

UDC 349.6:37.033

doi: 10.15330/jpnu.5.2.163-169

INTERNATIONAL LEGAL PRECONDITIONS FOR DEVELOPMENT OF STUDENT FORESTRIES AS A FORM OF EDUCATION FOR SUSTAINABLE DEVELOPMENT OF FOREST RESOURCES

ANZHELA SLEPCHENKO

Abstract. The conscious need for sustainable development of forest resources and the reflection of this idea in international law give increased attention to forestry education and training. Student forestry is one of the legal forms of extracurricular education in the environmental and naturalistic direction in Ukraine. Its primary task is a provision of knowledge, skills and competences in the field of forestry and enhancing environmental culture among children and young people. The availability of sound international legal preconditions for strengthening all forms of forestry education, analyzed by the author, should motivate legal scholars to focus their attention on the legal problems of development of school forestry in Ukraine.

Keywords: student forestry, sustainable development of forest resources, international legal preconditions, extracurricular environmental education.

1. INTRODUCTION

One of the most effective forms of education for children and youth in the field of forestry in Ukraine is a student forestry, which arose in the 60s of the XX century on the basis of the Yunnat circles, forestry groups ("links"), "green" and "blue" patrols. Such forestries received further broad development as one of the mass forms of extracurricular environmental education. In 2016 there were 563 Ukrainian student forestries with 19 thousand children in it [17]. Student forestry as one of the forms of environmental education and upbringing of children and young people, is called upon to play an important role in ensuring sustainable forest development in Ukraine, which is a modern reference point for international, regional and national forestry policies.

At the same time, the legal aspects of the activity of student forestries are not sufficiently investigated by the Ukrainian scholars, including those ones who are specialized on doctrine of environmental law. In general, legal regime of forest use was analysed by numerous such as Andreytsev V. I., Balyuk G. I., Bezv O. V, Hetman A. P., Kovalchuk T. G., Kostytsky V. V., Krasnova M. V., Poznyak E. V., Shemshuchenko Yu. S. and other scholars. Though mostly the issues regarding school forestries have remained beyond the attention of researchers.

Consequently, legal scholars shall address legal aspects of school forestries as well as other forms of extracurricular education in the environmental and naturalistic direction more specifically. All the

mentioned forms include a significant number of children in all regions of Ukraine and develop appropriate skills among secondary and senior school students. Nevertheless, the Ukrainian national legislation regulating student forestry activities is not perfect and is in a state of reform.

Considering all the aforementioned objective of this article is an analysis of international legal preconditions for the development of student forestry in Ukraine in order to determine the vectors for further development of legal regulation in this area of relations.

2. ANALYSIS AND DISCUSSION

Sustainable development of forest resources is one of the elements of sustainable development recognized by the international community [7, p.12]. The United Nations General Assembly Resolution "Transforming our world: the 2030 Agenda for Sustainable Development" adopted by the General Assembly on 25 September 2015 [19] specifically elaborate on importance of forest protection. In particular, the United Nations General Assembly reaffirms and recognizes that social and economic development depends on the sustainable management of our planet's natural resources. It is determined to conserve and use forests and other natural resources rationally (para.33). Consequently, protecting, restoring and promoting sustainable use of forests, its sustainable management is included into the list of goals under the mentioned Resolution.

One of the means to achieve this goal should be education and providing information as noted in most of the main international legal documents in the field of forest management and sustainable forest development.

In Forest Principles adopted on the United Nations Conference on Environment and Development in Rio de Janeiro on June, 3–14, 1992 [6] it is envisaged that forests are essential for the economic development and maintenance of all forms of life. The States, must ensure the implementation of these principles in accordance with constitutions and / or national legislation. One of these principles is the provision of timely, reliable and accurate information on forests and forest ecosystems is essential for public understanding and informed decision-making and should be ensured (para. 2(c)). In addition, the importance and the need to strengthen international, regional and national capacities in the areas of education, training and science (para. 12 (b)) are emphasized, and full functionality of the educational institutions (para. 12, c).

