

Saving Samarga

The Udegei people of Agzu village, high up the Samarga river in the Sikhote Alin mountains of the Russian Far East, are trying to prevent an industrial logging concession, granted on their traditional land, from devastating their forest.

In April 2001, Samarga's pristine forest, the basis of the Udegei's traditional lifestyle, was leased for 25 years by the Primorsky Krai local authority to the forestry company, Terneiles. The 660,000 ha territory was leased for logging purposes, despite being reserved for conservation pending legal ethnic status.

It was not until August 2001 that the Agzu villagers found out about the lease, and in a village meeting the majority of 105 adults in Agzu voted decisively against the logging and for creation of a traditional land-use territory (see page 4).

In March 2002 the legislative assembly of Primorsky Krai backed the initiative for traditional land-use tenure, but refused to nullify the forest lease. Later an action was brought against the regional board for forest auctions requesting invalidation of its decision of April 2001. The court refused. On 9 October 2002, the case went to Primorsky appeal court, but to no effect.

Terneiles claim that a meeting in Agzu in September 2002 approved their industrial exploration, but participants at the meeting claim they only agreed to a 'spearhead' of village people to define the locals' requirements and set conditions for development of the Samarga forest. The opinions of the Agzu villagers have been split.

In February 2003, a meeting was held with the participation of Agzu villagers, Terneiles, the district administration, The Russian Association of Indigenous Peoples of the North (RAIPON), experts and international observers. A group of villagers was elected to take part in negotiations with

Terneiles. The parties agreed to begin negotiations and exchange information.

In March 2003, the Primorsky Krai environmental inspectorate fined Terneiles 100,000 roubles (US\$3100) for starting work on development of timber sorting and loading facilities in Adimi harbour, without a satisfactory environmental impact assessment. This is a worrying sign of how the company operates.

The Samarga forest is irreplaceable and its loss would threaten the aboriginal habitat and cultural preservation of the Udegei people. RAIPON has issued the following recommendations to Terneiles.

- Any programme for developing the Udegei's territory must be based on recognition of their rights and interests. It must meet ecological requirements, pay due regard to the traditional knowledge of the Udegei, and assist people from Agzu to develop traditional crafts and self-administration, with a special fund to support local initiatives.
- Terneiles must provide technical documents on their programme of industrial development of Samarga, including a feasibility study and environmental impact assessment. There must be expert ethnological assessment of the programme's influence upon the Agzu community's lifestyles and environment and a procedure established for reparation of any damages.
- A development partnership should be set up for co-operation between Terneiles, the indigenous peoples and various governmental bodies.

Contact:

Pavel Soulianjiga and Rodion Soulianjiga, RAIPON
udege@online.ru



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Editorial

Who owns the boreal forests? Who has legal rights to use them and how are those rights regulated? These are the big questions which this issue of *Taiga News* attempts to answer.

Land tenure is all about the relationships between people and the way those relationships are legally defined with respect to land. There are many fascinating land tenure relationships described in this issue, from the Allemannsretten (literally 'everybody's right') in Norway, Sweden and Finland, which prevents a land owner from harrasing people who are camping for a few nights on their land, to the small crofting townships in Scotland who have finally won the legal right to buy their land and plant trees on it. There are land tenure laws of all shapes and sizes, from the legal definition of obshchinas or indigenous clans in Russia to the Canadian forest leases granted at the turn of the last century to forestry companies that are now massive multinationals.

What makes boreal forest land tenure even more interesting is that it is currently undergoing huge change through land reform, particularly in the post-Soviet states, but also in Europe and North America. One thing is certain, as the legal basis of how and by whom the forests are managed, land tenure is fundamentally important to the future of the taiga.

Mandy Haggith



Global

UNFF3

The third session of the United Nations Forum on Forests (UNFF) was held in Geneva from 26 May to 6 June. It was described as 'the most successful session so far'. That is not saying much. The level of participation was low. Only three non-governmental organisations (NGOs) were represented, and only during the first week. One commentator said 'UNFF3 did nothing more than serve as a reminder that the IPF/IFF (intergovernmental panel and forum on forests) proposals for action have still not been fully implemented'.

Contact:
www.iisd.ca/forestry/unff/unff3

World Bank Guide

Forest Peoples Programme has produced a simple guide to the World Bank's new Forest Policy.

Contact:
marcus@fppwrm.gn.apc.org
www.forestpeoples.org

World Forestry Congress

The 12th World Forestry Congress, will be held from 21 to 28 September 2003, in Quebec City, Canada. TRN will run two side events: Behind the Logo, on 21 September, and Voices of the Boreal, on 23 September. Efforts are being made to find ways for grassroots representatives to attend.

Contact:
info@taigaescue.org, www.wfc2003.org

Genetically Modified Trees

An international campaign has been launched to ban genetically engineered (GE) trees. The campaign is led by Action for Social and Ecological Justice and involves a coalition of NGOs, targeting the company International Paper, one of the world's largest corporate players in GE tree research and development, and the largest private landowner in the USA. The campaign will begin in Sacramento, California, from 21 to 25 June with teach-ins, a march and press conferences. It will then focus on the World Trade Organisation (WTO) Ministerial in Cancun in September.

Contact:
gaaget@gaaget.org

Europe

New Co-ordinator

TRN has a new European Co-ordinator, Solveig Lubeley.

Contact:
solveig@taigaescue.org

Norwegian Old-Growth

Norwegian environmental organisations have begun a consumer campaign to preserve old-growth forest in Norway. Only 1% of Norway's productive forest is protected. The Minister of Environment has promised a new, better forest protection policy but environmental activists want to see action and not just words.

Contact:
rmidteng@hotmail.com

Lithuania Land Sales Freeze

The Lithuanian parliament approved a bill regulating foreigners' access to land after Lithuania joins the European Union (EU) in May 2004. Foreign people and companies will be not be able to buy land, including forest land, for 7 years, unless they are already operating in Lithuania.

Source:
World Markets Analysis

Oh Vienna

On 29 April a ministerial 'Protection of Forests in Europe' conference was held in Vienna, at which ministers signed 'The Declaration of Vienna', which promotes sustainable forest management but, in Greenpeace's opinion, fails to protect Europe's ancient and high conservation value forests. As the conference went on, the last remaining old-growth forest in Finland continued to be logged.

Contact:
pcuonzo@ams.nli.g13

Finmark Sámi

The President of the Sámediggi Plenary is dismayed at a new government bill that is described as 'colonialist' and destructive of Sámi culture and rights. The Finmark bill contains provisions that allow anyone to harvest freely the wealth of the county, regulated only by the state, with no explicit rights for the Sámi. Norway was the first state to ratify International Labour Organisation (ILO) Convention 169 concerning indigenous peoples and tribal peoples in 1991, and the Sámi have had good relationships with the government for 20 years.

