

Illegal forest felling activities in Russia

FOREWORD

At the turn of the millennia humankind faced a problem of growing scale of illegal forest felling. The present material refers to violations of forestry and environmental protection legislation, as well as respective international conventions. In some countries the volumes of illegally cut wood have become comparable to the scale of legal forest felling operations. For example, in Indonesia in late 90's official volumes of logged wood were 25 - 28 million m³ and volumes of illegally logged wood - somewhere between 17 and 30 million m³ (Natural Resources Management Program, Jakarta). In other countries the authorities are getting involved in organisation of such illegal wood logging.

Recent research carried out in the framework of the 'Global Forest Watch' project in Cameroon, showed that illegal concessions were granted by authorities of the highest levels. Some researchers dealing with the forestry complex in Brazil, believe that up to 80% of timber in the Amazon is logged illegally. Illegal cuttings frequently take place not only in tropical forests, but in boreal forests as well. For example, due to the lack of the Canadian Forestry Service controlling forests in the country, cases of over-logging for instance, in the British Columbia, have gone far enough from being rare. There are cases when illegal forest felling operations were found in protected natural territories in Poland and Belarus.

Unfortunately, in Russia illegal wood logging has become a usual thing, and in some regions the share of illegal timber in the total turnover of logged wood is getting more and more significant. The purpose of the present survey is to sum up the data on illegal forest felling operations violating forestry legislation. Other types of legislation have been touched upon, too, but very slightly. However, even this rough analysis shows that at least 20% of timber in Russia is getting logged either illegally or severely violating the existing legislation.

What is the result of illegal wood logging? Besides all the damage to the environment, illegal logging results in losses for the budget and corruption. It also blackens the image of the Russian forest industry, because today none of the companies buying Russian timber can be 100% sure that all the wood they buy has been logged in conformity with the law.

Unlike many countries of the world, Russia has quite sophisticated forestry legislation and, what is even more important, a specific method for implementing this legislation. From certain points of view, Russia's forestry legislation is redundant and regulates even those forestry aspects that in many other countries are left at the disposal of local forestry workers (foresters and managers). Sophistication and redundancy of the legislation determine variety and the severity and extent of forestry violations or, in other words, forms and methods of illegal felling activities.

Speaking about illegal cuttings in Russia, we use a definition of this notion given in Resolution #14 of the Russian Federation Supreme Court of December 5, 1998. As stated to wit: 'Illegal forest

felling operation (cutting) is cutting of trees, bushes and lianas without a felling ticket, order of cutting with a felling ticket, order issued with abuse of the existing cutting-practice rules, as well as cutting carried out at the wrong site or beyond a site's borders, exceeding the set quantities, cutting of wrong species or of trees, bushes and lianas that are not subject to cutting...'. We should point out here that this definition is related to the procedure of application of Article 260 of the Russian Federation Criminal Code by court. A deed becomes subject to punishment when the damages imposed exceed a particular amount (20 or 200 floor wages). However, the Rules of On-Stump Wood Allocation in Russian forests (hereinafter referred to as the Wood Allocation Rules or WAR, endorsed by Russian Federation Governmental Resolution #551 of June 6, 1998) set up fines for many of the violations. If paid, these fines save a trespasser from criminal prosecution, despite the fact that the imposed damage is large enough to become subject to the Criminal Code. This is a large loophole to avoid punishment for very serious violations. In such a situation, the volume and number of violations constantly grows, especially in those cases when official penalties are less than the profit that one can gain. Compounding the problem is the fact that, in most cases, the agencies entitled to supervise different aspects of forestry work separately from one another. Moreover, their activities (and conclusions) often contradict one another. All this is further incentive to forest crimes and, in particular, to illegal cuttings. An integration of all controlling bodies into one ministry will make the control of logging operations much weaker due to the specific practice of violations outlined below.

Illegal cuttings can be divided into two large categories:

- cuttings carried on without permits or with forged permits,
- cuttings with official permits (felling tickets, orders for low-amount allocation) which, in and of themselves, cannot guarantee that the felling is legal.

Each of these large groups consists of a wide range of variants. Clearly, the classification given below is relative and each case is quite difficult to be defined by a particular scheme, especially if the case, as it very often happens, is comprised of a number of violations simultaneously.

A. CUTTINGS WITHOUT PERMITS (THEY ARE VERY OFTEN CALLED UNSANCTIONED)

1. Cuttings carried out by local residents for personal needs.

This violation occurs for the following two reasons. First, small village residents in many regions are too poor to buy even the smallest amount of timber and firewood they need. The second reason is connected to the low efficiency of the forest service, meaning that it is easier and faster to go into the forest and logs illegally than to get all of the official papers which are necessary. Our own experience in buying of logs in the Moscow and Yaroslavl Regions, and additionally the Regions of Tver, Leningrad, Sakhalinsk and so on, reveal that to legally buy one log, or to get a permit to cut one tree, it is necessary to spend 1 to 5 working days. Besides that, the buyer has to get a car to take a forester to the logging site and back, or a vehicle to fetch the log from the site for which the felling ticket has been issued, if the log has already been cut by foresters. It is clear that in the majority of cases it is easiest to go to the nearest forest and cut the necessary amount of timber. The foresters will hardly find out, and the neighbours will not tell anyone, because they themselves are doing the same thing.

