

Illegal Logging in SEE and EE (Governance, Implementation and Enforcement)

Illegal logging activities in Kosovo (under UNSCR 1244/1999)

B. DIAGNOSTIC AUDIT

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List of abbreviations

Kosovo	Kosovo (under UNSCR 1244/1999)
KFA	Kosova Forest Agency
MAFRD	Ministry of Agriculture Forest and Rural Development
NFI	National Forest Inventarisation
FAO	Food Agriculture Organization
SIDA	Swedish International Development Agency
EAR	European Agency for Reconstruction
SFM	Sustainable Forest Management
USAID	United States for International Development
KCBS	Kosovo Cluster and Business Support
SNV	Netherlands development Organization
EU FLEGT	European Union Forest Law Enforcement, Government and Trade

1. GOVERNANCE

1.1 Policy Framework

1.1.1 Overall Forest Policy

Forest activities are by Law on Forest 2003/03. Forestry has a great impact in the economical development of the country. Forests are of paramount importance in aiding the socio-economic situation, especially in rural and mountain areas. Forests are one of our national resources, and 40% of the total area constitutes forests. The Law on Forests clearly states: "The forest of Kosovo is a national resource. It shall be managed in such a way as to provide a valuable yield and at the same time preserve biodiversity for the benefit of present and future generations. Forest management shall also take into account other public interests." The Law also affirms that the principles of precautionary, conservation of biological diversity, intergenerational equity and ecologically sustainable development shall apply. As potential candidate to the EU, Kosovo is in the process of approximation and harmonization its national legislation with the current European Union laws.

1.1.2 Overview of the country's forests

The total forest area is 464.800 ha which is larger by 6-8% than previous estimate. 379.200 ha were classified as forestland through interpretation of aerial photos and field surveys. Another 85.600 ha was classified as forestlands through photo interoperation, but could not be surveyed in the field because of mines and another logistic constrains. Out of the total area made up of surveyed and not surveyed forestlands, 278.880 ha is classified as public forestlands and 185.920 ha as private forestlands. Forestland is located Kosovo wide, since Kosovo is know for a mountainous area with an elevation of 400-700 m above sea level and surrounded with mountain with elevations of 2,000 to 2,500 m about mean sea level. Forests are concentrated in the Northern, Western and Southern part mainly.

Out of total territory 53 % is agricultural land and 42 % or 464.800 ha are estimated as forest land, of which 278,880 ha are public forestlands and 185.920 ha are private forestland. Public forest land is under the control of the Kosovo Forest Agency (KFA) which is organized into six geographic regions. KFA- Kosovo Forest Agency is central level. KFA is under MAFRD - Ministry of Agriculture, Forestry and Rural Development.

Data source	Public forest (ha)	Private forest (ha)	Total Forest (ha)
Old statistics	266 000	162 000	428 000
Cadastral Data 2004	196 000	198 000	394 000
National Forest Inventorisation (by FAO) 2003			
Visited area	202 800	176 400	379 200
Non-visited area	76 080	9 520	85 600
Total	278 880	185 920	464 800

Source: Cadastral agency and FAO (National Forest Inventorisation)

1.1.3 Forest structure

The forest in Kosovo is divided in two types of ownership: private and public ownership. Private ownership is approximately 40% and public ownership is 60%. The forest structure is divided in three categories as follows:

- Broadleaved forest, created through natural seeding, covers more than 90% of forest area. Dominating broadleaved species are oak and beech.
- Coniferous forest, covering 7% of the total forest area, and is dominated by *Abies alba*, *Picea abies* and *Pinus* species.
- Remaining 3% consists of a number of broadleaved species.

The total standing volume on public forestland is estimated at about 33.5 million cubic meters. Out of this volume 25.9 million cubic meters trees with a diameter > 7 cm at breast height. On private forestland total standing volume is estimated .at about 19.5 million cubic meters out of which 14.5 million cubic meters are trees with diameter >7 cm.

Kosovo forests are known as young forest because 58% of public forest and 81% of private forest are younger than 60 years.

The structure of the public owned forest is mainly covered with broadleaved species created through the process of natural seeding. Main species are oak and beech covering 66% of the total public forest area, while 5% are covered with coniferous forest and the main species are *Abies alba*, *Picea abies* and *Pinus* species.

1.1.4 Wood Industry

Official cutting /logging are around 200.000m³/year, most of this timber is used for heating. Currently demand is higher, it is estimated that national need for timber is 1 million m³ /year. It is estimated that firewood import is 100,000 cubic meters annually but this excludes the wood imported from the Republic of Serbia.

The gap between demand and supply is 4 times more demand than supply. The impact of the difference on the demand and supply is one of very important factors of illegal logging and import of wood, in order to reach the state of equilibrium of demand and supply.

The reserves are estimated as follows:

- Public Forest: 56% firewood and 44% technical wood
- Private forest: 54% firewood and 46% technical wood

In Kosovo, 1480 enterprises are registered as wood processors at the Ministry of Trade and Industry.

According to Association of Wood Processors, 80 of the most important companies employ approximately 3000 employees, but bearing in mind that in Kosovo it is a common practice from the companies not to declare the actual number of employees, this number is higher. Out of the total number of companies 6 of them have a turnover over 1 million € and the rest have a declared turnover below 1 million €

Kosovar wood processing companies mostly use beech (*Fagus*), Oak (*Quercus*) and other broadleaves in their production. Wood processors produce doors, window frames, and furniture, flooring materials, boxes, fencing materials, garden equipment and other woods products. Finished products represent more than 75 % of production while semi – finished products make up less than 25%.

The actual need for technical wood in unknown due to lack of studies in this field, but in the past annual import of technical wood was estimated 300.000 cubic meters.

Relatively a high percentage of the harvested wood can be used by the processing industry. Of the total annual felling allowance, 43 percent is categorized as technical wood (class 1 and 2), while the remainder is used for heating purposes. With a high capacity for supply, the Kosovo

wood primary production can, to a certain extent, cover the demands of the local processing industry. Furthermore, owing to low wood prices per cubic meters wood produced in Kosovo will become an important item in foreign trade.

