Azerbaijan

The Quarterly Bulletin of the “Improving Law Enforcement and Governance in the European Neighborhood Policy East Countries and Russia” Program

October - December 2011
FOREWORD

Dear friends,

We are proud to release the fifth issue of our country newsletter. It covers the period of three months from October to December 2011. Among the highlights of this period are intensification of relations with the in-country forest-related programs and projects as well as strengthening of media-related and public awareness activities.

The Program Legal Team has successfully completed its work on analyzing of the country forest legislation and put forward valuable recommendations. The Final Report delivered by the Program International Legal Consultant contains clear proposals on how to advance current forest legislation in order to apply sustainable forest practices and to ensure proper rehabilitation and protection of the country forestland.

The Program continues meetings with the in-country leading media outlets, conducting regular meetings with the journalists and editors-in-chief. As a result Program objectives and activities getting a better coverage as in Azerbaijan as well as in the relevant international sources.

Among the noticeable events of this period was successful implementation of the joint ENPI FLEG Program Moldova and Azerbaijan activity on conduction of the International Symposium “Sustainable Development of Forestry Sector – New Objectives and Priorities” in Chisinau in November this year. Our Program Team has co-moderated panel on the community forestry and local communities’ rights for the fair access to the forest resources.

In November Program Team took part in the annual ecological exhibition organized by the Ministry of Ecology and Natural Resources in the grand Expo Center in Baku. Kind support provided by the Ministry allowed to share with the numerous participants our Program-related publications as well as elaborated on the objectives of the Program in Azerbaijan.

And, finally, in November the Program has launched new activity on survey and analysis of the social and economic impact of unsustainable forest practices and transboundary smuggling by the wood products on the local population in north-western Qakh region of Azerbaijan.

As the 2012 year is approaching soon we would like to wish you a Happy New Year and hope that the upcoming year will bring more solutions to the pressing forest problems worldwide.

Sincerely,
ENPI FLEG Program Team in Azerbaijan
ABOUT THE FLEG PROCESS

The Forest Law Enforcement and Governance (FLEG) Program was created to combat the threats posed to forests by illegal logging, trade, poaching and corruption. Poor governance of forest resources combines with weak rule of law to undermine sustainable economic growth, societal equity, and environmental conservation. The effects of unsustainable forest management and illegal forest activities include: significant loss of revenue to governments, the private sector and rural communities (especially forest-dependent communities); degradation of the environment and forest ecosystems; loss of biodiversity; and the loss of carbon stocks, further exacerbating climate change.

ABOUT THE ENPI/FLEG PROGRAM

The ENPI-FLEG - “Improving Forest Law Enforcement and Governance in the European Neighborhood Policy East Countries and Russia” Program has been initiated in response to the growing problem of illegal forest activities in the participating countries (Armenia, Azerbaijan, Georgia, Moldova, Ukraine, Belarus and Russia). This Program is funded by the European Union. The initiative is comprised of processes which address the complex and politically-sensitive issues related to illegal logging at national and regional levels, and is implemented in cooperation with the major stakeholders:

• governments (Ministries, departments, parliaments, judiciary authorities, local authorities, customs)
• civil society (NGOs, community organizations)
• private sector (timber companies, business)

However, even well designed initiatives will fall short unless there is political commitment and cooperation at the highest levels. Improving forest law enforcement and governance will require collaboration across sectors and stronger stakeholder involvement. In Azerbaijan the ENPI-FLEG Program started in 2009 and it is implemented by the World Bank and IUCN.

NEWS ON THE PROGRAM DEVELOPMENT

Finalizing the Year of Forests: participation in the annual ecological exhibition and meetings with the leading national media outlets

The ENPI FLEG Program got its own stand in the annual exhibition organized by the Ministry of Energy and Natural Resources of Azerbaijan

On November 2-4 2011 an exhibition “Khazar: technologies for the environment” has been carried out in the newly-constructed grand Expo Center in Baku. Given the good cooperation spirit established between the Program and the Ministry the latter kindly allocated and financially supported a separate place for the Program publications to be featured during the event.
The exhibition was one of the major ecology-related events in the country and hence attracted various in-country and international delegations and visitors. It has been attended by the high level officials from the national ministries and governmental delegation from Argentina. 75 companies from 13 countries have participated in the event. Alongside, numerous visitors were able to get more knowledge on the current status of the country environment and forests.

