Illegal Logging in Ukraine

A. FACT-FINDING STUDY

June 2010
# Table of content

Table of content ................................................................. 3  
List of acronyms .................................................................. 4  
Project background ........................................................... 5  
1. EXECUTIVE SUMMARY ................................................. 7  
2. INTRODUCTION ............................................................. 9  
   2.1. Overview of country’s forests .................................... 9  
   2.2. Forestry, Wood Industry and Economic Development .... 15  
   2.3. International commitments affecting the forestry sector ........................................... 16  
   2.4. National legislation and policies related to forestry .................................................. 17  
   2.5. International Support to Forestry Sector ................................................................. 22  
   2.6. Main driver/causes of illegal logging ................................................................. 24  
   2.7. Main achievements and main obstacles to sustainable forest management in Ukraine .......................................................... 26  
3. DEFINITIONS OF ILLEGAL LOGGING .......................... 28  
4. ILLEGAL LOGGING ...................................................... 30  
   4.1. Volume and type of illegal logging ................................................................. 30  
   4.2. Export and import of Illegal Timber ................................................................. 33  
   4.3. Others types of forest law-breakings ............................................................... 34  
   4.4. Impacts of Illegal Logging .................................................................................. 35  
   4.5. Analysis of methods and efficiency of combating illegal logging ......................... 37  
      4.5.1. Prevention – licensing, wood tracking and others ......................................... 38  
      4.5.2. Enforcement ......................................................................................... 42  
5. REFERENCES ........................................................................ 45  
Books and other publications ................................................. 45  
Internet sources .................................................................. 45
List of acronyms

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Full Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>SFC</td>
<td>State Forestry Committee of Ukraine</td>
</tr>
<tr>
<td>SDC</td>
<td>Swiss Agency for Development and Cooperation</td>
</tr>
<tr>
<td>CIDA</td>
<td>Swedish International Development Cooperation Agency</td>
</tr>
<tr>
<td>WWF</td>
<td>World Wildlife Fund</td>
</tr>
<tr>
<td>KEO</td>
<td>Carpathian Environmental Outlook</td>
</tr>
<tr>
<td>MCPFE</td>
<td>The Ministerial Conference on the Protection of Forests in Europe</td>
</tr>
<tr>
<td>FSC</td>
<td>Forest Stewardship Council</td>
</tr>
<tr>
<td>MAB</td>
<td>Man and Biosphere</td>
</tr>
<tr>
<td>UNECE</td>
<td>United Nations Economic Commission for Europe</td>
</tr>
<tr>
<td>IUCN</td>
<td>International Union for Conservation of Nature</td>
</tr>
</tbody>
</table>
Project background

Forestry in Eastern Europe is an important economic sector, and is crucial from an environmental point of view. Illegal logging may involve transnational organized crime, breakdowns in institutional controls and ineffective institutions and can increase tensions across borders and with the international community. The effects of illegal logging are wide ranging, from loss of habitat and biodiversity to erosion and land degradation, desertification and climate change to social disruption and economic impacts and weakened governance structures.

The project “Illegal Logging in Ukraine: Governance, Implementation and Enforcement” implemented under the ENVSEC initiative, aims to investigate the situation, in order to identify concrete actions to be taken by key responsible actors to fill in the legal, policy, implementation and enforcement gaps in order to sharply reduce or eliminate illegal logging in Ukraine.

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

The current report is providing an overview of the state of play of the forestry sector, as regards the scope and extent of illegal logging activities in the country.
UKRAINE
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, varying greatly from region to region. The majority of forest lands are concentrated in the Western (the Carpathians) and the Northern parts of the country, where they play an important ecologic and economic role and thus 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 they are also crucial for some branches of economy, especially for agriculture as they contribute to the regulation of water regime, protect soils from the erosion and prevent desertification. Therefore it is important to identify trends that have an adverse impact on the forestry and thus affect ecologic, social and economic welfare of the country. Illegal logging is, of course, among such trends.

There are general patterns that are important for understanding of the current condition of forests of Ukraine:
- Almost all forests are state-owned.
- There are some municipal and private forest but their size and share in the structure of forests is very low.
- State Committee of Forestry is the main central executive body in the sphere of forestry and it manages main bulk of Ukrainian forests. There are others authorities that manage forests assigned to them.
- Forests cover 15.7% of the territory of Ukraine and trend to increase.
- An average age of Ukrainian forests is 55 years with the trend to increase. Old and virgin forests left mostly in protected areas and remote territories in the mountains which are difficult to access by loggers.
- Essential part of Ukrainian forests is artificial and requires intensive care.
- Up to 50% of forests are under special ecological limited forest management.
- Some forests are out of the state control especially those which grow on the neglected agricultural lands and those which are leased out for long-term use to private owners.
- A lack of reliable and aggregate data on forests and real volumes of illegal logging.

In the early 2000s, the Government has been taking measures to improve efficiency of forestry, to increase forest cover of the country and to combat illegal practices related to forestry. It had some positive results especially in the sphere of prevention of export of illegal wood and combating of small-scale illegal logging by local population. But the problems still exist, driven by high level of corruption, social and economic causes, weak legislation and low capacity of 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 out of the limits of cutting areas.
- Obtaining logging authorisation through bribes.
- Groundless sanitary cuttings.
- Illegal occupation of forest lands for construction or mining with the following logging of wood.
Ukraine established quite developed legislative foundation for regulating of forestry activity which includes Forest Code and others acts. The forestry is regulated also by sectoral legislation, for example environmental protection legislation, administrative and criminal legislation etc. One of important problem of Ukraine is coordination between various law-enforcement authorities dealing with forest crime. It needs essential improvements. The capacity of law-enforcement authorities and courts to combat illegal practices in the forests 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 due to the lack of efficient system of delivering of information and public consultations.

**Recommendations**

Current system of combating of illegal logging in Ukraine needs further improvement at all levels. The further efforts are required also at international level, including cooperation and coordination between forestry authorities, law-enforcement authorities, networking for both authorities and NGOs and share of experience. As a result of this study we propose generalized recommendations for improvement of existing situation:

- Improvement of the system of state forest management with separation of the policy-making, regulation and control from management and economic functions;
- Fulfilment of forest inventory and support of it by necessary funds and technical tools;
- Development of alternative spheres of employment for local people residing near forest areas (tourism, recreation, green agriculture etc.);
- Improvement of control over export and import of wood and wood market in general;
- More transparent licensing system;
- Public participation in decision-making by establishing of system of delivering of information and public consultations;
- Legitimating of forests growing on the reserve lands, neglected agricultural lands, increase of efficiency of management of forest by unspecialized authorities;
- Improvement of legislation related to combating of illegal logging;
- Capacity building of law-enforcement authorities;
- Improvement of system of monitoring and gathering data on illegal logging;
- Improvement of coordination between forestry authorities and law-enforcement authorities;
- Share of experience and networking on international level and bilateral, multilateral and international initiatives against illegal logging.
2. INTRODUCTION

2.1. Overview of country’s forests

Forest has scientific and legal definitions. Many scientific terms, focused on one or another feature of the forest exist, and scientific discussions on which term is the most exact still take place. The definition of forest is also reflected in the Ukrainian legislation and is used for regulation of different relations in the sphere of forestry: Forest is the type of natural complexes, which joins mostly tree and bush vegetation with corresponding soils, herbaceous vegetation, fauna, microorganisms and others natural components, which are interrelated in their development, affect each other and the environment1.

Forest of Ukraine are its national wealth and according to their purpose and location serve for water protection, general protection, sanitary and hygiene, health-improving, recreation, aesthetic, education and others, and is a source for satisfaction of needs of society in forest resources2.

According to State Committee of Forestry of Ukraine, forest covers 15.7 % of the territory of Ukraine. The total area covered with forests is 9.7 million ha3. The total area specified for forestry - which includes areas with forest cover and non-forest lands (agricultural, waters ad swamps, buildings, communications, poor lands etc.), that are provided according to the established order and used for the purposes of forestry- is 10.8 million ha.

1 Part 1 Art. 1 of Forest Code of Ukraine
2 Part 2 Art. 1 of Forest Code of Ukraine
3 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867
The main forest tree species are pine (Pinus silvestris), oak (Quercus robur), spruce (Picea abies), beech (Fagus sylvatica), birch (Betula pendula), black alder (Alnus glutinosa), European ash (Fraxinus excelsior), European hornbeam (Carpinus betulus), fir (Abies alba) et aliae. Coniferous forests occupy 42% and hard-wooded broad-leaved – 43% of the total area. The rest are soft-wooded broad-leaved forests.

The country's timber resources (standing crop) is 1.8 billion cubic meters. The annual average crop change is 35 million cubic meters. Standing crop gradually increases.

There is essential difference of the forest cover among the different regions of Ukraine. The highest percentage of forest in correspondence to the total area can be found in the West Ukraine and some regions of North Ukraine (see table 1).

4 Свириденко В. С., Бабич О. Г., Киричок Л. С. Лісівництво. / За ред. В. С. Свириденка – К.: Арістей, 2005. – с. 74
5 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867
6 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867
7 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867
Table 1. Forest cover of Ukraine

