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## REIMAGINING FOREST POLICY, INSTITUTIONS AND INSTRUMENTS THROUGH CONCEPTS OF ECOSYSTEM SERVICES AND SOCIAL INNOVATIONS: A FOCUS ON UKRAINE



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The reality of forest sector in Ukraine doesn't correspond fully to high societal expectations. The issues of illegal logging and corruption, management of multiple ecosystem services, the recent ban on round wood export, a lack of transparency have become a concern not only for NGOs but also for mass-media and local communities. It has caused an increase of forest conflicts and worsening of the attitudes towards forestry profession. Institutional transformations in the sector have started and positive trends are observed, but the rules of the game have not changed substantially so far. Additionally, administrative and financial decentralization has not been achieved. Forest policy is strongly state-oriented and follows a top-down approach of organization, although public boards have been introduced to advise regional and central offices of the Agency of Forest Resources. There is a lack of policy coordination and weak cross-sectoral coordination. Although market instruments have been increasingly applied and certification efforts have been intensified, there is still room for deliberately involving governmental, civil society and private sector actors. Analysis of laws, governmental programs and its practical implementation shows that previous policies and strategies did not take into account full range of ecosystem services and the climate change implications on forest management. The evolution of forest policy as a science and as a process is analysed from different perspectives. It is concluded that the principles of ecological economics should be considered as a theoretical foundation for the creation of effective international, national and regional forest policies. The conditions defined would promote that forest policy would correspond to societal expectations. Especial attention is paid to policy development which integrate ecosystem services in decision-making and stimulate social innovation to overcome the government and market failures.

**Keywords:** national forest policy; forest governance; forest ecosystem services; communities; ecological economics.

### Introduction

Combined influences of globalization and transitional processes create specific challenges for forest policy in former transitional economy countries of Central and Eastern Europe (CEE) including adaptation of forestry sector and wood industry to global markets and market economy, controlled changes in forest ownership, restructuring of state forest services, and conservation of forests by applying new instruments in changing conditions.

Generally, former forest policies in the region can be described as non-participatory, non-democratic, and centralized – with total public ownership and distribution. Traditional organization of forest-based sectors ensures domination of public actors, which results in top-down decision-making and exclusion (or limited inclusion) of other stakeholders. Since the early 1990s the countries of CEE have been undergoing reforms in their forest sectors. But there are significant cross-country differences in scope and outcomes.

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Ukraine has long historical traditions, experiences and capacity in forest management. The country passed a new laws and procedures in response to the calls for reform, more democratic decision-making, and better efficiency. Unlike neighboring countries in Central Europe, property restitution was not considered in Ukraine during the process of reforming. This was due to various historical circumstances in the different regions of Ukraine and the public's fear that forest management would not be sustainable in privatized forests. Also forest plots can be leased up to 49 years for recreational, educational and other non-industrial forms of use.

Despite several attempts at reforming forestry by the government, changes in the law were incremental in nature and didn't provide a significant step toward better forest policy to meet the stated goals.

In the following article, we discuss the prospect for such forest policy which includes societal expectations and provides a socially harmonized framework for addressing current and futures societal challenges, implementing adaptive and iterative policy planning procedures towards managing forests in a more sustainable way.

### **Challenges and Limitations in Current National Forest Policy and Governance System**

In Ukraine, main authorities that have influence on forest policy are State Forest Resource Agency, and the Ministry of Agricultural Policy. Scientists from research institutes and universities can be involved in policy formulation by: (a) advising to the state forestry authorities, and (b) creating pressure through mass media exposure of governmental decisions. The influence of local authorities, wood businesses, and especially local communities on forest planning decision-making process is very limited. Information about forest resources status, usage, and conservation is not fully assessable and transparent. Ukrainian and international environmental NGOs (*WWF*, *IUCN*, *Green Cross Society* and others) are increasingly interested in environmental and social impacts of forestry activities. Timber companies and their associations are new and are a growing player in a forest policy arena. However, they are interested primarily in a permanent delivery of wood for the cheapest possible price. Currently, effective institutional mechanisms for the involvement of all stakeholders in decision-making process related to implementation of forest policy have not been developed. Among the problem areas of national forest policy are the following:

