



KINGDOM OF BELGIUM  
Federal public service  
Foreign Affairs,  
Foreign Trade and  
Development Cooperation



REGIONAL ENVIRONMENTAL CENTER



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

### **Illegal logging activities in the Republic of Serbia**

#### **B. DIAGNOSTIC AUDIT**

**Belgrade  
February 2009**



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## 1. GOVERNANCE

### 1.1. Policy Framework

Until the Forestry Development Strategy was adopted (2006), forestry policy in Serbia had not been clearly defined. Certain elements of the policy could be found in the Law on Forests and general development plans, but there was no political statement for the forestry sector. Relevant documents that could be considered as a part of forestry development policy include Law on Spatial Planning of the Republic of Serbia (1996), Law on Forests (1991) and Law on National Parks (1993) etc. These documents partially defined some areas which belong to forest policy as well as other documents which are mostly of development character. Preparation of «The strategic plan for the forests of Serbia»<sup>1</sup> was laid down in the Law on Forests, as a basic development document by which should be defined basic forestry policy as well, however, that document has not been developed and adopted up to date.

In June 2006, Government of Serbia approved Strategy for Development of Forestry Sector in Serbia. The Strategy for Development includes specific elements that are directly or indirectly related to the activities which are necessary to be conducted in order to suppress illegal activities in forestry<sup>2</sup>.

The political framework which is relevant for forestry sector, could be found in other important document which were adopted by the Government of the Republic of Serbia. These are primarily related to the Sustainable Development Strategy of the RS, as well as to the Strategy of Sustainable Use of Natural Resources (currently preparation is in progress<sup>3</sup>). The Government is also implementing a public sector reform, in accordance with the Public Administration Reform Strategy in the RS, which was adopted in 2004. Process of public enterprises restructuring is ongoing, with the aim of improving and rationalizing operations. Activities related to rural areas development have also intensified after the adoption of Agriculture Development Strategy of Serbia (2005), which inter alia includes the elements of forestry policy as inseparable part of rural development. Area of forestry is also partly covered by National Programme of Environmental Protection of RS, as well as by numerous Local Environmental Action Plans (LEAP).

#### 1.1.1. Overall Forest Policy

By the year 2000 strategic goals and directions of forestry development as an activity, emanated from the global strategy defined based on the *Spatial Plan of Republic of Serbia* and *Projections of forestry development by 2050*, which were adopted on 1996.

Most important objectives:

- increase of forest cover from 27,6% to 31,7% until 2010, or 41.4%, do 2050.
- increase of annual increment from 2,6 m<sup>3</sup>/ha to 6,5 m<sup>3</sup>/ha, and total annual volume increment, from current 6,6 million m<sup>3</sup> to about 13 million m<sup>3</sup> .
- increase of yearly cutting, with improvement of existing state of forests and increase of their area, from 3 million m<sup>3</sup> to about 11.9 million m<sup>3</sup> in year 2050.

<sup>1</sup> «Osnova za šume Srbije» defined by the article 23. of the Law on Forests

<sup>2</sup> Illegal logging activities in the Republic of Serbia, part A. FACT-FINDING STUDY. chapter 1.7

<sup>3</sup> This strategy is in working phase. During this year Ministry should begin the procedures for finalization of the strategy, including participation, preparation for the Government adaptation and other.

With so far policy which is defined by the Spatial Plan, forestry has been directed primarily towards the production-economic function, which is not in accordance with modern views in the forestry. Other objectives of forest policy (environmental, social) were not significantly covered.

In 1997 Ministry of Agriculture, Forestry and Water Management published a document entitled "**Strategy and development policy in the forestry sector of Serbia**", which had not major impact, because it covers known facts and attitudes that prevailed in the previous organization of forestry in Serbia, based mainly on the state planning as a basis for management in forestry, which clearly points out that "... *state manages all forests and that its role, rights and duties are above others of its rights (as the owner of the part of forests, as coordinator of development of certain branches and activities, regional development, etc.)*."

After the democratic changes in 2000 Government of the Republic of Serbia has launched a series of initiatives to reform all the sectors, including the forest sector, through the definition of new development strategies, draft laws and institutional changes. Also, processes of inter-sectoral coordination of policies and strategies with other strategic documents at national level have been improved. Important thing for forestry is compliance with the Strategy on Biodiversity Conservation of RS, with the National Strategy of Sustainable use of Natural Resources and National Program of Environmental Protection RS etc.

As part of the changes and sector reform, the Assembly of the RS based on the Government proposal, several times changed the organization of forestry within the state administration, aiming at the organization that will ensure the progress of the sector. So, according to the Law on Ministries, from 2002, jobs of the state administration regarding the forestry, transferred from the Ministry of Agriculture, Forestry and Water Management to the jurisdiction of the newly formed *Directorate for Forests within the Ministry for the Protection of Natural Resources and Environment*. In organizational terms, with the formation of an independent administrative body, the forest sector has gained more important position within the state administration, which has enabled the improvement of the quality and capacity of the Directorate itself. The Directorate, as an independent body within the respective Ministry independently perform delegated tasks, and become the clearly identified highest national body for the area of forestry. Moreover the Directorate has its own budget, which was new in comparison to previous state. Also, the position of authority manager has been enhanced and, instead of Assistant Minister, which was the third level of decision-making starting from the minister, comes to the position of Director of the state authority which is almost in the rank of Deputy minister, and above the Assistant, and with much greater authority and decision-making power.

By adopting the new Law on Ministries from 2004, the previous organizational forms with the Ministry of Agriculture, Forestry and Water Management returned - Ministry for the Protection of Natural Resources and Environment abolished, and environmental sector is merged with the new Ministry of Science and Environmental Protection. Forestry sector have not been significantly changed in organizational terms.

Based on the defined objectives of the Government, Forestry Development Strategy of the RS was adopted in 2006, as the basic document of forest policy. This document defined the general development objectives of the forestry sector of Serbia and determined measures to achieve goals. By adopting the Strategy Government of RS had aimed to establish a balance of interests of society in relation to forest, creating a favorable climate for economic development, preservation of ecological values of forests in Serbia, provision of social functions of forests that will be implemented through a new legal framework for the Forestry and National Forest Action Plan, which is in preparation.

By the main provision of Strategy on Forestry is defined " Republic of Serbia manages forest resources on the principles of sustainable development " in accordance with Constitution of the Republic of Serbia. Forest resources should be managed in order to meet the economic, cultural and spiritual needs of present

and future generations. These needs are related to products and services from forests, such as wood and wood products, water, food and feed, medical services, fuel, recreation, protection of wild species, landscape diversity.<sup>4</sup>

In the **Forestry Development Strategy** of the Republic of Serbia, there are sections related to the prevention of illegal activities: "... the Government will provide organizational and personnel strengthening of institutions for the implementation of the Strategy, the consistent implementation of regulations in the field of forestry, with the effective sanctioning of illegal activities related to the forests ..."

One of the goals of Forestry Development Strategy is to increase the contribution of forestry sector to economic and social development of the Republic of Serbia. In this context, prevention of illegal logging will be conducted through: "... Establishing an effective system of protection of forests against harmful biotic and abiotic factors, illegal loggings, illegal seizures, illegal construction and other illegal actions, as well as systems for monitoring of health and vitality of forests in accordance with UN / ECE and EU methodology ..."

By adopting the Forestry Development Strategy of RS , process of preparation of other very important documents that affect the forestry policy has been opened - such as Law on Forests, Law on Protection of game animals and hunting, National Forestry Action Plan and other strategic documents. Adoption of these documents are expected during 2010.

St. Petersburg Ministerial Declaration on the implementation of Law on Forests and management of forests of Europe and region of Northern Asia (ENA-FLEG) 2005 (which was ratified by Serbia), obliges signatory countries to develop a National Action Plans to combat illegal logging as the highest priority. In response to this invitation, the World Bank financed a project which supports the development of such plans in selected countries of Europe and Northern Asia, including Serbia. In order to achieve effective implementation of plans, the project provides capacity building of individual stakeholders in these countries.

