

Illegal Logging in Ukraine

Fact finding



Illegal Logging in Ukraine

Fact-finding study

REC GREY PAPER

by

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ABBREVIATIONS

CIDA	Canadian International Development Agency
ENVSEC	Environment and Security Initiative
FSC	Forest Stewardship Council
IUCN	International Union for Conservation of Nature
KEO	Carpathian Environmental Outlook
MAB	Man and the Biosphere Programme of the United Nations Educational, Scientific and Cultural Organization
MCPFE	Ministerial Conference on the Protection of Forests in Europe
SDC	Swiss Agency for Development and Cooperation
SFC	State Forestry Committee of Ukraine
UNECE	United Nations Economic Commission for Europe
WWF	World Wide Fund for Nature

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Project background

Forestry in Eastern Europe is an important economic sector, and is also crucial from an environmental point of view. Illegal logging is often accompanied by transnational organised crime, breakdowns in institutional controls and ineffective institutions and it can increase tensions across borders and with the international community. The effects of illegal logging range from loss of habitat and biodiversity to erosion and land degradation, desertification and climate change, as well as social disruption, economic impacts and weakened governance structures.

The project “Illegal Logging in Ukraine: Governance, Implementation and Enforcement”, implemented under the Environment and Security

(ENVSEC) Initiative, aims to identify concrete actions to be taken by key actors to address the existing legal, policy, implementation and enforcement gaps in order to reduce or eliminate illegal logging in Ukraine.

The project is financed by the Canadian International Development Agency (CIDA) under the ENVSEC Initiative.

The current report provides an overview of the state of play in the forestry sector as regards the scope and extent of illegal logging activities in the country. It should be read in conjunction with the Diagnostic Audit, produced under the same project, which describes the policy, legal and institutional set-up in Ukraine and evaluates the country’s capacity to address the issue of illegal logging.

Chapter 1: Executive summary

Forestry in Ukraine is an important economic sector, and is crucial from an environmental point of view. Ukraine is characterised by quite low forest cover, although the extent varies greatly from region to region. The majority of forest lands are concentrated in the western (Carpathians) and northern parts of the country, where they play an important ecological and economic role and contribute to the social welfare of the population. The forests of the central, eastern and southern parts of Ukraine play mainly an ecological role but are also crucial for some branches of the economy, especially agriculture, as they contribute to the regulation of the water regime, protect soil from erosion and prevent desertification. It is therefore important to identify trends that have an adverse impact on forestry, thus affecting the ecological, social and economic welfare of the country. Illegal logging is one such trend.

There are general patterns that are important for an understanding of the current condition of forests in Ukraine:

- Almost all forests are state owned.
- The remainder are municipal and private forests, but their size and share in forestry structure is very small.
- The State Forestry Committee of Ukraine is the main central executive body in the sphere of forestry and manages the bulk of Ukrainian forests. There are other authorities that manage the forests assigned to them.
- Forests cover 15.7 percent of the territory of Ukraine, and the proportion is increasing.
- The average age of Ukrainian forests is 55 years, and becoming older. Old and virgin forests remain mostly in protected areas and remote territories in the mountains, which are difficult for loggers to access.
- The majority of Ukrainian forests are artificial and require intensive care.
- Up to 50 percent of forests are under special ecological forest management.

- Some forests are outside state control, especially those growing on neglected agricultural lands and those that are leased out for long-term use to private owners.
- There is a lack of reliable and aggregate data on forests and on the real volumes of illegal logging.

In the early 2000s, the government took measures to improve forestry efficiency, to increase forest cover in the country and to combat illegal forestry activity. The measures achieved some positive results, especially in preventing exports of illegal wood and combating small-scale illegal logging by local population. However, the problems still exist, driven by the high level of corruption, social and economic causes, weak legislation and the low capacity of the law-enforcement authorities.

The main types of illegal logging in Ukraine are:

- logging without permission;
- false declaration of volumes and values of harvested wood;
- logging outside the limits of cutting areas;
- obtaining logging authorisation through bribes;
- groundless sanitary cuttings; and
- the illegal occupation of forest lands for construction or mining, accompanied by logging.

Ukraine has established a relatively well developed legislative foundation for regulating forestry activity, which includes the Forest Code and other acts. Forestry is also regulated by sectoral legislation, for example environmental protection, administrative and criminal legislation etc.

One important problem in Ukraine is coordination between the various law enforcement authorities dealing with forest crime, which needs fundamental improvement. The capacity of law enforcement authorities and courts to combat illegal forestry practices is quite low and needs strengthening. Sanctions are mostly weak and illegal forestry activities rarely lead to an enforced court

sentence. The participation of civil society and local communities in the forestry sector remains largely symbolic in the absence of an efficient system for delivering information and holding public consultations.

Recommendations

The current system for combating illegal logging in Ukraine needs further improvement at all levels. Further efforts are also required at international level, including cooperation and coordination between forestry authorities and law enforcement authorities; networking between authorities and NGOs; and the sharing of experience. Based on the present study, we have developed generalised recommendations for improving the current situation:

- The system of state forest management should be improved by separating the policy-making, regulation and control functions from management and economic functions.
- A forest inventory should be compiled and supported by the necessary funds and technical tools.
- Alternative spheres of employment should be developed for people living near forest areas (tourism, recreation, green agriculture etc.).
- Control over exports and imports of wood and over the wood market in general should be improved.
- The licensing system should be made more transparent.
- Public participation in decision making should be enabled by establishing of system for delivering information and public consultations.
- Forests growing on reserve lands and neglected agricultural lands should be placed under management, and forest management by non-specialised authorities should be made more efficient.
- Legislation related to combating illegal logging should be improved.
- The capacity of law enforcement authorities should be strengthened.
- The system for monitoring and gathering data on illegal logging should be improved.
- Coordination between forestry authorities and law enforcement authorities should be improved.
- The sharing of experience and networking should be promoted at international level, and support should be given to bilateral, multilateral and international initiatives against illegal logging.

A more developed set of recommendations can be found in Chapter 4 of the Diagnostic Audit, produced in parallel with the current report.

Chapter 2: Introduction

Overview of the country's forests

There are both scientific and legal definitions of the term “forest”. The many scientific definitions each focus on one particular feature of the forest, and scientific discussions still take place as to which is the most accurate. Ukrainian legislation also contains a definition of “forest”, which is used in the regulation of

the different relations in the forestry sphere: **A forest is a type of natural complex combining mostly tree and bush vegetation with corresponding soils, herbaceous vegetation, fauna, micro-organisms and other natural components, which are interrelated in their development and affect each other and the environment¹.**

The forests of Ukraine are part of its national wealth and, according to their purpose and location, have water protection, general protection, sanitary and

MAP 1: Map of the forest cover in Ukraine

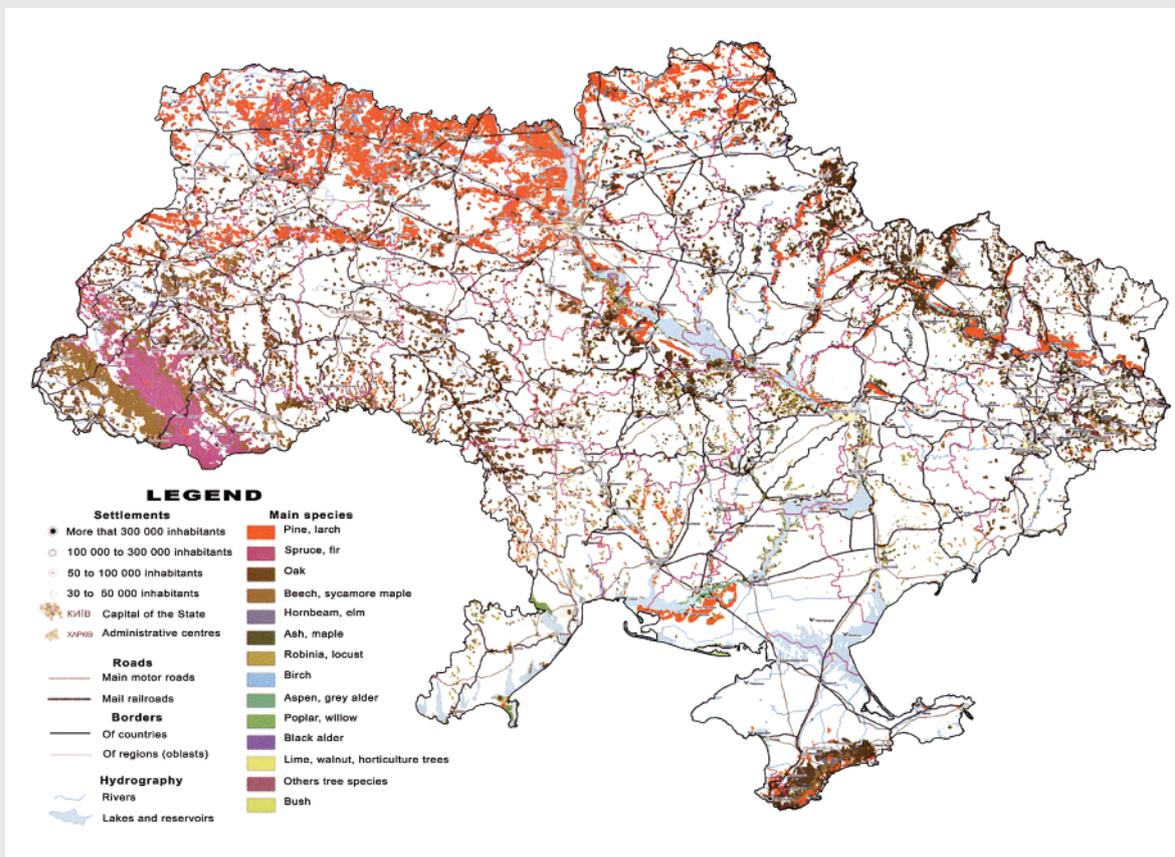


TABLE 1: Forest cover in Ukraine

REGION	TOTAL AREA (thousand km)	FOREST COVER AS OF JANUARY 1, 2002 (thousand ha)	ACTUAL FOREST COVER (percentage)	OPTIMAL FOREST COVER (percentage)
Autonomous Republic of Crimea	27.0	308.7	11.4	19
Vinnitsya	26.5	351.4	13.3	15
Volyn	20.1	632.4	31.3	36
Dnipropetrovsk	31.9	152.8	4.8	8
Donetsk	26.5	185.5	7.0	12
Zhytomyr	29.8	989.0	33.1	36
Zakarpattia	12.8	652.9	51.0	55
Zaporizhyya	27.2	105.4	3.9	5
Ivano-Frankivsk	13.9	576.7	41.5	48
Kyiv	28.9	632.2	21.9	24
Kirovograd	24.6	158.8	6.5	11
Lugansk	26.7	282.9	10.6	16
Lviv	21.8	626.4	28.7	30
Mykolayiv	24.6	94.9	3.9	7
Odesa	33.3	195.3	5.9	9
Poltava	28.8	236.2	8.2	15
Rivne	20.1	731.7	36.4	41
Sumy	23.8	403.8	17.0	20
Ternopil	13.8	192.4	13.9	20
Kharkiv	31.4	372.7	11.9	15
Kherson	28.5	132.4	4.6	8
Khmelnitskiy	20.6	262.7	12.8	17
Cherkasy	20.9	319.3	15.3	16
Chernivtsi	8.1	237.8	29.4	33
Chernigiv	31.9	656.6	20.6	22
Ukraine, total	603.5	9,490.9	15.7	20

Note: AR Crimea includes Sevastopol city; Kyiv region includes Kyiv city
Source: SFC, "Forest Management in Ukraine", 2007

hygiene, health, recreation, aesthetic, educational and other functions. They are a source of satisfaction for the needs of society in terms of forest resources.²

According to the State Forestry Committee of Ukraine (SFC), forests cover 15.7 percent of the territory of Ukraine. The total area covered by forests is 9.7 million hectares (ha). The total area specified for forestry is 10.8 ha. This includes areas with forest cover and non-forested lands (agricultural lands, water bodies and swamps, buildings, communication facilities, lands of poor quality etc.), which are provided according to legal requirements and used for the purposes of forestry.

