



REPORT

on the International Conference on Forest Law Enforcement and Governance in Kyrgyzstan

Issyk-Kul, Kara Oi, Ak-Bermet Hotel, 31.07 – 03.08 2007



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Intercooperation Office, August 2007

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1. Introduction

1.1. Kyrgyzstan in the international Process ENA FLEG

ENA FLEG (Europe and Northern Asia Forest Law Enforcement and Governance) process is an international negotiation process on the problems of law enforcement and governance in the forest sector in the countries of Europe and Northern Asia. This process is aimed at mobilization of international efforts of the governments of countries- consumers and producers and donors so that to activate measures to combat illegal felling and poaching and linked with them trade and corruption in the forest sector.

The participants of the process strive for establishment of political field which will facilitate coordination of activities to resolve a complex of problems jointly with all the stakeholders from business and civil society on national and regional levels.

Kyrgyzstan has joined the ENA FLEG initiative in 2005 on the International Ministerial Conference, which took place in Saint Petersburg on November 21-25 2005. Official delegations from 45 countries participated in its work and two international documents have been adopted there. These are International Declaration and Indicative Action Plan. It was supposed that participating countries would develop their own systems to fight with law violations in the forest sector, strengthening the system of forest resource governance. After signing these two documents Kyrgyzstan expressed its willingness to continue work in this direction and to elaborate its National Plan of Measures on forest law enforcement and governance (NPM).

1.2. Development of FLEG NPM

In the beginning of 2006 on the basis of these documents the Representation of Swiss Foundation for Development and International Cooperation "Intercooperation" which is implementing Kyrgyz-Swiss Forestry Support Programme (KIRFOR), together with representatives of the State Agency for Environment Protection and Forestry have prepared a project to elaborate FLEG NPM for Kyrgyzstan and presented it to the donor – the Swiss Agency for Development and Cooperation - SDC. And in a due time the project was approved and the work on its implementation started.

This new project complementing KIRFOR activities in the part of national forest sector reform is supporting the Government of Kyrgyzstan in development of FLEG NPM as well as creation of mechanisms for effective interaction of the forest sector partners and all the stakeholders Draft NPM will be finalized in the second part of this year and submitted to public and experts for the debate. After amendments being included in the draft and on reaching agreement, the document will be submitted to the Kyrgyz Government to be approved.

This project has 1 year for operation and consists of 4 steps:

1. Elements, which favour law compliance are identified
2. The root causes of illegal acts in Kyrgyzstan are identified and understood
3. A strategy and prioritized remedial actions are designed
4. The proposal has been endorsed at high political level and a wide information campaign launched

Results of this project will be further considered and integrated into KIRFOR project on the national forest sector reform (while reviewing of the Forest Code and other legal documents; for promotion of interagency and inter sector partnership; for handing over of production activities into private sector and to further develop Collaborative Forest Management approach).

To implement the project an inter agency Working Group has been established, which has collected data from all the interested stakeholders linked with the forest sector (local population, forest tenants, forest products processors, Local Self Governance Bodies, Local State

Administrations, Militia, Prosecutors, Customs, Courts, etc.) all over the country. The group consist from the representatives of the State Agency for Environment Protection and Forestry (SAEPF), the National Agency on the Affairs of Local Self Governance (NALSG), NGO, and independent lawyers.

The members of the project Working Group are:

- Mr. Abdymital Chyngojoev, State Secretary of SAEPF, WG Coordinator;
- Mr. Aitkul Burhanov, Deputy Director of SAEPF;
- Mr. Bahtiyar Fattahov, State Secretary of NALSG;
- Mr. Oleg Pechenyuk, Chairman of Independent Ecological Expertise NGO;
- Mr. Nookat Idrisov, Law Expert responsible for NPM legal harmonization;
- Mr. Alexander Temirbekov, Deputy Leader of the Kyrgyz-Swiss Forestry Support Programme

To hold sociological study so that to learn the driving forces making people to violate forest law and to know opinion of people on that, WG members have elaborated a questionnaire, which has been used to collect the information on the problems from different stakeholders in different regions of the country.

For the same purpose of information on different law violations in the forest sector and their reasons collection there have been organized and conducted eight workshops in the regions. During the workshops participants have also proposed various measures to combat illegal activities in the forest. Such workshops was conducted in Jalalabat (20-22.12.2006), Nookat /Osh and Batken region (20.01.2007), Naryn (12.02.2007), Karakol/Issyk-Kul region (20 – 21.02.2007), in Talas (22.02.2007 r.) and in Bishkek (27.03.2007).

The data received on the workshops have been processed and analysed. The analysis results have served the basis for the Draft National Plan of Measures on Forest Law Enforcement and Governance, developed by the project working group.

1.3. International conference

The conference that took place in the village of Kara Oi on the Issyk-Kul Lake in Ak-Bermet Hotel from 31.07 till 03.08 2007 has been devoted to Draft NPM on FLEG discussion. Officials from the national level of Law Enforcement Bodies, Court and Prosecutor General office as well as from the Ministry of Justice, Customs Committee, SAEPF, NALSG have been invited on this conference. Representative of the regional and local levels of these governmental agencies have also taken part in the conference, as well as representatives of business and civil society. Interests of local communities have been represented by several Heads of Local Self Governance Bodies and lessees of forest plots. Presence of international expertise was ensured by representatives of the World Bank, Swiss Agency for Development and Cooperation, Japanese Agency JICA, Swiss Foundation "Intercooperation". It had been supposed that World Bank being one of the FLEG process initiators would have not only participate in this conference but support participation of other CIS countries representatives' participation. Unfortunately after several delays and negotiations WB decided finally not to support other countries' participation in the conference.

1.4. National Plan of Measures on FLEG

The goal of the NPM is to establish necessary conditions for interagency and inter sector cooperation of all the stakeholders for forest law enforcement and governance in the forest sector of the country.

So that to achieve this goal NPM proposes the following objectives to be reached:

1. Development of the forest legislation;
2. Forest legal relations actors capacity increase

3. Promotion of Sustainable Forest Management
4. Development of alternative opportunities to rise life standards of the local population in forest regions;
5. Promotion of interagency, inter sector cooperation to ensure law enforcement and fight with corruption;
6. Awareness rise among the public and stakeholders to ensure transparency of forestry sector activities;
7. Follow up and evaluation of forest law enforcement and governance implementation

For each objective expected results have been defined. Achievement of those results will lead to reaching the objective and finally to achievement of the overall goal. Under each of the result several activities are proposed, their timeframe, responsible, partners, means and product that will be received as and output of the activity implementation.

Conference organizers have hoped to receive from the participants addendums and proposals so that to finalize editing of NPM on FLEG and present it to the Government of the Kyrgyz Republic for approval. Draft NPM presented to the participants of the conference is in Annex 1 to this Report.

2. Programme of the Conference

Time	Event	Responsible
Tuesday July 31, 2007		
16.00	Arrival of participants, check in	
18.00 – 19.00	Dinner	
Wednesday August 1, 2007 Session 1: Opening and introduction to FLEG		
07:45 – 08:45	Breakfast	
08:45 – 09:00	Registration of participants	
09:00-10:30	Official opening of the conference <ul style="list-style-type: none"> ➤ The State Agency for Environment Protection and forestry (SAEPF) ➤ Greetings and introductory speeches ➤ Swiss Cooperation Office in Kyrgyz Republic ➤ The World Bank 	<i>Mr. Abdymital Chyngojoev, The State Secretary of the SAEPP</i> <ul style="list-style-type: none"> • <i>Mr Akylbek Osmonaliev, Presidential Administration</i> • <i>Iskender Ismailov, Prime Minister Office</i> • <i>Mr. Osmonali Guronov, First Deputy Minister of Internal Affairs</i> • <i>Artur Bit-Avragim, Deputy Head of Department of the Prosecutor General Office</i> <i>Ms Asel Omoeva, Programme Coordinator, SDC</i> <i>Mr. Andrey Kushlin,, Senior Forestry Specialist, The World Bank</i>
10:30-11:00	The FLEG Process: Global issues related to Forest Law Enforcement and Governance	<i>Mr. Jean Marie Samyn, Intercooperation Bern</i>
11:00-11:30	Coffee-break	
11:30-12:00	The ENAFLEG Process: Introduction on the St. Petersburg Declaration and the Antalya Workshop	<i>Mr. Tapani Oksanen, Senior Forestry Specialist, The World Bank</i>
12:00-12:30	Forest Law Enforcement and Governance in the region: the Russian experience	<i>Mr. Andrey Kushlin, Senior Forestry Specialist, On behalf of The World Bank</i>
12:30-13:30	Lunch	
13:30-14:00	Presentation of the analysis of the illegal logging in Kyrgyzstan <ul style="list-style-type: none"> ➤ Types of illegal logging and their magnitude ➤ Driving forces behind illegal logging 	<i>Mr. Abdymital Chyngojoev, the State Secretary of SAEPP, FLEG Working Group</i>
14:00-14:45	Presentation of the draft FLEG National Action Plan (NAP): Potential response for illegal logging and proposed activities	<i>Mr. Nookat Idrisov, Law Expert, FLEG WG</i>
14:45-15:30	The link between illegal logging and corruption: Anti- corruption policy in the Kyrgyz Republic	<i>Mr. Oleg Pechenyuk, The Leader of the "Independent Ecological Expertise NGO, FLEG WG</i>
Time	Events	Responsible
15:30-15:45	Coffee Break	

15:45-17:30	Discussion of NAP: Questions and Answers	<i>Mr. Alexander Temirbekov, Conference Facilitator</i>
19.00-20.00	Dinner	
Thursday August 2, 2007 Session 2: The FLEG National Action Plan		
8:00-9:00	Breakfast	
9:00-9:30	Recapitulation of day one and summary of the proposed NAP	<i>Facilitator</i>
9:30 - 13:00 (including 30 minute coffee-break)	Group work: Definition of priority measures to be included in the NAP <ul style="list-style-type: none"> ➤ Group №1 – Legal and Institutional objectives ➤ Group №2 – Amelioration of living standards ➤ Group № 3 – Intersectional Collaboration and awareness raising ➤ Group № 4 – Implementation of the measures, monitoring and evaluation 	<i>Mr. Nookat Idrisov</i> <i>Mr. Alexander Temirbekov</i> <i>Mr. Abdymital Chyngojoev,</i> <i>Mr. Oleg Pechenyuk,</i> <i>Ms Asel Omoeva</i>
13:00-14:00	Lunch	
14:00-15:00	Report to Plenary The propositions of the groups will be presented to the plenary	<i>Group Representatives</i>
15:00-16:30	Discussions and open dialogue on the priority activities to be included in the NAP	<i>Facilitator</i>
17:00 – 19:00	Boat excursion	
19:00- 20:00	Dinner	
Friday August 3 2007 Session 3: Next steps		
08:00-09:00	Breakfast	
9:00 – 9:30	Recapitulation of stakeholder proposals and revised NAP	<i>Facilitator / FLEG WG</i>
9:30-10:00	Next steps: political endorsement and implementation of the NAP	- <i>WB Representative</i> - <i>Mr. Jean Marie Samyn, IC Bern</i>
10:00-10:30	Coffee break	
10:30-11:30	Resources mobilization for the implementation of the NAP, monitoring of the implementation and presentation of existing initiatives and programmes	- <i>Mr. Abdymital Chyngojoev, SAEPP</i> - <i>WB Representative,</i> - <i>Mr. Jean Marie Samyn, IC Bern,</i>
11:30-12:00	Closing remarks and discussions	<i>Mr. Jean Marie Samyn, IC Bern</i>
12:00-13:30	Lunch Check out, administrative issues	
14:00-14:30	Press conference	<i>FLEG WG/IC KG</i>

3. Participants of the Conference

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National Level: Central Governance Bodies			
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4. Greetings and speeches

4.1. Mr. Osmonaliev Akylbek Sharipovich, Presidential Administration, Expert

Dear participants of the conference!

It is a great pleasure for me to take part in the International conference on forest law enforcement and forest sector governance development in Kyrgyzstan.

After collapse of USSR a lot of countries including Kyrgyzstan confront with the problem of energy supply deficit which has caused sharp increase of demand on wood as a source of energy. Another problem that our population has come across is shortage of construction materials and their high market price. Facing such not favorable economic situation people living on forest territories close to forests have started to harvest illegally firewood and sometimes to cut trees for house construction. Finally, all these have led to certain deforestation and forest degradation.

Today our task is preservation of our forests and sustainable development on the basis of joint management.

For conservation and reproduction of forest resources with the support of the Kyrgyz Republic Government new national forest policy has been developed which ensures conservation and utilization of these resources according to generally accepted principles of sustainable development.

Within the frames of new forest policy several documents determining main guidelines of forest sector development have been already developed and approved in Kyrgyzstan:

- Concept of the Kyrgyz Republic Forest Sector Development (approved by the Decree of the Government of KR on April 14 апреля 2004 N 256);
- National Forest Programmed of the Kyrgyz Republic for 2005-2015 (approved by the Decree of the Government of KR on November 25 2004 N 858);
- National Action Plan for Forest Sector Development for the period of 2006 - 2010 (approved by the Decree of the Government of KR on September 27 2006 N 693).

Additionally with the purpose to conserve unique walnut-fruit forests of Kyrgyzstan, last year a moratorium on felling of trees of precious species (walnut, juniper) has been declared by the Presidential Decree. In the beginning of 2007 we have issued a Law "On prohibition of felling, transportation, purchase, sales, harvesting and use, export and import of precious species wood in the Kyrgyz Republic". It has come into force on February 12, 2007. From July 2 2007 a Law "On amendments and addendums to the Forest Code of the Kyrgyz Republic" has come into force, which includes additionally to the list of precious species pistachio and almond.

Nevertheless regardless on all the taken measures by the State, the number of illegal forest felling is not decreasing in Kyrgyzstan. The main causes are the poverty of population, not effective forest resource governance and corruption in the state administrative bodies. No doubt that in such a situation prohibitive measure is only aggravating local population live conditions and will not lead to the expected result. Evidently, we should find such solutions which allows to improve livelihood of local population and finally to preserve forests of Kyrgyzstan.

The issues on the agenda require broad participation of public and state organizations. Foresters alone will not be able to resolve these problems effectively. I think that only by joint efforts we will be able to decrease illegal forest use. National Plan of Measures should be really national, that means that there should be measures which will be implemented by foresters, by law enforcement bodies, by local self governance bodies. Participation of other state bodies and civil society is also of great importance.

Dear colleagues! I believe that FLEG process in Kyrgyzstan will undoubtedly positively influence solution of the forest law enforcement and governance problems. I am sure that results of this conference work will be useful and practical for preservation of forests of Kyrgyzstan.

I wish you fruitful works. Thank you for attention!

4.2. Mr. Ismailov Iskender Samyibekovich, Government Office, Expert

Dear participants of International Conference! Dear guests, colleagues!

On behalf of the Government of the Kyrgyz Republic, on behalf of the Government Office and on my behalf allow me to greet you on our Issyk-Kul land of plenty!

We have gathered today to discuss presented Draft National Plan of Measures on Forest Law enforcement and Governance of the Kyrgyz Republic, within the ENA FLEG process.

As you know FLEG process poses as its goal control over illegal felling, its harvest and trade, as well as other types of illegal activities in the forest sector which lead to hard economic and ecological consequences, not speaking about social.

I would like to express gratitude to organizers of this conference – the Representation of the Swiss Foundation for Development and International Cooperation “Intercooperation” and to the State Agency for Environment Protection and Forestry under the Government of the Kyrgyz Republic, as well as to the World Bank for organization of such a wide forum with participation of nearly all the stakeholders participating in this FLEG process.

