



Civil association ESTONIAN FOREST AID (EFA)

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EFA REPORT

on the non-conformity to the FSC certificate requirements of the SFMC in the local community inclusion process into the management plans of Ohtu village forests

Tallinn / Ohtu

2020

Introduction

On the forest of Ohtu village

The ancestral name of the little forest in the middle of Ohtu village which is situated between Keila and Vasalemma is Pihu forest. On the almost 34-hectare forested area one can find groves of spruce, pine and aspen as well as nice birch and oak stands. The first layer also contains ash, maple, elm, willow and hazel, and in the bush layer, honeysuckle and other species. The habitat types are liverwort and reed bent alvar, the forest is surrounded by agricultural fields.

Pihu forest is a mixed-stand forest regenerated naturally after the storm of 1967; therefore the canopy density of stands is uneven, as is the age and composition of the stands. There is some extent of damage by root rot and aspen bracket. The spruce is also common in the second layer.

The forest has abundant red wood ant nests. According to the locals, plants of the orchid family grow there, owls, northern goshawks, European green woodpeckers and other protected species make their homes there, but the Environmental Board databases have registered none of those species there. In addition, it is a beloved mushroom and berry picking site for both locals and visitors.

The State Forest Management Centre (RMK) has not admitted that instead of a productive spruce timber forest, Pihu forest is a community that has evolved naturally during the last 50 to 100 years offering a wealth of habitats to various forest species and fulfills the recreational functions for both its immediate neighbors and people from more distant settlements.

Chronology of the events

2018: a bumpy start

***In spring 2018, a resident of Ohtu, Anu Aug happened upon deforestation works taking place on the edge of Pihu forest** and turned to the municipality government right away. The municipality could say no more but that the SFMC is responsible for the works, directing Anu to talk with the state forest managers instead.

***The SFMC also claimed at first that they know nothing of what is going on** (that lie has been admitted in general words by the forest master Jürgen Kusmin at a later inclusion meeting, of which audio and video footage exists). When a local said they will call the police to report illegal forest works, they were contacted by the forest master of SFMC's Western Harju region, Jürgen Kusmin. The forest master said that deforestation works are being conducted „to set the crossing of the forest road and the highway in good order“.

***By now, a wide gravel-bottomed roundabout has been founded on the deforested area,** while before there was just a regular forest road which was mostly used by foragers. Cars are driven on that road only rarely by some locals that have neither wished nor expected for the forest road to turn into a wide gravel-based roundabout. It seems self-evident that it is actually a

storage site for wood harvested from that same Pihu forest.

***The road that the SFMC used while conducting the deforestation was damaged beyond use** and as the locals were not informed of the works beforehand, the households that make daily use of that road were in a serious emergency. Only after pressing complaints by a resident that wasn't able to drive out of his yard any more was the road repaired.

***During the deforestation works the workers also smashed two redwood ant nests¹.** Anu informed both the SFMC and the Environmental Inspectorate of that fact. The representative of the Environmental Inspectorate that arrived at the scene said that it lacks the authority to stop the works. However, they mandated the SFMC to relocate the remaining parts of the red wood ant hills. After the Inspectorate's request the hills were relocated, meaning dug out and taken to another place the remnants of the habitats that had been repeatedly been driven through.

***When Anu learned during her investigation that the Pihu forest is planned to be cut clear,** the woman turned to the Ohtu Village Society. The village society made a relevant address to the SFMC in November 2018 and the forest master Jürgen Kusmin paid a visit in the same month, hinting to the society that the locals can make addresses as they like, but the clear cutting of Pihu forest has already been decided. The SFMC agrees to conduct the clear cutting in a longer period of time, meaning smaller plots at a time compared to the original plan, but altogether, the same area will be logged as the original plan foresaw. Anu Aug wanted to show the SFMC forest master Jürgen Kusmin that the Pihu forest is not a spruce forest but a varied mixed coniferous forest with rather a minority of spruce, and foremost a recreational natural forest than a productive forest. Kusmin also made a round-trip in the forest with the locals, during which it is claimed that the paths used by the locals were identified.

2019: the community contacts the Estonian Forest Aid

***In summer 2019, Anu Aug turned to the Estonian Forest Aid (EFA) active** to protect the Pihu forest from the looming threat of clear cuts. The EFA working group started investigating the matter, collecting the locals' testimonies and mapping the situation.