Contact:
www.samediggi.no

Russia

Bikin River Logging Threat

A debate is ongoing regarding logging in the Bikin River watershed, in Primorsky Krai, Russian Far East, just over the Sikhote Alin mountains from Samarga. Officials from the regional administration are proposing to reduce the extent of the existing protected area or allow logging within it, whilst NGOs are campaigning for its protection status to be tightened. The upper Bikin is home to Amur tigers, and UNESCO is currently looking at adding the upper Bikin to the Sikhote Alin World Heritage Site. There are believed to be two big Russian companies behind the pressure for permission to log, Primorsklesprom and Terneiles; see front page for more on the latter.

Contact:
picea@online.ru

Orochi Lose Land

Loggers have destroyed hunters' cabins and seized the traditional lands of the indigenous Orochi people, in the Vaninsky area of Khabarovsk region (Russian Far East), threatening their basic means of subsistence.

Source:
Forest News, www.forest.ru/eng/news

Hot Air

The Russian Ministry of Natural Resources (MNR) will watch the taiga burn from space. The MNR has launched a forest fire space monitoring programme, using satellites to collect data on fires. In Khabarovsk a new fire fighting centre will be established at the Far Eastern Base for the Protection of Forests from the Air, and fires will be detected using balloons and dirigibles. So far this year, in the Russian Far East 224,000 ha of forest has gone up in flames, seven times more than last year.

Source:
BBC Monitoring

Reserves Website

There is a new website on protected areas in Russia.

Contact:
www.reserves.biodiversity.ru

FSC Area Triples

Certification of the Priluzje model forest of nearly 800,000 ha, in the Komi Republic, more than triples the total area of Forest Stewardship Council (FSC) certified forest in Russia. Congratulations!

Contact:
innngroup@mail.ru

Illegal Logging

Environmentalists on Sakhalin Island have sued the Sakhalin Forest Company for illegal logging. WWF has produced a report on illegal logging in Russia, and even the Russian government is catching on. The Interior Ministry says that illegal logging has increased by 26 times in 5 years, and amounts to a loss of 700 million roubles per year. In 2002, 864 companies were banned from trading, and 746 illegal logging crimes were registered by the Russian authorities.

Contact:
Sakhalin Ecological Watch, watch@dsc.ru

North America

Alaskan Oil and Gas

On 19 March 2003, the USA Senate narrowly voted down a proposal to begin oil drilling in the Alaska wildlife refuge, in what was described as 'a stinging defeat for George Bush'. However, not a day passed following that 52–48 vote before pro-drilling politicians began pushing to include Arctic Refuge drilling as part of a new national energy policy. The following week a bill was presented to Senate to permit a new Alaskan gas pipeline to transport over a trillion m³ of gas from Alaska to the rest of the USA. The legislation, which is being pushed by ConocoPhillips, BP and ExxonMobil, would provide federal tax incentives and a regulatory timetable for the pipeline.

Contact:
arctic-action@onenw.org

Shell Protest

A campaign for protection of the Castle Wilderness, Alberta, is calling on Shell, the biggest company drilling for gas there, to phase out its operations and support legislative protection of the area.

Contact:
www.robinwood.de/shellprotest
wald@robinwood.de

Ecosystem-Based Plan

After 2 years of intensive work and consultation, an ecosystem-based management plan for Central Labrador is now complete and open for review. The plan results from a partnership between the Innu Nation and the Newfoundland and Labrador Department of Forestry and Agrifoods (see *Taiga News* 40).

Contact:
Larry Innes, linnes@innu.ca

Blockade 2 at Grassy Narrows

Grassy Narrows First Nation (see *Taiga News* 42) has begun blocking a second logging route in their traditional territory approximately 100 km north of Kenora, Ontario. Their first blockade has been in place since 3 December 2002 and they have been running a system of roving blockades to try to prevent logging trucks from reaching Abitibi Consolidated's paper mill.

Contact:
fobister@voyageur.ca

Bogus Certification

A coalition of environmental organisations have released a report 'Buyers Beware' contrasting various certification systems, which reveals massive clearcuts being certified by non-FSC systems as 'sustainable'.

Contact:
www.goodwoodwatch.org

FSC Controversy

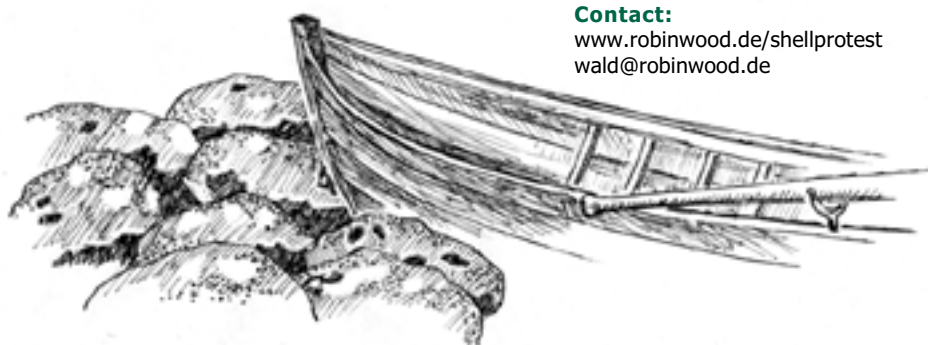
Tembec's logging operations on the Gordon Cosens forest have been FSC certified. Peaceful Parks Coalition challenge the certification as 'bordering on consumer fraud', while Wildlands League support it as 'credible and tied to real commitments' for better management. The Canadian boreal FSC standard is still under development and supporters hope that these commitments will set a precedent for high quality as the standard is developed. Critics fear it sets the opposite precedent.

Contact:
ppc@peacefulparks.org
gillian@wildlandsleague.org

Spirits of the Land

On 11–18 May 2003, 150 elders, traditional land users and youth from First Nation communities on the east side of Lake Winnipeg rallied at the second 'Spirits of the Land/Land of the Spirits' gathering. They sent a clear message to governments that First Nation grassroots are demanding the right to manage, plan, control and protect the natural resources in their traditional territories.

Contact:
don.sullivan@shawbiz.ca



Obshchinas and TTPs

Aboriginal Land Rights in Russia in the 21st Century

Gail Fondahl & Greg Poelzer, University of Northern British Columbia, Canada

Since the collapse of the Soviet Union, aboriginal peoples in Russia have sought legal recognition of their rights to their ancestral lands. The expression of aboriginal demands regarding land rights coincided with vast systemic changes brought about by the demise of the Soviet Union. A variety of new forms of land tenure are being developed and implemented, to varying degrees, across the country.

Obshchinas and TTPs

In general, Russian law has taken a two-pronged approach to effecting aboriginal territorial rights. One approach involves the authorisation of the formation of *obshchinas*. Obshchinas are defined in law as ‘forms of self-organisation of persons belonging to numerically small peoples, united by blood-clan (family, clan) and (or) territorial-neighbour indications, created for the goals of defending their age-old surroundings, and the maintenance and development of traditional ways of life, economy, trades and culture’. Obshchinas may unite a single family or a few families or a whole village. An obshchina is entitled to receive an allotment of land on which to pursue traditional activities such as reindeer herding, hunting or fishing. Such allotments may range from hundreds to hundreds of thousands of hectares.

