

In Kosovo, forests are mostly cut for firewood. A considerable part of wood that are cut in Dukagjini region are sold in two markets in Peja. Preportr team visited these markets and found that some of these woods were cut down using a hammer. The Inspectorate of Kosovo Forestry Agency also confirms that these markets often had wood that was cut illegally, which they confiscated and sent the cases in respective justice institutions.

Many families, due to their difficult economic situation, cut forests illegally and sells firewood to make a living. However, bigger damage was mainly caused by companies which won tenders for cleaning and utilization of forests. These companies did not comply with their contracts and forests were often cut exceeding the set limit. This phenomenon was especially the case in Dukagjini region. Kosovo Forestry Agency is also aware of the fact that the tenders had a destructive impact on forests, and for that reason undertook measures to terminate the contracts and send the cases in courts during the time when forests were managed by municipalities (2010-2013).

Another reason that had a grave impact on the destruction of forests was also the mixing of competences among state institutions (Ministry of Agriculture, Forestry, and Spatial Planning, regional directorates and municipalities), which managed forests. The distribution of management among three institutions mixed up the legal competences and reduced the responsibilities in terms of forest management. Considering this situation, Kosovo Forestry Agency tried to draft a law, which would again stipulate the competences regarding forests. These amendments were accepted by all actors and will be processed in the Assembly.

Many cases were sent to prosecutions and courts for stealing forests. These cases have been accumulated and never dealt with on time, and as a result many of them were prescribed. Stealing of forests is the most prescribed criminal act in years. Between 2001 and 2014 a total of 1783 cases of stealing of forests were prescribed in the whole of Kosovo. Some wood, however, are also used for processing. This type of wood is mostly cut in Dukagjini region and this is the reason why this municipality has many wood processing manufacturers. The Inspectorate of Kosovo Forestry Agency inspected these processing units from time to time and found wood that was cut illegally, closing down some of the units. The environment experts say that the cutting of forests causes many environmental damages, since forests are the main balancers of the concentration of two main gasses, i.e. oxygen and carbon dioxide.

Damaged Dukagjini

Forests in Kosovo make up a total of 481.000 hectares of the entire territory. The annual growth of forests is around 1,6 million cubic meters per annum, which means there are lots

of possibilities for cutting, under the condition that this process be controlled. On the other hand, the demand of citizens is around 1 million cubic meter per annum. Preportr focused its research on the damage made to forests in the municipalities of Dukagjini region, because this is the most affected area in terms of the quantity of damage and the quality of wood. The list of confiscated wood in years and the cases sent to courts make this region the most affected one in the whole of Kosovo, not neglecting here other municipalities, such as Ferizaj and Podujeva, where the situation is quite serious as well.

Peja as the biggest municipality in this region has the highest forest area, with a total of 25.709.72 hectares, followed by Istog with 19.000 hectares. The municipality of Deçan has a total of 14.420 hectares, with 10.903 hectares of public and 3517 hectares of private forests. The municipality of Junik has a total of 4668.90 hectares of forests, with 3333.90 hectares of public and 1315 hectares of private forests. A big part of these forest areas of these municipalities are now under strict state protection, since they are part of Bjeshkët e Nemuna National Park. This park stretches to Istog, Peja, Deçan, Junik and Gjakova, and covers an area of 63028 hectares. In various part of this region, one can see huge damaged parts as a result of cutting forests without any criteria. The worst thing is that the best parts of trees were cut off, while the rest was left on the ground, making it look rather miserably. The local residents say that this destruction, and the firesetting in the past, was carried out in an organized way. They say that huge trucks were brought without being stopped by anyone, and left behind a mass of misery. Several years ago, much forest was burned down in Carrabreg mountains, in the Municipality of Deçan. The residents recall the difficulties in extinguishing the fire due to lack of adequate equipment. One can still see the traces of that fire. In addition to this burned area, there is another part damaged by illegal cutting. In carrying out this research, Preportr cooperated with local residents who captured photos and videos of trucks loaded with wood also during the night, and this is probably done illegally.