During the past ten years Kosovo's wood processing industry has developed and modernized in attempt to reach international standards. Products of wood industry are mainly sold in the local market and in few cases the markets of the neighboring countries. The wood industry has a sufficient capacity for supplying the local market and increasing the export. In addition, most sawmills in Kosovo only saw logs into rough, mixed grade lumber, and do not appear to recognize, or have not yet explored, the potential value of waste products from lumber production, i.e. sawdust and wood chips.

1.1.5 Volume of Illegal Logging

Inventory performed by Norwegian Forestry Group estimated that uncontrolled cutting occurs in 35% of forest area. The latest information shows that illegally logging it is identified as a problem. 40% of public forest land and 29% of private forestlands have been subject to uncontrolled or illegal harvesting activities. Informal estimates suggest that approximately 100,000 m³ per year are cut illegally. This figure is relatively high. The main reason of this activity is economic and social status of population that lives in forest regions.

However, there was widespread concern about illegal cutting, and it appeared that there would be broad public support for actions to resolve this. In the area of forest protection from illegal cutting, there are a number of activities developed and still continuing as:

In most attacked areas from illegal cuttings, Kosovo Forest Agency) has placed permanent check-points with Kosova Police as in "Grykën e Deçanit", and it is expected soon to place check-points in "Grykën e Rugoves" Peja and in "Grykën e Lloqanit" Deçan. Forest guards have submitted 2183 tickets of offence and 1027 for penalty for the period of January-May 2009. KFA have continued implementation of an Action Plan in cooperation with Police, which resulted in 500 checks for the period of January – May 2009 and 1000 cubic meters of illegally cut timber has been confiscated.

1.1.6 Export and imports of Illegal Timber

Illegal export of timber is not available in Kosovo due to lack of supply to meet the demand. Illegal import of wood is present mainly in the border with Serbia and Albania due to lack of control of border zone.

There are no data available for the illegal import of timber in Kosovo.

1.2. Government Strategy for Illegal Logging Reduction

The Ministry of Agriculture, Forestry and Rural Development (MAFRD) in cooperation with an inter-ministerial working group, as well with the support of international experts provided by UN-FAO and SIDA developed "Strategy for Forest Development 2010-2020". Strategy for Forest Development 2010-2020 was approved from the Ministry of Agriculture and Rural Development (MAFRD) in November 2009 as an official guiding document for the forestry sector.

The Strategy for Forest Development 2010-2020 defines certain fields for intervention in order to improve the forestry sector. Fields that require intervention have been identified as a result of close consultations with forestry experts and other stakeholders within forestry sector.

Intervention areas	Leads
Forest management and silviculture	Seedling production, planting, thinning operations, road construction and maintenance
Forest planning	Forest inventories (strategic), management planning, annual planning
Harvesting & transport	Annual harvesting targets (public/private), sales of wood, control mechanisms
Capacity building	Education/training, research functions, awareness rising
Forest environment protection	Management restrictions, protected zones, biodiversity conservation, certification
Wood use	Optimal use of existing and future wood resources
Private sector dev.	Privatization issues, roles in admin/management of public forests, financing facilities
Non-wood products	Berries, herbs mushrooms fruits, medical plants, etc.

Source: "Strategy for Forest Development 2010-2020 – November, 2009"

The above table presents identified priorities for intervention in the forestry sector. As seen there are no particular priorities related to the illegal logging. However in the Strategy for Forest Development 2010-2020, in the description of the current situation in the forestry sector, it states that "40% of public forestlands and 29% of private forestlands have been subject to uncontrolled or illegal harvesting activities." By all standards these figures are very high. The situation is the most critical in coniferous forest where the entire existence of large forest areas is at risk in the absence of strong and immediate actions. The inventory results also confirm that coppice forest, especially on public forestlands, is exposed to heavy harvesting. The results also show that many young and middle-aged forests are in urgent need of management interventions, ranging from cleaning/pre-commercial thinning to commercial thinning.

Albeit not directly referring to illegal logging, the listed priorities have some potential in contributing to the reduction of illegal logging.

Bearing in mind the current forests situation and the surfaces affected by illegal logging Kosovo Forest Agency has prepared a long term Forest Management Plan is prepared in 2007 and time span is 5 year. Long-term Management Plans are prepared for 21.000 ha of forests. The plan was prepared based on Forest Law 2003/03 (Article 17). In addition, there is a supplementary Annual Operational Plan for Forest Management (based on Article 18 of the same law). This Annual Operation Plan is approved after the public debates that are organized in relevant institutions. Main components of the Annual Operation Plan for Forest Management are:

1. Forest Protection against illegal logging
2. Forest Protection against forest fires
3. Measures for Silvi Culture management (afforestation, commercial thinning, etc.)

All those components are concrete measures with activities performed in order to reduce the illegal logging.

The activities comprise:

- Permanent control check points are placed jointly with the Kosovo Police Service (it is necessary to increase the number of control check points in the future) in the most

vulnerable areas. In some vulnerable areas ad-hoc temporary check points will be introduced

- Regular meetings in the municipalities with the stakeholders (courts, municipal offices, private forest owners, etc.) address illegal logging issues
- Media campaign aiming to raise public awareness on forest protection, especially targeting people in mountainous areas (activities include distribution of different flyers, TV radio and press advertisements)
- Facilitate wood import destined for heating and supply the population with firewood during the pre commercial thinning with the motto “more legal cutting, less illegal cutting” (slogan of the Kosovo Forest Agency campaign) If there is legal cutting that fulfill procedures which are controlled and have an adequate permission from the main institution that means less illegal cutting. This campaign is designed and implemented by the Kosovo Forest Agency. Through this campaign they aim to raise awareness to the population for prevention illegal logging.)

Source: Kosovo Forest Agency (Kosovo Forest Agency activities performed in order to contribute on the illegal logging reduction process)

Specific activities for the prevention and control of forest fires are defined by the Kosovo Forest Agency within the Annual Management Plans.