<table>
<thead>
<tr>
<th>Name of region</th>
<th>Total area, thousand sq. km</th>
<th>Forest covered area as of 01.01.2002, thousand ha</th>
<th>Actual forest cover, %</th>
<th>Optimal forest cover, %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Autonomos Republic of Crimea</td>
<td>27.0</td>
<td>308.7</td>
<td>11.4</td>
<td>19</td>
</tr>
<tr>
<td>Vinnytsya region</td>
<td>26.5</td>
<td>351.4</td>
<td>13.3</td>
<td>15</td>
</tr>
<tr>
<td>Volyn region</td>
<td>20.1</td>
<td>632.4</td>
<td>31.3</td>
<td>36</td>
</tr>
<tr>
<td>Dnipropetrovsk region</td>
<td>31.9</td>
<td>152.8</td>
<td>4.8</td>
<td>8</td>
</tr>
<tr>
<td>Donetsk region</td>
<td>26.5</td>
<td>185.5</td>
<td>7.0</td>
<td>12</td>
</tr>
<tr>
<td>Zhytomyr region</td>
<td>29.8</td>
<td>989</td>
<td>33.1</td>
<td>36</td>
</tr>
<tr>
<td>Zakarpattya region</td>
<td>12.8</td>
<td>652.9</td>
<td>51.0</td>
<td>55</td>
</tr>
<tr>
<td>Zaporizhya region</td>
<td>27.2</td>
<td>105.4</td>
<td>3.9</td>
<td>5</td>
</tr>
<tr>
<td>Ivano-Frankivsk region</td>
<td>13.9</td>
<td>576.7</td>
<td>41.5</td>
<td>48</td>
</tr>
<tr>
<td>Kyiv region</td>
<td>28.9</td>
<td>632.2</td>
<td>21.9</td>
<td>24</td>
</tr>
<tr>
<td>Kirovograd region</td>
<td>24.6</td>
<td>158.8</td>
<td>6.5</td>
<td>11</td>
</tr>
<tr>
<td>Lugansk region</td>
<td>26.7</td>
<td>282.9</td>
<td>10.6</td>
<td>16</td>
</tr>
<tr>
<td>Lviv region</td>
<td>21.8</td>
<td>626.4</td>
<td>28.7</td>
<td>30</td>
</tr>
<tr>
<td>Mykolayiv region</td>
<td>24.6</td>
<td>94.9</td>
<td>3.9</td>
<td>7</td>
</tr>
<tr>
<td>Odesa region</td>
<td>33.3</td>
<td>195.3</td>
<td>5.9</td>
<td>9</td>
</tr>
<tr>
<td>Poltava region</td>
<td>28.8</td>
<td>236.2</td>
<td>8.2</td>
<td>15</td>
</tr>
<tr>
<td>Rivne region</td>
<td>20.1</td>
<td>731.7</td>
<td>36.4</td>
<td>41</td>
</tr>
<tr>
<td>Sumy region</td>
<td>23.8</td>
<td>403.8</td>
<td>17.0</td>
<td>20</td>
</tr>
<tr>
<td>Ternopil region</td>
<td>13.8</td>
<td>192.4</td>
<td>13.9</td>
<td>20</td>
</tr>
<tr>
<td>Kharkiv region</td>
<td>31.4</td>
<td>372.7</td>
<td>11.9</td>
<td>15</td>
</tr>
<tr>
<td>Kherson region</td>
<td>28.5</td>
<td>132.4</td>
<td>4.6</td>
<td>8</td>
</tr>
<tr>
<td>Khmelnitskyi region</td>
<td>20.6</td>
<td>262.7</td>
<td>12.8</td>
<td>17</td>
</tr>
<tr>
<td>Cherkasy region</td>
<td>20.9</td>
<td>319.3</td>
<td>15.3</td>
<td>16</td>
</tr>
<tr>
<td>Chernivtsi region</td>
<td>8.1</td>
<td>237.8</td>
<td>29.4</td>
<td>33</td>
</tr>
<tr>
<td>Chernigiv region</td>
<td>31.9</td>
<td>656.6</td>
<td>20.6</td>
<td>22</td>
</tr>
<tr>
<td>Ukraine, total</td>
<td>603.5</td>
<td>9490.9</td>
<td>15.7</td>
<td>20</td>
</tr>
</tbody>
</table>

Note: AR Crimea with Sevastopol city, Kyiv region with Kyiv city
Source: SFC “Forest Management in Ukraine”, 2007

As it can be seen from the table above, optimal forest cover index is used to compare existing forest cover in Ukraine with the so-called “optimal forest cover”. The latter corresponds to the forest cover at which forests affect environmental conditions in the most favourable way, efficiently fulfils diverse function for environmental protection and provides economy with necessary quantity of wood. The methods of calculation of this optimal forest cover for all regions of Ukraine and its scientific ground were criticized by well-known Ukrainian specialist in forestry, M. Popkov and M. Savushchyk and many others. The reason is that the indicator was elaborated in the 1960s’ and 1970s’ and does not reflect modern conditions and knowledge, both ecological and socio-economical. However, in fact it is used by Ukrainian forestry authorities for development of forestry plans and programmes. There are currently discussions on optimal forest

9 http://www.lesovod.org.ua/webfm_send/57
coverage of the steppe part of Ukraine, as forests are planned to be planted in remaining parts of steppe zone, where natural steppe flora still exists, for steppe is the rarest and the most endangered landscapes of Ukraine\textsuperscript{10,11}.

The average age of forests is 55 years and gradually increases. Middle-aged forest stands have the highest specific weight (approximately 45 \%)\textsuperscript{12}. This age-class composition is caused by the large-scale reforestation and afforestation after the World War II and intensive sanitary cuttings of the last years.

Ukraine comprises State, municipal and private forests, as distinguished by the Forest Code of Ukraine:

- According to article 8 of the Forest Code of Ukraine, State forest includes all forest, except municipal and private forests.
- Article 9 of the Forest Code of Ukraine states that municipal forests include forest within borders of settlements, except state and private forests. Others forests bought or specified as municipal property according to legal procedure can be a property of municipalities.
- According to article 10 of the Forest Code of Ukraine, forest in Ukraine can be in state property.
- Article 12 of Forest Code of Ukraine specifies how to acquire forest into a private property. Forest plots within farms of total area up to 5 ha can be bought or gotten for free. These areas can be increased in case of inheritance according to the law.

Citizens and legal entities can owe or create forest in land plots of degraded and not productive lands, without limitation of their area (article 12 of Forest Code of Ukraine). Forests created by citizens and legal entities on land plots 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 of creation of forests on lands specified for others types of activities (agriculture, etc.). Such change of lands into new forests should follow a clear, simple and affordable procedure.

According to the State Committee of Forestry of Ukraine, exact information on ownership structure of forests is absent. In fact, almost all forests in Ukraine are State owned. It is due to the fact that the provisions on municipal and private forest were included into the Forest Code of Ukraine in 2006. State-owned forests occupy 9,66 million ha, while municipal forests cover 40 000 ha\textsuperscript{13}. The total area of private owned forest is very small (near 0 \%) as they are in the phase of development, and their percentage is not even specified by the governmental authorities and experts. It is foreseen that the area of private forests will increase.

Ukrainian forests are managed by a number of different authorities. The State Committee of Forestry (SFC) is the special central body of execution power in the sphere of forestry and hunting. 7,4 million ha of national forests are managed directly by the Committee. Others authorities managing forest include the Ministry of Agrarian Policy (1,8 million ha), the Ministry of Defence (0,2 million), 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

\textsuperscript{10} http://www.lesovod.org.ua/node/611,
\textsuperscript{11} The SFC is stressing that for reforestation activities, reports by territorial executive authorities, including territorial environmental protection bodies, which are in charge of nature protection and protection of unique natural complexes and objects, rare and endangered species of flora and fauna, are required to avoid any damage to the environment.
\textsuperscript{12} http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867
\textsuperscript{13} http://www.lesovod.org.ua/node/72
The efficiency of forest management by different authorities is under discussion. On the 25th of November 2009, the Cabinet of Ministers of Ukraine issued Order No. 1465-p On Improvement of Order of Management of Forestry, according to which forestry enterprises, managed by the Ministry of Agrarian Policy must be handed over to the State Committee of Forestry of Ukraine from the 1st of January 2010. Nevertheless, as of March 2010 it has not been done yet, mainly due to legal inconsistencies and resistance of the Ministry of Agrarian Policy.

More information about institutional framework can be found in the Diagnostic Audit.

As of 2010, protected areas occupy 5.7% of the national territory (or 6% if seas and waters are included). Almost 60% of their territory is covered with forest. 14.3% of forest are under different forms of protected areas management (for forests under management of State Committee of Forestry of Ukraine, 15.4% are protected - according to the latest data received from State Committee of Forestry as of January 2010). Up to 50% of forests are under special ecological limited forest management. Today 10 protected areas of highest level of protection (natural reserves and national parks) are managed by the State Committee of Forestry of Ukraine: 6 natural reserves (Dniprovo-Orliskiy, Medobory, Poliskiy, Rivnenskiy, Chermenskiy, Yaltynskiy), and 4 national parks (Galytskiy, Gomilshanskiy, Skoliivski Beskydy, Shatskiy). The State Committee of Forestry of Ukraine also approved transfer of 9 of them (all except Skoliivski Beskydy national park) to management of Ministry of Environmental Protection of Ukraine in order to concentrate protective areas under specialized authority, the Ministry of Environmental Protection of Ukraine.

Table 2. List of protected areas of the highest level of protection (natural reserves, biosphere reserves, national parks) in Ukraine, 2008

<table>
<thead>
<tr>
<th>Name</th>
<th>Year of establishment</th>
<th>Territory, thousands ha</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Natural reserves</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Gorgany</td>
<td>1996</td>
<td>5.3</td>
</tr>
<tr>
<td>Dniprovo-Orliskiy</td>
<td>1990</td>
<td>3.8</td>
</tr>
<tr>
<td>Yelanetskiy Step</td>
<td>1996</td>
<td>1.7</td>
</tr>
<tr>
<td>Kazantypskiy</td>
<td>1998</td>
<td>0.4</td>
</tr>
<tr>
<td>Kanivskiy</td>
<td>1923</td>
<td>2.0</td>
</tr>
<tr>
<td>Karadazkiy</td>
<td>1979</td>
<td>2.9</td>
</tr>
<tr>
<td>Krymskiy</td>
<td>1923</td>
<td>44.2</td>
</tr>
<tr>
<td>Luganskiy</td>
<td>1968</td>
<td>2.1</td>
</tr>
<tr>
<td>Medobory</td>
<td>1990</td>
<td>10.5</td>
</tr>
<tr>
<td>Mys Martyan</td>
<td>1973</td>
<td>0.2</td>
</tr>
</tbody>
</table>

14 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867
15 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=67225&cat_id=65318
16 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867
17 Forestry of Ukraine. /State Committee of Forestry of Ukraine. Kyiv: Eko-inform, 2009. – p. 28
18 http://dklg.kmu.gov.ua/forest/control/uk/publish/article?sessionid=B5BCF763CE39577C9D1D1AAFC53C04EA&art_id=66455&cat_id=32888&mustWords=%E4%E5%F0%E6%EA%EE%EC%EB%B3%F1%E3%EE%F1%EF&searchPublishing=1
<table>
<thead>
<tr>
<th>Name</th>
<th>Year</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Opukskiy</td>
<td>1998</td>
<td>1.6</td>
</tr>
<tr>
<td>Poliskiy</td>
<td>1968</td>
<td>20.1</td>
</tr>
<tr>
<td>Rivnenskiy</td>
<td>1999</td>
<td>42.3</td>
</tr>
<tr>
<td>Roztochchya</td>
<td>1984</td>
<td>2.1</td>
</tr>
<tr>
<td>Ukrainskiy Stepoviy</td>
<td>1961</td>
<td>2.8</td>
</tr>
<tr>
<td>Cheremskiy</td>
<td>2001</td>
<td>3.0</td>
</tr>
<tr>
<td>Yaltynskiy Girsko-Lisoviy</td>
<td>1973</td>
<td>14.5</td>
</tr>
</tbody>
</table>

**Biosphere reserves**

<table>
<thead>
<tr>
<th>Name</th>
<th>Year</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Askaniya-Nova</td>
<td>1898</td>
<td>33.3</td>
</tr>
<tr>
<td>Dunayskiy</td>
<td>1976</td>
<td>49.7</td>
</tr>
<tr>
<td>Karpatskiy</td>
<td>1968</td>
<td>53.6</td>
</tr>
<tr>
<td>Chornomorskiy</td>
<td>1927</td>
<td>89.1</td>
</tr>
</tbody>
</table>