The current legislative and policy framework relating to the forestry recognizes the necessity of taking actions in order to prevent illegal activities in forestry and wood industry. By adopting the Forestry Development Strategy of RS, activities on adoption of new legislation and action plans that should have a significant impact on illegal activities reduction, have been initiated. After the adoption of new Law on Forests and National Forestry Program, penalty policy will be tightened significantly and individual responsibilities of the institutions that are responsible for combat illegal activities clearly defined. Total political forestry framework (which is still under the preparation) is in accordance with the policy which is implementing within the EU, and which is recommended by MCPFE and UN FAO organizations. It can be assessed that defined directions of political framework affect reduction of illegal activities, if being realized in current form and then consistently implemented.

#### **Official policies to reduce or eliminate illegal activities**

The Government of Serbia aims at reducing the illegal activities in the whole economy by numerous measures and changes of regulations in the tax system and by that in the field of wood sale as a part of total trade. In that sense VAT has been adopted, that was applied as of 1st January 2005, which was expected to be a significant measure to influence the decrease of trade with illegally harvested wood. Of all other measures, especially significant are changes of custom nomenclature and its coordination with the EU nomenclature, which is due by when? It is not fully adopted yet, because of that process require more time for the full application.

The Government of the Republic of Serbia established the Council for fight against corruption, with the aim to highlight the importance of corruption as the biggest obstacles to development from the previous

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<sup>4</sup> **Forestry Development Strategy**, Serbia . (2006)

period. Council activities operated in accordance with the **National Strategy for Combating Corruption**, which emphasizes the importance of corruption reduction and achievement of high level of anti-corruption culture in Serbia through the effective implementation of anti-corruption legislation, prevention and raising awareness among the society.

Fight against corruption in Serbia is based on the experiences of other European countries, in order to adopt international standards in this area and consider specificities of the sources and reasons that cause corruption. The next step in the activities of the Government RS is establishment of Agency for Combating Corruption, which will start operating in 2010.

Activities of the Government RS will definitely have an impact on illegal activities reduction. Also, it can be assessed that Ministry of Interior Affairs intensified its activities in accordance to requirements of Government of RS. However their priorities are still not cover illegal activities in forestry and wood industry, but certainly influencing overall trends in the country and thus these activities. Trends of Increased preventive measures and control in all social spheres certainly have effects in the field of forestry as well.

#### 1.1.2. Action Plan for combating illegal activities in forestry and wood industry of Serbia<sup>5</sup>

Ministerial Law on Forests enforcement and governance initiatives create the political “space” at national and regional levels to address the complex and politically sensitive issues related to illegal logging, and in partnership with major stakeholders from civil society and the private sector. Governments and the World Bank, these ministerial-level political processes aim to mobilize international commitments from both producer, consumer and donor governments, in collaboration with other stakeholders, to increase efforts to combat illegal logging as well as the associated trade and corruption in the forest sector.<sup>6</sup>

Implementation of the forestry legislation and forest management (FLEG) is a multilateral strategy for improving governance and legal compliance at the national and international level. FLEG is the largest multi-national action, which aims to include Governments of interested countries as well as donors with the aim of preventing illegal activities that directly affect forest resources. In the initial phase FLEG initiative is focusing on the illegal loggings, wood trade and wood processing. This process currently takes place in Eastern Europe and Northern Asia.

In november 2005. ENA FLEG Ministerial declaration on Forest Law Enforcement and Governance bu auspice of the Government of Russia and the World Bank included development of National Action Plans for the illegal loggings as the highest priority. The Plan will be implemented in a certain time frame, and its progress will be monitored in cooperation with all relevant stakeholders.

Based on these international initiatives to prevent illegal activities in forestry and wood industry, in accordance with the National Forestry Strategy and Action Plans, in Serbia in 2008 started making of the “Action Plan for combating illegal activities in forestry and wood industry of Serbia” within the Directorate for Forestry and with the support of the World Bank and participation of all institutions of forestry sector.

**The goal** of Action Plan is fight against the illegal activities in forestry, including theft and corruption, with a focus on illegal loggings. Other illegal activities in forestry require separate, parallel processes that will be held separately, but will be coordinated by this Action Plan.

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<sup>5</sup> Texts in this chapter are mostly taken from the draft document “Action Plan for Combating Illegal Activities in Forestry and Wood Industry of Serbia”

<sup>6</sup> <http://www.worldbank.org/enafleg>

The Proposed National Action Plan (NAP) is a result of work with stakeholders in the illegal activities at the national level, with significant international assistance. The NAP is done on participatory basis, and Study on illegal activities in addition to the Plan preceded to it.

The plan contains several components:

1. introductory part, as a importance of subject issue in the Republic of Serbia,
2. area of activities and fighting strategies, highlighting the strategic orientation and approach to NAP development,
3. causes of illegal activities and the main factors,
4. planned activities for the prevention of illegal loggings, with suggestions of priority steps in defining the illegal logging in the context of sustainable forestry, expected results, indicators, responsible parties and time frame,
5. monitoring and evaluation,
6. tentative budget, with the overall evaluation of NAP implementation costs.

The Action Plan is directly and indirectly focused on 3 groups of measures to prevent illegal and other corresponding activities: (1) prevention, (2) discovery / detection, and (3) repressive measures.

In the development of measures to combat illegal activities in the forestry sector, *inter-sectoral* approach is applied, and the intersectoral connections *of all stakeholders* in the process are key activities.

Action plan aims *to build the necessary capacities in the country*, with a thematic basis, which will be identified on the basis of the Action Plan and other relevant processes (eg the National Forestry Program, or similar sectoral plan).

The plan was conceived as a *network of activities*, which includes various state institutions in terms of their regular responsibilities. The above mentioned activities are elaborated through a participative analysis of actual problems, with the aim *to define the drivers of illegal activities*, not just indicators.

The Draft Action Plan includes the following planned activities<sup>7</sup>

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<sup>7</sup> Texts is taken from the draft document "Action Plan for Combating Illegal Activities in Forestry and Wood Industry of Serbia"

ACTIVITIES	EXPECTED RESULTS	IMPACT INDICATORS	VERIFICATION METHODS	TIME	RESPONSIBILITIES
<b>PREVENTION</b>					
<b>1. LEGAL FRAMEWORK</b>					
<b>1.1</b> Improvement of penality system to be effective and applicable	1.1.1 Made analysis and proposal for amending the legal solutions in the Law on Forests	Harmonized and adopted proposals of changes and amendings of laws and regulations	Drafts of new laws	2012	RSZ
<b>1.2</b> To eliminate deficiencies and to harmonize conflicting regulations in the forestry and other sectors	1.2.1 Done analysis of the proposed changes and amendments to other sectoral laws	The official proposal for changes and amendments in laws and regulations in other sectors	Letters	2012	RSZ
	1.2.2 Proposals made for other sectors	Changes and ammendments of laws and regulations made in other sectors	Assembly Decision, published laws and regulations		
<b>2. REDUCE THE PRESSURE ON THE FOREST RESOURCES</b>					
<b>2.1</b> Promotion of legal supply of fire wood for rural population	2.1.1 Mobilized Government resources for the legal supply of fire wood through existing mechanisms, for example. implementation of the Poverty Reduction Strategy (PRS), Sustainable Development Strategy (SOR), etc.	Decisions and budget obligations	Decisions and budget	Permanent	Government, Directorate for Forestry, MRE, MAFWM
		Reducing the use of solid fuels as energy sources for the poor population in the percentages	Report on implementation of SSS, Strategy of energy development etc.		
<b>2.2.</b> Promotion of alternative energy resources	2.2 .1 Developed and implemented Strategy of using wood biomass	Increased number of plants for the production of alternative energy	Statistics MRE.	2010	Government, Forest directorate, MAFWM