It is stated in Non-legally binding instrument on all types of forests approved by the United Nations General Assembly resolution dated December, 17, 2007 that to achieve the purpose of the instrument, and taking into account national policies, priorities, conditions and available resources, Member States should support education, training and extension programmes involving local and indigenous communities, forest workers and forest owners, in order to develop resource management approaches that will reduce the pressure on forests, particularly fragile ecosystems (para . 6 (v)) [10]. In particular, Chapter 6 "Improving the Quality of Data and Knowledge" is devoted to the issues of informing, raising the level of knowledge, including legal awareness of local communities, forest workers and forest management.

The emphasis on the matter of education is also made in United Nations strategic plan for forests, 2017–2030 and four-year practice of the United Nations Forum of Forests approved by the ECOSOC Resolution dated April 20, 2017 [22]. In particular, measures to implement the UN Global Objective on Forests include forest-related education, training and education; a common understanding of the concept of sustainable forest management; legal, political and institutional framework of this concept; carrying out scientific research in this field.

The issues of broad awareness and education on sustainable forest development are also given considerable attention at the level of regional cooperation. For example, member countries of the Montreal Process have developed specific criteria and indicators for sustainable forest development that contribute to the creation of a framework for forest policy at the national level and to ensure international cooperation in the field of sustainable forest management [9]. In particular, such criteria include "annual investments and expenditures on forest research and education" (6.2.b), "the

importance of forests for people" (6.5.b), "ensuring the involvement of society in activities and conducting educational programs to improve" (7.2.a), "the development and application of science and technology for sustainable forest management" (7.4b), and others. A separate area of the Montreal process is the annual training course for officials from developing countries on criteria and indicators for sustainable forest management, which is organized annually in Japan [18]. Yanji Declaration that was presented on the 12th session of the United Nations Forum of Forests (May 1–5, 2017) addressed importance of cooperation in order to deepen understanding and compliance of policies and practices in the field of sustainable forest use [23].

The issues of training and information in the field of sustainable forest management are relevant for European countries and are an integral part of the European forest policy. New EU Forest Strategy dated September 20, 2013 [1] underlines necessity to eliminate gaps in knowledge regarding forest management (p. 2) and enrich knowledge about forests (para. 3.3.5).

Traditionally attention is paid to education and information issues at the Ministerial Conferences on the Protection of Forest in Europe ("Forest Europe"), which have been regularly held since 1990. "Forest Europe" is an European informal association working at the political level to formulate strategic and political agreements as a result of cooperation of ministries' efforts in the field of sustainable forest management, conservation of biodiversity and sources of clean water, implementation of sustainable forest management in Europe and the world as a whole. The political decisions and resolutions made under Forest Europe are voluntary and by endorsing these commitments.

Oslo Ministerial Decision: European Forest 2020 adopted on the 6th Oslo Ministerial Conference includes European 2020 Targets: contemporary issues to be adopted till 2020 in order to support general concepts and objectives regarding forests [8]. In addressing emerging issues forest knowledge is improved through research, education, innovation, information sharing and communication (II). For fulfillment of their obligations participants of "Forest Europe" undertook to promote education, research and the use of scientific knowledge and facilitate sharing of experiences across countries, sectors and stakeholders on all aspects of sustainable forest management and other forest related issues (para. 21 (c)), raise awareness and understanding of contributions by Forest Europe to sustainable forest management in relevant fora including at international level and among the public, including through implementation of the communications strategy (para. 21 (d)).

In our view, the process of developing a legally binding agreement on forests in Europe, launched at the 6th Ministerial Conference in Oslo, where the "Mandate for Negotiating Legally" was of particular importance for understanding the role of education and training in the field of sustainable forest development.

Once again highlighting the value of appropriate and accessible information on forests and scientific knowledge for decision-making at all levels (paragraph 10), the parties decided to develop a comprehensive legally binding framework agreement on forests aimed at achieving specific objectives, one of which is "knowledge on forests on the basis of research, education, information exchange and communication activities" (j) [3]. The subsequently drafted legally binding agreement on forests in Europe [5] contains provisions on the obligations of the parties to implement legislative and administrative measures aimed at "... creating an enabling environment for education and training in sustainable forest management" and "... raising awareness on sustainable forest management" (Article 10).