Forests were destroyed with the help of the state

Kosovo forests were damaged to a large extent with the help of institutions. Tenders were given to companies for the purpose of cleaning of forests, while companies made use of the chance to cut more trees than they were permitted in line with the contract. The municipalities of Dukagjini region and the Kosovo Forestry Agency gave tenders for the cleaning of forests. Preportr filed a request for access to public documents asking the municipalities of Peja, Deçan and Istog to allow access to tenders given for the cleaning of forests during 2010-2013. Peja and Istog declared that these municipalities did not give

tenders for the cleaning of forests, while the municipality of Deçan provided two documents, showing six companies that won such tenders. However, the reply of this municipality was not altogether transparent, since Preportr managed to find nine additional companies which won similar tenders at this municipality. Preportr found names of several companies that operated in the municipality of Deçan and Peja during 2011-2012 whose contract was terminated. These nine companies were charged at the Serious Crimes Department of the Prosecution in Peja by the Economic Crime Unit. These cases are currently being reviewed in the court. Out of 15 companies that won tenders in the municipality of Deçan, found by Preportr, seven were charged for breach of contract. One of the companies that breached the contract is SH.P.K. "MALI" in the ownership of Sali Kuçi. At the time of winning this tender, he was the advisor of the Alliance for the Future of Kosova (AAK) in the municipality of Deçan, which is the ruling party in this municipality. Kuçi is now running "Higjiena" public enterprise. The director of Legal Directorate of Kosovo Forestry Agency, says that during the first years when the competences were transferred to the municipalities, a huge damage was caused through tenders. He says that during those years, 12 economic operators which were commissioned by the municipalities in Dukagjini, had their contracts terminated.

"It is publicly known that 12 economic operators which carried out their activities in the said municipalities had their contracts terminated and all legal measures were undertaken according to law. Some of them are currently facing charges in courts" says Kadrijaj. He mentions huge amounts of damage caused to forests by these operators. "According to assessments, the damage caused to forests based on contracts with economic operators reaches 3,500 cubic meters," he says, adding that the tree was of high quality - coniferous trees. The average value of this damage is considered to be at least 160 thousand euros. The Directorate for the Administration of "Bjeshkët e Nemuna" National Park, says that the biggest damage to Kosovo forests, respectively this park, was caused by economic operators which were commissioned to clean the forests.

"When we came, we found these forests in bad conditions, since only in Peja, without Deçan, we found around 30 thousand cubic meters of wood, which were cut and ready for transport," says the director of this Directorate, Fatmir Morina. If we make a simple calculation regarding the cost of firewood that is sold in the market, we find that this damage reaches an amount of 1,350,000 euros.

The fact that tenders are the main reason for the damage caused to these forests is also mentioned by one non-governmental organization in Deçan. Adem Lushaj, director of the Association of Independent Intellectuals in Deçan, says that they continuously raised their

voice against these kinds of tenders, since they contributed to the damage caused to forests in Dukagjini region.

“The tenders given either by the ministry, agency or by the municipality, are the biggest destroyers of forests in the municipality of Deçan, and in the whole of Dukagjini region.

This destructed is carried out with papers, in an organized way, or as we call it, through organized crime, either on municipal or central level,” he says.

