

XVI International Scientific & Practical Conference
**Transcarpathian Legal Readings: Sustainable Development
and Institutional Capacity in the Conditions of War: National
and International Legal Aspects**

26-27 April 2024 | Uzhgorod National University, Uzhgorod

***Addressing Emerging Legal and Policy Issues for Sustainable
Development in the War-Affected Carpathian Mountains of Ukraine:
Case of Forest Logging and Conservation***

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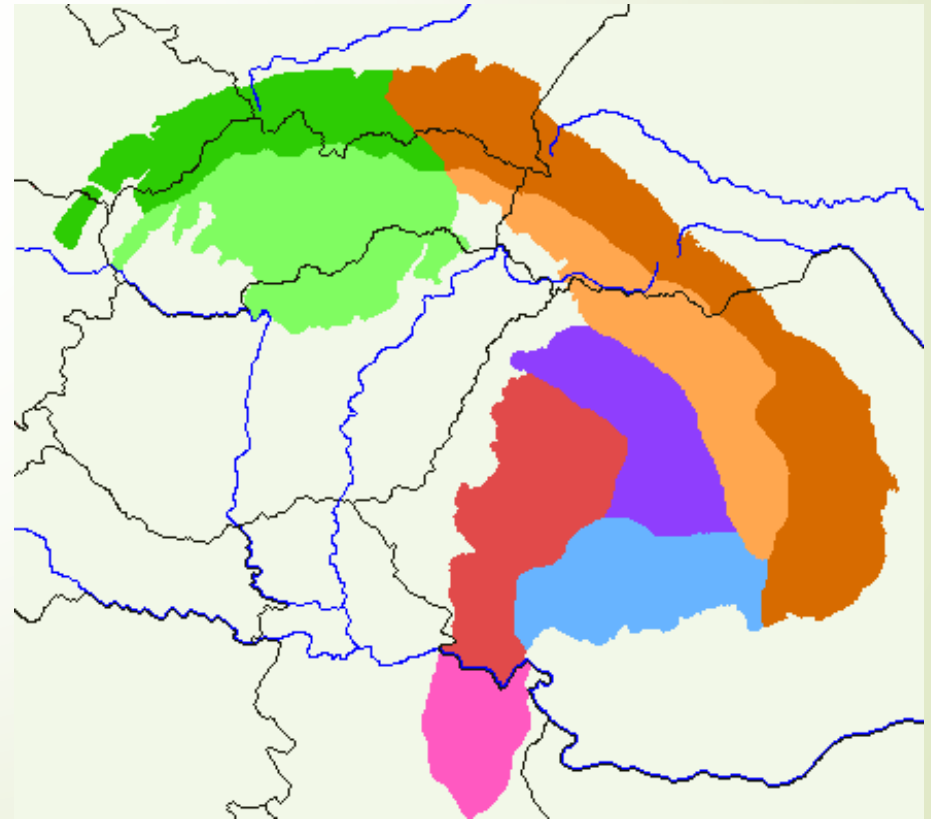


The Grassroots Institute | Canada

Addressing Emerging Legal and Policy Issues for Sustainable Development in the War-Affected Carpathian Mountains of Ukraine: Case of Forest Logging and Conservation



- ❑ The Carpathian Mountains > across Ukraine, Romania, Poland, Slovakia, Austria, Serbia, and Hungary
- ❑ Not only a natural treasure but also a significant source of biodiversity and ecosystem services.

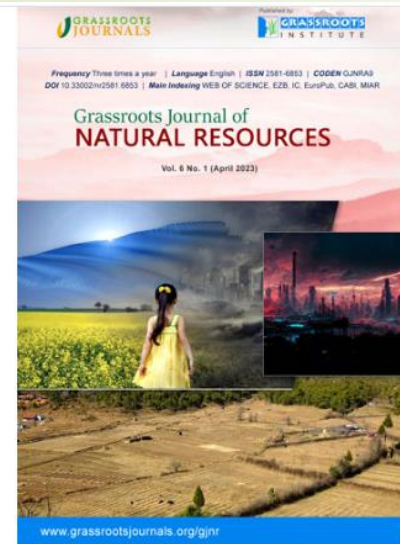


Addressing Emerging Legal and Policy Issues for Sustainable Development in the War-Affected Carpathian Mountains of Ukraine: Case of Forest Logging and Conservation



- ❑ Carpathian region faces numerous challenges, particularly in Ukraine
- ❑ Ongoing war has exacerbated environmental degradation and threatened the sustainability of the Carpathian ecosystem.
- ❑ More specific > deforestation, illegal logging, habitat destruction, pollution of water sources, and loss of biodiversity.
- ❑ Displacement of communities, militarization, and inadequate enforcement of environmental laws have further escalated environmental degradation.

