

Legal Peculiarities of Implementing the Concept of Sustainable Development in the National Forest Legislation (in Terms of Russia)

Prawne wyzwania wdrażania koncepcji rozwoju zrównoważonego w Lasach Państwowych (na przykładzie Rosji)

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Abstract

The article examines peculiarities of implementing the concept of sustainable development in the forest legislation of Russia. On the basis of analysis of legislative provisions and law enforcement practice the authors substantiate the conclusion that, despite a number of drawbacks of Russian criteria and indicators of sustainable development in the field of forest use, their approval means Russia's commitment to their observance to assess the level of sustainable development, since they are a mechanism for monitoring of and influence on the system of sustainable management of forests. These criteria and indicators require further development by including social indicators of sustainable development in them, which will allow moving from the strategy for ensuring rational use of forests aimed only at finding a balance between environmental and economic interests to full implementation of the concept of sustainable development in the field of forest use.

Key words: sustainable forestry development, sustainable forest management, sustainable development of forest complex, sustainable forest use, forest

Streszczenie

W artykule poddano analizie wprowadzanie koncepcji rozwoju zrównoważonego do prawodawstwa odnoszącego się do lasów w Rosji. Na podstawie analizy przepisów prawnych i praktyki egzekwowania prawa autorzy uzasadniają wniosek, według którego pomimo wielu wad rosyjskich kryteriów i wskaźników zrównoważonego rozwoju w zakresie użytkowania lasu, ich zatwierdzenie oznacza zobowiązanie się Rosji do wejścia na drogę zrównoważonego rozwoju, ponieważ są one mechanizmem monitorowania i wpływu na systemu zrównoważonego zarządzania lasami. Te kryteria i wskaźniki wymagają dalszego rozwoju poprzez uwzględnienie w nich społecznych wskaźników zrównoważonego rozwoju, co pozwoli na przejście od strategii na rzecz racjonalnego wykorzystania lasów w celu znalezienia równowagi między interesami środowiskowymi i gospodarczymi a pełnym wdrożeniem koncepcji zrównoważonego rozwoju w dziedzinie użytkowania lasu.

Słowa kluczowe: zrównoważony rozwój lasu, zrównoważone zarządzanie lasem, zrównoważony rozwój kompleksów leśnych, zrównoważone korzystanie z lasu, las

Introduction

Forest ecosystems vary according to differences between types of forests, so there are rainforests, temperate forests and boreal forests. Each of these types of forests includes several subtypes that have special features related to vegetation and fauna. This distinctive classification of forests should be taken in consideration in the course of discussion on issues of sustainable forest management, since it is very difficult to achieve uniformity in understanding at the doctrine level and in practice with respect to the peculiarities inherent in diverse natural forest factors (Assembe-Mvondo, 2010). In respect to Russia it should be noted that its forests are mainly boreal (88%). The main forest forming species are larch, pine, spruce, cedar, oak, beech, birch, aspen, occupying about 90% of the land covered with forest vegetation. This leaves its imprint on the content of the national forest legislation of Russia.

Forests play an important role in mitigating the effects of climate change, contributing to conservation of soils and water resources in many fragile ecological systems. It is widely known that forests are the largest repository of biodiversity on land in the world. Forests are an ecological framework for formation of a healthy habitat for population and at the same time forests provide economic opportunities for the country's development, forest lands are used for construction, and forest resources for manufacture of a large list of forest products. Meanwhile, according to the FAO¹ *Global Forest Resources Assessment*, over the past 25 years, the area of forests of our planet has reduced from 4,1 billion to almost 4 billion ha (by 3,1%), which gives rise to concern (State report, 2016).

Properly administered forests have enormous potential for promoting sustainable development and ensuring a *green* economy, but this depends significantly on the content of forest policy at the national level. Today, in the Russian Federation in the field of legal regulation of the use, conservation, protection and regeneration of forests ideas of sustainable development increasingly become the object of scientific research. In legal acts and the scientific doctrine of Russia we can observe increasing use of such terms as sustainable forest management (Olenina, 2016; Klyukanova, 2015; Artamonova, 2013, Kulikova, 2013), sustainable forest use (Olenina, 2014), sustainable development of forestry (Sinyavsky, 2014), sustainable development of forest complex (Mishenin, Yarovaya, 2014), sustainable use of forests (Sokolov, 2013) and a number of other terms. In all cases the word *sustainable* will be the key word. Meanwhile, the content of these terms is not always clearly defined in the legislation, and their doctrinal interpretation is not always unambiguous, which is

often the reason for scientific discussions. Since the category *sustainable development of forests* passed into Russian law from international law, in order to formulate the most convincing understanding of this category, we should take into account both the experience of different regions of Russia and other republics of the former USSR, as well as international experience, which will allow identification of positive achievements of different countries and full examination of the current issues in the field of ensuring sustainable development of forests.

