



Improving Forest Law Enforcement and Governance in the European Neighbourhood Policy East Countries and Russia

ENPI-FLEG PROGRAM BULLETIN, UKRAINE

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About FLEG Process

The Forest Law Enforcement and Governance is an international, participatory process of formulation and implementation of policies and practices aiming to ensure sustainable forest management combat illegal logging and associated timber trade. In the larger context of international concerns regarding climate change and biodiversity conservation, FLEG policies have acquired an increased significance and present numerous synergies with other processes and initiatives on these issues.

This process has evolved in national, regional (EU-Forest Law Enforcement Governance and Trade (FLEGT), Europe-North Asia (ENA)-FLEG, East Asia FLEG) and global (under G8 auspices) initiatives. The major event within the ENA-FLEG process was the St. Peterburg's 2005 Ministerial Conference producing the St. Petersburg Ministerial Declaration and the Indicative List of Actions.

This Declaration was signed by 44 governments from the ENA region and the European Commission. Following this Declaration, each signatory state has developed a National Action Plan (NAP), with annual evaluation of the progress on its implementation. The Indicative List of Actions urged countries to identify strategies of development and implementation of NAPs action as priorities of national requests for assistance from international financial institutions and other international organizations and bilateral donor agencies.

The ENPI FLEG - "Improving Forest Law Enforcement and Governance in the European Neighbourhood Policy East Countries and Russia" program has been implemented in response to the growing problem of illegal forest activities in the participating countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia and Ukraine). Illegal forest activities encompass a whole spectrum of issues related to illegal logging, timber theft and smuggling, trade of illegal wood, unauthorised forest conversion, ambiguous legislation, unclear tenure arrangements and lack of enforcement of forest regulations due to corruption. To mount an efficient response to such issues a 6 million European Commission grant was provided to the World Bank through a multi-donor trust fund. The program's implementing partners include the World Bank, IUCN (The International Union for the Conservation of Nature) and WWF. The collective experience and networks of these partners are called to ensure that the public and private sectors as well as civil society are consistently included in the program's activities.

Each of the three partnered program implementation organizations is responsible for its own set of specified activities and deliverables. Three broad categories of stakeholder groups are to be targeted by the program: government (line departments, parliamentarians, local authorities and the judiciary); civil society (NGOs, community organizations and forest-dependent communities); and the private sector (particularly timber companies). The program defines the policy, legal, institutional and economic obstacles to improved forest governance (including the control of illegal logging); test pilot innovative approaches to overcoming

these obstacles; enhance the capacity of key stakeholders to implement forest governance reforms; and disseminate the lessons learned at national, regional and global levels.

The program's purpose is to contribute to ensuring that improved forest governance arrangements are in place in the forest sector and closely linked sectors through effective implementation of the ENA FLEG Ministerial Declaration (St. Petersburg Declaration 2005), involving governments, civil society and the private sector. *The program's specific objective is to contribute to legal and sustainable forest management and utilization practices and improved local livelihoods in the six ENPI East countries plus Russia.*

Program implementation progress in Ukraine

Despite generally favourable official statistics in Ukraine on forestry issues the problems related to irrational use of forests, namely illegal logging and shadow forestry business grew more acute in the country. There were attempts by the government to adopt laws which would help resolve existing problems and difficulties, however they did not bring anticipated results as numerous violations and related crime still persist.

Thus, the issue of forest law enforcement in Ukraine calls for systemic examination and analysis. In 2006-2008 the State Forestry Committee of Ukraine attempted a number of specific steps to implement tasks envisaged by the Indicative action plan. However, such steps made by a single governmental agency proved uncoordinated and not duly integrated into a joint action plan under the national forest policy.