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Coordinated and published by the Grassroots Institute, the *Grassroots Journal of Natural Resources* (GJNR) is an international journal dedicated to the latest advancements in natural resources throughout the world. The goal of this journal is to provide a platform for scientists, social scientists, policy analysts, managers and practitioners (on all academic and professional levels) all over the world to promote, discuss and share various new issues and developments in different arenas of natural resources.

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M – 00326 Review Article

Environmental and Psychological Effects of Russian War in Ukraine

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Damage of Wildlife, Biodiversity, Ecosystems

- 600,000 hectares of wetland are under threat
- About 1 million hectares area of protected areas has been affected and 812 specific sites in different protected areas are damaged.
- 160 territories of the Emerald Network having an area of 2.9 million hectares, 14 Ramsar sites expanding over an area of 400,000 hectares, and 4 biosphere reserves are under threat.

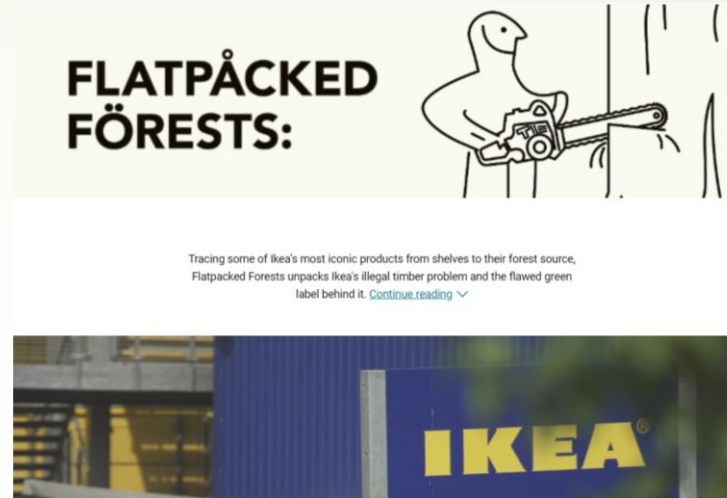
Loss of Water Bodies

<https://doi.org/10.33002/nr2581.6853.060103>

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<https://t.ly/RYwc1>



<https://www.earthsight.org.uk/investigations/flatpacked-forests>



https://baselgovernance.org/sites/default/files/2023-04/deep_dive_ukraine_en.pdf

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2022 | RebuildUkraine initiative > 25 organizations wrote letter to EU

[https://www.fern.org/fileadmin/uploads/fern/Documents/2022/Letter to Commission - Environmental and social conditions of RebuildUkraine.pdf](https://www.fern.org/fileadmin/uploads/fern/Documents/2022/Letter_to_Commission_-_Environmental_and_social_conditions_of_RebuildUkraine.pdf)

- During horrendous war imposed by Russia, **vested corporate interests have attempted to weaken Ukrainian environmental regulations**, to the detriment of communities, the environment and climate.
- Ukraine's Parliament passed **Law No. 7144, cancelling an important environmental regulation that prohibits cutting timber in protected areas and forests from early April to mid-June**, a critical time for animal breeding. **Draft law №8058 to remove many "environmental" restrictions on logging** behind the scenes, freeing the hands of foresters.
- Although it is indispensable for biodiversity conservation, the **law was annulled as part of ongoing martial law**. Since then, **authorities have developed other legal amendments to simplify logging**.
- The **EU's own audits** of the Ukrainian forestry sector, EU's Technical Assistance and Information Exchange (TAIEX), found an **"ineffective system of law enforcement to tackle forest crime."** In response, the EU called for increased transparency, and an end to the situation where the Ukrainian State Agency of Forest Resources (SAFR) polices itself. The report recommended that a separate, independent, agency be created to take on that role, so as to end conflicts of interest, and reduce corruption in the logging sector.

