Let’s Cut Illegal Logging in Romania – Future Perspectives for Healthier Forests

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Abstract: What has characterized, both conceptual and behavioral, the last two centuries, was the man trying to dominate nature, exploit and avail himself of all natural resources, regardless of location, extent or their specific.

The effect of this human attitudes was the progressive emphasis of the conflict between natural cyclical processes of the ecosphere and linear technologies created and sustained by human civilization.

In our proposal we talk about developing the Romanian Forest Police, with clearly defined attributions of those involved in investigating forest crimes and real sanctions for forest crimes. This institutions would be helped by a special public audit service with competences only on forest institutions, both superior and inferior.

1. Introduction

Development-environment relationship is a relationship between the present and the future. The development aims to meet the needs of present generations, while protecting the environment is an investment for future generations. We consider important the awareness that “if you do not want to disappear, to continue to exist and develop, we must reconsider notions of the universe, human being, progress and development”. [1]

However, global deforestation continues at an alarming rate. Every year an area of forest the size of Greece is lost, threatening biodiversity with extinction and having a decisive contribution to global warming. Most of the destruction of natural capital gains are modest and short-lived. There are compelling reasons for which national governments of forest countries rich and the international community as a whole must take decisive action to increase investment in forest conservation and sustainable forest management.[2]

Clearly, it needs a correct understanding of the causes of illegal acts in the forestry sector to organize effective action to combat crime in this field. Therefore, governments pass laws that encourage citizens to behave "good" or in the interest of "general public". Nevertheless, what is good and should be an objective of the company to be pursued by appropriate legislation can differ from country to country.

2. Illegal Logging in Romania

"Biodiversity is fundamental characteristic that confers importance of forests in Romania. There are still wild and pristine forests are home to unique flora and fauna which, including the largest population of bears in Europe, rare and endemic species and large carnivores like lynx or wolf. Beech forests and mixed coniferous and deciduous trees are witness of the original composition of the forests of Europe.”[3]

The illegal exploitation of natural resources, including forests, is closely associated with corruption and organized crime. In some countries rich woods, corruption fueled by profits from illegal logging has grown to such an extent that undermines the rule of law, principles of democratic governance and respect for human rights.

In some cases, the illegal exploitation of forests is also associated with violent conflict. Profits from illegal logging (and other natural resources) are often used to fund and prolong these conflicts.

Forests cover 30% of the land area of Romania, of which nearly 10% are plantations. The area covered by forests has increased during the period 1990-2015 at an annual rate of 0.3%; much of this expansion took place between 2010 and 2015. [4] Yet the latest report by Greenpeace reveals that about 3 ha of forest are cut every hour in Romania [5], which means losing 26280 ha of forest annually. Based on the report according to which in our country is about 217 m3 of wood extracted from a hectare of forest conclude that record an annual loss of 575 978 760 Lei (around 128 mil Euro).

These losses can be some of the reasons for which the president said illegal logging is a threat to national security, decision that we consider to be appropriate given the upward trend of degradation of forests in Romania, as can be seen in the next image:
On the map above, with red are marked the areas with high risk and with yellow the areas with a relative low risk. Unfortunately, the map has more red than yellow. This means that 80% of all forests in the country were affected by decay. Therefore, no wonder that the authorities face daily about 96 cases at the country of illegal logging, as it follows:

Chart 1: Forest crimes / day

As shown in the chart above, illegal logging situation is worrying. Thus, in 2010-2012 were committed 30 crimes / day, in 2015 96 offenses / day, which means that the number of crimes occurring every day in forest tripled, and from 2013 to 2014 (62 offenses / day) has increased by ½.

Given that our country has the status of an EU member country, has the obligation to take and implement the European provisions into national legislation on logging that came into force in March 2013. [8]

EU Timber Regulation is extremely useful if it is applied as requested. However, the national climate and, maybe, education prevented us to get the expected results.

In our country the real problem is the illegal logging, not only in terms of environmental impacts, but economic impact too. Nationally, in 2015 were registered 11060, as follows:

Chart 2: Punishments for forest crimes in 2015

Basically, by applying these contraventions Romanian state did not recover any damages. The Romanian state can recover damages only following judgments of national courts, but, as we have shown, the number of offenses for which the prosecution was made are less visible. Celerity principle in court is malfunctioning, also the perpetrators can return the equivalent of damages caused and determined by the court in a relatively long period of time. For these reasons, we consider that the Romanian state should pay more attention to prevention activity.