No doubt, there is a relatively large group of people unwilling to pay the State for the 'people's' resources. The inefficiency of state controlled channels fosters the development of such attitudes. In such a situation, the forest protection principle that fixes a particular forest plot to one forestry service

officer will prove ineffective. A forester, being a man of principle, would become an outcast in his own village and would take more care regarding his own property and the safety of his family than about protection of state forests. No methods of social protection and/or insurance would change the situation. It is often enough that the foresters themselves 'bless' such cuttings and not without profit to themselves.

It is somewhat difficult to assess the volumes of forest cuttings carried out by the local population. Our very rough estimations say that the volumes are equal to some 8 to 10 million m³ of timber annually, which is not registered officially.

2. Cuttings carried out by residents or mobile teams for subsequent sale

This variant is most typical for logging of large-sized especially valuable wood. Accordingly, the scale of such logging is largest in the southern part of the Khabarovsk Kray (region) and the Primorye (ash-tree, oak, Korean pine, nut tree, cork tree) and in the Northern Caucasus (oak, beech, chestnut tree). Only the officially registered volumes of such cuttings in Primorye exceed 10,000 m³ every year.

According to our information, only in the Roshchino leskhoz in Primorye the annual volume of unsanctioned cuttings of this type and of valuable tree species is 16 - 22 thousands cubic meters. The deviation from the official figures can apparently be explained by the fact that the Roshchino leskhoz did not register unsanctioned cuttings when they failed to impound illegally logged wood. There are no reasons to say that other leskhozoes act in another manner. That is why the actual amount of illegally logged wood is much larger than official figures.

Usually the teams (and in fact, illegal companies) operating via this strategy are very organised and have good connections with the authorities of different levels. Many such teams are 'protected' by criminals or bring a good profit to criminal groups. For example, in June 2000 after a more detailed research in illegal cuttings in the Krasnoarmeysk Region we encountered a large company dealing with forest felling operations illegally. When the company workers were cutting trees, the logging site was guarded by three patrol cars and armed security people were present at the logging site as well.

The results of the investigations conducted from February through June 2000 indicate that at least in some areas, for example, the Krasnoarmeysk district of Primorye, the issue of illegal cuttings is no longer a problem exclusively for the forestry department. Apparently, a greater part of the population, companies and state agencies of the Krasnoarmeysk region, is involved in illegal logging and trade in wood. Now we can speak not only about the illegal trade but also about a whole way of life, which has the illegal sale of wood as its essential component. People in the regional administration say that the part of the population making a decent wage apart from wood logging, is the first to get involved in illegal forest felling activities. The population sees illegal cuttings as a good additional source of money. Probably, in these activities people use equipment of local forestry enterprises and wood logging companies. The management of these enterprises is very often aware of what is going on, but turns a blind eye because if their workers have a supplemental income, management can feel justified for giving smaller salaries (and this, in turn, affects the taxes). There is every reason to believe that large wood logging enterprises also accept and/or buy illegally logged timber from the population (meaning, workers of these enterprises).

The location of illegal forest felling operations gives us reason to believe that the bulk of timber goes finally to the China. Control over timber transporting operations in the district has become a

political and financial issue. Over the last two years, a police post on the Novopokrovka - Dalnorechensk road has been organised and removed several times. There is a local anecdote stating that a young police officer asked to be sent to this post because his family was in 'a difficult financial situation'. Local residents say that police officers working at the post in winter, bought cars (an ordinary police officer could not afford a car because of his low salary). During the times the post was missing, the transporting operations were especially active.

Along with mobile teams illegal cutting is a source of money for 'family teams'. Cuttings of this kind are usually small-scale and loggers take 1-2 logs at a time. There were several times when we saw such cuttings near the village Roshchino of the Krasnoarmeysk Region of Primorye in June 2000.

We often spoke to local residents. They told us that along with the official logging companies buying illegal timber, there are also private citizens who do the same thing. We even learn the name of one such person who supposedly works for the Terneylesstroy company, that is for the Plastun - Olga ports. Discovering his name was not too difficult, since all local people know the name and even this man's schedule very well, as do local administrations. The same results were received after local journalists analysed the system of trade in illegally logged wood (for example, see the 'Posledniye Izvestia' (Latest Events) newspaper dated July 7, 1999, <http://www.novosti.vl.ru>). It's worth noting that none of the illegal wood dealers have ever been brought to justice.

Illegal forest felling operations of this sort very often occur near large timber consumers dealing in cash and careless in their choice of suppliers. Such sites include forest ports in Saint-Petersburg, Vyborg, Luga, etc., as well as some ports in the Far East, some wood-processing and pulp and paper mills (for example in 1997-1998 the Svyatogorsky P&PM, now the situation has changed for the better; in 1999 - the Syassky P&PM (see local newspaper 'Vestnik' dated May 6, 1999 #5)). There is a strong reason to believe that such a scheme is very popular (more popular than outlined by official statistics).