The main species of forest trees are Scots pine (*Pinus sylvestris*), Pedunculate oak (*Quercus robur*), Norway spruce (*Picea abies*), European beech (*Fagus sylvatica*), silver birch (*Betula pendula*), black alder (*Alnus glutinosa*), European ash (*Fraxinus excelsior*), European hornbeam (*Carpinus betulus*), and silver fir (*Abies alba*).³ Coniferous forests occupy 42 percent of the total area, and hardwood broad-leaved forests 43 percent.⁴ The remainder are softwood broad-leaved forests.

The country's timber resources (standing crop) are 1.8 billion cubic metres, and the annual crop change, that is, the average increase in the volume of the stand-

ing crop, is 35 million cubic metres, with a gradual increase in volume.⁵

The extent of forest cover differs substantially among the different regions of Ukraine. The highest percentage of forest compared to total area can be found in western Ukraine and some regions of north Ukraine (see Table 1).⁶

The optimal forest cover index is used to compare existing forest cover in Ukraine with so-called optimal forest cover. The latter corresponds to the level of forest cover at which forests have the most favourable impact on environmental conditions; efficiently fulfil diverse environmental protection functions; and provide the economy with the required quantities of wood.⁷ The methods for calculating this optimal forest cover for all regions of Ukraine, and its scientific justification, have been criticised by many well-known Ukrainian forestry specialists, including M. Popkov and M. Savushchik.⁸ They claim that, as the indicator was elaborated in the 1960s and 1970s, it does not reflect modern conditions and knowledge, either ecological or socioeconomic. However, it is used by Ukrainian forestry authorities in the development of forestry plans and programmes. Discussions are currently taking place on optimal forest coverage in the steppe part of Ukraine. It is planned to plant forests on the remaining parts of the steppe zone where natural steppe flora still exist, as the steppe is the rarest and the most endangered landscapes of Ukraine.^{9, 10}

The average age of Ukrainian forests is 55 years, and is gradually increasing. Middle-aged forest stands represent the largest proportion (approximately 45 percent).¹¹ This specific age composition is the result of large-scale reforestation and afforestation after World War II and the intensive sanitary cuttings in recent years.

Ukraine's state, municipal and private forests are defined by the Forest Code of Ukraine:

- According to Article 8, state forests include all forests with the exception of municipal and private forests.
- Article 9 states that municipal forests include forests within the borders of settlements, with the exception of state and private forests. Other forests purchased or specified as municipal property according to legal procedure can also be in municipality ownership.
- According to Article 10, forests in Ukraine can be in private property.
- Article 12 describes how forests can be acquired as

private property. Forest plots within farms with a total area up to 5 ha can be bought or obtained for free. These areas may be increased in the case of legal inheritance.

Citizens and legal entities can own or create forests on plots of degraded or unproductive land, with no limits on their area (Article 12 of the Forest Code of Ukraine). Forests created by citizens and legal entities on plots of land that are their private property are owned by these citizens and legal entities. At the same time, there are no clear legal acts regulating the procedure for creating forests on lands specified for other types of activities (agriculture etc.). There is a need to elaborate and put into practice new legal procedures for such a change of land into new forest by legal act.

According to the SFC, there is no accurate information on forest ownership structure. In fact, almost all forests in Ukraine are state owned. The share of municipal and private forests is very low and they were only included in the Forest Code of Ukraine in 2006, since which time there have been no forest inventories. State-owned forests occupy 9.66 million ha, while municipal forests cover 40,000 ha.¹² The total area of privately owned forests is negligible: such forests are only in the development phase and their percentage is not even specified by governmental authorities and experts. The total area of private forests is predicted to increase.

Ukrainian forests are managed by a number of different authorities. The SFC is the central executive body in the sphere of forestry and hunting and it directly manages 7.4 million ha of national forests. Other forest management authorities include the Ministry of Agrarian Policy (1.8 million ha); the Ministry of Defence (0.2 million ha); the Ministry of Emergencies (0.2 million ha); the Ministry of Environmental Protection (0.1 million ha); the Ministry of Transport and Communications (0.1 million ha); and other ministries and organisations (0.2 million ha). There are 0.8 million ha of forest located in reserve lands (undistributed land).¹³

Discussions are taking place regarding the efficiency of forest management under these different authorities. Further information about the institutional framework can be found in the Diagnostic Audit published in parallel with the present report.

As of 2010, protected areas cover 5.7 percent of national territory (or 6 percent if seas and water bodies are included). Almost 60 percent of these protected areas are under forest cover. Some 14.3 percent of forests are under various forms of protected area management (according to the latest data from the SFC, as

TABLE 2: List of areas under the highest level of protection (nature reserves, biosphere reserves, national parks) in Ukraine, 2008¹⁴

AREA	YEAR OF ESTABLISHMENT	TERRITORY (1,000 HA)
Nature reserves		
Gorgany	1996	5.3
Dniprovsko-Orilskiy	1990	3.8
Yelanetskiy Steppe	1996	1.7
Kazantypskiy	1998	0.4
Kanivskiy	1923	2.0
Karadazkiy	1979	2.9
Krymskiy	1923	44.2
Luganskiy	1968	2.1
Medobory	1990	10.5
Mys Martyan	1973	0.2
Opukskiy	1998	1.6
Poliskiy	1968	20.1
Rivnenskiy	1999	42.3
Roztochchya	1984	2.1
Ukrainskiy Stepoviy	1961	2.8
Cheremskiy	2001	3.0
Yaltynskiy Girsko-Lisoviy	1973	14.5
Biosphere reserves		
Askaniya-Nova	1898 ¹⁵	33.3
Dunayskiy	1976 ¹⁶	49.7
Karpatskiy	1968 ¹⁷	53.6
Chornomorskiy	1927 ¹⁸	89.1
National Parks		
Azovo-Syvaskiy	1957 ¹⁹	52.1
Velukiy Lug	2006	16.8
Vyzhnytskiy	1995	11.2
Galytskiy	2004	14.7
Gomilshanski Lisy	2004	14.3
Gutsulshchyna	2002	32.3
Desnyansko-Starogutskiy	1999	16.2
Ichnyanskiy	2004	9.7
Karpatskiy	1980	50.5
Mezynskiy	2006	31.0
Podilski Tovtry	1996	261.3
Synevyr	1989	40.7
Skolivski Beskydy	1999	35.3
Svyati Gory	1997	40.4
Uzhanskiy	1999	39.2
Shatskiy	1984	49.0
Yavorivskiy	1998	7.1

TABLE 3: Trade in timber and timber products²⁰

	2008 UKRAINIAN EXPORTS	2008 UKRAINIAN IMPORTS
Timber and timber goods	USD 801.2 million (1.2 percent of exports)	USD 545.8 million (0.6 percent of imports)
Wood pulp and of others fibre materials	USD 874 million (1.3 percent of exports)	USD 1,835.2 million (2.1 percent of imports)

of January 2010 some 15.4 percent of forests managed by the SFC are protected). Up to 50 percent of forests are under special ecological forest management.²¹ Today, 10 areas under the highest level of protection (natural reserves and national parks) are managed by the SFC: six nature reserves (Dniprovsko-Orilskiy, Medobory, Poliskiy, Rivnenskiy, Cheremskiy and Yalynskiy); and four national parks (Galytskyi, Gomilshanskiy, Skolivski Beskydy and Shatskiy).²² The SFC has approved the transfer of nine of these (all except Skolivski Beskydy National Park) under the management of the Ministry of Environmental Protection of Ukraine²³ in order to concentrate protected areas under one specialised authority.

It is important to remember that the territories of these protected areas and their share out of the country's total territory do not reflect the full extent of ecosystem protection. In fact, the economic zones of the national parks are used for various types of logging, and in practice their protection is based on the general provisions of Ukrainian environmental legislation (like any other forest area). Intensive sanitary cuttings, including clear cuttings, constitute an enormous threat to forests under special protection.²⁴ Sanitary and other types of cutting, which are permitted only to a limited extent in protected areas, are being carried out on sound wood on the basis of false sanitary conclusions according to which the wood was damaged. According to the SFC, sanitary and other types of cutting which are carried out in protected areas in accordance with their legal status support normal conditions of forests.

Forestry, the Wood Industry and Economic Development

Forestry and the wood industry play an important role in the economic development of Ukraine. The significance of the forestry sector is greater in the economies of the Carpathian (where the forestry cluster is the fourth biggest branch of the economy) and northern regions of

Ukraine than in the southern and eastern regions.

The following statistics illustrate the economic contribution of the forestry sector:

- The share of forestry in 2007 was approximately 0.1 percent of GDP²⁵ (State Committee of Statistics).
- The weight of the forestry cluster (including forestry, wood processing, the pulp and paper industry and other forest- and wood-related activities) within Ukrainian industry was 3.6 percent in 2007²⁶ (Swiss-Ukrainian Forest Development Project in Zakarpattia – FORZA).
- The share of forestry, agriculture and hunting in GDP in 2008 was 8.56 percent²⁷ (according to ActionDataGroup).
- The volume of products, works and services produced by the forestry sector in 2008 is estimated at UAH 3,382.7 million (0.36 percent of GDP).²⁸
- The total number of people employed in the forestry sector in 2008 was 83,000, that is, approximately 0.4 percent of the total workforce (State Committee of Statistics).
- In the Carpathian region, 52,000 people are employed in the forest economic sector (according to FORZA).
- The annual average harvested volume of marketable timber in Ukrainian forests is 15 million m³ (16.9 million m³ in 2007; 15.7 million m³ in 2008; and 14.2 million m³ in 2009) (12.5 million m³ in forests managed by the SFC), including an average of 6.4 million m³ (7.1 million m³ in 2007; 7.0 million m³ in 2008; and 6.7 million m³ in 2009) from final felling (5.6 million m³ in forests managed by the SFC).