I am calling all the participants of the present conference to actively participate in discussion and improvement of the Draft National Plan of Measure which will be afterwards presented to the Government of the Kyrgyz Republic for approval.

Concluding my speech I wish you creative work and success, I hope that each of you contribute to combat illegal forest activities and improvement of natural resource governance in Kyrgyzstan.

4.3. Mr. Guronov Osmonaly Niyazovich, Ministry of Internal Affairs of the Kyrgyz Republic, First Deputy Minister

Dear members of International Conference!

It is well known that the problem of ecology conservation is of international importance and it exists in a lot of countries regardless of their political set up, level of economic development and differs only in the size. The experience shows that developing countries and transitional countries are the mostly subjective to influence of law violations in the domain of environment protection including forestry, since low level of population’s livelihood and corruption greatly hinder reforms progress, facilitate increase of illegal activities and endanger stability of these countries.

Nowadays the problem of preservation of the state forest fund, including trees of precious species is in the focus of public interest in Kyrgyzstan. Independents studies and statistics of MIA of the Kyrgyz Republic prove that plundering of national wealth and abuse among different positions officials become main causes of the forest sector situation aggravation.

Leadership of MIA understands that law violations linked with illegal felling of trees compile serious threat to the natural resources of Kyrgyzstan and has strong intention to combat it by strict measures. *ней*. There are articles in the Criminal Code of the Kyrgyz Republic which presuppose responsibility for illegal felling of trees and shrubs (art. 279), for theft of someone else’s belongings and appropriation of entrusted property (art. 171) which determine law enforcement activities of collaborators of territorial branches of MIA.

Adoption of the Law “On the prohibition of felling, transportation, purchase and sales, harvest and use, export and import especially precious (walnut, juniper) tree species in Kyrgyz Re-

public # 15 as of February 12, 2007, allows to take more effective measures on prevention of law violation in the forestry sector.

Thus, for instance, during 6 months of 2007 law enforcement bodies have instituted 28 proceedings on the facts of theft and illegal cutting of burls and walnut timber, the total loss of which made up 1'303'714 soms. 54 walnut burls have been exempted and returned to Jalalabat Oblast Forest Administration. Totally 7 persons have been called for account for criminal cases to court.

Undoubtedly it is important to conduct review of legal base and normative documents in the domain of the forestry sector; and evaluation of the level and situation with law enforcement within the frames of the organized conference with further informing of public and local population. Development and approval of the National Plan of Measures on forest law enforcement and governance, integration of efforts of all the agencies involved - this is a small list of concrete steps in the domain of law violations, which will have a complex and system character and which will be based on cooperation and interaction of all the branches of power of this country, civil society and international community. MIA will pay a special attention to development of preventions measures system, which were somehow ignored in the past, to elaboration of cooperation mechanisms and organization of plans of joint activities with foresters.

In this respect planned activities on the creation of ecological militia taking into account implemented reform of MIA branches, conclusion of contracts on guarding, organization of posts and joint raids defined in National Plan of Measures find understanding in MIA and will be actively supported and introduced.

Today when the process of governmental reforms has been activated Kyrgyzstan has wide scope of opportunities and all the interested agencies should take advantage of it and speed up reform of legislation and institutions for law enforcement and governance in the forest sector; involving civil society as only by joint efforts we can resolve the problem of conservation of the natural resources of our country. I hope that this conference will mark a good start in this direction.

4.4. Mr. Bit-Avragim Artur Yakovlevich, the Office of Prosecutor General, Deputy Head of Department

Dear participants of the conference!

I am glad to greet you on the occasion of this International conference on law enforcement and governance in the forest sector of the Kyrgyz Republic.

Territorial Prosecutor bodies of the Kyrgyz Republic together with the State agency for environment protection and forestry are implementing joint activities on protection of the forest fund, forest and vegetation reproduction.

Such conference has been organized for the first time and I hope that we will manage to define a set of measures and activities for development of forest sector of the Kyrgyz Republic. Interagency working group has held great work on elaboration of draft National Plan of Measures on forest law enforcement and governance. It reflects most relevant directions of the state bodies and public organizations activities aimed at further improvement of ecological situation and forest conditions in the republic by means of organization of guarding, reforestation and putting in order of forest management activities; rational use of forest lands; strengthening of law enforcement in that sector and implementation of priority measures on prevention of illegal felling.

Among the main directions of Prosecutor General Office is supervision of law observation in the domain of ecological security. This function was assigned to the competences of Special Prosecutor Office of the Kyrgyz Republic in the past. Analysis of the Special Prosecutor Office activities has displayed not effective organization of its operation. That is why in 2005 it was reorganized and its functions were transferred to territorial offices of Prosecutor.

After that reorganization the number of checks has increased considerably as well as quality of supervision in that domain. Thus in 2007 there have been organized 234 check ups against 157 if compared with the last year that is nearly 50 % increase. In the result of those checks 29 illegal actions were revealed (compared with 11 in 2006). 68 (50) statements were given to different subjects, as well as 58 (48) official prescriptions and 76 (84) warnings. On the documents of Prosecutors reaction 44 (42) official are made answerable according to disciplinary amenability, 46 (16) – to administrative amenability. Since the beginning of the year we have also begun 99 (75) criminal cases against ecological law breakers.

For instance, only in Jalalabat in the first semester of 2007 public prosecutor bodies has launch 12 criminal cases on the facts of illegal harvesting of 26 walnut burls, that caused damage to environment on the amount of 1 325 008 soms. Besides 13 criminal cases have been stated on the facts of illegal felling caused loss in the amount of 267 064 soms. The majority of them – 8 were connected with illegal felling of walnut with the damage in the amount of 227 097 soms.

During check of administrative implementation of ecological legislation in Chui-Bishkek Territorial Department of Environment Protection there were detected facts of administrative breach by collaborators of that body in the form of delays in working schedule. Thus out of 173 ecological controls in the first quarter they have done only 91. Due to low control within the Department itself several prescriptions have remained without reaction, and only 110 administrative fines were collected out of 163 imposed that makes up 68 %. On the results of public prosecutors check a statement has been presented to the Head of the Chui-Bishkek Territorial Department of Environment Protections to improve those breaches.

Law enforcement presupposes professional thinking and skills first of all among officials responsible for preservation of forest in the country. It is manifested in adequate application of methods and means of reaction on detected law violations with the purpose to prosecute and to prevent them. Good knowledge of legal basis is a main condition for implementation of functions by the state governance bodies. That is why it is necessary to contribute to improvement of acting legislation. So it is also important to increase one's own capacity.

Indispensable condition of any agency functioning is organization of work, and National Plan of Measures on forest law enforcement and governance should be focused on this. Work organization in this direction should start from coordination of the state governance bodies and public organizations activities. It is necessary to develop an optimal scheme which from one side will help to distinguish the functions of different state bodies and from the other side –will help to establish inter action among them. Additionally it should be said that correct personnel distribution and provision with necessary materials and means will also allow to minimize not efficient loss of time and resources.

In the plan of personnel distribution it should be noted that on the local level directors of the Leskhozoes are responsible for the forest resources and implementation of the forest policy, nevertheless until now they are not included into the List of public servants of the Kyrgyz Republic, approved by the Presidential Decree dated by April 21, 2005, # 130. That is why they are not subjected to the rules from the Law of the Kyrgyz Republic "On Public Service" and it contributes to the low sense of responsibility among Leskhozoes' directors.

Analytical work should also receive more attention. Analysis of data on the situation with law enforcement in the domain of forest guarding, will give you not only knowledge of actual situations but also to rightly focus efforts and to make prognosis of non favorable trends and processes so that to elaborate preventive measures.

Facts of illegal forest felling especially of walnut, juniper and spruce wood which have important ecological role to play is our main concern. Occupying mountainous territories of Issyk-Kul, Naryn, Osh, Jalalabat and Batken Provinces forests have important soil and water protective as well as climate regulating significance. Their present conditions do not correspond to their ecological significance and protective role. Today the state governance bodies have important role to play so that to prevent illegal felling. So it is necessary to elaborate clear

interaction of all the state bodies as well as public organizations on the basis of cooperation mechanism on the stage of transfer of law violations related documents to law enforcement bodies.

The Code of the Kyrgyz Republic on administrative responsibility contains 20 articles related to law violations in the forest sector. Nevertheless there is no any mechanism developed for the forest officials to consider cases on administrative responsibility, which is necessary to establish the principle of inevitability of punishment for law violation.

All the activities of the state governance bodies foreseen by the legislation should promote achievements of law enforcement objectives and prevention of law violation. Among such important activities there should be technical modernization of the state governance bodies and enhancement training of collaborators in law enforcement practices through organization of workshops, discussions, rising public awareness via mass media, preparation of documentaries and related literature.

Starting to debate draft National Plan of Measures I would like to note necessity to amend and to add some points into Table 2 of it. Thus, so that to increase responsibility of the state governance bodies acting as partners in implementation of activities in cell 5 we should name concretely organizations and agencies, In activity 1.2.8 on organization of ecological militis it is necessary to exclude Prosecutor General Office from the partners list since it has not such authority. In activity 6.4.1. on the regular informing of the stakeholders on the volumes and level of illegal forest felling to add there Prosecutors bodies and MIA.

Concluding I would like to say that the first step to development of the National Plan of Measure has been practically made and our main task will be to implement it. That is why it is necessary to design the future by means of returning to the aspects of the past which will give us possibility to develop measure on improvement of natural resource management and combat forest law violations.

Thank you for attention!

4.5. Ms. Omoeva Asel, Swiss cooperation Office in Kyrgyzstan, Programme Coordinator

Dear participants of the conference! I am glad to greet you on behalf of the Swiss Agency for Development and Cooperation.

In 2005 Kyrgyzstan signed in Saint-Petersburg Declaration of the Ministerial Conference on the problems of Forest Law Enforcement and Governance (FLEG), undertaking certain obligations, and among all the others to develop National Plan of measures on forest law enforcement and governance.

Switzerland has been supporting development of the Kyrgyz republic since 1994. Kyrgyzstan has been chosen as a priority country for rendering technical and financial support. By the moment the Government of Switzerland are funding implementation of 17 projects in different sectors of the country and additionally 10 projects are being implemented regionally.

Since 1995 Swiss Agency for Development and Cooperation (SDC) has been funding the Kyrgyz-Swiss Forestry Support Programme. This project is implemented by the Swiss NGO Intercooperation in close cooperation with the State Agency for Environment Protection and Forestry (SAEPF). Today Phase IV of the Programme (2004-2008) is being implemented. On the grounds of positive evaluation of the Programme achievements the decision on funding the final Phase V of the Programme. (2008-2009) has been taken recently.

In 2006 representatives of Intercooperation have turned to SDC with project document to render to SAEPF consultative support in development of the National Plan of Measure on FLEG. Since this initiative harmonically complements KIRFOR Programme Activities, SDC has decided to finance proposed project. The project has started in September 2006 and is to be finished in the end of August 2007. To implement the project an inter agency group has

been created comprising representatives of SAEPF, KIRFOR, the National Agency of the Affairs of Local Self Governance, NGO and independent experts. During the year a detailed analysis of forest illegal activities root causes has been done, a series of workshops have been conducted all over the Kyrgyzstan involving broad participation of the stakeholders and finally a Draft National Plan of Measures on FLEG has been elaborated. Previous speakers have clearly highlighted the problems of illegal felling, corruption and gaps in legislation existing in Kyrgyzstan.

The present Conference is an important final stage of the project. I hope that during these three days we will discuss the Plan of measures on FLEG and make valuable proposals and addendums to finalize it.

We hope that Plan of measure on FLEG will be approved on the level of the Government of the Kyrgyzstan and will become not only the next document of declarations but real steps and measures will be taken to improve the situation with law violations in the forest sector. On doing this we should remember that bans of felling not always solve existing problems.

We are glad that representatives of the World Bank are interested in the FLEG process and participate in our Conference. Kyrgyzstan is a first country in the Central Asia where FLEG process has been started and no doubt the experience received here will be helpful for other countries, too. I am also glad to greet representatives of the President Administration, Prime Minister Office, MIA, Prosecutor General Office, SAEPF leadership, as well as representatives of business and civil society since only by joint efforts we will manage to achieve success in solution these problems of the forest sector.

I wish to the conference participants success and fruitful discussions. Thank you for attention!

4.6. Mr. Roger Robinson, Country Manager, the World Bank Country Office in the Kyrgyz Republic

This conference is an important part of the Europe and North Asia Forest Law Enforcement and Governance (ENA-FLEG) process initiated in the Region in 2005. The process aims to control illegal logging, trade in illegal wood and wood products and other types of forest crime, which worldwide are causing severe environmental, economic and social problems, and eroding the rule of law in many countries.

The ENA-FLEG Ministerial Conference in St. Petersburg, co-organized by the Government of Russia and the World Bank in November 2005, brought together nearly 300 participants from 48 countries, representing governments, private sector and civil society as well as a number of international and regional organizations.

The Conference resulted in the St. Petersburg Declaration adopted by all the participating governments as a political commitment and technical guideline to address issues related to illegal logging and forest governance failures in general. The Conference also established a model for cooperation between governments, civil society and the private sector. This tripartite cooperation was viewed as one of the major successes of the process. The Declaration has now been endorsed also through the European Union Council Resolution and is consequently EU-wide. The need for cooperation of government and other stakeholders towards national-level implementation of the Declaration has been reiterated by the business community at the 3rd Central Asian Forest Investment Forum in February 2006.

The participants from the Kyrgyz Republic in St. Petersburg included the Deputy Director of the State Agency on Environment Protection and Forestry, the Head of the Department of Forestry, Flora and Fauna, of the State Forestry Service, and the Chief of the Department of Forest Policy, State Control and Protected Areas, as well as a representative of the NGO

community. This high-level of participation is indicative of the political importance given to this issue also here.

In May 2005 the Government of Turkey, in collaboration with the World Bank, organized a follow-up workshop to the St. Petersburg Conference to facilitate the exchange of experiences between countries in the implementation of the Ministerial Declaration, and to test and further develop a methodology for the formulation and implementation of National Action Plans to Combat Illegal Logging and other Forest Crime. The Kyrgyz Republic was represented also in this workshop.

The World Bank is currently in the process of mobilizing further support to the countries of the region for the formulation and implementation of these action plans. In this work we collaborate closely with governments, international and national NGOs and other donor and international agencies. This conference is an important milestone both regarding the implementation of the St. Petersburg Ministerial Declaration in the Kyrgyz Republic, and in terms of setting in motion this wider process of national implementation in the region.

The World Bank welcomes the initiative taken by the Government of the Kyrgyz Republic, in collaboration with Intercooperation, to organize this event. The Country Development Strategy (CDS) for 2007-2010 places improving governance high on the agenda, and on fighting and reducing corruption in particular. Government ineffectiveness and poor performance will be tackled by the following: (i) undertaking political reform; (ii) deregulating the economy; (iii) effective public administration, and legal and judicial reform.

Nowadays the Kyrgyz Republic has around 1 million ha of forests, which is two times less than before World War II. The reduction was caused by unsustainable logging, fuelwood collection, fires, and overgrazing. Forest resources are very important for the Kyrgyz economy and sustainability of mountain ecosystems-therefore preservation of biodiversity, restoration of forests were reflected as strategically important directions in the CDS and other national programs on forestry development. According to FAO, the import of forest products is around USD 20 million per year, which is larger than the value of coal imports.