### 3. CAPACITY BUILDING FOR PUBLIC FORESTRY ADMINISTRATION / COMPANIES

<b>3.1</b> Capacity building in key areas and problematic areas	3.1.1 Organized trainings and trained personnel in key areas	Number of organized courses and trained personnel	Program of course and list of skilled personnel	Continually	PE FD, FD, GI, JP, SUK
<b>3.2</b> Improving the system of motivation for workers (material and immaterial) JSS	3.2.1 Created and adopted guidelines and policies for improving the system of motivation of employees  3.2.2 Developed and promoted an internal rewarding system	Availability of internal Rules on motivation, rewarding of employees	Regulation on the system of motivation and rewarding	2011	Government, JP, FI
<b>4. ANTI-CORRUPTION MEASURES</b>					
<b>4.1</b> Protection of forestry officials from the inappropriate private interests and political influence	4.1.1 Licenses for work in forestry included in the new Law on Forests (public forestry services)  4.1.2 Adopted system for punishing corruption in JSS (withdrawal of licenses).	Percentage of issued licenses  Application of system of sanction	Statistics of Forestry Association	2010	FD, PE
<b>4.2</b> Increase of public participation and transparency of work	4.2.1 Encouragement of public in reporting illegal activities and greater awareness on existing ways of reporting (application)	Number of publicly reported cases	Reports GI.  Annual Reports PE.	2009	FD, PE, MP
<b>4.3</b> Improvement of public access to forest information	4.3.1 Placed web page containing information about the regulatory framework, bidding procedures, involving the companies, established identification of corruption cases.	Frequency of Internet traffic and scope of downloaded information	Statistics of reports from internet web page	2010	FD, NGO
<b>4.4</b> Reducing opportunities for corruption at the forest users in bidding process	4.4.1 Developed recommendations for the implementation of standards of good tender procedures and	Using of recommendations	Statistics of reports from internet web page	2010	FD

	publication on the website of the Ministry.					
<b>4.5</b> Improvement of professional ethics in the forestry sector	4.5.1 Elaborated code of ethics for forestry professionals, with recommendations for the use	Distribution of code of ethics within the sector	Received feedback from SK in the final evaluation	2012	ŠK	
<b>5. RESPONSIBLE BUSINESS PRACTICE IN FORESTRY SECTOR</b>						
<b>5.1</b> Promotion of forest certification and introduction of the system of chain supervision	5.1.1 Increased interest in forest certification and adopted standard for sustainable management and adopted system of chain supervision  5.1.2 Available funds for forest certification	Increased percentage of certified forests	Statistics FSC and PEFC	Permanent	FD, JP, UPVŠ, DI	
<b>5.2</b> Improving ethical standards and procedures in the forestry and wood industry	5.2.1 Encouragement of forestry industry on the introduction of the ethical code and increase of transparency in the procedures	Made recommendation - suggestions	Correspondence from meetings (minutes, decisions, letters etc.)	Permanent	DI, JP, FD	
<b>6. COSTS OF LEGAL LOGGINGS AND TRADE</b>						
<b>6.1</b> Initiative to simplify administrative procedures regarding the citizens demands ( logging and use)	6.1.1 Harmonization of regulations that regulate this area	Owners are satisfied with the procedure	Feedback information from Association of private forest owners	2010	FD, JP, GI, UPVŠ	
<b>7. DOMESTIC DEMAND FOR WOOD</b>						
<b>7.1</b> Harmonization of the resource base and capacity of the wood-processing industry	7.1.1 Adopted common system of planning of forestry and wood – processing sector  7.1.2 Adopted and established control system for unreported capacities of wood industry	Availability and implementation of a common plan of forestry and wood industry sector	Document Plan  Reports of wood industries through the clusters or PKS	Permanent	FD, JP, GI, PKS	
<b>8. ALTERNATIVE ENERGY SOURCES</b>						
<b>8.1</b> Promotion of use of alternative sources	8.1.1 Developed and implemented strategy of wood biomass use	Sanctioning of unreported wood	Statistics market / tax inspection	2011	FD, MRE, MESP, JP, UPVŠ, MF, MTU, DI	

of energy in the wood industry		processing capacities	Increased use of wood biomass and reduction of firewood use	Reports of the Strategy on Energy Development of the Republic of Serbia		
			Increasing number of plants for the production of energy from alternative sources.	Statistics MRE		
<b>9. STAKEHOLDERS DIALOGUE</b>						
<b>9.1</b> Encouragement of participation of all stakeholders in the implementation of NAP	9.1.1 Progress in the implementation of the NAP is assessed annually by the Council, organized by NŠP	Annual participatory report Stakeholders inputs		Protocols (minutes, conclusions, etc.) from meetings and list of participants	2010-14 (at the beginning of each year)	FD, JP, UPVŠ
	9.1.2 Publicly available information on progress in the implementation of NAP	Using different channels for availability of information		Press releases and media in general, websites etc..		
<b>10. LONG-TERM WOOD SUPPLY</b>						
<b>10.1</b> Introduction of illegally logged wood in the legal channels	10.1.1 Accelerated processing of cases related to illegal loggings in the courts	Increased speed and number of processed disputes		Statistics and reports MP	2010	FD, GI, TI, MP
	10.1.2 More rational use of totally logged wood mass	Increased inflow of funds in state budget		Statistics and reports Directorates for Treasury		JP, MF
<b>11. INTERNATIONAL COOPERATION</b>						
<b>11.1</b> Improvement of international cooperation within adopted international obligations	11.1.1 Signed and ratified international conventions to ensure the basis for changes in domestic legislation	Implementation of ratified Conventions, signed contracts and accedings to international organizations,		Reports on implementation Published information	Permanent	MAFWM, MESP, FD, GI, MSP, NGO, UPVŠ
	11.1.2 Domestic legislation has					

been improved / changed and harmonized with international obligations

implementation of joint projects and activities

11.1.3 Intensified cooperation with international and regional processes regarding the illegal loggings and forest management ( FLEG)

11.1.4 Established relations with international organizations and/or NGO

## 12. RAISING PUBLIC AWARENESS

**12.1**  
Raising awareness about the importance and significance of forests, especially for private forests owners and for public

12.1.1 Publications, organized congresses, lectures, public actions, "Schools in nature" etc..

Increased awareness on forests importance

Public research

Permanent

FD, JP, GI, UPŠV, NGO

## DETECTION

## 13. MONITORING AND SUPERVISION OF FORESTS USE AND WOOD TRADE

**13.1**  
Improving the material-technical basis for monitoring and supervision

13.1.1 Staff are better equipped (vehicles, IT, etc.)

Increased percentage of forest guards equipped with adequate equipment

Appendix to annual report JP

2010

FD, GI, JP, UPVŠ, MP

13.1.2 Conducted training for effective use of technology in the detection of offenses related to loggings, transportation, processing and trade

Number of trained experts.