Forests also provide resources and income for other sectors such as pulp and paper production, furniture production, primary wood processing, wooden products, joinery, energy from wood, waste wood products, and non-timber forest products (including tourism). The efficiency of forestry and the efficiency of these economic sectors are closely linked.

International commitments affecting the forestry sector

Ukraine has signed many international legal acts aimed at environmental protection: those that cover forest protection are listed below.

National legislation and policies related to forestry

In addition to the international legal acts listed above, which are part of Ukrainian legislation, Ukraine has a national legal framework for forestry and forest protection. The list of legal acts is provided in the table below.

There are several programmes related to the sustainable use of natural resources, mostly adopted in the form of laws. One of the most complex policies, which covers almost all types of natural resources, is the Regulation of the Parliament of Ukraine on the Main Directions of the State Policy of Ukraine on Environmental Protection, the Use of Natural Resources and Ecological Safety, dated March 5, 1998, No. 188/98- BP.

In the sphere of forestry, the main legal instrument is the Forest Code of Ukraine and the main policy instrument is the State Specific Programme on the Forests of Ukraine for the Years 2010 to 2015.

The goal of the State Specific Programme on the Forests of Ukraine for the Years 2010 to 2015 is to specify the main areas for the balanced development of forestry, with the aim of strengthening the ecological, social and economic functions of forests. The programme aims to:

- increase forest cover;
- increase the resources and ecological potential of forests and ensure that forestry activities are carried out according to the principles of sustainable forest development;
- improve the resistance of forest ecosystems and improve forest protection;
- ensure the reproduction, protection and rational use of game fauna;
- ensure the rational use of forest resources;
- increase the efficiency of forest management; and
- improve the scientific and professional background of forestry development.

However, some of the applied plans and some of the actions taken under such policies deviate from

these principles. For example, in 2009 the Cabinet of Ministers of Ukraine allocated UAH 25 million to the SFC to buy 10 sets of wood processing equipment, making it possible to produce fuel chips from the processing of debris, windfall timber and other so-called low-quality timber. According to the authorities, the removal of dead wood is a necessity in artificial forest ranges (single-species, even-aged forests). The SFC also encourages the collection and processing of unmarketable wood from forests in protected areas. However, the removal of dead wood constitutes a potential threat if carried out excessively, and is in strict contradiction to the principles of improving the resistance of forest ecosystems and forest protection. It could lead to Ukrainian forests becoming unstable and vulnerable ecosystems, thus endangering biological diversity.²⁹

Other regulatory and policy instruments relating to the sustainable use of forest resources include the Law of Ukraine on the Moratorium on Clear Cuttings on Mountain Slopes in Fir-Beech Forests in the Carpathian Region (which was in force until the end of 2009); and the Law of Ukraine on the State Programme for the Development of a Natural Environmental Network in Ukraine for the Years 2000 to 2015.

The Instruction of the Cabinet of Ministers of Ukraine on the Approval of a Concept for the Reform and Development of Forestry (2006) specifies the main problems and the main directions for the development of forestry in Ukraine. The main problems include:

- the shortcomings of the financial and economic system for the development of forestry, and the taxation system that does not take into consideration the long period of forest growth;
- the involvement of several authorities in forestry management;
- the combining of forestry and wood processing functions at forestry enterprises;
- the absence of economic incentives for the introduction of nature-friendly technologies;
- the considerable volume of illegal logging; and
- the increasing anthropogenic impacts on forest ecosystems.

The main tasks include:

- developing criteria (indicators) for efficient forest management;
- increasing the forest coverage of territories up to a scientifically justified level;

TABLE 4: International forestry-related commitments

TITLE	YEAR OF ADOPTION/RATIFICATION	LEGAL STATUS	SCOPE
Convention on Biological Diversity	1994	International convention	Protection of biodiversity and biosafety
United Nations Framework Convention on Climate Change	1996	International convention	Control, reduction and prevention of anthropogenic greenhouse gas emissions from various types of activities, including forestry; transfer of technologies; sustainable management; conservation and enhancement of forests as sinks/reservoirs of greenhouse gases.
Kyoto Protocol to the United Nations Framework Convention on Climate Change	2004	Protocol to international convention	<ul style="list-style-type: none"> • Promotion of sustainable forest management practices, afforestation and reforestation; • afforestation and reforestation as tools to meet commitments according to the protocol; • development of programmes for mitigation of and adaptation to climate changes, including, inter alia, programmes concerning forestry.
Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters	1999	International convention	Guarantees the right to access to information, public participation in decision making and access to justice in environmental matters
Convention on the Protection and Sustainable Development of the Carpathians / Protocol on the Conservation and Sustainable Use of Biological and Landscape Diversity	2004/2009	International convention	Protection and sustainable development of the Carpathians, including sustainable forestry, forest conservation, spatial planning, land use, conservation and sustainable use of biological and landscape diversity
United Nations Convention to Combat Desertification in Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa	2002	International convention	Actions against desertification, including sustainable forestry, protection of forests from fires etc.
Convention on Environmental Impact Assessment in a Transboundary Context	1999	International convention	Environmental impact assessment in the trans) boundary context of deforestation of large areas. (N.B. In Ukraine such projects are not subject to state ecological expertise.
St. Petersburg Declaration, adopted at the Ministerial Conference on Forest Law Enforcement and Governance	2005	Declaration	Different aspects of sustainable forest management, and combating illegal logging and illegal trade in timber.

- increasing the resources and ecological capacity of forests;
- preserving the biodiversity of forest ecosystems;
- increasing the resistance of forest ecosystems to adverse environmental factors, growing anthropogenic impacts and climate change;
- using forest resources efficiently in the market environment;
- improving financial and economic systems;
- developing self-sufficient and profitable forestry in suitable forested regions;
- helping to solve the social and economic problems of local communes; and
- improving the legal protection of forest guard personnel.

International Support to the Forestry Sector

Ukraine participates in many international initiatives, programmes and projects aimed at forestry development, sustainable forest management, biodiversity protection etc.

TABLE 5: National forestry-related legislation

LEGISLATION	YEAR OF ADOPTION/ RATIFICATION	LEGAL STATUS	SCOPE
Constitution of Ukraine	1996	Constitution	Article 50 guarantees the right to a safe and healthy environment and to compensation for damage caused by violation of this right. The constitution guarantees the right to free access to information about environmental conditions and the dissemination of such information. This information may not be kept confidential.
Forest Code of Ukraine	1994	Law	Forestry, forest land, ownership, forest management etc.
Land Code of Ukraine	2001	Law	Forest lands.
Criminal Code of Ukraine	2001	Law	Criminal responsibility for the destruction or damaging of forests and illegal forest cuttings.
Code of Ukraine on Administrative Violations of the Law	1984	Law	Includes administrative responsibility for violation of the right of the state to forest ownership; damaging of protective forests; illegal use of state forest land; violations of the order of use of forests, timber and resin; illegal cutting; damaging and destruction of forest trees; violation of fire safety measures in forests.
Law of Ukraine on the Protection of the National Environment	1991	Law	Regulation of relations in the sphere of environmental protection.
Law of Ukraine on the Moratorium on Clear Cuttings on Mountain Slopes in Fir-Beech Forests of Carpathian Region	2000	Law	Establishes a moratorium on final fellings in some types of forests in Lviv, Zakarpattya, Ivano-Frankivsk and Chernivtsy regions; a 10-year moratorium for clear cuttings in fir-beech forests; limitation of areas for gradual cuttings; and enlargement of protected areas. Requires use of environmentally safe tools for wood transportation in mountain forests.
Law of Ukraine on Animals	2001	Law	Protection of wild animals and their habitats.
Law of Ukraine on Plants	1999	Law	Protection, use and reproduction of plants and fungi.
Law of Ukraine on Natural Protected Areas of Ukraine	1992	Law	Defines legal grounds for organisation, protection and efficient use of protected areas of Ukraine, and restoration of their natural complexity.
Law of Ukraine on Red Book of Ukraine	2002	Law	Governs relationships in the sphere of the protection, use and reproduction of rare and endangered species of flora and fauna included in the Red Book of Ukraine.
Law of Ukraine on the State Programme for the Development of the National Environmental Network of Ukraine for the Years 2000 to 2015	2000	Law	Development of protected areas and natural landscapes; increase in forests of Ukraine; preference to restore natural landscapes.
Regulation of the Parliament of Ukraine on the Main Directions of State Policy of Ukraine on Environmental Protection, Use of Natural Resources and Ecological Safety	1998	Regulation of the Parliament of Ukraine	Describes the main ecological problems of Ukraine, strategic directions and means of environmental policy.
State Specific Programme for the Forests of Ukraine for the Years 2010 to 2015	2009	Decree of Cabinet of Ministers of Ukraine/Policy	Determines main directions for the balanced development of forestry for the years 2010 to 2015.

TABLE 5: National forestry-related legislation (continued)

LEGISLATION	YEAR OF ADOPTION/ RATIFICATION	LEGAL STATUS	SCOPE
Rules for Final Felling	2009	Rules adopted by Order of the State Committee of Forestry N364 dated December 23, 2009. Registered in Ministry of Justice of Ukraine January 26, 2010, N 85/17380	Defines norms and terms for wood harvesting during the special use of forest resources in final felling.
Order of Cabinet of Ministers of Ukraine on Approval of Rules for Final Felling in the Forests of Ukraine	1995	Rules, adopted by decree of Cabinet of Ministers of Ukraine	Rules for final felling and forest cuttings in all forests of Ukraine, except Carpathian mountain forests.
Order of Cabinet of Ministers of Ukraine on Approval of Rules of Final Felling in the Mountain Forests of the Carpathians	2008	Rules, adopted by decree of Cabinet of Ministers of Ukraine	Rules for final felling and forest cuttings in Carpathian mountain forests.
Decree on the Regulation of Issues on the Special Use of Forest Resources	2007	Decree of Cabinet of Ministers of Ukraine	Special use of forest resources and issuing of special permits for use of forest resources.
Rules for Enhancing Forest Quality Cadastre and Forest Inventory	2007	Rules adopted by decree of Cabinet of Ministers of Ukraine	Determine main demands for realisation of forestry activities aimed at enhancing the resistance and productivity of forest stands and preserving biodiversity.
Order for Maintaining State Forest	2007	Adopted by decree of Cabinet of Ministers of Ukraine	Defines procedure for maintaining state forest cadastre and state forest inventory.
Order on the Division of Forests into Categories and Allocation of Specially Protected Forest Lots	2007	Order adopted by decree of Cabinet of Ministers of Ukraine	Defines division of forests into categories, and terms and features for labelling forests as belonging to a specific category.
Regulation on the State Forest Guard	2009	Regulation adopted by decree of Cabinet of Ministers of Ukraine	Defines status and authority of the State Forest Guard.