However, state efforts are insufficient. During the period of 1998-2003, with support from the State Forest Program an area of 16,400 ha was reforested, whereas the potential reforestation area exceeds 1 million ha. Limited financial resources is a major obstacle to reforestation. To implement the program, the Kyrgyz Government covers administrative costs whereas investment costs for plantation are not covered.

In this regard the World Bank and other JCSS (Joint Country Support Strategy) partners will continue to support Government's efforts outlined in the CDS to enhance governance and ensure a favorable environment for public sector development and economic growth.

Let me wish success to the conference in developing and supporting strong practical actions towards improved governance and transparency in the Kyrgyz forest sector for the benefit of the country's rural communities and businesses, and the preservation and enhancement of the unique environment of Central Asia.

5. Thematic presentations

The full texts of presentations are given in Annex 3. This paragraph will present readers only structures of presentations which nevertheless can an idea about the content and its correlation with the FLEG Conference topic.

5.1. Mr. Jean-Marie Samyn (Intercooperation Bern, Programme Coordinator): Forest Law Enforcement and Governance - FLEG

- A. Contents
- B. Setting the context
 - a. Forest sector: Main FELG issues
- C. Legality: Law compliance
 - a. Definition of legality
 - b. What are illegal activities?
 - c. Root cause of illegal activities
 - d. Consequences of illegal activities
- D. Governance
 - a. «Good» Governance
 - b. Forest Governance
- E. The proposed solutions
 - a. Who cares and why?
 - b. Then why no change?
 - c. Strategies for combating illegal activities in the forest sector...
 - d. ... Strategies that go beyond the forest sector
 - e. Measures to improve governance
- F. Conclusions

5.2. Tapani Oksanen (the World Bank): ENA FLEG Process: St. Petersburg Declaration and workshop in Antaliya. General information

- A. Regional Ministerial FLEG processes
- B. FLEG process in Europe and Northern Asia (ENA FLEG)
- C. Main elements of ENE FLEG process
- D. St. Petersburg' s Conference
- E. Ministerial ENA FLEG Declaration
 - a. Main liabilities within the frames of MD
 - i. On the national level (11)
 - ii. On the international level (11+7 institutional):
- G. Indicative List of Actions of ENA FLEG
 - a. National level
 - b. International level
- H. Activities on the results of St. Petersburg Conference
- I. Workshop in Antaliya on the issues of Declaration implementation, May 2006
- J. Main conclusions of the Antaliya workshop
- K. Next activities of the World Bank

5.3. Andey Kushlin (The World Bank): Illegal harvesting and wood turn over in Russian Federation: Problems and approaches to solutions

- A. Main problems

- B. Shadow wood turn over
- C. Problem positions of export control
 - a. Variance in export data
 - b. Organization of wood materials export in Chita Province in 2006
 - c. More than 700 logging depots are operating
 - d. Samples of express receipts given to the citizens of China in logging depots
 - e. Transport means used to transport wood
 - f. Samples of way bills
 - g. Illegal selective felling implemented along the roads and close to settlements
- D. The scheme of illegal felling legalization in the Leskhozes
- E. The scheme of illegal felling concealment in the Leskhozes
- F. Ways to solution: Inter agency plan of activities on illegal felling and wood turn over prevention (Rosleskhoz actions)
 - a. Remote sensing programme in 2006
 - b. Forest management monitoring results
- G. Ways to solution: National Plan of Actions on illegal felling and wood turn over (within FLEG process)
- H. Main zones of responsibility of the federal agencies and Russian Federation regions
- I. Improvement of forest management
- J. The structure of proposals on prevention of illegal harvesting and wood turn over
- K. Significance of political will on the level of the country leadership (see also Annex 2)
- L. Expected results

5.4. Abdymital Chyngojoev (SAEPF): The analysis of illegal felling in the Kyrgyz Republic

- A. Forests of the Kyrgyz Republic
 - a. Forest area as per Provinces and main species
 - b. Wood stock as per Provinces and main species
- B. Data on felling in the country in the period of 2001-2006
- C. Illegal forest use in Kyrgyzstan Рубки, штрафы, дела
 - a. Enforce suits, case investigation
 - b. Other violations of ecological legislation
- D. Illegal felling in Kyrgyzstan
 - a. Official data on Kyrgyzstan as in the World Bank reports (SAVCOR 2005)
- E. Types of illegal felling in Kyrgyzstan
 - a. Illegal felling to satisfy basic needs of population;
 - b. Small scale illegal felling to improve livelihood conditions;
 - c. Small scale felling during economic and other activities on wood lands.
- F. Causes (driving forces) of law violations
 - a. Illegal felling to satisfy basic needs of population;
 - b. Small scale illegal felling to improve livelihood conditions;
 - c. Small scale felling during economic and other activities on wood lands.

G. Conclusion

5.5. Nookat Idrisov (legal expert): National Plan of Measures on forest law enforcement and governance in the Kyrgyz Republic

- A. NPM grounds
- B. Contents of NPM
- C. Introduction
- D. The steps of forest policy and legislation development in Kyrgyzstan
 - a. The Concept of the Forest Sector Development in Kyrgyzstan
 - b. National Forest Programme
 - c. National Action Plan for the period of 2006 – 2010
- E. Types and cause of illegal felling in Kyrgyzstan
- F. Small scale illegal felling to satisfy basic needs of population;
- G. Small scale illegal felling to improve livelihood conditions;
- H. Small scale felling during economic and other activities on wood lands.
- I. Goals and Objectives of NPM
- J. Priority measure to prevent illegal felling
- K. Correlation between annual increment and wood harvesting
- L. Меры и ожидаемые результаты (см. проект НПМ)

Text of NPM which has been discussed on the conference is in Annex 1 to this report.

NB. It should be noted that before the Conference on the last meeting of the FLEG project Working Group it was decided to change the consecution of NPM structure without any changes in substance. So the new table of contents has been the following:

Newly proposed structure of NPM on FLEG

Introduction

- 1 Main types of illegal activities (the scope of the problem)
 - 1.1 Illegal felling to satisfy basic needs of population;
 - 1.2 Small scale illegal felling to improve livelihood conditions;
 - 1.3 Small scale felling during economic and other activities on wood lands.
- 2 Main driving forces of illegal activities
- 3 Goals and objectives of National Plan of Measures
- 4 Priority measure on prevention of illegal activities
 - 4.1 Measures on prevention of illegal felling to satisfy basic needs of population
 - 4.2 Measures on prevention of Small scale illegal felling to improve livelihood conditions;
 - 4.3 Small scale felling during economic and other activities on wood lands
- 5 Strategy
- 6 Resources
- 7 The system of monitoring

Annex: NPM Logframe

5.6. Oleg Pechenyuk: Links between illegal felling and corruption: Anti corruption policy in Kyrgyzstan

- A. The State Control data on observation of the ecological legislation by different economic judicial entities in 2006
 - a. Check up objects, orders, fines, suit, levy
- B. Forest law infringement
 - a. Reports, penalties, case investigation, fines collecting
- C. The State Strategy to combat corruption in the Kyrgyz Republic: Definition of corruption
- D. Criminal Code: Definition of Corruption
- E. Law of the Kyrgyz Republic “On fight with corruption”: Definition of corruption
- F. UN Convention against corruption
 - a. Participation of public
- G. The state strategy on fight with corruption in the Kyrgyz Republic
 - a. Goals and objectives of the strategy
 - b. Activities as per strategic lines and domains
 - c. Involvement of civil society into prevention of corruption
 - d. Public support
- H. The Strategy of Country Development (2007-2010)
- I. The Law of the Kyrgyz Republic “ On fight with corruption”
- J. Tools for introduction of mechanisms for public participation in ecological legislation observance
- K. Aarhus Convention
 - a. Ecological rights of citizens and ecological NGO
- L. The Law of the Kyrgyz Republic “On environment protection”
 - a. Ecological expertize
- M. The Law “On normative legal documents of the Kyrgyz Republic”
- N. Access to justice
 - a. The sides of the cases on ecological legislation violation
 - b. Procedures of the ecological rights and interests defense
 - c. Appeals in administrative court
 - d. Court procedures

6. Group work

The goal of the group work of the conference participants was to study draft NPM in detail, and to discuss proposed by the Working Group activities so that to make proposals on addendums and amendments to the draft document. This work was organized on the basis of the objectives from the draft NPM aimed at law enforcement and governance in the forest sector of Kyrgyzstan.

6.1. Expert groups

Conference participants were proposed to divide into 4 groups under the following titles:

- Group 1: Legal and institutional objectives (Objectives 1,2 of NPM);
- Group 2: Sustainable management and improvement of live standards of population (Objectives 3,4);

- Group 3: Interagency and inter sector cooperation and awareness rising (Objectives 5,6);
- Group 4: Implementation of measures, monitoring and evaluation of implementation (Objective 7) and elements of implementation strategy (chapter 6 of NPM).

All the groups received the following task: To analyze the list of measures proposed in NPM by the Working Group and to prioritize measures which are most important to find solution for different types of illegal activities in the forest sector using the NPM matrix of activities.

To get more details form the analysis three questions were proposed to be considered during the group work:

1. Define for each of selected activity what illegal activities it will help to resolve
2. Verify if that activity present in the matrix and Chapter 7 of NPM (if you think that something is missing, make a proposal on a concrete activity to be included into NPM)
3. Point out on what level this or that activity will be implemented (national, regional, territorial).

The composition of the groups was the following:

<p>Group 1, facilitated by Mr. Nookat Idrisov:</p> <ol style="list-style-type: none"> 1. Mr. Bit Avragim 2. Mr. Akenshev 3. Mr Boronbaev 4. Mr Mamatov 5. Mr Shakenov 6. Mr. Ermekov 7. Mr. Ismailov 8. Mr. Samyn 	<p>Group 2, facilitated by Mr. Alexander Temirbekov</p> <ol style="list-style-type: none"> 1. Mr. Jumaev 2. Mrs. Ismailova 3. Mr. Karashov 4. Mr Tudukulov Abdyshev 5. Mrs Makanbetkalieva 6. Mr Umarov 7. Mrs Schlaufer 8. Mr. Tursaliev 9. Mr Baiseitov
<p>Group 3, facilitated by Mr. Abdymital Chyngojev</p> <ol style="list-style-type: none"> 1. Mr Sadybakasov 2. Mr Osmonaliev 3. Mr Guronov 4. Mr Botaev 5. Mr Bakeev 6. Mrs Gaivoronskaya 7. Mr Jusupbekov 8. Mr Kushlin 	<p>Group 4, Facilitated by Mr. Oleg Pechenyuk and Ms Asel Omoeva</p> <ol style="list-style-type: none"> 1. Mr Oksanen 2. Mrs Suinalieva 3. Mr Rysmendiev 4. Mrs Madinova 5. Mr Inashev 6. Mr Turdukulov Eshaly 7. Mr Akmataliev

6.2. Presentations of the results of groups discussions

Since in Draft NPM there are a lot of activities from the National Action Plan on Forest Sector Development 2006-2010 which is already approved by the Government of the Kyrgyz Republic, so it was decided not to discuss a lot those measure but to focus on proposed by NPM new activities, logical sequence of the plan as well as missing activities to be added.

6.2.1. Group 1: Legal and institutional Objectives

Formulation of **Objective 1** "To improve legislation in order to diminish law violations in the forest sector" was supported by all group members and remained without any changes.

Further on the proposals of the group were the following

1. To exclude proposed in NPM Result 1.1. – “Forest Legislation has been studied and recommendations have been prepared for its improvement”, since this more an activity than a result.
2. To present Result 1.1. as “Forest legislation has been improved” with the following activities:
 - Activity 1.1.1 – without changes
 - Activity 1.1.2 – to take away, since it is the output of the previous activity (1.1.1)
 - Activity 1.1.3 – to formulate as “To Include into the Forest Code measures on forest law violation prevention (1.2.6 – in brackets number to be in the reviewed draft NPM)”.
 - Activity 1.1.4 - (1.2.3.) on the changes in the Law on moratorium on felling of wood of precious species did not find unanimous approval and remained disputable
 - Activity 1.1.5 – (1.2.5.)
 - Activity 1.1.6 – (1.2.6.)
 - Activity 1.1.7 – (1.2.7.)
 - Activity 1.1.8 – (1.2.9) to exclude (1.2.8.) This proposal to take out organization of ecological militia also did not find any consensus. Since there were extremely contradictory opinions.
3. Since issues of law enforcement in the forest sector touch upon not only forest legislation Group 1 proposed new Result .2 “Other legal acts has been improved to prevent law violations in the forest sector”/ And the following activities were proposed so that to achieve it.
 - Activity 1.2.1. – (1.2.2.) – To amend the Law on “Local Self Governance”
 - Activity 1.2.2. – (1.2.4.) – To make amendments in Criminal and Administrative Codes to strengthen authority of forest guards and Local Self Governance Bodies as well as to toughen sanctions for forest law breakers

Objective 2 «To increase of capacities of the participants of forest legal relations” connected with institutional empowering of law enforcement bodies and optimization of the forest sector governance, and also strengthening of the sector human resource.

1. The most important which should be done on that direction is presented in Objective 2.1 “Separation of control and regulation functions from economic activities”. This objective is on the agenda for a long time already and is considered to be one of the main strategic lines of the forest sector development in Kyrgyzstan.
2. Result 2.1.1. on the development of related legal was actively discussed but remained without change.
 - It was proposed to use for Activity 2.1.1.1 text from NAP (2006-2010) Activity 2.1.2.1.
3. Formulation of Objective 2.2. “Optimization of forest governance structure” was also not changed
4. Result 2.2.1 – The structure of the forest sector governance on the national level has been upgraded – no changes
5. In Result 2.2.2 – The structure of forest governance on the territorial level – some change have been made

- Activity 2.2.2.1. – to add words “and to involve Local Self Governance and population”
- In activity 2.2.1.4. – the word forest range should be changed into “Leskhoz”. But it should be noted that this proposal has not received unanimous approval of the participants.
- In activities 2.2.2.1. and 2.2.2.2. – the following addition should be made “after the decision on reorganization as per related Decree”/

6.2.2. Group 2: Sustainable forest management and improvement of local population livelihood

This group has been considering NPM objectives on promotion of SFM and development of alternative sources of income for the population of forest areas.

Objective 3: Promotion of Sustainable forest management

Due to some unclear reasons there were no foresters in that group and group decided not to take technical aspect of SFM. Namely they were:

- Result 3.1 “Norms of SFM has been developed”
- Result 3.2 “Norms for multipurpose forest use has been defined” and
- Result 3.3 “ Legal base for development of technical norms for SFM and multi purpose forest use has been improved”

There was a unanimous opinion of the group that SFM should be scientifically grounded, socially oriented and ecologically secure (long term and inexhaustible).

The main attention of the group was devoted to interaction of foresters, local communities, private and civil sectors. In the course of such discussions the following outputs have been received:

Result 3.4 “Tools for SFM have been developed”

It was proposed to add to Activity 3.4.1 “To increase accountability of LSG Bodies, SAEPF and MIA to local communities” other more concrete activities:

- Activity 3.4.1 (a) – “Local bodies of MIA, LSG, and Leskhoz are to report about state of affairs to local communities twice a year”. But on the presentation to plenary meeting it was agreed to change reporting periodicity to once per year.
- Activity 3.4.1 (b) – “To discuss appointment of forest guard and rangers with LSG Bodies” was rejected by representatives of SAEPF, but supported by representatives of LAS Bodies and civil society organizations. So the question remained open.
- Activity 3.4.2 – to change into “To optimize areas and quantity of guarded plots in the forest”

A lot of discussions in the group and on plenary presentation took place around the Activity 3.4.3 on increase of the volume of legal felling.