Many managing institutions with none accountable

The damaging of forests in Kosovo has been the topic of discussion in the Assembly of Kosovo several times. However, few concrete steps have been undertaken in order to deal more seriously with this matter. Although there is a Law on Forests adopted in 2003, with several amendments made throughout years, in 2012 two additional laws were adopted: Law on National Park Bjeshkët e Nemuna, and Law on National Park Bjeshkët e Sharrit. The idea behind the drafting of these laws was to protect both forests as well as flora and fauna in them. After much opposition from local residents and relevant institutions, including municipalities where these parks are located, the National Parks are now managed by a sole body which is the Ministry of Environment and Spatial Planning. This did not change a lot the situation in the field since forests continue to be damaged illegally, but at least it put an end to the practice of mutual blaming among institutions, since forests that are now national parks covering most public forests, used to be managed by three levels of institutions (Ministry of Agriculture, Forestry and Rural Development, regional directorates, and municipalities). Kosovo Forestry Agency says that this could be one of the reasons why forests were damaged to this extent. They even say that when the competences were transferred to municipalities, from 2010 to 2013 forests were damaged to a large extent. This happened because municipalities lacked necessary infrastructure to prevent the illegal cutting, and human resources, including forestry experts.

“After 2010 Kosovo Forestry Agency noticed this conglomerate of laws and made efforts to draft a new law, which would once again concentrate the competence on forests and introduce one authority to protect and undertake all legal measures, from forest guards to the highest body. These changes were accepted by all actors and I believe that very soon this draft-law will be processed further,” says Kadri Kadrijaj.

The municipalities also admit that when the competences were transferred they were overloaded with work and responsibilities, and they lacked specialized staff for this department within the municipality. However, director of Agriculture, Forestry and Rural Development Directorate at the municipality of Deçan, Nasim Haradinaj, says that the

division of competences creates gaps and this contributes a great deal to the damaging of forests. Many forests of the municipality of Deçan belong to Bjeshkët e Nemuna National Park. Even though this part was declared National Park, Haradinaj says that illegal cutting did not stop, and he even considers that the situation is worse.

“The municipality of Deçan has few forests used for firewood, and many with industrial wood used for processing. Therefore, theft is carried out for financial benefit. Those who cut for firewood are small damagers, while those who process wood and have equipment are causing much damage, since not everyone can cut wood in big quantities,” adds Haradinaj.

Courts prescribe thousands of cases related to theft of forests

Usually, Kosovo Forestry Agency blamed courts for not doing their jobs properly. They complain that their cases are neglected by courts and that the whole thing is discouraging also for forest guards and other officials who need a lot of time to prepare cases and send them to courts. Courts have their own version as to the reason why cases linked to forests are never concluded or concluded with mild punishments, which do not discourage illegal operators from carrying out their illegal activities. On the other hand, Çohu! is monitoring the prescription of cases for some years now, and this monitoring shows that the cases that are prescribed the most are those related to illegal cutting of forests. In 2015, the monitoring was carried out only in relation to forest theft. According to this report, both the number and the prescription of these cases is quite high.

“Forest theft is one of the most prescribed criminal offence in years. The monitoring report produced by Çohu! covering the prescription of cases from 2001 to 2014 shows that the most prescribed criminal offence is forest theft, Article 358/285, with a total of 1783 prescribed cases.”

Based on findings of this report, only during 2013 and 2014 the state lost the right to impose criminal sanctions for 1603 cases of forest theft. Out of 6610 cases of forest theft in 2014, in all basic courts and their branches throughout Kosovo, 604 cases were prescribed, or 9.14 % of the total number of cases in process. In the municipalities of Dukagjini, not including Istog, few cases were prescribed. According to data that we obtained from courts, only 1 case were prescribed in Deçan in 2013, 10 cases in 2014, and only 2 cases in 2015.

During 2013-2015 only 2 cases were prescribed in Peja. In Istog, the situation is different.

During 2013 in Istog a total of 211 cases were prescribed. In 2014 this number dropped to 38 cases, while in 2015 a total of 42 cases were prescribed. The Association of Independent Intellectuals in Deçan monitored cases related to the damaging of forests at the Basic Court of Peja - its branch in Deçan, Adem Lushaj from this organization says that companies and

big damagers are not taken to courts. Only cases of low to medium economic activity individuals are taken to courts, according to him.

“So, all cases taken to courts involved natural persons who were caught with horse carriages or tractors. There should be a thorough investigation on this matter as to why no economic operator was taken to court,” he says.