Within the framework of the program "Improving Forest Law Enforcement and Governance in the European Neighbourhood Policy East Countries and Russia" the experts from the World Bank, IUCN and WWF, in close cooperation with concerned Ukrainian specialists, have developed a work plan for the program implementation in Ukraine. Implementation of the program is planned to be organized at two levels – national and regional. National actions will include identifying, classification and assessment of law enforcement problems, analysis and improvement of forest and associated legislation, enhancing informational access to governmental bodies and improving their coordination with ecological NGOs and business. Regional efforts have practical application and are aimed at preparation and approbation of modern methods and techniques for quality assessment and control over the movement of timber products as well as prevention, detection and reacting to legal violations.

Partnership. Partners in the program include the State Forestry Committee of Ukraine, as a key organization responsible for government forestry policy, as well as Administration of the President, Ukrainian Parliament (Verkhovna Rada), its committees and individual MPs, National Security and Defense Council, Cabinet of Ministers and other interested ministries and agencies (Ministry of Ecology, Ministry of Internal Affairs, Ministry of Agricultural Policy, Customs Committee, etc.), local governance bodies, NGOs and local communities, mass media.

Major events

On February 10, 2009, the first meeting of the Consultative committee (CC) of the Program "Improving Forest Law Enforcement and Governance in the European Neighbourhood Policy East Countries and Russia" was held. This meeting was organized jointly by the World Bank, WWF and IUCN. Participants in the meeting included donor organizations, officials from the Ukrainian State Forestry Committee and other controlling bodies, representatives of non-governmental organizations.

Participants discussed further efforts under the Program and coordination of activities through the Consultative committee which was chaired by the Deputy Head of the State Forestry Committee of Ukraine Mr. Victor Chervonyi.

Within the IUCN component of the program a group of consultants on analysis for guaranteeing rights of local residents and small business for the legal use of forest resources in Ukraine was selected and hired. Open calls for the following positions were also announced and held:

- Research consultant on analytical study entitled: "The economic and social impact of inefficient and unsustainable forest practices and illegal logging in Ukraine" (TOR for this position was coordinated with other countries);
- Consultant on assessment of existing problems in the area of legal access to timber and other forest resources by local populations and small businesses and development of recommendations for simplification and streamlining of these procedures in Ukraine.

The selection commission for all above mentioned positions included representatives from Ukraine, Georgia, Russia, Moldova, and from headquarters in Brussels.

To strengthen the team of the Program two specialists were hired: Public Awareness Consultant for Ukraine and International ENPI-FLEG Bulletin Editor Consultant.

The WWF, on its part, has hired one international expert for Elaboration and approval of a proposal for improving the system on control of timber flow in Ukraine.

On November 17, 2009, at the World Bank mission in Ukraine a working meeting was held entitled "Ukrainian forest mirrored in mass media". There were two main objectives for the meeting: ensuring effective cooperation between stakeholders and mass media under the ENPI-FLEG program, and enhancing professionalism, reliability and efficiency of publications and reports on forest related issues.

On December 16, 2009, a seminar was organized by the World Bank for the forest rangers of the Carpathian regions, representatives of ecological inspections, law enforcement bodies, local governance bodies, businesses, and NGOs. This event was aimed at presenting first results of the ENPI FLEG - "Improving Forest Law Enforcement and Governance in the European Neighbourhood Policy East Countries and Russia" Program implementation in Ukraine, discussing pressing issues of law enforcement in Carpathian region forests as well as reviewing proposals on potential pilot projects and further activities under the program in Ivano-Frankivsk oblast.

In the course of this seminar also presented were the analysis of forestry legal regulation in Ukraine and review of the published materials dedicated to forestry issues. Experts of the Centre for political-legal reforms, headed by Mr. Olexandr Banchuk, provided comprehensive analysis of potential corruption risks in the forestry sector in Ukraine based on thorough examination of the Forestry Code of Ukraine, Guidelines on the State Forestry Committee of Ukraine, Guidelines on the State Forest Protection. Summing up this analysis it was stressed that in order to reduce the corruption a comprehensive review of the forestry legislation with successive introduction of respective amendments should be performed along with effecting of institutional changes (improvement of forestry management system) and enhancing the status of forestry officials. (Press-release was prepared on the results of this study and is to be disseminated among mass media, NGOs and other stakeholders).