1. Formation of the concept of sustainable development of forests in Russia: history and modern times

According to *Our Common Future* Report (1989), sustainable development is the development which will meet the needs of the present without compromising the ability of future generations to meet their own needs. This term was first mentioned in the XVIII-XIX centuries in Germany, where the term *Nachhaltigkeit* (sustainability) was then used as a forestry principle in respect to the type of forest use which did not cause depletion of wood resources, allowed preserving the basic protective functions of forests and included reforestation compensating those volumes of forest resources that were lost as a result of cutting. Issues of discrepancies between the volumes of cutting of forests and reforestation volumes were often discussed in prerevolutionary Russia as well.

It was then in the XIX century that the science of *forestry* arose in Russia, in which the ideas of sustainable development were implemented through such categories as *inexhaustibility* and *permanence*. Legal acts of those years did not mention directly the *concept of sustainable development*, and the very idea of proper forestry was not called *sustainable forestry development*, however, its content almost coincides with the content of modern international principles in the field of sustainable forest management. For example, P.I. Zhudra wrote in 1875 that *afforestation of cleared spaces is an indispensable condition of any rational economy* (Zhudra, 1875).

K.F. Tuermer in 1883 spoke of the possibility of using forests subject to *meeting the requirements of the present and the future with a reasonable economy*, thereby succeeding in *leaving behind* the already established rules of forestry. It was he who began to actively experiment with mixing breeds and planting artificial plantations, which today still have reference forest characteristics (Tuermer, 1883). The forest doctrine created by another famous scientist G.F. Morozov as a system covering a number of his works on the nature of forest became the basis for modern scientific schools aimed at maintaining and enhanc-

¹ FAO – Food and Agriculture Organization of the United Nations.

ing of the sustainability of forest ecosystems (Kozhukhov, Obydennikov, 2008). Over time the term *ustoichivost* was translated into English as *sustainability*, and *nachhaltige Nutzung* as *sustainable use*, that is *ustoichivoye ispolzovanie* (Pukman I.V., Adamovsky, 2013).

The interest growing worldwide in implementing the ideas of sustainable development in the forest sector can be explained by a number of reasons: changing attitudes towards forest and its resources in general, recognizing at the international level not only economic but also ecological functions and *usefulness* of forest; climate change and recognizing the role of forests in preventing this process, and, most importantly, the reducing area of forests on Earth.

In 1992, in order to preserve the multifaceted role and diverse functions of all types of forests, forest lands and woodlands, the program plan (program) of action adopted by the United Nations for sustainable development in the XXI century (*Agenda 21*, Adopted by the United Nations Conference) included Combating deforestation chapter, the program areas of which, among others, include: sustaining the multiple roles and functions of all types of forests, forest lands and woodlands; enhancing the protection, sustainable use and conservation of all forests, and the greening of degraded areas, through forest rehabilitation, afforestation, reforestation and other rehabilitative means. One of the objectives of this program was to improve the effectiveness of measures in the field of rational use, conservation and sustainable exploitation of forests and to take effective measures to ensure the rational use and sustainable production of forest products and services, i.e., it called for sustainable forest development. Although the decisions of the United Nations Conference are often criticized as being excessively anthropocentric (i.e., not taking into account interests of other forms of life on Earth, except humans themselves) (Seghezze, 2009), they give rise to the full-fledged strategy for ensuring sustainable development in the field of forest use and conservation.

Practical interaction of states in the field of preservation of forest resources began with adoption of the *Forest Principles* at the mentioned United Nations Conference on Environment and Development aimed at organization of integrated, multi-purpose, continuous and sustainable use of forests. After this conference the UN maintains its focus on sustainable forest use. In particular, the Intergovernmental Panel on Forests existed from 1995 to 1997 and was known for development of 130 proposals. The Intergovernmental Panel sought to highlight the role of local communities, encouraging countries to recognize and respect customary and traditional rights of indigenous peoples, to create a system for involving local communities in discussions on use and conservation of forests.