1.3. Targeting of Government Response

The Forest Development Strategy defines the aims and responsibilities of the government regarding the forest sector. According to the Forest Development Strategy 2010-2020 “The Government will ensure that the forestlands in Kosovo are managed in accordance with the principles for a global consensus on the management, conservation, and sustainable development of all types of forests. This includes the precautionary principle, the principle of intergenerational equity, conservation of biological diversity and ecologically sustainable development.”

Based on the general objectives, policy responsibilities of the government can be summarized with the following basic functions:

- **Development of a supporting and regulatory institutional framework** (important elements are: continuous monitoring of forest resources in order to ensure sustainable use and development of forest)
- **Administration and management of state owned forest land** (important elements are: land consolidation that will allow the commercial and rational use of forest land both sectors: private and public)
- **Protection of environmental values** (this includes sustainable ecological development, UN Conference in Rio de Janeiro 1992). This means that all the managerial intervention on forest must be executed with the least damages in flora, fauna and other values of forest eco system.
- **Inter sectorial cooperation, international cooperation, activities financing** (important elements: establishment and maintenance of international contacts networks, continuous exchange of knowledge experience and as well keeping in touch with donors and financial institutions.
- **Social Aspects** Government will attempt to raise social and operational benefits in short term and long term basis. Proper management of newly established forests will secure immediate benefits, such as: employment, increase value of wood, etc. In long term perspective, establishment of new forest through the afforestation program will has positive effect in increasing of operations in this sector and as well positive effects in the environment.

1.4. Internal cooperation/ coordination mechanisms in the administration responsible for forestry;

The presence of coordinating mechanism is present in some institutions for some specific issues. In order to enhance efficiency of Sustainable Forest Management, activities are coordinated with:

- Ministry of Environment and Spatial Planning in the area of the National Park, identification of locations for phytosanitary cutting, environment protection activities, etc.
- Ministry of Internal Affairs regarding more efficient forest protection from illegal logging.
- Executive board for integrated management of borders and boundaries
- There are regular meetings with Justice Institutions, which are urged by the Kosova Forest Agency to be more efficient and prioritize forestry cases.
- Independent Commission for Mines and Minerals in the area of stone and gravel utilization from forest land.
- Ministry of Labour and Social Welfare in the area of: engaging workers to afforest bare land areas (forestation of 800 ha will commence on October, respectively the implementation of “one inhabitant, one sapling” project, where 2 million saplings will be sowed to maintain afforested crops, and a Cooperation Memorandum is prepared to be signed for 2009
- Private Forest Association, cooperation between Kosovar Forest Agency in the area of training and pre-commercial thinning, etc.

1.5. Cross- border cooperation

- Coordination of the Kosova Forest Agency in forestry matters has extended to neighboring countries
- There are regular contacts with Director General of FYROM Forests, where there has been mutual visits and meetings which focused on prevention of illegal activities in the border area, mutual cooperation of experts, in the aspect of Management Plans, forest fire prevention etc.
- With the leaders of Montenegro Forests, discussions were held to reduce illegal activities at the border between two countries, nursery cooperation and property problems etc.
- With the Director of General Directorate of Albanian Forests and head of district in the area of forests.
- Cooperation with the Bosnian’s forests Authorities
- Good cooperation with Croatian’s forests Authorities.

2. LEGAL FRAMEWORK

2.1. Definitions of illegal logging

Illegal logging can be described as forestry activities connected with wood harvesting, processing, transporting and trading in violation of law. Forestry in Kosovo (under UNSCR 1244/1999) is regulated by **Law No.2003/3, on Forests in Kosovo**, Article 36: of Law No 2003/3 on Forests in Kosovo defines “Fines and Minor offences”-“With punishment with fine

from 2.000€ up to 25.000€ is punished the natural person, particularly legal person for the activity indicated below in the protected forests”. Article 20 defines “Tree cutting”, Article 25 defines “Timber Transport”.

Illegal logging refers to the illegal harvesting, transporting, selling or buying of timber according to national law on forest no.2003/03

Forest Law No.2003/03 regulates and addresses measures against the illegal logging, but the current situation with illegal logging is due to lack of law enforcement. Low level of law enforcement is due to lack of qualified forest engineers within KFA in central level, insufficient forest guards within KFA in regional/municipal level, very slow processing of lawsuits within the Courts and disobeying the law by the citizens. The forest law No.2003/03 has been sent to the Kosovo Assembly (December, 2009) for amendments, and one of the key issues is management of National Parks will be withdrawn from the responsibilities of Kosovo Forest Agency.

2.2. Types of Illegal Logging

The main types of illegally logging in the Kosovo (under UNSCR 1244/1999) are:

- Logging with out permission from public forests
- Logging in protected areas as such national parks
- False declaration of origin of wood
- False declaration of volume of harvested wood
- Illegal logging from private forest, etc

2.3. Other Forest Damages / Crimes

- There is a considered number of hectares covered with waste.
- Sites for extraction of sand gravel and stone on public forestland

2.4. Legal Framework

In the post conflict era in Kosovo, after the June 1999 laws passed before the year of 1989 (in the year of 1989 Kosovo Autonomy was abolished by the Former Yugoslav government, and all the laws created/passed after that year were discriminating laws) by the Kosovo Assembly and Former Republic of Yugoslavia were in force. In certain field those laws were in force and for other fields special UNMIK (United Nation Mission Interim in Kosovo) regulations were issued in order to ensure law enforcement and possess legal bases. This was used as an ad-hoc procedure since after June 1999 Kosovo was administered by UNMIK (United Nation Mission Interim in Kosovo) in accordance with 1244 resolution.

The same applied for the Forestry sector. The previous forestry law was comprehensive for different sectors but lacked procedures for public participation and local management. It was not in line with the new market based business environment. These discrepancies were regulated with UNMIK temporary regulations. Then in 2003 the Forest Law No.2003/03 was adopted in cooperation with UNFAO (United Nation – Food and Agriculture Organization) – it has 12 chapters and 40 provisions in total. This new law better reflect principles of transparency and free market. It is based on principles of major global policies on sustainable forest management, set forth in Annex III to the Report of the United Nations Conference on

Environment and Development (UNCED/Rio de Janeiro, 3-14, June 1992), applicable in democratic societies.

