibility of guilty persons according to the administrative and criminal legislation of the Russian Federation.

Damage causing to the state economy by Illegal logging and illegal timber rotation are examined by the structures, subordinated to the Ministry of Foreign Affairs of the Russian Federation, and also by competent bodies of the Russian Federation.

The Ministry of Internal Affairs of the Russian Federation and subordinated to it services according to the law on militia carry out a complex of operative investigatory actions for detention, identification of the person, administrative punishment of the guilty persons who have made illegal timber harvesting and carrying out of illegal wood transportation and other offences connected to it.

The Ministry of the Russian Federation for Civil Defence and Emergencies according to the

ber industry structures carrying out the basic volumes of timber harvesting in Russia. Significant amount of forest violations could be attributed to timber industry.

The Ministry of Transport of the Russian Federation and subordinated Federal Road Agency carry out logging of forest stands in roadside strips; wood is frequently used not to destination and increases volumes of its illegal rotations. The Federal Agency of Railway Transportation and the Federal Agency of Sea and River Transport move significant volumes of wood cargoes, including illegally logged wood.

The Ministry of Agriculture of the Russian Federation, the Federal Agency on Agriculture, the organizations subordinated to them carry out timber harvesting in the forests earlier belonged to the agricultural organizations. Wood harvested with infringement of forest legislation increases its illegal rotation.

The Russian Federation Ministry of Economic Development and Trade, subordinated to it the Federal Customs Service according to the Customs Code of the Russian Federation, provide customs registration of wood materials shipped on export. Customs bodies legalise papers, including that on illegally harvested timber sent abroad.

The Federal Service of State Statistics is in charge to provide gathering, generalization and representation of objective and trustworthy information on timber harvesting, transportation, processing, consumption at home market and delivery on export.

It becomes obvious how important and necessary is close interaction of state authority, law-enforcement, control and supervising state bodies, federal enforcement authorities on prevention of illegal logging and illegal timber rotation, maintenance of observance of the legislation of the Russian Federation.

Problems of illegal logging demand a systematic judgement as well as development of uniform understanding of their essence by the international public organisations, the state control and executive authorities, mass media and citizens. The correct and civilised decision of the specified problems will provide preservation in ecological equilibrium of forest, this unique creature of planetary value.