The other approach involves the establishment of *territorii traditsionnogo prirodopol'zovaniya* (territories of traditional nature use or TTPs). TTPs are defined in law as ‘specially protected natural territories, formed for carrying out traditional nature use and a traditional way of life’. These are envisioned as embracing extensive tracts of land. Obshchina lands may lie within these larger territories.

Common ideals underlie the approaches: both give prominence to nature protection as a logical purpose of aboriginal land tenure. Both accentuate communal land tenure, although at different scales: obshchinas effect collective tenure at the family, small group or, at most, village scale, while TTPs potentially preserve larger territories for the use of numerous obshchinas and other aboriginal land-using groups. Neither affords absolute property (land) rights. Rather, these forms of tenure regulate access, use, possession and exclusion of others.

Recent Tenure Laws

The federal law on TTPs in 1999 provides a legal basis for the identification of aboriginal territories. Given the requirements for establishing the boundaries of TTPs, in many cases potentially across territorial-administrative boundaries of provinces, republics and districts, the process for establishing these territories will be a protracted one, requiring significant time and resources. Some aboriginal leaders have suggested quickly moving toward the creation of ‘model’ TTPs, where the mechanisms will be worked out and the issue of establishing TTPs is a priority for the Russian Association of Indigenous Peoples of the North (RAIPON). The onus to initiate the creation of any TTP sits squarely with indigenous peoples.

Despite calls for more specific rules or laws on aboriginal rights to land dating back to 1992, the laws still lack clarity on the issue of tenure. The law on obshchinas is curiously silent on issues of land tenure, not allocating a single article to the topic. The law on TTPs extends rights on aboriginal land tenure by ‘granting’

aboriginal peoples and aboriginal obshchinas land ‘for free-of-charge use’, but does not provide any more specific guidelines, other than noting that lands over which obshchinas have tenure can be situated within TTPs.

Thus, aboriginal people in Russia enjoy the legal right to collective tenure of discrete land allotments, and to use them without charge. These rights have been encoded with the particular goal of facilitating the perpetuation of ‘traditional’ aboriginal activities such as reindeer herding and hunting/trapping. They also explicitly envision aboriginal peoples as ‘natural environmentalists’, who, given tenure rights to their ancestral lands, will protect them from environmental degradation.

That aboriginal peoples do not gain outright ownership of the land appears a backburner issue in Russia. Some aboriginal leaders have argued for ownership. Land ownership, however, appears to be viewed by a significant sector of the Federation’s population as an inessential and even inappropriate land relation. Many (although certainly not all!) aboriginal persons share this view. Research indicates that aboriginal interests in tenure are most focused in the ability to steward the land effectively, to protect it from other competing and potentially harmful uses, in order to pass it on to their descendants.

Access to Natural Resources

Under the 2000 law on obshchinas, members of obshchinas enjoy the rights to use the faunal, floral, common mineral resources (gravel, clay, etc.) and other natural resources on their land allotments that are required to pursue ‘traditional activities’. They are required to use these natural resources rationally and to protect them.

A 2001 law on TTPs expanded these rights to encompass similar resource use on the full extent of territories of traditional nature use. However, such use is not restricted to aboriginal peoples on the TTPs: non-aboriginals can also use such resources for their personal needs, and enterprises can also access such resources within the confines of the regulatory regimes of TTPs. Thus, over extensive areas of the Russian North, it is likely that aboriginal exclusionary rights will be limited.

Conclusion

The federal laws on aboriginal rights that have been adopted recently are less radical than the norms set forth in such international documents as ILO Convention 169 and the draft UN Declaration on Indigenous Rights. Nevertheless we can see these laws as milestones in the development of legal protection of aboriginal land rights in Russia.

Contact:
fondahlg@unbc.ca

This is an extract of a longer article which first appeared in *Polar Record* 39 (309):111-122 (2003).
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Russian Reforms

Mikhail Karpachevskiy, Biodiversity Conservation Center, Moscow

For the first time since the Russian Revolution, private land ownership is legal, and a new Forest Code heralds more change.

Who Owns the Taiga?

In Russia, 62% of all the land area is state forest (17.1 million km²). Forests also occur in other land categories, e.g. nature protection lands (1.9%) and reserve lands (6.7%). The Land Code (2001) recognised private ownership of land but permitted buying and selling of only 2%, mainly industrial and municipal land. Trade in agricultural land was permitted by the Law on Trade in Agricultural Lands (2002). However, such trade is inactive because of a lack of procedures and conflicts between federal, regional and municipal authorities regarding the ownership status of land.

*Our lands are big and rich,
only there is no order.*
Nestor, 12th century Russian chronicler

Current Forest Management

State forest lands are mostly managed by the Ministry of Natural Resources (MNR) (95.8%) and the Ministry of Agriculture (3.6%). The MNR manages and controls the use of forest lands through the system of leskhozoes (forest management agencies).

Some forest land (less than 1%) is leased out by regional authorities and regional MNR offices. Lease agreements are typically under 5 years and only in rare cases 49 years. Short leases increase the power of regional bureaucracies over small forest industries. Holders of forest leases are often unaware of permits issued for mining within these areas.

Hunting and fishing are regulated by game management agencies through special permits (indigenous people have greater rights, even special quotas). Permits for collection of berries and mushrooms in industrial volumes are issued by leskhozoes, however at present most non-timber forest products are collected without permits because of poor control.

Leskhozoes issue logging permits that specify precisely the logging site location, timber volume and logging and regeneration methods. The leskhozoes control how these requirements are fulfilled, but they selectively close their eyes to some violations. In turn, forest companies typically ignore the quality of silvicultural operations and protection measures implemented by leskhozoes. Leased areas can unexpectedly become sites for salvage logging, which is assigned, performed and controlled by leskhozoes themselves. This is a very popular way for leskhozoes to earn money by high-grading in areas with good infrastructure (near settlements, conservation areas and leased forests).

The state system of forest inventory and planning is an unavoidable element of the whole system. It calculates stand characteristics and allowable logging volumes and gives recommendations on logging and regeneration methods. The resulting forest management plans are formal and extremely prescriptive, although based on fair quality data. They give no freedom to logging companies to choose forestry methods in a particular stand. The interests of the local community, including indigenous people, and conservation plans can be taken into consideration when preparing plans, but typically this is done only by direct order from the authorities. Leskhozoes and logging enterprises are obliged to follow the 'recommendations' of forest management plans.

Forests that used to be part of former agricultural enterprises have remained state-owned and are managed by leskhozoes under the authority of the Ministry of Agriculture. So too are 20 federal-level wildlife reserves.