- Challenges of transitioning into a market economy while simultaneously decreasing state budget financing for forestry enterprises
- Slower rate of economic and institutional reforms has held back the restructuring of forest management systems, in particular separation between forest management and commercial use of forests has not been achieved (Pachova, et al., 2004)
- Governance relies on state authority, without properly functioning market incentives (Nijnik, 2004).
- Reduced state wood-processing sector as consequence of disintegration of forest sector and functioning of uncontrolled small sawmills
- Unbalanced national wood market (i.e. a demand on the internal market of wood and large increase of volume of wood exported, especially of more valuable tree species)
- Discrepancy of forest management information systems to the modern requirements (Buksha, 2004)
- Need to overcome the consequences of military actions in the forests in the Eastern Ukraine

In most CEE countries, reforms more radically changed the institutional environment. These changes strengthened the role of the forest sector, opened new markets, and increased effectiveness of forest management, but forest resources in some countries at the beginnings of this transition found themselves in a risk.

The Ukrainian forest sector is very conservative and unchanging. The reforms are happening very slowly, so changes are not as radical as, for example, in the agricultural sector. The main content of market reforms in forestry is as follows: introducing rights of private property to forest land ownership at limited scale; introducing rights to forest land use for citizens as well as foreign organizations and their citizens; privatization of assets of complex forest enterprises; entitling rights to logging for private firms; development of entrepreneurship activity in the sphere of logging, wood processing, export of timber and wood products (Vrublevska, 2006).

Analyzing forest laws and rules with respect to market economy principles, we would say that generally, timber is priced according to demand and supply mechanisms, but numerous administrative control institutions have great influence on state forest enterprises. Real timber markets are just beginning to develop. A private market for management in forestry sector does not exist, but one is emerging for logging and transportation. Some state forestry enterprises use the contractual services of private firms, which deal with timber cutting, and its primary processing and wood trade. Other state forestry enterprises as before prefer to do all this work on their own, and use their own harvesting equipment and transportation.

The situation in Ukrainian forestry doesn't allow full involvement in market relations, but according to most national experts, it has saved forests from destruction. Therefore, further reforms should consider integrating an aim to ensure not only economic liberalization but also incorporate broad public interest in forests.

International projects didn't solve all the problems of forestry but their contribution was significant in some problem areas. The ENPI-FLEG program identified problems and solutions in the field of forest law and governance, forest policies and communication, with special emphasis to corruption and illegal logging problems. The Ukrainian-Swish project FORZA contributed to practical implementation of the mechanisms for community involvement in decision making and forest planning introducing close to nature forestry methods as a tool for forest sustainability approaching.

Still current governance system contains many limitations including:

- Legislative and bureaucratic confusion and institutional redundancy; organizational weaknesses and the existence of shadowy systems; lack of awareness of the multifunctional importance of forests; and exclusion of community participation
- The governance over forests often results in conflicts instead of cooperation and partnerships. Still, a huge potential for conflicts resolution, solutions, identification and advancing exists through the innovative governance mechanisms
- Concepts, mechanisms, programmes and definitions relating to forests are made from the top-down without effective participation of forest-dependent communities.
- Due to rising environmental awareness, international conventions. and globalisation of markets, plans to manage forests more sustainably are hindered by lack of suitable financing and micro finance support

- Lack of incentive to produce the full range of benefits from forests results in the continuation of focus on the production of timber and a few other marketed products
- Weak institutions for implementation, lack of policy co-ordination across sectors (Major Groups 2013).

The recently developed strategy, "Strategy for sustainable development and institutional reform of the forestry and wildlife management in Ukraine for the period up to 2022 (State Forest Resource Agency, 2017), currently publicly includes several positive updates. It identifies real challenges to forestry, and for first time such kind of stra-

tegy in Ukraine includes issues of climate change adaptation and ecosystem services. At the same time, it misses mechanisms for ecosystem services market development and policies for integration of social innovations. Also it oppose proposed by the Government (Ministry of Economics), a concessional model of forest sector development which is totally unacceptable by a majority of forest stakeholders. Lastly, it doesn't propose a really efficient institutional mechanism.