The group proposed to reformulate it into the following:

- Activity 3.4.3 (a) – “To make an analysis on the needs of local population in forest products”
- Activity 3.4.3 (b) – “ To develop proposals on organization of local firewood supply”
- Activity 3.4.3 (c) – “To implement felling not less than the volume as per FMP so that to provide locals with wood”.

Activity 3.4.6 was considered to be rather abstract and not concrete, so it was proposed:

- Activity 3.4.6 (a) – To develop regulations on independent public forest monitoring
- Activity 3.4.6. (b) – To implement forest monitoring with participation of local population and other stakeholders.

Drafty NPM proposed to solve reach *Objective 4: Development of alternative opportunities for increase of local population livelihood* by means of three results:

- Result 4.1 “Alternative economic opportunities in communities dependant on forest resources has been developed;
- Result 4.2. “Income generating opportunities of local population has been broaden through SFM;
- Result 4.3. “Alternative sources of energy have been widely used”.

During debate group 4 participants has come to the conclusion that meaning of Result 4.2 is equivalent in fact to Result 4.1 and it can be simply omitted and all its activities can be attached to Result 4.1.

6.2.3. Group 3: Interagency and intersector collaboration and awareness rising

That group was discussing Objective 5 of NPM: “*Development of interagency and inter sector cooperation in order to strengthen law enforcement and to combat corruption*”. The general formulation of the Objective was not changed and the proposals of the group were the following:

- 1) Activity 5.1.4* - of NPN should become Activity 5.1.1 – “To establish interagency commission to fight law violations and corruption in the forest sector under Coordination Council on interaction in the work of law enforcement bodies. And further on to develop regulations and working plan of that group. Among executors should be representatives of the National Agency of the Affairs of Local Self Governance (NALSG).
- 2) During development of legal documents on cooperation of forest governance bodies with militia and LSG bodies among executors Ministry of Justice should be mentioned, too.
- 3) Activity 5.1.3 – to take out.
- 4) Activities 5.1.1 and 5.1.5 – to unite.
- 5) Activity 5.1.7 and 5.1.7 – to add there that courts and local parliaments will be involved when needed.
- 6) Activity 5.1.6 –among executors local state administration body should be mentioned.
- 7) One activity should be added “To work on detection and prevention of corruption if the forest sector”. Executor- Agency on corruption prevention and on agreement MIA and Prosecutor Office. Timeframe – permanently. Output – annual Report.
- 8) Activity 5.2.1 – to add to executors Ministry of Foresign Affairs and to partners – Customs Committee and Border Guard Service.

Objective 6: Increase of public and stakeholders awareness

1. Activity 6.2.2 – to add “according to the Law on Access to Information”. But that proposal was rejected during the plenary meeting discussion since beside it there are a lot of other legal acts on the topic.
2. Activity 6.4.2 – NALSG and local state administration to be mentioned as executors.

3. Activity 6.4.5* - to ensure participation of all the stakeholders in contest commission on woodlands leasing.
4. Activity 6.4.7 to add “To broaden the practice of school rages organization”.
5. Activity 6.4.3* – to ensure timely consideration of complains and statements of people as per legislation of Kyrgyzstan.

6.2.4. Group 3: Implementation of measures, monitoring and evaluation and elements of the implementation strategy

Objective 7: Monitoring and evaluation of law enforcement and governance in the forest sector.

The main remark of the group was the fact that there is no any monitoring system of implementation of NPM activities in the presented draft. Lack of indicators on the level of objectives and expected results does not allow reliably monitoring measures implementation/ The group proposed to use as indicators the following:

1. In the domain of Legislation
 - Внедрение процесса ФЛЕГ в нормативно-правовую базу
2. In capacity building of stakeholders
 - Budget and course of enhancement training for specialists
 - Reform, handing over of production functions, and decentralization
3. Sustainable forest management
 - Number and volume of felling should be scientifically grounded by Forest Institute and SAEPF
4. Livelihoods level of local population in the forest areas
 - Alternative sources of income plus investments and decrease of anthropogenic pressure on the forest
5. Interagency and inter sector cooperation in forest affairs
 - Plan of joint actions with law enforcement bodies
6. Public awareness, transparency in the forest sector activities
 - NAP for 2006 - 2010

7. Prioritized measures for law enforcement and governance in the forest sector: cards session

In the last day of the conference when it became evident that organizers of the event had failed to collect the most important activities for the next 2 years after group work (since all the participants mark practically all the activities in NPM as of high priority) it was proposed to all the participants to write one card with the most important activity of NPM.

Then all the cards were put on pin boards and grouped into categories. Thus it appeared that we received not only the most important activities from participants viewpoints but also domains where this prioritized activities should be implemented. All the cards are presented below in the tables without those that repeat each other.

1. Joint forest management as a domain for further work

#	Activity mentioned on the cards
1.	To develop JMM
2.	To involve into CFM all the forest villages households
3.	To involve local communities into forest management
4.	To lease woodlands to Local Self governance Bodies
5.	To revise practice of CFM used today
6.	To hand over some function of Leskhozoes to LSG Bodies

2. **Inter sector and interagency collaboration** so that to improve social conditions of population in the forest zones.

3. Legislation

#	Activity mentioned on the cards
1.	To bring all the by laws on leasing of pasture and forest plots into line with Forest Code
2.	To improve forest legal documents
3.	To review sanctions (increase) for the damage caused by illegal activities in the domain of ecology in general
4.	To define clearly the owners rights on the forest (for Leshoz, for lessee, for communes)

4. Forest sector reform

#	Activity mentioned on the cards
1.	To divide control and regulation function from productive
2.	To decentralize some functions
3.	The most important that forest should have an owner
4.	Promotion of sustainable forest management
5.	To dissolve all Province forest administrations
6.	To create ecological militia and to organize joint raids
7.	To increase accountability of foresters to populations
8.	To reduce the number of checks of Leskhozoes
9.	Public control over implementation of NPM (monitoring and evaluation)
10.	To increase salaries of foresters

5. Assessment of forest resources

#	Activity mentioned on the cards
1.	Forest Inventory
2.	Socio-economic analysis in the forest sector
3.	To conduct national forest inventory in Kyrgyzstan

6. Capacity building

#	Activity mentioned on the cards
1.	To train population first of all



2.	Promotion of sustainable forest management and increase of capacity of all the forest stakeholders
3.	Усилить работу с населением и особенно обратить внимание на движущие силы, скрывающиеся за незаконными действиями
4.	To organize a series of meetings in all forest communities on forest law enforcement topics

7. Forest use

#	Activity mentioned on the cards
1.	To assess volume of over mature stands and give access to the resource so that to meet demand of people in firewood and construction materials
2.	To keep in a forest area 1-2 private producers
3.	Strict control and accountancy in forest use
4.	To denounce moratorium. It has not bring any positive effect. Walnut wood smuggling has increased.
5.	To increase volume of legal felling
6.	To reduce the number of checks of private enterprises

8. Next steps recommendations

The work of the conference has completed by the presentation of the next steps of the FELG process in Kyrgyzstan. Proposed steps will somehow determine FLEG project activities in its last stage.

Among the recommendations to the project Working Group were the following:

1) Finalisation of the FLEG National Plan by the working group, taking into account the remarks and the recommendations made by the participants during the workshop

Elements to consider:

- a. Review the table of content (sequence of the different chapters)
 - b. Insert illegal activities which are not directly related to logging
 - c. Indicate the area (national or regional)
 - d. Develop the strategy for implementation (defining the priority actions and the more long term actions)
 - e. Amend the logical framework table, which will be presented as an annex
 - f. Develop indicators (outputs, process and impact)
 - g. Identify needed resources (internal and external)
- 2) Final review by the supervising committee
 - 3) Submission of the document for approval and political endorsement at high level
 - 4) Diffusion and presentation of the document

There was also some other more **Specific Recommendations:**

- 1) Show the link between the FLEG Action Plan and the Forest National Action Plan. Many measures (actions) proposed are already part of the Forest NAP. Since there is already a reference to FLEG in the NAP, the new proposed measures should be presented for approval by the Government as an amendment/addendum to the National Action Plan.
- 2) Ensure fuller integration/coordination of the proposed activities on the development of forest inventory and monitoring capacity in Kyrgyz Republic under the National Forest Assessment (NFA) project planned in 2008-2009 (under FAO assistance) with the relevant monitoring measures of the FLEG Action Plan.
- 3) Complete in 2007-early 2008 a socioeconomic valuation of the national forest sector and its capacity to contribute to poverty reduction and job creation in order to inform future Government decisions on fine-tuning of forest sector reform measures. This might include an update of the market study of 2002 and the "value-added" study of 2004 and inclusion of data on firewood demand across the country, as well as assessment of socioeconomic impacts of the moratorium.
- 4) Develop further the pilot programme in place in the South for testing the partnership between the 3 main actors (SAEPF, Ail Okmotys and villagers) in the management of natural resources in order to satisfy better the basic requirements/needs of the local population in terms of firewood and wood for household construction.
- 5) An independent monitoring of the implementation or impact assessment of the Plan should be put in place. An independent body constituted of representatives of the Civil Society, of the Academy of Science, of the Association of Forest Products Processing Enterprises will be contracted to that.

Annex 1: Draft National Plan of Measures on FLEG

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1. Introduction

In accordance with the Constitution of the Kyrgyz Republic the forests in Kyrgyzstan belong to the state, while the forest management functions are assigned to the State Agency for Environment Protection and Forestry (SAEPF further on) under the Government of the Kyrgyz Republic. The wood lands managed by the SAEPF form the so-called State Forest Fund with the total area of 3'279.3 thousand hectares, which is around 16 % of the whole territory of the country (as of January 1, 2003). However, the forested area makes up only 863.6 thousand hectares, or 4.32 % of the country's territory, of which the share of artificially planted forest or forest cultures amounts to 63.4 thousand hectares. The remaining areas are the so-called "non-forest lands" amounting to the total of 2'147.7 thousand hectares, including 9 thousand hectares of arable land; 14.8 thousand hectares of hay-making areas; 1'130.5 thousand hectares of pastures; 1.2 thousand hectares of orchards and gardens; 4.5 thousand hectares of homestead land; 3.2 thousand hectares of bogs and marshes; 2.4 thousand hectares of sands; 24.6 thousand hectares of glaciers; 2.7 thousand hectares of roads; 39.01 thousand hectares of waters; 915.8 thousand hectares of other lands.

The annual budget allocated by the state for the purpose of management of the national forest resources amounts to over 74 million soms (2006). In addition to these state budget funds, the forestry sector has at its disposal approximately 40 million soms of the so-called special means resulting from the production activities carried out by the forest management enterprises

To organize forest management at present, the State Agency for Environment Protection and Forestry has 42 Leskhozes (state forest enterprises), 9 Forest Ranges, 1 forest and hunting farm and 1 nursery. Totally there are 91 organization of national, regional and territorial levels, where at the moment the total number of employees amounts to 2'411 people, of which number 1'538 people work directly at the forest management enterprises (leshozes) and 262 persons work in the forest reserves. In addition to this staff, around 3000 workers are invited annually to do the so-called seasonal work in the field.

Officially from the point of view of the forestry sector's contribution to the national economy the share contributed by the forestry sector to GDP amounts to 97 million soms or 0.09 %, which fails to reflect correctly the actual 'weight' of the sector, since today there is in fact no reliable record-keeping on forest use, and information collected by the forestry enterprises does not fully correspond to the actual situation.

On the local level Director of a Leskhoz is responsible for the forest resources and implementation of the national forest policy as a representative of SAEPF on territorial level.

The territory which is managed by the Leskhozes is usually subdivided into Forest Ranges, which in their turn are divided into Obkhods (forest plots) under the responsibility of a given forester.

Nowadays in Kyrgyzstan there developed relevant legal base so that to ensure preservation of forests and development of forestry sector.

Among the most important normative documents of the Kyrgyz Republic the following can be mentioned:

- Forest Code of the Kyrgyz Republic as of July 8 1999 #66 (amended on March 3, 2005);
- Regulations on the State Forest Guard of the Kyrgyz Republic (endorsed by the Governmental Decree on June 24, 1997 # 371);
- Main regulations on tending felling in forests of the Kyrgyz Republic (approved by the Director of the State Forest Agency under the Government of the Kyrgyz Republic on July 26, 1996);

- Regulations on leasing of the forest fund plots of the Kyrgyz Republic (endorsed by the Government on April 15, 1997 # 226 and amended by the Governmental Decree as of March 2001);
- Regulations on Collaborative Forest Management in the Kyrgyz Republic (endorsed by the Governmental Decree on July 27, 2001 # 377);
- Regulations on the order of agricultural lands use on the territory of the State Forest Fund of the Kyrgyz Republic (endorsed by the Government on September 12, 1991 # 449);
- And other.

Modalities of forests use are established by SAEPF according to the legislation of the Kyrgyz Republic.

According to the Forest Code all the forest of Kyrgyzstan are of environmental character, where all the felling is prohibited except for tending felling, sanitary felling, forest reconstruction felling, cleanings, and forest regeneration felling.

Shortage of arable lands and pastures, lack of any other sources of income force local population to use actively forest resources to sustain livelihoods. Anthropogenic pressure on forest resources is constantly growing leading to degradation of forest and then to deforestation of some territories.

The Government of the Kyrgyz Republic has timely taken the right decision to use not traditional approach for forest conservation and forestry sector development – leasing of forest plots to private people and local communes.

Leasing of separate plots of the State Forest Fund was introduced into practice in 1997. Forest plots leasing is mutually beneficial, the state provide them with the right to use forest products and services according to forest use rules, and in exchange forest lessees ensure forest plots guarding from illegal felling and implement necessary silvicultural activities for forest reproduction (nurseries installation, plantation, pest control, etc.).

From 2001 a new progressive approach has been introduced in Kyrgyzstan – Participatory Forest Management (or Joint Forest Management), in a form of Collaborative Forest Management (CFM). In accord with the new forest policy, the state is going to broadly involve local population into Joint Forest Management. Joint Forest Management is understood as different types of processes aimed at uniting and building of cooperation of different partners from the state, private and civil sectors so that to joint planning and implementation of forest management activities.

Beside the legislative base there have been elaborated and endorsed political documents, defining main guidelines for the development of the forestry sector:

- The Concept of the Forestry Sector of the Kyrgyz Republic Development (endorsed by Governmental Decree on April 14, 2004 # 256);
- The National Forest Programmed of the Kyrgyz Republic for 2005-2015 (endorsed by Governmental Decree on November 25, 2005 # 858);
- The National Action Plan for the Development of the Forestry of the Kyrgyz Republic for the period of 2006 – 2010 (endorsed by Governmental Decree on September 27, 2006 # 693).

The Concept of the Forestry Sector Development is defining the main goals of the forest policy of Kyrgyzstan:

1. Provision of sustainable development of the forestry sector
2. Involvement of population and local communities into joint forest management
3. Adaptation of the role of the state in the forestry sector.

National Forest Programme of the Kyrgyz Republic is defining a set of activities for implementation of the Concept of Forestry Sector Development. And it distributes them along the ten strategic lines of national forestry sector development from the Concept:

1. Ensure protection of all the forests and biodiversity in the country
2. Definition of technical norms for sustainable forest management
3. Transfer of productive activities to the private sector
4. Improve the system of collaborative forest management and leasing relations
5. Rationalize forest service structure at territorial and national levels
6. Implementation of economic reform of structural management units
7. Improve the status of Forest Service personnel
8. Improvement of forest research and education
9. Improve efficiency of funding system for forestry sector
10. Raise public awareness on forestry-related issues

National Action Plan for the forestry sector of the Kyrgyz Republic development for the period 2006-2010 (NAP) is a logical continuation of the Concept and Programmed. годы является логическим продолжением Концепции и Программы. NAP defined in details strategic lines of the forestry sector development for the next five years and foresees stage-by-stage implementation of the set objectives.