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Acceleration by Russian Invasion

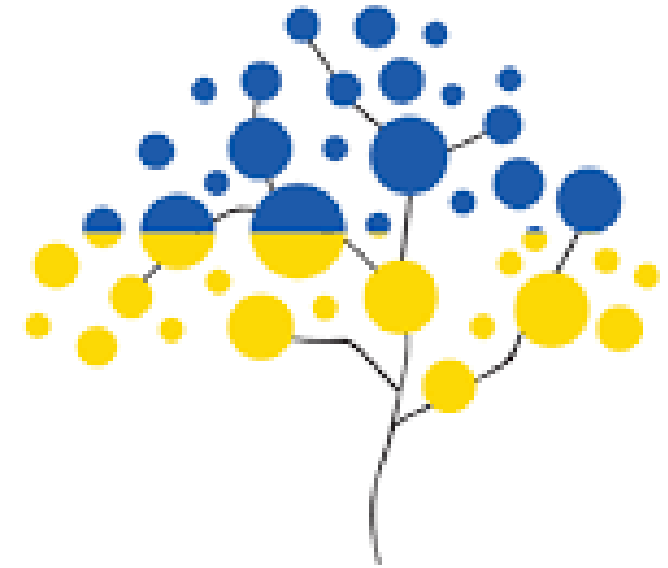
- In spring 2022, Minister of Environmental Protection of Ukraine, Ruslan Strilets, and Chairman of the State Forest Agency, Yuriy Bolohovets, announced their intentions to permit more logging, up to 150 percent of last year's volumes.
- 1. Increased logging to support economy.
- 2. Russians are deliberately destroying the Ukrainian energy system. So, people have begun stockpiling firewood for the winter.
- Government tries to help and promise to supply everyone with firewood.
- 3. Armed forces require timber for military use.
- Illegal logging cannot be monitored or surveyed under Martial Law



Implications and Possible Action

Environmental Protection Laws:

- Strengthening and enforcing existing environmental protection laws to safeguard the Carpathian ecosystem.
- Implementing measures to prevent illegal logging, poaching, and habitat destruction through enhanced monitoring and enforcement mechanisms.
- Incorporating principles of sustainable development into environmental legislation to promote the conservation of biodiversity while ensuring the well-being of local communities.



**Supporting the
Ukrainian forests**

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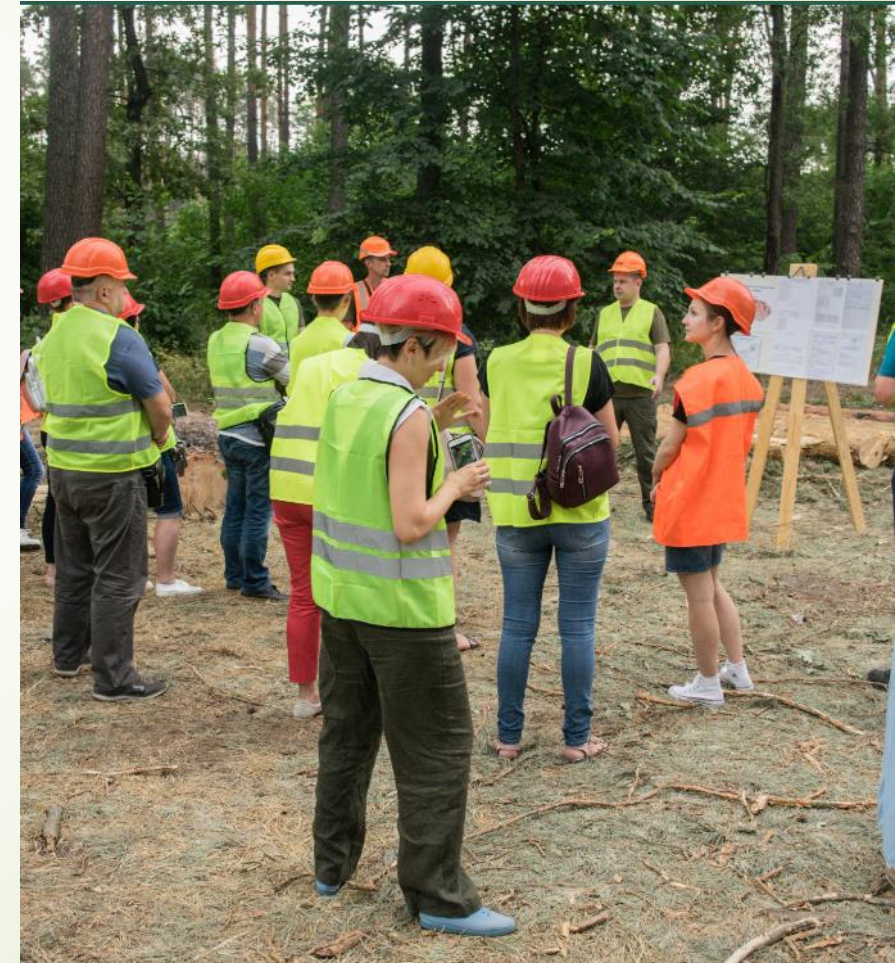
UKRAINE'S FOREST GOVERNANCE