Besides all of the above mentioned, there are unsanctioned cuttings for sale (or for illegal small business - small-volume sawing and producing of traditional wooden houses and so on). Usually such cuttings focus on widely spread tree species (spruce, pine, not very often, birch) that, as we think, don't exceed 500,000m³ a year. Basically, such felling operations are concentrated in certain regions: the Republic of Karelia, the Leningrad, Arkhangelsk (southern and central parts), Novgorod, Tver, Yaroslavl, Ryazan, Vladimir, Moscow and Sakhalinsk Regions, possibly, the Irkutsk Region, southern part of the Krasnoyarsk region and the Republic of Burayatia. Besides demand, there should be some other key conditions for this type of cuttings. At the very least relative transport accessibility of forest is necessary, including those forest plots where all types of felling activities are prohibited, and local residents who own (or, at least, have a possibility to use illegally) appropriate equipment, such as tractors, loaders or trucks equipped with hydro-manipulators.

3. Cuttings carried out by companies near officially developed sites or in the distant areas that are seldom visited by supervision agencies.

Some companies start logging wood illegally if they log a large wood volumes legally and have several wood-logging teams within it. The key condition for it is a large number of allotments developed simultaneously and/or an area difficult to access for supervising organisations. Such a situation is especially characteristic for military forestry enterprises that very often do not obey forestry legislation. However, this might happen in the forests belonging to agricultural enterprises and forests

of the Federal Forestry Service, as well. The fact is that if a team of loggers was not caught red-handed where they were cutting wood illegally, it is very difficult to prove their connection to illegal cutting. After three or more years (after the term of allocation materials and felling ticket storage in a local unit of the Federal Forestry Service (FFS) is over) asserting proof becomes completely impossible. Such cuttings can be arranged after a direct agreement is reached with representatives of the local unit of the FFS.

Illegal cutting of this type can be easily detected if we compare the allocation materials and felling tickets with space images of the area made a year before and by the time of the check. To detect logging sites and assess their size we can use images with a resolution of 100m and higher (but not higher than 30-35m). The problem is that not a single state supervision body uses space images for these purposes. Moreover, the official authorities, for example the Federal Forestry Service, never arrange any detailed research in this field and believe that such cuttings do not exist at all (and are not even possible) or that their number is insignificant. Independent checks in this field are very difficult to arrange, because all of the necessary papers (allocation material) are stored in leskhoz (local units of the Federal Forestry Service) or in the company that carries on illegal cuttings. These materials are traditionally considered to be secret and become even more closely guarded if there is such an agreement between the leskhoz and the company.

According to the data we have, it does not seem possible to assess volumes of such cuttings. However, in 1998-2000 we found facts proving that such cuttings did exist on the Sakhalin, in the Khabarovsk and Krasnoyarsk regions and in the Republic of Buryatia. In all particular cases we could speak of amounts from some hundred to some thousands of cubic meters of illegally cut timber.

2a-3a. Fellings on the places of officially completed selective fellings, including officially discovered and aborted unsanctioned cuttings

This popular method, practised by locals, companies and departments of the Federal Forest Service (now the Ministry of resources) implies that an unsanctioned cutting is disguised as a completed and accepted felling, or as an unsanctioned cutting performed by another individual or company, already discovered and aborted by the forest protection agents.

Clearly, such violations are exacerbated by the practice of paying the forest loggers which depends on amount was logged and the patrol system of forest protection under which one FFS ranger solely supervises an allocated plot without being monitored by any superior or figure of authority.

In May 2000 in Prymorsky region local residents including workers of wood logging companies considered such practices as usual for most wood logging companies and some leskhoz. In the Krasnoarmeysk region we saw examples of such operations carried out most likely by the local leskhoz (or its workers) and the military.

As far as the volume of illegally logged valuable timber is concerned, in total for Russia it exceeds 600,000 m³. The volumes are not too high, but in cost-value terms they are equal to about 2-3 million m³ of less valuable tree species.

CASE:

In July 1998, in Pogranichnoye forestry of Smirnykhovski Leskhoz, a team from, in the words of the team leader, OOO Smirnykh Les sampled large spruce trees beyond the limits of its own logging plot, in the area of an abandoned unsanctioned winter felling of another company. New logways were built in the unsanctioned felling area, including in the spawning-protection stripe of the Skvortsovka River. As of the moment of inspection, the total volume of fresh-cut wood exceeded 400 cubic meters (over 220 trunks). The foreman at the logging site attempted to prove that the fresh summer logways and fresh stumps were in fact the results of another team's winter operations. It was apparent that illegal fellings in that area had been underway for a few weeks. All that time, the representatives of the FFS had either not entered the logging site, or their inattention had been handsomely compensated.

It is worth noting that in many cases small and medium-scale illegal cuttings are very easy to fight, because the places where the timber is cut and where it is sold are either well-known or are very easy to discover.

For example, in early June 2000 a Greenpeace Russian team in the Krasnoarmeysk Region of Primorye with no problems and special tricks had the opportunity to videotape five unsanctioned cuttings on the stages from forest felling to transportation of the illegally cut wood. The foresters (including those from the Roshchino leskhoz) say that they could easily stop illegal forest cuttings but they do not have any time for forest protection because they have to work in other places ('profit-making cuttings'). Moreover, a very popular practice is that foresters are appointed loggers, chokers and so on for the winter period.

Efficiency of other environmental protection agencies and law enforcement bodies cannot sustain any criticism. Judging by what we saw, large illegal companies and teams are well aware of the time and place where mobile police posts are set up. The same problems exist in other regions, too.