**National Natural Parks**

<table>
<thead>
<tr>
<th>Name</th>
<th>Year</th>
<th>Area</th>
</tr>
</thead>
<tbody>
<tr>
<td>Azovo-Sivyaskiy</td>
<td>1957</td>
<td>52.1</td>
</tr>
<tr>
<td>Velukiy Lug</td>
<td>2006</td>
<td>16.8</td>
</tr>
<tr>
<td>Vyzhnysky</td>
<td>1995</td>
<td>11.2</td>
</tr>
<tr>
<td>Galysky</td>
<td>2004</td>
<td>14.4</td>
</tr>
<tr>
<td>Gomilshanski Lisy</td>
<td>2004</td>
<td>14.3</td>
</tr>
<tr>
<td>Gutsulschyna</td>
<td>2002</td>
<td>32.3</td>
</tr>
<tr>
<td>Desnyansko-Starogutskiy</td>
<td>1999</td>
<td>16.2</td>
</tr>
<tr>
<td>Ichnyanskiy</td>
<td>2004</td>
<td>9.7</td>
</tr>
<tr>
<td>Karpatskiy</td>
<td>1980</td>
<td>50.5</td>
</tr>
<tr>
<td>Mezynskiy</td>
<td>2006</td>
<td>31.0</td>
</tr>
<tr>
<td>Podilski Tovtry</td>
<td>1996</td>
<td>261.3</td>
</tr>
<tr>
<td>Synevir</td>
<td>1989</td>
<td>40.7</td>
</tr>
<tr>
<td>Skolivski Beskydy</td>
<td>1999</td>
<td>35.3</td>
</tr>
<tr>
<td>Svyati Gory</td>
<td>1997</td>
<td>40.4</td>
</tr>
<tr>
<td>Uzhanskiy</td>
<td>1999</td>
<td>39.2</td>
</tr>
<tr>
<td>Shatskiy</td>
<td>1984</td>
<td>49.0</td>
</tr>
<tr>
<td>Yavorivskiy</td>
<td>1998</td>
<td>7.1</td>
</tr>
</tbody>
</table>

It should be noted that the protected areas territories and their share of the country’s territory do not reflect full picture of protection of ecosystems. Indeed, economic zones of national parks are used for different types of logging and their protection practically is based on the general provisions of Ukrainian environmental legislation (as any other forest area). Intensive sanitary cuttings, including clear sanitary cuttings, constitute a big threat for forests under special protection\(^\text{25}\). According to the State Committee of Forestry of Ukraine, such sanitary cuttings and

---

20 Starting from 1993 as biosphere reserve.
21 Starting from 1998 as biosphere reserve.
22 Starting from 1992 as biosphere reserve.
23 Starting from 1983 as biosphere reserve.
24 Starting from 1993 as national park.
others cuttings, which are carried out in protected areas in accordance with their legal status, support normal condition of forests.

2.2. Forestry, Wood Industry and Economic Development

Forestry and wood industry play an important role in the economic development of Ukraine. The weight of forestry sector is greater in the economies of Carpathian (where forestry cluster is the 4th major branch of economy) and Northern regions of Ukraine than the South and East regions.

Some relevant statistics regarding the forestry sector include:

- Share of forestry in 2007 was approximately 0.1 % of GDP (State Committee of Statistics).
- The weight of the forestry cluster (that includes forestry, wood processing, pulp and paper industry and others forest and wood related types of activities) in the industry of Ukraine was 3.6% in the year 2007 (joint Ukrainian – Swiss project of forestry FORZA).
- The share of forestry, agriculture and hunting in GDP in 2008 was 8.56% (according to ActionDataGroup).
- Volume of products, works and services done by the forestry sector in 2008 is estimated at 3382.7 million UAH (0.36% of GDP) (State Committee of Statistics of Ukraine).
- The total number of people, employed in the forestry sector in 2008 is 83,000, so approximately 0.4 % of total employment (State Committee of Statistics of Ukraine).
- In the Carpathian region, 52 thousand persons are employed in the forest cluster of economy (according to FORZA).
- In 2008, 15,727 thousand cubic meters of marketable timber were harvested, including 6,977 thousand cubic meters from final felling cuttings (State Committee of Statistics of Ukraine).

Forests are also sources of material and income for other sectors such as pulp and paper production, furniture production, primary wood processing and production of goods of wood, joinery, production of energy of wood, use of waste-wood, use of non-timber forest products (including tourism). The efficiency of forestry and these economic sectors are interlinked.

27 Кластерний аналіз лісового сектору Карпатського регіону України та рекомендації для кластерного менеджменту. Скорочений звіт 2008. - с. 28
According to official statistics data, there are two trade items that include timber or timber products:

<table>
<thead>
<tr>
<th>Name of item</th>
<th>Export in the year 2008</th>
<th>Import in the year 2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Timber and goods of timber</td>
<td>801,2 million USD (1.2% of export of Ukraine)</td>
<td>545,8 million USD (0.6% of import of Ukraine)</td>
</tr>
<tr>
<td>Wood pulp and of others fibre</td>
<td>874 million USD (1.3% of export of Ukraine)</td>
<td>1835,2 million USD (2.1% of import of Ukraine)</td>
</tr>
</tbody>
</table>

### 2.3. International commitments affecting the forestry sector

Ukraine signed many international legal acts aimed in protection of environment, including forest. The list of those, which deal with protection of forest, is specified below.

<table>
<thead>
<tr>
<th>Title</th>
<th>Year of adoption / ratification</th>
<th>Legal Status</th>
<th>Scope</th>
</tr>
</thead>
<tbody>
<tr>
<td>Convention on Biological Diversity</td>
<td>1994</td>
<td>International convention</td>
<td>Protection of biodiversity and biosafety</td>
</tr>
<tr>
<td>United Nations Framework Convention On Climate Change</td>
<td>1996</td>
<td>International Convention</td>
<td>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</td>
</tr>
<tr>
<td>Kyoto Protocol to the United Nations Framework Convention On Climate Change</td>
<td>2004</td>
<td>Protocol to International Convention</td>
<td>Promotion of sustainable forest management practices, afforestation and reforestation Afforestation and reforestation as a tool to meet commitments according to the Protocol Development of programmes of mitigation of and adaptation to climate changes, including, inter alia, such programmes concerning forestry</td>
</tr>
<tr>
<td>Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters</td>
<td>1999</td>
<td>International convention</td>
<td>Guarantees a right on access to information, public participation in decision-making and access to justice in environmental matters</td>
</tr>
<tr>
<td>The Convention on the Protection and Sustainable Development of the Carpathians / Protocol</td>
<td>2004 / 2009</td>
<td>International convention</td>
<td>Protection and sustainable development of the Carpathians, including sustainable forestry, forest conservation, spatial planning, land use, conservation and sustainable use of biologic and landscape diversity</td>
</tr>
</tbody>
</table>

2.4. National legislation and policies related to forestry

In addition to the international legal acts, which are part of Ukrainian legislation according to the law and are specified above, Ukraine has a national legal framework for forestry and protection of forests. The list of the legal acts is set out in the table below.

<table>
<thead>
<tr>
<th>Title</th>
<th>Year of adoption / ratification</th>
<th>Legal Status</th>
<th>Scope</th>
</tr>
</thead>
<tbody>
<tr>
<td>Constitution of Ukraine</td>
<td>1996</td>
<td>Constitution</td>
<td>Art. 50 guarantees a right for safe and healthy environment and for compensation of damage, which is caused by violation of this right. A right for free access to the information about environmental condition and for dissemination of such information is guaranteed. Such information cannot be secret.</td>
</tr>
<tr>
<td>Forest Code of Ukraine</td>
<td>1994</td>
<td>Law</td>
<td>Different items related to the forestry, forest lands, ownership, forest management etc.</td>
</tr>
<tr>
<td>Land Code of Ukraine</td>
<td>2001</td>
<td>Law</td>
<td>Forest lands</td>
</tr>
<tr>
<td>Criminal Code of Ukraine</td>
<td>2001</td>
<td>Law</td>
<td>Criminal responsibility for destruction or damaging of forests, for illegal forest cuttings.</td>
</tr>
<tr>
<td>Code of Ukraine on Administrative Violations of Law</td>
<td>1984</td>
<td>Law</td>
<td>Administrative responsibility for violation of right of state for forests, damaging of protective forests, illegal use of lands of state forests, violation of order of use of forest, use of timber and resin, illegal cuttings, damaging</td>
</tr>
<tr>
<td>Law of Ukraine on Protection of National Environment</td>
<td>1991</td>
<td>Law</td>
<td>Basic law, which regulates relations in the sphere of environmental protection</td>
</tr>
<tr>
<td>Law of Ukraine On Moratorium On Clear-cuttings On Mountain Slopes In Fir-Beech Forests of Carpathian Region</td>
<td>2000</td>
<td>Law</td>
<td>Establishes moratorium on final fellings in some types of forests in Lviv, Zakarpattya, Ivano-Frankivsk and Chernivtsi regions, 10 years moratorium for clear-cuttings in fir-beech forests, limitation of wood cutting areas for gradual cuttings, enlargement of protected areas and requires usage of environmental safe tools of transportation of wood in mountain forests</td>
</tr>
<tr>
<td>Law of Ukraine On Animals</td>
<td>2001</td>
<td>Law</td>
<td>Protection of wild animals and their habitats</td>
</tr>
<tr>
<td>Law of Ukraine on Natural Protected Areas of Ukraine</td>
<td>1992</td>
<td>Law</td>
<td>Defines legal ground of organisation, protection, efficient use of protected areas of Ukraine, restoration of theirs natural complexes.</td>
</tr>
<tr>
<td>Law of Ukraine on Red Book of Ukraine</td>
<td>2002</td>
<td>Law</td>
<td>Governs relationship in the sphere of protection, use and reproduction of rare and endangered species of flora and fauna, included in the Red Book of Ukraine</td>
</tr>
<tr>
<td>Regulation of Verkhovna Rada of Ukraine On Main Directions of State Policy of Ukraine on Environmental Protection, Use of Natural Resources and Ecological Safety</td>
<td>1998</td>
<td>Verkhovna Rada of Ukraine</td>
<td>Describes main ecological problems of Ukraine, strategic directions and means of environmental policy.</td>
</tr>
<tr>
<td>State Specific Programme Forests of Ukraine for the years 2010-2015</td>
<td>2009</td>
<td>Decree of Cabinet of Ministers of Ukraine / Policy</td>
<td>Determines main directions of balanced development of forestry for the mentioned for the years 2010-2015</td>
</tr>
<tr>
<td>Rules of Final Felling</td>
<td>2009</td>
<td>Rules adopted by Order of State Committee of Forestry N364</td>
<td>Defines norms and terms of harvesting of wood during special use of forest resources in order of final felling</td>
</tr>
<tr>
<td>Order of Cabinet of Ministers of Ukraine On Approval of Rules of Final Felling in the Forests of Ukraine</td>
<td>1995</td>
<td>Rules, adopted by Decree of Cabinet of Ministers of Ukraine</td>
<td>Rules for final felling forest cuttings, in all forests of Ukraine except Carpathian mountain forests</td>
</tr>
<tr>
<td>Order of Cabinet of Ministers of Ukraine On Approval of Rules of Final Felling in the Mountain Forest of the Carpathians</td>
<td>2008</td>
<td>Rules, adopted by Decree of Cabinet of Ministers of Ukraine</td>
<td>Rules for final felling forest cuttings, in the Carpathian mountain forests</td>
</tr>
<tr>
<td>On Regulation of Issues on Special Use of Forest Resources</td>
<td>2007</td>
<td>Decree of Cabinet of Ministers of Ukraine</td>
<td>Adopts order of special use of forest resources and order of issuing of special permits for use of forest resources</td>
</tr>
<tr>
<td>Rules of Enhancing of Forests’ Quality</td>
<td>2007</td>
<td>Rules adopted by Decree of Cabinet of Ministers of Ukraine</td>
<td>Determine main demands to realising forestry activities, aimed for enhancing of resistance and productivity of forest stands and preserving of biodiversity</td>
</tr>
<tr>
<td>Order of Keeping of State Forest Cadastre and Forest Inventory</td>
<td>2007</td>
<td>Adopted by Decree of Cabinet of Ministers of Ukraine</td>
<td>Defines procedure of keeping of state forest cadastre and state forest inventory</td>
</tr>
<tr>
<td>Order of Division Forests into Categories and Allotment of Specially Protective Forest Lots</td>
<td>2007</td>
<td>Order adopted by Decree of Cabinet of Ministers of Ukraine</td>
<td>Defines single demands to division of forests into categories, terms and features for labelling of forest as forest of specific category</td>
</tr>
<tr>
<td>Regulation on State Forest Guard</td>
<td>2009</td>
<td>Regulation adopted by Decree of Cabinet of Ministers of Ukraine</td>
<td>Defines status and authority of State Forest Guard</td>
</tr>
<tr>
<td>Sanitary Rules in the Forests of Ukraine</td>
<td>1995</td>
<td>Rules, adopted by Decree of Cabinet of Ministers of Ukraine</td>
<td>Rules, which establish sanitary requirements to the forests and works, which are carried out in the forests. It is important to point out that according to these rules dead wood must be removed from the forest. It is specified that damaged or ill trees must be removed as well.</td>
</tr>
</tbody>
</table>
But it means that we cannot say that forestry is sustainable and supports biological diversity, because lives of many species and health of ecosystems is connected to the availability of dead wood and trees, which are considered to be ill by the State Committee of Forestry of Ukraine.