- 73% forests are state-owned and managed by MENR and State Agency of Forest Resources of Ukraine (SARF - founded in February 2023 through Order No. 804)
- 0.1% private forest
- 13% community owned
- 7% Defense controlled
- **Forest Code of Ukraine** (1994) (modified in 2021)
<https://zakon.rada.gov.ua/laws/show/3852-12#Text>
- It Outlines the regulatory framework for forest use and management as well as the liability for violations of forest regulations. **Use the Penal provisions.**
- **Land Code of Ukraine** (2001) (modified in 2021): Provides the basic framework for land ownership and land use designations including forest lands in Chapter 11.
- **Law of Ukraine on Environmental Impact Assessment (2017)**: Forestry activities and wood processing are subject to environmental impact assessments (Articles 3(2) and 3(9)).
- Transport Laws, Tax Laws, Trade Laws, Labour Laws

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TACKLING FOREST DESTRUCTION

- **Code of Ukraine on Administrative Offenses (1984) (modified in 2023):** Contains several forestry related articles:
 - Article 63 on the illegal use of lands;
 - Article 64 on violating procedures on harvest and export;
 - Article 65 on illegal felling;
 - Article 66 covering technical issues of forest management; and
 - Article 153 on damage to green spaces including damage to trees outside forests.



TACKLING FOREST DESTRUCTION

- **Criminal Code of Ukraine (2001) (modified in 2023):** Serves to legally protect the rights and freedoms of citizens, the environment and the constitutional system of Ukraine against criminal and illegal encroachments. Chapter VIII on Criminal Offenses Against the Environment includes several forestry related offenses:
 - Article 201 on smuggling of timber and valuable tree species;
 - Article 245 on destruction or damage to plants includes destruction or damage to forest areas;
 - Article 246 on illegal felling, transportation, storage or sale of forest products;
 - Article 247 on violations of rules for plant disease management; and
 - Article 248 on illegal hunting.

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TACKLING FOREST DESTRUCTION

- Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) 1999 / CBD 1993 -
- Bern Convention on the Conservation of European Wildlife and Natural Habitats 1979
- Emerald Network of Protected Areas | Natura 2000
- Carpathian Convention 2003
- Forest Europe <https://foresteurope.org/wp-content/uploads/2023/08/Supporting-the-recovery-and-sustainable-management-of-Ukrainian-forests-and-Ukraines-forest-sector-Final-report.pdf>
- Forest Stewardship Council https://fsc.org/sites/default/files/2020-06/Ukraine%20Earthsight%20Final_1.pdf
- EU Forest Crimes Initiative <https://www.wwf.de/fileadmin/fm-wwf/Publikationen-PDF/EU-Forest-Crime-Initiative-Ukraine-GAP-Analysis.pdf>

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OTHER IMPORTANT MEASURES

International Agreements and Cooperation:

- Enhancing international cooperation among neighboring countries through agreements such as the Carpathian Convention to address transboundary environmental issues.
- Collaborating with international organizations and donor agencies to support sustainable development initiatives and conservation projects in the Carpathian region.

Community Engagement and Participation:

- Empowering local communities and indigenous groups in decision-making processes related to natural resource management and conservation.
- Promoting environmental education and awareness programs to foster a sense of responsibility and stewardship among local populations.

Conflict-Sensitive Approaches:

- Integrating conflict-sensitive approaches into environmental policies and programs to mitigate the environmental impacts of conflict and promote peacebuilding efforts.
- Engaging with conflict-affected communities to address their environmental concerns and incorporate their perspectives into sustainable development strategies.

Resource Management and Land Use Planning:

- Developing comprehensive land use plans and zoning regulations to guide sustainable development practices and prevent unsustainable exploitation of natural resources.
- Promoting ecotourism and sustainable agriculture as alternative livelihood options to reduce pressure on the environment while supporting local economies.

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2023 Communication on EU Enlargement Policy Brussels, 8.11.2023 SWD(2023) 699 final
https://neighbourhood-enlargement.ec.europa.eu/system/files/2023-11/SWD_2023_699%20Ukraine%20report.pdf

CLUSTER 4: THE GREEN AGENDA AND SUSTAINABLE CONNECTIVITY

Chapter 27 – Environment and climate change

- **A law on the protection of forests was adopted** in June 2022. The **government approved changes in forest reproduction rules.**
- Further **action is needed to protect biodiversity**, including on the *acquis* on wild birds, habitats, zoos, leg hold traps, access to genetic resources and seals.
- A **strategy on biodiversity protection and an action plan on its implementation need to be developed** also taking into account the Kunming Montreal Global Biodiversity Framework.
- Managing Natura 2000 sites need to be strengthened, and already **adopted legislation needs to be implemented.**
- Ukrainian **legislation is partially aligned with the EU Regulation on timber and with the EU Regulation on forest law enforcement** governance and trade. However, there is a high risk of non-compliance. The independence and capacity for monitoring and control of licenses, felling and the sale of forest products need to be strengthened.