In 2015, the 7th Ministerial Conference on the Protection of Forests of Europe (Madrid, January 20–21, 2015) was held, at which a number of documents were adopted. One of them is Resolution I "The Forest Sector in the Green Economy Sector" [4], which provides for the adaptation of the education and training system to the new conditions, technologies and skills needed both in the forestry sector and beyond (II, p.12).

Among scientists and specialists in the field of forestry in Ukraine there is a complete understanding of the strategic role of forestry education for the sustainable and efficient development of forests and the need to consider these issues when developing a forest policy of the state. In

particular, it is noted that the national forest policy should take into account the need to accelerate the development of science and education in the forest sector [20].

The analysis of the main legal acts of a programmatic nature, which establishes the foundations of the state forest policy in Ukraine over the past two decades, testifies to the fact that the problems of forestry education, science and education are given attention, and these issues are mostly included in relevant plans.

Thus, in the Concept of Formation and Development of Forestry, approved by the resolution of Cabinet of Ministers of Ukraine from April 18, 2006, No. 208-p [12] it is stated that the material base of forest science and education in Ukraine does not correspond to the world level, which necessitates the stimulation of ecological-educational activities. Accordingly, it is planned to provide for the development of forest science and education, enlightenment and propaganda, ecological culture, and, in particular, the development and support of school forestry (Y.) in the state budget.

In the State Target Program "Forests of Ukraine" for 2010–2015, approved by the decision of the Cabinet of Ministers of Ukraine dated September 16, 2009 No. 977 [14], the list of main directions and tasks for the balanced development of forestry includes improvement of scientific and personnel support, development of forestry science and education, environmental education of the population, environmental education activities, informing the public about the state of the forestry. It should be noted separately that one of the measures planned to implement this program is the increase in the number of school forestry in Ukraine to 602.

The next document, which should determine the priorities and content of the national forest policy in Ukraine for the future, should be the "Forests of Ukraine – 2030" program. The duty to develop this program is laid down by the Decree of the President of Ukraine "On Additional Measures for the Development of Forestry, Rational Use of Nature and Preservation of the Objects of the Nature Reserve Fund" dated November 21, 2017, to the Cabinet of Ministers of Ukraine [11]. The Cabinet of Ministers should also develop and submit for consideration by the Verkhovna Rada of Ukraine a bill on improving the system of financing and development of forestry by creating a state fund for forestry development, as well as actualizing scientific and educational activities in the field of environmental protection. We consider it expedient to include in the program "Forests of Ukraine – 2030" measures in the field of further development of forestry education and enlightenment, in particular, in students forests, which should become an important means of ensuring the sustainable development of forestry.

The normative and legal basis for extracurricular education in Ukraine is gradually developing. Thus, according to the Law of Ukraine "On Extracurricular Education" of June 22, 2000 [16], one of the areas of extracurricular education is the ecological-naturalistic direction within which students can acquire knowledge and experience in the field of forestry (Article 15). However, this Law, as well as other Laws of Ukraine, including the Forest Code of Ukraine of January 21, 1994 (as amended by the Law of Ukraine dated February 8, 2006), does not contain the direct consolidation of the notion "student forestry". On the contrary, the Forestry Code of the Republic of Belarus of July 14, 2000 contains a separate article 15 "School Forests", which establishes the legal basis for the activity of school forestry at the level of the law as a normative legal act adopted by the legislative body.

The order of the Ministry of Education and Science of Ukraine approved the Regulations on Student Forestry No. 66 dated January 30, 2015 [13], as well as a number of legal acts regulating other forms of students activity – competitions, take-offs, festivals and other actions.

It should be noted that the new Law of Ukraine "On Education" dated September 5, 2017 [15] established that in the system of extracurricular education partial qualifications may be obtained at the appropriate level of the National Qualifications Framework (Article 10), and competencies gained through extracurricular education programs, can be taken into account and recognized at the appropriate level of education (Article 14). Corresponding additions were made to Article 4 of the Law of Ukraine "On Extracurricular Education", according to which partial qualifications of the null – third level of the National Qualifications Framework can be acquired in the system of out-of-school education. These innovations considerably enhance the role of extracurricular education in the national education system as a whole and in the system of forestry education.