According to the law in force, “**the forests of Kosovo are a national resource**. It shall be managed in such a way as to provide a valuable yield and at the same time preserve biodiversity. Forest management shall also take into account other public interests”. The law defines the management of national resources, i.e. forests. The Forest Law No.2003/03 has been sent to the Kosovo Assembly (December, 2009) for amendments, and one of the key issues is management of National Parks will be withdrawn from the responsibilities of Kosovo Forest Agency

The following are the identified weak points:

- License procedure: the current normative regulates the licensing procedure through the tendering procedure, but the KFA (Kosova Forest Agency) is aiming through the amendments of law to reduce the activities of private companies only in offering services
- KFA property is not defined
- Poorly equipped foresters (unarmed)
- Forest restoration fund is “hereby established as a special purpose dedicated fund within the Ministry’s budget for the purpose of enabling the Ministry to invest and encourage others to invest in forestry and to support other forestland-related services or projects ‘ but is not applicable in practice due to the contradiction with legal financing procedures with Kosovo consolidated budget
- Municipality functions: the law does not define the role of municipalities and there are discrepancies in the competences of central and local level
- Public feed back: Article 17 basically requires more consultation of the public

2.5. Other forestry regulations:

- Administrative Directive No.2000/ 23 on Establishment of the Forest Authority of Kosovo 2000
- UNMIK Regulation No.2000/ 27 on Establishment of the Administrative Department for Agriculture, Forestry and Rural Development.2000
- UNMIK Regulation No.2000/ 45 on Local Self-government 2000
- UNMIK Regulation No.2001/ 06 amending UNMIK administrative direction no. 2000/23 implementing UNMIK regulation no. 2000/27 on the Establishment of the Administrative Department of Agriculture, Forestry and Rural Development 2001
- Administrative Instruction No.2001/1 mandating KFA as responsible for public forest and forest land administration
- UNMIK Regulation No.2001/ 19 (Appendix X) dealing with the nomination of the Ministry of Agriculture, Forestry and Rural Development (MAFRD) and its tasks
- Law No.2003/ 3 Law on Forests in Kosovo
- Administrative Directive No.07/ 2003 on Establishment, Responsibilities and Activities of the KFA 2003 Law o.2004/29 for amendment and application of Law No.2003/3 on Kosovo Forests
- Law No.02/ L53 on Wildlife Management (2006)
- Administrative Instruction No.06/ 2005 on the Registration, Licensing of the Producers of Forestry Seedling Material and Seedlings of Decorative Trees (2005)
- Administrative Instruction No.12/ 2005 on Establishment of the Prices, Taxes for the Use of the Wood Forestry Products, Non-wood Products and Professional Technical Services
- Administrative Instruction No.23/ 2005 on Professional Licenses

- Administrative Instruction No.25/ 2005 for Selling of Forests Trunks and Woods Assortments
- Administrative Directive No.02/ 2005 on Responsibilities and Tasks of the Foresters
- Administrative Instruction No.03/2006 on the Authorizations and Competences of Forest Inspectors and Decision-issuing Procedures
- Administrative Instruction No.12/ 2006 on Management Plans for the Forests of Kosovo
- Administrative Instruction No.15/ 2006 about Standards and Conditions for Licensing of the Wood Processors

Source: MAFRD/ FD

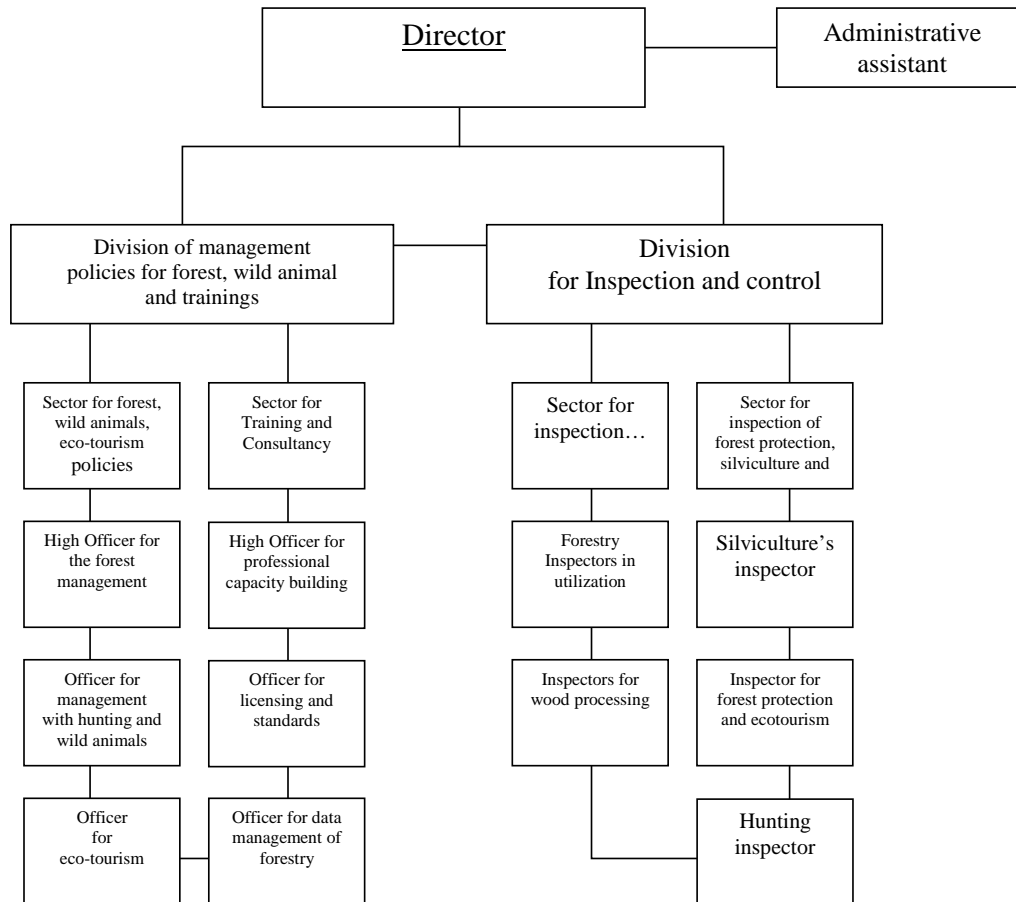
3. INSTITUTIONAL FRAMEWORK

The Ministry of Agriculture, Forestry and Rural Development (MAFRD) is responsible for managing the forestry in Kosovo. The Ministry of Agriculture, Forestry and Rural Development (MAFRD) is the highest authority in charge of forestry. At central level it has two main forestry branches – the Department of Forestry (DoF) and the Kosovo Forest Agency (KFA). Hence, the MAFRD performs the management of the forestry through the following bodies:

Forest Department

The Forest Department falls within the MAFRD and is responsible for development of policies, legal infrastructure, inspection and human development capacities. Forest Department reports directly to the Permanent Secretary, directly linked to the Minister. Director of the Forest Department is in charge for management of the department which is divided in two divisions: division of management policies for forest, wild animal and trainings and division for inspection of control.

FORESTRY DEPARTMENT ORGANIZATION STRUCTURE



The goals of the departments are:

- Integral forests and forest's land protection, development of the forest's funds with purpose of it ecologic, economic and social functioning that indicate saving and raising of the special values as water resources, air cleanup, soil fertility, landscape, agro-tourism and forest's infrastructure.
- Achieve the main objective of the sustainable forest management through controlled use of the lumber that can not be higher then annual growth,
- To defend in balanced way the interests of the legal entities and private persons in the forest sector.

In order to achieve the above mentioned goals, the Department has promulgated the Law on Forest and has adapted some related normative acts. The forestry legislation is harmonized with EU legal standards too¹.

Kosovo Forestry Agency (KFA)

The Forestry Agency is the executive body within MAFRD reporting directly to the Minister, and is managed by the Chief of Executive. The Agency is established and governed by Administrative Instruction number 07/2003, which according to Article 7 on Law of Forest 2003/03, is responsible for management and administration of public forest, National Parks and public forest land and as well as regulation of private forest in Kosovo. KFA (Kosovo Forest Agency) has no authority only in exceptional circumstances when stated by law.

¹ Information obtained from MAFRD.

KFA (Kosova Forest Agency) has 4 central directorates (directorate for forest management, directorate for pasture management, wild animals, hunting and ecotourism, directorate for silviculture, research and seedling production and directorate for administration), 6 coordinating directorates which are forest activities through 25 municipal units, where one the main task is to cooperate with local governments (municipalities). KFA (Kosova Forest Agency) operates a nursery in nearby Peja town. Mainly conifers seedlings are produced and provide the planting material for the 300 to 500 ha that are afforested annually.

DOF (Department of Forest) has the role of developing the policy and regulatory framework as well as controlling/inspecting forest operations leading to the enforcement of the law. Forests Inspectors are responsible for controlling the forest activities in both public and private forests.

The structure and mandates of the two Government branches was influenced by factors as the size of the forest sector, availability of competent human resources, ownership structure, needs for policy changes and needs for combating unlawful practices.

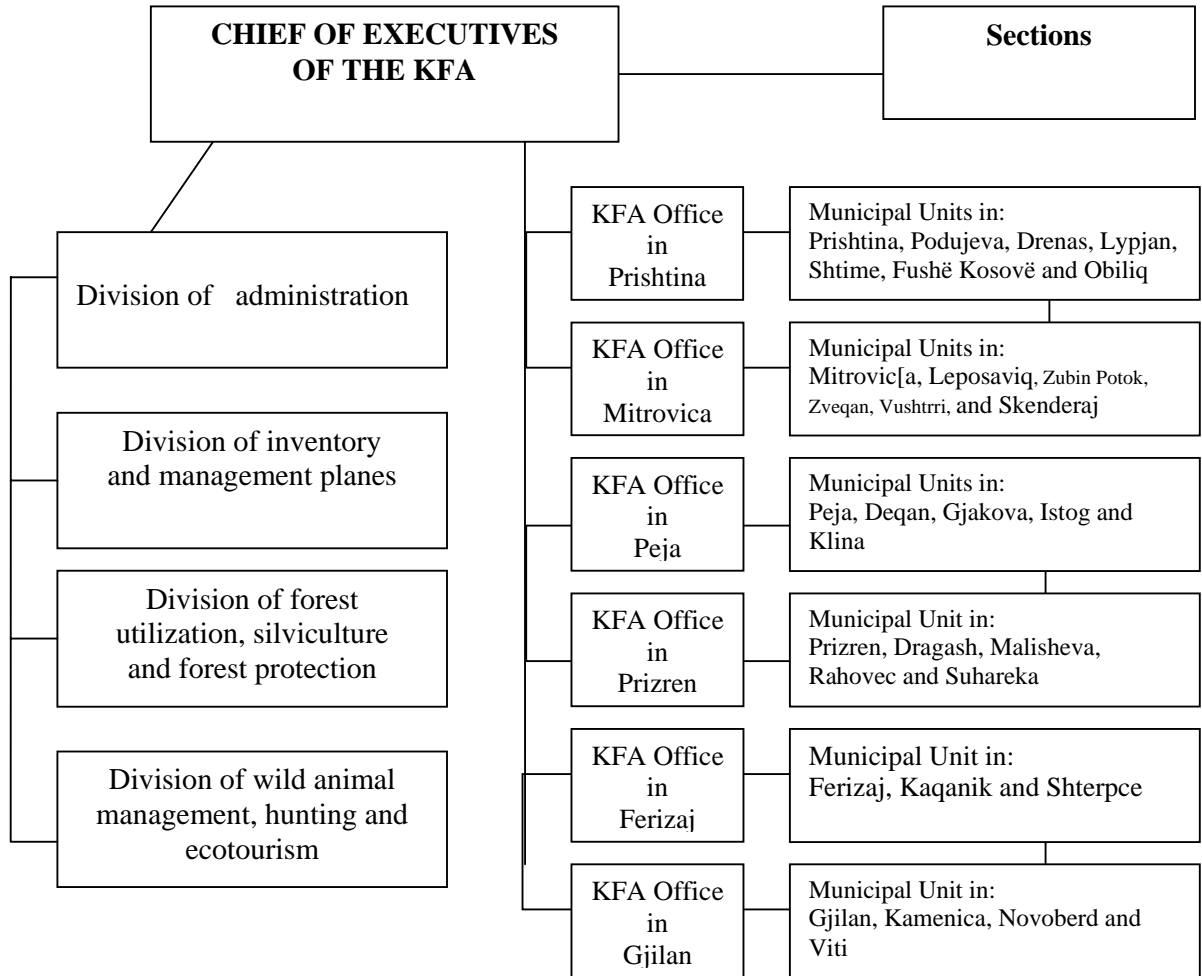
KFA (Kosova Forest Agency) is the administrator and manager of public forestlands, and is also responsible for law enforcement in both public and private forests. In the future, and in consistency with other legal processes and development, the Government may consider the possibilities of discharging KFA (Kosova Forest Agency) responsibilities which might be in contradiction to its responsibility for enforcing forest legislation.