New Forest Code

This system is due to be changed in the course of legislative and administrative reforms pushed by the federal government. Some of their ideas are very clearly stated in the draft of the new Forest Code. The federal government will not allow regional governments to distribute federally owned natural resources and earn on that additional power. Regional and local authorities will manage and sell only their own forests (which are currently insignificant). The MNR will take control of agricultural forests, while overall its managerial responsibilities will decrease. Nobody in the ministry wants to have to deal with the completely degraded system of leskhozoes with their 200,000 employees. According to the Russian Forest Service chief Valery Roshchupkin, the present structure requires at least US\$4 billion per year while it receives just US\$1 billion from the budget with little chance of significant increase. Therefore, the MNR would like to put most forests into long-term leases (concessions) and to oblige their holders to take care of forest management at their own expense.

Forest companies generally support long-term leases (up to 100 years) and clearer lease regulations. They hope to get easier access to natural resources with more economic freedom and lower environmental standards. However, they fear that regulations developed by the MNR will preserve the enormous power of bureaucrats. In order to secure themselves against poor implementation of the reforms, forest industries are lobbying the State Duma for privatisation of forests. However, according to the new draft Forest Code privatisation of forests for commercial logging will be not allowed.

Questions Remaining

The major problem with the current forest reforms is the absence of holistic thinking. If all the commercial forests are given out in long-term leases, who will pay for management of the rest of the forests? How will the MNR achieve effective control over forests without any clear plan for reforming the leskhozoes? The economic performance of forest industries cannot be improved in the long run without changing hundreds of prescriptive and out-of-date forest regulations, but nobody in the MNR is even articulating the concept of new regulations. While voluntary forest certification is stated as a good possibility for business development, where is the plan for identification and conservation of valuable forests and environmental standards that is needed for this system?

If the proposed reforms are realised, regional authorities will lose any motivation to care about regional forests. Local communities will be able to manage their local forest only by having to compete for leases on an equal basis with industries. The new Forest Code will, of course, allow collection of berries and mushrooms in state-owned forests, but the documents do not specify what information about forests will be publicly available nor how the public will be involved in management decisions regarding forests. It seems clear that NGOs will need to resort to direct negotiations with leaseholders in order to save valuable forests and to protect the interests of local people.

Contact:
forest@biodiversity.ru

Estonian Land Reform

Rein Ahas, Estonian Green Movement & Friends of the Earth

After liberation from Soviet occupation, land reform was necessary to restore historical justice in Estonia, but the way it was carried out was reckless and unbalanced. As a result a third of forest land was returned to its historical owners but up to half the total forest area has been damaged by uncontrolled forestry. The ultra-liberal land and forestry reforms created a non-transparent legal and administrative environment and a powerful industry of illegal forestry has sprung up. Today Estonia is one of the few countries where annual harvest is higher than annual growth.

The Singing Revolution

After liberalisation in August 1991, a programme of land and property restitution began. The Land Reform Act (1991) determined that all previous owners and their offspring would get their property back. Half of Estonia (4.52 million ha) is covered with forests and 60% of forest land required restitution, because it was privately owned before 1940. By 2002, 32% of forest land was privatised, 37% was state owned and more than 30% had unclear ownership.

Most of the people to whom the land was returned lived in urban environments or had left the region. They had no connection with the forest and lacked the skills to manage it. Others did live near their historical farmlands, but with no markets for agricultural products it was a time of social chaos in rural areas. Both the urban and rural groups of people began felling timber to survive and ever since the volume of felled timber and people's needs have kept growing. Only about a quarter of forest owners tried to preserve their forest and make long-term management plans.

A big problem is the uneven distribution of felling. The volume of felling has increased year-on-year. In 2002 the calculated harvest was 13–15 million m³ but the annual increment was only 10–12 million m³. However, while the timber is harvested from the best mature forests the increment is calculated based on growth in forested fields and young secondary stands.

A study in 2000 by the Estonian Forest Survey Center showed that in returned lands, the new owners logged only 28% of the timber according to management plans; owners on average harvested their entire 10-year planned volume within the first 3.8 years; pine stands were over-harvested by 160%; and more than 54% of thinning was done destructively, with canopy cover left less than 60%.

Ultra-liberal Policy and Finnish Consultants

The felling boom was driven by a new Forest Policy, which was compiled with Finnish governmental aid and co-ordinated by consultants Oy Indufor in 1994–97. But instead of creating a forest-use regulation system, ultra-liberal development was chosen and forestry was set loose. Despite NGO protest the Forest Policy (1997) and the Forest Act (1998), which legalised 'free forestry', were approved by the parliament. Since then there is no longer any requirement in Estonia to make forest management plans, to apply for permissions for management or to report results. All those procedures were made voluntary, so forestry statistics disappeared. In combination with land reform, the most destructive era in Estonian forest began: unrestricted felling was allowed everywhere.

The non-transparent legal environment and land reform have together created the perfect conditions for illegal forestry. Now experts estimate that up to 40% of Estonian timber is produced in breach of laws, including tax fraud, forest theft and silvicultural and environmental damage. Analyses of illegal forestry show that violations by forest owners of tax, management or reporting regulations correlate with other violations and environmental damage on site.

Lands with no Owners

With the restitution of forests a peculiar category of land has appeared: land with no owner. This means that nobody wanted it back or legal ownership is under discussion. By 2002, 30% of woodland (670,000 ha) still had no owner. These forests are often on poorer land or in regions where many people were deported to Siberia and died.

Lands with no owners are playgrounds for illegal forestry. A majority of forest thefts are committed on these lands, and a lot of tax frauds and money-laundering schemes begin and end there.

With the forest development programme in 2002 it was decided that the State Forest Management Centre (RMK) will manage lands with no owners. RMK has been quite a good manager compared with private owners, the proof being its FSC and ISO 14001 certificates from March 2002. RMK supervises the lands with no owners and carries out an inventory of public strategic interests: infrastructure, environment, nature conservation and land optimisation. Later the conditions for nationalisation or privatisation of the land will be agreed on.

Mistakes Made in Estonian Forestry Reforms

- Restitution and privatisation started without analysis of public interests and needs.
- Land reform did not put preconditions on owners and this left forests and society unprotected.
- New owners were not made to follow forest management plans.
- Forest legislation reforms were carried out at the same time as land reform, resulting in chaos.
- Consultants from Finnish Development Aid did not act in the Estonian public interest.
- Politicians chose ultra-liberal forestry reforms, making the forest management system voluntary and non-transparent.
- Non-transparent forestry created a feeling of impunity by forest owners. Officials lacked key information. This led to illegal forestry.
- Most of the control institutions were destroyed during reforms.

Learning from the Mistakes?

The failure of forest reform was already obvious in 1999. Environmentalists, scientists, NGOs and many foresters made a proposal to the Minister of Environment in 1999 to restore regulation of forest use and make forestry transparent. During the last 4 years the Ministry of Environment only recognised part of the problem in the forestry development programme and no important policy changes were made. The Estonian right-wing parties had no political will for change. The Environment Ministry and State Forestry were led by the same people who created the ultra-liberal forest policy.