| Order of State Committee of Forestry of Ukraine On Approval of Exploitability Age of Secondary Spruce Forests | 2009 | Order of State Committee of Forestry of Ukraine | Establishes exploitability age of spruce forests |
| Order of Cabinet of Ministers of Ukraine On Approval of Concept of National Environmental Policy of Ukraine for the Period until 2020 | 2007 | Order of Cabinet of Ministers of Ukraine | Describes main ecological problems of Ukraine, main directions and means to overcome them. |
| Order of Cabinet of Ministers of Ukraine On Approval of Temporary Order of Issuance of Certificate on Origin of Wood and Sawn-Wood for Export Operations | 2005 | Order of Cabinet of Ministers of Ukraine | Establishes order of issuance of Certificates of Origin of Wood and Sawn-Wood for Export Operations. The Certificate is obligatory for export operations but is it not used for home market |
| Instruction of Cabinet of Ministers of Ukraine On Approval of Concept of Reforms and Development of Forestry | 2006 | Instruction of Cabinet of Ministers | Specifies main problems of forestry and main directions of development of forestry, tasks and indices of development for the following years |

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

In the sphere of forestry the main legal instrument is Forest Code of Ukraine and main policy instruments is the State Specific Programme Forest of Ukraine for the Years 2010-2015.

The goal of the State Specific Programme Forests of Ukraine for the Years 2010-2015 is to specify main areas of balanced development of forestry, aimed for strengthening of ecologic, social and economic functions of forests. The Programme aims at:

- increase of territory forest coverage;
- increase of resource and ecologic potential of forests, fulfilment of forests activity on the principles of sustainable forest development;
- improvement of resistance of forest ecosystems, protection of forests;
- reproduction, protection and rational use of game fauna;
- rational use of forest resources;
increase of efficiency of management of forestry;
improvement of scientific and professional background for development of forestry..

However, some applied plans and actions which are taken under such policies, differ from these principles. For example, in 2009, the Cabinet of Ministers of Ukraine assigned 25 million UAH to the State Committee of Forestry of Ukraine to buy 10 production sets for wood processing, thus allowing fuel chips to be produced from processing of debris, windfall timber and other so-called low quality timber. In the point of view of the authorities, liquidation of encumbered wood by removing of dead wood is necessary in artificial forest ranges (even-aged and monogenetic). SFC is also encouraging stocking and processing of unmarketable wood in the forests of protected areas. This constitutes a potential threat of excessive withdrawal of dead wood, which strictly contradicts the principle of improvement of resistance of forest ecosystems and protection of forest and could lead to converting Ukrainian forest into unstable and vulnerable ecosystems, thus endangering biologic diversity.

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

Instruction of Cabinet of Ministers of Ukraine on Approval of Conception of Reforms and Development of Forestry (2006) specifies main problems and main directions of development of forestry in Ukraine. Main problems include:

- shortcomings of financial and economic system of development of forestry and taxation system, which does not take into consideration long period of growing of forests;
- management of forestry is carried out by several authorities;
- combining of forestry and wood processing functions at forestry enterprises;
- absence of economical incentives of introduction of nature friendly technologies;
- considerable volume of illegal cuttings, defective redistribution of forest lands;
- increase of anthropogenic impact on forest ecosystem.

Main tasks include:

- development of criteria (indicators) of efficient management of forests;
- increase of forest coverage of territories up to scientifically grounded level;
- increase of resource and ecological capacity of forests;
- preservation of biodiversity of forest ecosystems;
- increase of resistance of forest ecosystems to adverse factors of the environment, increasing anthropogenic impact, climate changes;
- efficient use of forest resources in the market environment;
- improvement of financial and economic system;
- self-supportive and profitable forestry in the regions with enough forests;
- help to solve social and economic problems of local communes;
- improvement of legal protection of forest guard personnel.

32 The Day. No. 167 (3087), 19 September, 2009
2.5. International Support to Forestry Sector

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

- The joint Swiss-Ukrainian project of development of Forestry in Zakarpattya region “FORZA”, which is funded by the Swiss Agency of Development and Cooperation (SDC). The main aim of the project is sustainable multi-functional forestry in Carpathian region, with adequate environmental management and raising of living standards of local people.

- The ENPI FLEG Programme “Improving Forest Law Enforcement and Governance in the European Neighbourhood Policy East Countries and Russia”, which is carried out in Ukraine by World Bank, IUCN and WWF. The Programme supports government, civil society, and the private sector in Ukraine in the development of forest management practices, including reducing the incidence of illegal forestry activities.

- Joint Czech-Ukrainian Project TechInLes, which is directed towards development and introduction of modern methods of forest monitoring and sample statistical methods of forest inventory, support of forest inventory service, development of normative base and general information system of forestry in Ukraine. The project was funded by the Program of Czech Republic development cooperation.

- Joint Czech-Ukrainian project “Tools for regional and management planning for Ukrainian forestry”. Funded by the Program of Czech Republic development cooperation.

- Joint Netherlands-Ukrainian “Promoting Sustainable Forest Management in Ukraine”, funded by the Government of Netherlands.

- Responsible Forest Management for Sustainable Development - Model Forest Areas in Romania and Bulgaria and Building Capacity in the Ukraine (WWF/IKEA) - Identifying high-conservation-value forests and supporting FSC certification in Bulgaria, Romania and Ukraine, funded by IKEA Corporation.


The reasons that activities related to sustainable forest management are funded poorly from national funds (except some researches in scientific institutions and universities and scientific conferences) include low political priority of the responsible authorities and absence of any internal specific financial or economic instruments to support sustainable forest management. In the views of SFC, funding aimed to sustainable forestry is provided yearly. Besides, for creation of sustainable forest management practices, forestry enterprises use their own costs.

Important international initiatives, related to sustainable forest management comprise the Convention on the Protection and Sustainable Development of the Carpathians (hereinafter the 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 the FLEG projects (see above for more details).

---

33 See more details on http://techinles.org.ua/
34 See more details on http://www.ifer.cz/page/?page=activities
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 for Ukraine in 2006. The Biodiversity Protocol to the Carpathian Convention was signed in 2008, and Verkhovna Rada, a parliament of Ukraine, ratified it on the 4th of September 2009 through the Law Nr. 1621-VI.

Pursuant to obligations under the Carpathian Convention, Ukraine prepared a list of protected areas to be included into the Carpathian network of protected areas. A number of documents and publication to promote aims of the Carpathian Convention and sustainable development had been prepared. The list of publications can be found at 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 state of environment of the whole Carpathian region, including state of forestry, related ecologic problems and achievements. The KEO can be found here: 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 projects carried out in Ukraine, such as FORZA, TechInLes, “Promoting Sustainable Forest Management in Ukraine” projects and others are in line with the aims of Carpathian Convention.

United Nations Forum on Forests

Ukraine takes active part in the work of UNFF. It aims at securing rational use, preservation and sustainable development of all types of forests. SFC specialists take part in UNFF activities, and assist in expert group.

Collaboration within framework of biosphere reserves

The oldest initiative, which served as a launching point for the creation of biosphere reserves, is the UNESCO Programme “Man and Biosphere” (MAB). It was put in place with a view to contribute to minimizing 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 4 biosphere reserves in Ukraine:

- The Carpathian Biosphere Reserve, which mostly consist of forest areas.
- The Danube Biosphere Reserve, located out of area where intensive forestry is carried out, also plays an important role in protection of flood-plain forests of Danube delta.
- Two others biosphere reserves, Askaniya-Nova and Chernomorskiy, are located in the south of Ukraine and do not comprise considerable forest areas.

In addition to the above mentioned biosphere reserves, there are initiatives for establishment of international biosphere reserves. Two have already been created:

1) The “International Biosphere Reserve East Carpathians”, which consists of Uzhanskiy National Natural Park, Nadsynskiy Regional National Park in Ukraine, Bieszczadski National Park and Regional Landscape Park “Valley of San River” in Poland and Poloniny National Park in Slovakia. This biosphere reserve protects rare and endangered species of East Carpathians, including some of unique virgin forest stands. However, there are some problems with establishment of joint structure to manage it.

2) The “International Biosphere Reserve Danube Delta” is established between Ukraine and Romania to protect biodiversity and landscapes of delta of Danube.

The establishment of international biosphere reserves is being planned: Rozhtochchya Biosphere reserve within the territories of Ukraine and Poland (Yavorivskiy National Park, Nature Reserve Roztochchya, Ravske Roztochchya Regional Landscape Park from Ukrainian side and Roztochanski National Park and 4 regional landscape parks from Polish side of the border), “West Polissya” international biosphere reserve between Ukraine, Belarus and Poland, and an international biosphere reserve between Ukraine and Romania in Carpathians, between Ukraine and Hungary in Zakarpatty region and between Ukraine and Russian around Desna river.

Others initiatives

- Ministerial Conference for the Protection of Forests in Europe (MCPFE)
- International Co-operative Programme on 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 of European countries to promote conservation and sustainable use of forest genetic resources.
- Joint project with Swiss Federal Scientific Institute for Forest, Snow and Landscape (WSL) to study structure of virgin forest of Ukrainian Carpathians.