KFA (Kosova Forest Agency) has 6 regional offices:

- Prishtina regional office covers 6 municipalities
- Peja regional office covers 5 municipalities
- Prizren regional office covers 5 municipalities
- Ferizaj regional office covers 4 municipalities
- Gjilan regional office covers 4 municipalities
- Mitrovicia regional office covers 6 municipalities

In total there are 30 municipalities covered with the presence of Agency units, this coverage is expected to be extended with the creation of a further six municipalities, as part of the decentralization process. The Agency also has a regulatory function in relation to the 185,920 ha of private forestlands.

KOSOVO FOREST AGENCY ORGANIZATION STRUCTURE



The number of the KFA (Kosova Forest Agency)'s workers and other details on it are presented in the table below.

KFA's workers and their structure

No	Qualification	Required Number of Workers	Existing Number of Workers	Gender		Age/ years		
				M	F	20- 30	30 -50	Over -50
1	PhD	-	0	0	0	0	0	0
2	MSc	-	0	0	0	0	0	0
3	Forestry Engineer	60	14	14	0	0	8	6
4	Technician	120	86	84	2	0	65	21
5	Foresters	350	192	192	0	0	56	126
6	Administrative	-	47	28	19	0	26	21
7	TOTAL	-	331	312	19	0	147	184

Source: MAFRD/ Kosovo Forest Agency, Administrative Division, 2007

4. MONITORING AND CONTROL SYSTEM

There is no proper system for monitoring and controlling of forest in the sense of general monitoring and control, such as forest monitoring from pest, disease illegal logging. Bearing in mind that forest sector is under the Ministry of Agriculture, both the agriculture and forest sectors need to develop monitoring and control system as well as dissemination system to provide indicators on development trends in order to guide policy makers in developing policy and concrete activities on forest protection.

Given the gap in monitoring and control, the Policy and Strategy Paper for Development of Forestry 2010 - 2020 emphasizes the importance of monitoring and control system of the general forest resources to ensure a sustainable use. It identifies the development of monitoring and information system is one priority.

4.1 Task Force for Forest Resource Protection

No task force exist yet on forest protection but the below tables shows some forest protection and management activities involving different ministries and stakeholders. Considering the existing situation in Policy and Strategy Paper for Development of Forestry 2010 – 2020 a table is developed with the activities need to be undertaken in order to implement the strategy which includes better cooperation between institutions and stakeholders as well as the responsibilities of each institutions in creation of Task force on Forest Resource Protection. Below is presented the table with the required activities:

Intervention area	Activities	Results	Rel. interv. areas	Institutions concerned
A. Forest mgt, silviculture (Pillar I)	A.1 Capacity development	Increased competence in managing of forest has created more productive and valuable forests	D.3	For. Inst. (FRI)
	A.2 Plantation management	Increased wood production through plantation of bare land, or currently under-utilized forestlands	B.2	
	A.3 Monitoring of forest health	Reduced risks for comprehensive outbreaks of pest and diseases	B.1, B.2	
	A.4 Tending of young forest	Increased production of forest high value forest	B.2, F.4, B.1	
B. Forestry planning (Pillar II)	B.1 Forest inventories	Strategic/policy decisions are based on accurate information	E.2, E.3	Kosovo Forest Agency (KFA)
	B.2 Forest mgt planning	Selection and treatment of forest stands is based on relevant information	E.2, E.3	
	B.3 Op. planning	Improved planning has reduced forest damages and contributed to a more stable and transparent wood market	D.1, D.2	
C. Harvest and transport (Pillar II)	C.1 Unlawful harvesting	The extent of unlawful harvest has decreased, and incomes to the state fiscal budget increased	B.3, F.1, H.1	MAFRD, KFA, DOF
	C.2 Needs for control	Agreements with Forest Owners Associations has resulted in decreased work for monitoring harvesting & transport	F.2	
	C.3 Harvesting practices	Improved methods combined with proper planning has resulted in	B.3	

		reduced damages on forest and forestlands		
D. Capacity building (Pillar I)	D.1 For. voc. education	One Forest Vocational Education School in function	F.2, F.3, F.4	MEST, MAFRD, MLSW
	D.2 For. voc. training	A Training Center, organized to operate all over Kosovo, is increasing the skills of forest workers	F.2, F.3,F.4	
	D.3 Higher for. education	Education organized for students to either attain training in Kosovo or at foreign forest faculties	A.1, E.1	
	D.4 Awareness rising	The public is aware of the role of forestry as an important element of the society and as a provider of a variety of benefits	E.1	
E. Environm. protection (Pillar I)	E.1 Capacity development	Improved capacity to deal with environmental issues related to forestry , consensus regarding needs for protection/land use	A.1, G.1	MESP, MAFRD
	E.2 Biod. Action Plans	Kosovo Institutions have capacity to implement and monitor Bio- diversity Action Plans	B.1, B.2	
	E.3 Est. of prot. zones	Protected zones are established and managed In compliance with national goals and international agreements	B.1, B.2	
F. Priv. sector development, wood use (Pillar I)	F.1 Priv. of SOEs	The old SOE structure is replaced with new structures which have capability to accommodate to open market conditions		MAFRD, KTA
	F.2 Support to For. Own. Ass.	Private forest owners are represented in policymaking, productivities and incomes have improved	D.1, D.2	MAFRD, MEST
	F.3 Training in entrepreneurship	Entrepreneurs are capable of conducting more efficient and environmentally friendly operations	D.1, D.2	
	F.4 Wood processing	Industries for processing small-sized logs are established, and providing employment opportunities in rural areas	F.2	MTI, MEF
	F.5 Bio energy production	Wood bio mass for heating purposes are produced and utilized in a efficient manner	F.4	
	F.6 Land consolidation	Larger private holdings, and with a configuration that enhance the value and facilitate the management created	H.1, H.2	MAFRD, CAD. Ag.
G. Non-Wood Products (Pillar I)	G.1 Drafting of legislation	A law has been drafted regulation the collection and processing of medical and aromatic plants	A.1	Leg. unit
	G.2 Forest non-wood products	The potential for non-wood products, including eco-tourism, is analyzed and provide a basis for further development	B.1	MESP, MTI, MAFRD
H. Support to Institutions (Pillar III)	H.1 Action Plan	The capacity of the Government to implement and monitor policies and strategies have improved	As required	MAFRD, MEF