Objectives of NAP for 2006-2010 are the following:

1. Ensuring the conservation of the biological diversity and forests.
2. Improvement of the system of forest management:
 - separation of the control and regulation functions and the economic functions;
 - optimization of the management structure of the forestry sector;
 - enhancement of the status of employees of the forestry sector;
 - improvement of the gender policy in the forestry sector;
3. Involvement of local population and local communities in the joint forest management.
4. Determination of the norms for the sustainable management and the multi-purpose use of forests.
5. Ensuring of the efficiency of the economic reform and the system of financing of the forestry sector.
6. Improvement of the forest-related science and education.
7. Enhancement of the awareness of the forestry sector development.

Despite the abovementioned measure of the state the amount of illegal felling in Kyrgyzstan is not decreasing. The main cause of this phenomenon is poverty of local population, short coming of the system of the forest resource governance and corruption in the state structures. Undoubtedly that in such a situation prohibitive measure only, will aggravate the situation of the local population and do not lead to expected result. Here it is necessary to find such solutions of the problems which allow to improve the live standards of the local population and to preserve forests of Kyrgyzstan. So that to achieve these purposes within the frames of:

- The Concept of Forestry Sector Development of the Kyrgyz Republic;
- The National Forest Programmed of the Kyrgyz Republic for 2005-2015;
- The National Action Plan for the Development of the Forestry in the Kyrgyz Republic for the period 2006 – 2010;
- The State Strategy to Combat the Corruption of the Kyrgyz Republic;
- The Strategy of the Country Development for 2007-2010;

the present National Plan of Measures on fighting illegal logging of the Kyrgyz Republic (NPM).

NPM has been developed so that Kyrgyzstan can fulfill its international obligations within the frames of ENA FLEG process.

The process of ENA FLEG (Europe and Northern Asia Forest Law Enforcement Governance) is an international negotiation process on the problems of forest law enforcement and governance. This process is aimed at mobilization of international efforts of the governments of countries-producers, consumers and donors for stirring up activities to combat illegal logging and connected with them trade and corruption in the forestry sector. Participants of the process

strive to create on the national and regional level political environment which will facilitate coordination of efforts aimed at solutions of such complex problems together with the main stakeholders from the civil society and business.

Kyrgyzstan has joined the FLEG process in 2005 on the International ministerial conference held on November 21-25 in St. Petersburg. Official delegations from 45 countries participated in it. In the result of its work there were endorsed two international documents – International Declaration and Indicative plan of actions. On the basis of these two documents participating countries are to develop their systems of fight with law violation in the forestry sector. After signing these documents Kyrgyzstan has expressed its readiness to work in this direction and to develop its own National Plan of Measures on fighting illegal forest logging.

2. Law violations in the forestry sector

Nowadays the state control bodies of environment protection have an objective to prevent and ensure necessary control over illegal felling for counteraction to deterioration of environment in the conditions of economic revival and increase of production.

It is important to stress that transition period has sharpened all existing problems of environment protection law enforcement. To such problems belong diversity of regulating subjects, privileges lobbying, lack of necessary understanding from the side of politicians on the need of law enforcement, low effectiveness of environment protection activities, low awareness on legislation and consequent violation of it, limited authority, funding and human capacities of the state control bodies. Reform of the system of state governance and economic reconstruction is being implemented too slow that contribute to non observance of environment protection requirements. Besides legal base is too complicated and the principle of law rule in fact does not work, society not believing impartiality of the state regulation. Such a situation is an additional factor negatively contributing effectiveness of law enforcement.

Limited authority and potential do not allow territorial branches of control bodies to implement effectively their tasks. Quality of regulation on the territorial level is negatively being influenced by not adequate institutional division of functions of permission and control. SAEPF Head Office is defining priorities rendering methodological support to its territorial branches and local administration bodies. However vertical relations often have conflict character, caused by different systems of assessment of illegal activities, in which the focus is made on punishment, but not on institutional development of territorial branches.

In spite of gradual shift of focus on ecological results, collection of fees and penalties remains the central element of state control bodies activities and creates distorted incentives for inspectors. Among the measure to react on requirement non observance penalties prevail.

Analytical instruments of assessment of illegal financial benefits from non observance of law do not exist as well as to analyze acceptance of financial penalties. Collection of penalties during the last several years has increased considerably.

Lack of justified transparent law enforcement policy, protectionism from the side of high ranking officials, pressure from the side of different ministries and lack of transparency during decision making often undermine the principle of law rule as well as confidence of public and conscientiousness of personnel.

It is important to stress, that positive results of work of supervisory and control bodies are associated only with numerous checks, investigated violations and money sanctions. Lack of standard terminology and procedures make possible different interpretation of data.

Subject of control in major cases demonstrate bad knowledge of environment protection requirements. Special activities on information of control subjects on changes in legislation and explanation of new normative requirements are being held irregularly. There are no comprehen-

sive programmes of law observation motivation and activities on motivation of law observation are frequently considered to be out of competences of supervisory and control bodies.

The institute of public control over environment protection laws control is unfortunately still underdeveloped. Existing positive experience of public ecological interests protection are rather seldom. Often the term of public control is substituted by more clear for state servants term of out staff inspector. This is connected with the fact that there is no definition of the term of "Public control" in any legal documents and there are no mechanisms of public control as it is.

3. Types and causes of illegal logging

3.1. Types of illegal logging

Conventionally there define 4 forest belts in Kyrgyzstan: spruce belt (Kemin, Issyk-Kul, Naryn), juniper belt (Osh, Batken), walnut fruit belt (Jalalabat, Uzgen) and riverside forests (everywhere). Depending on these forest ecosystems illegal forest loggings have their own regional specificity.

If assessing illegal felling in Kyrgyzstan in comparison to these phenomena in other countries, one peculiarity can be identified – there is no any large scale wood harvesting in Kyrgyzstan for industrial purposes.

Those illegal loggings that occur can be divided into three groups:

1. Illegal logging to satisfy basic needs of local population;
2. Small scale illegal logging to enhance livelihoods;
3. Small scale forest felling in the process of economic or other activities on wood lands.

They are different in the following:

- Illegal loggings to satisfy basic needs are implemented by the local population to satisfy immediate needs through harvesting firewood and wood for construction of houses
- Small scale illegal felling to enhance livelihoods are being implemented not for personal purposes but for the next commercial sales to improve livelihood;
- Small scale felling in the process of economic and other activities are being implemented during roads construction, exploring and mining of minerals, construction works and during implementation of other activities the main goal of which is not connected with forest logging.

3.1.2. Illegal logging to satisfy basic needs

It is not always commercial interests that stay behind violations of law. In many cases poverty and lack of realistic alternatives to get legal income force people to violate law. All over Kyrgyzstan there occur illegal loggings that aim at satisfaction of basic needs of local population living on the wood lands or near them. People who implement these activities belong to poor stratum of population and do not have legal opportunity to get wood in needed amount. In major cases these are needs in firewood, but sometimes industrial wood is also harvested for house construction.

It is clear that after 1991 with independence this country also gained all the problems related to disintegration of the economy of the former SU. All the economic links were broken and the system of Kyrgyz national economy, that was highly dependent on the resources from other former SU Republics, collapsed. That has led to mass unemployment and decrease of living standards. A lot of people have found themselves in the situation of limited opportunities as far as legal use of energy resources are concerned. Another problem that came was unaffordable prizes for

construction wood due to high market prices. Confronting such severe economic situation people living close to forests started actively exploit them in order to survive. This human pressure on natural resources led to certain extend to deforestation and degradation of forests.

Another cause of such a situation can be found in former and partially in the present forest policy that is implemented without taking into account the interests of local population. From the soviet times the forestry sector of Kyrgyzstan has been oriented on only guarding and conservation: all the forest were declared environmentally important category where all type of felling were banned except for tending, sanitary and forest regenerating. While implementing above mentioned felling state forest enterprises receive certain amount of wood. Leskhozoes sell it according to their vision and earn what is called "special means". SAEPF (including Leskhozoes) receives part of necessary funds from the state budget, and another part from the productive economic activities of Leskhozoes including wood sales, honey sale, forest land plots leasing, and etc. Evidently that forest policy today is being implemented without consideration of local population interests. Often population has its own life and Leskhozoes – their own. And each party has its own interests.

In recent years SAEPF has tried to improve the situation and to introduce Collaborative Forest Management (CFM), i.e. transfer forest areas for leasing to local communities. However implementation of CFM has been done with such an error when "commune" was understood as some small part of population of a village (groups of 5-6 relatives and several neighbors). So the situation is that CFM involves only several percent of local commune residents and the rest of the people which make up majority of commune remain out of CFM and without "legal" firewood. Consequently other locals remain potential forest law violators, who implement illegal activities to satisfy their immediate basis needs.

Thus, today the main threat to forest is coming from the local population pressure on natural resources, caused by negative economic conditions and demographic growth. As per remote sensing data received after analysis of satellite imagery we can speak about 1,2 mln people living today in and close (up to 5 km) to forest. 200 thousand people live within the State Forest Fund. The demand of population if firewood and construction timber as constantly growing every year. SAEPF resources today are limited and it is not able to stop expansion of illegal activities. For instance one forest guard to day has 1500 ha of mountain forests under responsibility, which in present situation without any technical facilities he is not able to guard in a proper way.

3.1.3. Small scale illegal felling to enhance livelihoods

Small scale illegal felling to enhance livelihoods also can be observed all over Kyrgyzstan. One of the factors favoring to expansion of such illegal felling is great demand on timber on the markets as well as weak system of the state control and law enforcement. Small scale illegal felling of forest is being implemented by the people who are interested to earn quick money. Their impunity is facilitated by relative or other links with high ranking officials, who can come to the rescue in case of detention and do not allow putting them on trial. To transport cut trees they engaged big trucks, and to implement felling they hire local people who even glad to any job. Anonymous inquiries of local people show that in major cases foresters are involved in these illegal activities. The fact that lawbreaker manage to transport illegal timber for long distances (from Naryn to Bishkek, for instance) witness that their high ranking patrons can make law enforcement bodies officers (who have a lot of permanent posts on all the highways) to close yeas on this.

Spruce timber from Kemin, Issy-Kul and Naryn is being transported to Chui valley and Bishkek to sell on the markets as construction timber and material for furniture production.

Illegally cut poplars from Talas Province are being transported to Jalalabat and Osh Provinces to be sold as construction timber.

Juniper forests growing in Osh and Batken Provinces are also subjected to illegal felling. The wood is sold locally for house construction and furniture production.

There is a special demand for the walnut wood which is illegally cut in Jalalabat and Uzgen and transported to Bishkek as well as abroad to Kazakhstan and Uzbekistan. Walnut timber is used mainly for furniture and other goods production and decoration of expensive cottages.

In the places of walnut fruit forest growth there wide spread another crime illegal harvest and export of walnut burls. There is a great demand on the international market on it.

Today we can observe one more phenomenon - in the walnut fruit forest zone there appeared organized criminal groups which actively started to harvest illegally walnut timber and burls and law enforcement bodies are not able to finish with them. They openly speak about complete weakness to oppose these groups who are covered by high rank officials from the state administration. For example, according to SAEPF data in 2006 in Jalalabat region law enforcement bodies manage to return only 3% of claims for crimes presented by forester into other laws enforcement bodies and courts.

Undoubtedly the main cause of these crimes is corruption in the state governance bodies. Corruption in Kyrgyzstan has acquired system character and turns into an instrument of collective plundering of national wealth. Thus according to the data of Transparency International in 2006 Kyrgyzstan is among the 20 of the most corrupted countries of the world. So reality shows that Kyrgyzstan adaptation to post soviet conditions is going on very painfully. Increase of protest potential and permanent meetings and pickets have become natural response of the society to failure in political, economic and social systems of the country.

Totally for the period from the begging of 2006 until now there revealed 141 cases of illegal walnut burls and timber harvest which caused loss in the amount of 7 904 776 soms. And these are only official data; actual figures are much higher. So that to tackle the problem the Law of the Kyrgyz Republic dated by February 12, 2007 # 15 "On ban of felling, transport, purchase and sale, harvesting and use, export and import of precious species' timber (juniper, walnut) timber has been issued.

The ban (moratorium) has been imposed to cut, to transport, to buy, to sell, to harvest and use, to export and to import of precious timber for 5 years. Only forest cleaning, i.e. collection of dry wood without felling is allowed. According to Article 58-1 of the Forest Code of the Kyrgyz Republic the following species are defined as precious: Juniper of 3 varieties (Turkestan, Zervashan, and semiglobosa),walnut, pistachio, and almond).

3.1.4. Small scale forest felling during economic or other activities on wood lands

During the last years a certain economic growth can be observed in Kyrgyzstan. This positive trend has also led to the growth of law violations in the forestry sector which are linked with different types of economic activities of wood lands.

Implementing economic activities different organizations often do not observe nature protection legislation and conduct activities without ecological expertise and obligatory permissive document on natural resource use. Considerable forest areas are being cut in the process of works there.

Small scale forest felling in the process of economic or other activities on wood lands are implemented during:

- Implementation of big hydro melioration projects;
- Roads construction and exploitation;
- Exploring and mining of mineral resources and construction of mining enterprises;
- Enlargement of urban territories and creation of new settlements on wood lands;
- Construction of dwelling and infrastructure for tourism;

- Construction of high-voltage transmission lines, gas pipe lines, etc.

The cause of these law violations and cutting of tree and shrub vegetation is in unawareness in the issues of ecological requirements and procedures among the managers of such companies, their light minded relation to environmental legislation, lack of control, weak law enforcement and corruption in the state governance bodies and Local Self Governance Bodies.

Most frequent crimes in the forestry sector and their cause are presented in Table 1.

Table 1. Most frequent forest law violations in Kyrgyzstan and their causes

№	Most frequent forest law violation	Causes (driving forces) of the crimes
1	Illegal logging to satisfy basic needs of local population;	<ul style="list-style-type: none"> - People are not able to satisfy legally their basic needs - Lack/high price of alternative energy sources - High price of construction materials - Complexity of judicial procedures on permission to access and to harvest the forest resources - Lack of legal possibility to buy firewood - Poverty of population
2	Small scale illegal logging to enhance livelihoods;	<ul style="list-style-type: none"> - High price and demand on timber, commercial objectives of lawbreakers - Population demand on timber is higher than Leskhozes harvesting plans - Poor equipment of foresters - There are forest without forest guards - Corruption in the state governance bodies and among foresters (low salaries) - Poverty of population, rural unemployment - Complexity of judicial procedures on permission to access and to harvest the forest resources - Low level of qualification among forest guards - Not effective order of law enforcement
3	Small scale forest felling in the process of economic or other activities on wood lands	<ul style="list-style-type: none"> - Weak law enforcement in the forestry sector - Unawareness about ecological legislation - Poor technical facility of the state control bodies - Shortage of qualified staff - Non adequate punishment for law violations and environment loss

4. Goals and objectives of the National Plan of Measure

The goal of the National Plan of Measures to combat illegal logging is **forest law enforcement and governance in the forestry sector** of the Kyrgyz Republic.