Ukrainian officials, representatives of NGOs, scientific institutions cooperate with corresponding authorities, institutions, and NGOs from other countries through visits, sharing of experience and studies. They have especially active collaboration with Germany, Poland, Sweden, Switzerland, Belarus, Slovakia, Hungary, Russian Federation and other CIS countries. Collaboration is carried out through meetings, discussions, scientific and information exchange.

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

The last available Corruption Perception Index (CPI) score for Ukraine prepared by Transparency International is 2.2 in 2009, which corresponds to the 146 position in the world out of 180 countries surveyed (which places Ukraine on the bottom of the list).\(^{36}\)

2.6. Main driver/causes of illegal logging

Essential volumes of illegal logging were recorded since the beginning of 1990. Such illegal logging activities due to economical crisis when the economy of the remote areas was almost destructed; and by new market conditions in which many private wood processing and trading companies were established.

Nowadays there are several causes of illegal logging. These causes can be divided into the following groups:

1) Social: mainly due to unemployment and poverty in the rural areas, where forest is the most valuable and important resource. Poor social conditions represent the most common cause for illegal cutting. However, these loggings are normally small scale and presumably mainly for satisfying subsistence needs of the local population. One of the reasons is that prices for firewood provided to the local people legally are considered, by

local populations, unreasonably high\textsuperscript{37}. Furthermore, small-scale loggings for the needs of households are considered among locals to be traditional and pressure is put on rangers to tolerate them.

2) Economic: these are the most important causes of illegal logging in Ukraine and often combined with social causes (because these causes both aim at profit or savings). Illegal logging based on economic reasons have specific features. The main feature is that such illegal cutting are carried out by people who get money from illegal logging not for survival and feeding of families, but for larger scale profit. Hence, this logging is mostly carried out in a well-organized manner, including forgery of documents, and can effect a longer chain of activities, e.g. from cutting in the forest to export of sawn timber or round wood. It is also screened by corrupted officials and sometimes even dependant scientists. This cause includes also logging at the areas illegally excluded from forest land for the purpose of construction / mining. The low rate of salary that is officially paid to forest rangers is also an economic reason for hiding of small-scale cuttings by forest guards and for their help to companies, that cut forest illegally. Demand from abroad for illegal wood encourages national lawbreakers.

3) Legal and Administrative:

- Gaps in forest legislation. For instance, the legal aspects of forestry procedures are complicated and unclear\textsuperscript{38};
- The judiciary system is weak and inefficient and does not sanction all perpetrators;
- The State Committee of Forestry of Ukraine\textsuperscript{39} has too many conflicting powers, e.g. it can set policy, has law making functions, deals with management and financial aspects and well as supervision and control. This leads to high risk of corruption and conflict of interests\textsuperscript{40}. This situation also allows the State Committee of Forestry to have wide range of leverages over forest science;\textsuperscript{41}
- Lack of transparency of the State Committee of Forestry of Ukraine;
- Representatives of State Committee of Forestry have noticed that forest rangers are not well protected from pressure of local people who consider that illegal logging carried out by local population is normal.

### Local acceptance of illegal logging activities

In general, local populations living near forest areas are tolerant to unauthorized cuttings which are carried out by local people or groups of local people. It is commonly admitted among locals that prices of wood and fire-wood are too high for local people and that high volumes of wood are stolen by forest guards and forestry enterprises.

Such opinion can be partly explained by the uncleanness of requirements regarding loggings. Although theses requirements are published, they are complicated and not sufficiently explained

\textsuperscript{37} According to the forestry authorities, the price, which is set by the government, is not high (around 5.5 – 6 EUR/cubic meter), and it yield losses to forestry enterprises.


\textsuperscript{39} Regulation on State Committee of Forestry of Ukraine. Approved with Regulation of Cabinet of Ministers of Ukraine No. 883, dated the 27\textsuperscript{th} of June, 2007 - http://zakon.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=883-2007-%EF

\textsuperscript{40} Корупційні ризики і недоліки законодавчого регулювання лісового господарства України. Центр політико-правових реформ. Київ-2009. - http://fleg.org.ua/webfm_send/22

\textsuperscript{41} It should be noted that this point is not accepted by SFC
2.7. Main achievements and main obstacles to sustainable forest management in Ukraine

Main achievements:
- Afforestation of poor, eroded lands and lands, excluded from agricultural use at areas, where existence of forested is grounded from ecological and economical points of view.
- Gradual increase of territories under different status of protection.
- Higher legal status (more credentials) of State Forest Guard.
- Use of “natural forestry” methods in some areas.
- Adoption of Certificate of Origin of Wood – official document obligatory for export of round wood sawn wood and required by Customs.
- Launch of forest certification under the Forest Stewardship Council (FSC).
- Development of national forest inventory
- Promoting of tourism development

Main obstacles:
- Almost all functions related to forestry – management, control, permissions – are concentrated at State Committee of Forestry of Ukraine. It is considered that normally such functions must be shared between different authorities to avoid conflict of interests and abuses.
- Lack of comprehensive, reliable and verifiable data on forests. There is a need to carry out forest inventory. Change of legal status of forests led to the construction of barriers to access to forest for local people. Such barriers are illegal and are established mostly by long-term (it is allowed to make contracts for up to 50 years) temporary forest users. The users sometimes build houses and others structures (fences etc.), establish different kind of barriers to local people and cause fragmentation of ecosystems.
- Increase of volumes of sanitary and others regeneration cuttings relatively to final felling cuttings. Only 43% of marketable wood is harvested from final felling.
- Decrease of forest stand, mostly in mature and over-matured stands, which is much lower than normative (50-60 % of normal or optimal forest stands). A large part of it is used as fuel wood and in a small part of cases it is used to construct houses (fences etc.) and other structures.

42 Андрій Бобко. Повзуча екологічна диверсія у лісах України. Дзеркало Тижня №4 (379) від 27 січня – 4 лютого 2004 р.
43 Лісове господарство України. Державний комітет лісового господарства України. К.: ЕКО-інформ., 2009 – с.16
44 Лісове господарство України: стратегія розвитку. / За ред. І. О. Івченко. К.: Міжвідомча аналітично-консультативна рада з питань розвитку продуктивних сил і виробничих відносин., 2003 – с. 4
45 According to State Committee of Forestry of Ukraine, such situation is caused by massive afforestation after the World War II. In the nearest future they expect increase of percentage of mature stands and increase of cutting volumes.
Yield of round wood from final felling harvesting is 58% and more than 35% of volume of harvested wood can not be processed (firewood). Problems with selling of low-quality wood, caused by the low demand for such wood. Commitment of forestry to artificial reforestation and correspondently low volumes of natural reforestation.

Low volume of standing and lying deadwood in Ukrainian forests due to intensive sanitary cuttings and clearance. Although important to avoid forest fires according to natural conditions of some areas, too low volume of dead wood leads to biodiversity losses (destruction of biotopes of species that are connected with dead wood).

Liquidation, often in violation of law, of small protected areas of local importance. Forest cuttings in the areas, designed or eligible for protection. Illegal forest cuttings. Withdrawal of forests lands, also at the initiative of SFC bodies, with following cuttings and real estate development (especially around major cities and resort areas). Illegal mining at some of the forest areas (sand, amber etc.). Issues with parcelling of poor agricultural lands, degraded and agricultural lands, excluded from use. To carry out afforestation of agricultural lands excluded from use, forestry enterprises have to pay costs of losses of agricultural products, which represent huge amounts and forestry enterprises do have neither enough money nor economic interest in such afforestation.

Complicacy of the procedure of land allocation and preparation of confirming documents for the right of carrying out forest breeding activity. No single inventory of forests. Some part of forest is disengaged from state control. Afforestation and deforestation if not subject of State environmental expertise.

46 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
47 Лісове господарство України. Державний комітет лісового господарства України. К.: ЕКО-інформ., 2009 – с. 63
48 In the views of SFC, half of forests of Ukraine are artificially created and need enhanced care. In current situation, forestry of Ukraine is directed to transition to principles close to natural forestry, which provides natural regeneration where possible.
50 In its comments to the current report, the SFC considers that it is incorrect to talk about illegal harvesting of wood, for there are only single cases of illegal logging and not massive illegal activity.
51 At the same time for overcoming this obstacle the amended Art. 208 of the Forest Code of Ukraine states that legal entities and natural persons are freed from reimbursement of losses of agricultural production in case of use of land lots for afforestation of degraded and low-productive lands.
3. DEFINITIONS OF ILLEGAL LOGGING

One of the most recognized definitions of illegal logging is provided by UNECE. Illegal logging takes place when timber is harvested, transported, bought or sold in violation of national laws. The harvesting procedure itself may be illegal, including corrupt means to gain access to forests, extraction without permission or from a protected area, cutting of protected species or extraction of timber in excess of agreed limits. Activities considered to be type or part of illegal logging as proposed by UNECE are:

- Logging protected species
- Duplication of felling licenses
- Girdling or ring-barking, to kill trees so that they can be legally logged
- Contracting 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-/over-sized trees from public forests
- Extracting more timber than authorized
- Reporting high volume extracted in forest concessions to mask the fact that part of the volume declared is extracted from non-authorized boundaries
- Logging without authorization
- Obtaining logging concessions through bribes.

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

**Article 246 of Criminal Code of Ukraine** indicates responsibility for illegal cutting of trees and bushes in the forest, protective and others forest, which caused serious damage, and such actions at protected areas or forests under special protection.

**The Code of Ukraine of Administrative Violations of Law** creates responsibility for such violations of law:

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

**Article 65.** Illegal cutting, damaging and demolition of forest plantations and growth - Illegal cutting and damaging of trees and bushes; destruction or damaging of forest plantations, seeding and transplants at forest seed plots and plantations, and growth of natural origin and self-grown at the plots, supposed for reforestation.

**Article 65-1.** Demolition or damaging of field shelter forest belts

**Article 66.** Demolition of growth in the forest

---


54 http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=2341-14
Article 67. Forest use in repugnance with purpose and requirements of felling order or forest ticket

Article 68. Violation of rules for reforestation or improvements of forests, or rules for use of mature wood.

The existing definition of illegal logging, which is used in the practice in judicial matters is set out in Regulation of Plenum of Supreme Court On Court Practice In the Environmental Crime Cases and Other Violations of Environmental Law No. 17 dated 10.12.2004\(^5\) (paragraph 2 of part 9 of the Regulation). Particularly, **logging of trees and bushes is recognized as illegal**, when carried out without permit; or with permit but in violation of the law; if carried out in a timeframe other than what is specified in the permit; if carried out in territories other than specified, or in quantities exceeding limitations set and regarding tree species which are not specified in the permit or which are prohibited for cutting.

4. ILLEGAL LOGGING

4.1. Volume and type of illegal logging

All types of illegal logging – as specified in the national legislation and international definition - occur in Ukraine.

No authority in Ukraine collects or processes data on volumes of illegal logging, illegal export of wood, or of understated wood from all available sources. Information on volumes of illegal forest cutting can be received from 2 sources:

1) State Committee of Forestry
2) Mass-media and disclosed information of law enforcement authorities of Ukraine and of State Ecological Inspection and its territorial bodies.