After the Intergovernmental Panel on Forests, the Intergovernmental Forum on Forests, which had a five-

year mandate (2000-2005), operated for several years. The 2002 World Summit on Sustainable Development supported the work of the Forum designating sustainable forest use as *the most important goal of sustainable development* (Scott, Brown, 2006). Afterwards (June 20-22, 2012) at the United Nations Conference on Sustainable Development, Rio+20, one of the discussed issues was development of further recommendations for improving efficiency of forest management, which should reduce the extent of deforestation almost two-fold by 2030 and minimize damage from global climate change. The latter aspect means that, on the one hand, forests can play an important role in mitigation of effects of climate change and, on the other hand, climate change threatens the state of forests.

Declaration of international standards at the United Nations international conferences certainly contributes to implementation of the principles of sustainable development. Meanwhile, without the appropriate national model of forest management, this implementation appears difficult (if at all possible), since provisions of most international instruments on sustainable forest use are not self-executing. This is exactly the main problem of Russia.

2. Criteria of sustainable forest use in Russia

2.1. Correlation of criteria and indicators of sustainable forest use in Russian and European legal science and practice

Among terms related to sustainable development of forest use the category *sustainable forest management* is used in the Russian Federation most often. For the first time this term was used at the Second Pan-European Ministerial Conference on the Protection of Forests in Europe (Helsinki, 1993) and meant management of forests and forest lands and their use in such ways and to the extent that their biological diversity, productivity, resilience, vitality and capacity is preserved to fulfill currently and in the future corresponding environmental, economic and social functions at the local, national and global levels, and that do not cause damage to other ecosystems (Pandakov K.G., Abanina, 2013).

In legal science we can observe different opinions relating to criteria and indicators of sustainable forest use. For example, J.W.N. Steenberg, P.N. Duinker, L. Van Damme and K. Zielke distinguish six such criteria (in the context of issues of modern global climate change), which also include a number of elements and indicators. For example, the criterion of the state of forest ecosystems and their productivity manifests itself through such indicators as the area of forests damaged by fires, insects, diseases and logging; the area of forests with damaged functions because of acid rain; the total number of commercially available and non-tradable species of trees on forest lands, etc. A separate criterion is dedicated to economic profitability of forest use (includ-

ing in the context of the volume of the gross domestic product, export and import of timber); the social aspect includes consultations with indigenous minorities, the indicator of the level of education and employment of members of forest communities, the number of people with low incomes, etc. (Steenberg, Duinker, Van Damme, Zielke, 2013).

In Russia with the purpose of implementation of the Presidential Decree *On the Concept of Transfer of the Russian Federation to Sustainable Development* and to ensure fulfillment of Russia's international obligations, the Federal Forest Service (Rosleskhov) developed criteria and indicators of sustainable forest management.

According to them, sustainable forest management is a purposeful, long-term, economically beneficial relationship between man and forest ecosystems. In addition, the basis of sustainable forest management is maintenance of both biological diversity and forest productivity in the state acceptable for forest ecosystems and society. Sustainable forest management implies multi-purpose, continuous and sustainable use of forest resources, functions and properties of forests, both those with market value (wood) and those without it (impact on people's spiritual health, preservation of historical traditions). This definition manifests itself in detail in six criteria which include a number of indicators. Among them Rosleskhov distinguishes: maintenance and preservation of the productive capacity of forests; maintenance of the acceptable sanitary condition and viability of forests; preservation and maintenance of forest protective functions; preservation and maintenance of forest biological diversity and their contribution to the global carbon cycle; maintenance of socio-economic functions of forests; forest policy instruments for preservation of sustainable forest management. These criteria and indicators are declared as a mechanism for monitoring and influencing the system of sustainable forest management. Nevertheless, first, they do not include all the necessary indicators, and, second, they are already out of date, and, most importantly, *despite the available regulatory framework, the adopted criteria and indicators have not become the basis for the state forest policy* (Olenina, 2016; Shupletsova, 2011).