**Table 1. Mechanisms to meet the challenges of national forest policy and governance system (based on Major Groups, 2013)**

The Challenge	Mechanism(s)
Insufficient involvement of local communities in the management of local lands/resources and/or access barriers to forest products and services	– Strengthen local communities knowledge systems and promote governance systems that respect local communities rights to forest resources
Lack of a real market for products; markets are monopolized by large producers	– Market research on behalf of local producers – Cooperative/collaborative marketing to increase opportunities – Micro financing – Capacity building
Technologies for processing	– Appropriately sized technology for the small scale – Extension services to transfer appropriate technology – Investment available for start-up infrastructure
Over-exploitation of resources and illegal logging	– Employ principles of sustainable management – Enforcement and compliance to forest laws – Building local capacity for environmental stewardship – Bridging traditional and scientific knowledge in forest management
Inadequate data to inform sustainable decision making	– Investment in research and development
Lack of entrepreneurial skills	– Capacity building/training that stimulate/inspire business principles and potential of forest wealth – Access to business start-up capital and support
Products and services are under-valued in the markets and in the mind of the consumer	– Example: pollination is a service that can be measured monetarily in agricultural production when bee populations are reduced – Improve methodologies to assess the values of services
No premium price for sustainably managed products	– Long term consumer education – Recognition that this is a long term issue – 3rd party legality verification can address a portion of this issue
Lack of information of the use, benefits and management of NTFPs	– More research, development and education
Lack of NTFP markets	– Micro financing and market support for local groups (esp. women) to benefit from local NTFPs – Agromelioration initiatives support
Technologies for processing	– Appropriately sized technology for the small scale – Extension services to transfer appropriate technology – Investment available for start-up infrastructure
Over exploitation of resources	– Employ principles of sustainable management – Enforcement and compliance to forest laws – Building local capacity for environmental stewardship – Bridging traditional and scientific knowledge in forest management
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Overlapping forest uses (mining, agriculture, energy) negatively impacting forests	– Integrated resource management and cross-sectoral collaboration – Specific land use planning and enforcement – Fight against corruption
Tenure rights and benefit sharing	– Policy reforms with due consideration to inclusion of local historical and cultural values – Community stewardship of local resources enhances the quality of the resources
Community access to fuelwood	– Certification that includes plans for integration of community interests
Political agendas that change with election cycles	– Long term coalition and consensus building
Short cycle processes/projects that require heavy investments or import resources	– New activities require long term support to be successful including building capacity and governance framework, start-up financing, infrastructure and technology, extension services, marketing support
Reliance on government or market powers only without local initiatives and stakeholders considered	– Developing policies for stimulating social innovations

For Ukraine and for its forest sector, progressive changes in formal and informal rules are crucial. Institutional transformations in Ukraine's forestry have started, but the rules of the game and the arrangements have not changed substantially so far. Neither democratization nor decentralization has been achieved. Democratization, market oriented reformation, and decentralization should be considered as main blocks of policy measures to stimulate institutional transformation of forestry sector.

Further recommendations concerning institutional design of the forestry sector should be based on both formal and informal forest sector institutions analysis. The framework of such analysis suggests certain features, that are conditional on the behavior of actors (forest owners, users) in the system, including attributes of physical world (forest land, infrastructure, technology etc.), attributes of community (education, skills, politics etc.) and rules in use (formal and informal rules governing the behavior of a actors) (Olsson, 2004). The mechanisms to meet such challenges are presented in table 1.