In 2003, with a new right-wing government, a 'new policy' began. According to the new coalition agreement a system of forest resource use will be created and the Forest Code will be tightened. Estonian environmentalists and foresters are waiting for action.

Contact:
reinahas@ut.ee

Woods for the People

Bill Ritchie, worldforests, Scotland

With the Land Reform (Scotland) Act 2003, a landmark act of the Scottish Parliament, communities in Scotland are being given the chance to own land, including woodland, to be managed for the benefit of local people.

Scotland is one of the most deforested countries in the world, with only around 2% of the land covered by native woodland and all of it heavily modified by centuries of (mis)management. Scotland also has one of the most skewed and inequitable land ownership patterns in the world, with nearly 60% of the land owned by as few as 1250 people, much of it in the ownership of foreign nationals and institutions and 13% of it still owned by the aristocracy.

Land Reform

In 1999, under a programme of devolution by the UK government, Scotland gained its own parliament for the first time in nearly 300 years. The first Scottish Executive (as the government in Scotland is known) pledged a programme of land reform that would include abolishing the remnants of the feudal system of land ownership, a right of access to open land and the right for rural communities to acquire land to be managed for community benefit.

Hailed by the majority of the people of Scotland as a major step forward in the evolution of land ownership and condemned by the land-owning classes and right-wing media as 'a Mugabe-style land raid', the new legislation opens the way for rural communities to own and manage existing woodlands and establish new ones.

Community Right to Buy

Under the new legislation, which will come into operation in November 2003, rural communities can set up land trusts and register their interest in buying land that comes on the market, including woodlands. Once an interest has been registered, the sale of the land is suspended to allow the community to have the land independently valued and to raise the money for purchase. In order to qualify, the majority of the members of the community must support the proposal, which must set out how the community intends to manage the land, identify what benefits will accrue to the local community and to the wider public and what environmental benefits will be gained. The Scottish Executive has set up funds to assist communities with feasibility studies, the capital costs of purchase and development.

Crofting Communities

Under the same legislation, crofting communities have the right to purchase the land they occupy as tenants, even against the will of the owner. Crofting is a system of small-scale agricultural tenancies in the north-west highlands and islands of Scotland that was given legal status and protection in 1886. There are around 17,000 crofting tenancies occupying 800,000 ha or 20% of the highlands and islands.

Crofting is a form of land tenure in which an individual has heritable rights to dwell on and manage a wee area of land, called

the croft, which is typically smaller than 10 ha. Crofts were originally subsistence holdings but have evolved into part-time agricultural units. In addition to their personal land, most crofters also have a legal share in an area of common land, called the common grazings. There are about 1000 common grazings. Typically 15–20 crofters share in an area of common grazings, on average 400–500 ha, which is usually hill land unsuitable for cultivation. They have rights to graze livestock but no rights to exploit fish, game, minerals, water or other resources of the land, all of which belong to the landowner. Each area of common grazings has a set of rules, called the grazings regulations, that regulate land use, for example, the number of stock each individual crofter may graze on the land.

Crofter Forestry

Until 1991 crofters had no rights to manage any woodlands on their common grazings, but that year crofters acquired the legal right to manage and plant woodlands, although only with the consent of the landowner and without ownership of the trees or the land! However, landowners are under strong political pressure to grant consents that give the crofters access to government subsidies for the creation and management of woodlands as well as access to the woodland resources. Since 1991 crofters have set up nearly 100 crofter forestry schemes, involving 1700 individual crofters and covering 9000 ha, mostly with new native woodlands.

The new land reform legislation will allow crofters to own their land and acquire the hunting, fishing and other rights. Like other rural communities, to

take advantage of the new law crofters must have the approval of a majority of the local community and must demonstrate how they will manage the land. They too will have access to the funds set up by the Scottish Executive to assist with land purchase and management.

Community Woodlands

Even without the benefits of the new legislation, more than 100 non-crofting community woodland groups have been established in Scotland over the past few years, with some owning their woods outright, others leasing woodland and others entering into management agreements with the owners, including Forest Enterprise, the state forest authority. Now, with the provisions of the Land Reform (Scotland) Act, community ownership of woodland, both crofting and non-crofting, is set to expand, creating a model for the rest of the UK and indeed the world. This, together with the Forestry Commission's financial and technical support for the expansion of native woodlands through planting and regeneration, should bring about a significant boost to the area of Scotland covered in boreal forest.

Contact:

bill@worldforests.org

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Who Owns Canada's Forests?

Don Sullivan, Boreal Forest Network, Canada

Although more than 90% of Canada's forest is Crown land, the average Canadian citizen has very little say over what can happen to it because so much is leased to industrial forestry companies. This critique of the Canadian tenure system explains the problem.

People from around the world come to Canada to visit and experience the many pristine lakes and uninhabited forests and relish the sounds and sights that mother nature has bestowed on this country. However, if one was to peel back the veil of this country's wilderness beauty, one would discover that Canada's vast expanse of pristine forest is, for the most part, assigned to large-scale resource-intensive forestry companies by means of long-term tenures. Trees are big business in Canada, the world's leading exporter of forest products. Canada's forest industry generates over C\$68 billion (US\$47 billion) per year in sales of forest-related products and contributes close to 3% of the gross domestic product (GDP).

In Canada, 94% of the forests are publicly owned by the Crown. Constitutionally the provinces in Canada have been given the right to control and manage 71% of this country's forest while the remaining 23% is controlled by the federal government, which has recently given over management responsibilities to the territories. The remaining 6% of Canada's forests are privately owned and located mostly in the Atlantic provinces.

The provinces of British Columbia, New Brunswick and Nova Scotia have 80% or more of their forests under tenure to large-scale forest companies. Ontario has 60% of its forest allocated to industrial tenure, Quebec 40%, Alberta 45%, Manitoba 33% and Saskatchewan 33%.

Of the 286 million ha of Canada's forested lands that are available for commercial harvesting, 220 ha are allocated to forest companies in the form of long-term tenures. There are generally two types of tenure arrangements that provinces in Canada enter into with forest companies: area-based and volume-based.

The first type, area-based tenures, are held by companies for 20–25 years with renewal clauses. The holders of area-based tenures are responsible for harvesting and management of the forest within the areas in which they hold tenure, often referred to as Forest Management Licence Areas. In return, companies that hold these area-based tenures must pay stumpage fees, rents and/or royalties, and other surcharges to the provinces. The fees and surcharges paid by forest companies vary from province to province, as there are no national standards. Increasingly, companies that hold this type of tenure are now required to undertake other management responsibilities such as replanting. Other responsibilities such as reforestation, road building, protection, inventory and planning differ widely from province to province.

The second type, volume-based tenures, are based on volume and are typically issued to holders for a shorter duration. The management responsibilities for holders of volume-based tenures vary widely as there are no national standards in place. In fact, some types of volume-based tenure attach no forest management responsibilities at all to the holder.