If we compare these criteria with indicators of the state program of Russia *Forestry Development for 2013-2020* (Resolution of the Government of the Russian Federation of 15.04.2014 No. 318), we will find out that the state program includes a shorter list of indicators: the part of the forest area excluded from forest lands covered by forest vegetation under the impact of fires, pests, cutting and other factors in the total area of forest lands covered by forest vegetation; the forest cover of the territory of the Russian Federation; the part of the area of valuable forest plantations on forest lands covered by forest vegetation; the volume of payments to the budgetary system of the Russian Federation from use of forests lo-

cated in the territory of forest lands, per 1 ha of forest lands; the ratio of the actual volume of wood harvesting to the established allowable volume of wood withdrawal. *The Strategy for Development of the Forest Complex of the Russian Federation for the Period up to 2020* (Order of the Ministry of Industry and Trade of the Russian Federation No. 248) provides for only three indicators for assessment of achievement of the goal of sustainable forest management, preservation and enhancement of their resource and ecological potential: *cut down forests, restored forests; payment for use of forests to the budget system*. This indicates the lack of a unified methodology for determining criteria for sustainable forest use at the official level, as well as the dominance of the financial and economic criterion for sustainable forest use. In addition, it should be noted that it is this criterion that most often comes into view of law enforcement agencies.

In this sense the decision of one of district courts of the Russian Federation considered on the basis of the suit of the prosecutor of Ulyanovsk District of Kaluga Region is very illustrative. Acting to protect the interests of an undefined range of people, he filed a lawsuit claiming that in the course of the prosecutor's inspection of forest use to carry out hunting activities he revealed violations in activities of the defendants – the Ministry of Forestry of Kaluga Region and Agroindustrial Firm *Khotkovo*. In accordance with the Order of the Ministry of Agriculture of Kaluga Region of 07.04.2007, this company was granted a long-term license for use of fauna objects in addition to the agreement concluded for provision of territories necessary for use of fauna objects belonging to hunting objects.

This agreement established the obligation of the company to conclude lease agreements for forest areas for hunting management, as well as the obligation to timely pay the appropriate fee. However, by the time the prosecutor filed the claim no contract had been concluded, which was a violation of the principle of payment for forest use and contradicted one of the above indicators. According to the court decision, the prosecutor's claims to oblige the Ministry of Forestry of Kaluga Region and the company to conclude a lease agreement with respect to the forest plot used for hunting on the basis of a long-term license for use of fauna objects, as well as to recover the damage from the unauthorized forest use for hunting from the company in favor of the Russian Federation, were completely satisfied (Decision of Kaluga District Court. Case No. 2-782/2012).

It appears that emergence of many practical issues is caused by inadequate elaboration of the basic category *sustainable forest management*. The fact is that in Russian regulatory legal acts the term *sustainable forest management* is not defined but is mentioned as a principle of forest legislation (*Forest Code of the Russian Federation* of December 4, 2006), a goal of development of the forest complex (*Strategy for De-*

velopment of the Forestry Complex of the Russian Federation for the Period up to 2020), an objective of forestry development (*State Program of the Russian Federation Forestry Development for 2013-2020*), a goal of forestry development and enhancement of functions of forest management (*Concept of Forestry Development in the Russian Federation for 2003-2010*. Decree of the Government of the Russian Federation of 18.01.2003 No. 69-р).

There is no unity of opinions on this issue either in the Russian scientific doctrine or in scientific works of representatives of other countries of the world. For example, E.F. Bruenig believes that forest management as a diverse, dynamic, self-sufficient and renewable natural resource must be implemented in such ways as to ensure its permanent and long-term preservation, vitality, stability, flexibility, resilience and adaptability, as well as to preserve its natural resources related, environment-oriented, economic and social value (Bruenig, 1996), and to ensure, to the extent possible, its increase for the benefit of present and future generations of people. Representatives of the Russian legal science point out that sustainable forest management is the activity of authorized subjects of forest relations (owners, leaseholders and users) for the continuous process of forest use including growing forest plantations to a certain age, cutting and clearing the forest area from forestry and consumption waste, restoration and reproduction of forest plantations (Olenina, 2014). Others focus on the activities of authorized subjects of forest relations for the continuous, rational, multi-purpose and sustainable use of forests regulated by legislation, for violation of which property, disciplinary, administrative and criminal responsibility is established (Svidskaya, 2015).

This list of doctrinal positions can be continued, however, the main fundamental peculiarity is obvious: in Russia the scientific community makes the main emphasis of forest management either on purely economic aspects (A.S. Svidskaya) or on economic ones taking into account individual environmental effects (T.Yu. Olenina). The social aspect of sustainable development in Russia is often ignored at all, while representatives of European legal science fairly pay attention to it.