List of trained personnel

**13.2**  
Improving the statistical processing and analysis of data on illegal loggings

13.2.1 Functioning of efficient and updated system of collecting and statistical processing

Availability of data needed for analysis and decision-making

Data basis

2010

FD, ZS, GI, JP

**14. TRANSBOUNDARY MECHANISMS FOR COMBATING ILLEGAL ACTIVITIES**

<p><b>14.1</b> Establishment of direct cooperation and coordination with neighboring countries in controlling the wood flow</p>	<p>14.1.1 Held meetings, established procedures and responsibilities, signed bilateral and multilateral agreements 14.1.2 Organized trainings and trained officers responsible for cross-border control</p>	<p>Implementation of established procedures and coordination with national legislation  Types of organized courses and the number of trained officers  Number of detected false or duplicate invoices (type or price)</p>	<p>Procedures, regulations  Programme of courses and list of participants  Information and statistics of authorized service ( custom)</p>	<p>Permanent   Annually</p>	<p>MSP, UC, MTU   DI, FD</p>
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**SUPPRESSION**

**15. JUDICIARY EFFICIENCY**

<p><b>15.1</b> Raising awareness in judiciary about the importance and significance of forests</p>	<p>15.1.1 Organized periodic coordination meetings between the prosecution / judges and the public</p>	<p>Priority resolving of cases related to the forestry sector in the judicial procedure  Enhanced use of the Law on Forests and Criminal Law in combating criminal in forestry</p>	<p>Statistics MP</p>	<p>Permanent</p>	<p>MP, FD, GI</p>
<p><b>15.2</b> Strengthen sanctions for forest crime</p>	<p>15.2.1 Submitted suggestions for changes of regulatory basis (to the new draft law and amended</p>	<p>Proposals submitted and adopted</p>	<p>Letters and regulations</p>	<p>2010</p>	<p>FD, GI, MESP, RSZ, MP</p>

existing laws and regulations)

<p><b>15.3</b> Enabling access to information on resolved cases related to illegal activities in forests</p>	<p>15.3.1 Established system of court cases monitoring by the FD., which are related to forest</p>	<p>Signed agreement on cooperation between MAFWM i MP  Availability of data on court cases related to forestry</p>	<p>Agreement Extract from the forest-criminal registry of legal entity  Report MP</p>	<p>2009</p>	<p>MP, MAFWM</p>
<p><b>16. COOPERATION WITH THE POLICE FORCES</b></p>					
<p><b>16.1</b> Promotion of cooperation in the field between the forest inspection, forest security services, legal entities and police forces</p>	<p>16.1.1 Established procedures and responsibilities for exchange of information and coordination</p>	<p>Signed agreement on cooperation between MAFWM and MUP</p>	<p>Agreement</p>	<p>2010</p>	<p>MAFWM, MUP</p>

The system for monitoring of implementation and evaluation of achieved objectives of the Action Plan will be based on the proposed indicators, which will require the establishment of appropriate levels of responsibility, and procedures for all relevant institutions. The methodology for the evaluation of the implementation process will include the suggested indicators as well.

The state entity holding prime responsibility for the monitoring will be Directorate for Forests. The process of analysis and interpretation of data will require the participation also of other interested parties. Equal participation in the process will be ensured through established participative process that will be defined after detailed analysis of former similar experiences in monitoring, also applied in other countries in the region, as well as after the capacity building workshops in the subject field.

Taking into account the fact that information system in forestry is not established yet, as well as that within the forestry sector operates several internal systems for collecting data on illegal activities, for adequate monitoring is needed to ensure continuous and improved use of technology in the detection of offenses related to logging, transportation, processing and trade. Pursuant to the above mentioned, the basic prerequisite for successful monitoring is creation of a favorable climate in the current environment for the development of adequate technical-technological and personnel requirements for the improvement of monitoring use of forests and wood trade.

The Action plan for combating illegal activities in forestry and wood industry of Serbia has not been approved by the Government of the RS yet. Consultations with stakeholders have been completed and its implementation is expected in this year. Before the implementation phase, document should be adopted by the Government. The Ministry of AFWM is in the process of the finalization of the document for the procedure. The Action Plan represents a significant shift in relation to former measures which were implemented in order to reduce illegal activities. All stakeholders were invited in the process, who participated in defining activities necessary to be implemented. By clear identification of measures and actions to be implemented, as well as by defining competencies and responsibilities of institutions, conditions for implementation of planned activities are created to enable reduction of illegal logging. However, providing of technical support, building and strengthening institutional capacity may be a critical requirement for realization of activities. For this reason it is necessary to provide full support to the project by the Government of the RS, including the necessary budget funds and the full engagement of all participants. Also, as it is stressed in the Action Plan that an important segment of the project is a permanent monitoring of the achieved goals and their adjustment to the realized results. The leading role of the Directorate for Forests is clearly identified as well as its responsibility for overall project implementation.

### 1.1.3. Cooperation with the cross-border countries in combating illegal timber trade

Cooperation with the neighbouring states in combating illegal timber trade is not officially established as a continuous bilateral process. In the forestry sector joint action in controlling cross-border traffic of assortments are practically not implemented, because there is no obligation and authority of institutions in the forestry sector to carry out such controls. Control of cross-border trade is conducted by the customs authorities, as well as market and phytosanitary inspections, which have obligation of traffic and health state of assortments control which cross the border. In the previous years, some incompatibilities in the documentation, which is requested for the trade of wood, were observed, but it is harmonized now. Significant turnover of wood is registered only with Bosnia and Herzegovina, in terms of imports of wood from Bosnia, however, significant illegal traffic have not been registered (except for sporadic cases).

Occurance of illegal logging by the perpetrator from neighboring states, are already noted at the border with Kosovo and in individual cases with Montenegro. In the case of Kosovo certain activities are undertaken to prevent these activities in cooperation with the Serbian border police, as part of their

regular duties. In the case of Montenegro, the company for forest management "Srbijašume" applied to the competent courts in Montenegro against the perpetrators of forest theft, in the procedure which is identical to the one applicable to the Serbian citizens.

Improving the organization and the introduction of measures which are necessary to be implemented primarily in the border demarcation with Kosovo under UNSCR 1244 are needed to facilitate the prevention of illegal loggings. On the necessity of problems solving were warned more than once by the companies for forest management and the competent Ministry, however, major measures have not been implemented by UNMIK, nor has established intensive co-operation in preventing illegal logging. However, this problem exceeds frame of illegal logging, because of the political reasons.

## 1.2. Legal Framework

### 1.2.1. Constitution of the Republic of Serbia

The Constitution of the Republic of Serbia is the highest legal act of the Republic of Serbia. By the Constitution of the RS obligations and rights relating to environmental protection, including forests, are sufficiently defined, as well as its integral part.

Article 74<sup>8</sup> of the Constitution stipulates the right on health environment as well as responsibilities of the Republic and Autonomous Provinces to ensure the realization of this right for the residents. Although it is not explicitly stated that forests are part of environment, it certainly understood, so, from this article stem the basic rights and obligations relating to the preservation and protection of forests.

Article 88 of the RS Constitution, recognizes the forests as an important natural resource whose use must be controlled with the aim of its protection. By this article it is an explicitly determined right that the forests are to be used freely by the owners. But, contrarily of that right, the Constitution also gives the possibility (to the other lows) to limit the use of forests in order to eliminate the danger of the environment or other public interest related rights. By this article, population right to a healthy environment is placed above the rights of owners over the forests, and opportunity to precisely define conditions under which the use of forests can be done is given by Law on Forests. This has also created the possibility of sanctioning the illegal logging of the forest, not only as a form of theft of goods, but also as an activity which endangers the environment.

In Article 97 of the Constitution has clearly defined obligation and responsibility of the Republic of Serbia to ensure protection of flora and fauna.

The Constitution of the RS has given a sufficiently precise and clear framework that allows the establishment of an efficient system of forests protection and sanctioning of illegal activity in forests. Detailed elaboration of the measures to be implemented is of course left to the jurisdiction of the special law. Also, responsibility for the state of the environment, and state of forests, are clearly determined and they belong to the Republic of Serbia.

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<sup>8</sup> The Constitution Article 74, "Everyone has the right to a healthy environment and the timely and full information about her condition. Everyone, especially the Republic of Serbia and autonomous provinces, is responsible for environmental protection. Everyone is obliged to preserve and improve the environment"

### 1.2.2. Current Law on Forests (Official Gazette of Serbia, № 46/91)

Current Law on Forest clearly defines illegal activities that are present in the forestry and determine measures to be implemented in order to prevent them. The law assumes that the service of forests security and forest guards have all necessary powers to prevent illegal activities. However, in practice, due to inconsistency with other laws, forests guards can not act completely in a way that the Law on Forests predicted.