The remainder of the commercial forest zone in Canada (66 million ha) is allocated by various other types of minor tenure arrangements in the form of short-term permits and licences.

Generally speaking, each province controls the annual rate at which trees are harvested in the two major tenure types that dominate Canada's forested landscape. The rate of harvesting that can occur in a year is commonly referred to as the annual allowable cut (AAC). The problem is that the method used to determine the AAC is a highly subjective exercise and varies from province to province. The AAC is often recalculated every 5–10 years, but this is not a given. The reason that the AAC determination is so subjective is that each provincial jurisdiction may include many variables and factors in its calculations, including such things as loss of trees due to fire, accessibility of the fibre industry, jobs, protected areas, economic forecasts and government revenue projections, involving political and economic policy development determinations.

Critics, and there are many, have pointed out that if Canada is really intent on maintaining forest health and sustaining Canada's publicly owned forests for future generations, then Canada as a whole will need radically to rethink its tenure arrangements.

First and foremost, area-based and volume-based tenure arrangements are almost always negotiated in secrecy with little or no transparency. Nor does public scrutiny or environmental review of these tenure arrangements occur prior to them being granted.

Secondly, little or no attention is devoted to including other forest values such as protection values, First Nation concerns and rights, non-timber forest product values and recreational values.

Thirdly, more often than not First Nation communities, the predominant population living in Canada's forested region, have little or no ability to create community-based economies that are culturally appropriate, nor are they able to manage, plan, control and protect forest resources in their traditional territories under these types of tenure arrangements.

Finally, the prices paid by tenure holders to governments to harvest trees do not come anywhere near to recouping the actual costs associated with managing these forests, as most of the external costs are not included in the economic rent paid to cut the trees in the first place.

In short, if 94% of Canada's forests are owned by its citizens, then citizens must be given more opportunities to participate meaningfully in determining the fate of our majestic forests.

Contact:
don.sullivan@shawbiz.ca

For more information on the state of Canada's forests see *Canada's Forests at a Crossroads: An Assessment in the Year 2000* by Global Forest Watch Canada and the World Resource Institute at www.globalforestwatch.org

It's About Time

Erika Pittman, Sierra Club of Canada

The people of Newfoundland have an unprecedented opportunity to decide how their forests should be managed, as Abitibi's 100-year industrial leases on almost a million ha of forest land are due to expire.

What would you do if a million ha of land changed from being controlled by a large international forestry company to being in the hands of the people of your province? This question was one that was fast becoming a reality in the province of Newfoundland and Labrador last autumn. Abitibi Consolidated, one of the two Montreal-based companies who together control approximately 70% of the island's productive forest, had a large area of land licences that began to expire in December 2002.

These licences are like no others in Canada. They are the result of actions taken by the Dominion of Newfoundland, at the turn of the last century, to initiate the commercial forest industry. By 1922 most of the productive forest had been tied up in long-term land leases and licences, with almost a million ha granted to Abitibi in 99-year non-renewable licences. Once these licences expire, over an 18-year span from 2002–2020, they revert back to Crown control; that is, the trees become once again owned by the people of Newfoundland and Labrador. Before any new licence agreements are signed, the government is legally obliged to implement a public consultation process.

The Sierra Club of Canada initiated a campaign to bring this issue to the attention of people of Newfoundland and Labrador. Meetings were organised in local communities affected by the forestry licences throughout the island to inform residents about the licences and their right to a public consultation process, and to facilitate dialogue around alternatives to the current tenure system. Throughout November meetings were held in the communities of Buchans, Badger, Birchy Bay, Hampden, Triton and St John's. A seventh meeting in the pulp mill community of Grand Falls-Winsor was prompted by participants' requests.

The Sierra Club of Canada offered alternative land tenure options such as community forests, completing the protected areas network, and making changes to the current legislation that would ensure better forestry management practices and keep benefits in the province. Participants were interested in focusing on a more value-added industry and ensuring better resource utilisation. There was general concern with the current wood supply shortage

that the province is experiencing, and the preference given to large non-local pulp companies over the small-scale local sawmill operators. The people in these communities want to see changes, and they want to be involved in the decision-making process.

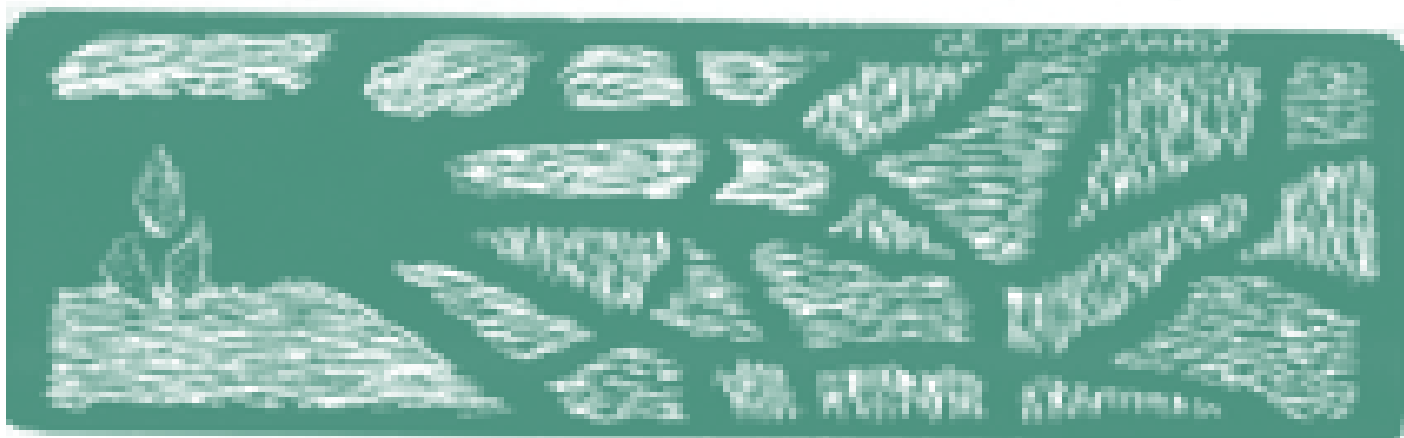
Before the round of meetings was completed, however, government came forward from behind closed doors to present their plan to consolidate Abitibi's licences so that they all expire in 2010. This was called a 'good short-to-midterm solution' by the Minister of Labour, as it is contingent upon keeping two paper machines in operation until 2010, thereby assuring mill employment for another 7 years. In order to allow for the 'extension' of these licences, changes had to be made to the Forestry Act.

The Sierra Club campaigners were successful in drafting an amendment to this Act, which stipulated a compulsory and meaningful public consultation process prior to the 2010 expirations.