2.2. Correlation of the concepts 'sustainable' and 'rational' management of natural resources (in terms of forests)

Analysis of available doctrinal and regulatory criteria and indicators of sustainable forest management allows us to assert that the main emphasis in them is made on finding a balance of environmental and economic interests of business, society and the state. Meanwhile, still in the Soviet natural resources law there was a special category *rational forest management*, which is also used in acts of international environmental law. For example, in the UN General Assembly Resolution of July 27, 2012 *The Future*

We Want, it is noted that the eradication of poverty, the rejection of irrational and the encouragement of rational patterns of consumption and production, the protection and *rational management of natural resources* as a basis for economic and social development are the main objectives and the most important prerequisites for sustainable development.

Similarly, the UN General Assembly Resolution of September 25, 2015, *Transforming Our World: the 2030 Agenda for Sustainable Development*, mentions the need for preservation and *rational management* of oceans, seas and marine resources for sustainable development, and includes the following issues: ensuring protection and restoration of ecological terrestrial systems; promoting their *rational management*; *rational forest management*; combating desertification; cessation and reversal of the land degradation process; cessation of the process of loss of biological diversity in the world.

Much attention is paid to this issue in the Russian scientific doctrine as well. For example, T.V. Petrova believes that rational management of natural resources is used in law as minimization of consumption of any resources and any impact on nature. At the same time, not so much economic as environmental goals are pursued, due to which rational management of natural resources is considered as an integral part of environmental protection activities. For better clarity it proposes to formalize the following definition in legislation: *Rational management of natural resources is achievement of minimum volumes of consumption of natural resources, waste generation and other impacts on the environment per unit of manufactured products (provided works, services), taking into account the capabilities of modern science and technology* (Petrova, 2016).

A.K. Golichenkov notes that rational management of natural resources should be understood as one of forms of environmental activity which consists in *preservation of the quality of the natural environment and natural resources on the one hand, and achievement of the national models of production and consumption and of the international economic system, on the other hand, due to which development of natural resources ensures economic growth and sustainable development of society* (Golichenkov, 2008).

Therefore, in the presented definitions, the main emphasis is made on finding a balance of economic and environmental interests of citizens, business and the state. However, it should be noted that the concept of sustainable development which was declared at the United Nations Conference on Sustainable Development in 1992 and strongly influenced the legislation of most countries of the world, implies a balance of not only economic and environmental but also social interests, being the next step in development of the Soviet concept of rational nature management. However, this circumstance is not always taken into account in the scientific doctrine, where

the institution covering norms of rational (sustainable) management and protection of natural resources is sometimes singled out in the system of natural resources law (Shingel N.A., Shakhrai, 2017).

It appears that we have to agree with such identification of rational and sustainable management of natural resources. On the one hand, Russian legislation uses, for example, the term *sustainable management of fauna* as a variety of natural resources, making this term legal. On the other hand, sustainable development (and, accordingly, sustainable management of natural resources) involves finding a balance of interests among economic, environmental and social interests of citizens, business and the state, while the category *rational nature management* is still localized within the framework of finding a balance of environmental and economic interests.

Analysis of the current legislation that mentions the term *rational nature management* allows us to assert that the relevant rules do not provide for consideration of social interests, and therefore rational and sustainable nature management; they are, although very related but not quite the same legal categories, they cannot be equated. In this regard we can talk about *sustainable forest management* only if the social factor of forest management is taken into account in the above criteria and indicators (otherwise we speak about rational nature management instead of sustainable development).

Among these social factors of sustainable forest management we propose to distinguish the degree of involvement of forest resources of the region in social forms of forest management², the situation in the field of labor protection of forestry workers; the level of salary in the forestry sector; the effectiveness of the fight against poverty (the standard of living of population) in regions with wood industry; the availability of social infrastructure (medical, educational and other institutions) in them, etc. This will allow moving from the concept of rational forest management to the strategy of sustainable forest management. Adoption of a special international instrument by the international community could play a major role in implementation of this strategy.

3. Russian forest policy as a tool providing sustainable development in the field of forest management

Due to a kind of ambiguous understanding of sustainable development criteria in the forest field, a lot of researchers have been waiting for the adoption of a special regulatory document dedicated to the forest policy in Russia. Every country rich in forest resources gives a special place to such a document because it is aimed at establishing a balance of interests

between the interested parties including the state, nongovernmental organizations, private business and citizens. According to the data provided by the European Forest Institute (EFI News 1/95), Germany takes a leading place in solution of forest and political issues in terms of the labor input, followed by Sweden, Finland, Switzerland, and Australia. Among the twenty countries considered in that report, the Russian Federation takes the 18th place, Luxemburg takes the 19th place, and Ireland takes the 20th place (Petrov, 2015).