***In late September, EFA turned to** Western Harju municipality government with a complaint that the SFMC has not included the local Ohtu community into the management plans, thereby among other concerns also violating the sustainable forest management requirements of the FSC certificate.

***On September 26th 2019 the Western Harju municipality government replied to EFA's complaint.** According to the preliminary reply of the municipality mayor Jaanus Saat, the SFMC had properly included the local community through the village society: *A representative of the non-profit Ohtu Village Society notified the Western Harju Municipality that representatives of the SFMC have contacted the community and involved them in the process of developing the management plan. More precisely, a representative of the community has met the SFMC-s Western Harju forest master on the spot to walk through and mark the roads and paths that are used by the locals in order to avoid lowering the area's recreational value as a result of managing activities. Additionally, the character of the management of Pihu forest was agreed upon, more precisely, the size and position of clearings and the duration of the managing works.*

¹ In Estonian culture, destroying red wood ant hills is a specific offense – Estonian Forest Aid's [forest history timeline](#) lists two major outrages over specifically large ant colonies being damaged or destroyed by forest operations.

(Western Harju municipality, 9/26/2019, on management of Pihu forest, reply to Estonian Forest Aid's complaint.)

***According to the residents of Ohtu village (Anu Aug et al), the “agreement” referred to by the municipality mayor** was just the opinion of a few board members of the Ohtu Village Society, which is said to differ from the position of the majority of the residents on the question of managing Pihu forest, as the signature collecting campaign which was conducted later also assured.

***At the start of October, the residents of Ohtu started collecting signatures** both [on paper](#) (among the local community) and [digitally](#) (around the whole of Estonia) against clear cutting management of the Pihu forest. In addition, the local community initiated the creation of a legal body of non-profit Ohtu Nature Society.

***On October 14th the Estonian Forest Aid sent [an address](#)** to the SFMC and the Western Harju municipality government on behalf of the local residents, letting them know that Ohtu villagers have started collecting signatures to a petition with an aim of preserving Pihu forest. In the address it was explained that the villagers are discontent that the Ohtu Village Society board has made decisions without discussing with the community and given permission to conduct clear cuts at Pihu forest. According to villagers, the board of the Society has not released vital information to the public for several years, making decisions without participation of the community and even the members of the Society into developing its positions.

***On October 24th 2019 the [SFMC met the local residents](#)** who had by then officially founded the Ohtu Nature Society non-profit at the edge of Pihu forest to inform the locals of how and when the SFMC plans to log. The locals were fully opposed to the logging, finding that the forest has a high cultural value and it is in active recreative use by both locals and visitors from farther places. The locals proposed that since the time of the meeting Pihu forest would have a yearly logging moratorium, during which time the community can order assessments on their own part and compile propositions for the management and protection of Pihu forest. The petition to protect the forest and hand-written signatures collected among the Ohtu community were also presented to the SFMC. The state forest manager was however unwilling to agree to the propositions of the locals, instead pressing for a management plan they had already conducted which foresaw management via clear cuts. The representative of the Western Harju municipality supported the local community, but at the end of the meeting, the final agreement remained undecided upon, as the SFMC did not wish to submit to the locals' compromise proposition.

***On November 29th, after about a month's worth of back-and-forth** between the SFMC and the local community to find a common vision on what should be the contents of the meeting's protocol and the agreement contained within, the SFMC finally signs the protocol compiled by the Ohtu Nature Society and already signed by the Western Harju municipality government. It is agreed that logging which had been planned for April 2020 will not take place and the residents of Ohtu will be included into compiling the further plans after they have presented their propositions, incl. a management plan compiled by an independent expert to the SFMC with a deadline on 1st of October 2020.

***By EFA's information, the Ohtu Nature Society has found a qualified forest arranger with whom to compile a forest management plan fitting to the locals' interests.** It is also known that the representatives of the locals do not wish clear cutting, but that management and protection of Pihu forest to be based on preserving its natural and recreational values, not discarding them in favour of the industrial use. It is yet not known whether the SFMC will take the locals'

propositions into consideration, or are they discarded after the end of the logging moratorium to return to the original plans.

