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## Implications Of The New Forest Code

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### IMPLICATIONS OF THE NEW FOREST CODE

#### **Part One:** Protect Our Forests

Note: this is the first of three columns focusing on key points of the new draft forest code and its implications for Armenia's threatened forests.

#### Armenia's endangered forests

Last week a series of discussions began in Yerevan focusing on the draft new forest code. These discussions, organized by Armenian Forests NGO with the support of Open Society Institute public policy formation grant, seek to engage key NGOs and others in the realization of this proposed Code and related implementation. These discussions are timed to prepare for the expected introduction of the draft code to Parliament later this spring.

For those who may not be aware, the destruction of the forests in Armenia is reaching tragic levels. Although forests historically covered approximately 40-45% of current territory of Armenia and even the early 20th century it was 25%, forests now only cover about 8-9% of the Republic of Armenia. Loss of forests brings problems of soil erosion, landslides, loss of springs and rivers, loss of fruits and other forest products, greater weather damage, loss of productive soil, loss of biodiversity, loss of sensitive animal habitat and additional problems. Although some of the greatest loss occurred during the energy crisis, the cutting and devastation still continue at alarming rates. According to expert estimates, at current rates of destruction Armenian forests could be destroyed within 20 years.

In Soviet times and since then, Armenia's forests have had protective status in that there is no legal cutting except sanitary cutting intended only to cover getting the dead trees out of the forests and care cutting (select thinning) to improve the health of the forest. However, under the guise of "sanitary cutting" mass cutting is carried out mostly by illegal business operations supplying wood for internal fuel needs, furniture, construction and sending the best, most valuable trees to other countries.

During Soviet times, the government planted up to 7,000 hectares of forests each year and imported wood (from Russia and other places) to meet needs within Armenia. Unfortunately, there has been almost no reforestation since 1991 and there is very little import of wood while the cutting has increased dramatically.

#### Why a new forest code?

The current code is not bad, but needs some updating to reflect the current situation and it was significant enough that it made more sense to develop a whole new code. This has been a long process managed by FISP (Forest Institutional Support Program), a group funded by the Swedish SIDA, under the World Bank Natural Resources Management and Poverty Reduction Program. Nazeli Vardanyan, an environmental attorney and director of Armenian Forests NGO has been one of the lead people in facilitating this in-depth process and developing the code with other local and foreign experts over the last 18 months.

#### The forests should remain under the ownership of Armenia's people

Among one of the key provisions that should remain in the code through the Parliamentary process is the provision of ownership. Armenia's forests are here for the benefit of current and future generations. To that end, Armenia's forests have been and should always remain the property of the state as guardians for the people and never be privatized. The Minister of Agriculture, David Lokyan, who is the lead minister for this code and the World Bank, which is responsible for the project that has developed this draft code, are adamant that privatization of Armenia's forests should not be allowed; however, there are others who would love to buy forest land, cut the trees, build their mansions, fence it off for their own use.

We have only to look at other examples of countries that have gone this route to the destruction of their forests to see

what a disaster this would be for Armenia. Upon analyzing the impact of privatization in Central and Eastern European countries, an FAO report (Issues and Opportunities in the Evolution of Private Forestry and Forestry Extension in Several Countries with Economies in Transition in Central and Eastern Europe) sites extensive problems with management of private forest areas and recommends against this direction for CEE countries.

Armenia's forests are in a precarious position; hopefully this series of workshops and media coverage of these issues will help encourage people to be more engaged in the protection of the forest resources of Armenia. If we expect the forests to be here for the next generation of Armenia's children, Parliament should maintain the provision that maintains forests as state property.

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### **Part Two:** What Will Our Grandchildren Say?

"We have inherited the nature from our ancestors to preserve and pass on to our future generations."

--Armenian proverb

Is this the framework by which Armenia is treating its forests?

When the illegal business operation cuts 80-100 year old trees and leaves bare hillsides behind to erode, like so many areas in Armenia, are they acting in the best interest of their grandchildren's generation, or even their son's and daughter's? Hardly.

This column will briefly explore two key aspects of the draft forest code and related laws; namely sustainable management and the flow of trees across our borders.