According to the Food and Agriculture Organization of the United Nations (FAO), forest policy is understood as an agreement reached as a result of negotiations between the government and interested parties (i.e., all subjects depending on forests or making profit from them, making decisions, controlling and regulating the access to forests) on the orientation and principles of the undertaken actions according to the national social and economic and ecological policies aimed at making decisions for sustainable use and conservation of forests and timber resources for the benefit of the society.

The UN has formulated a list of reasons making joint cooperation obligatory while devising forest policy: jointly adopted forest policy creates a sense of partnership essential for its implementation; the attraction of interested parties gives forest policy legitimacy in the society; forest policy provides a strong basis for the development of more interrelated institutional structures and policy tools including forest legislation; forest policy can become a basis for planning and activity of the interested parties to forest relations, also by establishing forestry entities at various levels of the state regulation; forest policy promotes information interaction, coordination and partnership between the government, nongovernmental organizations, and citizens; forest policy can serve as a basis for discussion of main directions in international forest policy (FAO, 2010).

The United Nations gives an essential role to nongovernmental organizations in the issues of discussing and adopting forest policy. That is not occasional, as their impact on the state policy in the forestry relations field, control over the forestry development directions and forests monitoring are becoming more essential both in Russia and other countries of the world. In Russia, the Union of Timber Manufacturers and Exporters of Russia is an example of such a nongovernmental organization, its founders and members are the regional unions and associations, nonprofit partnerships, and forestry sector organizations. Considering the number of associated members, this union unites about 2 thousand organizations (Union of Timber Manufacturers and Exporters of Russia).

² Article 25 of the *Forest Code of Russia* mentions 16 types of forest management (this list is not exhaustive), among them we can observe a number of non-commercial (social)

types of forest management, for example, recreational, religious, research, educational activities, etc.

In Russia, forest policy is adopted by the Government of the Russian Federation in the form of the *Fundamentals of State Policy in the Field of Use, Conservation, Protection and Reproduction of Forests in the Russian Federation for the Period up to 2030* (Decree of the Government of the Russian Federation of 26/09/2013 No. 1724-r).

Some scientists and practitioners criticize this document content due to the declarative character of some of its statements; however the adoption of forest policy even in such a view is a great success for the forestry sector. Besides, unfortunately, the *Fundamentals* do not give the definition of sustainable development of forests. Moreover, the *Fundamentals* declare *the sustainable development of the forestry sector of economy* to be one of the aims of the state policy in the field of forest use, protection, defense and renewal. We think that such a definition is much narrower than the principle of *sustainable management of forests* expected and usual for Russia, because the forestry sector of economy and the forest economy, which the forest policy was adopted for, are absolutely different categories. As a result, the use of technical or forestry terms in the legislation without defining their essence leads to a wrong understanding of them.

So, the definition of *forestry sector of economy* used in the *Fundamentals* is just a part of the country's forestry sector which includes several correlated elements: forest economy providing the sound use, protection and renewal of forests; timber industry using timber resources; industrial use of forests by the native peoples in the northern regions (hunting, picking wild berries, fungi, nuts, etc.); agricultural use of forests – for pastures, hay-fields, gardens, kitchen gardens, and arable lands, to produce livestock fodder and fodder additives; forests biosphere, environment conservation and recreational non-resource use (Sokolov, 2013).

Without a thorough consideration of the names, number and correlation of the named elements, we agree with the fact that the forestry sector of economy or timber industry is really just a part of the forestry sector. The legislative acts also provide a category of *forest industry*, which, we suggest, is the synonym for *timber industry*, and, conformably, a part of the *forestry sector of economy*, including several technologically connected sectors: timber-felling, woodworking, pulp and paper, and timber-chemical sectors (*Decree of the Government of the Russian Federation* of November 1, 2002. No. 1540-r).

Such narrowing of the state forest policy aim to a sustainable development of only the forestry sector of economy shows that despite the proven environmental significance of forests (Russian forests are of exceptional global biosphere significance, as they provide environmental safety of the country and the

planet, the primary emphasis in the policy is placed upon the economic sector development (the aim is efficient management of the forestry sector of economy to increase the GDP in the forestry sector based on the market demand). It means the still preserving shift in Russia to ecological use of forests.

We think that the basic statements of the *Fundamentals* have a declarative character and are based on the fact that forests are the richest natural resource, however, there is the decrease in Russian forests ecological potential, which requires another change in the forestry sector management system as a whole, including ecologization³ of not only forest economy and forest industry, but also all other types of forest and economy activity.