	H.2 Inst. and techn. support	The capability of institutions and organizations to solve and deal with technical and institutional shortcomings improved		
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MAFRD: Ministry of Agriculture, Forestry and Rural Development
MEST: Ministry of Education, Science & Technology
MESP: Ministry of Environment and Spatial Planning
CAD: Cadastral Agency

MLSW: Ministry of Labor and Social Welfare
MEF: Ministry of Economy and Finance
MTI: Ministry of Trade and Industry
KTA: Successor of Kosovo Trust Agency
FRI: Forest Research Institute
KFA: Kosovo Forest Agency
DOF: Department of Forestry

Source: POLICY AND STRATEGY PAPER ON FORESTRY SECTOR DEVELOPMENT 2010 – 2020, November 2009

4.2 Permanent Government Bodies

Ministry of Agriculture, Forest and Rural Development within organizational structure has the Forest Department, which consists of 2 divisions:

- Division of management policies for forest, wild animal and trainings, and
- Division for Inspection and Control

Division for Inspection and Control, consists of Inspection Sector which cover different field of inspection:

- Forestry inspectors in utilization
- Inspectors for wood processing
- Inspectors for forest protection
- Silviculture inspector
- Hunting inspector
- Inspectors for wood processing

4.3. Legal Procedures on licensing

Licensing are issued and endorsed by the Forest Department which is under MAFRD (Ministry of Agriculture, Forestry and Rural Development). KFA – Kosova Forest Agency makes the plan for forest logging. The professional staffs of KFA (forest engineers, forest technicians) make the plan for forest logging one year in advance. Forest Logging Plan is published in local news papers and KFA tenders the forest logging in particular plots. Only the qualified firms that are specialized for forest logging can apply for forest logging.

The planning phase is conducted by the Kosovo Forest Agency according the specification in **Article 18 of Law on Forest 2003/03 in section Annual Operational Management Plans**
18.1

- (a)The Forest Agency shall adopt annual operational management plans for each area of public forest under its administration.
- (b)Operational management plans shall describe both forest improvement activities and harvest activities.
- (c)The Forest Agency may prepare such plans itself or may adopt plans prepared by others.

Procedures for wood harvesting and licensing for public forest is conducted by the Kosovo Forest Agency according the specification in **Article 20 of Forest Law 2003/3**

20.1 No person may take axes, saws, or other wood harvesting equipment into a public Forest

20.2 No person may harvest trees from public forests under the administration of the Forest Agency unless:

- (a) The person has a valid licence issued under this Article; and
- (b) The trees have been lawfully marked before harvest.

20.3 Licences to harvest trees in a public forest are valid only if the harvest is consistent with a valid operational management plan covering the forest.

20.4 The Forest Agency may issue licences and mark trees for harvest in a public forest under this Article.

20.5 The Forest Agency shall collect a standing tree payment reflecting the value of standing trees to be harvested and a fee reflecting the cost of issuing the licence and marking the trees.

20.6 (a) The Minister shall issue rules concerning standing tree payments, fees, and licences that:

- 1. Provide for licences to be awarded and payments to be set under certain circumstances by public auction;
- 2. In other circumstances, set minimum prices for various kinds and qualities of wood;
- 3. Set the fees for the service of issuing licences and marking trees; and
- 4. Set standards for collection and handling of standing tree payments, including standards for assessing interest if payments are delayed.

(b) Before adopting or revising a rule under this section, the Ministry shall consult with the Forest Agency and the Forest Advisory Board and shall give the public opportunity to comment on a draft version of the rule.

20.7 The Forest Agency shall pass on the fee (representing the cost of issuing the licence and marking the trees) to the Central Fiscal Authority for addition to the Kosovo Consolidated Budget and shall pass the standing tree payment on to the Forest Restoration Fund.

Procedures for wood harvesting and licensing for private forest is conducted by the Kosovo Forest Agency according the specification in **Article 12 of Forest Law 2003/3**

Private Forest Management and Timber Harvest

12.3 On private forests and forestland:

(a) No person may cut and no owner of a Parcel may allow to be cut any tree unless an authorized official of the Forest Agency has marked the trees.

b) Officials may only mark trees if the harvest is consistent with the requirements of this Law and any rules promulgated and plans made under this Chapter.

(c) When a forest owner requests the Forest Agency to mark trees for harvest—

1. After consultation with the forest owner, the Forest Agency may order the forest owner to undertake actions necessary for the regeneration or protection of the forest.

2. If rules or plans under this Chapter apply to the forest, such orders shall be consistent with those rules or plans.

(d) The Minister may by rule set fees for the marking of trees under this section

Transports of logs is conducted according the specification in **Article 25 of Forest Law 2003/3**

Transport of Logs

Article 25 - Transportation Permits

25.1 It is unlawful to transport into, out of or within Kosovo, a larger amount of Wood Products than the amount specified by the Minister in a rule unless-

- (a)The person possessing the logs has a permit from the Forest Agency; and
- (b)The Wood Products bear an official stamp affixed by the Forest Agency.