The State Committee of Forestry uses the term “unauthorized cuttings” and publishes statistics on these cuttings. According to State Committee of Forestry volumes of such “unauthorized cuttings” in the year 2008 was 20,1 thousands cubic meters, which is 2,2 thousand cubic meters more than in the year 2007. During the years 2003-2007 volumes of “unauthorized logging”, according to State Committee of Forestry, was gradually decreasing. UNECE estimated that the total volume of unauthorized cutting was 83.8 thousand cubic meters in 2003.

Trends of violation of forest law in the forests, managed by SFC in 2003 -2008

<table>
<thead>
<tr>
<th>Year</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
<th>2008</th>
</tr>
</thead>
<tbody>
<tr>
<td>Number of cases, thousand</td>
<td>15,5</td>
<td>14,7</td>
<td>12,9</td>
<td>13,8</td>
<td>12,1</td>
<td>10,2</td>
</tr>
<tr>
<td>Volumes of cut wood, thousand m³</td>
<td>40,2</td>
<td>30,4</td>
<td>28,0</td>
<td>24,7</td>
<td>17,9</td>
<td>20,1</td>
</tr>
</tbody>
</table>

The Committee mainly records cases of illegal logging which are carried out by local people representing rather low volumes.

It is cumbersome to gather data on volumes of others types of illegal logging including logging by organized groups, often with assistance of perpetual forest users in violation of different national laws, aiming to sell the wood or sawn wood. Such types of illegal logging include the following practice:

- understating of volume and quality of wood, which is logged according to the legal documents - which leads to understating of costs of wood and corresponding losses of the State, while profit, received from bribes and corruption, goes to corrupted business and officials;

• violation of rules on logging - logging out of cutting areas, cutting other than the specified trees, sanitary cuttings, cuttings at former protected areas, that lost their status because of corruption, lands reserved for protection and even at protected areas \(^58\);
• illegal logging not corresponding to legally issued documents (logging and removal of bigger volume of wood than specified in the permit);
• burning of forests to be logged later with sanitary cuttings according to the legally issued documents;
• illegal logging of wood under the control of forest guard officials \(^59\).

Such crimes are registered by the Ministry of Internal Affairs, Security Service of Ukraine, Prosecutor’s Office, State Ecological Inspection. However, their volumes are not reflected in the available statistical data mainly because these authorities do not gather information in terms of the volumes of illegally cut wood. Hence, it is very difficult to estimate volumes of such cuttings. The data deriving from enforcement authorities and mass-media prove that the problem is very serious and volumes of such cuttings much higher than volumes specified in the official reports of the State Committee of Forestry.

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

In October 2009, the Ecological Inspection carried out planned checking of an enterprise and disclosed a number of breaking of law including illegal cutting of trees in the forests and within cutting areas in the Zakarpattya region. 28 persons were brought to administrative responsibility for violation of ecological legislation, and 35,239 thousand UAH were claimed for damage to natural resources.

Cases on grounds of abuse of official position were opened by the Prosecutor’s Office of Zakarpattya region against officials of one of the State enterprises in Tyachiv district, where losses from illegal cutting of 1131 cubic meters of wood equalled to 1 million 900 thousands UAH, and against a member of a village council in Perechyn district, forest ranger by profession, who organized a criminal group carrying out illegal logging of 635 cubic meters of wood of different species, causing damage for more than 282 thousands UAH.

In September 2007, the Prosecutor’s Office of Zakarpattya region opened criminal case against an entrepreneur accused of money laundering and in particular, of falsifying shipping documents. Being private entrepreneur and engaged in export of sawn wood, he smuggled 764 cubic meters of wood for a value of 593 thousand UAH through Vynogradiv Customs between October 2006 and August 2007. The accused bought wood from various persons without the required documents and submitted false documents regarding the origin of the wood to the Regional Administration of Forestry and Hunt to obtain legal certificates of origin of wood.

In 1999, following a decision of the Lviv Regional Council more than 10 protected areas of the region, corresponding to 4 000 ha (mostly forests), lost their protection status. In these territories extensive cuttings took place. In particular, this decision affected “Kornalovychi” an area comprising more than 700 ha of oak forest as well as many rare species of animals and plants mentioned in the Red Book of Ukraine, and protected since the 70s’. The territory of this protected are was reduced by three in 1997 and its protective status was cancelled two years later leading to cuttings of venerable oaks. Scientists recognized that valuable forest is cut and the Regional Council gave back

---

\(^{58}\) http://www.zhitomir.info/news_50259.html

\(^{59}\) http://www.lesovod.org.ua/node/3027
protective status to only some 100 ha of the forest.

Furthermore, in the “Volodymyrivskiy” protected, unique flood-plain lakes with relict fauna have been drying out because trees in the protective zone were wiped out, since the forest was harvested to the water edge on 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=30C24CA0D8E84D088230F1DB1FBAAb3E

The main volume of Ukrainian oak wood (more than 90%) is logged in the forest of State Committee of Forestry of Ukraine. In 2007 the planned volume of harvesting of oak sawn wood was 420 thousand cubic meters, however, within 11 month of the year 2007 Ukraine exported 850 thousands cubic meters of oak sawn wood. The main exporters of the most valuable oak sawn wood are small companies and private entrepreneurs, in particular the units which are difficult to control. 60

**Sanitary cutting**, which is carried out in Ukrainian forests, deserves special attention. The volumes of so-called formation and sanitation cuttings are on a high level (approximately 57% of total volume of harvested marketable wood during 2003-2007)61 and often concern most valuable trees. There are several reasons behind this fact that contradict the Law:

- A large part of the Ukrainian forest falls under different types of protection regime and final felling is prohibited in these territories. Forestry enterprises fulfil sanitary cutting to guarantee profitability of their economic activity and to bypass limitations of the protective regime.
- Sanitary cutting was more profitable regarding final felling because forestry enterprises do not pay taxes for wood, logged with sanitary cuttings (except clear sanitary cuttings and forest regeneration felling62).
- Sanitary cuttings sometimes make possible logging of the most valuable sound wood (together with wood of weak trees). According to the State Committee of Forestry, there is urgent need to fulfil sanitary cuttings in the part of secondary spruce forests of Ukrainian Carpathians but according to the experts of World Bank, main volumes of sanitary cuttings were fulfilled in the oak forest of plain part Ukraine63 (demand and prices for oak wood are very high).

As a result of intensive sanitary cuttings and others intermediate fellings mature forests are too sparse (considerable deviation from normal forest stand density).

### Forests stand density in Ukraine

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

---

60 www.lesovod.org.ua/node/3027
61 Лісове господарство України. - К.: Еко-Інформ, 2009. - с. 16
63 www.fleg.org.ua
Starting from ripening forest stand (young timber stage) dramatic reduction of stock in real forest stand versus normal forest stand is observed.

Mature forests stand are too sparse due to different type of cuttings related to “improvement cuttings” in the forests. As a result tree area ratio goes down to < 0,7 for the essential part of mature forest stands. Such forests are degraded and must be the subject to conversion.

Even after such intensive sanitary cuttings and others intermediate fellings, the proportion of fuel wood in the wood harvested with final felling is very high (around 30%)\(^{65}\). The proportion of fuel wood in the structure of marketable wood must range from 2% (spruce) to 12% (aspen)\(^{66,67}\).

Usually forest enterprises have all necessary documents for sanitary cuttings but these documents sometimes are issued on non-scientific grounds not sufficiently taking into account ecological aspects. It is not difficult for forestry enterprises to obtain the necessary “scientific” basis in the documents since most part of forest science in Ukraine depends on the State Committee of Forestry. Besides, according to legislation in force there is no need for scientific grounding for carrying out of sanitary cutting except territories of protected areas.

4.2. Export and import of Illegal Timber

There are not sufficient statistics on export and import of illegal timber. From time to time, information on attempt to export illegal timber leaks into mass-media, revealing the existence of a black market regarding harvesting and selling of wood. Such activities cause important losses for the State on both economical and ecological levels. Ukraine imports mostly products derived from wood, making it difficult to estimate the level of illegal imports. Besides, Ukraine imports wood mostly from Russia, and neither Russian authorities nor experts consider Ukraine as a major importer of Russian illegal wood.

According to available data, during 2008, Ukraine exported almost 2,4 million cubic meters of wood, including 960 thousands cubic meters of technologic (low-quality) wood. It is estimated that due to illegal transfers, the loss for State forestry enterprises reaches 0,5 billion UAH (around 46 million EUR) annually. In the Zakarpattya region, the Security Service of Ukraine evaluated that the illegal export of timber represented 4 million UAH for the year 2006\(^{68}\).

Information published by the Customs of Ukraine and Security Service of Ukraine shows that the most popular ways to export illegal timber are falsification of certificates of origin of wood and shipping documents, and understating of value of wood. In addition, the lack of wood experts in the customs and corruption of some customs officials creates conditions for finalization of fake customs declarations for batches of freight.

\(^{64}\) 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

\(^{65}\) http://www.unece.org/timber/mis/market/market-65/ukraine%20%28English%29.pdf


\(^{67}\) http://www.dt.ua/3000/3320/45976/

\(^{68}\) http://woodex.ua/news/wood/3671/
UKRAINE

Cases of illegal trade of timber

♦ On 9 November 2009, Uzhgorod Customs Office informed the West Information Corporation that they confiscated 85 cubic meters of timber which was illegally exported from Ukraine. They also declared that, during the last 4 years, volumes of export of fire-wood has increased rapidly. If in 2005 gross export of fire-wood through Uzhgorod Customs was 7 thousand tons, then export of fire-wood through mentioned customs during 2009 is 56,6 thousands tons.

♦ A further case, which is investigated by the Security Service of Ukraine and characterizes some of the problems encountered in the forestry sector, has transboundary effect. As a result of international shipping freight flows investigation, the Security Service of Ukraine has exposed traffic of high-quality wood under the guise of low-quality wood. Forestry enterprises of almost all regions of Ukraine, customs, shipping and brokerage companies took part in this crime. Abovementioned wood is exported through 5 seaports to Turkey and Bulgaria. The “Capricorn” case was brought up after the Security Service of Ukraine checked customs documents for wood shipload lot for “Capricorn” ship and noted a difference between actual quality of wood (according to conclusions of experts) and quality specified in the customs declarations disclosed. The total cost of disclosed marketable wood, which was not included in the declaration, was 328 thousand UAH. The value of one batch of wood to be exported illegally, which was arrested by Security service of Ukraine in the year 2008, was 600 thousand UAH. Among documents, withdrawn during criminal investigation, there was a contract with a company from Great Britain for supply of wood for 100 000 EUR.70

Since there is no full information on the volume of export and import of illegal timber, there is a need for State authorities to collect data about all cases of illegal export and import of wood from all sources and authorities, in order to prepare centralized statistic information.

4.3. Others types of forest law-breakings

Illegal occupancy of forest lands – occurs mostly near big cities and resort areas. The most difficult situation is in Kyiv, Lviv, Kharkiv regions and in the Crimean peninsula and some others resort areas. The forests mostly are occupied for the construction of houses (cottages) and others buildings.