Modern society and state need reasonably a sustainable and coherent forest policy as forest ecosystems are characterized by a long-term life cycle measured by decades and centuries. During one life cycle of a forest, lots of changes take place in the state authorities' structure and management ways and sometimes also changes in the social and economic situation in the country.

The pursuance of coherent forest policy should be based on the search of a balance between the environmental significance of forests, citizens' social interests and business and state economic interests. Elimination and clarification of unregulated issues of forest relations could promote a speedier transfer from the policy characterized by a resource approach to an ecosystem one, which would let fulfill the sustainable forest management tasks. A great role in this process can be played by forest management decentralization and increase in solutions role at the regional level (as it was done in Indonesia after Suharto's regime collapse) (Arnold, 2008) considering local conditions, social, economic and other peculiarities (with development of regional criteria for sustainable forest use) (Chochayev, 2001), and also a wide involvement in the solutions making in the forest use field of interested groups of people including native minorities (Takacs, 2014), women, youth, farmers, professional union, etc (Kukushkina, 2016). The analysis of the scientific doctrine and legislation statements about the forest management problems let formulate the following definition: *sustainable forest management* is executive and administrative activity of public authority bodies in providing sound use, renewal, protection and defense of forests, and also the social function of forests that let provide the efficient use of forests for the interests of the present and future generations. It means that the sustainable forest management consists of economic, ecological and social blocks, and the search of a balance between these interests is conducted at global, national, regional and local levels.

³ The Russian Ecological Law theory defines *ecologization* as the inclusion of environmental requirements and bans

(applied to forests in our case) into the normative acts regulating various types of economic activity.

4. Forestry sustainable development: debating issues

That are the public relations (people's certain activity) that always act as an object of the state management but not the natural resources which can be possessed, used and disposed. Forestry sector, covering activity of many people, can also be considered as an object of management. Today, it is quite difficult to achieve the goal of sustainable management of forests due to a number of reasons. One of them is inaccurate definitions, and, sometimes, the absence of the basic notions of forest law. So, the modern Russian forest legislation does not reveal the notion of forest. *The Forest Code of the Russian Federation* provides in Article 5 that forest use, protection, defense and renewal is performed according to the understanding of forest as an ecological system or a nature resource.

Such normative definition does not give a clear understanding of what a forest is, and just set us thinking about the fact that there is an ecological system including forest ecological systems which have a number of peculiarities. Ecological system is a really existing part of natural environment which has space and territory bodies where its living and nonliving elements interact as a single whole and are interconnected by an exchange of substances and energy. After the analyses of the Russian normative statements on the sustainable management and development of forests, it becomes necessary to analyze the best management practices implementation in the forests use, protection and regeneration field.

Talking about the correlation of the notions *sustainable development of forestry sector of economy* and *sustainable development of forestry* it turns to be more appropriate to talk about the necessity of sustainable development of forestry, after all. Forestry includes a complex of measures to protect and defend forests, provide forests use and regenerate forests, this is *a sector adjusting agriculture, connected with cleaning and protection of forests, forest cultivation, creation and support for reservation forest parcels* (Soviet Encyclopaedical Dictionary, 1984); *a system of measures aimed at regeneration and cultivation, protection against fire, pernicious organisms and diseases, forest exploitation regulation, control over the use of forest resources, inspection and inventory of forests* (Rayzberg, Lozovsky, Starodubtseva, 1999).

Sustainable forestry is basically aimed at sound use, conservation and development of forests, realization of their multi-purpose and mutually reinforcing functions and types of use, while the development aims of the forestry sector of economy are the comprehensive cope of the domestic market demand for high quality and competitive wood and paper-based products manufactured in Russia; the sound and comprehensive use of the forest potential of the country due to the increase in the production output,

growth of competitive timber industry and its structure optimization, the use of low quality and angiospermous wood in the manufacturing process.

Considering the correlation between *forestry sustainable development* and *sustainable forest use, sustainable use of forests* we should take into account the difference between the scopes of these notions. Sustainable forest use or sustainable use of forests is aimed at multi-purpose, sound, continuous and non-depleting use of forests to satisfy the society's needs for forests and forest resources. Sustainable forestry includes, beside sustainable forest use, forests protection and defense, forests renewal, forests health quality improvement and increase in forests productivity (Abanina, 2016).