Another way to fight illegal cuttings is to introduce a few additional regular paper checks during shipment, as well as confiscation of illegally shipped wood (and vehicles). Even if such paper checks (checkpoints) don't prove 100% efficient, additional bribes that illegal loggers will have to pay at such posts will make a significant part of small-scale illegal wood-logging business unprofitable. The control over small-scale forest felling operations should be accompanied by a stricter control over operations of wood logging companies and exporters. In general, we think that the following should be done to fight unsanctioned forest felling operations:

- change the system of forest protection when every forester is responsible for particular part of the territory and start using small but very mobile and well equipped inspector teams operating only in areas situated far from their permanent residences. Such teams should be organised first of all in those areas where forest felling and wood logging operations are especially active.
- prohibition of any economic activities by forestry bodies (department of the Federal Forest Service - the Ministry of natural resources) no matter how good their intentions might be;
- introduction of additional (redundant) checks of documents for the timber transported on the roads leading to sale places;
- introduction of appropriate amendments to the Criminal Code and Administrative Infraction Code to toughen punishment for forestry offences, as well as transportation and legalisation of illegally logged wood;

- fully review of the procedure of assessment of actual volumes of wood logged at logging sites; at the present time the volume assessment is based on the Forestry Committee of the Soviet Union Instruction dates back to 1983 and is designed for a socialist 'unprofitable' economy. It is also necessary to introduce new technologies and remote assessment methods;

- full review of the existing procedure of routine control over forest felling operations carried on by wood loggers;

- enlargement of the powers of other agencies supervising forest management and operations of forestry bodies, this has become especially important after the environmental protection agencies and forestry service bodies were united into one ministry;

- to provide open and free-information on forest management to make public control possible; the existing procedure of public access to information about forest management is either very expensive and people simply can't afford it or it lacks any information on how ordinary people can access such important information sources as felling license, allocation materials etc.

- to introduce additional customs codes to the following round wood to be exported from Russia: other spruce timber (except Norway spruce); other fir timber; Siberian and Korean pine timber; walnuts, alders; aspens. Such changes will allow to introduce more precise control on timber export as well as more accurate comparison of logged and exported amounts.

The major part of the measures given above should prove very effective against most violations in the field of wood logging.

The fact that many regions suffered from unsanctioned logging do not introduce effective measures to control the situation or that such measures have been abandoned due to the pressure of the loggers proves how deep the authorities are involved in the illegal timber trade and how corrupt they actually are. Usually such regions (or the federal authorities under the pressure from such regions) take specific actions not actually designed to stop these cuttings, only to imitate that the government makes significant efforts to stop them.

For example, in 1999 licenses for valuable tree species export were introduced (in the Far East these were oak and ash-tree). After that it became impossible to ship and export such timber without an appropriate certificate and license. However, the governmental decision implied a permissive license issue procedure, meaning that every person who applies for a license, should be given such license and that this license should be given on the wood volumes he or she applied for. Formally the authorities were afraid to create obstacles for the development of industry. On May 25, 1999 the Primorye Vice-Governor, Vladimir Stegny, sent a letter to the Russian Federation Ministry of Economy.

The letter said, "From year to year volumes of valuable tree species export from the Primorye to the People's Republic of China and Japan significantly exceed the legal cutting norms. Automatic export licensing without quantitative limits does not give any leverage to influence unfair exporters. In Primorye, for the period of time from February 15 through May 20, 1999 export licenses were issued to 930.9 thousand m³ of valuable wood, when the regional norms for these species for the whole 1999 are only 260,000m³".

In Primorye, about 260 thousand m³ of valuable tree species were permitted to be cut. However, only Primorye companies exported officially (and declared) more than 500 thousand m³ (not including those valid timber exported under customs code 440310900). The problem is that among all valuable

tree species in the Far East only oak has its own customs code in the Customs Code List for Foreign Trade Operations¹. Walnut, cork tree and ash tree together with lime, aspen and alder and other inferior tree species were sold under a single customs code. That's why it is impossible to say precisely how much valuable timber was exported from Primorye and other Russian regions. It is clear, however, that the share of inferior tree species in timber export from the Russian Far East was very small. In 1999 there were several cases when people tried to illegally export valuable tree species (see, for example, the 'Posledniye Izvestia' newspaper <http://www.novosti.vl.ru> and 'Sikhote-Alin' of December 14, 1999). From our experience, we know that for each unsuccessful attempt to illegally sell valuable timber from Russia abroad there are several successful ones. Additionally, we must take into account the fact that the customs does not accurately inspect large consignments of timber actually shipped via sea transport because such inspections are impossible technically. According to estimates of local and regional administrations, in 1999 more than 600,000 m³ of valuable timber were exported only from Primorye, which means that at least 300,000m³ were logged in the region illegally.

Large volumes of the export licenses that exceed the permitted cutting volumes, allow timber exporting companies to legalise illegally logged wood. In fact, when illegally logged wood comes to, for example, the Plastun port or the Dalnerechensk base, it becomes legal being due to already issued licenses.

Export of Valuable Tree species from the Far East, 1999, m³

Primorye region		Khabarovsk region		Imported by buyer countries	
Rosleskhoz	RF SCC	Regional administration	RF SCC	Japan*	China
88000	523000	Up to 300000	135000	336000	352000

RF SCC - Russian Federation State Customs Committee

* Only highest quality timber is included

¹ Code for ash was introduced in the end of February 2000

4. Fellings caused by the unauthorised construction of non-forestry facilities

At present, timber is often felled to clear areas for the construction of industrial or commercial facilities (buildings, quarries, etc.), based on the decisions of heads of local or regional administration without issuing required permits, or with no authorisation whatsoever. In the majority of cases, the culprits are not penalised, whereas the permits are issued post factum, if at all. Even after a violation has been officially disclosed and a protocol has been drawn up, the illegal construction, in the vast majority of cases, is continued, because "money has already been invested" and the forest destroyed.