TABLE 5: National forestry-related legislation (continued)

LEGISLATION	YEAR OF ADOPTION/RATIFICATION	LEGAL STATUS	SCOPE
Sanitary Rules in the Forests of Ukraine	1995	Rules adopted by decree of Cabinet of Ministers of Ukraine	Rules establishing sanitary requirements for forests and works carried out in forests. N.B.: according to these rules, dead wood, as well as damaged and diseased trees, must be removed from the forest. However, this contradicts the description of forestry as sustainable and supporting biological diversity, since the lives of many species and the health of ecosystems depend on the availability of dead wood and of trees that are considered diseased by the SFC.
Order of the State Forestry Committee of Ukraine on Approval of the Exploitable Age of Secondary Spruce Forests	2009	Order of State Committee of Forestry of Ukraine	Establishes exploitable age of spruce forests
Order of Cabinet of Ministers of Ukraine on Approval of the Concept of the National Environmental Policy of Ukraine for the Period until 2020	2007	Order of Cabinet of Ministers of Ukraine	Describes the main ecological problems of Ukraine and the main directions and means to overcome them.
Order of Cabinet of Ministers of Ukraine on Approval of the Temporary Order on Issuing of Certificates of the Origin of used for the domestic market.	2005	Order of Cabinet of Ministers of Ukraine	Establishes order for issuing of certificates on the origin of wood and sawn wood for export. The certificate is obligatory for exports but is not Wood and Sawn Wood for Export Operations
Instruction of Cabinet of Ministers of Ukraine on Approval of the Concept for the Reform and Development of Forestry	2006	Instruction of Cabinet of Ministers	Specifies the main problems of forestry, the main directions of forestry development, and the tasks and indices for development in the coming years.

- The Swiss-Ukrainian Forest Development Project in Zakarpattya (FORZA), financed by the Swiss Agency for Development and Cooperation (SDC). The overall goal of the project is to achieve sustainable multi-functional forestry in the Carpathian region, along with adequate environmental management and improved living standards for the local population.
- The European Neighbourhood and Partnership Instrument (ENPI) Forest Law Enforcement and Governance (FLEG) project, which is implemented in Ukraine by the World Bank, the World Conservation Union (IUCN) and the World Wide Fund for Nature (WWF). The FLEG project supports the government, civil society and the private sector in Ukraine in the development of forest management practices, including reducing the incidence of illegal forestry activities.
- The Joint Czech-Ukrainian project “Transfer of Advanced Methods and Technologies of Forest Inventory and Monitoring (TechInLes), which is directed towards the development and introduction of modern methods of forest monitoring and sample statistical methods of forest inventory; support to the forest inventory service; and the development of a normative base and general information system for Ukrainian forestry. The project was funded by the Czech Republic Development Cooperation Programme.³⁰
- The Joint Czech-Ukrainian project “Tools for Regional and Management Planning for Ukrainian Forestry”, funded by the Czech Republic Development Cooperation Programme.³¹
- The Joint Netherlands-Ukrainian “Promoting Sustainable Forest Management in Ukraine”, funded by the Government of the Netherlands.
- “Responsible Forest Management for Sustainable Development – Model Forest Areas in Romania and Bulgaria and Building Capacity in Ukraine (WWF/IKEA). “Identifying High-Conservation-Value Forests and Supporting Forest Stewardship Council Certification in Bulgaria, Romania and Ukraine”, funded by IKEA Corporation.

- “Creation of Protective Forests on Lands Polluted by Radionuclides in Polissya”, to be funded by the Biocarbon Fund, the Government of Ukraine and the World Bank.

Activities related to sustainable forest management tend to receive little support from national funds (with the exception of some research in scientific institutions and universities and scientific conferences). This is due to the low level of political priority of the responsible authorities and the absence of any internal specific financial or economic instruments to support sustainable forest management. According to the SFC, funding targeted at sustainable forestry is provided annually. In addition, forestry enterprises use their own funds for the creation of sustainable forest management practices.

International initiatives related to sustainable forest management are the Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention) and cross-border cooperation within biosphere reserves, including international biosphere reserves. Among the initiatives directed towards the development of sustainable forestry are the FORZA and FLEG projects (see above).

The Convention on the Protection and Sustainable Development of the Carpathians (Carpathian Convention)

Ukraine signed and ratified the Carpathian Convention in 2003 and 2004 respectively. The convention came into force in Ukraine in 2006. The Biodiversity Protocol to the Carpathian Convention was signed in 2008 and was ratified by the Parliament of Ukraine on September 4, 2009 through Law Nr. 1621-VI.

Pursuant to its obligations under the Carpathian Convention, Ukraine prepared a list of protected areas to be included within the Carpathian network of protected areas.³² A number of documents and publications have been prepared to promote the aims of the Carpathian Convention and sustainable development (see <http://www.carpathianconvention.org/documents.htm>).

Ukrainian representatives took part in the preparation of the Carpathian Environmental Outlook (KEO), which is the most complex research on the state of the environment in the whole Carpathian region, including the state of forestry and related ecological problems and achievements (<http://www.carpathianconvention.org/documents.htm>).

Ukraine is also involved in the preparation of the Protocol on Sustainable Forest Management to the Carpathian Convention.

Some of the projects carried out in Ukraine, such as FORZA, TechInLes, and “Promoting Sustainable Forest Management in Ukraine”, are in line with the aims of the Carpathian Convention.

United Nations Forum on Forests

Ukraine plays an active part in the work of the United Nations Forum on Forests (UNFF), which aims to ensure the rational use, preservation and sustainable development of all types of forests. Experts from the SFC participate in UNFF activities and assist in expert groups.

Collaboration within the framework of biosphere reserves

The initiative that served as the launching pad for the creation of biosphere reserves is the “Man and Biosphere” (MAB) programme of the United Nations Educational, Scientific and Cultural Organisation (UNESCO). This programme was established to contribute to minimising biodiversity loss through the use of ecological and biodiversity sciences in policy and decision making; promoting environmental sustainability through the World Network of Biosphere Reserves; and enhancing the linkages between cultural and biological diversity. There are four biosphere reserves in Ukraine:

- The Carpathian Biosphere Reserve, which consists mostly of forested areas.
- The Danube Biosphere Reserve, located outside the area where intensive forestry is carried out, but which also plays an important role in the protection of the flood-plain forests of the Danube delta.
- Askaniya-Nova and Chernomorskiy Biosphere Reserves, which are located in the south of Ukraine and do not represent considerable forest areas.

There are also initiatives to establish international biosphere reserves. Two have already been created:

- The East Carpathian Biosphere Reserve, which comprises Uzhanskiy National Park and Nadsyanskiy Region National Park in Ukraine; Bieszczadski National Park and the “Valley of San River” Regional Landscape Park in Poland; and the Poloniny National Park in Slovakia. This biosphere reserve protects rare and endangered species from the East Carpathians, including unique virgin forest stands. However, some problems have been encountered in establishing the joint structure to manage it.
- The Danube Delta International Biosphere Reserve has been established between Ukraine and Romania to protect the area’s biodiversity and landscapes.

Additional international biosphere reserves are being planned: Roztochchya Biosphere Reserve within the territories of Ukraine and Poland (Yavorivskiy National Park, Roztochchya Nature Reserve and Ravske Roztochchya Regional Landscape Park in Ukraine; and Roztochanski National Park and four regional landscape parks on the Polish side of the border); West Polissya International Biosphere Reserve between Ukraine, Belarus and Poland; and international biosphere reserves between Ukraine and Romania in the Carpathians, Ukraine and Hungary in the Zakarpattya region, and Ukraine and Russia around the Desna River.

Others initiatives

Ministerial Conference for the Protection of Forests in Europe (MCPFE)

- International Co-operative Programme on the Assessment and Monitoring of Air Pollution Effects on Forests, operating under the UNECE Convention on Long-range Transboundary Air Pollution.
- The European Forest Genetic Resources Programme (EUFORGEN), a collaborative mechanism among European countries to promote the conservation and sustainable use of forest genetic resources.
- Joint project with the Swiss Federal Scientific Institute for Forest, Snow and Landscape (WSL) to study the structure of the virgin forests of the Ukrainian Carpathians.

Ukrainian officials, representatives of NGOs and scientific institutions work in cooperation with the corresponding authorities, institutions and NGOs from other countries through visits, the sharing of experience, and studies. Collaboration, in the form of meetings, discussions, and scientific and information exchanges, is particularly active with Germany, Poland, Sweden, Switzerland, Belarus, Slovakia, Hungary, the Russian Federation and other countries belonging to the Commonwealth of Independent States (CIS).

Corruption Perception Index (CPI) of Transparency International (TI)

The last available Corruption Perception Index (CPI) score for Ukraine, prepared by Transparency International in 2009, was 2.2. This placed Ukraine at number 146 out of the 180 countries surveyed.³³

Main driver/causes of illegal logging

Volumes of illegal logging have been recorded since the beginning of 1990: these illegal activities have been prompted by the financial crisis, when the economy of remote areas was almost destroyed; and by new market conditions that saw the establishment of many private wood processing and trading companies.

Today, there are several causes of illegal logging, which can be divided into the following categories:

- **Social:** mainly due to unemployment and poverty in rural areas where forests are the most valuable and important resource. Poor social conditions represent the most common motive for illegal cutting. However, such logging is normally carried out on a small scale and mainly in order to satisfy the subsistence needs of the local population. One reason is that the price of legally provided firewood is considered unreasonably high by the local population.³⁴ Small-scale logging to meet household needs is considered a tradition by local people and there is pressure on rangers to tolerate this activity.
- **Economic:** this is the most important motive for illegal logging in Ukraine and is often combined with social motives (as both are aimed at profit or cost savings). Illegal logging carried out for economic reasons has specific characteristics. Most importantly, it is carried out by people who are seeking to obtain money from the illegal activity not in order to survive and feed their families, but to make profits on a larger scale. This type of logging is therefore mostly carried out in a well-organised manner, on the basis of forged documents, and can affect a chain of related activities from forest cutting to the exporting of sawn timber or round wood. It may also involve support from corrupt officials and sometimes even from bribed scientists. It may also include logging in areas illegally occupied and excluded from forest land for the purposes of construction or mining. The low salaries officially paid to forest rangers are another economic reason for them to conceal small-scale cutting and assist companies that carry out illegal forest activities. Demand from outside the country for illegal wood also encourages the breaking of national laws.
- **Legal and administrative:**
 - Gaps in forest legislation, and the complicated and unclear legal aspects of forestry procedures.³⁵

- A weak and inefficient judiciary system that does not punish all perpetrators.
- The large number of conflicting powers in the hands of the SFC³⁶, including policy setting, law making, handling management and financial aspects, as well as supervision and control. This creates a high risk of corruption and conflicts of interest.³⁷ It also gives the SFC wide-ranging leverage over forest science.³⁸
- The lack of transparency of the SFC.
- As noted by representatives of the SFC, the lack of protection for forest rangers from pressure exerted by members of the local population, who regard small-scale illegal logging as normal.
- Higher legal status (greater credentials) for the State Forest Guard.
- Use of “natural forestry” methods in some areas.
- Adoption of the Certificate of Origin of Wood, an official document that is obligatory for exports of round wood and sawn wood, and that is required by customs.
- Launch of forest certification under the Forest Stewardship Council (FSC).
- Development of a national forest inventory.
- Promotion of sustainable tourism.