The Program Team has intensively participated in decoration and arrangement of the stand which featured all publications developed so far within the framework of Program implementation in Azerbaijan.

Attention which publications attracted was really encouraging. We run out of most of them in a day period. The most popular were compilation of legal acts and laws regulating forest relations, teacher support pack and Program newsletters. Our Program consultants were ready to assist anyone in getting more information regarding the Program’s activities in the country.

Participation at the key ecology-oriented event conducted in Azerbaijan was a great chance to raise public awareness on the essence of the ENPI FLEG Program and its objectives in the country as well as to share with information on the pressing problems in the forest sector of Azerbaijan. This became possible only due to the good will and openness demonstrated by the MENR towards the Program.

Effective public awareness starts with the effective coverage in the media

2011 announced by the UN as the International Year of Forests remembered by intensification of discussions on the state of the forests worldwide. Here, in Azerbaijan this year was also declared by the President as the Year of Tourism. During the year Program’s Media Consultant has monitored the leading national media outlets to find out the best coverage of the forest-related problems in the media. Alongside we decided to carry
out several meetings with the editors-in-chief and ecological journalists to get a feedback and ideas for the future work. We did also plan to arrange a concluding meeting as a possibility to share with the journalists outcomes of the Program activities and award those who distinguished in the coverage of the forest-related problems in Azerbaijan.

Meetings with the leading electronic news agencies such as APA, Trend and 1stnews.az were arranged in the early December. Discussions mainly concentrated on the activities implemented within the ENPI FLEG Program in Azerbaijan. Journalists were particularly interested in the forest-related problems and shared their own experience while covering the ecological and forest issues in the articles. They did also mention noticeable improvements regarding protection of the forestland in the regions.

The ENPI FLEG Program consultants have elaborated on the FLEG issues mentioning the most pressing problems in the Azerbaijani forest sector. To give a broader view on the essence of the Program activities consultants have circulated various Program-related publications.

Generally, media representatives expressed an extensive interest in coverage of the ecological problems in the press. Among the interesting inputs made by the journalists were proposals to conduct a contest on the best ecology-based article. They have also suggested featuring real stories of those affected by the forest problems in the regions.

**The ENPI FLEG Program Team took part in the WWF meeting for the stakeholders**

On October 26 2011 the WWF office in Azerbaijan has shared with the stakeholders outcomes of the forest assessment and social surveys conducted by the Team of international experts in the country. Event has been attended by the representatives from the Ministry of Ecology and Natural Resources, scientific institutions and civil society sector. The project entitled “Preparing recommendations on effective restoration and protection of natural forest ecosystems severely affected by unsustainable use in a selected pilot area in the buffer zone of Shahdagh National Park of Azerbaijan” has indicated that multiple use of the forest is a key factor for degradation. Meantime the study showed that due to the good status of the natural regeneration, forest will re-grow out of its own once pasture pressure is reduced.
When analyzing status of cooperation between the respective authorities necessity of pursuing the joint approach between the village administration and state forest structures on multiple uses of agricultural sites can decrease the pressure on the forest in the mid-term became clear.

Representatives of the ENPI FLEG Program elaborated on the activities implemented within the framework of the Program and shared the key moments of the analysis and studies with the stakeholders.

Intensive exchange of opinions followed the meeting. It was recommended to start one model project in a pilot region and implement practical measures with the establishment of sound structures with the provision of initial investment support.

International symposium in Chisinau – example of the sound regional cooperation

An international symposium „Sustainable Development of Forestry Sector – New Objectives and Priorities” was conducted from November 17 to 19 in Chisinau, Moldova. Part of the event was a joint activity of the ENPI FLEG Moldova and ENPI FLEG Azerbaijan; hence both Teams were actively involved in development of the conference-related publications and materials.

The symposium has brought together various in-country and international stakeholders and forest specialists. Also representatives from Program’s regional Teams participated at the event.

Discussions covered three main topics:
1. Silvo-biology and forest biodiversity
2. Silvo-technology and forest management planning
3. Creating and enabling the promotion of community forestry and user access rights (FLEG Process).