Such practices are common across the nation. Each individual case normally includes damages to a small area. The total volume of such cuttings cannot be calculated.

B. 'LICENSED' BUT ILLEGAL FOREST FELLING OPERATIONS

The existence of official permits for cutting operations does not always mean that a particular cutting is legal. More often that not, cutting permits are issued in defiance of current legislation. In other instances, written permits are out of line with "on site" permits, or the cutting as it is performed

violates the conditions specified in the permit. In all the above cases, cuttings should also be considered illegal, with the culprits subject to criminal penalties.

5. Issuing permits for felling in areas where felling is prohibited or not envisioned in current legislation.

a) A classical example is cuttings in specially protected natural areas, or areas where cuttings are explicitly forbidden by the nature protection regime.

Normally, such violations are caused by two basic reasons. First, leskhoz employees are ignorant of current legislation and/or have no access to information on whether their leskhoz includes specially protected natural areas (primarily, regional-level ones). Second, state forest registration and forest inventory are frequently blind to bans on industrial operations in specially protected natural areas. According to current legislation, forest inventory recommendations are mandatory. In the recent years, the number of such violations has somewhat declined as a result of strict measures taken by state environmental protection agencies.

Now that all supervising agencies have been united in one ministry, the number of such violations should drastically increase.

Specially protected natural areas are often corrupted following the exhaustion of accessible wood in adjacent areas. In such cases, protected areas are targeted by forest-logging companies. The attempts to invade protected areas are sometimes aimed at the abolition of their status as such.

Besides, on many occasions cutting permits are issued under pressure from local authorities. In 1999 and 2000, the Cabinet of Ministers of the Republic of Bashkortostan ordered the felling of several dozens of square kilometres of woods in Bashkiriya National Park.

b) Cuttings not envisioned in forest inventory documents.

According to current legislation, forest inventory documents (including logging plans) form the basis for the planning of all economic activities, including cuttings. Deviations from forest inventory documents (including plans for cutting not envisioned by forest inventory) are possible, but only on serious grounds, such as changes in the forest health condition, natural disasters, or errors in forest inventory. In all the above cases, the procedure for amendments is unwieldy. In many regions, however, we encountered cuttings not approved by forest inventory performed with no excuses offered at all. This is normally done at the orders of an individual forest user, especially if this user is also the de facto unofficial authority in the area. We witnessed such cases in Leningrad, Arkhangelsk and Chita Oblasts, and in the Republic of Buryatiya. The practice, however, must be spread even more widely, since most regions lack the mechanisms to detect such violations.

"Profit cuttings" not envisioned in forest inventory are popular, to various degrees, among leskhozes (departments of the Federal Forest Service) in all regions where such cuttings are a significant source of profit for FFS.

In this chapter we are not referring to situations in which the grounds for excessive cuttings are legislative amendments made after the forest inventory. Such cuttings (provided the interpretations of new legislation are correct) are legitimate. On several occasions, however, we could see economically profitable regulatory amendments introduced enthusiastically, while others were postponed until the

next forest inventory session. In 1997 and 1998, leskhozoes in Leningrad Oblast were vehemently conducting regeneration (obnovlenye) and re-formation (pereformirovaniye) cuttings provided for in the new Instruction on Thinning Cutting and not in the forest inventory. At the same time, those leskhozoes continued accretion cuttings in maturing forests, referring to forest inventory documents, although that same new Instruction prohibited such cuttings in these forests.

6. Issuing logging permits with violations of the existing procedure for permit issuing, or without the assessment of the real logging capacity without violations of current legislation.

- a) issuing permits without real assessment of the volume of wood allocated on stump, or with gross errors in the calculation of volume.

Every logging operation itself should be preceded by forest management agencies (leskhozoes) determining the size of the reserve in the plot and the value of wood allocated on stump. The procedure for determining the volume of wood to be cut is quite sophisticated, which results in numerous violations at this stage, some of them caused by low-quality ("office-based") calculation methods, others proceeding from deliberate errors made at the request of individual forest users. In this case, the actual sampling, by volume and/or tree-species composition, does not correspond to the permit. The cutting becomes illegal. Upon receiving the plot into his operation, the forest user signs a protocol, thus confirming that allocation documents reflect the real situation and assuming all responsibility for further developments. The monopoly enjoyed by leskhozoes does not allow forest users (companies) to argue with leskhozoes. Our data show that gross violations in wood allocation occur in all regions of Russia, whereas in a number of regions (Leningrad, Novgorod, Arkhangelsk, Sakhalin, Chita, Irkutsk and Amur Oblasts, Khabarovsk and Krasnoyarsk Krays, Republic of Karelia) it has become a predominant practice. The Rosleskhoz itself confirms the low quality of allocations.