So that to achieve this goal it is necessary to reach the following objectives:

1. Development of the forest legislation;
2. Forest legal relations actors capacity increase
3. Promotion of Sustainable forest management
4. Development of alternative opportunities to rise life standards of the local population in forest regions;
5. Promotion of interagency, inter sector cooperation to ensure law enforcement and fight with corruption;
6. Awareness rise among the public and stakeholders to ensure transparency of forestry sector activities;
7. Follow up and evaluation of forest law enforcement and governance implementation

5. Measures and expected results

So that to prevent illegal felling, the State Agencies and Local Self Governance Bodies, should implement the measures motioned below in the table.

Table 2

The sign * mark measures, included into the present document so that to implement the National Action Plan on forestry development for 2006 – 2010 (approved by the Governmental Decree on September 27 2006 # 693).

No№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
Objective 1. Development of forest legislation						
Result 1.1. Forest legislation has been studied and analyzed, some recommendations being prepared						
1.1.1	To conduct revision of forest legislation	2008	SAEPF	Ministries and agencies, international projects and NGO		Report on revision held
1.1.2	To develop recommendations to improve forest legislation	2008	SAEPF	Ministries and agencies, international projects and NGO		Recommendations for improvements of forest legislation
Result 1.2. Forest legislation has been improved						
1.2.1	* To complete the draft of the new Forest Code of the Kyrgyz Republic	2008	SAEPF	Ministries and agencies, international projects and NGO		New Forest Code
1.2.2	To make additions into Law on LSGB. (to establish responsibility of LSGB for municipal forests)	2009	NALSGB	Ministries and agencies, international projects and NGO		Law of the Kyrgyz Republic
1.2.3	To change conditions of 5 years moratorium on precious timber species felling (Moratorium – for burls only)	2009	SAEPF	Ministries and agencies, international projects and NGO		Law of the Kyrgyz Republic

No№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
1.2.4	* To make amendments to the Administrative Responsibility Code and Criminal Code of the Kyrgyz Republic so that to increase responsibility for illegal forest felling. To toughen punishment for crimes, and to increase amount of fines and sanctions. To assign forest guard and LSGB (for municipal forests) the right to call to account and to fine for forest crimes.	2009	SAEPF	Ministries and agencies, international projects and NGO		Law on amendment of Administrative and Criminal Code
1.2.5	* To make amendments to the Regulation "On the state forest guarding of the Kyrgyz Republic" approved by the Decree of the Government of the Kyrgyz Republic of 24.06.1997. # 371 and to include incentives for information about forest crimes. To simplify the system of incentives	2008	SAEPF	Ministries and agencies, international projects and NGO		Decree of the Government of the Kyrgyz Republic
1.2.6	* To make amendments to the Regulation "On the material responsibility for the damage inflicted to forestry" approved by the Decree of the Government of the Kyrgyz Republic of 17.08.1992. # 403 so that to increase amount of compensations	2009	SAEPF	Ministries and agencies, international projects and NGO		Decree of the Government of the Kyrgyz Republic
1.2.7	To ban construction of new dwelling in the forest	2008	SAEPF	Ministries and agencies, international projects and NGO		Law on amendments to some legal documents of the Kyrgyz Republic
1.2.8	To create ecological militia	2008	SAEPF	MIA, Prosecutor General, local administrations		Decree of the Government of the Kyrgyz Republic
1.2.9	To harmonize by laws on leasing of SFF lands and pastures with the Forest Code	2009	SAEPF, LSGB	Ministries and agencies, international projects and NGO		Decree of the Government of the Kyrgyz Republic
Objective 2. Forest legal relations actors capacity increase						
Task 2.1. Separation of the control and regulation functions and the economic functions						
Result 2.1.1. The legal base for separation of control and regulation functions from economic has been developed						

No№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
2.1.1.1	* To develop and approve the legal documents for reorganization of Leskhozoes and handing over of a part of productive activities to the private sector	2008	SAEPF	Private sector, international projects		Normative documents
2.1.1.2	*To develop the Rules for forest use in the Kyrgyz Republic	2009 год	SAEPF	Ministries and agencies, international projects and NGO		Rules
2.1.1.3	*To develop the system for installation of private plantations in the Kyrgyz Republic	2009 год	SAEPF	Private sector, international projects		Endorsed Document
Task 2.2. Optimization of the management structure of the forestry sector						
Result 2.2.1. The management structure of the forestry sector on the national level has been improved						
2.2.1.1	* To increase the status of SAEPP	2009 год	President Administration, Governmental Office	Ministries and agencies		Decree of the President of the Kyrgyz Republic
2.1.1.2	To involve local communities to forest management	2008-2010	SAEPF	LSG bodies, NGO		Rules
2.1.1.3	To create a system of public control. To facilitate creation of voluntary groups of forest guards from local population	2008-2010	LSGB, NGO	SAEPF		Rules
2.2.1.4	* To apply a three-level management (republican, territorial, and forest range)	2008	SAEPF	Ministries and agencies, LSGB		Decree of the Government of the Kyrgyz Republic
Result 2.2.2. The management structure on a territorial level has been improved						
2.2.2.1	* To implement the decentralization of functions	2008-2010	SAEPF	Ministries and agencies, LSGB, NGO		The order by SAEPP

№№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
2.2.2.2	* To reorganize the territorial structures of forest	2008 год	SAEPF	Ministries and agencies, LSGB, Local state administrations		The order by SAEPF
2.2.2.3	* To conduct training of SAEPF staff in judicial issues (to improve skills in documentation work)	2008-2010	SAEPF	Ministries and agencies, international projects, NGO		Training Plan of SAEPF
2.2.2.4	To employ the forest guards and rangers with trial period and after corresponding training	2008	SAEPF			The order by SAEPF
Задача 2.3. Enhancement of the status of employees of the forestry sector						
Result 2.3.1. The legal status of employees of the forestry sector has been enhanced						
2.3.1.1	* To revise the regulations on the rights and obligations of forest guards	2008	SAEPF	Ministries and agencies, international projects, NGO		Regulations on forest guard
Result 2.3.2. The social status of the employees of the forestry sector has been increased						
2.3.2.1	* To raise the level of wages for the forest guards	2008	SAEPF, Ministry of Finance	Parliament		Decree of the Government of the Kyrgyz Republic
2.3.2.2	* To develop the measures for the material and technical provision of the forestry employees: communications, transport, uniform, and official fire-arms	2008-2010	SAEPF	Ministries and agencies, international projects		Regulations and technical equipment
Objective 3. Sustainable forest management						
Result 3.1. Norms of sustainable forest management have been defined						
3.1.1	* To develop the set of criteria and indicators of the sustainable forest management	2008	SAEPF	BSI, IFWR, international projects		A list of criteria and indicators of sustainable forest management

№№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
3.1.2	* To develop "Interim recommendations for application of criteria for and indicators of the sustainable management of forests of the Kyrgyz Republic	2009	SAEPF	BSI, IFWR, international projects		Endorsed document
3.1.3	* To adapt the criteria for and indicators of the sustainable management of forests of the Kyrgyz Republic till oblast level	2010	SAEPF	BSI, IFWR, international projects		A list of criteria and indicators of sustainable forest management
3.1.4	* To implement the National Forest Inventory irrespective of the ownership form of forests (field work)	2008-2010	SAEPF, LSGB	State Register, LSGB, local state administration		Registration materials
3.1.5	* To make interpretation and classification of the aerial photos and satellite images of the country's forests	2008-2010	SAEPF	International projects, GIS		Results of interpreted images
3.1.6	* To obtain the National Forest Inventory data and to submit these data for approval by the Government of the Kyrgyz Republic	2010	SAEPF, LSGB	State Register		Decree of the Government of the Kyrgyz Republic
3.1.7	* To publish and disseminate the data of the National Forest Inventory	2010	SAEPF, LSGB	International projects, State Register		Publications
3.1.8	* To implement the forest inventory	2008-2010	SAEPF, LSGB	International projects		On SFF - 1245068 ha, and on the lands of AO
3.1.10	* To develop the system for assessment of forest resources	2008	SAEPF	IFWR, international projects		Regulations
3.1.11	* To carry out the global assessment of forest resources	2008-2010	SAEPF	IFWR, National Statistics Committee, State Register, international projects		Assessment results
3.1.12	* To adapt the national data on forest area and forest resources to international requirements	2008	SAEPF	IFWR, state Register		Regulations

No№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
3.1.14	* To establish the system of database on forest resources	2008-2010	SAEPF	IFWR, State Register, international projects		Data base
3.1.15	* To develop the methods for the annual registration of forest resources	2008-2010	SAEPF	IFWR, international projects		Methodology
3.1.16	* To ensure the systematic review of forest statistics with regard to quantitative and qualitative indicators and changes of forest areas and forest resources	2008-2010	SAEPF	IFWR, National Statistics Committee, State Register, international projects		Annual collection publication
3.1.17	* To ensure dissemination of the forest statistics data on the national level for all interested parties	2008-2010	SAEPF	International projects		Web Site, media publications
Result 3.2. Norm of multi purpose forest use have been defined						
3.2.1	* To determine the technical norms for the multi-purpose use of forests, including the hunting resources	2008-2010	SAEPF	IFWR, BSI		Regulations
Result 3.3 The legal framework for the determination of technical norms for the sustainable forest management and for the multi-purpose use of forest resources has been improved						
3.3.1	* To develop the draft regulation "On the forest inventory in the Kyrgyz Republic" and to submit it for approval by the Government of the Kyrgyz Republic	2008	SAEPF	IFWR, State Register, National Statistic Committee		Decree of the Government of the Kyrgyz Republic
Result 3.4 Sustainable forest management tools have been developed						
3.4.1	To increase accountability of LSGB, SAEPP and MIA for local population	2008-2010	SAEPF, LSGB, MIA	International projects, NGO		Published reports
3.4.2	To optimize areas of forest Obhods and to increase the number of forest cordons	2008-2010	SAEPF	Ministry of Finance, International projects		Areas of optimal Odhods, built forest cordons

№№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
3.4.3	To increase the volume of allowed felling to supply people with firewood	2008-2010	SAEPF, LSGB	Local communities and private sector		Volumes of felling correspond to inventory materials
3.4.4	* To create new SPNT	2008-2010	SAEPF	NAS, LSGB? international projects, NGO		Decree of the Government of the Kyrgyz Republic
3.4.5	To develop the project of municipal forest development	2008-2010	OMCY	SAEPF, Ministry of Finance, International projects, NGO		Forest Development Projects
3.4.6	To strengthen forest monitoring	2008-2010	SAEPF	IFWR, International projects, NGO		Decree of the Government of the Kyrgyz Republic
3.4.7	To give an incentives to “legal” forest users in public	2008-2010	SAEPF	International projects, NGO		Order of S AEPF
3.4.8	To foresee measure on motivation of forest investments	2008-2010	SAEPF	International projects, NGO, Private sector		Normative documents
Result 3.5 The Concept of Joint Forest Management has been developed						
3.5.1	* To develop joint forest management including CFM	2008-2010	SAEPF	International projects, NGO, Private sector		Concept and Strategy of JFM
3.5.2	To hold revision of SFF leasing contracts and adapt them to legislation	2008-2009	SAEPF	International projects, NGO, Private sector		Reports on revisions
Objective 4. Development of alternative opportunities for local population on the forest lands to rise life standards						
Result 4.1. Alternative economic opportunities in communes dependent of forests has been developed						

No№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
4.1.1	To develop ecological and community based tourism	2008-2010	State agency for tourism, LSGB	SAEPF, International projects, NGO, Private sector		Program of community based and ecological tourism development
4.1.2	Creation of new jobs opportunities in the forestry sector	2008-2010	SAEPF, LSGB	International projects, NGO, Private sector		New jobs, decrease of pressure on forest
4.1.3	* To install the commercial plantations composed of the fast-growing species	2008-2010	SAEPF, LSGB	IFWR, international projects, NGO		Industrial plantations in ha
4.1.4	* To make plantations of forest cultures outside the State Forest Fund territory in the oblasts	2008-2010	LSGB	SAEPF, private sector, IFWR, international projects		Forest plantations in ha
Result 4.2. Income generating opportunities of local population through sustainable forest management has been broadened						
4.2.1	* To support establishment of production enterprises	2008-2010	LSGB	SAEPF, Ministry of Agriculture, Ministry of Economic Development		The number of enterprises
4.2.2	To promote mini processing of NWFP	2008-2010	LSGB	SAEPF, Ministry of Agriculture, Ministry of Economic Development		Number of small enterprises
Result 4.3. Alternative sources of energy are widely used						
4.3.1	* To promote the application of the alternative energy sources (mini hydroelectric power stations, biogas and helium devices etc.)	2008-2010	LSGB, Ministry of Energy	SAEPF, international projects, NGO, private sector		Number of mini hydroelectric power stations, biogas and helium devices etc
Objective 5. Development of inter agency inter sector cooperation for law enforcement and combat with corruption						
Result 5.1. Inter agency and inter sector cooperation has been improved						

№№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
5.1.1	To organize joint raids of local population and state governance bodies against forest crimes	2008-2010	LSGB SAEPF	MIA, Prosecutor General Office, NGO		Plans of Operations
5.1.2	To develop mechanisms of cooperation between forest guards and law enforcement bodies. To make up plans of joint actions as for law enforcement bodies and local communes	2008-2010	SAEPF, MIA, Prosecutor General Office, National agency of Corruption prevention	LSGB		Endorsed Plan of joint actions
5.1.3	To conclude contracts of cooperation with laws enforcement bodies and local communities	2008-2010	SAEPF, MIA, Prosecutor General Office LSGB	NGO		Contracts
5.1.4	To organize joint commissions of LSGB, National Agency on Corruption Prevention, MIA and SAEPF to combat forest law violations	2008-2010	SAEPF, LSGB, MIA	NGO		Commission, Headquarters, endorsed plan of actions
5.1.5	To conduct joint raids and to organize spot checks	2008-2010	SAEPF, LSGB, MIA	NGO		Raids, spot checks
5.1.6	To organize public trials against lawbreakers	2008-2010	Courts SAEPF, LSGB	NGO		Open court trial process
5.1.7	To organize form the Local Parliament Deputies and Aksakals commissions for public discussion of law violations	2008-2010	Local Parliaments, courts of Aksakals, SAEPF	NGO		Public discussions
Result 5.2. The vulnerability of trans boundary regions as far as illegal timber trade is concerned has been reduced						

No№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
5.2.1	To conclude interstate agreement on trans boundary responsibility in relation to illegal removal of timber	2008-2010	SAEPF, Interstate commission on sustainable development on CA	Ministries and agencies		Interstate agreements
Objective 6. Awareness rise among the public and stakeholders to ensure transparency of forestry sector activities						
Result 6.1. Informational resources of the forestry sector have been streamlined and improved						
6.1.1	* To develop the strategy and the action plan for creation of the information resources in the forestry sector	2008	SAEPF	IFWR, international projects		Endorsed document
6.1.2	* To develop and apply the database system with regard to the information resources	2008-2010	SAEPF	IFWR, international projects		Data base
Result 6.2. Free access to information on forest management and its broad dissemination has been ensured						
6.2.1	*To develop the strategy for dissemination of the information on the development of the forestry sector	2008	SAEPF	NGO, international projects		Endorsed document
6.2.2	To ensure dissemination of information on forestry sector through media, internet and etc.	2008-2010	SAEPF, LSGB	NGO, international projects		Information on forestry is accessible
Result 6.3. Awareness of the public has been risen						
6.3.1	* To develop the training manuals to increase the level of awareness	2008-2010	SAEPF	NGO, international projects		Manuals
6.3.2	* To develop and publish the booklets on development of the forestry sector	2008-2010	SAEPF	NGO, international projects		Booklets
Result 6.4. Local population and stakeholders has been trained and can participate in the forestry management						