Main obstacles:

Local acceptance of illegal logging activities

In general, local populations living near forest areas are tolerant of unauthorised cutting carried out by local individuals or groups of local people. It is generally acknowledged among locals that the prices of wood and firewood are too high for them and that large volumes of wood are stolen by forest guards and forestry enterprises.

This view can partly be explained by the lack of clarity that surrounds logging requirements. Although these requirements are available to the public they are complicated and not accompanied by sufficient explanations. This problem is exacerbated by a lack of information on each specific type of cutting that is carried out, the responsible authorities, and the special procedures that should be followed when cutting. This leads to a lack of clarity about how to check who is carrying out the activities and how to obtain information (e.g. telephone numbers of the responsible authority, special information boards in the forest etc.).

Main achievements and main obstacles to sustainable forest management in Ukraine

Main achievements:

- Afforestation of poor-quality, eroded lands and of lands excluded from agricultural use in areas where the existence of forests is justifiable from an ecological and economic point of view.
- Gradual increase of territories under different protection status.
- Almost all functions related to forestry – management, control, permissions – are concentrated in hands of the SFC.³⁹ Normally such functions would be shared among different authorities to avoid conflicts of interest and abuse.
- There is a lack of comprehensive, reliable and verifiable data on forests, and a forest inventory is needed. A change in the legal status of forests led to the construction of barriers preventing access to forests for local people. Such barriers are illegal and have been established mostly by long-term temporary forest users (it is permitted to make contracts for up to 50 years). These forest users sometimes construct buildings and other structures (e.g. fences), set up various barriers preventing local people from entering the forests, and cause the fragmentation of ecosystems.
- There has been an increase in the volumes of sanitary and other regeneration cuttings relative to final felling. Only 43 percent of marketable wood is harvested from final felling.⁴⁰
- The decrease in forest stands, mostly affecting mature and over-matured stands, has led to a far lower proportion than normative (i.e. 50 to 60 percent of normal or optimal forest stands).^{41, 42}
- The yield of round wood from final felling is 58 percent, and more than 35 percent of the volume of harvested wood cannot be processed (i.e. is used for firewood).⁴³
- Low demand for poor-quality wood has led to problems selling it.
- The volume of natural reforestation is low, corresponding to the commitment of forestry to artificial reforestation.^{44, 45}

- Intensive sanitary cuttings and clearance has led to a low volume of standing and lying deadwood in Ukrainian forests.⁴⁶ Although it is important to prevent forest fires, depending on the natural conditions of certain areas, too low a volume of deadwood leads to loss of biodiversity (destruction of biotopes of species connected with deadwood).
- Small, protected areas of local importance have been liquidated, often in violation of the law.
- Forest cutting has taken place in areas designated or eligible for protection.
- Illegal forest cutting.⁴⁷
- The classification of forest lands has been changed illegally, also on the initiative of SFC bodies, with subsequent cutting and real estate development (especially around major cities and resort areas).
- Illegal mining (of sand, amber etc.) is carried out in some forest areas.
- Issues have arisen in connection with the parcelling of poor and degraded agricultural lands and agricultural lands excluded from use. To carry out afforestation on agricultural lands excluded from use, forestry enterprises have to pay the costs of the loss of agricultural products. This represents huge amounts and forestry enterprises have neither sufficient money nor economic interests for such afforestation.⁴⁸
- Land allocation and the preparation of documents confirming the right to carry out forest cultivation activities are complicated procedures.
- There is no single forest inventory.
- Some parts of forests are outside state control.
- Afforestation and deforestation are not subject to state environmental expertise.

Chapter 3: Definitions of illegal logging

One of the most widely recognised definitions of illegal logging is provided by the UNECE. Illegal logging can be said to take place when timber is harvested, transported, bought or sold in violation of national laws. The harvesting procedure itself may be illegal, including corrupt means of gaining access to forests, extraction without permission or from a protected area, the cutting of protected species, or the extraction of timber in excess of agreed limits.⁴⁹

Activities considered to be types or elements of illegal logging, as proposed by the UNECE, are⁵⁰:

- the logging of protected species;
- the duplication of felling licenses;
- girdling or ring-barking to kill trees so that they can be legally logged;
- making contracts with local entrepreneurs to buy logs from protected areas;
- logging in protected areas;
- logging outside concession boundaries;
- logging in prohibited areas such as steep slopes, riverbanks and water catchments;
- removing under- or over-sized trees from public forests;
- extracting more timber than authorised;
- reporting high volumes of extracted wood in forest concessions to mask the fact that part of the volume declared is extracted from within non-authorised boundaries;
- logging without authorisation; and
- obtaining logging concessions through bribes.

There is no direct definition of illegal logging in the legislation of Ukraine.

Article 246 of the Criminal Code of Ukraine refers to responsibility for the illegal cutting of trees and bushes in forests that causes serious damage, and for such actions in protected areas or forests under special protection.⁵¹

The Code of Ukraine on Administrative Violations of the Law creates responsibility for the following violations:

Article 64: Violation of the established order of use of the timber cutting fund, the logging and removal of wood, and the procurement of oleoresin.

Article 65: The illegal cutting, damaging and demolition of forest plantations and growth; the illegal cutting and damaging of trees and bushes; and the destruction or damaging of forest plantations, seedlings and transplants on forest seeding plots and plantations, and of growth of natural origin on plots intended for reforestation.

Article 65-1: The demolition or damaging of field shelter forest belts.

Article 66: The destruction of growth in the forest.

Article 67: Forest use in contradiction to the purpose and requirements of the felling order.

Article 68: Violation of the rules for reforestation or forest improvement, or of rules for the use of mature wood.

The definition of illegal logging that is used in practice in judicial matters is set out in the Regulation of the Plenum of the Supreme Court on Court Practice in Environmental Crime Cases and Other Violations of Environmental Law, No. 17, dated December 10, 2004⁵² (Paragraph 2 of Part 9). In particular, the **logging of trees and bushes is recognised as illegal** when carried out without a permit; with a permit but in violation of the law; in a timeframe other than that specified in the permit; in territories other than those specified; in quantities exceeding the limitations set; or of tree species not specified in the permit or the cutting of which is prohibited.

Chapter 4: Illegal logging

Volume and type of illegal logging

All types of illegal logging – as specified in the national legislation and according to the international definition – can be found in Ukraine.

No authority in Ukraine collects or processes data on volumes of illegal logging, illegal exports of wood, or understatements of wood from available sources.

Information on volumes of illegal forest cutting can be obtained from two sources: the SFC, and mass media, the law enforcement authorities of Ukraine, and the State Ecological Inspection and its territorial bodies.

The SFC uses the term “unauthorised cuttings” and publishes statistics on these cuttings. According to the SFC, the volume of such “unauthorised cuttings” in 2008 was 20,100 m³, which was 2,200 m³ more than in 2007. Between 2003 and 2007, volumes of “unauthorised logging”, according to the SFC, were gradually decreasing. According to UNECE estimates, the total volume of unauthorised cutting was 83,800 m³ in 2003.⁵³

The SFC mainly records cases of illegal logging carried out by local people and involving fairly small volumes.

Gathering data on volumes of other types of illegal logging is a complicated process. This includes logging carried out by organised groups, often with the assistance of permanent forest users, in violation of different national laws and with the aim of selling timber or sawn wood. Such types of illegal logging include:

- understating the volume and quality of the wood that has been logged according to the legal documents, leading to an understatement of the costs of the wood and a corresponding loss to the state, while corrupt businesses and officials make a profit through bribery;
- violation of logging regulations, including logging outside cutting areas, cutting trees other than those specified, groundless sanitary cuttings, cuttings in former protected areas that have lost their status as a result of corruption, and cuttings in lands reserved for protection and even in protected areas)⁵⁴;

- logging that does not correspond to legally issued documents (the logging and removal of a larger volume of wood than that specified in the permit);
- the burning of forests to be logged later in the form of sanitary cuttings according to legally issued documents; and
- the illegal logging of wood under the control of Forest Guard officials.⁵⁵

Such crimes are registered by the Ministry of Internal Affairs, the Security Service of Ukraine, the Prosecutor’s Office and the State Ecological Inspectorate. However, the volume of illegal logging is not reflected in the available statistical data, mainly because these authorities do not collect information on volumes of illegally cut wood. It is therefore very difficult to estimate the volume of such cuttings. Data obtained from enforcement authorities and the media prove the seriousness of the problem and suggest that the volume of such cuttings is far higher than the volumes mentioned in the official reports of the SFC.

Cases of illegal logging activities in the Zakarpattya, Lviv and Kharkiv regions

In October 2009, the State Ecological Inspectorate carried out planned checks on an enterprise and uncovered a number of violations, including the illegal cutting of trees in the forests and within cutting areas in the Zakarpattya region. As a result, administrative proceedings were undertaken against 28 people for the violation of ecological legislation; and UAH 35.239 million were claimed in compensation for damage to natural resources.

Cases arising from the abuse of an official position were initiated by the Prosecutor’s Office of Zakarpattya region against the officials of one of the state enterprises in Tyachiv district, where losses from the illegal cutting of 1,131 m³ of wood totalled UAH 1.9 million. A case was also initiated against a member of a village council in Perechyn district, a forest ranger by profession, who organised a criminal group to carry out the illegal logging of 635 m³ of

TABLE 6: Trends in the violation of forest law in forests managed by the SFC between 2003 and 2008⁵⁶

YEAR	2003	2004	2005	2006	2007	2008
Number of cases (x 1,000)	15,5	14,7	12,9	13,8	12,1	10,2
Volume of cut wood (x 1,000 m ³)	40,2	30,4	28,0	24,7	17,9	20,1

wood of various species, causing damage of more than UAH 282,000.

In September 2007, the Prosecutor's Office of Zakarpattia region opened a criminal case against an entrepreneur accused of money laundering and, in particular, of falsifying shipping documents. As a private entrepreneur engaged in exporting sawn wood, he had smuggled 764 m³ of wood worth UAH 593,000 through Vynogradiv Customs between October 2006 and August 2007. The defendant had purchased wood from various sources without the required documentation and had submitted false documents regarding the origin of the wood to the Regional Administration of Forestry and Hunting in order to obtain legal certificates of wood origin.