- b) issuing permits to companies unauthorised to be engaged in logging operations

In compliance with legislation, a company intending to conduct logging activities should undergo a licensing procedure. In the absence of a pertinent federal regulation, each region has its own licensing pattern. A number of regions still lack any endorsed licensing procedure. However, a more curious precedent is set by both licensed and unlicensed forest loggers operating within the boundaries of a single region. Unlicensed operators are often considered "privileged", i. e. they have reliable 'friends' in the regional administration. A recent example is the logging in a Sakhalin military forestry in the years 1999-2000. The cutting has been carried out by an unlicensed company owned by Sakhalin's former deputy governor. Such situations are very frequent in the Far East regions and in the European part of Russia (for example, see the 'Priamurskiye Vesti' (Priamurye News) newspaper, April 1999).

- c) issuing permits to companies physically incapable of cutting and transporting wood using technologies authorized for the specific conditions.

This type of violations is especially characteristic of the Far East where skidding and transportation of wood upon the creeks or springs are forbidden, whereas a network of spawning-protected forest strips is highly developed. In such cases, leskhozoes issue permits without realistically assessing the companies' capacity for transporting logged wood. As a result, violations have become inevitable, with apparently no one to blame. There are reasons to believe that in many cases there is a blatant collusion between forest users and leskhoz employees.

The same applies to a number of prohibited technologies and logging types (especially terrace loggings in mountainous areas of the Far East and field cuttings) carried out as clear cuttings in areas so remote from processors and consumers that real clear cutting under such conditions becomes insolvent.

d) issuing cutting permits based on dubious (or wrong) interpretations of forest management laws and regulations.

This is a multi-faceted widespread practice with regional peculiarities. For example, when measuring how steep the logging site slope is (which determines whether logging should be permitted here or not), the slope should be measured from the top border to the lower border of the plot. Depending on how the logging plot is located along the slope, the steepness can be either emphasised or concealed. When measuring the sides of logging sites, in case the slope is over 6 degrees, the measurements should be emended. The size of the officially declared volume of wood at the site depends on whether or not the above has been performed. A large number of violations have to do with interpretations of the Instructions on Thinning Cutting, particularly in the case of regeneration and re-formation cuttings.

7. Entering deliberate amendments into forest management documentation, formally allowing cuttings otherwise prohibited.

The most frequent kind of violation is the exaggeration (or invention) of the degree to which a forest is afflicted with pests or diseases, so that immediate selective or clear felling is necessary. Such incidents are quite frequent. We encountered them in all the regions studied. The selection of stands and the volume of such fellings depend exclusively on the impertinence of a particular leskhoz administrator. Although the sylvipathological condition of the forests should be assessed by an experienced sylvipathologist, formally independent from the leskhoz this is not the case in all areas. In reality, leskhoz rarely have any problems prescribing cuttings 'to restore forest health' (sanitary cuttings).

The documents regulating the allocation and permission for logging are stored in the leskhoz, the sylvipathological department and/or the forestry administration of the region. They do not transcend the walls of the interested agency. Due to this it is often hard to determine whether the violations have occurred at the point of preparation or actual felling.

CASE:

Thus, for many years Gastello leskhoz in Sakhalin has been exporting large volumes (7136.7 cubic meters in 1999) of top-quality spruce sawwood to Japan. Normally this is one or two lower pieces of large straight trunks. However, the leskhoz logs such wood primarily in the course of selective sanitary cuttings. To log wood of the same quality and in the same quantity, mostly healthy trees have to be felled, which implies a bold violation of the Sanitary Rules for the Forests of the Russian Federation.

Another example is selective sanitary cuttings on the Karelian Isthmus where according to Felling ticket # 92 of the Vyborg leskhoz dated April 9, 1997 the firewood output was expected to be about 1.5%, which is impossible in case of high quality allocation and tapping of a sanitary cutting. An independent multilateral check in three leskhoz discovered several dozens of such felling tickets for the total volume of more than 100,000 cubic meters of timber.

Ordered allocation of cuttings occurs in connection to alleged changes in the health condition of forests and often serves not only the interests of leskhoz but the interests of forest consumers as well.

CASE:

For example in 1998 workers of one of the forestry units (leskhoz) in the Republic Bouryatya took representative from NGOs for businessmen from Moscow and started reporting that all the papers about the "lethal" disease of a Siberian Pine forest plot were almost ready. Papers for the cutting were also ready, but as they claimed the timber was healthy and of the highest quality. They offered to go to the forest plot in question and judge for themselves. For your information we can tell you that the Forestry Code of the Russian Federation prohibits final cuttings in the Siberian Pine forests. Only thinning and felling of ill and dead trees are allowed in such forests.

CASE;

Another example came to us from the Kikinsky leskhoz in the Republic of Buryatia 1999).

On November 10, 1998 the Kikinsky leskhoz issued felling ticket #106 to the "Baikal Forest Company" Ltd. to carry out a regeneration cutting in the block 23 of the Verkhne-Itantsinsky forest area. The cutting was supposed to be 272m³/ha of merchantable wood with the stock of growing timber 280m³/ha according to the forest inventory materials. That meant a clear cutting in a forest with the basic density equal to 0.8. The on-stump wood allocation was to be free according to the lease contract. By the time the felling ticket was actually issued, the lease contract had not passed the State registration, which meant that according to the Forest Code the contract was void. However, the privileges given to the lessee remained. Due to the fact that this cutting was not provided by the forestry project (forest inventory) for the territory, rented by the Baikal Forest Company Ltd, the leskhoz informed the company about the possibility of revoking their felling ticket. This means that the felling ticket was first issued and only after that they started to make sure whether they could issue this document. No wonder that by the time the leskhoz decided to withdraw the felling ticket the forest cutting in the area had started and was already at full force. The company found itself in a strange position. If the felling ticket was withdrawn, it would simple to acknowledge the felling activities unsanctioned and then, in addition to huge penalties, it would be punished under Article 260 of the Russian Federation Criminal Code "Illegal Cutting of Trees and Bushes".