In this respect, the in 2016 FLEGT report is an analysis of Romania in terms of implementation costs and gains of FLEGT if we respect legal provisions of this act. [10]

Council of Europe and the member States of the European Union have contributed significantly to support the FLEGT action in producer countries. Estimated costs for Romania are worth 63.9 million euros / year, of which 2.1 million euros are given by the Romanian Government, 61.6 million euros coming from the private sector, and civil society has a contribution amounting to 0.2 million euro.

3. Forest Police in Romania

Despite the national legislation and international treaties signed by our country, the results of the latest ratings and reports are not encouraging.

Our impression is that Romanian forests could be healthier if we can combine legislation with the real involvement of those who believe in our environment. That is why we made a lege ferenda proposal that could have results in our country.

The truth is that in Romania are many bodies that have competencies in protecting national forests. The problem is that each of them have attributions in a different sector, but none of them can investigate forest crimes. What complicates the situation in our
country is the high corruption which, unfortunately, can be found in this domain too.

Taking into account the need to maintain a healthy forest, in view of the need to support sustainable development of forests through sustainable management exercise, given the need to protect national forests, considering the importance of exploitation for financial gain of mass forest, in view of the large number of jobs created in forestry, given the increased harvesting of timber illegally at national level, given the massive deforestation in the country, given the increased tax evasion in forestry, given the lack of a body of research and investigation of forest crimes, we propose to set up a new body: Romanian Forest Police.

Its aim would be finding, researching and investigating crimes and hunting in the forest regime. It would have legal personality and would be in under direct authority of the Minister of Internal Affairs.

The activity is conducted according to the Romanian Constitution, international conventions and treaties, orders and instructions upper echelon, so to be respected human rights and freedoms, to ensure the neutrality toward r interests of any kind.

The work done in order to achieve objectives, is based on relations of hierarchical authority, cooperation, coordination, support and guidance and control, according to the tasks set for each service or office in part.

Forest Police officers consists of policemen - civil servants with special status, specialists in forestry by secondment for a limited period (renewable secondment) within the Ministry of Water and Forests, which carry out specific activities within the structure and contractual personnel .

Specialized forestry staff, during the appointment within the Forest Police, have the rights and obligations provided by law for the position occupied in the forest structure, plus those provided by this bill.

The number of jobs is determined by the Minister of Internal Affairs or the Minister of Environment, Water and Forestry. All staff are subordinated Forest Police Chief Inspector.

The general objectives of the specialized structure are preventing and combating crime in the forestry sector.

Forest Policy has the following responsibilities:

a) performing specialized crime prevention in forestry;
b) carry out the necessary investigations to detect and combat illicit facts provided by the Forestry Code;
c) conducts criminal investigations in accordance with the powers conferred by law;
d) receives and deals with complaints / petitions of citizens concerning illegal acts committed in the forestry sector;
e) administers schemes to combat illegal cutting of trees or radar Forests, Forest Shield and Superintendent Forest;
f) exercise any other powers conferred by law.

Forestry Police staff respect privacy in the line of duty and state secrecy and professionally in accordance with the legal provisions in force.

Activities, methods, means, used and the specific tasks incumbent staff shall be determined by the structure, methodology, procedures and job descriptions.

From our point of view, this service should investigate also the acts of corruption committed by the employees of all the national superior and inferior forest forestry organizations.

More than that, Forest Police should be seconded by a service of public audit under direct authority of the Minister of Forests and Water and with competences only on forestry institutions.

During the audits, internal auditors operate based on internal order issued by the head of internal audit, which explicitly states the purpose, objectives, type and duration of the public internal audit and nominates the team that is auditing.

Internal auditors have access to all data and information, including those in electronic format, which they consider relevant for the purposes and objectives stated in the service order.

The senior management and execution personnel of the auditee is obliged to provide documents and information requested by the deadline set, and all necessary support for the smooth conduct of internal audit. " [11]

4. Conclusions

Although, as a result of technical progress, the man acquired the ability to transform nature, long time he did not think to proceed rationally, to ensure a permanent balance between satisfying the growing material needs and protection of all environment factors .

That is why we think that in a country where the health of forests is not appreciated, in a country where we threat with superficiality the environment, only the coercive force of the state applied by people who believe in the natural resources and threat it with respect can make a difference.

This new structure, Forest Police, having competences to investigate all forest crimes can be seen as an organization that has also in preventing, not only in combating this type of offences. Once people see their results, we hope that they will be discouraged to commit forest crimes and this is the preventing role.

However, in the hope for healthier environment, we have a duty towards our nation and our forests to try this tool too.
5. References

[8] EU Timber Regulation;