This demonstrated by the fact that the forest guards mostly do not have personal weapons (because there is no legal obligation of issuance a permits to them as officials to carry weapons); they do not have official identity card issued by the authorities of the RS Government, but only by the companies for forest management; they do not have equalized status with other officials within the Ministries. The lack of authority of forest guards mainly arises from the conflicts of the Law on Forests with other laws that regulate property protection. Therefore, measures which are foreseen by the Law on Forests and which are related to wood traffic control, wood warehouse control, legitimizing of perpetrators, confiscation of equipment by which is illegal action committed, etc - very often can not be implemented due to lack of authority forest guards. Practically, the Law on Forest has retained elements of the organization and powers of forest guards from the period when the overall organization of forestry was under the jurisdiction of the Ministry and when the forest management represented administrative and not economic activity and was completely centralized. Changes that have occurred in recent decades in the forestry sector are not accompanied by changes in the competent national administration and tasks of forests guard services, that led to the disparity between their capabilities and requirements of the Law on Forests. If we consider the current situation in other former Yugoslav republics, which had a similar organization of forests guards after the Second World War until the beginning of 80s years, it can be concluded that they changed their organization of forests guard depending on the extent of illegal activities. Relevant examples may be Slovenia and the Former Yugoslav Republic of Macedonia, while all other states are between them, according to their models. In FYR of Macedonia, forestry police have been established by the Law, whose powers are very similar to the powers of regular police. In Slovenia, services of forest guards, as part of forestry organizations no longer exist and these jobs are the responsibility of the regular police, as it is in most EU countries. In other countries of former Yugoslavia it can be seen that services of forest guards more and more perform professional forestry jobs and forest guard becomes a secondary task.

The penalty provisions of the Law on Forests are often not appropriate to the offense committed and to the damage that has been created. Also there is no valid price list anticipated by the Law for the damage inflicted. When the compensation for damage caused in the forests is calculated, it is typically refers to the value of logged wood and lost increment, while the ecological damage that may occur is not accounted.

Regarding the forest guards, Law on Forests does not recognize private forests, which make almost 50% of forests in the Republic. Savings these forests is the obligation of the owner, which is in practice almost inapplicable.

Law on forests often does not recognize and does not respect the real state, which is caused by changes in other laws, as well as by circumstances in the forestry organization and in society in general. For that reason, often derives its inefficiency and inapplicability, inadequate penalty policy aiming to prevent.

### 1.2.3. Draft of new Law on Forests<sup>9</sup>

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<sup>9</sup> Site of the Ministry of Agriculture, Forestry and Water Management  
[http://www.minpolj.sr.gov.yu/index.php?option=com\\_content&task=view&id=1312&Itemid=72](http://www.minpolj.sr.gov.yu/index.php?option=com_content&task=view&id=1312&Itemid=72)

The present political and socio-economic changes in the Republic of Serbia require accelerated building of the new legal system that matches made changes and anticipate future changes. Certainly that natural resources, and among them forests are an important material basis and the potential for stable development of society, and that putting them in function of development, requires different determination of owners, state and citizens relations towards the forests.

The new Law on Forests is adopted by the Gouvermant (in the begining of 2010) and its adoption from the Parliament is expected in the first quarter of 2010. Draft law has more restrictive approach to solving problems of illegal activities in forestry. Law on Forests tightening penalty policy and introducing additional liabilities to the owners of forests in order to protect the forest. The law also accepts and accommodates all international obligations as well as those in the function of preventing illegal activities and increase the level of responsibilities of all stakeholders in the forestry sector. The Law also accepts all international obligations as well as those in the function of preventing illegal activities and increasing the level of responsibilities of all stakeholders in the forestry sector.

An important reason for adopting the draft law is certainly an unsatisfactory state of forestry fund and immediate need for the creation of legal preconditions for its substantially better protection and improvement and, simultaneously, multifunctional use and validation of numerous former, underestimated functions of the forests.

The draft law ensures implementation of constitutional principles about normative functions of the Republic of Serbia, general bases for forest management and ownership have been prescribed. Insufficiencies and inaccuracies of current regulations related to forests have been removed, rationalization of regulations has been ensured, as well as their codification, and their more efficient application has been ensured through necessary authorizations.

In order to preserve the forests, Article 9 of the draft law determines the general prohibitions, as a forbidden activities in the forest, but they are arranged in more detail in later provisions of the draft law in terms of refinement of cases or conditions and methods, when a user or forests owner can perform it rarely. In the quoted provision in particular are moderated cases of allowed clear loggings in forests.

The change of the forests purpose can be done under the specially prescribed conditions, with a fee paid by legal entity, on which request is determined general interest - when it is determined by development plan, as well as if it is required by the general interest established by law or special act of the Government. The charge is to be paid in the amount of ten-fold value of forests, as stipulated in compliance with this Law (Articles 10 to 12).

Ban on trees logging, destruction of youth and collected seeds from the strictly protected and protected species of trees are specially arranged - determined by special regulations which regulate nature protection.

Forests monitoring is performed at the territory of the Republic of Serbia. Forests monitoring is implemented by the Ministry or authority of the Aautonomous Province, which can entrust the implementation of monitoring to scientific institution dealing with forestry. Monitoring is conducted in accordance with internationally accepted methodology - ICP methodology (Article 15).

Sanitation of the devastated forests or deforested land by afforestation is an obligation of the owners and the forest users, namely:

- deforested areas caused by natural disasters (fire, wind, snow, etc.);
- surface on which failed regeneration or afforestation;
- area where the devastation was committed - illegal clear cutting or clear deforestation, or illegal logging of rare species of trees;

- in other cases from Article 9. Paragraph 4. and Article 10. Paragraph 2. of the draft law, after cessation of purpose.

Also, the owner or forests users are obliged to execute rehabilitation of old harvesting areas and areas affected with fire, in accordance with forest management plans. It is determined the case when legal entities are obliged to execute sanitation by raising the forests, after the previously obtained approval from the Ministry or authority of the Autonomous Province (Article 16).

The new draft law does not bring changes regarding the work of forest guards, so their powers, duties and organization are almost identical to those in the currently applicable law from 1991. Taking into account current situation, it can be estimated that this solution may not significantly contribute to improvement of the quality of their work. Also, in relation to private forests - still only forest owner has the obligation of their forests guards<sup>10</sup>. However the Law opens up new possibilities, by association of private forest owners who can take responsibility for the protection of forests for its members.

The new law brings enhanced penalty policy, by which are provided more severe penalties for the perpetrators of illegal actions in order to stimulate preventive actions. By penalty provisions are prescribed economic offenses and violations, as well as sanctions for the economic offenses and violations. Amount of fines for commercial offences and acts is in accordance with the provisions referred to in the Law on Commercial Offences and Law on Offences. Responsible person in legal entity may be pronounced a protective measure of ban of performance of certain duty beside the fine for commercial offence or act. Also, for the committed commercial offence for legal, i.e. private entities in listed cases, beside a fine protective measure may be pronounced on withdrawal of objects used or intended for commitment of commercial offence or act, or objects obtained in certain commercial offence or act (Articles 106 to 108).

### **1.3. Institutional framework**

In the previous chapters an overview is given on the institutional organization of forestry sector in Serbia and institutions that are important in prevention of illegal activities in forestry.