The company decided to fight for this forest plot, which was not difficult for Mr. Pruidze, because he, the Head of the Baikal Forest Company had very good relationships with the highest bosses of the Forestry Ministry in the Republic of Buryatia. So, on December 7, 1998 the Baikal Forest Company sent letter #781 to the Forestry Ministry of Buryatia with a request to issue a felling ticket for regeneration cutting in the above mentioned forest plot (the ticket had been issued almost a month before). According to a resolution of December 8, 1998 (the next day after the letter was sent, an awfully short time to consider a forest company request) deputy minister A.V. Martynov orders to the leskhoz to permit a clear sanitary cutting. He only ordered to arrange a forest pathology research because logging in this place was not included in the forest inventory. If we translate it into plain English then the main idea of the whole affair would be that if one cannot cut wood here but has a very strong desire to do so, one can arrange a clear cutting if it is shown that the forest is sick. The same day, that is December 8, 1998, forest pathology expert A.Y. Chernyaev and forester Y.I. Shtayer completed an Examination act of forest pathology research in this forest plot. This research showed that the forest had fulfilled its water protection, environmental and other functions, and now it obstructed the growth and development of the young stand.

From these materials, including set of special tables it was obvious that forest needs a sanitary clear cutting. In particular it was shown that on all 5 sample areas studied, exactly 100% of all trees were attributed to the third condition category (very weak). The cause of the weakness was 'core rot' of an unknown origin. Obviously, the task presented to the executors was not clear enough, because after the research it was recommended to carry out a regeneration cutting with mandatory labelling of the trees subject to felling activities, instead of a sanitary clear cutting. The papers written after the forest pathology research were filled with serious violations.

On December 11, 1998 the Forestry Ministry of the Republic of Buryatia issued permit #1319 to carry out regeneration cutting in compartment 23, allotment 15 with the total area of 13 ha. The permit was issued based on the Examination act of December 8, 1998. Nevertheless, the leskhoz changed the felling ticket to arrange a sanitary clear cutting. The Buryatia Forestry Ministry never issued an official permit to carry out a sanitary clear cutting. Obviously, the leskhoz had already changed the felling ticket on December 8 or 9 upon receiving Mr. Martynov's order, not waiting for the necessary permits to be prepared.

Very often the figures showing the specie composition and density of forest stands are not given correctly, which makes it possible to arrange more intensive cuttings or carry out cuttings in forest stands with a significant share of valuable tree species with no appropriate limitations.

Along with such rather simple and very widely spread schemes there are other more sophisticated ones. For example, on the Sakhalin foresters very often forge records of introduction of changes into forest inventory materials. For instance, to carry out a cutting on a steep slope (banned by the Regional cutting-practice rules) a forester from the Yuzhno-Sakhalinsk forges a document. In this document, he asserts that the slope is not really as steep as it was recorded in the forest inventory materials and that it is suitable for logging. The fact is that the Forest Felling Regulations refer to slopes in general and say nothing about the slope on loggers' roads. The difference between these two is the same as the difference between the slope of the hills and the slope of the road running between the hills. The same situation is quite common for many other leskhozoes of the Sakhalinsk Region.

We have some rough estimates, but according to them at least 20% of intermediate felling in Russia (i.e. at least 5 million m³ in 1999) are illegal due to decisions drawn to justify violations of the existing legislation.

8. Intentional mistakes of Forest Inventory

Forest inventory organised partially according to the existing legislation and partially according to the illegal interests of the client has been a usual practice in Russia for the last decades. The fact is that when organising any forest inventory, it becomes necessary to determine what and how one might cut during the following 10 years and in some cases during much larger periods of time. That's why agreements between logging companies (including leskhozoes) and forest inventors are a common practice in Russia. However, in recent years a few new details were introduced into this system. Under the Provisions of a lease, a year after the transfer agreement was signed each lessee should present to the renter a plan of final felling operations and other forestry operations in the rented plot of the forest

fund. If the term of lease is 2 to 5 years, the lessee should present a plan of cuttings. If a forestry area (a part of silvicultural enterprise) is leased in parts, especially if the parts belong to different holders, the plan of felling operations is designed for each part separately. As a result, the total volume of cuttings for all the rented sites together is very often higher than the volume allowed, adopted and passed EIA for the area in general. According to the legislation the timber volume for forest management have to be previously set for the whole leskhoz. Under the existing legislation no check is required to see whether the sum of volumes of timber produced by these separate plots correspond to the officially set volume for the whole leskhoz. There is strong reason to believe that such changes in the forest inventory never take place without appropriate investments on the part of interested partners.

Traditionally wood stock on the plot is underestimated during forest inventory as well as forest density is overestimated. Very often there are 'mistakes' in the species composition or age determination. Such violations and 'mistakes' are common forest inventory practice in Russia.

It does not seem possible to assess the amount of logging resulted from such violations and 'mistakes'.