No№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
6.4.1	* to inform regularly all the stakeholders on the scale and volume of illegal felling, dangerous pests and forest diseases. To publish materials on local Leskhozoes and lawbreakers in media To supply local population with reliable information about all forest users, and potentials for forest use.	2008-2010	SAEPF, LSGB	Media, NGO		Program on information dissemination
6.4.2	To conduct regularly action with local population as meetings and to present there information on the forestry sector, plans of activities and cases of law violations and illegal acts of foresters, etc.	2008-2010	LSGB, SAEPF	NGO		Minutes of the meetings
6.4.3	* To ensure the operation of the helpline telephone	2008-2010	SAEPF	NGO, MIA, LSGB		Contacts with population
6.4.4	* To update the website with information on the forests of Kyrgyzstan	2008-2010	SAEPF	NGO, international projects		Web site
6.4.5	To ensure transparency in decision taking on organization of forest use and forest plots leasing	2008-2010	SAEPF, LSGB	NGO, international projects		Contacts with population
6.4.6	To conduct training of local population on the issues of forest use and forest law violations	2008-2010	SAEPF, LSGB	NGO, international projects		Trainings, seminars
6.4.7	To conduct lessons on forestry in schools	2008-2010	SAEPF, Ministry of Education	NGO, international projects		Lessons in the schools
6.4.8	To ensure participation of civil society in decision making through JFM	2008-2010	SAEPF, LSGB	NGO, international projects		Minute of public discussions, or conclusion of public expertise
6.4.9	To involve NGO to elaboration of forest policy and legislation	2008-2010	SAEPF	NGO		Joint working groups

Objective 7. Follow up and evaluation of law enforcement and governance in the forestry sector

Result 7.1 Effective monitoring and transparency of reporting process has been ensured

№№	Measures	Time-frame	Responsible	Partners	Budget, th. soms	Product
7.1.1	To implement monitoring of NPM implementation and participatory process of all the groups	2008-2010	SAEPF	NGO, international projects		Annual Reports
7.1.2	To implement monitoring of funds allocation and use	2008-2010	Accounting Chamber, Ministry of finance	SAEPF, NGO		Minutes of checks
Result 7.2 Local communities has assessed Leskhoz activities						
7.2.1	To establish joint commissions from deputies of local parliaments , LSGB, MIA, Aksakals and foresters to follow up implementation of planned activities in the forestry sector	2008-2010	SAEPF, MIA, LSGB	NGO, Private sector		Minutes of Joint Commissions
Итого:						

6. Law enforcement in the forestry sector

To enforce law in the forestry sector it is necessary to consider the following principles:

Law violation is followed by punishment. This is the main principle necessary for effective containment of law violations. It can be achieved by several ways: via accurate, timely and rigorous reaction on violations, even on those which are considered not significant; broad information of public on violations in the domain of environment protection trying to get public reproach for lawbreakers; development of incentives for law observation and buses for those who follow all the necessary requirements.

Consistency and transparency of sanctions. Consistency, transparency and commensurability are also important in implementation of control over law violations. Consistency means use of the same methods in similar circumstances in relations to all the lawbreakers. Transparency means explanation to stakeholders what they have been asked to do by the state control bodies as well as what they have to expect from the state control bodies, i.e what kind of sanction there possible and under what conditions. This principle contributes to public being assured that bodies of the state control are able to perform their functions in the system of the state governance. The principle of commensurability means that sternness of law enforcement measures should be proportionate to the threat to the environment and seriousness of violation. Besides, to ensure justice there should be foreseen some mechanisms to appeal against the decisions taken by administration or by court.

Judicial applicability and reality of tasks and requirements of environment protection. It is important that sanctions imposed by the state control bodies are adequate to any economic benefits which can be extracted in the result of law violation. It is necessary to ensure observance of those requirements which are realistic from technical and from economic view point. Reality of requirements is a necessary condition for the subjects of regulation to agree with, as well as so that their expenses will be within rational limits.

Responsibility of the controlling bodies. Conscientiousness and responsibility of the controlling bodies is one of the main conditions of effectiveness of law enforcement control. Theft, swindle, bribe-taking, misuse of authority must be incompatible with the activities of controlling bodies staff. Responsibility, readiness to explain and to justify taken decisions is an important tool to achieve success of law enforcement measures.

The status of environment control bodies. It is necessary that state control bodies have institutional autonomy that gives them possibility to take independent and objective decisions free from political other pressure. It is also important that functions of establishment of normative requirements and their implementation are organizationally separated. In the same manner functions fo regulation should be separated from the direct state support of economic activity or participation in it. To prevent conflicts functions of licensing and law enforcement should not be implemented by one and the same officials. However it is important to guarantee permanent and timely information exchange between the persons and branches which implement these two functions.

Participation of public in exposure of law violations in the forestry sector. Public should have access to information about the state control bodies activities and results of their work with natural resource users. This should not be passive form of interaction when the state control bodies respond to inquiry of the commune. The latter should issue press-releases and o invite representatives of the public to directly participate in exposure of law violations. Public representatives together with the state control bodies should participate in field trips implementing controlling functions. The names of law-breakers should be make public as well as the names of those who honestly fulfill law requirements. Besides public should have the right to provide the state control bodies with information and claim its consideration. This can be done within the frames of public control with active participation NGOs and other public organizations. In general the state control bodies should consider provisions of the Convention "On access to information,

participation of the public in the process of decision making and access to justice on the issues related to environment” (Arhus Convention).

Public ecological control should be implemented by the public with the aim to environment and health protection, rational use of natural resources by means of prevention, detection and avert law violations. Public ecological control should be regarded as guaranty to realization of citizens right on secure life and health and environment, and to their participation in the state governance and in ecologically relevant decisions making.

Public control should be implemented in the following *forms*:

- Participation in development and implementation of strategies, policies and programmes;
- Participation in the process of law making;
- Agreement of public to taken administrative decisions;
- Conduction of public expertise;
- Appeal against administrative decisions;
- Public monitoring and control over environment conditions changes;
- Public monitoring and control over public participation on all the stages of the decision taking and implementation process;
- Promotion of public ecological interests;
- Ensuring transparency in natural resources users and the state bodies activities;
- Protection of the right on favorable environment and observance of ecological legislation (ecology advocacy);
- International cooperation in the domain of environment protection.

To ensure these principles the state control bodies should precisely plan and systematize their work. Such a strategic approach should help to efficiently combine all accessible tools and correlate them with the general economic, social and cultural context. Law enforcement strategy should define target groups, desirable level of law observance, ecological objectives, intensity of inspection activity, application of law enforcement tools and communication strategy.

The state control bodies should have access to all the scope of influence measures. Such measures include:

- Non formal measure of reaction, as for example telephone calls and warning letters;
- Official letters of notification with recommendations;
- Interruption or cancellation of permission validity;
- Money sanctions;
- Arrest on property and enterprise closure;
- Sending of cases to criminal legal procedure.

So that operation of the state control bodies is professional and effective taken decisions should be based reliable scientific, economic and judicial knowledge. Thus it is very important have in the state control bodies qualified specialists who have experience in analysis, test taking and who are able to take justified decisions.

Beside the state control bodies should possess an effective system of collection, storing and management of information for decisions taking. At that informational systems of the state control bodies should be linked with the same systems of other state bodies.

The state control bodies should also rightly plan their financial resources, prepared budget proposals based on the principle of economic effectiveness of control measures and considering indicators of effectiveness of law enforcement activity.

The state control bodies should participate in development of international ecological requirements and in their harmonization with the rest legal norms.

7. Priority measures to prevent illegal logging

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T

he measures to prevent illegal felling for basic needs satisfaction

When there is a threat to livelihood of people the main focus should be directed on prevention of law violations. Their detection and suppression bring not much change in the situation when people are not able to satisfy their basic needs. The conflict of interests appears between environment protection and gratification of social needs and often it is impossible to ensure both.

Detection of the cases of illegal felling for satisfaction of basic needs is a complex and expensive task, since wood is extracted in small volumes by numerous infringers. Expediency of detection of such infringers is rather doubtful since often no further actions are taken. If illegal felling are percept as a consequence of extreme poverty, collaborators of law enforcement bodies shut their eyes to it, and courts treat merciful such infringers.

The starting point to resolve the situation is introduction of an approach which can actually over bridge the gap between demand and supply. If to start immediately the solution could be legalization of illegal harvest of firewood and amendment of legislation so that to increase the volume of cut wood till the level that make it possible to satisfy basic needs and to keep stability of forest ecosystems. According to international practice controlled increase of felling is better than uncontrolled felling.

SAEPH and its territorial structures should established close cooperation with Local Self Governance Bodies (LSGB) to implement further mutually beneficial forest policy. Nowadays in Kyrgyzstan there exist not bad legal base to create communal organizations. So when expanding CFM approach forest plots should be leased to independent, self managing, and self financing organizations of citizens which are created to coop with the issues of local importance. When leasing forest plots to such organizations SAEPF should claim that they will be open for all the villagers. SAEPF and LSGB should strive for all the forests close to villages will be given into joint forest management, including CFM, and individual lessees can be given forest plot located further in the forest. Forest leasing contracts which have been concluded in the past within the frames of CFM introduction policy should undergo legal expertise since they actually have been leased to small groups of people (relatives, neighbors and etc.). SAEPF and LSGB should work together so that to achieve the situation when all those households which located near forests and need firewood are participating in joint forest management including CFM.

It is necessary that LSGB together with SAEPF define the norms of firewood supply per household depending on climatic and other conditions of settlement near or inside the forests. When planning permitted felling (sanitary, tending, cleaning forest regenerating), SAEPF should take into account local population demand for firewood not lower than fixed norms. Some part of industrial timber should be also given to lessees to be distributed between the members of an entity who need construction materials. The volume of handed over firewood should depend directly on the volume of work done by lessees. At that in the places where there will be too much felling the efforts of lessees should be directed to reforestation activities (new plantations, nurseries, etc.) The quantity of new trees to be planted should be more than quantity of cut trees.

Simultaneously LSGB should provide lessees with land plots for plantation of fast growing species and jointly with SAEPF obligatory to support them in growing of their communal forest (consultancy, technologies, access to water, etc). The land plot should be the size which allows the community to annually increase communal forest so that finally to make it a non depleted, permanently regenerating source of wood, which supply community members with wood to satisfy immediate basic needs in a sufficient amount. For instance, local community annually plants poplar on 1/20 part of a land plot. In twenty years the local community will not only plant on another 1/20 part of a plot, but annually cut mature trees on 1/20 part of the plot and distribute

timber among the members of community to satisfy their basic needs. Thus, in 20 years demand for timber and firewood from the state and municipal forest will disappear.

7.2.

M

Measures to prevent small scale illegal logging to enhance livelihoods

There are strong doubts that five year moratorium on felling of precious species wood introduced in Kyrgyzstan will bring desirable result and illegal logging will stop. Since introduction of this moratorium does not eliminate prime causes of illegal felling (low life level, great demand on wood, corruption in the state governance bodies), vice versa it interrupts forest regeneration activities and progress of rational forest policy.

Small scale illegal felling to enhance livelihoods are implemented on accessible plots from which it is easy to extract wood. At the same time due to lack of funds in Kyrgyzstan there are forest massifs where forest regeneration activities haven't been done at all. So in inaccessible and hardly accessible area there can be observed increase of over mature and mature forest stands as well as useless putrefaction of wood. The annual growth of wood in Kyrgyzstan according to forest inventory data makes up 600 000 m³. In 2006 according to SAEPF information there were cut 18 000 m³ of wood. It is too small volume and according to forest inventory data the volume of annual felling can be increased up to 140 000 m³. Evidently it is necessary to strive for abolishment of different kinds of felling bans. It is necessary to build new roads in the forests and yearly implement reforestation activities. This will allow to provide local population with firewood and timber and to satisfy the market of timber. Such forest regenerating activities can be implemented by the members of local community within the frames of joint forest management development, including CFM. Promotion of JFM will serve as an effective measure against corruption in the state forest governance bodies since well organized local community which has received a forest plot into leasing does not allow anybody to implement illegal logging on their forest plots.

Since in Kyrgyzstan forests are managed by the state body so there should be allocated sufficient amount of funds for protection from the state budget. Beside organizational structure of the state forest governance body itself should ensure interest of personnel in forest protection and unprofitableness of corruption.

Extermination of corruption and development of democracy by the society will guarantee stability and life to the country and its people. Transparency and openness of control and supervisory bodies operation and creation of an institute of public control in the forestry sector will contribute to corruption extermination.

7.3.

S

Small scale forest felling during economic or other activities on wood lands

To prevent illegal logging in the process of economic and other activities on wood lands, it is necessary:

- To enforce law in the forestry;
- To increase capacity of environment protection organizations (both those of the state and public);
- To rise awareness of economic entities in environmental legislation;
- To improve technical equipment of the state control bodies;
- To optimize the staff of the state inspectors so that to cover all the forests;
- To make orderly punishment measures on law violations.

The state control bodies should support the subjects of regulation in environment protection legislation observance. For this they should organize information centers, consult on the spots, publish information on changes in legal frames and guide lines on advanced methods of work, organize reference lines for natural resource users.

Environment protection law enforcement success is not in the quantity of started cases but in achievement of concrete ecological result. Effectiveness of the state control bodies operation should be proved not by the number of imposed sanctions but positive change in environment condition.

Annex 2: Minutes of Interagency Meeting in Chita (Russia)

MINUTES¹ Interagency Meeting

Chita, Russia 17 May 2007

On Measures to Prevent Illegal Logging and Associated Trade
in the Russian Federation in 2007 as Exemplified by Chita Oblast

CHAIRPERSON: Yu. P. Trutnev

PARTICIPANTS: See Annex 1

SPEAKERS: Yu.P. Trutnev; R.N. Hurgaliev; A.V. Kvashnin; V.P. Roschupkin; N.V. Komarova;
N.P. Churkin; R.F. Geniatulin; V.N. Dolgov.

DECIDED:

1. To note the findings of the Chita Oblast Forest Status and Management Report;
2. To approve Recommendations for Preventing Illegal Timber Trade in 2007-2008 based on the findings of the Chita Oblast Forest Status and Management Report (Annex 2);
3. To approve the proposals on the establishment of the Interagency Commission to combat illegal timber trade (the Illegal Timber Trade Interagency Commission);
4. The Russian MNR and Ministry of the Interior to approve the Commission TOR and membership within one month (Annex 3);
5. The Russian Ministry of Defense to take steps for transferring forests located on the defense and state security land, but which are not used for defense and state security needs, under the mandate of the executive authorities of the subjects of the Russian Federation to ensure common forest governance and management policy.

Plenipotentiary Representative of
the Russian President

Minister of Natural Re-
sources of the Russian Fed-
eration

Minister of the Interior of
the Russian Federation

_____ A.V. Kvashnin

_____ Yu. P. Trutnev

_____ R.N. Hurgaliev

¹ Source: Ministry of Natural Resources of Russia – <http://les.mnr.gov.ru/part/?act=more&id=1700&pid=848>.
Translated from Russian by the World Bank.