The Azerbaijani Program Team was represented by the Country Coordinator, Legal Consultant and Focal Point from the Forest Development Department of the Ministry of Ecology and Natural Resources of Azerbaijan. As “Creating and enabling the promotion of community forestry and user access rights” panel was a part of the regional activity carried out together with the Program’s Team in Moldova, the Program’s Team in Azerbaijan
contributed with the three presentations featuring historical and legal aspects and current situation in the development of the community forestry in the country. It is noteworthy to mention that this cooperation was quite productive and promising.

Alongside the discussions a number of field trips have been organized for the participants to get familiar with the situation in the forest sector on places. The event has also produced various publications on the topics discussed. The most attractive were an eco-movie, a “Forest Hymn” and photo gallery of selected forest and biodiversity-related pictures.

Study on economic and social impact of unsustainable forest practices has been successfully launched in the north-west of Azerbaijan

The ENPI FLEG Program has recently launched a new activity within the framework of Program implementation. “Survey and analysis of economic and social impact of inefficient and unsustainable forest practices, illegal logging and transboundary forest smuggling processes” is expected to be completed in June 2011. Two new consultants – the Economic Consultant and Sociologist have been hired to deliver respective surveys and conduct assessment of the situation in the pilot regions. They will work in a close cooperation with the newly-hired International Forest Consultant. In general, it is expected that experts will cover respective situations in Gakh and Belokani districts of Azerbaijan.

The kickoff seminar launching the study of economic and social impact of unsustainable forest practices, wood products smuggling on the local population was held on December 26 in Qakh region of Azerbaijan. Event has been organized and moderated by the newly-hired Consultants on sociological and economic issues. Also International Forest Consultant supposed to form a group with the national consultants within the framework of this study made a report during the meeting. Among the participants were heads of the Forest Rehabilitation and Protection Enterprises (FRPE), senior foresters, representatives of municipalities of Qakh, Belokani and Zakatali districts of Azerbaijan.

The main report has been delivered by the Economic Analysis Consultant who gave an overview of methodology and tools to be used in the prospective research. He shared with the participants his preliminary findings which were further actively discussed. Current situation in the aforementioned districts has been also reflected
by the senior forester of Zakatali district and representative of the Qakh municipality. Incomplete gasification was mentioned as a key reason of the unsustainable forest practices while smuggling by the wood products has been indicated as a least one. Presentation on the policy design and new governance for sustainable forest management was given by the International Forest Consultant Ihor Soloviy.

Information collected during the seminar and interviews with the stakeholders is currently being processed and analyzed by our experts’ group.

“People’s perceptions of the forestry problems” project has been launched within the ENPI FLEG activities in Azerbaijan

In November 2011 another socio-logical study within the framework of the ENPI FLEG has been launched in the northern region of Azerbaijan. Newly-hired consultant on sociological issues Irada Yagubova is a well known professional in the country. She was tasked to find out historical roots of the illegal logging as well as identify forestry problems as they are perceived by the forest-dependent communities in Khachmaz and Gusar regions of Azerbaijan. These regions are important also due to the proximity to the state border with Russia. Hence, prospective outcomes might be also applicable to the bordering regions of the neighboring country.

Under the supervision of the senior sociologist a special training for the junior sociologists has been carried out.

At a first stage a number of villages and towns in Gusar and Khachmaz were selected and important statistics on social-economic and demographic indicators was reviewed. As a research method Consultant will use face-to-face method of interviewing of the respondents.

The draft questionnaire has been developed and agreed with the Program management and key stakeholder – Forest Development Department of the Ministry of Ecology and Natural Resources. Currently field trips are being continued.
“Protect the forests” - Young Foresters Ecological Contest has been launched in Azerbaijan

The Ministry of Education of Azerbaijan announced launching of the republican ecological contest of the young foresters “Protect the forests” devoted to the International Year of Forests and Year of Tourism in Azerbaijan. Contest will continue from December 2011 through January 2012. The contest is carrying out on the three stages (school, district and republican-based) and covering 4 nominations: school-based forest unions; biodiversity of the forests; ecotourism and eco education of the teachers. Currently various essays and drafts of ecology-related projects are being submitted on forest protection activity of the school-based forest unions as well as protection of the forests and sustainable forest management. It is noteworthy to mention that this contest has followed approval by the Ministry of the “Young Forester School” tutorial – teacher support pack developed within the framework of the Program in Azerbaijan. Our Forest Education Consultant is participating as a main tutor and supporter of this initiative.
“Towards a new Forest Code in Azerbaijan”