### **Redesigning forest policy: "New Wine into Old Wineskins"**

Forest policy can be defined in many ways, depending on perspective: juridical perspective, which focuses on actual rules and regulations, "political science" perspective which means that the political process as such are in focus, and the economic perspective which seeks to identify and measure the magnitude of market imperfections (Bränlund, 2004). It is surprisingly that the first definition of forest policy we found in literature already reflects the nature of forest policy as a scientific doctrine "Forest policy is a doctrine about societal and economic importance of the forests and forestry for the state and national economy" (Von Enders, 1905). Weber's definition distinguishes a broad sense of a forest policy as a science and a narrow sense of forest policy as activity of forest sector. He states, "Forest policy as a science should be understandable as scientific substantiation of economic role of forestry in national economy. Forest policy has deal with the social dimension of forest and considers activities related to forest from technical, industrial point of view. Forest policy as an art is a part of socio-economic, especially public economic activity of the forest sector. This activity is some part restrictive, in other parts restorative, conservative ..." (Weber, 1926). The shortest definition is that "forest policy is what governments choose to do and not to do about forests within their jurisdiction" (Floyd, 2007). They combine juridical and political perspective, because the limits of jurisdiction are always politically motivated and established by political process. The term "forest resource policy" is integrating political and economic perspective. Cabbage et al. define it as "...purposive course of action or inaction followed by an individual or group in dealing with a matter of concern regarding the use of forest resources. Forest policies guide how forests will be used usually to achieve some stated or implicit objective" (Cabbage, et al., 1993).

The definitions from clearly political perspective based on interests, conflicts, and processes of bargaining. Volz K. R. (1997) defines a forest policy clearly from political sciences perspective "Forest policy is goal-oriented action with the intention of ordering the relations and conflicting

interests between society, the forest and forestry for the common good...".

For many years, forest policy was studied by learning the history of government regulation, but beginning in the 20th century, political scientists began to describe public policy as a complex system of actors and institutions. As a consequence, forest policy today is often thought of as a process that proceeds from 1) setting a policy agenda, 2) formulating policy alternatives, 3) adopting policy choices, 4) implementing of programs and finally 5) policy assessment (Floyd, 2007). In a definition by M. Krott, the political perspective is based on institutional ground of programs for the forest sector "Forest policy is that social bargaining process which regulates conflicts of interest in utilizing and protecting forests according to the programs of the forest sector" (Krott, 2005). In a definition by I. Synyakevych, attention is stressed on legal perspective "Forest policy is a set of principles and instruments which are used by national and transnational bodies, political parties and NGOs for the assertion of their interests in the field of the forest resources restoration, protection and use". Additionally, he/she also takes into account economic dimension "Forest policy is a chapter of forest resource economics, which consider forest resource use principles, economic, environmental, social and technological instruments which are used for implementation of this principles" (Synyakevych, 2005).

Forest policy has long been used to support strategies which have been considered to contribute to economic development. Strategies emphatically linked with macroeconomic theory have been employed since the mid 1980s. Toward the late 1980s, increasing emphasis was placed on forest protection and biodiversity. This was a sign of the increasing interest shown by society in forest management and thus in reconsidering forest policy goals (Rihinen & Järveläinen, 2005).

Nowadays, forest policy as a separate policy sector is becoming more and more difficult and there is a need for intersectoral policy and policy coordination (energy, environment, industry, education) (Nilsson, 2006). Today's forest policy has become closely connected to the environmental, agricultural and regional policies.

In the close future, forest policy should be developed through the multidimensional integration of: biodiversity conservation policy, climate change policy, land use planning policy, rural development policy, bioenergy policy, international trade policy, and community building (participatory) policy.

The forestry sector is an important component of the future economy which is called the green economy (or biobased economy, circular economy etc.). Therefore principles of ecological economics should be considered as a theoretical foundation for creation of effective international, national and regional forest policies. Good governance, participatory policy, transparency, fair rent distribution that supports local socioeconomic development, and SFM which takes into account the multifunctional value of forest landscape, natural capital stock, the potential of ecosystem services and defines the scale of forestry activities are core tools for forest resource decision-making. Participatory forest policy can serve as an instrumental mean for conflict resolution and other transformative purposes, as well as a tool for improving the lives of people, and creating equity and balance.

## An Ecosystem services approach: An application to forests

The concept of ecosystems services can serve as an important framework as it has become a useful model for linking the functioning of ecosystems to human welfare. Understanding this link is critical for a decision-making in all sectors. Ecosystem services are the flow of benefits to society arising from an ecosystem, such as forest. It includes both materials that ecosystems provide (such as timber, berries, and mushrooms) and the outcomes of ecosystem processes (such as the benefits from clean water filtered by forest or plants pollination by bees). The ecosystem services lens can ensure a fuller recognition of the multiple outputs of forestry. It requires new thinking about forests or a re-imagining of forests as a multifunctional and sustainable resource for a low carbon rural economy. Application of the ecosystems services concepts to forests would allow improvement in decision-making taking into account many intangible supporting, regulating and cultural services. Now this process is at its initial stage only.