Recommendations for Preventing Illegal Timber Trade in 2007-2008 (Based on the findings of the Chita Oblast Forest Status and Management Report)

I. TIMBER BUYING (LOCAL TIMBER BUYERS (TIMBER BUYING POINTS) AND TIMBER SHIPPING POINTS)

Designated authorities: *the Chita Oblast Department of the Interior; the Chita Oblast Prosecutor's Office; the Federal Tax Service Department for Chita Oblast and Aginsk Buryat Autonomous Okrug; the Chita Oblast Inspectorate of Gostekhnadzor; the Chita Oblast Territorial Unit of the Federal Migration Service; the Chita Oblast executive authorities and local self-governments; services of technical supervision, fire safety supervision, sanitary and epidemiological supervision, etc.*

At the regional level:

THE CHITA OBLAST DEPARTMENT OF THE INTERIOR; THE CHITA OBLAST PROSECUTOR'S OFFICE; THE FEDERAL TAX SERVICE DEPARTMENT FOR CHITA OBLAST AND AGINSK BURYAT AUTONOMOUS OKRUG; THE CHITA OBLAST INSPECTORATE OF GOSTEKHNADZOR; THE CHITA OBLAST TERRITORIAL UNIT OF THE FEDERAL MIGRATION SERVICE; THE CHITA OBLAST EXECUTIVE AUTHORITIES AND OTHER DESIGNATED AUTHORITIES:

To carry out due diligence of timber buying and timber shipping points with regard to:

- Availability of regulating documents;
- Status of accounting;
- Source of cash and status of cash accounting;
- Flow of timber and evidence of its legality;
- State of repair of the loading machines and mechanisms;
- Compliance with the passport and visa regulations and the status of compliance monitoring;

At the federal level:

THE RUSSIAN MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE TOGETHER WITH THE RUSSIAN MNR, ROSLESKHOZ, RUSSIAN FEDERAL CUSTOMS SERVICE, RUSSIAN MINISTRY OF THE INTERIOR AND OTHER FEDERAL AUTHORITIES CONCERNED:

- To prepare, in accordance with the established procedures, proposals for the inclusion of timber on the List of Strategically Important Raw Materials;
- To prepare proposal for amending the legislation to ensure regulation of round timber deals through the system of timber exchanges;

II. TIMBER TRANSPORTATION

Designated authorities: *the Chita Oblast Department of the Interior; the Chita Oblast Prosecutor's Office; the Federal Tax Service Department for Chita Oblast and Aginsk Buryat Autonomous Okrug; the Chita Oblast Inspectorate of Gostekhnadzor; the Chita Oblast Rostransnadzor (the Federal Service for Supervision of Transport) Department of State Road Transport Supervision; territorial units of the Rostransnadzor Siberian Department for State Railway Supervision;*

At the regional level:

THE CHITA OBLAST DEPARTMENT OF THE INTERIOR:

- To establish the system of the timber supply chain control and checks of the timber carrying vehicles;
- To ensure, in accordance with the established procedure, retirement of machinery and vehicles, whose technical condition does not meet the respective standards and requirements.

At the federal level:

THE RUSSIAN MINISTRY OF THE INTERIOR:

- To prepare a regulatory legal act stipulating that any deals with round timber, as well as operations such as domestic transportation of timber or sawn timber and the associated export customs formalities must be supported by documents confirming the legality of the timber (i.e. a consignment note);

III. CONVERSION OF TIMBER

Designated authorities: *the Chita Oblast Department of the Interior; the Chita Oblast Prosecutor's Office; the Federal Tax Service Department for Chita Oblast and Aginsk Buryat Autonomous Okrug; the Chita Oblast Inspectorate of Gostekhnadzor; the Chita Oblast executive authorities and local self-governments; other services - fire safety supervision, sanitary and epidemiological supervision, etc.*

At the regional level:

THE CHITA OBLAST EXECUTIVE AUTHORITIES:

- To make conversion of timber one of the top priorities of the regional economic policy and the driver of the forested community development;
- To facilitate the construction of a timber mill with value-added conversion of timber with a capacity of up to 2 million cubic meters or two mills with a capacity of 1 million cubic meters each.

THE CHITA OBLAST DEPARTMENT OF THE INTERIOR; THE CHITA OBLAST PROSECUTOR'S OFFICE; THE FEDERAL TAX SERVICE DEPARTMENT FOR CHITA OBLAST AND AGINSK BURYAT AUTONOMOUS OKRUG; THE CHITA OBLAST INSPECTORATE OF GOSTEKHNADZOR; THE CHITA OBLAST TERRITORIAL UNIT OF THE FEDERAL MIGRATION SERVICE; THE CHITA OBLAST EXECUTIVE AUTHORITIES AND OTHER DESIGNATED AUTHORITIES:

To carry out due diligence of timber buying and timber shipping points with regard to:

- Availability of regulating documents;
- Status of accounting;
- Source of cash and status of cash accounting;
- Flow of timber and evidence of its legality;
- State of repair of the loading machines and mechanisms;
- Compliance with the passport and visa regulations and the status of compliance monitoring;

IV. EXPORT OF TIMBER

Designated authorities: *the Chita Customs Office; the Zabaikalsky Customs Office; the Chita Oblast Department of the Interior; the Chita Oblast Prosecutor's Office; the Federal Tax Service Department for Chita Oblast and Aginsk Buryat Autonomous Okrug; the Rosselkhoznadzor (the Federal Service for Veterinary and Phytosanitary Supervision) Department for Chita Oblast and Aginsk Buryat Autonomous Okrug;*

At the regional level:

THE FEDERAL TAX SERVICE DEPARTMENT FOR CHITA OBLAST AND AGINSK BURYAT AUTONOMOUS OKRUG TOGETHER WITH THE CHITA OBLAST DEPARTMENT OF THE INTERIOR, THE CHITA OBLAST PROSECUTOR'S OFFICE AND OTHER DESIGNATED AUTHORITIES:

To carry out due diligence of the timber exporters, which failed to submit their VAT-offset applications with regard to:

- Timber purchase contracts;
- Evidence of VAT and other taxes payments;
- Identification of dummy corporations and verification of their cash flows;

THE FEDERAL TAX SERVICE DEPARTMENT FOR CHITA OBLAST AND AGINSK BURYAT AUTONOMOUS OKRUG TOGETHER WITH THE CHITA OBLAST DEPARTMENT OF THE INTERIOR AND THE CENTRAL BANK MAIN DEPARTMENT FOR CHITA OBLAST:

- To check whether banks operating in Chita oblast carried out their cash operations (i.e. receiving cash payment applications and paying out cash) in accordance with the established procedures;

At the federal level:

THE FEDERAL CUSTOMS SERVICE TOGETHER WITH THE FEDERAL TAX SERVICE, RUSSIAN MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE, RUSSIAN MNR, RUSSIAN MINISTRY OF INDUSTRY AND ENERGY, AND OTHER FEDERAL AUTHORITIES CONCERNED:

To review the federal legislation and prepare the following amendment proposals:

- On establishing by a federal authority indicative prices for round timber exports(the Federal Customs Service);
- On establishing for each subject of the Russian Federation a specific list of timber exports shipping points furnished with mandatory customs terminals to carry out customs formalities for timber prior to shipping it by rail or water (the Federal Customs Service);
- On complementing the list of tree species, the export of which is subject to licensing, with pine, fur tree, chestnut, linden, cedar and tree species, the felling of which is banned (the Ministry of Economic Development and Trade);
- On developing a uniform methodology for measuring the timber volumes; this would be applied in the domestic market and when exporting timber and timber products (the Federal Customs Service, the Ministry of Industry and Energy);
- On complementing Part 3 of Article 188 of the Russian Criminal Code with a paragraph stipulating responsibility for large-scale and repeated smuggling (the Federal Customs Service);
- On vesting the tax authorities with the right (when engaged in tax due diligence verifications) to use indicative prices to determine the product selling prices in cases defined in par.2 of Article 40 of the Russian Tax Code (the Federal Tax Service).

THE FEDERAL CUSTOMS SERVICE:

To prepare, in accordance with the established procedures, proposals for amending the Russian Customs Code with respect to:

- Causing the participants of the foreign economic activity, when making out a cargo customs declaration, to attach copies of the documents confirming the legality of the timber;

- Causing the customs authorities to verify reliability of the evidence documents and compare the amount of the exported timber (and timber products) with the amount indicated in the international supply contract;
- Banning barter contracts on the supply of timber and forest products;
- Expanding the timeframe for the customs formalities up to 10 days in order to conduct customs inspection and setting up a fixed number of customs inspections with respect to timber products;
- Complementing Article 137 of the Russian Customs Code with the provision, which would stipulate that the customs declaration procedure could be simplified with the permission of the customs authority rather than at a customs applicant's request;

From the legislation point of view, there is a need to amend Article 361 of the Russian Customs Code. Inconsistency between the customs inspection coverage (Article 367 of the Russian Customs Code) and tax authorities verification coverage (Article 87 of the Russian Tax Code) present limitations on potential joint activities (the tax authorities conduct their inspections after a reporting quarter, while customs authorities operate on a day to day basis).

V. ISSUING FELLING LICENSES AND MANAGEMENT OF LOGGING

Designated authorities: *the Chita Oblast Executive Authorities; the Chita Oblast Department of Rosprirodnadzor (the Federal Service for the Supervision of Nature Resources); the Chita Oblast Department of the Interior; the Chita Oblast Prosecutor's Office; the Russian Ministry of Defense;*

At the regional level:

THE CHITA OBLAST EXECUTIVE AUTHORITIES:

- To structure in 2007 the forest governance and forest control authorities on the basis of forest districts (including rural forests) for the purpose of:
 - Improving the accuracy of assessment and accounting of forests subject to logging;
 - Strengthening control over compliance with the rules and amount of logging allocations;
 - Providing information to the cooperating authorities and agencies.
- To elaborate, together with the law enforcement authorities, procedures to respond to illegal logging;
- To cancel all final felling licenses issued to the leskhozoes and to cancel all the felling licenses issued under expired lease agreements;
- To check whether the timber, which had been harvested for budget organizations, was used in accordance with the claimed purposes.

THE CHITA OBLAST DEPARTMENT OF THE INTERIOR AND THE CHITA OBLAST PROSECUTOR'S OFFICE:

- To expand the practice of punishment by seizing the transport and equipment used for illegal logging;

THE CHITA OBLAST PROSECUTOR'S OFFICE:

- To review and summarize the court practice informing the interrayon and rayon environmental prosecutor's offices about successful precedents of criminal and administrative prosecutions regarding forestry cases including measures such as seizure of the transport and equipment used for illegal logging;

At the federal level:

THE RUSSIAN MINISTRY OF DEFENSE

- To take steps for transferring forests located on the defense and state security land, but which are not used for defense and state security needs, under the mandate of the executive authorities of the subjects of the Russian Federation to ensure common forest governance and management policy;

THE RUSSIAN MNR AND ROSLESKHOZ

- In 2007 and subsequent years, to implement the system of remote sensing and on-ground monitoring of forest activities and conditions in the zone of intensive forest harvesting; this should be done as part of the state forest inventory;

THE RUSSIAN MINISTRY OF THE INTERIOR

- To prepare methodological recommendations for identifying, documenting and solving forest-related crimes;
- To propose, in accordance with the established procedures, amendments to the Russian Criminal Code with respect to:
 - Strengthening responsibility under Part III of Article 260 of the Russian Criminal Code (6 years of imprisonment) making it possible to classify the respective crimes as grave crimes and expand the range of investigative activities;
 - Applying penal sanctions for illegal logging on the strength of aggregate crimes/offences as provided for in Articles 260 and 158 of the Russian Criminal Code; this would facilitate prevention of illegal logging related crimes since in this case the range of penalties could be as follows: a fine as high as RUR 1 million; term of imprisonment ranging from 5 to 10 years;
 - Complementing Part III of Article 158 of the Russian Criminal Code with a paragraph stipulating responsibility for the theft of growing stock;
- To propose, in accordance with the established procedures, amendments to the Russian Code of Administrative Offences with respect to:
 - Banning the specialized transport and logging machinery from being present in the forests and applied without forest harvesting permits;

VI. ORGANIZATION OF INTERAGENCY COOPERATION

Designated authorities: *the Chita Oblast executive authorities; the Chita Oblast Forest Management Department; the Chita Oblast Department of Rosprirodnadzor (the Federal Service for the Supervision of Nature Resources); the Chita Oblast Department of the Interior; the Chita Oblast Prosecutor's Office; the Federal Tax Service Department for Chita Oblast and Aginsk Buryat Autonomous Okrug; the Chita Customs Office; the Zabaikalsky Customs Office; the Chita Oblast Inspectorate of Gostekhnadzor; the Rosselkhozadzor (the Federal Service for Veterinary and Phytosanitary Supervision) Department for Chita Oblast and Aginsk Buryat Autonomous Okrug; the Chita Oblast Inspectorate of Gostekhnadzor; the Chita Oblast Rostransnadzor (the Federal Service for Supervision of Transport) Department of State Road Transport Supervision; territorial units of the Rostransnadzor Siberian Department for State Railway Supervision; local self-governments and other designated authorities;*

At the regional level:

THE CHITA OBLAST EXECUTIVE AUTHORITIES:

- To develop and jointly approve the Plans for Interagency Cooperation and Information Exchange concerning the main activities aimed at preventing illegal logging and associated trade (on an annual basis);
- To develop and sign the Inter-regional Agreements on Cooperation and Information Exchange concerning the main activities aimed at preventing illegal logging and associated trade with the neighboring subjects of the Russian Federation;

- To take steps for establishing inter-regional mobile groups comprising representatives of the territorial units from the ministries and agencies concerned to combat illegal logging and associated trade;
- To establish a common database of Chita Oblast and the Siberian Federal Okrug regions, which export timber through the Zabaikalsky Customs Office; the database should contain data required to control the legality of the timber;

At the federal level:

ROSLESKHOZ, ROSPRIRODNADZOR, THE RUSSIAN MINISTRY OF THE INTERIOR, THE FEDERAL SECURITY SERVICE OF THE RUSSIAN FEDERATION, THE FEDERAL CUSTOMS SERVICE, THE FEDERAL TAX SERVICE, THE MINISTRY OF ECONOMIC DEVELOPMENT AND TRADE, THE MINISTRY OF INDUSTRY AND ENERGY, AND OTHER DESIGNATED AUTHORITIES:

- To develop and sign Interagency Agreements on Cooperation and Information Exchange concerning the main activities;
- To develop and approve in agreement with the designated executive authorities of the subjects of the Russian Federation an Operating Procedure for the executive authorities of the subjects of the Russian Federation to submit information concerning illegal logging and associated trade;
- To establish within a departmental mass media entity (i.e. "Russian Forest Newspaper", the web-site of the Federal Forestry Agency) a section dedicated to the exchange of experience in the prevention of illegal logging and associated trade, as well as to publishing information on individual cases of forest-related offences and crime;

THE RUSSIAN MNR AND ROSLESKHOZ

- To finalize the establishment of the Center for State Forest Inventory and use it to establish a federal-level database to record and review information on felling licenses, logging volumes, transportation, purchase/sale and exports of timber and timber products.

Annex 3: Thematic Presentations

FLEG Process: Global, regional and national dimensions

1. Jean-Marie Samyn: Forest Law Enforcement and Governance - FLEG
2. Tapani Oksanen: ENA FLEG Process: St. Petersburg Declaration and workshop in Antalya. General information
3. Andrey Kushlin: Illegal harvesting and wood turn over in Russian Federation: Problems and approaches to solutions
4. Abdymital Chyngojoev: The analysis of illegal felling in the Kyrgyz Republic
5. Nookat Idrisov: National Plan of Measures on forest law enforcement and governance in the Kyrgyz Republic
6. Oleg Pechenyuk: Links between illegal felling and corruption: Anti corruption policy in Kyrgyzstan