

Legal Issues in Russia

Introduction

Below you will find the notes prepared by Gusyana Kartyushova for her presentation on the legal problems in Russia, and what techniques NGO's use to overcome them. It includes a survey of tools and methods used for legal protection of forests by Greenpeace Russia and other NGOs, public participation in forest management plans environmental assessment, appeals and court suits about forest information access and inappropriate forest management.

1. Public participation in Environmental assessment of Forest Management documentation

- Types of Forest Management documentation that has to be environmentally accessed.
- No logging can be done until approving by State Environmental assessment expertise
- EA procedure includes compulsory public discussion, public opinion "should be taken into account"
- Reasons why this tool isn't usually used by public for environment protection
- Examples when NGOs insisted on banning logging while companies didn't have documentation environmentally accessed
- Examples when NGOs succeeded in concealing Environmental assessment conclusions at a court as public discussion hadn't been organized or public opinion hadn't been taken into account
- How this experience can be used practically
 - How to prove you are "concerned public". Involving local communities
 - How to write an appeal and to bring a suit in a court
- Precautionary principle in Russian legislation (every activity supposed to be dangerous until EA expertise proves opposite), "Forest – public domain" principle
- What to do after you have made a forest company organize public discussion
- Public Environmental assessment. Activists' participation in state Environmental assessment
- Field control at logging sites. Does logging and reforestation practice of companies meet legal standards and Forest Management documentation approved? What to do if not.

2. Legislation: New Forest Code – increasing public awareness

Present state and gaps of forest law in Russia.

New Forest Code draft. Its defects:

- permits logging at strictly protected areas where logging is now prohibited, some types of protected
- uncontrolled privatization of public forests
- threat to common access right (social justice & rural population supplement)

The system of local forest administration and guards is to be destroyed without

What has been done by GP Russia and other NGOs to prevent adopting and changing the draft. Petition campaigns. Involving forest service employees in petition campaigns. Resulting negotiations with the Government. Real achievements & greenwash.

3. Intact forests protection

What are large intact forests. Mapping has done.

- Protecting by national parks and other protected areas creation. Russia Government's destructive policy during last 6 years.

- Voluntary protection – more successful. Agreements with companies on excluding big areas of intact forests of logging plan. Agreements on temporary reserving these areas. Tools used to press on logging companies in Russia. Consumer campaign on western wood-consuming companies. National FSC standards, link to consumer campaign.

4. Sustainable forest management lobbying (together with Olga Ilyina)

Destructive logging practices (too large clearcuts etc.). Possible crosspoints of logging companies and environmentalists' interests.

Lobbying of changing regional forest legislation (e.g. permitting to leave not valuable deciduous trees at clearcuts to prevent getting wetland and other microclimatic effects)

Organizing seminars for foresters and companies on sustainable logging.

www.forestforum.ru – site created for foresters and activists to learn about sustainable forestry and latest news. Publications often borrowed by foresters official newspaper.