In 1999, following a decision of the Lviv Regional Council, more than 10 protected areas in the region, covering 4,000 ha (mostly forests), lost their protected status. Extensive cutting was then carried out in these locations. In particular, the decision affected Kornalovychi, an area that had been protected since the 1970s, which comprised more than 700 ha of oak forest and was home to many rare species of animals and plants included in the Red Book of Ukraine. The territory of this protected area was cut by a third in 1997 and its protected status was annulled two years later, leading to the cutting of ancient oaks. Scientists recognised that valuable forest had been cut and the regional council restored protected status to just 100 ha of the forest.

In Volodymyrivskiy protected area, the unique flood-plain lakes containing relict fauna have been drying out because trees in the protective zone were removed when the forest was harvested right up to the water's edge on the pretext of sanitary cuttings. Cuttings are also carried out in territories reserved for the establishment of Slobozhanskiy National Park in the Kharkiv region.

Sources: <http://www.zn.ua/3000/3320/67451/http://mvs.gov.ua/mvs/control/main/uk/publish/article/143225;jsessionid=30C24CA0D8E84D088230F1DB1FBAA18E>

The main volume of Ukrainian oak timber (more than 90 percent) is logged in forests managed by the SFC. In 2007, the planned harvesting volume of sawn oak wood was 420,000 m³. However, within 11 months Ukraine had exported 850,000 m³ of sawn oak wood. The main exporters of the most valuable sawn oak are

small companies and private entrepreneurs, units that are particularly difficult to control.⁵⁷

Sanitary cuttings carried out in Ukrainian forests deserve particular attention. Volumes of so-called formation and sanitation cuttings are high (approximately 57 percent of the total volume of harvested marketable wood between 2003 and 2007)⁵⁸ and often the most valuable trees are affected. There are several reasons for this, which are in contradiction to the Law:

- A large proportion of Ukrainian forests fall under different types of protection regime and final felling is prohibited in these territories. Forestry enterprises carry out sanitary cuttings to guarantee the profitability of their economic activity and to bypass the limitations of the protective regime.
- Sanitary cutting is more profitable than final felling, because forestry enterprises do not pay taxes on wood logged as a result of sanitary cuttings (with the exception of clear sanitary cuttings and forest regeneration felling⁵⁹).
- In sanitary cutting, it is sometimes possible to log the most valuable, sound wood along with the weak trees. According to the SFC, there is an urgent need to carry out sanitary cuts in the secondary spruce forests of the Ukrainian Carpathians. However, according to World Bank experts, the main volume of sanitary cutting was carried out in the oak forests in the Ukrainian plains⁶⁰ (there is great demand for oak wood and prices are very high).

As a result of intensive sanitary cuts and other intermediate felling, there is a low proportion of mature forests (i.e. a considerable deviation from normal forest stand density).

Forests stand density in Ukraine

- Forest stand density and the volume of wood stock in young forests are close or higher than the corresponding figures for normal forests (tree area ratio > 1).
- In the pole stage, forest characteristics are close to those of normal forests (tree area ratio ≈ 1).

- Starting from the ripening forest stand (young timber stage), a dramatic reduction in stock in real forest stands versus normal forest stands can be observed.

Mature forest stands are too sparse due to different types of cutting related to “improvement”. As a result, the tree area ratio falls to < 0.7 for the majority of mature forest stands. Such forests are degraded and must be subject to forest renewal.⁶¹

Even after intensive sanitary cuts and other intermediate felling, the proportion of fuel wood out of all wood harvested by final felling is very high (around 30 percent).⁶² The proportion of fuel wood in the structure of marketable wood normally ranges from 2 percent (spruce) to 12 percent (aspen).^{63, 64}

Forest enterprises usually have all the necessary documentation for sanitary cutting, but these documents are sometimes issued on non-scientific grounds without taking ecological aspects sufficiently into account. It is not difficult for forestry enterprises to obtain the necessary “scientific” basis for these documents, since the majority of forest science in Ukraine depends on the SFC. Furthermore, according to the legislation in force there is no need to provide scientific justification for carrying out sanitary cutting, except in the territories of protected areas.

Exports and imports of illegal timber

There is a general lack of statistics on exports and imports of illegal timber. Information on attempts to export illegal timber is occasionally leaked to the mass media, revealing the existence of a black market for the harvesting and selling of wood. Such activities result in substantial losses for the state in both economic and ecological terms. Ukraine mostly imports products derived from wood, making it difficult to estimate the level of illegal imports. In addition, Ukraine mostly imports wood from Russia, and neither the Russian authorities nor experts consider Ukraine as a major importer of illegal Russian wood.

Illegal exports of timber

According to available data, during 2008 Ukraine exported almost 2.4 million m³ of wood, including 960,000 m³ of low-quality wood. It is estimated that, due to illegal transfers, the loss to state forestry enterprises reaches an annual UAH 0.5

billion (around EUR 46 million). In Zakarpattya region, the Security Service of Ukraine estimated that illegal exports of timber represented UAH 4 million in 2006.⁶⁵

Information published by the Customs Authority of Ukraine and the Security Service of Ukraine shows that the most popular methods for exporting illegal timber are the falsification of certificates of wood origin and shipping documents⁶⁶, and understating the value of wood. In addition, the lack of wood experts in the Customs Authority and corruption on the part of customs officials creates opportunities for the production of fake customs declarations for batches of freight.

Cases of illegal trade in timber

On November 9, 2009, Uzhgorod Customs Office informed West Information Corporation of the confiscation of 85 m³ of timber that had been illegally exported from Ukraine. They also declared that, during the previous four years, volumes of firewood exports had dramatically increased. In 2005, gross exports of firewood through Uzhgorod Customs were 7,000 tons, while the equivalent exports through the same customs channel during 2009 rose to 56,600 tons.

Another case under investigation by the Security Service of Ukraine illustrates some of the problems encountered in the forestry sector and their transboundary effects. As a result of investigations into international shipping freight flows, the Security Service of Ukraine exposed the traffic of high-quality wood disguised as low-quality wood. Forestry enterprises in almost all regions of Ukraine, the customs, as well as shipping and brokerage companies played a part in the crime. The wood was exported through five seaports to Turkey and Bulgaria. The so-called Capricorn case emerged after the Security Service of Ukraine checked the customs documentation for a consignment of wood to be loaded on a ship called the Capricorn, and noticed a difference between the actual quality of the wood (according to experts’ conclusions) and the quality specified in the customs declarations. The total cost of the uncovered marketable wood that was not included in the declaration was UAH 328,000. The value of one consignment of wood for illegal export, which was stopped by the Security Service of Ukraine in 2008, was UAH 600,000. Among the documents confiscated during the criminal investigation was a contract with a company from Great Britain for the supply of wood worth EUR 100,000.⁶⁷

At present there is no comprehensive information regarding the volume of exports and imports of illegal

timber. The state authorities need to collect data about all cases of illegal exports and imports of wood from all sources and authorities in order to prepare centralised statistical data.

Others types of forestry-related violations of the law

Illegal occupancy of forest lands. This problem occurs mainly near large cities and resort areas, and the situation is most difficult in the Kyiv, Lviv and Kharkiv regions, the Crimean Peninsula and some other resort areas. Forests are mostly occupied for the construction of homes (cottages) and other buildings.

Lease of forests for long-term use. Although such leases are generally based on legally issued documents, new leaseholders often break the law by constructing houses and buildings on the leased lands, illegally cutting trees and illegally restricting local people's access.⁶⁷

Illegal mining in forest lands. This activity can be widely observed in most regions of Ukraine and relates to the extraction of minerals of local importance (sand etc.) and amber⁶⁹ by organised groups. It is exacerbated by the lack of efficiency on the part of the Ministry of Internal Affairs in preventing and investigating such crimes, and by the weakness of the judiciary system. The illegal mining of amber is a particularly significant problem in Polissya (northern Ukraine).

Illegal logging in the Chernobyl exclusion zone. In May 2008, the Security Service of Ukraine uncovered incidents of the illegal logging, removal and sale of radioactive contaminated timber (together with metal scrap and spare parts for cars) from the Chernobyl exclusion zone. The criminal groups involved included employees of law enforcement authorities, drivers, security agents, decontamination agents and traders.

Impacts of illegal logging

Article 1 of the Forest Code of Ukraine states that the forests of Ukraine are a national asset and, according to their location, have mostly water protective, protective, sanitary and hygienic, health, recreational, aesthetic and educational functions and meet the needs of society in terms of forest resources.

Current forestry practices have a controversial impact on the environment and ecosystems. On the one hand, forest cover in Ukraine is considered to be insufficient in terms of ecological function (positive impacts on climate, soil and water resources)⁷⁰ thus state

programmes have been developed in order to increase forested areas. On the other hand, the adverse impacts of illegal forest cuttings and other legal and illegal practices, as presented below, have been described in scientific research.

As there is no general information on volumes of illegal logging in Ukraine, it is impossible to calculate the total losses involved. There are no real estimates of financial impacts, although investigations and confirmed cases suggest a very high figure (e.g. loss of EUR 46.3 million due to illegal exports of timber).

Analysis of methods to combat illegal logging and their efficiency

Ukrainian legislation provides for criminal, administrative, civil and disciplinary responsibility for the various types of illegal activities referred to under the combined term "illegal logging".

List of legal acts containing requirements for felling and logging

- Rules on Final Felling in Ukrainian Forests, adopted by Order of the State Committee of Forestry of Ukraine No. 364, dated July 23, 2009.
 - Sanitary Rules in Ukrainian Forests, adopted by Order of the Cabinet of Ministers of Ukraine No. 555, dated July 27, 1995.
 - Rules for the Improvement of the Quality of the Composition of Forests, adopted by Order of the Cabinet of Ministers of Ukraine No. 724, dated May 12, 2007.
 - Law of Ukraine on a Moratorium on Clear Forest Cuttings on the Mountain Slopes of Fir- Beech Forest in the Carpathian Region, dated February 10, 2000.
 - Order for the Special Use of Forest Resources, adopted by Order of the Cabinet of Ministers of Ukraine No. 761, dated May 23, 2007.
 - Rules for Final Felling in the Mountain Forest of the Carpathians, adopted by Order of the Cabinet of Ministers of Ukraine No. 929 dated October 22, 2008.
-

Perpetual forest users and owners of forests (in the case of private forests) are the first stage in the protection of forests from illegal logging. According to Part 2 of Article 14 of the Forest Code of Ukraine, citizens and legal entities that are private forest owners are obliged to:

TABLE 7: Environmental impact of current forest practices, including illegal logging

The activities of the SFC and of other authorities responsible for forest management in Ukraine are directed towards the increase of forested areas; the afforestation of poor agricultural lands and land damaged by erosion; land rehabilitation etc.

