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The «Failure» State and Problems of Forest Exploitation in Russia (on the Example of the Irkutsk Region)

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Abstract. In article the analysis of modern problems of forest exploitation on the example of the Irkutsk region as leading region in the field of stocks and wood procurement is given. Extensive forest exploitation in the region at catastrophically low volume of reforestation is followed by injurious destruction of the wood because of its illegal cabin, big losses of the wood from the fires, etc. that modern forest exploitation as «catastrophically exhausted» is characterized. Creation of such situation with forest exploitation is result of the state control system of the wood, both on legislative, and on executive levels. The scale and depth of problems shows a condition of a failure of the state which has a number of identifiers, including a set of characteristics offered in article. Change of a situation by the author contacts introduction of the adjusting mechanisms by means of system improvement of social management

1. Introduction

It is well known that Russia is a forest power. Russia accounts for 22% of the world's forests and about 60% of industrial forest reserves. Total timber reserves of Russia amounts to 83.4 billion m³, including Mature and overmature stands 44 billion m³. The most striking example of the current problems of the state and exploitation of forests in the country can be seen in the Irkutsk region, which is the leader in many extensive positions in the forest sector of the country, while showing an extremely negative assessment of state policy in this area.

The Irkutsk region in the volume of forest reserves occupies 10.6% of the total Russian volume or 8.8 billion m³ of wood, including the stock of coniferous plantations – 7.5 billion m³. At the same time, the region ranks first in Russia in terms of timber harvesting (13% of the national level), with a constant growth of these volumes, approaching the planned values of 40 million m³ of wood per year. All these losses are offset enough existing volume of reforestation. It is officially recognized that over the past two decades, the area of reforestation in the country has decreased almost 3 times, with active measures through the creation of forest crops - 2.5 times. With the current trends of reduction of these works, the annual volume of reforestation by 2020 can be reduced to 70 - 80 thousand hectares, which will be less than 10% of annual forest losses¹. As a result, the «net annual growth» of forest suitable for wood production in the Russian Federation is about 740 m³ per year [1-3] with a constant downward trend.

¹ Order of the Government of the Russian Federation of 28.12.2012 № 2593-r «About the approval of the state program of the Russian Federation «Forestry development» for 2013 – 2020».



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The extremely low level of reforestation is also present in the Irkutsk region. Thus, the reforestation coefficient in the region in 2018 amounted to 0.23, which is lower by almost 50% compared to the previous year (for 2017 this coefficient was 0.49). It should be noted that the optimal level of reforestation is the coefficient which was reached in 1990 – 1.15. The nature of such use of forests, according to experts², is «catastrophic depletion».

Officially, the leading extensive forest use in the region is accompanied by no less predatory destruction of the forest due to its illegal logging, large forest losses from fires, etc. So the Siberian Federal district accounts for 65% of cases with revealed signs of violations of forest legislation and most of them (about 66%) belong to the Irkutsk region. In the region in 2017 was set to 1029 cases of violations of the forest legislation [4] (article 29 FL of the Russian Federation) in the absence of documents of title to the timber or 65% of all cases in the Siberian Federal district on the area of 4417,8 ha or 801819 m³. with the volume of damage of 4045 million rubles. In General, according to the reporting of forestry departments in all Federal districts for 2017, illegal logging on an area of 6 367.3 hectares in the amount of 1 070.5 thousand m³ with a volume of damage of 5 400.5 million rubles was revealed.

However, this result from the evaluation of work of employees of territorial bodies of forest departments in the Federal districts, the Executive bodies of constituent entities of the Russian Federation was reflected in the dismissal of 1 and 7 reprimands [5]. At the same time, from the side of violators of illegal logging in 2017, only in the Irkutsk region, 1,468 persons were arrested in the act, measures of procedural coercion were applied to 304 suspects, 105 were later arrested. However, only a few such cases reach the court. So in 2018, the Baikal inter-district environmental Prosecutor's office revealed 5786 violations in the field of environmental protection and environmental management, while only 57 criminal cases were initiated on materials sent by the Prosecutor, including those committed as part of 7 organized criminal groups.