The result of the Sierra Club's campaign was a larger base of people who know about this issue and are willing to work toward making changes to the tenure system. In a place where the focus is on the state of the fishery, it is ironically a challenge to bring the fate of the province's forestry to the forefront. The media did follow the meetings, and ensured that many of the comments on this issue came from the concerned public. It is ultimately the people of this province who must step forward and demand that government be accountable to the public.

We have been given 7 years to bring this to people so that they can make a decision on whether they should care about the future of our forest industry. Those who have a vision for the future of our land tenure system need to solidify how it can be done. We must demand a full, transparent public involvement process that moves this province from an archaic land tenure system to one that ensures there are healthy forests and forest industry for future generations of Newfoundlanders and Labradorians. It's about time.

Contact:
erikampittman@hotmail.com



Alaska Puts Logging First

Nancy Fresco, Northern Alaska Environmental Center, USA

The spring session of Alaska's state legislature brought damaging and unwarranted changes for Alaska's forests with the passage of Senate Bill 149. This bill changes the primary purposes of Alaska state forest management from 'multiple use' to 'timber management ... while allowing other uses'. It also allows for the creation of new state forests from unclassified state lands, limits the creation of new riparian protections, eliminates consideration of certain impacts on fisheries, wildlife and other users, and adds wood pulp to the list of products considered to be 'high value-added' commodities.

In order to understand the significance of Senate Bill 149, one must first understand land tenure in Alaska. When Russia sold Alaska to the USA in 1867, all 152 million ha (an area about 40% larger than Scandinavia) became federal land. However, when Alaska became a state in 1959, the federal government granted the state 28% of Alaska's land.

Private land in Alaska is fairly limited. In 1971, the US Congress passed the Alaska Native Claims Settlement Act, which granted about 20 million ha to indigenous corporations. Non-native private land comprises less than 1% of the total land in Alaska, although it includes much of the best land for development around communities.

Currently, Alaska's two designated state forests are the 109,435 ha Haines State Forest in southeast Alaska, and the 728,000 ha Tanana Valley State Forest that stretches across the state's boreal interior. Although these forests comprise only about 2% of Alaska's state-owned land, they have been selected for their timber values and accessibility. They are not contiguous, but rather create a patchwork across the landscape. The Tanana Valley State Forest includes some of the most highly valued lands in the state's interior, and is mostly located along the road system and river system.

These are the lands that people use for everything from hunting, fishing and skiing to collecting traditional foods and materials. Indeed, recent studies of non-timber forest uses, analysed by the Alaska Boreal Forest Council and the Alaska Department of Natural Resources, among others, indicate that a 'logging first' mindset makes little economic sense. Many values of the forest come from resources such as berry-picking, hunting, fishing and recreation, which have been under-counted economically in the past. In most cases, potentially more desirable or higher-value uses of this land have not been studied. Moreover, the local timber industry is adequately supported under multiple-use management. In fact, in the past few years, many timber sales offered by the Division of Forestry have not even been purchased.

Small-scale local timber enterprises can be sustainable if logging is balanced with other uses. True value-added utilisation can provide local jobs, local revenue and sought-after products. Certainly, there is an advantage to being able to buy beautiful furniture and handcrafted bowls, utensils and carvings that are made in Alaska of Alaskan wood. Dimensional lumber, house logs and firewood play an important role in the local economy, and producing them where they are needed is in general more ecologically and economically viable than transporting them for hundreds or thousands of miles. However, unprocessed pulp should not be granted the preferred status and streamlined timber sales that accompany 'high value-added' designation. Nor should preferential support for the timber industry lead to other resources being jeopardised.

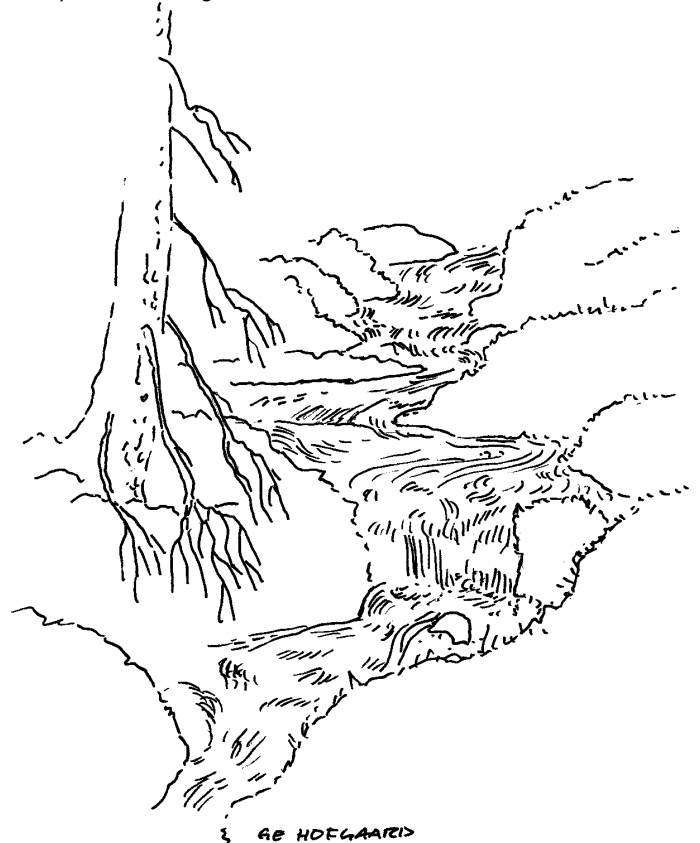
Because the state of Alaska owns so much land, much of it undesignated, it could prove disastrous to allow the state to create

new state forests subject to the timber-first mandate and the weakened protections described above. Converting general-use land to timber-first state forests without adequately examining long-term repercussions is not in the state's best interest socially, environmentally, or economically.

The new law goes even further. It expands the areas available for 'value-added' logging to include the state land currently designated as general use, without even first converting those lands into state forest. It also limits the ability of the Alaska Department of Natural Resources to safeguard salmon habitat by requiring a finding of 'significant state interest' before increasing riparian buffers. In addition, it removes requirements for analysing long-term site-specific impacts when individual timber sales are planned.

A huge amount of public input has gone into achieving a multiple-use balance in Alaska's state forests and other state land. The most recent planning process for revision of the Tanana Valley State Forest Management Plan included dozens of public meetings, hundreds of written and oral comments, and years of effort and compromise. Alaskan people have shown time and time again that they value a wide range of forest uses, not just logging. They have shown that they are concerned about balance, forest integrity, sound economics and long-term sustainability. It is a shame that the state legislature appears not to respect the people's interests.

Contact:
nancy@northern.org



Einar Gjems is in the hot seat

Norwegian Woodsman

Forest land tenure in much of Scandinavia is distinctive in involving tens of thousands of people who each own small areas of forest. Einar Gjems is one such forest owner. He lives in Rena, 3 hours drive north of Oslo, Norway. Einar Wilhelmsen of Norges Naturvernforbund (Friends of the Earth–Norway) interviewed him for Taiga News.