The civil association Estonian Forest Aid defends the locals' right for an alternative management plan for the village forest which is in a wide recreational use, when it is justified and adequate. We find that due to RMK's insufficient preparation the proper inclusion process is in danger and therefore heightened attention by the relevant supervisory bodies is called for.

On the need of heightened attention on the inclusion process between RMK and Ohtu residents

The SFMC has failed to include the local community in a respectful and proper manner proven by the following chronological facts:

- **The citizens have been presented with falsehoods on the preliminary deforestation operations, and in addition, the clear cut management plans have been tried to push through behind the community's backs.**
- **At the meetings, the locals' position** that the Ohtu or Pihu forest is a widely used recreational forest unsuitable for clear cut management **has not been substantially discussed.**
- **The RMK has attempted to establish the clear cut management plans via dishonest tricks.** This is also illustrated by the agreement between RMK and the board members of the Ohtu Village Society non-profit, which were to represent the local community's will in justifying the clear cutting plans, while the wider community was not in fact informed nor their input requested.
- **In achieving the logging moratorium until October 1st 2020, the support of the Lääne-Harju municipality government played an important role, while RMK wanted to Forde its original plans on the villagers in the guise of a compromise already achieved.** The EFA is in possession of audio and video footage from the meetings to prove it.
- **Following from the above it is necessary that RMK had a certain obligation to properly involve local residents in future.** This is the only way to assure the community that the following process conforms to the FSC requirements and the locals' propositions are considered in a reasonable proportion, not just rejected by force.

FSC CRITERIA FROM NEPCON'S INTERIM FOREST MANAGEMENT STANDARD IN ESTONIA WHICH THE SFMC'S CONDUCT DID, BY OUR ASSESSMENT, NOT CONFORM TO REGARDING THE CASE AT HAND:

- **4.4.3 Large and medium FMO-s: FMO shall demonstrate that input from community participation was considered and/or responded to during management planning and operations.**

- **Clarification:** *RMK has not substantially considered nor analyzed the arguments of the local community regarding the unsuitability of clear cuts at the Pihu forest in Ohtu village. The local community has explained the importance of the forest to the households in its immediate vicinity, and also the wider community that use the forest for health and recreational purposes and for picking mushrooms and berries. It is a forested area surrounded by fields. RMK has also failed to consider the local community's compromise propositions to supplant the clear cuts with another logging method like selective logging (the signatories of the report are in possession of [video footage of the meeting](#) of RMK and the local community at the edge of Pihu forest).*
- 4.4.4 Large and medium FMO-s: **Areas of special economic, ecological, cultural or spiritual value for local communities shall be mapped and their protection values and management regime shall be documented.**

Clarification: Pihu forest of Ohtu village has a recreational, socioeconomic, cultural and spiritual value for the local community, which the community has repeatedly voiced to the RMK (proven by the video footage of the meeting between RMK and the local community). But the RMK still insists on clear cut management, only offering the chance to mark the retention trees and conducting the logging within a longer than originally planned time frame. But the fact that clear cutting management is unacceptable for the community due to significant damage to its values is left out of consideration. RMK has done nothing to map the areas at Pihu forest which have ecological, cultural or spiritual values that the local community wants to preserve and acquaint RMK with.

The failure to map the ecological values of Pihu forest is also seen by that RMK destroyed several red wood ant hills during the deforestation operations, removing the remaining (mostly underground) part only after the environmental inspector's precept.

- 4.5.1 FMO shall make all reasonable efforts to avoid losses and damages affecting local peoples, and in resolving grievances related to legal rights, damage compensation and negative impacts.

Clarification: RMK has failed to do so both in case of the planned clear cuttings and the deforestation that already took place. It is also proven by the fact that the road used by a resident was damaged beyond use, which constituted a serious emergency for the local that uses the road. Only after the pressing demands of the resident was the road repaired.

- 2.3.2 FMO shall use mechanisms for resolving disputes over tenure claims and use rights that respectfully involve and consider the disputants in process.