Also, within this seminar the results of a sociological study "Evaluation of law enforcement and management in Ukrainian forestry sector" were presented. This study was conducted by the "SOCIS" Centre expert Mr. Olexandr Stegnyy. Based on the results of this study the experts concluded that social factors (unemployment, low personal income especially in mountainous villages) have greatest impact on existence of legal violations in the forestry sector of Ivano-Frankivsk oblast of Ukraine. Among other factors those polled also identified existence of a large number of unregistered sawmill in this region, well organized system of illegal procurement of stolen wood, insufficient financing for the official forest preservation efforts, low salaries in forestry sector and poor legislation mechanisms towards those who purchase stolen wood.

To more efficiently promote the Program and information on its implementation a draft media strategy was developed by the World Bank consultant aimed primarily at creating enabling environment for the ENPI-FLEG Program implementation in Ukraine. This was circulated among concerned parties for comments and feedback.

Upcoming events

Organization and implementation of a system designed to monitor and analyze public opinion on FLEG issues is scheduled to start in April 2010 on the basis of the results from sociological attitudinal survey, expert interviews and data analysis with regard to attitude to governance and law enforcement issues in forestry sector (with special focus on access to forest resources by local communities and small businesses) by the government authorities, businesses, general population, NGOs and other stakeholders (national and oblast/local level). This activity will coordinate its polling questions with other countries implementing the ENPI-FLEG Program.

Development, approval, and practical introduction of mechanisms for guaranteeing rights to individuals and small businesses for the legal use of forest resources through the implementation of joint pilot projects that will bring together regional authorities, administrative bodies of municipal governments, business and local population is planned to start in June 2010 based on the results of assessment of existing problems in the area of legal access to timber and other forest resources by local populations and small businesses. This component will also emphasize legal education in the context of forest resource use.

More information at: <http://www.enpi-fleg.org/main-page.html>.
For your comments and feedback please contact: taras.pepa@enpi-fleg.org.

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About ENPI FLEG

The ENPI FLEG program supports governments of participating countries, civil society and the private sector in the development of sound and sustainable forest management practices, including the prevention of illegal forestry activities. Participating countries include Armenia, Azerbaijan, Belarus, Georgia, Moldova, Russia and Ukraine. This program is funded by the European Union.

<http://www.enpi-fleg.org/main-page.html>

About the WORLD BANK

The World Bank is one of the world's largest sources of funding for the developing world. Its primary focus is on helping the poorest people and the poorest countries. It uses its financial resources, its staff, and extensive experience to help developing countries reduce poverty, increase economic growth, and improve their quality of life.

www.worldbank.org

About IUCN

IUCN, International Union for Conservation of Nature, helps the world find pragmatic solutions to our most pressing environment and development challenges.

IUCN works on biodiversity, climate change, energy, human livelihoods and greening the world economy by supporting scientific research, managing field projects all over the world, and bringing governments, NGOs, the UN and companies together to develop policy, laws and best practice.

IUCN is the world's oldest and largest global environmental organization, with more than 1,000 government and NGO members and almost 11,000 volunteer experts in some 160 countries. IUCN's work is supported by over 1,000 staff in 60 offices and hundreds of partners in public, NGO and private sectors around the world.

www.iucn.org

About WWF

WWF is one of the world's largest and most respected independent conservation organizations, with almost 5 million supporters and a global network active in over 100 countries. WWF's mission is to stop the degradation of the earth's natural environment and to build a future in which humans live in harmony with nature, by conserving the world's biological diversity, ensuring that the use of renewable natural resources is sustainable, and promoting the reduction of pollution and wasteful consumption.

www.panda.org