TYPE OF PRACTICE	IMPACT
Afforestation of poor and degraded agricultural land	<ul style="list-style-type: none"> • Decreased water and wind erosion. • Reduced carbon dioxide emissions, carbon sequestration. • Protection of soil fertility. • Improved groundwater and surface water regime.
Rehabilitation of industrial polluted lands.	<ul style="list-style-type: none"> • Reduction of pollution and pollutant migration. • Reduced carbon dioxide emissions, carbon sequestration.
Creation of mixed, uneven-age forests in some regions, mostly in the Carpathians.	<ul style="list-style-type: none"> • Protection of biodiversity. • Increased forest resistance.

At the same time, forestry practices can have an adverse impact on the environment, which can be explained by non-compliance with existing legislation and specific rules, and by violations of the law, including:

TYPE OF PRACTICE	IMPACT
Illegal logging.	<ul style="list-style-type: none"> • Flooding in mountain areas due to the inability of deforested lands to absorb and retain moisture; and the damming of rivers with unmarketable wood. • Loss of biodiversity due to loss of habitats and the disturbance or destruction of ecosystems. • Erosion as a result of wood transportation without the necessary measures for soil protection and unfavourable location of cutting areas. • Pollution of rivers with mud and silt due to increased erosion and the use of watercourses for the transportation of round wood.
Clear cutting in mountain forests.	Intensification of erosion and flooding.
Incorrect location of cutting areas, especially in mountain forests.	Intensification of erosion, biodiversity loss.
Cutting and transportation of timber during warm months.	Extermination of young growth, damage to soil (extent depends on state and age of young growth and transportation method).
Creating of skid roads destroying forest growth.	Increased erosion, additional expense for forest restoration.

- carry out forestry activities according to forest survey documents and according to the Forest Code;
- protect forests;
- follow the rules and norms for the use of forest resources;
- carry out forestry activities and use forest resources in a way that does not cause damage to the environment...and provide favourable conditions for the protection and restocking of the forests;
- keep basic forest records, and provide statistical reports and information on the state of forests and the use of forest resources according to the law; and
- protect typical and unique natural complexes and

objects, rare and threatened animals and plants and plant complexes in order to contribute to building up the ecological network according to nature protection legislation.

Part 2 of Article 19 of the Forest Code of Ukraine describes the rights of perpetual forest users and their duty to:

- protect forests;
- follow the rules and norms for the use of forest resources;
- carry out forestry activities according to the forest survey documents; use forest resources in such a way as to preserve their health and protective fun-

TABLE 7: Environmental impact of current forest practices, including illegal logging (continued)

Other impacts can be observed through practices that more or less comply with existing regulations (or that at least do not contradict such regulations), but that are not justified by modern scientific research:

TYPE OF PRACTICE	IMPACT
Cutting in areas destined for the future creation of protected areas.	Biodiversity loss.
Sanitary and others cutting, including clear sanitary cutting in some protected areas with low levels of protection and in zones of national parks and regional landscape parks where forestry is allowed.	Biodiversity loss, decreased forest resistance.
Artificial monoculture forest cultivation.	Biodiversity loss, decreased forest resistance.
Non-compliance of sanitary cutting with the need to protect biodiversity and maintain the stability of ecosystems.	Biodiversity loss, decreased forest resistance and adverse impacts on ecological functions of forests.
Over-thinning of forests by sanitary and thinning cutting.	Decline in resistance and productivity of forest ecosystems; damaging of forests by wind, disease.
Cutting of trees for ski runs.	Biodiversity loss, fragmentation of ecosystems, intensification of erosion.

ctions; and create favourable conditions for their protection and restocking;

- keep basic forest records;
- follow land-use regulations established by legislation; and
- protect typical and unique natural complexes and objects, rare and threatened animals and plants and plant complexes in order to build up of the ecological network according to nature protection legislation.⁷¹

One major problem is that the *corpora delicti* of illegal logging according to the Criminal Code of Ukraine and the Code of Ukraine on Administrative Violations of the Law coincide, creating the risk of the assignment of more lenient penalties.

- There are a number of steps in combating illegal logging:
- Prevention – mostly ensured by forest rangers and the Forest Guard.
- Detection – via inspections and checks and by NGOs and citizens.
- Investigation – by all law enforcement authorities plus the Main Control and Revision Office of Ukraine and NGOs that submit documents to the Prosecutor's Office or to the court.
- Reduction – through certification and inspections.

Prevention – licensing, wood tracking

Licensing practice

The annual allowable cut for perpetual forest users and forest owners, along with felling permits, are practices that limit the harvesting of wood in the case of final felling.

The annual allowable cut is the calculated standard of the annual volume of wood harvested in the case of final felling, which provides the continued, non-exhaustive and complete use of mature wood stock, and which is used as a basis for planning its volume.

Proposals for volumes and locations of annual allowable cut are prepared by the State Forest Survey Organisation in accordance with the Journal on the Determination of Annual Allowable Cut for a Review Period. They are reviewed by representatives of the Autonomous Republic of Crimea, the SFC, the Ministry for Environmental Protection, local self-governments (on their consent), and other interested parties. Relevant documents, including feasibility studies on forest changes affecting licensed wood cutting, are submitted to the SFC and approved by Order of the Ministry for Environmental Protection. Perpetual forest users and forest owners are then informed about the authorised wood cutting and information on approved volumes of wood cutting is sent to the authorised bodies of the SFC, the Ministry of Environmental Protection, regional state administrations and production enterprises for use in their activities.⁷²

Felling tickets are similar to special permits (licences). Felling tickets are issued by the executive forestry bodies of the Autonomous Republic of Crimea and by regional bodies of the SFC for the harvesting of wood in final felling, based on properly approved annual allowable cut.⁷³ Wood product accounting, the terms for forest use and the transportation of harvested wood, the terms and methods for the cleaning of cutting areas, and accounting of the natural regeneration of trees are established on the basis of these felling tickets. They are also used to record payments for the use of forest resources.

In order to obtain a felling ticket, forest owners and perpetual forest users must submit the following documents:

- request for the use of forest resources with felling;
- journal of the cutting area;
- field record list;
- evaluation list;
- plan for the management of the cutting area; and
- plan of the cutting area.

Felling ticket applications may be finalised within a month after the beginning of cutting undertaken with the consent of perpetual forest users, particularly if the trees concerned can fall on electric power lines or cause other accidents; are used in investigations and scientific research; or are located in forests damaged by natural disasters, disease or pests. As an exception, the SFC is authorised to change cutting areas if they are inaccessible (within the volume of the annual allowable cut) at the request of its bodies.

Felling tickets can be cancelled by a decision of SFC bodies, or at the request of the forest owner or perpetual forest user.

Wood tracking

Wood tracking begins at the licensing stage, followed by local inspections. Inspections are carried out by forest owners or perpetual forest users to check the accuracy and completion of logging, to detect trees left standing that were supposed to be cut, to detect wood that has not been removed, and to check the compliance of the logging with legislation. Inspections take place:

- in cutting areas not later than five days after cutting in the case of recording volumes of harvested wood, and not later than 15 days in the case of

other types of recording;

- on the site of harvesting of secondary forest products not later than 20 days after expiration of the period specified for the removal of such products;
- on the site of oleoresin harvesting annually after the termination of the extraction period;
- not later than 15 days after expiration of the term established for the removal of wood; and
- in case of respite for the removal or harvesting of wood, not later than five days before expiration of the term for logging or wood removal. Inspection is repeated after expiration.

Quantities of harvested wood and secondary forest resources must be recorded. Cutting areas and sites where forest products are stored, specified in the felling tickets, must be inspected before their removal.

The results of the inspection are summarised in a document in which the volume of harvested wood, secondary forest products and other forest uses are specified.

In the event that the total volume of harvested wood exceeds that specified in the felling ticket by more than 10 percent, or the yield of commercial wood (round wood) exceed the specified volume by more than 15 percent, the forest owner or perpetual forest user must pay the normative price for the additionally harvested wood.⁷⁴

Trees in the cutting area are marked according to their purpose and value by the forest user (marketable wood, firewood).

Monitoring and early warning of environmental risks regarding forestry

In Ukraine, an early-warning system, including the monitoring and assessment of natural and anthropogenic environmental risks to forestry, is operated by the Ministry of Emergencies of Ukraine. It comprises territorial and specialised divisions and departments of the Ministry of Emergencies, including hydro-meteorological survey and warning systems.

Ukrainian forests are frequently damaged by fire (a total of 3,316 forest fires occurred in 2008). The State Fire-Fighting Service of the Ministry of Emergencies, the Forest Security Department of the SFC, the fire-fighting services of specialised forestry enterprises managed by the Ministry of Agrarian Policy of Ukraine and other authorities are responsible for fire prevention and the protection of forests against fires.

In 2008, the SFC encompassed 307 forestry enterprises with 1,617 forest divisions and 272 forest fire-fighting stations. Over 20,000 officers of the State Forest Guard, managed by the SFC, carried out various activities for the protection of forests against fire. There were also 1,500 people employed as lookouts during the forest fire season.

Approximately 4 million ha of forests in the Autonomous Republic of Crimea and 12 regions were controlled by aerial observation by the Air Division of the Ukrainian State Base for the Protection of Forests of the SFC (planes, helicopters and very light aircraft were used for patrolling).

Ground observation for the protection of forests from fire was carried out at 557 fire observation points (including about 400 watchtowers, 25 of which were equipped with television observation systems).

Information on forest fires is delivered daily from forest ranger stations to the SFC. In the event of the risk of fire to an area larger than 5 ha and the need for additional forces to prevent emergencies, immediate notification must be sent to local bodies of the Ministry of Emergencies of Ukraine and to the SFC.

Other types of forest damage classified as natural disasters in the forests of Ukraine include pests and diseases. The total area of forests affected by pests and diseases in 2008 was 433,600 ha, but the trend is declining. At the same time, according to the SFC the drying out of secondary spruce forests grown on inappropriate sites in the Carpathians can be regarded as an emergency and a natural disaster.⁷⁵

According to the Ministry of Emergencies and the SFC, there are insufficient resources to address these issues. The main needs are for:

- new machinery and equipment (more than 60 percent of fire engines managed by the SFC are over 16 years old);
- financing for the aerial protection of forests;
- the timely exchange of outdated fire-extinguishing equipment;
- the maintenance of forest roads and fire water ponds;
- more active information campaigns aimed at the public;
- an end to agricultural burning; and
- better-quality investigations into the causes of fires and the punishment of perpetrators.

Ukraine also has a notification system covering natural and anthropogenic disasters, including emergencies related to forests and forestry.

The Ministry of Emergencies notify neighbouring countries about emergencies and receive information from the corresponding authorities of neighbouring countries on the

basis of bilateral agreements. Ukraine has agreements with all neighbouring countries except Romania, with which it is currently developing an agreement.