2. Problem statement

In the field of forest management of the Irkutsk region, the mass of violations is due to the high level of even corruption, and the organization of such crimes, the large number of facts of which has already become commonplace³. Experts [5] emphasize that in the region there is a steady increase in crime in the forest industry with its increasing scale, organization and professionalism. Mass participation of officials in administrative and criminal violations of forest management, including:

- falsification of data of the State forest register;
- entering false information in the State forest register regarding species composition and trees;
- distortion of information on the boundaries of plots and types of land;
- the conclusion of lease contracts of forest plots, allowing for the harvesting of timber within the boundaries of the reserves, the reserve and other groups of forests,
- distortion and forgery of contracts, when after the auction concluded additional agreements to increase the volume of possible procurement in the tens of times;
- illegal logging under the guise of sanitary measures;
- distortion the amount of contracts through the inclusion of forest plots specified in the contracts, which are not put on the state cadastral registration, etc.

Number of criminal cases against officials, including the Minister of Forest complex of the region involved in the carrying out of continuous cabins under the guise of sanitary and recreational activities in the reserve Tokalon Kazachinsko-Lensky district. Clear cutting in the reserve Tokalon was made (RPAI) «The Forestry of the Irkutsk region», which founder is the government of the Irkutsk region. Having signed the contract of RPAI «Forestry of the Irkutsk region» with the Ministry of forestry in 2018 for sanitary logging – in the amount of 18.8 million rubles. «Leskhov» has already sold wood in

² Russian President's Council for Civil Society and Human Rights. Human rights activists presented preliminary conclusions on problems of preservation of the wood in the Irkutsk region URL: <http://president-sovet.ru/presscenter/news/read/5305/>(date of the address: 25.03.2019).

³ Baikal interdistrict nature protection prosecutor's office. Main results of public prosecutor's activity URL: <https://baikalproc.ru/statistika/>(date of the address: 25.03.2019).

the amount of 4 411 million rubles or 235 times more expensive.

In addition to such clear violations of the law, the authorities carry out a wide range of opportunistic actions against the background of ignoring the legislative norms due to the lack of legal or financial conditions and responsibility for implementation. As a result, the range of actions or omissions of governments that distort the principles and norms of forest management is very wide:

- shifting the responsibility for forest management to tenants of forest areas, while in the Irkutsk region official forest management was carried out only on 10 percent of forest land
- ignoring opportunities and proposals for the formation of forest management processes, due to their obvious reluctance to create a transparent sphere of management;
- inaction of the territorial units of the Ministry of forest complex of the Irkutsk region in the part of forcing loggers to clean debris;
- unprofessionalism and incompetence in the development and approval of forest regulations for forest areas and forest parks and forest development projects for leased forest areas based on outdated forest management materials;
- delaying the development and adoption of a large number of documents: Forest plan, Forest project, Forest regulations and Forest program of the subject of the Russian Federation, which fit into the system of its budget, organizational structure and strategic plans for the development of the region and the country, etc., which causes uncoordinated and unbalanced actions on forest field with subsequent failure to comply with all other rules and regulations, etc.

3. Research questions

The reason for many of the current problems is the lack of elaboration of the legal framework in the forest industry on the whole range of forest management issues: from the control and organization of forest development to the prevention of illegal logging. So in respect of forest development failure of a citizen or a legal entity engaged in the use of forests, forest development project, as well as the use of forest areas in his absence or outside the site, etc. is the basis for early termination of the lease agreement of the forest area, compulsory termination of the right of permanent (indefinite) use of the forest area, bringing the perpetrators to administrative responsibility under part 4 of article 8.25 administrative Code. However, the complexity and complexity of the organization of the collection of evidence for the often long and complex proceedings to resolve the issue of termination of the lease in most cases stops attempts to conduct the necessary administrative processes.

Identifying and preventing illegal logging from the point of view of legislation is also extremely difficult. So on the basis of the current legislation, carrying out survey of places of cabins on the basis of unilateral will of the person who addressed with the request for carrying out such survey or carrying out it in the winter period isn't provided, and for the proof of violations of forest management it is necessary to provide a wide range of primary documents - recalculation sheets, sheets of a material and monetary assessment, acts of measurement of platforms of destruction of undergrowth and young growth, etc. on the part of regulatory authorities, etc.