Shuvaev Yu.P.
Moscow, 25.04.2005

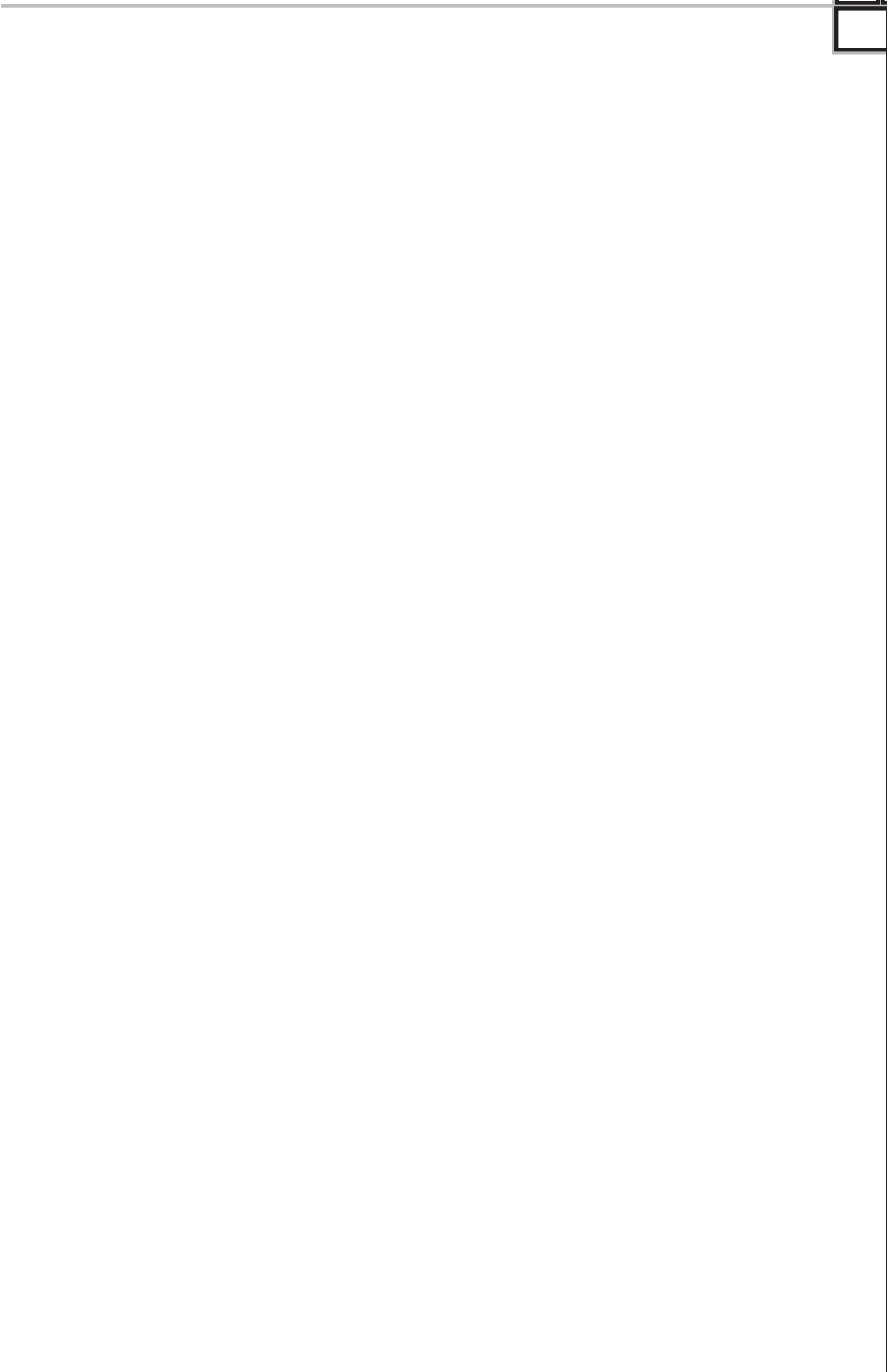
Annex 2

Cooperation of Federal executive bodies for illegal logging and trade prevention

RESOLUTION
of the Round Table “Cooperation of Federal Executive Bodies
for Illegal Logging and Trade Prevention”

October 31, 2005 Moscow, Chamber of Commerce and Industry of the Russian Federation

Participants of the round table, organized in cooperation by the Natural Resources Use and Ecology Committee for the Chamber of Commerce and Industry of the Russian Federation (TPP RF), Forest Industry and Forestry Development Committee for the TPP RF⁸tionso.



- Develop and implement anticorruption mechanisms in forest sector for allocation of forest areas to exploit, to support transparent and fair system of forest resource distribution;
 - Ensure the development with the Russian Federal Forestry Agency the Interdepartmental Center for Analysis and Information on Timber Allotment, Logging, Trade and Export with the transparent data bank.
7. Charge the Ministry of Industry and Energy of the Russian Federation with participation of the Federal Tax Service and other interested federal executive bodies with the task to develop and in an accordance with the approved legal procedure to introduce to Government of the Russian Federation the proposals on establishment of the United System of Expert Assessment of Quantity and Quality of Forest Products, and other economically important exported forest materials.
To prevent timber smuggling, charge the Ministry of Industry and Energy of the Russian Federation, the Federal Tax Service and Russian Federal Forestry Agency to develop and approve methodologies for timber volume measurements for exported timber.
 8. Charge the Federal Tax Service with the task to amend the respective legal acts in accordance with the approved legal procedure to prevent the illegal timber trade and export, use international rules and norms in international timber trade.

The Resolution of the round table is to be send to the Upper Chamber of the Federal Assembly of the Russian Federation, State Duma, Government of the Russian Federation, federal executive bodies (according to the list), participants of the Ministerial Conference on Forest Law Enforcement and Governance in Europe and Northern Asia (St.-Petersburg, November 2225, 2005), mass media and NGOs.

Passed by the roundtable participants
October 31, 2005

Annex 3. Indicators of FLEG progress in Russia

Suggestive list of indicators for progress of FLEG in Russia
Prepared by the working meeting of NGO, business and governmental representatives,
St.-Petersburg, 31 October 2005

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Annex 4 List of selected media who covered various project activities

Date	Source	Internet link	Title (brief description)
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10.10.200	nnb.t	http://www.nnb.t/t/t/... 1&Y 3	Y n t r n Y Y n 31, 200
11.10.200	nnb.t	http://www.nnb.t/t/t/... 1&Y 107:40	Y n t r n Y Y n 4X, 200
22.10.200	Yjz Y	http://www.Yjz.Y/... n 244 1	Y n t r n Y Y n
22.10.200	Yjz Y	http://www.Yjz.Y/... n 244:22	Y n t r n Y Y n