There is also a system for notifications of emergencies, including natural disasters, in the Tisza River basin shared between Ukraine, Romania, Hungary and Slovakia. This system operates at regional level.

Since the Carpathian Convention specifies early warning as one of the important measures to be taken in order to avoid or reduce losses resulting from natural and anthropogenic disasters, cooperation within the framework of the convention is expected to develop

The prevention of exports of illegal timber and the reduction of illegal logging are also supported through the Certificate of the Origin of Wood and Sawn Wood. This document is obligatory for export operations involving products that can be classified as round wood or sawn wood. The certificate is issued for each batch of materials and accompanied by one shipping document, and is valid for 60 days from the date of issue. To obtain a Certificate on the Origin of Wood and Sawn Wood, exporters must submit an application to the regional forestry administration, attaching a copy (with an obligation to present the original) of shipping documents on purchasing wood and/or sawn wood, or felling tickets.⁷⁶

An additional instrument, a single state system for the electronic accounting of timber, is currently being developed by the SFC and other interested organisations. The concept for the creation of this system was approved by the Regulation of the Cabinet of Ministers of Ukraine No. 1090-p, dated September 16, 2009. The establishment of such a system requires:

- the development of instructions for managing wood turnover (from logging to sale) and the establishment of requirements for the marking of wood and accounting;
- the introduction of marking directly in cutting areas using unified marks with bar codes and identical number codes for the registration of origin and for technical, qualitative and quantitative indices;
- automatic read-out of information contained in the bar code, and its entry into the electronic timber accounting system;
- automatic finalisation of documents for timber transportation;
- automatic acceptance and inventory of timber co-

ming from cutting areas, at the site of its storage and shipping, and timber accounting at sale;

- electronic control of movements of timber, in particular through Ukrainian customs borders;
- the equipment of forestry enterprises with tools for marking timber, tools for processing and transmitting information, and the introduction of modern software; and
- the creation of complex systems for data protection.

On November 19, 2009 the Cabinet of Ministers of Ukraine issued Regulation No. 1408-p on Approval of the Action Plan for the Conception of the Creation of a State System for the Electronic Accounting of Timber, detailing the plan for the development of the system and the responsible authorities.

The system is planned to be established by the end of 2012. It is expected to help in the fight against illegal cutting, smuggling, organised crime and corruption, and to support the efficient monitoring of cutting, the improved control of protected forests, and the timely prosecution of those violating forest legislation.⁷⁷

Enforcement

Inspections and checks by law enforcement authorities are the next stage in combating illegal logging. They include:

- On-site inspections of forests and cutting areas carried out by the State Forest Guard and other law enforcement authorities such as the State Ecological Inspectorate.
- Inspection of the legality of wood at the wood transportation stage (by the State Vehicle Inspectorate of the Ministry of Internal Affairs, the State Forest Guard, the State Ecological Inspectorate, or representatives of other law enforcement bodies).
- Checks on the legality of wood by consumers (mostly carried out by major companies and exporters of wood that value their reputation).
- Checks on wood processing companies and individuals.
- Checks on the legality of wood at the border (carried out by the Customs Service, the State Border Service or the Security Service of Ukraine).
- Checks on the activities of perpetual forest users, forest owners, wood processing companies and wood traders.

Investigations of cases of illegal logging are carried out by law enforcement authorities that are authorised by law to investigate crimes. The system includes:

- The Forest Guard and State Ecological Inspectorate (on site), the State Customs Service of Ukraine, and the State Border Guard of Ukraine.
- The Militia (Ministry of Internal Affairs of Ukraine), the Tax Militia (State Tax Administration of Ukraine), the Security Service of Ukraine, and, separately, the Main Control and Revision Office of Ukraine.
- The Prosecutor's Office of Ukraine (including the Environmental Protection Prosecutor's Office as a department of the Prosecutor's Office of Ukraine).
- The judicature (courts).

According to information received from SFC officials, the investigation of forest crimes and cases of unauthorised logging by the Militia and the Prosecutor's Office is fairly inefficient. The majority of criminal cases related to unauthorised logging that are transmitted to the Militia and Prosecutor's Office for investigation are not brought before the court.

Non-governmental organisations are an important resource in the detection of violations of forest law. Many headline-making cases regarding illegal logging and other violations were initiated by NGOs, which actively collect information and documents, take photographs and bring cases to the attention of the law enforcement authorities and mass media.

Sanctions for illegal logging are listed in the legislation and include fines, compensation for losses, arrest, judicial restraint and imprisonment with confiscation of the illegally logged wood.

Case study: Initiative of the Zhydachiv District Council (Lviv region)

In 2009, the Zhydachiv District Council voted for a temporary ban on all clear cutting and other forestry economic activities, except for the planting of trees. A decision was also taken to establish a commission comprising specialists, officials from law enforcement bodies, ecologists and representatives of the public to investigate the real state of the district's forests and the legal justification for cutting.

The decision was taken by the Commission on the Legitimacy of Zhydachiv District Council in response to appeals from local people who were concerned about mass forest cutting (both legal and illegal).

The District Council Commission requires forest authorities to be transparent and to provide information on cutting to the public, including via the media, specifying area, location, volume and confirmation of approval of the cutting by authorised bodies. In addition, local self-governance

bodies in the area must be informed about the cutting, and an agreement must be made with them on the transportation routes to be used. However, to date such requirements have not been strictly followed.⁷⁸

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- 34 According to the forestry authorities, the price, which is set by the government is not high (at around EUR 5.5 to 6 per cubic metre), and results in a loss to the forestry enterprises.
- 35 Корупційні ризики і недоліки законодавчого регулювання лісового господарства України. Центр політико-правових реформ. Київ-2009. - http://fleg.org.ua/webfm_send/22
- 36 Regulation on the State Forestry Committee of Ukraine. Approved by Regulation of the Cabinet of Ministers of Ukraine No. 883, dated 27 June 2007 (<http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=883-2007-%EF>)
- 37 Корупційні ризики і недоліки законодавчого регулювання лісового господарства України. Центр політико-правових реформ. Київ-2009. - http://fleg.org.ua/webfm_send/22
- 38 It should be noted that this point is not accepted by the SFC.
- 39 Андрій Бобко. Повзуча екологічна диверсія у лісах України. Дзеркало Тижня №4 (379) від 27 січня – 4 лютого 2004 р.
- 40 Лісове господарство України. Державний комітет лісового господарства України. К.: ЕКО-інформ., 2009 – с.16
- 41 Лісове господарство України: стратегія розвитку. / За ред. Юхновського І. Р. К.: Міжвідомча аналітично-консультативна рада з питань розвитку продуктивних сил і виробничих відносин, 2003 – с. 4
- 42 According to the SFC, the situation has resulted from massive afforestation after World War II. In the near future, an increase in the percentage of mature stands and an increase in cutting volumes are expected.

- 43 Лісове господарство України: стратегія розвитку. / За ред. Юхновського І. Р. К.: Міжвідомча аналітично-консультативна рада з питань розвитку продуктивних сил і виробничих відносин., 2003 – с. 4
- 44 Лісове господарство України. Державний комітет лісового господарства України. К.: ЕКО-інформ., 2009 – с. 63
- 45 According to the SFC, half of Ukrainian forests are artificially created and need an enhanced level of care. At present, Ukrainian forestry is oriented towards a transition to principles close to natural forestry, which provides for natural regeneration where possible.
- 46 State of Europe's Forests 2007. The MCPFE Report on Sustainable Forest Management in Europe, p.58 http://www.mcpfe.org/filestore/mcpfe/publications/pdf/state_of_europes_forests_2007.pdf
- 47 In its comments to the present report, the SFC considers that it is incorrect to talk about the illegal harvesting of wood as there are only individual cases of illegal logging rather than illegal activity on a massive scale.
- 48 To overcome this obstacle, the amended Article 208 of the Forest Code of Ukraine states that legal entities and natural persons are free of the obligation to reimburse losses in agricultural production in the case of afforestation of degraded lands and land with low productivity.
- 49 FERN, 2002. Illegal logging and the global trade in illegally sourced timber: A crime against forests and people. April 2002. p. 3.
- 50 <http://www.unece.org/timber/docs/tc-sessions/tc-61/presentations/guertin-paper.pdf>
- 51 <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=2341-14>
- 52 <http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=v0017700-04>
- 53 http://www.unece.org/timber/docs/sem/2004-1/full_reports/Ukraine_R.pdf
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- 57 www.lesovod.org.ua/node/3027
- 58 Лісове господарство України. - К.: Еко-Інформ, 2009. - с. 16
- 59 Order of Cabinet of Ministers of Ukraine On Payment for Use of Forest Resources, N 174, dated 21.02.2006 - <http://zakon.nau.ua/doc/?code=174-2006-%EF>
- 60 www.fleg.org.ua
- 61 Лісове господарство України: стратегія розвитку. / За ред. Юхновського І. Р. К.: Міжвідомча аналітично-консультативна рада з питань розвитку продуктивних сил і виробничих відносин. – 2003. – с. 11
- 62 <http://www.unece.org/timber/mis/market/market-65/ukraine%20%28English%29.pdf>
- 63 Нормативно-справочные материалы для таксации лесов Украины и Молдавии. Госкомитет СССР по лесному хозяйству, Киев, «Урожай», 1987, стр. 430–465.
- 64 <http://www.dt.ua/3000/3320/45976/>
- 65 <http://woodex.ua/news/wood/3671/>
- 66 <http://woodex.ua/news/wood/3671/>
- 67 <http://woodex.com.ua/news/wood/7005/>
- 68 See ДЗГтаМД МВС України; <http://www.ostro.org/articles/article-76922/>; «Факты», ICTV, 25.12.2009; http://eco-ua.org/index.php?item=articles&sub=6806&d_id=0
- 69 See www.lesovod.org.ua/node/1656; rp.mk.ua/2009/12/pishhani-rejderi-novopetrivki/; <http://provinciyka.rv.ua/index.php?newsid=4491>
- 70 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867
- 71 <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3852-12>
- 72 Instruction on the Order for Approval of Rated Wood Cuttings. Approved by Order of the Ministry for Environmental Protection of Ukraine No. 38, dated February 5, 2007.
- 73 Order on the Issuance of Special Permits for Use of Forest Resources, approved by the Regulation of the Cabinet of Ministers of Ukraine No. 761 dated May 23, 2007. http://woodex.ua/?menu_id=11&page_id=165
- 74 Order for the Special Use of Forest Resources. Adopted by Order of the Cabinet of Ministers of Ukraine No. 761, dated May 23, 2007.
- 75 Annual Report of the Ministry for Emergencies of Ukraine http://www.mns.gov.ua/annual_report/2009/2_3_2008.pdf
- 76 Temporary Order on Issuing the Certificate on the Origin of Wood and Sawn Wood for Export Operations (<http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1260-2005-%EF>)
- 77 <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1090-2009-%F0> and <http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=1408-2009-%F0>
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