Managing the forests, ensuring a future

Armenia's forests are suffering from shortsightedness. This is not to blame people for cutting trees to keep their family from freezing in the winter—any of us would do so if needed. However, those who have choices (such as those running and profiting from the illegal cutting operations) are doing what may seem to be in their short-term interest, but at the expense of not only everyone else but their own long-term interests. We cannot, as the saying goes, see the forests for the trees. In the attempt by a few rich people to further fill their pockets today, the forests, biodiversity, habitat and not least Armenia's people are suffering—and will continue to do so for generations.

Armenia must immediately move to practices of sustainable forest management as well as mass reforestation to begin to stem the tide of destruction. We are hopeful that this code, if properly enacted and enforced, will help support such a change; but the leadership and citizens alike must make it so.

Is it possible for Armenia to have productive—cutting for commercial uses like construction and furniture—forests while restoring the forests? The answer remains to be seen, but it certainly is the case in other countries. To do so requires proper management. It is clear that the forests have not been managed well, barely at all, since Soviet times. It is theoretically possible to identify and allow proper, controlled, sustainable cutting the less sensitive areas of forests where harvesting will cause minimal disruption while prohibiting cutting in the most sensitive areas such as those where the slope is very steep (prone to erosion) or particularly delicate biodiversity areas.

Parallel mass reforestation must be made a high priority in order to begin to repair the damage done by over a decade of abuse, mismanagement, corruption and need-based cutting. Nurseries must be established, cultivation of high quality trees must be undertaken, forests planted and cared for, dry or eroded land must be reclaimed to reverse the trend of desertification as has impoverished so much land in Armenia.

Exporting our valuable forests

Another example of shortsightedness and pure greed in the forest sector is the situation of mass export of large, valuable trees to other countries. In Soviet times (and technically still on paper, though not in practice) Armenia forests were considered under "protective" status and there was no productive cutting for internal uses let alone external uses. That has all changed; now not only are people over-cutting Armenia's forests to meet internal demand and make furniture for export, but a few wealthy people taking advantage of the corrupt, non-existent enforcement of laws to again fill their pockets by cutting and selling Armenia's most valuable trees as whole logs to Iran, Spain, Italy, Germany and even Turkey.

One may rationalize destruction of forests for internal needs based on a poor economic situation and the lack of affordable alternative fuels, but such destruction purely for the gain of a few is inexcusable. These people are in

essence stealing our grandchildren's property.

Unfortunately besides the corruption and greed, there is a policy that supports such destruction. Namely that for import of wood—something that Armenia needs to protect the remaining forests—there are both taxes and customs fees making it prohibitively more expensive. Adding to the imbalance, exports of wood are charged neither taxes nor customs fees. This unfortunately increases the incentive to cut more forests for export. At the very least, this must be reversed to allow more incentives for import and disincentives for export.

Armenian Forests NGO among organizations seeks to include such an amendment to the tax law and customs code as part of the forest code package.

If Armenia really does have sufficient forest resources to allow for export, one related positive step that could be taken is to develop properly managed "certified" forests. In this way the products could be "certified" by a recognized third party as harvested in a sustainable manner. This would thereby not only support the protection of our forests, but enable Armenia's trees to command much higher prices on the world market.

Another way to look at it is to see that the forests belong not to us but to our grandchildren and their grandchildren. Forests are the cornerstones of our ecosystem and support fragile biodiversity and animal habitat, and moderate the microclimate, protect the soil, and clean the air. We must be thinking, feeling and most importantly, acting with a view to the future. As much trouble as it may seem to stop the mass destruction of the forests, it is much more costly to try to repair the damage later.

Armenia must immediately implement an effective process of sustainable management and restoration of its forests. Armenia should not be exporting its scarce, valuable forest wood to countries that have richer forests than Armenia; at a minimum, Armenia should establish incentives for import and disincentives for export of wood. These measures should be adopted by Parliament and enacted by law, but will take the concerted will and effort of all levels of society to carry them out. From the President to Parliament, to marzpets and village mayors, to villagers and Yerevan residents; the commitment must be borne by everyone.

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### **Part Three: Making it Real; Making it Work, Now**

Mass deforestation in Armenia is being driven by a combination of factors including poverty, lack of affordable alternative energy, corruption and shortsighted mentality. These are significant issues that feed on each other and exacerbate the destruction of forests. However, gains in these areas due to other efforts (such as improving the economy, implementing the rule of law and cracking down on corruption) will also have payoffs for the forest sector.