25.2 The sale or purchase of Wood Products without proper marks and permits is prohibited.

25.3

- (a)The Forest Agency shall issue permits and mark Wood Products upon payment of the prescribed fee and proof of lawful harvest of the timber.
- (b)The Forest Agency may include conditions in the permit, including limits on the manner and timing of transport and requirements that the Wood Products bear proper identifying marks.
- (c)The Forest Agency shall transfer the permit fees to the Kosovo Consolidated Budget.

25.4 The Ministry may issue rules concerning:

- (a)the issuing of permits;
- (b)the marking of Wood Products;
- (c)the setting of fees for permits; and
- (d)the definition of the term 'Wood Products'.

Felling and transport procedures from private forests

- Based on annual management plan
- Forest owner submits the application
- The title deed and the copy of plan should attach to the application form
- Request is revised and in case it is approved,
- Trees for felling are selected and marked
- They are registered in the marking book,
- Structure and revise of tree structure is done
- Felling permit is issued
- Felling of marked trees take place as well as processing of wood assortments in the spot
- Approval of felling, and stamping the wood assortments for transport
- Freight permit is issued upon request.

Felling procedures in public forests

Based on the long-term (management) plan and annual plan, the following actions should be undertaken,

- Selection and stamping of trees for felling
- Recording into stamping book
- Revising of structure of wood volume
- Drafting of annual operational plan
- Advertisement of tender
- Selection of bidder
- Contracting – Licensing
- Follow-up of contract dynamics implementation
- Felling of stamped trees and processing of wood assortments on the spot
- Approval of felling and stamping the wood for transport
- Issuance of freight document upon request by contractor

The legal infrastructure in place is well designed and adequate to prevent illegal logging and control the forest harvesting. Legal aspects were created by the local professionals and in close cooperation with the international bodies. Several foreign experiences were consulted and the law is in harmony with the European Union legislation. But the following obstacles allow the presence of illegal logging:

- newly established institutions/ insufficient expertise
- lack of professional capacities/ forest engineers
- delays in juridical system
- lack of physical control

4.4 The EU FLEGT initiative.

Bearing in mind the Kosova is new born country, there is no still real initiative for EU FLEGT.

5. CONCLUSIONS

1. Building capacity for ensuring sustainable managerial practices. The MAFRD / Forestry Department should develop programs for education and training at all levels of the forestry sector.
2. Developing a modern monitoring system for all the activities in the forest sector.
3. There are urgent needs for continuous education and training in most forestry subjects. Against this background it is suggested to (i) organize a proper pre-university vocational education for forestry profile, to (ii) develop a sustainable training system for forestry activities, to (iii) create opportunities for running or attending higher forestry education, (iv) inter-sartorial mobilization for rising the awareness of the importance of forests and (v) assess the needs for scientific research premises
4. Support to the private sector (forestry, forest industry) including forest management, owner associations, land consolidation processes, introduction of joint management systems, development of small-scale wood processing industries operating in rural areas and sourcing wood raw material on local markets, creation of financing facilities, etc.
5. Weak cooperation between donors – However within Ministry of Agriculture, Forest and Rural Development it is Unit for Project Coordination, sometimes the donors are not coordinated well.

6. RECOMMENDATIONS

1. Kosovo Government and MAFRD in order to implement successfully the approved Strategy for Forest Development 2010 -2020 should increase the current budget allocations for MAFRD particularly for forest sector (Forest Department and Kosovo Forest Agency
2. Important recommendation is building and maintaining of existing forest roads in order to ensure access to the forest and better management in general forest
3. MAFRD/ Forestry Department should prepare a strategy or special action plan for approval by the Government oriented towards a rapid reduction of illegal harvesting.
4. Better cooperation between donors
5. Investment on forest, management and development sector
6. Develop the cross – border project and regional project for sustainable forest management

7. SHORTCOMINGS OF THE EXISTING OF THE FRAMEWORK

Base on analyses of current framework, although there have been many developments (particularly on development of legal infrastructure which is approximated and harmonized with EU Laws) there is still many shortcoming of the existing framework.

Ministry of Agriculture, Forest and Rural Development joined with Kosova Forest Agency and other stakeholders supported from Food Agriculture Organization prepared the “Strategy

for Forest Development 2010 – 2020” which is approved from Kosova Government but still are shortcomings of the exiting framework.

1. Capacity Building

- lack of higher level of education on forestry management,
- Lack of professional staff for forest treatment/ forest engineers
- lack of forest protection, in general lack of human capacity
- Lack of developing proper and sustainable programs for education and training at all levels of the forestry sector

Kosovo’s forest management suffers from obsolete and incomplete forest inventories necessary to determine sustained yield; weak forest management planning capacity and multiple use orientation; an inability to identify, set aside and protect high conservation value forests; outdated harvest techniques and technologies

Staff training at all levels in forest to support of the forest management plan, on skills for improving social communication, the evaluation of social and environmental impacts of forest management activities, and the ability to evaluate social and environmental aspects relating to standard compliance

2. Development funds dedicated for forest sector

- Lack of funds and resources
- Private sector still not developed well

The Forest Restoration Fund is defined by law, but does not work in practice since it is in contradiction to the KCB’s legal financing procedures.

The private forestry sector in Kosovo is underdeveloped. No intensive professional activity is applied in the sector.

Responsibilities that Kosovo Forest Agency has, regarding the private sector in forestry, are limited to provision of the extension services as well as consulting. More serious cooperation among both sectors needs to be developed

3. Cooperation between Kosovar Institution responsible for forest protection

- Need improved of cooperation between Kosova Forest Agency , courts and Kosova Policy Services
- Improve cooperation with municipalities and communités in order to increase awareness for forest protection (not just for illegal cutting but in general for forest protection)
- Improve cooperation between media and civil society
- Developing a modern monitoring system for all the activities in the forest sector.

4. Cooperation between Kosovar institution and donors

- Need to be improving the cooperation between Kosovar Institution responsible for forest and donors. (to have compliance between Kosovar priorities and donors)

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