Forest certification, during this short time period of reform, has become one of the most successful instruments of forest policy. FSC is developing indicators to provide specific requirements relating to ecosystem services and discuss corresponding strategies with stakeholders. It is expected that the FSC ES verified promotional claims will result in ES payments in ten FSC certified forests at the end of 2017. In Ukraine, the ecosystem services concept will be considered in the new national FSC FM standard in 2017.

## Conclusions

The true and sustainable contribution of forests to human wellbeings can only be achieved through a holistic approach and understanding of forests that captures the interconnectedness and interdependencies of its various aspects including the social, cultural, spiritual, economic and environmental values of forests. To realize the full potential of forests' contribution to human wellbeing, we make the following recommendations:

- *Rights-based approach*: National forest policy consistently makes use of a right-based approach, respecting international standards and agreements on the rights of Indigenous Peoples, women, youth and children, trade unions, private sector, NGOs, forest dependent communities and other major groups
- *Principles of good forest governance*: The national policy should enable and coordinate the development of a multi-stakeholder process towards a set of principles for good forest governance using the principles of a comprehensive step-by-step bottom-up participatory process.
- *Legal and policy framework for community forestry*: The development of enabling national-level legal and policy frameworks for community forestry include provisions to secure land ownership and tenure rights, equitable benefit-sharing, indigenous governance systems, traditional knowledge systems, role of women and youth, access to financing and markets, access to information, and long-term sustainability of community forestry programs
- *Public and private partnerships*: Public and private partnerships should be developed to support forest-dependent communities and sustainable forest management through research, development and other extension activities.
- *Financing mechanisms*: Innovative financing mechanisms, including special funds for targeted purposes such as com-

munity-based forest enterprises should be developed to enhance forests' contributions to human wellbeing. Increasing emphasis should be directed on testing new instruments based on incentives, persuasion and voluntary participatory procedures instead of regulations, and provision of strong finance systems towards forest governance.

- *Community empowerment*: Policies and programmes should be developed for sustainable empowerment of forest-dependent communities to start, manage and promote community-based forest enterprises that will include skills enhancement in product development and value addition, market development, quality and financial control, and monitoring and evaluation of enterprise's performance.
- *Valuation methods*: Appropriate scientific methods should be developed to study the quantitative and qualitative contributions of various forest products and services to human wellbeing.
- *Information-sharing platforms*: The establishment of platforms and mechanisms, at different levels for information sharing on various aspects of sustainable forest management and community-based forest enterprises, should be promoted.
- *Inter-sectoral collaboration*: Inter-sectoral and multi-stakeholder collaboration and a comprehensive land-use planning should be promoted to minimize land use conflicts and maximize forests contributions to human wellbeing.

While new technologies can't be ignored, the social innovation approach deserves attention while rethinking the role of forestry in a green economy. "Social innovation is innovation inspired by the desire to meet social needs which can be neglected by traditional forms of private market provision and which have often been poorly served or unresolved by services organized by the state" (Hubert, et al., 2010, p. 37). Taking into account market failures and government failures in the forestry sector, policies supporting social innovation in the sector should be developed. The public forest-sector, which is currently ignoring social innovation, should utilize it by involving all relevant stakeholders in designing appropriate and innovative governance schemes, strategies and programs.