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CLUSTER 4: THE GREEN AGENDA AND SUSTAINABLE CONNECTIVITY

Chapter 22 – Regional policy and coordination of structural instruments

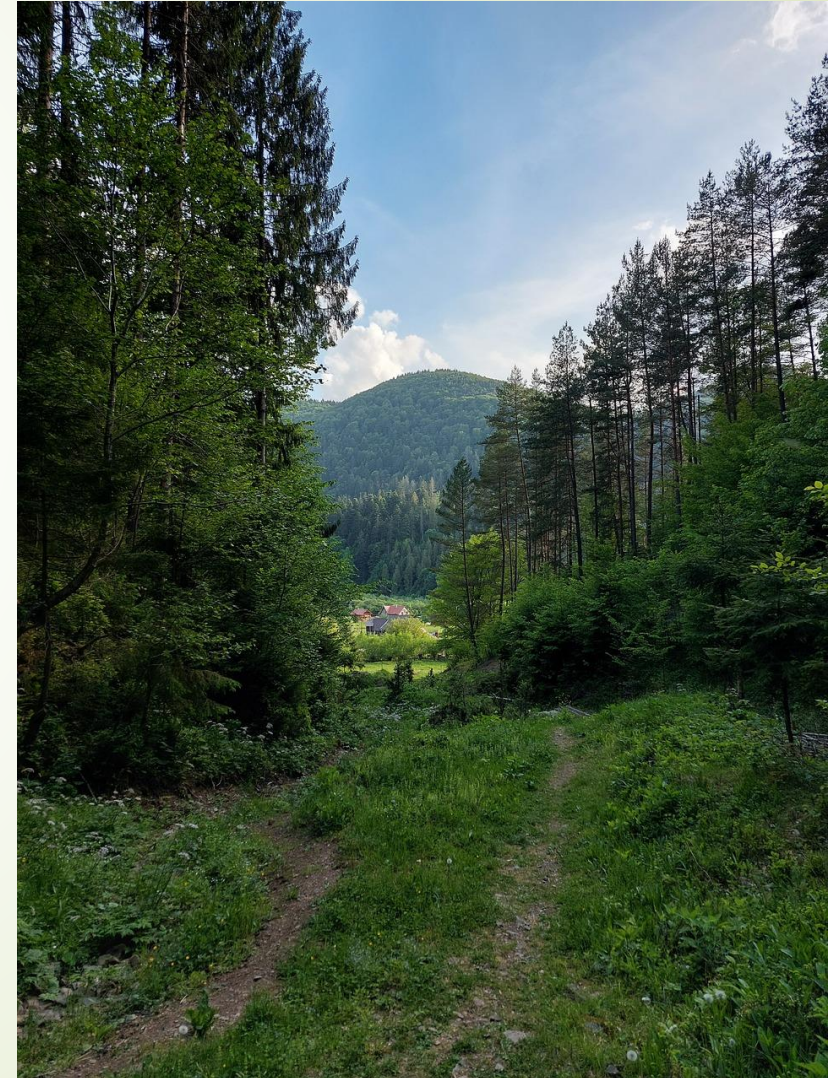
- Ukraine has **some level of preparation** in the area of regional policy and coordination of structural instruments.
- Overall, **limited progress was made** over the reporting period, with more notable progress in implementing territorial cooperation programmes with Member States.
- **legislative framework**
- **institutional framework**
- Ukraine entered into five **Interreg programmes** with EU neighbours and held the **Presidency of the EU Strategy for the Danube Region in 2022**.
- Eastern Partnership (EaP)
- **Union Programmes:** Horizon Europe, EURATOM Research and Training Programme, Digital Europe, Fiscalis, **LIFE**, Union Civil Protection Mechanism, Connecting Europe Facility, Erasmus+ and European Solidarity Corps programmes.



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Conclusion

The sustainability of the Carpathian Mountains in war-affected Ukraine hinges on the effective implementation of legal frameworks that prioritize environmental protection, conservation, and sustainable development. Addressing emerging legal issues requires a multifaceted approach that involves collaboration among governments, local communities, civil society organizations, and international partners. By adopting proactive measures and integrating conflict-sensitive approaches, Ukraine can safeguard the ecological integrity of the Carpathian region and ensure its long-term viability for future generations.



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