We think that it is not quite proper to consider the correlation between *sustainable development of forestry* and *sustainable management of forests* in the context of the sustainable development implementation in the forestry field, first of all, because they are correlated as process – keeping forestry – and a quality of this process – sustainability. Besides, they have a single goal – to increase the efficient use, protection, defense and renewal of forests, provide a steady satisfaction of the public demand for the forest resources and its beneficial properties with the guaranteed preservation of the resource and ecological potential and global functions of forests. If we understand the terms *forestry development* and *forest management* in their wide meanings, considering the meanings provided for above by the international documents, they act almost as synonyms. Thus, talking about the sustainable forest management we should consider that the word *management* is used here not with its usual narrow meaning as the executive activity of the public authority bodies to organize forests protection and defense, but with its global meaning as task-oriented, long-term, economically beneficial interrelation of human and forest ecosystems. Forestry is also understood not in its narrow meaning as a set of measures (on protection, defense and renewal of forests; organization of forests use; creation and exploitation of forestry and wood-processing infrastructure objects), but in its global meaning, as interaction within the common context of environment and development, taking into consideration multi-purpose functions and types of forest use including traditional types of forest use and also possible social and economic tension occurring in cases when this use is restrained or restricted, and also the potential in the development field which can be provided by sound use of forests.

Despite the fact that the definition of *sustainable management of forest* is quite widely spread in the international and national laws, it is quite difficult to understand how it is realized at a certain territory, also in Russia. In many countries of Europe and the USA such data can be studied with an open access on the web sites of some research and educational institutions. For example, the web site of the Yale

University provides thorough information about the latest approaches to the management of mixed coniferous-broad-leafed forest. Such forests of the university are a kind of something between open-space laboratories and are a reliable financial support for the university (Examples of sustainable forest management and forest use, 2012).

These forests are the places for not only conducting researches and education but also for industrial logging manufacturing; here, timber is realized for the educational institution's profit and covers the research activities expenses; and the forest stands quality is always improved due to perfect care. We think that this practice is of interest not only for higher and secondary educational institutions creating scientific-experimental forest entities but also for the companies working in the Russian forest economy field.

Not less interest is presented by the practices of other countries where forests renewal is an object of the state management which, in its turn, is a part of organization of the forestry system. There are three economic forest management systems: a centralized planned system which is peculiar for socialistically oriented countries such as Cuba and Mongolia; a market forest management system with private forest possession when management is regulated in forest possession, use and disposal by a private proprietor. In this case, the state performs two functions not of the possessor of forests but of regulation and control. Such forest management system has formed in Finland, Brazil, Columbia, Mexico and the USA; the regulated market relations with various forms of ownerships of forests. The countries using this third system of forest relations management perform the state regulation of forestry in the market relations conditions with the interests balance between the state and economic entities using forest resources at different legal titles (Canada, Germany, Poland, Indonesia, etc.).

Every forestry management system has its advantages and disadvantages. However, there is no management system which could guarantee an efficient sustainable management result (Khozyainov, Bolshakov, 2012). The state is able to reach success in forest resources renewal management by choosing any of the suggested systems. It is important to remember that forest health in any country depends on several factors that must exist at the same time. The absence of even one of them can lead the forestry sector to decay. Available forest resources, their health condition and use management; economic situation in the country; and the essence of the forest policy pursued in this country should be considered as some of these factors.

Conclusion

The concept of sustainable development in the field of forest use is consistently implemented in Russia

and is an integral part of its forest legislation. Despite the inadequacy and outdated nature of the criteria and indicators of sustainable development, their approval means Russia's commitment to their observance to assess the level of sustainable development, since they are a mechanism for monitoring of and influencing the system of sustainable forest management. These criteria and indicators require further development by including social indicators of sustainable development in them, which will allow moving from the strategy for ensuring rational use of forests aimed only at finding a balance between environmental and economic interests to implementation of the concept of sustainable development in the field of forest use.

The existing ambiguity of understanding and defining sustainable development of forestry in legislation leads to difficulties in defining the position of sustainable development in the state forest policy, as well as raises problems of their application in practice. In this regard it is necessary to discuss the exact wording and legislative consolidation of the term *sustainable forest management* in the *Fundamentals of State Policy in the Field of Use, Conservation, Protection and Reproduction of Forests in the Russian Federation*. To implement the concept of sustainable forest development not only forest resources themselves are required but also their favorable condition and organization of their rational use, as well as the safe ecological and social position of the state, which is ensured by the quality and efficiency of the state forest policy.

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