Do you own forest land?

Yes, I own about 850 ha of forest, of which 700 ha is productive. In Norway this is a large property. The forest is a mixture of age classes, mainly pine, with some spruce and birch. I also have 29 ha of farm land (for grass production) and 22 milking cows. I used to log it myself, and I had people working for me, but these days I use contractors. I have been chairman of both the local and the national forest owners association (Norges Skogeierforbund). Now I no longer have such obligations, apart from being on the board of a small local sawmill.

Are you still a member of a forest owners' association?

Yes, I am a member of the local Åmot forest owners' association, which has 200 members. The forest owners' associations are organised into both local and regional chapters, in addition to the national level. The organisation is democratic locally (one person, one vote) but on the other levels representation reflects production. Nationally the Norwegian forest owners' association has 55,000 members.

How does the association operate?

The forest owners' association buys all wood for industrial use (saw wood and for wood processing) and sells it to the processing industry. It also takes care of the political needs of forest owners (lobbying, participation in political processes, etc.). The association can also offer (or help members to find) services like planning and logging.

Do you have full rights on your holding?

Yes, I have full rights to the forest and the resources within it. Along with timber, it is usual to sell hunting and fishing rights, though the hunting is regulated in order not to deplete populations. This system guarantees the public access to hunting and fishing, and I think that any Norwegian who wishes to hunt (or fish) has the opportunity. I also sell gravel. I am free to do this, but I do of course need permission from the local government. Several laws protect forests and farm land, so other use of these areas (such as building of houses or extraction of minerals) is not legal without permission. All land that is not farmed is open to everyone by the Allemannsretten

(everybody's right) Act, which gives everyone freedom to walk and pick mushrooms and berries in the forest. Camping is however restricted to pitching a tent for a maximum of 3 days on one place.

Is most land in Norway privately owned?

75–80% of the land is owned by individuals. The rest is owned by commons, by the government and some by companies.

Do most forest owners live on their land?

Yes. In law, you must live on farm property in order to own it. If you buy a farm with forest land you must live on it within 5 years in order to keep it, and even if you inherit with special Odel (firstborn) rights you must live on it within 10 years. Some owners still manage their forest, but I think about 60–70% of forest owners now use contractors to log. Leasing of forest land is illegal, though it is permitted to lease farm land.

Do people hold land in common?

There are several types of forest commons. Most widespread is the Bygdealmening (community commons), where several farms own forest together in a system based on a tradition that is several hundred years old. The rules for income from such arrangements are complicated, and to extract direct income from a community common is not allowed. There are also Statsalmenninger (state commons), which are managed by the local municipality.

How does inheritance work?

The oldest child will inherit the entire property, but these days it is more normal that the one wanting to stay on the farm will inherit, as many young people now choose to live in the city. Historically, forest and farm property was divided, and this caused many problems, but dividing forest property is no longer allowed. I am retiring and in 2006 my oldest daughter and her husband will take over the forest and farm.

Does government regulate ownership?

There are several laws regulating the system of land ownership. Most important is perhaps the law on inheritance of farms and connected lands, and the Konesjonslov, which regulates sales of property. For instance there is a limit on how much property can cost, there is the



requirement to live on the land, and even a demand on the buyer/ inheritor being 'fit'.

So buying a farm in Norway is not easy?

Well, up to 80% of all properties are sold within an extended family. There are strong cultural and historical bonds between people and their farms.

What are the benefits of having many small forest owners?

A clear benefit is that having many owners gives us a very differentiated forest. Also, it is very important that we can combine forestry and farming. The government has said that retaining a decentralised population is a central goal. Farming and forestry are two main pillars for keeping the countryside alive. In this sense Norway is very special, few other European countries still have people living spread out like this in small communities. One only needs to cross the border into Sweden to see a striking difference.

Have there been changes in recent years?

A major change has been the Levende Skog (living forest) standard for sustainable forestry that was established by the forest owners, the forest industry and the environmental NGOs. This standard has changed how we log. Personally I am now moving away from cutting small clearings and towards selective logging. This demands more planning, but gives a better price as there is less work per m³ of wood, because we cut only large trees. Since my pine forest is relatively open, it is no problem to do these operations with a harvester.

Is there a move towards FSC certification?

No, not at the moment; I think that the Levende Skog standard is the main reason why there is no such thing. From time to time FSC is discussed but there is no drive towards it now.

Contact:
egjems@online.no

Learning from Our Experience

Swaantje Fock, International Co-ordinator, Taiga Rescue Network, Sweden

Ten years after its inception, the Taiga Rescue Network has carried out a major internal evaluation. Now we know our strengths and weaknesses and can plan to be even more effective in future years.

The evaluation was carried out by independent consultants and was based on interviews, questionnaires directed to participant organisations of the network and internal TRN documents. The results of the evaluation provide analytical information on the strengths and weaknesses of the network and form a sound basis for decisions about how to develop the network and to support international NGO co-operation on boreal forest issues in the future.

The overall conclusion of the evaluation is that TRN has been successful in connecting groups working with boreal forest issues all over the world, and also in bringing together groups of all different types, from local indigenous groups to international organisations. 'TRN has created links that did not exist before –

this is incredibly important', said one respondent. 'TRN is really a grassroots network, TRN is really bottom-up', said another.

The evaluation shows TRN's bi-annual conferences to be particularly important to participants, and to 'make a difference'. They are one of very few, if not the only, global meeting points for NGOs and indigenous peoples working on boreal forest issues. They are of special importance for local groups.

An important function of TRN is the information clearing house. TRN has plenty of tools for communication at its disposal. Most of them are well received, and none more so than *Taiga News*.

The evaluation also revealed where work is needed to improve the network, for example strengthening co-operation



between the international and regional co-ordination centres, increasing the involvement of participant organisations and clarifying the functions of the International Reference Group, TRN's governing body.

There is an on-going e-mail discussion about how to implement the findings of the evaluation, and all participant organisations are welcome to contribute.

Contact:

swaantje@taigarescue.org

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Publisher

Taiga Rescue Network (TRN),
Box 116, Ajtte,
S-962 23, Jokkmokk, Sweden
Tel: +46 971 17039
Fax: +46 971 12057
Email: info@taigarescue.org
Web site: www.taigarescue.org

Editors

Mandy Haggith
95 Achmelvich, Lochinver,
IV27 4JB, Scotland, UK
Tel: +44 1571 844020
Email: taiganews@taigarescue.org

Illustrator

Gun Hofgaard, gun.hofgaard@snf.se
Tel: +46 971 380 63

Printer

A4 Design and Print, Inverness Scotland
Tel: +44 1463220287

Paper

Repeat paper, Inveresk Graphic Papers made from 100% post-consumer waste, accredited by NAPM, Eugropa and ISO.

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ISSN:1401-2405

Next issue The next issue of *Taiga News* will focus on community voices from the boreal. Deadline for contributions is 18 July 2003.