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## **ПЕРЕОСМИСЛЕННЯ ЛІСОВОЇ ПОЛІТИКИ, ІНСТИТУЦІЙ ТА ІНСТРУМЕНТІВ У СВІТЛІ КОНЦЕПЦІЙ ПОСЛУГ ЕКОСИСТЕМ І СОЦІАЛЬНИХ ІННОВАЦІЙ: УКРАЇНА У ПОЛІ ЗОРУ**

Реалії лісового сектору в Україні не цілком відповідають високим суспільним очікуванням. Питання нелегальних рубань та корупції, багатоцільового управління екосистемними послугами, нещодавня заборона експорту круглої деревини, відсутність прозорості стають проблемами не лише з погляду громадських організацій, а й засобів масової інформації та місцевих громад. Це спричинило зростання кількості лісових конфліктів та погіршення ставлення до лісівничої професії. За останні роки відбулись незначні інституційні перетворення у секторі, спостерігаються деякі позитивні тенденції, але правила гри досі істотно не змінилися. Адміністративної та фінансової децентралізації не досягнуто. Лісова політика є надмірно централізованою і суспільно незбалансованою, незважаючи на створення громадських рад, які діють на регіональному рівні та на рівні Агентства лісових ресурсів. Недостатньою є координація лісової політики та слабкою міжгалузєва координація. Незважаючи на те, що ринкові інструменти дедалі частіше застосовуються, розвивається лісова сертифікація, все ще існує можливість залучення до формування політик представників більшого кола державних інституцій, громадянського суспільства та приватного сектора. Аналіз законів, урядових програм та їх практичне застосування показує, що попередні політики та стратегії не враховували весь спектр екосистемних послуг і наслідків зміни клімату для ведення лісового господарства. Еволюцію лісової політики як науки та процесу розглядають з різних точок зору. Зроблено висновок, що принципи екологічної економіки доцільно розглядати як теоретичну основу для створення ефективної міжнародної, національної та регіональної лісової політики. Визначено умови, відповідно до яких лісова політика відповідатиме суспільним очікуванням. Особливу увагу надано залученню екосистемних послуг у процеси прийняття рішень і розробленню політики, яка може стимулювати соціальні інновації для подолання невдач як державної політики, так і ринкового регулювання.

**Ключові слова:** національна лісова політика; управління лісами; послуги лісових екосистем; громади; екологічна економіка.

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## **ПЕРЕОСМЫСЛЕНИЕ ЛЕСНОЙ ПОЛИТИКИ, ИНСТИТУТОВ И ИНСТРУМЕНТОВ В СВЕТЕ КОНЦЕПЦИЙ УСЛУГ ЭКОСИСТЕМ И СОЦИАЛЬНЫХ ИННОВАЦИЙ: УКРАИНА В ПОЛЕ ЗРЕНИЯ**

Реалии лесного сектора в Украине не полностью соответствуют высоким общественным ожиданиям. Вопросы нелегальных рубок и коррупции, многоцелевого управления экосистемными услугами, недавний запрет экспорта круглой древесины, отсутствие прозрачности становятся проблемами не только с точки зрения общественных организаций, но и средств массовой информации и местных общин. Это привело к росту количества лесных конфликтов и ухудшению отношения к профессии лесовода. За последние годы произошли незначительные институциональные преобразования в секторе, наблюдаются некоторые положительные тенденции, но правила игры до сих пор существенно не изменились. Административной и финансовой децентрализации не достигнуто. Лесная политика является чрезмерно централизованной и общественно несбалансированной, несмотря на создание общественных советов, действующих на региональном уровне и на уровне Агентства лесных ресурсов. Недостаточной является межотраслевая координация лесной политики. Несмотря на то, что рыночные инструменты применяются все чаще и развивается лесная сертификация, все еще существует возможность привлечения к формированию политик представителей большого круга государственных институтов, гражданского общества и частного сектора. Анализ законов, правительственных программ и их практического применения показывает, что предыдущие политики и стратегии не учитывали весь спектр экосистемных услуг и последствий изменения климата для ведения лесного хозяйства. Эволюция лесной политики как науки и процесса рассматривается с разных точек зрения. Сделан вывод, что принципы экологической экономики следует рассматривать как теоретическую основу для создания эффективной международной, национальной и региональной лесной политики. Определены условия, согласно которым лесная политика будет соответствовать общественным ожиданиям. Особое внимание уделено интеграции экосистемных услуг в процессы принятия решений и разработки политики, которая может стимулировать социальные инновации для преодоления неудач как государственной политики, так и рыночного регулирования.

**Ключевые слова:** национальная лесная политика; управление лесами; услуги лесных экосистем; общины; экологическая экономика.