Lease of forests for long-term use. Although such lease is mostly carried out on the basis of legally issued documents, new leaseholders break law by construction of houses and buildings on the leased lands, illegally cutting trees and illegally restricting access of local people to leased areas.71

Illegal mining in the forest lands. This activity is widely observed in most regions of Ukraine and relates to the extraction of minerals of local importance (sand etc.) and amber72 by organised groups. It is marked by the low efficiency of the Ministry of Internal Affairs in preventing and

investigating such crimes and by the weakness of the judiciary system. The problem of illegal mining of amber is important in Polissya (North of Ukraine).

**Illegal logging in Chernobyl exclusion zone.** Case of illegal logging removal and purchase of radioactive contaminated timber (together with metal scrap and spare parts for cars) from Chernobyl exclusion zone, was disclosed by the Security Service of Ukraine in May, 2008. Concerned criminal group included employees of law enforcement authorities, drivers, security agents, decontamination agents, vendors, etc.

### 4.4. Impacts of Illegal Logging

Article 1 of the Forest Code of Ukraine specifies that forest of Ukraine is a national wealth and, according to their functions and location have mostly water protective, protective, sanitary and hygienic, health improving, recreational, aesthetical, educative and other functions and are a source to meet needs of society in forest resources.

Current forestry practices have controversial impact on environment and ecosystems. On one hand, forest cover of Ukraine is considered to be not sufficient in terms of ecological functions of forests (positive impact of forest on climate, soils, and water resources)\(^73\) so state programmes aimed to increase forest areas have been developed; on the other hand, adverse impact of illegal forest cuttings and some others legal and illegal practices, which are presented below, is described in many scientific researches.

---

**Environmental impact of current forest practices, including illegal logging**

SFC activities and of others authorities responsible for forest management in Ukraine are directed to the increase of areas covered with forest, afforestation of poor agricultural lands and of those damaged by erosion, rehabilitation of lands, etc.

<table>
<thead>
<tr>
<th>Type of practice</th>
<th>Impact</th>
</tr>
</thead>
</table>
| **Afforestation of poor and degraded agricultural lands** | 1. Decrease of erosion (water and wind erosions)  
2. Decrease of carbon dioxide emission, collecting and keeping of carbon  
3. Protection of fertility of soils  
4. Improved ground and surface water regime of the territory and watercourses |
| **Rehabilitation of industrial polluted lands** | 1. Decrease of pollution and ways of migration of pollutants  
2. Decrease of carbon dioxide emission, collecting and keeping of carbon |
| **Creation of mixed, uneven age forests at some regions, mostly in the Carpathians** | 1. Protection of biodiversity  
2. Increase of forest resistance |

At the same time, forestry practices can have an adverse impact on environment. Such an impact can be explained by non-compliance with existing legislation and specific practical rules, and by

---

\(^73\) [http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867](http://dklg.kmu.gov.ua/forest/control/uk/publish/article?art_id=62921&cat_id=32867)
violation of law, including:

<table>
<thead>
<tr>
<th>Type of practice</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Illegal logging</td>
<td>1. Flooding in the mountain areas is the result of inability of deforested lands to absorb and keep moisture, damming of rivers with unmarketable wood</td>
</tr>
<tr>
<td></td>
<td>2. Loss of biodiversity because of loss of habitats, disturbance, destruction of ecosystems etc.</td>
</tr>
<tr>
<td></td>
<td>3. Erosion as a result of transportation of wood, without necessary measures of soil protection and wrong location of cutting areas</td>
</tr>
<tr>
<td></td>
<td>4. Pollution of rivers with mud and silt due to increased erosion and use of watercourses for transportation of round wood</td>
</tr>
<tr>
<td>Clear cuttings in the mountain forests</td>
<td>Intensification of erosion and floodings</td>
</tr>
<tr>
<td>Incorrect location of cutting areas, especially in the mountain forest</td>
<td>Intensification of erosion</td>
</tr>
<tr>
<td>Clear cuttings in the water protective stripes of rivers</td>
<td>Intensification of erosion, biodiversity loss</td>
</tr>
<tr>
<td>Cutting and transportation of timber during warm period of the year at cutting areas</td>
<td>Extermination of young growth, damaging of soil (depending on state and age of young growth and ways of transportation may be lessened)</td>
</tr>
<tr>
<td>Skidding of wood destroying forest growth</td>
<td>Increase of erosion, additional expenses for restoration of forests</td>
</tr>
</tbody>
</table>

Other impacts are observed through practices more or less complying with existing regulations (at least not contradict them) but which are not grounded by modern scientific researches, such as:

<table>
<thead>
<tr>
<th>Type of practice</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cutting in the areas, destined for creation of protected areas in the future</td>
<td>Biodiversity loss</td>
</tr>
<tr>
<td>Sanitary and others cuttings, including clear sanitary cuttings in some of protected areas with low level of protection and in zones of national parks and regional landscape parks where forestry is allowed</td>
<td>Biodiversity loss, decrease of resistance of forests</td>
</tr>
<tr>
<td>Artificial monoculture forest cultivation</td>
<td>Biodiversity loss, decrease of resistance of forests</td>
</tr>
<tr>
<td>Incompliance of sanitary cuttings with need of biodiversity protection and maintenance of stability of ecosystems</td>
<td>Biodiversity loss, decrease of resistance and adverse impact on ecological functions of forests</td>
</tr>
<tr>
<td>Over thinning of forest with sanitary and thinning cuttings</td>
<td>Decline of resistance and productivity of forest ecosystems, damaging of forest by breakage by wind, infestation.</td>
</tr>
<tr>
<td>Cutting of areas for skiing runs</td>
<td>Biodiversity loss, fragmentation of</td>
</tr>
</tbody>
</table>
As there is no generalized information on volumes of illegal logging in Ukraine, it is impossible to count total amount of losses caused by illegal logging. There are no real estimation of financial impact, but revealed investigations and confirmed cases show that losses can reach very high scales (e.g. 46.3 million EUR of loss due to illegal export of timber).

4.5. Analysis of methods and efficiency of combating illegal logging

Ukrainian legislation provides criminal, administrative, civil and disciplinary responsibility for different types of illegal activities, joint under the term “illegal logging”.

**List of legal acts containing requirements regarding felling / logging**

- Rules of Final Felling in the Forest of Ukraine, adopted by Order of State Committee of Forestry of Ukraine No. 364 dated 23 July 2009
- Sanitary Rules in the Forest of Ukraine, adopted by Order of Cabinet of Ministers of Ukraine No. 555, dated 27 July 1995
- Rules of Improvement of Quality Composition of Forest, adopted by Order of Cabinet of Ministers of Ukraine No. 724, dated 12 May 2007

Perpetual forest users and owners of forests (for the private forests) make up first level of protection of forest from illegal logging. According to part 2 of Article 14 of the Forest Code of Ukraine, citizens and legal entities, which have forest in private property, are obliged to:

1) fulfil forestry according to the documents of forest surveying and according to this Code;
2) protect forests;
3) follow rules and norms of use of forest resources;
4) fulfil forestry and use forest resources by means, which does not cause damage to the environment… and provide favourable conditions for protection and restocking of forest;
5) fulfil basic record keeping of forests, provide statistical reports and information on state of forests and use of forest resources according to the order;
6) provide protection of typical and unique natural complexes and objects, rare and threatened animals and plants, plant complexes, to contribute to building-up of ecological network according to nature protection legislation.

Part 2 of article 19 of Forest code of Ukraine. Rights and duties of perpetual forest users require them to:

1) protect forests;
2) follow rules and norms of use of forest resources;
3) fulfil forestry according to the documents of forest surveying, to use forest by means, which save health-improving and protective characteristics of forests, and form favourable conditions for their protection and restocking;
4) fulfil basic record keeping of forests;
5) follow order of use of lands, established by legislation;
6) provide protection of typical and unique natural complexes and objects, rare and threatened animals and plants, plant complexes, to contribute to building-up of ecological network according to nature protection legislation\textsuperscript{74}.

One major problem is that the corpus delicti of illegal logging according to the Criminal Code of Ukraine and the Code of Ukraine on Administrative Violations of Law coincides, so there is risk of assignment of more lenient penalties.

Combating illegal logging goes through a certain number of steps:
1) Prevention is mostly ensured by forest rangers and forest guard by control over forests
2) Detection – by inspections and checks (see above) and by NGO and citizens
3) Investigation – by all law enforcement authorities plus Main Control and Revision Office of Ukraine and NGO, that submit documents to Prosecutor’s office or to the Court
4) Reduction – by certificate, by inspections

4.5.1. Prevention – licensing, wood tracking and others

Licensing practice
Rated wood cutting for perpetual forest users and owners of forests, as well as felling permits, are practices that limit the harvesting of wood in case of final fellings.

Rated wood cutting corresponds to calculated standard of annual volume of wood use harvested in case of final fellings, which provides continual non-exhausting and complete use of stock of mature wood and is used as a ground for planning its volume.

Proposals for rated wood cutting volumes and locations are prepared by the State Forest Surveying Organisation in accordance with the Journal of Determination of Rated Wood Cutting for Review Period, and reviewed by representatives of the Autonomous Republic of Crimea, the State Committee of Forestry, the Ministry for Environmental Protection, local self-governance (upon consent), and others interested parties. Relevant documents, including feasibility study on forests changes affecting licensed wood cutting, are submitted to the State Forestry Committee and approved by Order of the Ministry for Environmental Protection. The perpetual forest users and owners of forest are then informed on the authorised wood cuttings and information on approved volumes of wood cuttings is sent to the authorised bodies of the SFC, the Ministry of Environmental Protection, Regional State Administrations and Production Enterprises for use in their activity\textsuperscript{75}.

Felling ticket corresponds to a special permit (license). Felling ticket issued by the executive forestry bodies of the Autonomous Republic of the Crimea, and the regional bodies of the State Forestry Committee of Ukraine, for harvesting of wood within final felling, based on properly

\textsuperscript{74} http://zakon1.rada.gov.ua/cgi-bin/laws/main.cgi?nreg=3852-12
\textsuperscript{75} Instruction On Order of Approval of Rated Wood Cuttings. Approved by Order of Ministry of Protection of Natural Environment of Ukraine No. 38 on 05.02.2007
approved rated wood cutting. It is according to the felling tickets that accounting of wood products, establishment of terms of forest use and transportation of harvested wood, term and methods of cleaning of cutting areas and accounting of natural regeneration of trees to be stored are carried out. It is also used for the recording of payments for use of forest resources.

The following document should be submitted by the forest owner or perpetual forest user to obtain a felling ticket:

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

It is allowed to finalize felling ticket application within a month after the beginning of cutting, notably in case the concerned trees can fall on electric power lines or provoke accidents, trees are used for investigations and scientific researches, trees are located in forests damaged by natural disasters, diseases and pests, upon consent of perpetual forest user. As an exception, the State Committee of Forestry is authorised to switch the cutting areas because inaccessible for others (within volume of rated wood cutting) upon request of its bodies. Felling ticket can be cancelled by decision of SFC bodies, or at request of the owner of forests or perpetual forest users.