9. Forest cuttings carried out with abuse of the existing legislation.

a) overlogging by volume and area.

Overlogging by volume is more characteristic for non-clear cuttings with allocation of wood by quantity. In this case timber consumers take advantage of the weak points of legislation and, in particular, the absence of a procedure of true assessment of logged material quantity. Under the rules that are effective now, volumes of logged wood are determined by wood storage made by the logger or by other information presented again by the logger. Hence, if the logger does not show everything, or does not record the true volumes, then overlogging remains unnoticed. One can prove that overlogging has really taken place only by counting the stumps, but the existing legislation describes such a procedure only partially and does not mention it as being mandatory, for such occasions. The result is that in all regions where such cuttings take place (for example the Leningrad Region, Karelia, Buryatia, and the Khabarovsk region) average overlogging reaches 30 to 40%.

Overlogging very often takes place under allocation of wood on the stump with the individual labelling of every tree that is to be cut. The problem is that the label does not have any security categories. Moreover, timber consumers themselves long ago started labelling and allocating trees for cutting without leskhoz. In such a situation it will not be too difficult to mark additional trees. From our experience we know that such overlogging seldom exceeds 15-20%. The existing forestry legislation has absolutely no leverage to fight this type of overlogging.

Overlogging by area is something that cannot be contained very often. Such overlogging often takes place due to mistakes foresters make while allocating wood. The fact is that forester get paid dearly for such 'mistakes'. The second variant is when the felling operation passes beyond the borders of the forest plot allocated for cutting. While cutting of one or several trees beyond the borders of the logging site is a common practice almost everywhere, illegal cuttings of larger amounts of wood are typical for those regions where volumes of logged timber are very large and for the regions situated far from the supervising agencies. For example, in 1998 in the Pervomaysky leskhoz we watched construction of a new road leading toward logging sites that have not been allocated, yet. The logging company that constructed the road at the same time picked up all trees fit for cutting in the range of 30

meters on both sides of the roads without any permission to do this. Judging by the way the logways in this region looked, such a practice is a general rule here. In the same region we encountered an occasion when a company paid a forester and logged wood 500 meters beyond the borders of its logging site. The same situation can be observed in other regions as well.

Another widely spread example is the cutting of trees beyond the borders of a particular logging site together with illegally move of the borders to cover the fact that a violation has actually taken place. Since the borders of a logging site are usually marked with nothing more than a hard-to-see cursor and small columns in the corners, it is very easy to move such a border. Such violations always remain unpunished because it is almost impossible to prove the company's connection to this violation.

In several leskhozoes of the Leningrad region we met a situation when timber logged over the officially permitted amounts, were given to foresters under a corresponding preliminary agreement in order to 'build good relationships for the future'.

According to our estimates, such overlogging reaches 1.5-2 million m³ annually. It is very difficult to discover such violations during independent checks because there is no access to the necessary forestry documents and because there is always a covert agreement between leskhoz officers and logging companies.

b) change of composition and structure of chosen tree species.

It is a very common violation in a situation when a logging company can allocate wood by himself. Such violations are very wide spread in the regions with several tree species differing dramatically from one another in terms of price (centre and northwest of the European part of Russia, the southern part of the Far East, the Northern Caucasus). These violations do not usually lead to significant fluctuations of logged wood volumes. It does not seem possible to assess what amount of wood is being logged when such violations occur.

c) non-observable cutting technologies and tree removal rules.

If an officially adopted technological map (map of skidding roads and truck road etc. on the logging site) does not provide for economically efficient and technologically simple methods to log wood or organise timber removal, logging companies usually resort to different violations. Generally, they change logway construction plans, build skidding roads and logways through the areas where such things are prohibited by law (for instance, along waterways), change location of technological sectors and so on. Very often such violations take place with no reference to heads of said logging company, meaning that this is only an initiative of workers (direct executors). Usually these violations do not directly affect volumes of logged wood.

CONCLUSION

The experience of the last years reveals that, unfortunately, it has become a usual practice of forest felling to ignore the existing legislation. For example, in June 2000, at one of the logging sites of the Dalnegorsk district in Primorye region we detected a forest felling operation that was carried out outside of the borders of the permitted logging site. This was conducted in a remote part of an allotment where a few Korean Pines were cut down (although, as the loggers said they were forbidden to cut Korean Pines). In the same area log-ways ran along a stream. There were other violations, but none of the workers saw anything wrong, saying, We've cut down a couple of Korean Pines. So what?! Cutting a few Korean Pines won't do any harm. This phrase says everything about what wood loggers

think about breaches of the law. A few is nothing and we may cut down a few trees. This amount depends on a particular person and his or her conscience, if there is any at all. Unfortunately, the attitude of the supervising agencies toward this issue is the same, not taking into account the cases when fidelity to one's principles becomes something that can be easily bought and sold.

Last notes

In 1999 Russia exported about 29 million m³ of raw timber, and in round wood Russia exports more than a half of timber logged both legally and with violations of the existing legislation. Considerable income from the forest export stimulates forest felling both legal and illegal. The majority of companies buying wood from Russia either don't take interest in or prefer not to think about the origin of timber they buy, because they think that it really matters only in Russia Abroad all timber, even stolen, becomes legally clean. That's why it doesn't seem possible to solve the problem of illegal forest felling operations until both buyers and sellers of forest products close the illegally logged timber from entering the market.

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