As measures of counteraction to large-scale shadow economy in forest branch rather weak measures of administrative and criminal-legal influence which practically don't correct the developed situation are provided according to the legislation. Thus, the existing system of fines for illegal logging, provided for in article 260 of the criminal code, is extremely inefficient, since its size in the amount is not comparable with the environmental and material losses of the state. A striking example of such a permissive attitude is the lack of even the concept of «protection from illegal logging» in the Forest code.

The uncertainty of the legal nature of liability for forest violations, the lack of terminology, which in this case has some specificity, species fragmentation of forest violations and the procedure for calculating penalties, etc. create numerous difficulties when considering this category of disputes in court, despite the fact that the evidence base is very difficult to form.

Such gaps and shortcomings of the legislation are a direct consequence of the very nature of the formation and adoption of laws (including the Forest code of Russia), work on which, including the

forest industry is carried out very hastily, behind the scenes without the involvement of experts and practitioners of forestry, are not publicly considered and discussed even the primary materials of laws, etc. As a result, the laws adopted by virtue of external spontaneity cause General chaos, despite the fact that they are very blurred and have no direct effect, and their functioning requires the adoption of a huge number of standards at different levels, which eventually are selectively formed and even less implemented.

However, along with the existing shortcomings, the avalanche-like and emergency approach to reforming the legislation in the forest industry does not stop. A large-scale and comprehensive land reform envisaged by the decree of the Government of the Russian Federation dated November 8, 2018 will soon be added to the existing problems of forest legislation implementation. №. 2413-r (On the plan of measures to improve the legal regulation of land relations), draft Federal laws «On amendments to the Land code of the Russian Federation and certain legislative acts of the Russian Federation (in order to move from the division of land into categories to territorial zoning)»⁴. According to experts, the land reform will only increase forest degradation, since the forest Fund, including specially protected natural areas (EPNT), plans to exclude all lands occupied by industrial and linear objects, mineral deposits, settlements, etc. As a result, only Federal EPNT in the case of implementation of this rule will lose more than 1 million hectares of territories [6]. In the conditions of priority of legal documents over legal documents, any even illegal registration of the right to a forest land plot will cancel the rights and norms of functioning of protected areas, thereby expanding the space of disastrous forest development.

All these arguments are clear evidence of the existence in Russia, if not a failed state system or a «predatory state», then significant and serious failures of the state, requiring significant changes in public administration, at least in the forest industry. In economic science there is a broad definition of the phenomenon of failures and failure of the state in the form of: on the one hand as the inability of the state to ensure the effective distribution and use of public resources [7, 8], and on the other as a mismatch between social benefits and costs and individual benefits and costs of persons involved in the disposal of state resources [8]. A narrower definition of a failed state is its understanding as an Agency that reflects the interests of a group or class that derives income from the rest of the population in the interests of that group or class [9].

The realization of these interests is possible due to a number of reasons or circumstances in the form of the effect of «special interests», obvious benefits and hidden costs, restrictions and lack of political and other choice, inefficient bureaucracy, as well as the search for rent, thanks to which the failures of the state only increase. The latter is the effort of groups, organizations to obtain exceptional advantages through the state, which form a failed spiral or vortex when the pursuit of rent for privileges leads to an increase in claims for individual benefits from the status, followed by efforts to preserve and strengthen it, etc. The work of such a state is directly associated with kleptocracy, the mechanisms of which are traditionally developed from one direction from classical or «soft» to «hard» associated with the broad expansion of chaos, violence and arbitrariness in political and social life.

Russia shows a very significant level of «failed state» on 26 characteristics that have been developed by the Foundation for peace (FW) [10], including uneven economic development of various groups, rising inequality and poverty, criminalization and/or delegitimization of the state, suspension or arbitrary application of the law; the security apparatus turns into a «state within the state»; fractionalization of elites, etc. Another option for assessing the failed state is the level of leaching of public wealth through the offshore financial system. Thus, according to experts [11], Russia is the leader in the world with the withdrawal of more than 50% of Russian wealth to offshore zones, while for the US this level is 8%, the EU 10%.

4. Purpose of the study

⁴ Federal portal of drafts of regulations. The official site for placement of information on preparation of the executive authority of drafts of regulations by federal organs and results of their public discussion URL: <https://regulation.gov.ru/projects?type=ListView#npa=85531> (date of the address: 25.03.2019).