Peter Herbst, International Legal Expert, ENPI-FLEG Azerbaijan

It was during the last seven months that I had the chance to work on the regulatory framework in the Azerbaijan Republic forestry sector, in the context of the Regional Program “Improving Forest Law Enforcement and Governance (FLEG) in the European Neighbourhood Policy East Countries and Russia”. My findings are based on visits to various forest regions of the country, and numerous discussions held on all levels of the forest sector and with a broad variety of stakeholders. Deep insights were made possible mainly thanks to the exceptional support by the ENPI-FLEG Azerbaijan team, and the Ministry of Ecology and Natural Resources of the Republic of Azerbaijan (ETSN) forestry colleagues.

“It is widely acknowledged that there is a shortage of wood products in Azerbaijan. All efforts are put to prevent the use of so-far untouched forests, as all such forests are of first category. On the other hand, there is a huge domestic demand; therefore, the use of wood products (timber just like fuel wood) cannot be stopped. Amongst possible solutions, it was proposed to plant fast-growing trees on the territory of selected farms” (Minister Huseyngulu Baghirov, in a meeting with journalists on Friday, 3 June 11).

Basically - a brilliant idea. Practically - this initiative is apt to examplarily demonstrate how due to the lack of suitable supporting provisions in the 1997 Azerbaijan Republic Forest Code, such positive efforts might result even in aggravations of corresponding problems: First of all, fast-growing trees (the term “tree” is not defined in the law) would be planted, forests (also not defined in the law) would be created on non-forest private land (but: all forests belong to the state), and these forests would clearly be commercial, i.e. production forests (whereas, ex lege, all forests are protection forests). This would result in changes in the land use category, and - as a consequence of that - administrative competences and even use rights (possibility of ex lege expropriation) would be affected.

First of all, due to the lack of clear, reproducible definitions of terms like “forest” or “tree”, the acting Forest Code - from the legal point of view - is not at all applicable.

And - there is the basic problem with respect to forest ownership. De iure, any natural resources, including forests, belong to the Azerbaijan Republic. De facto, however, a long standing tradition of privately or communally owned forests seems to sustain since centuries, and at the same time, widespread afforestations of municipal or privately owned (non-forest) lands have lead to the establishment of non-state forests during the last two decades.

Categorization of forests is another grave issue: Pursuant to the acting Forest Code, the entire forest fund of the Azerbaijan Republic is attributed to forests of the first category (i.e., protection forests). This, together with the acting ban on logging reduces the menu of silvicultural operations to sanitary cutting, which is internationally recognized to be one of the primary sources of illegal logging activities. However, there is no practical reason for such one-sided categorization. Besides protection forests, a vast part of Azerbaijan’s forests would rather qualify to be production for-
ests or forests of special significance. Introduction of a more sophisticated system, directly realised in respective forest management plans, would help to protect forests where this is really necessary, and on the other hand help cover the domestic demand for timber and fuel wood on sites where this is easily justifiable.

A forest code would be applicable to all forests in the Republic of Azerbaijan, irrespective of administrative categorization or ownership. At the same time, provisions of the Forest Code must not apply to non-forest lands, even if they are administratively allocated for the use of the state forest rehabilitation and preservation enterprises (state forest fund lands). Due to its concept and regulatory capacity, the acting 1997 Azerbaijan Republic Forest Code however is not a forest code, but rather a “State Forest Fund Lands Management Law”; this is no exception, but has been like that in almost all post-Soviet countries. An adaptation of this law - to consider and reflect nowadays Azerbaijan reality - would help to maintain Azerbaijan’s forests and enable their sustainable management, and therefore is overdue.
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www.worldbank.org

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www.iucn.org

**The World Wild Fund for Nature**
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www.panda.org

**CONTACTS**
This bulletin was prepared by the ENPI/FLEG Team in Azerbaijan. In order to submit your news and for your comments/feedback please contact fidan.huseynli@enpi-fleg.org

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