The institutional framework of the sector in Serbia is not significantly different from other European countries. However the overall social ambient in Serbia in some segments is significantly different from European standards, which significantly contributes to a larger scale of illegal activities in forestry. Above all, economic standard, as the most important generator of illegal loggings is far below the European. Difficult economic conditions significantly contribute to the high level of illegal activities, not only in forestry. It can be predicted with certainty that rising of living standards will result in reduction of illegal logging volume. Insufficient capacities and institutional weakness of state institutions, the presence of corruption, high level of other illegal activities, etc.. often slow, make difficult and even block the activities of combating illegal activities. This is especially pronounced weakness when it is known that, there are a number of participants in the organizational chain (the guardians of forests, forestry and other inspections, police authorities, the investigating authorities, prosecution, judicial authorities etc.), and that it is enough that one participant in the chain obstructs the process and sanctions for committed offenses is fail. For this reason it is very important to establish a permanent coordination between all participants, which would be based on mutual trust and meeting of jointly the established goal.

As an important gap in forests guardianship organization can be identified a lack of forest guards for private forests. These forests are practically without protection from illegal logging, because the obligation of guardianship is transferred by Law to their respective owners. However it is very difficult to

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<sup>10</sup>If exclude the police department who have an obligation to protect the public order a property.

solve this problem, since the establishment of service for private forest guardianship requires a lot of financial resources, which currently does not exist in the budget of the RS. Probably the only way is that the owners themselves, through associations, organize and establish their own services which will conduct forests guardianship.

One of the major deficiencies at all levels of the forests protection organization, especially at the level of forest guards, is insufficiently built system of internal. In some forest farms these controls are very frequent and rigorous and provide seriousness in the work of forest guards. However, in significant part of farms, control of forest guards work are irregular and insufficiently rigorous, which leads to their involved in illegal activities.

## **1.4. Monitoring and Control System**

There is no established uniform system of monitoring of illegal activities in forestry. Institutions that perform these tasks have their own system for monitoring the results of its activities. Thus, services for forests guardianship within the company for forest management keep the records regarding the illegally logged trees, number of submitted applications, number of solved applications and others. Inspection bodies also record their results in terms of recording the number of submitted applications and the practical effects of these applications. However, there is no unique records, based on which all information about illegal activities in forestry could be monitored. Also, monitoring of changes of forests state refers to monitoring of changes in the forests quality, appearance of diseases and pests, etc. Forests inventory (national and stand inventory) also not registering stumps of illegally logged trees.

The main body responsible for the control of legal regulations implementation in the field of forestry, and therefore the regulations relating to the illegal logging is the forest inspection service. Competencies of the forestry inspection service are mostly related to the companies for forest management, and private forest owners. Companies for forests management in its activities carry out internal control of work of services for forests guardianship as well as control of the situation in the field. Problems that the control services have are mainly related to the lack of equipment, vehicles, fuel, etc., as well as lack of jurisdictions.

### **1.4.1. Task Force for Forest Resource Protection**

As the most important activity that is currently being implemented in Serbia is certainly the preparation of National Action Plan to combat illegal activities in the forestry, which is implemented by the Directorate for Forests of the Ministry of Agriculture, Forestry and Water Management. MAFWM. This activity included representatives of all major institutions in relation to forestry and illegal loggings. 25-30 representatives are permanently included in work and their previous result was a Draft Action Plan to combat illegal activities. Work on Action Plan drafting, in such a large composition, should be used to establish permanent cooperation and if possible to continue with the joint implementation of the Action Plan.

There is no other joint activities in combating illegal logging, except of local actions that are conducted seasonally in order to control wood traffic.

### **1.4.2. Shortcomings of the Present System**

The weakness of enforcement stems from the lack of resources, shortcomings in the structure of the supervision mechanism, and, the inefficiency of the court system. There is a special problem in the area adjacent to the administrative frontier to Kosovo and Metohija where Serbian authorities lack enforcement rights. Elsewhere, lack of vehicles and fuel constrain the work of forest inspectors. There is

also insufficient attention to financial audits. The main problem is that financial audits depend solely on documentation and the correctness of data is not verified against actual activities in the forest. The court procedures are slow, inefficient and not necessarily neutral; only a small percentage of cases brought to trial by the Forest Inspection result in a conviction. The penalties are also mild; the fine value is often less than the economic gain from illegal activities. The verdicts delivered by the courts are often from the lower end of the penalty scale.

## 2. RECOMMENDATIONS

### 1.5. Recommended measures to be implemented in order to decrease illegal activities in forestry

#### 1.5.1. Education of population (consumers of wood) and Forest Owners

It can be concluded that the highest volume of illegal loggings comes from the private forests and that is in function of meeting the population needs for fire wood. The practice in Serbia shows that private forest owners are often not aware of the necessity of a professional approach in the forests use, as well as that often implement loggings knowing that it will have a negative impact on quality or even on survival of the forests, for the sake of their short-term financial interests. On the other hand wood buyers do not paying attention to its origin and legality - the basic criteria for them is price and quality of wood. This practice has its roots in centuries long tradition, that emerged from the permanent needs of the population for fire wood as well as insufficient knowledge of biology and the importance of forests. In such connection, measures are defined and implemented by state and other bodies, can not be sufficiently effective without the support and understanding of the population. In order to provide this support, it is necessary to constantly, by education and marketing activities influence raising of the population awareness on the importance of forests, their protection and proper implementation of technical measures in forest management. By introducing the population with the procedures to be implemented in order to reach the wood from forests that are managed in a sustainable and professionally justifiable manner, and with reasons for their respect, people awareness can be influenced that is environmentally correct to buy only wood with legal documentation by the authorized entrepreneurs and companies. Experiences of forests certification and green marketing should be applied in these activities. Beside the building of population awareness about "**buying legaly means to buy environmentally correct wood**", at the same time should be invested in capacity building of institutions to ensure the legality of the prescribed procedures.

#### 1.5.2. Raising awareness about forest protection

The protection and conservation of forests is in the interest of the entire society. Therefore the responsibility for preventing illegal logging can not be only on the state authorities. In terms of the traditionally poor access to forest use, or the indifference of the population for the state of forests which derives from lack of knowledge and ecological awareness, it is necessary to devote considerable attention to the education of all parts of society. By limiting activities only to the direct or indirect participants in the chain of production and consumption of wood, can not be lead to desired and sufficient effects. In this regard it is important to raise awareness of the whole population about the importance of forests, in order to provide additional pressure for their protection. The role of formal education is certainly more than significant and necessary, especially from the long-term point of view.

Non-governmental organizations dealing with problems regarding the environmental and nature protection, problems of corruption and crime prevention, should be supported in their activities to educate and inform the population.

### 1.6. Education of expert services

#### 1.6.1. Private forests

Work of professional services for private forests, whose activities are financed from the budget of the RS, mainly are implementation of administrative procedures prescribed by the Law on Forests. In its treatment this services consider the forest owners only as a participant in the administrative procedure, which does not lead to the creation of mutual trust.

Services for private forests in its approach to forest owners must have not only administrative, but primarily advisory role. It is necessary to educate forest owners and give them all necessary professional support, in order to accept and independently carry out necessary measures in the forests. It is necessary to make continuous education in that direction of all employees in the private forest services. Improvement of not only their knowledge about forestry, but also knowledge and skills necessary for good communication with forest owners, in order to raise their awareness and knowledge about the forests.

Change of attitude in work of professional services from administrative to advisory, according to the principles of modern "extension services", requires taking a series of activities related to the following:

- Raising the level of knowledge and skills of employees in professional services to support private forest owners. These activities aiming not only in improvement of necessary knowledge, but also in changing the way of thinking towards the creation of trust and partnership between forest owners and experts.
- Participation of forest owners in decisions making concerning the management and organization of private forests. If forest owners are included in the decision making process, such as development plans and loggings etc.. - degree of their responsibility will be significantly raised, which will lead to changes in attitude towards the forests.
- Training of professional staff of private forest owners associations, in case of their activities in advisory services, or cession of part of jurisdiction to the owner associations<sup>11</sup>.