Clarification: In the process in question, representatives of RMK have repeatedly acted disrespectfully towards the local community, beginning with lying to the local community after a local contacted a RMK representative during the deforestation operation at the edge of Pihu forest and trying to push through its clear cutting management plan with the support of a few members of the village society. The representatives of RMK were also disrespectful towards the representatives of the local community during the inclusion event at the edge of Pihu forest on 10/24/2019, where there was no will to negotiate with the local community, but only to force the pre-made clear cutting plans (*the signatories of the report are in possession of [video footage of the meeting](#) of RMK and the local community at the edge of Pihu forest*).

- 2.3.4 FMO shall demonstrate significant progress achieved to resolve major disputes.

Clarification: Representatives of RMK have not wished to progress towards a consensus with the local community, but only to defend clear cutting plans pre-made by the FMO's inner circle.

- **5.5.2 FMO shall consider areas important for mushrooms and berry picking; hunting and recreation when planning forest operations.**

Clarification: the local community has repeatedly raised the question of the area's recreational value as well as its value for foraging for berries and mushrooms, but RMK has neither weighed nor analyzed the possibility that clear cuttings might endanger those values important for the community.

- **6.5.6 FMO shall preserve existing buffer zones along forest edges and favour the development and conservation of wind resistant and viable forest edges (buffer zones) along open landscapes.**

Clarification: As Pihu forest is surrounded by open landscapes and fields, RMK should avoid clear cutting and also too intensive thinning cuts to encourage the creation and preservation of storm-proof and viable buffer zones next to the open landscape. Despite that, RMK has not considered the protective function of Pihu forest regarding wind and agricultural pollution and not amounted for it in its plans.

- **9.1.2 Large and medium FMO-s: FMO shall carry out an assessment of the FMU sufficient to identify all parts of the FMU that have each of the following attributes:**
 - /.../
 - **c) HCV3. Forest areas that are in or contain rare, threatened or endangered ecosystems, such as Natura 2000 sites and Woodland Key Habitats;**

Clarification: the local community has assured that owls reside in the region, wishing that RMK would check whether endangered ecosystems are present at the Pihu forest. RMK has not conducted observations on the forest management units to confirm whether that is the case or not in a manner trustworthy to the community.

- **d) HCV4. Forest areas that provide basic services of nature in critical situations (e.g. watershed protection, erosion control), such as areas important for drinking water;**

Clarification: the local community has repeatedly told RMK that the forest in question is important for the community's basic needs, incl. health etc. RMK has not taken that information into account.

- **e) HCV5. Forest areas fundamental to meeting basic needs of local communities (e.g. subsistence, health);**
- **f) HCV6. Forest areas critical to local communities' traditional cultural identity (areas of cultural, ecological, economic or religious significance identified in cooperation with such local communities). /.../**

Clarification: see previous.

- **9.1.5 FMO should be open and willing to cooperate with state organizations and environmental specialists for inventories and protection of HCV forest areas**

Clarification: RMK is not willing to accept the local community's position that clear cutting management is an ill fit for the forests of the area. Bad and confusing communication took place already during deforestation works at the start, and it has not gone much better since, as the clear cutting plans drafted behind the community's back indicate.

- 9.2.1 Large FMO-s: **Local stakeholders including environmental NGOs shall be consulted to identify HCVF.**

Clarification: See previous.

- 9.2.3 Stakeholder consultations should indicate that **FMO consistently considers and protects HCVF values.**

Clarification: RMK is not willing to accept the local community's position that clear cutting management is an ill fit for the forests of the area.

Conclusion

Based on the report at hand, we claim that instead of looking for contact and discussion with the community, the SFMC tries to push for its clear cut plans, using false justifications and other pressure methods when necessary without substantial consideration and analysis of the locals' arguments.

Following from the above we find that changing the Corrective Action Request (NCR 01/20) on inclusion of locals to an Observation (OBS 05/20) to the FSC certificate holder forest management organization SFMC (RMK) **not justified**. The practices described in the report at hand point to a possibility of the SFMC not taking the local community's arguments into consideration. Only a Corrective Action Request can assure that the SFMC will include the Ohtu community according to the requirements of the FSC certificate. Without a Corrective Action Request and on the continuing of current inclusion practices, the good name of the FSC certification system is increasingly in danger.

The presenters of the report propose re-instating the Corrective Action Request instead of an Observation on the subject of the inclusion of locals, to assure the honest and just functioning of the FSC certificate.

Respectfully

/signed digitally/

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