Guards involved in abuse

It seems that there is a certain mobilization to damage the forests involving also those who are supposed to directly care for their protection. Forests guards are among the most responsible for the protection of forests. Kosovo Forestry Agency admits that charges were raised for almost 50 % of forest guards. A forest guard who wanted to remain anonymous told Preportr that in the region where he operates, he saw guards being bribed together with their supervisors. He says that without this cooperation with their supervisors, guards can do nothing because if supervisors go in the field they can easily find the amount of wood that was cut.

“It might happen that the supervisors do not send the file to courts as a result of their links to forest damagers,” he says.

This forest guard also admits that the mixing of competences made space for easier abuse by forest guards. Inspectors who are responsible to control guards, according to him, seldom go in the field. He says that those guards who want to do their jobs properly do not even have their basic conditions fulfilled to carry out their work. “Guards have no basic working conditions. Their being equipped with weapons did not produced any effect, since the hunting rifle is very heavy and long to be carried. Most guards travel by bus and do not take their weapons along when travelling. It would be better if guards had guns.” he says.

“During controls carried out by Kosovo Forestry Agency, and according to registers of forest terrains which guards are obliged to protect, there were cases when many guards went beyond their competences, and the action cutting exceeded manifold the wood that was permitted to be cut in that area.” says the official of Kosovo Forestry Agency, Kadri Kadrijaj. When those registers reached inspectors, legal measures were taken immediately and charges for criminal acts or misdemeanor.

“These reports took many guards to courts and it was requested that disciplinary measures be taken by municipalities. I can say that more than 50 % of forests guards are in courts. There are municipalities with all of its guards in courts. The inspectorate undertook huge controls in this aspect, but illegal cutting continued,” he says.

Many cases of confiscation

Despite the fact that many cases related to forests are neglected, competent authorities continue to file hundreds of reports, criminal charges and other investigation procedures against illegal cutting of forests. The director of the Directorate for the Administration of Bjeshkët e Nemuna National Park, Fatmir Morina, despite saying that the forests managed under this park are in much better conditions compared to 2013, statistics and criminal charges speak of the opposite. From January to September 2016, the director filed a total of 64 criminal charges in the Basic Prosecution in Peja, 13 in the Basic Prosecution in Prizren, three cases to initiate the misdemeanor procedure in the Basic Court in Peja, branch in Deçan, 2 in the Basic Court in Peja, 10 in the Basic Court in Prizren - branch in Dragash. On the other hand, 75 civil cases were taken to the State Attorney Office of the Ministry of Justice and 4 cases were taken to private bailiff. Also, 33 payments of court taxes were carried out related to the initiation of civil cases for the compensation of damage caused by the Ministry of Environment and Spatial Planning to Kosovo Environment Protection Agency. In 2016, this institution took part in 39 court hearings. According to Kosovo Police statistics that Preportr obtained for Dukagjini region in relation to the confiscation of illegally cut trees and vehicles used to carry these trees, it turns out that the confiscations were mostly carried out at the time when forests were managed by the municipalities.

These statistics show that during 2014-2015 the situation improved slightly. The municipality of Peja has the highest number of confiscation cases. During five years, there were 496 such cases. 195 cases of confiscation were in Deçan, and 286 cases of confiscation in Istog. The statistics also include the municipalities of Junik and Klina, but the number of confiscation cases in these municipalities is very low. Certain amounts of firewood were also confiscated in markets, since in most cases those were cut illegally. Preportr visited the markets in Peja, but the sellers showed a huge facility filled with firewood, with only a couple of earmarked trees. Some of the sellers told Preportr that they do not get trees in Dukagjini, but in other parts of Kosovo, in the municipality of Prishtina, in Shala e Bajgorës, etc. Gëzim Agushi, a seller of firewood in Peja market, says that he gets all firewood legally.

“All firewood that we get are legal, with all necessary documents. However, there are also sellers who sale without papers and they damage us for sure, because they can sell their firewood cheaper, since they pay nothing,” he says.