### 1.6.2. State forests

Within the sector of state forests, it is necessary to raise the level of awareness relating to the procedures to be implemented in the process of evidence finding for application of charges against perpetrators, as well as implementation of the procedure. In many cases the courts rejected the application of forest guards and accompanying services, due to insufficient information collected, bad implemented procedures and other omissions. In order to overcome this problem, it is necessary, in cooperation with the inspection and judicial authorities, to train all persons responsible for forests guardianship, for proper treatment and implementation of procedures foreseen by law and by-laws.

### 1.6.3. Inspection bodies

In the course of performing their regular authorities, inspectors have to respect at a very high degree procedures that are prescribed not only in the law that are within their competency (Law on Forests and the Law on Hunting), but also in the Law Criminal Proceedings, Law on Administration Procedure and others. Gaps in procedures that are determined by law, often leading to contestation of applications submitted by the forestry inspector, and are cause for rejection of applications. This is a very common objection to the work of forestry inspections that can be heard by judges, and in such cases the courts are not able to adequately sanction illegal actions.

Permanent trainings of inspectors in the implementation of forestry regulations, their professional training in the field of forestry and hunting, is extremely important to raise their professional reputation and to reduce the number of applications that are discarded in the court processes.

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<sup>11</sup> Directorate for Forests expressed intention to transfer part of the responsibilities related to professional jobs in private forests to the Forest Owners Association, if provide appropriate expert capacities.

#### 1.6.4. Judicial bodies

The implementation of legal regulations from the field of forestry (and other specific areas) that are insufficiently known to judicial bodies, is impossible without their knowledge about the the professional practices and solutions which are defined in the Law. This is especially important if it is taken into account that the new Law on Forests is in the procedure of adoption and that in the implementation process is necessary to provide technical support to the judicial bodies for its implementation.

It is determined in current practice that judicial decisions are often made without adequate assessment of the damage inflicted by activities that are contrary to law. Judicial authorities in the decision-making process often have no accurate assessment of the consequences that illegal activities bring. A common position is that forest will be renewed or that forest loss is not large, or that the perpetrators were forced to make an illegal action for personal economic reasons. Also, procedures that need to be implemented in the process of logging and transport of wood, are often unclear and complicated for judges, and they do not recognize the necessity of their strict enforcement, regardless the ownership origin of wood.

In order to perform all legal regulations that aim to prevent illegal activities in forestry, it is necessary to start a continuous process of permanent education in the implementation of these regulations with judicial authorities. It is also necessary to provide mechanism of professional support in all cases when the technical assistance and expertise is needed. Training of judicial authorities would be based on the following:

- Importance of forests and damages arising from illegal loggings. Impact on the environment, degradation of forests, the economic significance, the importance of the budget of the Republic and etc.
- Introduction with procedures that are implemented in forest management, necessary documentation, competencies, etc.
- Establishment of communication with forest inspectors

### 1.7. Implementation of the new Law on Forests

The new Law on Forests was adopted by the Gouvermant (in the begining of 2010) and its adoption from the Parliament is expected in the first quarter of 2010. Full implementation of the law, especially part related to the prevention of illegal activities, requires intensive measures to introduce all parties that are responsible for its implementation. Law enforcement is the responsibility of Directorate for Forests. In the process of Law implementation is necessary to implement appropriate trainings and consultation with the following parties:

- **Enterprise for forest management.** In the Law implementation, the most duties will have companies for forest management. It is necessary to fully explain and define the way of implementation of all required procedures.
- **Private forest owners,** their associations and others, should receive all necessary information and instructions related to procedures foreseen by Law
- **Forest Inspectorate** as a body that is directly responsible for controlling the implementation of the Law. This authority must be fully introduced with all stipulated procedures and, above all, to ensure full implementation of the new law by the authority of knowledge.
- **Judicial authorities.** Lack of knowledge of required procedures from the field of forestry was present until now in a judicial decision making process. By adopting the new law, conditions for the initiation of a series of workshops aimed at preparing judges for its implementation will be created.

- **Police authorities** and their authorities and responsibilities in the implementation of measures foreseen by law.
- **Other organizations**

## 1.8. Organization

Within the organizations of institutions in the field of forestry, it is necessary to carry out activities to build their capacities, which implies a certain organizational changes, technical equipment and improvement of business procedures.

### 1.8.1. Encouragement of private forest owners association

Necessity of private forest owners association has been recognized within the forestry policy of Serbia and the specific measures already implemented in this direction. Individual forest owners are not able to independently achieve their own interests and also not able to increasingly take responsibility for the situation of forests in private ownership. Association of owners at local, regional and national level, create the opportunities for technical and professional strengthening of their capacities that can be used for the prevention of illegal activities in forests. In this sense, associations of private forest owners, among other things, would be to provide support in the following:

- Education of private owners about the way of implementation and importance of measures in forest cultivation and protection.
- Support of forest owners in the protection of forests from illegal loggings and other illegal actions
- Assistance to forest owners in the implementation of legal procedures that are necessary in the process of logging and wood trade
- Representation of forest owners in the court and other state bodies, including the assessment of damages caused by illegal activities.

Considering that today in the RS there is no formally organized service for forests guardianship which are in private ownership, but it is an individual obligation of each owner – establishment of owner association creates conditions to organize services for forests guardianship within the association, that would work in the interest of all members of the association. This type of protection can be one of the major arguments in the process of encouraging owners association.

### 1.8.2. Change of attitude towards the private forests organization - from administration to the owners support

As it is stated, services for private forest owners support are administrative body within the public enterprise for forest management. Official procedures, way of work, service charges, etc. do not contribute to building of mutual trust between them and forests owners. Forest owners experience this service as a necessity imposed by the state. Therefore it is understandable that there is a need to avoid administrative procedures, so it is one of the reasons that significant quantities of logged wood are with no records of these services.

The change in the concept of services for private forests from the administrative body to the extension service for forest owners support is required, in order to build greater mutual trust. However this process can not be established quickly because it is necessary to simultaneously work on raising awareness of forest owners and capacity building of services. Final aim is that forest owners accept full responsibility for sustainable forest management which will be carried out with the support of professional services. In this direction, forest owners associations can be very important, accordingly, if provide necessary experts

capacities, and express their interest, they should be allowed to independently perform professional activities in their forests. It is realistic to expect that by raising the level of mutual trust and transfer of responsibilities to the forest owners and their associations, raise the percentage of wood that is logged in accordance with all procedures prescribed by Law.

### 1.8.3. Improvement of control system and preservation of state owned forests

The necessity of quality control raising and processes improvement and areas of forests use, must be recognized by companies for forest management. Usage of modern solutions, such as the use of field computers, GPS receivers, database establishment based on GIS provides constant monitoring of wood flow and exclude the possibility of illegal trade. An important tool in this is forest certification, which in the process of establishment of Chain of Custody (COC) traffic control ensures that wood from illegal activities can not be subject to processing in plants that have COC certification. For this reason it is necessary to provide support for the introduction of certificates for sustainable forest management and chain of control (COC).

Very important aspect in the reduction of illegal loggings are a service for forests guardianship whose activities are very important in prevention. It is necessary to continuously improve this services in relation to their quality. Regular control of the terrain, control of services for forests guardianship and prevention of corruption connections are a prerequisite for the efficient operation of services. It is necessary that services for forests guardianship are adequately equipped with official uniform, identification card, personal weapons etc. - which is now often not the case. Also, the application of modern methods, such as the use of satellite images and other methods of tele - detection, monitoring of changes in forest inventory etc. should be taken into account.

### 1.8.4. Technical equipping of relevant institutions

It is very common situation that all parties responsible for the control and prevention of illegal activities have a problem with insufficient technical equipment. This is particularly related to cars and motorcycles that are necessary to adequately cover the huge forests area by control and monitoring. Particularly important problem is inadequately equipped forest guards, which mostly must be present in the field. Also forestry inspections generally has passenger vehicles that are not suitable for field tours. Accomplishment with a GPS devices for property boundaries identification, means of communication and etc. is also inadequate. Unique information system for the forests of Serbia is missing.