In this context, the new forest code has been drafted and will be submitted to the Parliament later this spring or in the fall. Although it is not a "silver bullet" it could be an effective tool to bring about positive changes for the dwindling forests of Armenia.

#### Parliament's responsibility

A tremendous amount of work has gone into developing the current new draft forest code (and related legislation on exports and imports of wood) aimed at helping improve the forests of Armenia. However, the best draft code will not have a chance of bringing any positive change to forest problems unless its provisions are maintained through the Parliamentary process and signed into law.

There are likely to be pressures within the Parliament to gut or change certain key provisions of the code before it becomes law. The important next steps must include local citizens, NGO's, international organizations, and donor organizations (not the least of which are the World Bank and Swedish SIDA who are funding the project dealing with this new code). We must convey to members of Parliament and the President the need to pass this new code and related legislation intact. We hope they will take this responsibility seriously and do the right thing for current and future generations.

#### The critical details

The current forest code, which is still in force until a new one replaces it, is not so bad. However, although it was passed in 1994, the vast majority of the regulations (also referred to here as "bylaws") were never adopted. Unfortunately, regulations—which describe how the law will be carried out and by whom—are required to implement the law. Without them, there are no directions to for the bodies to be able to enforce the law. It is like a car that has a destination but no driver and no road to get there.

Once the new code is adopted as law, the regulations must be finalized and also adopted as quickly as reasonably possible. We should not accept excuses that aim to needlessly delay this critical step.

Enforcement is the key

Many officials point to the poor economic situation of villagers and try to pretend that the villagers are the ones to blame for cutting the forests. In fact, villagers pulling branches and small trees from the forest by hand or donkey (although certainly a factor) are a fairly small fraction of the whole problem. In this case, the real villains are the businessmen who are bribing local officials to look the other way while they take out the large, valuable trees by the truckloads for sale in and out of Armenia. In some cases they are even making new roads to access the more remote forests.

It is no secret that Armenia's laws are not generally well enforced, but steps must be taken to immediately curb the corruption and rampant theft of forests if we expect forests to remain for our grandchildren.

The other thing some officials say to disguise the truth of this ongoing destruction is to talk about the past with phrases like "Armenia experienced extensive over-cutting of forests during the energy crisis in the early 90's." The reality is that although some of the greatest loss occurred during the energy crisis, the cutting and devastation still continue at alarming rates. In fact, the cutting that occurred at that point, although it was significant, was purely need-based. Now, unfortunately, a few are making a big business of cutting forests for their personal gain.

The single most important aspect of all of this is that **THERE MUST BE PROPER ENFORCEMENT OF THE LAW**. Without proper enforcement the forests will continue to be destroyed.

For proper enforcement to happen several factors must be in place. First there must be the political will among officials at all levels to make sure the law is followed. Second, the public, NGO's, international organizations, media, and others must be engaged and help create the political will for enforcement to take place. Steps must be taken to develop effective means of enforcement and to weed out corruption. The regulations should make it easy to do the right thing and difficult to do the wrong thing—not the other way around.

It will not be an easy road, but the new code and related regulations once adopted, **MUST BE ENFORCED—PERIOD**.

In conclusion, Armenia's forests are at a critical juncture. Forests now cover only 8-9 percent of the country and the forests that remain are in relatively poor condition. As a result, great areas of Armenia are beginning to suffer due to erosion, drying of springs and rivers, loss of biodiversity, loss of animal habitat, desertification and other problems. Given the fragile state of the forests here and the immense destruction that is currently underway, this situation demands to be resolved.

The new forest code and related regulations could be an effective tool to protect and restore the forests, but the commitment to follow and enforce the law must be there. This is a commitment that must be borne by all sectors of society from the local villagers, to NGO's, to businesses, to local officials, to the highest levels of government. We must act quickly and with firm resolve to get this new code enacted, adopt effective regulations and to make sure it is effectively enforced. Only then will our grandchildren have a chance of inheriting any forests.

For more information or to get a electronic copy of the draft code and related documents, please email Armenian Forests NGO at [info@ArmenianForests.am](mailto:info@ArmenianForests.am).

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