Kosovo Forestry Agency officials say that, in cooperation with market inspectors, they undertook several joint actions and consequently confiscated thousands of cubic meters of

illegally cut trees.

“A certain amount of firewood was confiscated from each person, and legal procedures have been initiated for violations committed by those people. Personally, in two markets of Peja, at the transit road for Deçan and in the market of Vitomirica I have seen dozens of such cases, and we confiscated trucks in these two markets. Only in 2012, we confiscated 1,200 cubic meters of firewood in Peja region,” said Kadri Kadrijaj.

Huge environmental consequences

According to environment experts, the damage caused to forests is huge. This damage will have consequences for future generations. The whole cutting was carried out with no prior planning and there are municipalities with almost no undamaged forest.

“Today, even globally, one of the main causes for environmental problems, and the main problem known as the greenhouse effect, respectively global warming, is linked to deforestation.” says Zeqir Veselaj, environmental expert.

According to him, every cutting of thousands of hectares of trees, reduces the green mass which absorbs carbon dioxide, which is the natural gas causing the greenhouse effect.

“At the same time, it causes the reduction of oxygen production capacity. Forests are the main balancers of the concentration of two natural gasses, oxygen and carbon dioxide.” he adds.

These cuttings, according to him, affect the very economic basis of natural resources, the cycle of rainfalls in many parts of the world, including Kosovo.

“We have a disorder which is mainly linked to forest cutting, because forests are those which maintain the circulation of air and provide rainfalls. Therefore, the ecological damage is very high and these cuttings go against the principle of sustainable development.” he says.

Kosovo has high demands for wood, since currently the main heating and energy resource for the most part of the population is firewood. Thus, considering this fact, the level of managed cutting of forests is of great concern. Kosovo approved the Strategy for the Development of Forestry 2010-2015 which, together with legal framework and experts’ reports, including the Inventory of Forests, could establish the basis to put an end to the crisis, but the effects were not in place even in 2016.

A huge quantity of wood is cut to meet the needs of state institutions

Kosovo Forestry Agency complains that firewood is the main source of heating for Kosovo institutions as well, and that is way big quantities of firewood are cut to meet their needs.

Kadri Kadrijaj, on the other hand, adds that most schools and other state institutions still

use firewood for heating purposes. According to experts, Kosovo does not have many heating alternatives, and in addition to electric energy, the only remaining alternative is firewood. Before the war, small quantities of wood were cut, while now, the demands are much higher and the need for this resource exceeded the forecasts. Preportr asked the data from Kosovo Customs in order to see if these huge amounts of firewood might have been cut for export purposes. The data show that Kosovo exports small amounts of wood, while the import is quite big. In addition to being used for heating, some of it is used for industrial purposes. We have looked for data on the amount of trees being used for industrial purposes, but we did not manage to get accurate information. All we could do is cover wood manufacturers which are mainly concentrated in the municipality of Deçan, which also has most industrial wood. We asked the municipality of Deçan to give us information on the wood manufacturers operating in this municipality, and according to these data, most of them terminated their activities. However, it seems that these manufacturers greatly contributed to the damaging of forests, in the regions with most industrial wood. In most cases, they present this wood as imported from Montenegro, but the Inspectorate within Kosovo Forestry Agency also inspects the entities involved in primary wood processing. Kadri Kadrijaj says that after several inspections were carried out, some of these manufacturers put an end to their activity.

“All these entities are licensed by Forestry Department to carry out their activity and first they are required to have documentation, including that related to the origin of wood, and there are cases when inspectors found wood without origin and immediately took decision to confiscate it and initiate legal procedures towards these operators. There were also cases of manufacturers closing down their activities.” he says.

The director of Agriculture, Forestry and Rural Development in the municipality of Deçan, Nasim Haradinaj, says that wood manufacturers greatly contributed to the damaging of forests.

Source: preportr.cohu.org