In order to efficiently work on preventing illegal activities, all services that have a debit (forest inspection, forest guards, etc..) must be adequately equipped in order to increase their efficiency. This is about services that are directly or indirectly under the jurisdiction of the Ministry of Agriculture, Forestry and Water Managamenet, so adequate equipping is necessary by allocation of funds from the budget of RS or other sources. Other technical support measures (communication technology, GPS and IS systems, etc..) can significantly contribute to the efficiency and prevention of ileganh actions.

### 1.8.5. Control of wood market and wood processing plants

The control of wood and wood products traffic has to be further improved. Specifically, the prevention of illegal activities is most effectively provided by market control, or by disabling access to the wood market which originate from illegal activities. Expansion of market inspection competencies regarding the wood and wood products traffic control is necessary to implement as one of the measures. This refers to the complete control of documentation, which follows transport of wood, and which should include its origin and logging approval. Also, the intensification of wood traffic control by police authorities in the process

of regular traffic controls can achieve significant effects. This measure can give significant effects in the wood transport for their own needs and local markets, to smaller distances with the use of agricultural tractors.

Intensification of control of plants for the wood processing must also be conducted by the market and forestry inspection. These controls must be related not only to determine the propriety of the origin of wood, but also to control of classes quality and input quantities. Very important factor in the chain of illegal activities are a small saw-mills, which often operate illegally. Although they have very small capacities, quantity of processed wood can be significant, because their number is large (unknown number).

### **1.9. Restrictive measures**

An adequate policy of restrictive measures is certainly very strong factor in prevention of perpetrators of illegal actions.

These measures must be in full compliance with the legislation, effective, and timely and proportional to weight of committed offense, or to damage caused by illegal activity. Practice of process delay until its expiry, the application of minimum sentences and others, does not lead to disincentives of perpetrators. In order to overcome permanent negative practices, it is necessary to establish a unique record (IS) of all cases, and submitted applications from the field of illegal activities in forestry within the Ministry of Agriculture, Forestry and Water Management, in order to monitor their results, respect of deadlines, and other penalties. Monitoring of implementation and insisting on the timely adoption of a court decisions may affect increase of efficiency of judicial and other organs.

The Law on Forests provides that - if control procedure confirm illegal logging of the forests, logged wood and the equipment used in conducting of illegal activities, can be taken as the subject of crime. This provision is rarely implemented in practice due to the lack of clear definitions and problems in its implementation and is now practically does not apply. However, the measures gave significant effects on withdrawal of equipment, even to a specified period of time. Significant effects in combating illegal activities in forestry would be achieved if it would be allowed, by changes of regulations and clearer definition of criteria and measures, temporary or permanent confiscation of objects by which is done illegal action. Confiscation of illegally logged wood, or wood transportation without proof of origin is a measure which is certainly necessary to implement.

### **1.10. Monitoring of the state of forests**

Monitoring of the state of forests represent activities that are conducted in a particular forest area in order to determine changes that occur in the forest on the relative quality, wood volume, health, etc. Monitoring of the forests health is regularly conducted in accordance with the international ICP methodology. Also, national inventory and stands inventory are being implemented at the national level. Comparing the differences in wood volumes in inventories prepared in different time, the scope of illegal deforestation can be assessed to a certain degree of reliability, provided that the inventories are of satisfactory accuracy and there are good records of executed loggings. This kind of forests monitoring is still not applied in practice, and differences in standing volume, that are observed by analyzes, frequently are interpreted as the result of errors in measurement and volume estimation. These data certainly deserve a more detailed analysis. In any case, the constant analysis of the changes in forest volume on a particular area represent a methodology, based on which can be observed whether irregularities in changes of volume of standing trees, consigning to illegal loggings are happening. Also, during the forests inventory, it is required to register stumps of logged wood, in order to assess logged trees.

As a second modern method can be recommended aerialphoto taxation or continuous recording of the forest coverage from the air, using satellite or ofrofoto shots where loggings of excessive intensity can be observed. Comparison of time series of recordings, it is possible to clearly identify areas that are particularly endangered by illegal loggings, creating opportunities to concentrate activities in combating illegal logging in areas that were significantly affected. By comparing time series of recordings, it is possible to clearly identify areas that are particularly endangered by illegal loggings, which creates opportunities to concentrate activities in combating illegal logging in areas that are significantly affected.

### 3. CONCLUSIONS

It is very difficult to assess extent of illegal loggings of forests in Serbia. Appraisals range from only 10.000 m<sup>3</sup> - which represent illegal loggings officially registered in the state forests, up to more than 1 million of m<sup>3</sup> - if the illegal loggings include wood that is cut by private owners, in their forests, without official permits for logging. Lack of accurate data, as well as application of clear definition in relation to abstraction of illegal loggings, indicates that there is not enough dedicated attention to this problem by the competent state bodies, enterprises for forest management and others.

It may be determined that illegal loggings in the state-owned forests are significantly under control, except for certain areas in the border zone with Kosovo, territory under interim protection of UN. However, there are reasonable assumptions that other illegal activities in forestry, that should also be considered as illegal loggings (corruption, diminishing quality and quantity, etc..) according to international definition, are significantly present. Lack of any official information about these illegal activities suggests conclusion that problem is not recognized as significant by the competent authorities, and therefore are not applied significant measures for their suppression.

The extent of illegal loggings in private forests is much higher than in state forests. Private forests are practically without any physical protection from illegal loggings, and their protection is left to the owners themselves. Theft of wood, deception of owner in the process of selling and logging etc. are very present. Perhaps the bigger problem from forest thefts are loggings, executed by the owners themselves, without the consent and professional support of the competent services for private forests. These loggings often have a character of clear loggings, which is permanently degraded forests and lands.

Illegal loggings in Serbia represent a problem whose importance overgrows frameworks and responsibilities of forestry, nature conservation and environmental protection. Their capacities and competencies are not sufficient to fully resolve this problem. Role in solving the problem of illegal loggings must be taken by all state institutions, which can contribute in any way. Insufficient understanding of the seriousness and importance of the problem often leads to indifference or mild relationship of police and judicial authorities, whose role is often crucial in detecting, disincentives and punishment of perpetrators.

The reason for the significant presence of illegal activities in Serbia can be found in the very difficult economic situation and the problems of population existence, under-developed people awareness about the importance of forests protection, traditionally negative attitude to forests, but also in the institutional deficiency and weaknesses, law enforcement etc.

The education of all groups of the population, forest owners, wood producers and consumers, relevant agencies and institutions – from long term perspective represent an indispensable tool in the reduction of illegal loggings. By raising the level of awareness about the need of forest protection for the good of all, the level of personal responsibility of all participants in the chain of illegal logging is affected. Global practice of forest certification shows that by raising consumer awareness that is the only right way to buy legally produced wood, can significantly reduce the offer of illegal wood (and products of wood) on the market.

Activities on suppress of illegal activities in forestry, have to be defined and required by superior authority or the Government of the RS. Activities previously must be clearly established within the National Action Plan for combating illegal activities in forestry and wood industry of Serbia. In all activities must be taken into account that equal responsibilities and duties lie in the larger number of

participants - forest services, police authorities, judiciary, ministries etc. Importance of the problem and overlapping of responsibilities require multisectoral approach to solve this problem, with clearly defined responsibilities and obligations of all participants in the process. Past practice shows that the positive results of some of participants in the process are completely canceled by the other one which is inactive - which eventually leads to inertia of the whole system.

The process of combating illegal loggings must be seen as a long-term activity that requires a systematic approach and persistency. Economic development of society will certainly contribute to the reduction of interest for illegal loggings, but it represents only one of the conditions for that.

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