**Wood tracking**

The tracking of wood starts from the stage of licensing and is followed by local inspections. Inspection is carried out by forest owner or perpetual forest user - to check accuracy and fullness of logging, detect trees that were not cut but had to be, disclose wood that had not been removed, and check compliance of logging with legislation – according to the following terms:

- cutting areas - not later than 5 days in case of recording of volume of harvested wood and not later than 15 days in case any other types of recording is carried out.
- places of harvesting of secondary forest product – not later than 20 days after expiration of the term, specified for removal of such products;
- places of harvesting of oleoresin – annually after termination of bleeding period;
- not later than 15 days after expiration of the term, established for removal of wood;
- in case of respite for removal or harvesting of wood, inspection of logging place is fulfilled not later than 5 days before expiration of the term for logging or removal of wood. Repeated inspection is fulfilled after its expiration.

Recording of harvesting of wood and secondary forest resources is carried out in terms of their quantity. Inspection of cutting areas and places of storage of forest products, specified in felling tickets, is fulfilled before their removal.

The results of inspection are summarized in the inspection act, in which volume of harvested wood, secondary forest products and volumes of others uses of forests are specified.

---

76 Order of Issuance of Special Permits for Use of Forest Resources, approved by the Regulation of Cabinet of Ministers of Ukraine No. 761 dated 23.05.2007 [http://woodex.ua/?menu_id=11&page_id=165](http://woodex.ua/?menu_id=11&page_id=165)
In case the total volume of harvested wood exceeds those specified in the felling ticket by more that 10%, or yield of commercial wood (round-wood) exceeds mentioned volume by more than 15%, the owner of forest or perpetual forest user has to pay normative price for additionally harvested wood.\textsuperscript{77}

Trees are blazed at the cutting area according to their purpose and value by forest user (marketable wood, fire-wood).

**Monitoring and early warning of environmental risks regarding forestry**

In Ukraine, a system of early warning, monitoring and assessment of natural and man-made environmental risk for forestry is organised by the Ministry of Emergencies of Ukraine. It consists of territorial and specialized divisions and departments of the Ministry of Emergencies of Ukraine, including hydro-meteorological survey and warning system.

Forest fires are prevailing disasters in the forests of Ukraine (the total number of forest fires which occurred in 2008 was 3,316). State Fire-fighting Service of the Ministry of Emergencies, Forest Security Department of State Committee of Forestry of Ukraine, the Fire-Fighting Services of specialized forestry enterprises managed by the Ministry of Agrarian Policy of Ukraine and others authorities are responsible for fire prevention and protection of forest against fires.

As of 2008, the State Committee of Forestry of Ukraine had 307 forestry enterprises that included 1,617 forest divisions and 272 forest fire-fighting stations. The total number of people, managed by SFC, which carried out different types of activities for the protection of forest against fires in 2008, was more than 20,000 officers of State Forest Guard. There were also 1,500 persons, that were employed as fire observers during forest fire season.

Approximately 4 million ha of forests in the Autonomous Republic of Crimea and 12 regions were controlled by aerial observation, which was fulfilled by Air Division of Ukrainian State Base of Air Protection of Forest of SFC (planes, helicopters and VLA were used for patrolling).

Ground observation for 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 from forest ranger stations to the State Forestry Committee every day. In case of a risk of fire propagation to an area larger than 5 ha and need for additional forces to prevent emergencies, an information (notification) must be sent to local decisions of Ministry of Emergencies of Ukraine and SFC immediately.

Other process, sometimes considered natural disasters in the forests of Ukraine, damaging the forest include infests and diseases. Total area of forests affected by infest and diseases in 2008 was 433,6 thousand ha but is one the decline. At the same time, according to State Committee of Forestry of Ukraine, the dry out of secondary spruce forest in the Carpathians can be considered emergency and natural disaster. This phenomena takes place in secondary spruce forests, which were grown in inadequate forest sites.\textsuperscript{78}

\textsuperscript{77} Order for Special Use of Forest Resources. Adopted by Order of Cabinet of Ministers of Ukraine No. 761, dated 23 May 2007.

According to the Ministry of Emergencies of Ukraine and State Committee of Forestry of Ukraine, the resources are not sufficient to address these issues. The main needs include:

- new machinery and equipment (more than 60% of fire engines managed by State Committee of Forestry work are more than 16 years)
- financing for aerial protection of forests
- on time exchange of expired and old fire-extinguishing means for new ones
- maintenance of forest roads and fire water ponds
- more active information campaigning faced to public
- fight against agricultural burnings
- improvement of quality of investigations of causes of fires and inevitability of punishments of guilty persons

Ukraine also has a notification system covering natural and man-made disasters, including emergencies related to forest and forestry.

Notification of neighbouring countries about emergencies is carried out by the Ministry of Emergencies of Ukraine and corresponding authorities of neighbouring countries. Bilateral agreements are the legal basis for such notification. Ukraine has such agreements with all neighbouring countries, except Romania. The agreement with Romania is on the stage of development.

There is also a system of notification about emergencies, including natural ones in the basin of Tisza River between Ukraine, Romania, Hungary and Slovakia. This system works on regional level.

Taking into consideration that the Carpathian Convention specifies early warning as one of the important measures needed to be taken to avoid or decrease losses from natural and man-made disasters, it is foreseen that cooperation within the frame of this Convention will be developed.

Prevention of export of illegal timber and reduction of illegal logging is also supported by the establishment of Certificate of Origin of Wood and Sawn-wood, - an obligatory document for export operations, which is required for the products, that can be classified as round wood or sawn wood. Any organization that exports wood or sawn-wood must obtain a Certificate on Origin of Wood and Sawn-wood, Made of it. This Certificate is issued for each batch of materials, finalized with one shipping document, and is valid during 60 days after the date of its issue. To obtain a Certificate on Origin of Wood and Sawn-Wood Made of It exporters submit application to Regional Administration of Forestry, with annexed copy (with obligatory presentation of original) of shipping documents on purchasing of wood or/and sawn-wood or felling tickets.

An additional instrument is in process of development by the State Committee of Forestry and other interested organizations: a single State System of Electronic Accounting of Timber. Conception of creation of this State System of Electronic Accounting of Timber was approved by

Regulation of Cabinet of Ministers of Ukraine No. 1090-p dated 16 September 2009. The establishment of such system requires:

• development of instructions for management of processes of wood turnover (from logging to sale) with establishment of requirements to marking of woods and its accounting;
• introduction of marking directly at the cutting areas with unified markers with application of bar-code and identical numeral code for registration of origin, technical, qualitative and quantitative indices;
• automatic read-out of information of bar-code, and its entering into the system of accounting of timber in electronic format;
• automatic performance of processes of finalisation of documents for transportation of timber;
• automatic performance of acceptance and inventory of timber coming from cutting areas, at the places of its storage and shipping, and accounting of timber at sale;
• electronic control of movements of timber, in particular through customs border of Ukraine;
• equipping forestry enterprises with tools for marking of timber, tools for processing and transmitting of information, and introduction of modern software;
• creation of complex systems of protection of information.

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

It is planned that the system will be established by the end of 2012. It is expected that it will help in the fight against illegal cuttings, smuggling, organized crime and corruption, and support efficient monitoring of cutting, improvement of control of protected forests, and timely bring to responsibility those who violated forest legislation80.

4.5.2. Enforcement

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

• Inspections on-site: inspections of forests, inspections of cutting areas, carried out by State Forest Guard and others law enforcement authorities, such as the State Ecological Inspection;
• Inspection of legality of wood at wood transportation stage (by State Vehicle Inspection of Ministry of Internal Affairs, State Forest Guard, State Ecological Inspection, or representatives of some others law enforcement bodies);
• Checking of legality of wood by consumers (mostly carried out by major companies and exporters of wood that value their reputation);
• Checking of wood processing companies and individuals;
• Checking of legality of wood at the border (by Customs Service, State Border Service or Security Service of Ukraine);

• Checking of activities of perpetual forest users, owners of forests, wood processing companies and wood traders.

Investigations of cases of illegal logging are carried out by law-enforcement authorities, which are authorized to investigate crime according to the law. The system includes:

• The first (basic) level: Forest Guard and State Ecological Inspection (on-site), State Customs Service of Ukraine, State Border Guard of Ukraine
• The second level: Militia (Ministry of Internal Affairs of Ukraine), Tax Militia (State Tax Administration of Ukraine), Security Service of Ukraine and separately – Main Control and Revision Office of Ukraine
• The third level: Prosecutor’s Office of Ukraine (including Environmental Protection Prosecutor’s Office as a department of Prosecutor’s Office of Ukraine)
• The fourth level: Judicature (Courts)

According to the information received from SFC officials, the efficiency of investigation of forest crimes and unauthorized logging cases by Militia and Prosecutor’s Office is quite low. Major part of criminal cases on unauthorized logging, which were transmitted to Militia and Prosecutor’s Office for investigation, were not brought before the court.

It can be noted that NGOs are an important source of detections of forest law-breakings. Many headline-making cases regarding illegal logging and others forest law-breaking were initiated by NGOs. They actively collect information and documents, take photos and transmit cases to law enforcement authorities and mass-media.

The sanctions for illegal cuttings are listed in the legislation and include penalties, balancing of loss, arrest, judicial restraint and imprisonment with confiscation of illegally logged wood.

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

In 2009, members of the Zhydachiv District Council voted the temporary prohibition of all clear cuttings and others forestry economic activities except planting of trees. The establishment of a Commission composed of specialists, law enforcement bodies officials, ecologists, public representatives, was also decided to investigate real state of forests of the district and legal ground of cuttings.

This decision was initiated by the Commission on Legitimacy of Zhydachiv District Council in response to appeals from local people concerned about mass cutting (legal and illegal) of forests.

The Commission of District Council requires publicity and transparency from forestry authorities, including publication in media of information on cuttings with specification of area, location, volumes of cuttings and confirmation of approval of cuttings by all authorized bodies. In addition, local self-governance bodies of the area must be informed about cuttings, and routes of transportation of wood must be agreed with them. However, up to now, such requirements have not been strictly followed.

81 www.wz.lviv.ua/pages.php?atid=71920
5. REFERENCES

Books and other publications

5. The Day. No. 167 (3087), 19 September, 2009
6. Андрій Бобко. Повзучка екологічна диверсія у лісах України. Дзеркало Тижня №4 (379) від 27 січня – 4 лютого 2004 р.
7. Державний комітет статистики України. Україна у цифрах у 2008 році. Статистичний збірник. / За ред. Осміленко О. Г. – Київ: Інформаційно-аналітичне агентство, 2009
8. Кластерний аналіз лісового сектора Карпатського регіону України та рекомендації для кластерного менеджменту. Скорочений звіт 2008,
10. Лісове господарство України: стратегія розвитку. / За ред. Юхновського І. Р. К.: Міжвідомча аналітично-консультативна рада з питань розвитку продуктивних сил і виробничих відносин., 2003
11. Нормативно-справочні матеріали для таксації лесов України и Молдавії. Госкомитет СССР по лесному хозяйству. Київ. «Урожай», 1987

Internet sources