State management of the forest industry in the Irkutsk region in accordance with the analysis shows the presence of a wide range of manifestations of the failure of the state, including:

- unprofessionalism, inversion or direct sabotage of the provision of the key responsibility of the state associated with the formulation of rules and regulations within which the society can effectively manage, so that the implementation of the adopted rules varies from ignoring them and futile attempts to provide them to social protest;
- broad opportunistic actions to implement the adopted norms and rules, in the absence of sufficient responsibility and appropriate external control;
- the growth of obvious and latent crime, along with the shadow and gray sphere of management, caused not so much by inefficient bureaucratic procedures, as direct or indirect participation of regulators and authorities in the creation of informal institutions for the organization of criminal economic activity;
- selection of the «worst» or inefficient economic and political institutions, with the presence of inefficient political and economic institutions has the greatest relationship with the high level of rental income provided by natural resources [12], which create the greatest vitality and scale of the spread of the «worst» [13];
- the growth of organized crime with the progressive absorption of informal institutions of formal States, which leads to a sharp decrease in social security;
- the growth of inequality and poverty, which leads to a steady trend towards social and economic stratification of society, increased polarization and uneven development of the country, etc.

It is important to note that scientists [14] have proved that the only barrier to overcome the corresponding «failure» of the state are systemic, comprehensive corrective mechanisms. The latter are associated either with direct competitive and quasi-market instruments, on the basis of theoretical justifications for the need to strengthen «self-regulating» market mechanisms in the social environment, which provide a higher level of allocation efficiency. However, in this case, there is a high risk of large-scale market failures and market relations, which are very interconnected with the failures of the state. Another option is a complex mechanism for improving social management, the approaches and structure of which have different interpretations. Details of the concept of social management in accordance with its sectorial affiliation allows us to distinguish public administration (subject of control actions - the state), public or public management (subject of control actions - the company and its structures) and management (subject of control actions - the entrepreneur, the owner).

5. Research methods

Of course, the rationalization and improvement of the effectiveness of each element of social governance is the first group of critical corrective mechanisms, which, however, are very difficult to implement, especially in the area of public administration. The destruction of the political option of public administration in the early 90-ies in Russia in the absence of its legal core has caused, including serious problems in the theoretical understanding of the nature of the government. The latter was expressed in the erosion of objects, goals, principles, mechanisms, etc. management in the public sphere. Modern overcoming of the latter problem is on the way of active development of mainly managerial approach of public administration and formed on this basis the concept of «quality public administration». The need to use such a concept in our country is enshrined in the Concept of long-term development of Russia until 2020, which as one of the goals stated «ensuring high quality regulation».

The proposed new form of state regulation, according to experts, should be based on systematic analytical work throughout the period of the management cycle, starting with planning and ending with the control of its execution. At the same time, the analytical work itself should include a comprehensive analysis and assessment of past experience and results of the actions taken. A fairly thorough set of analytical tools in the framework of «smart» regulation is proposed by the author of the article [15]. No less important component of «smart» regulation is the presence of a comprehensive state integrated information system that provides quantitative and qualitative

Coordination and control issues have always been a weak point in social management. Regularities of realization of Executive power in the form of a divergent power, its confusion due to the overlapping of competence and, therefore, the lack of clear lines of authority objectively hinder even the formal implementation of the liability. Nevertheless, from the point of view of the developed practice of social management, «the proper dependence of power on the people and its proper responsibility» [10-14] are unconditional requirements for the security of social development. The solution of this problem can be built on a priority attention to the functional components of control, of which the Central is the role of coordination and control. The last can be to some extent realized thanks to creation of powers of Audit Chamber on carrying out administrative or strategic audit for more adequate and thought over, including, economic policy of the state.

Thus, the Irkutsk region, having an acute problem of extensive use of rich public resources – forests, demonstrates the extremely negative nature of public administration of this problem, associated not so much with inefficiency, but with mass criminal activity, formed by the relevant legislative and regulatory framework. The revealed systemic opportunistic nature of public administration makes it possible to establish a set of signs of a «failed» state in the forest sphere, despite the fact that this concept is confirmed by research and is generally characteristic of Russia. It is possible to change the situation only through systemic, integrated corrective mechanisms, in which the main role is played by the systemic improvement of social management.

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