However, it should be noted that the effective activity of the student forestries in Ukraine is complicated by a variety of socio-economic problems. There is a discrepancy between the needs of society, the desire to carry out such work and the opportunities for their implementation, including the lack of the necessary regulatory framework [21]. In accordance with the letter of the Ministry of Education and Science of Ukraine "On the Status and Prospectives of Development of the Environmental and Research-Experimental Directions of Extracurricular Education" dated April 16, 2013 No. 1\9-285 [2], the most common problems in the activity of out-of-school institutions of an environmental profile, many of which are related to student forestries, are the lack of documents on right to land use, problems of material, technical and financial security, general trend of reducing the network of governmental institution engaged in extracurricular activities, lack of correlation between the education authorities and forestry enterprises.

3. CONCLUSIONS

Increased attention to education and education in the field of sustainable development of forest resources, which takes place at the international and regional levels, should also affect environmental and legal doctrine, designed to improve the legal framework of this sphere of relations. Taking into account the problems with funding, logistical support, unresolved issues of land use in the system of out-of-school education and, in some cases, the complete elimination of such institutions, we consider the actual task of legal, including field of environmental law, the development of legal safeguards for the conservation, effective functioning, financing establishments of extracurricular education of ecological-naturalistic profile. So far, almost no attention has been given to environmental law science, for example, the problems of the nature of the use of relevant educational institutions that use land and forest resources for educational, research and other activities.

In our opinion, the environmental and legal status of school forestries, as subjects of forest and land use, to which science has not received due attention so far is an issue of particular interest. It is also necessary to expand the scope of the tasks and objectives of school forestries by including in their list forest law education and legislation as a legal basis for forest management, as well as legal issues of sustainable forest resources development.

The urgency of solution of the mentioned problems is especially actual due to the complex legal nature of these legal relations, since the out-of-school education of the environmental and naturalistic direction is a legal form for the implementation of both educational and environmental rights of children and young people. It is a mean of forming a high level of environmental culture, consciousness and thinking, an important guarantee of sustainable development of Ukraine.

REFERENCES

- [1] A new EU Forest Strategy: for forests and the forest-based sector. Available at: http://eur-lex.europa.eu/resource.html?uri=cellar:21b27c38-21fb-11e3-8d1c-01aa75ed71a1.0022.01/DOC_1&format=PDF; https://ec.europa.eu/agriculture/forest/strategy_en
- [2] About the state and prospectives of development of environmental and research and experimental areas of extracurricular education. *Letter of the Ministry of Education and Science of Ukraine*, April 16, 2013, No.1/9-285. Available at: <http://consultant.parus.ua/?doc=08LWDD646E> (in Ukrainian)
- [3] Oslo Ministerial Mandate for Negotiating a Legally Binding Agreement on Forests in Europe. Available at: http://foresteurope.org/wp-content/uploads/2017/01/oslo_russian.pdf (in Russian)
- [4] Conference Proceedings 7th Forest Europe Ministerial Conference and Forest Europe Extraordinary Ministerial Conference, Madrid, 20–21 October 2015. Available at: http://foresteurope.org/wp-content/uploads/2016/08/Forest_Europe_Madrid_proceedings.pdf

- [5] Draft negotiating text for a legally binding agreement on forests in Europe (8 November, 2013). Available at: http://foris.fao.org/static/forestnegotiations/INC4_REPORT_ANNEX_F.pdf
- [6] Forest Principles (Rio de Janeiro, June 14, 1992). Available at: http://www.un.org/ru/documents/decl_conv/conventions/forest.shtml (in Russian)
- [7] Karpachevsky M.L., Teplyakov V.K., Yanitskaya T.A., Yaroshenko A.Yu. et al. *Fundamentals of Sustainable Forest Management. Study Book for High Schools*. World Wildlife Fund (WWF), Moscow, 2009. (in Russian)
- [8] Oslo Ministerial Decision: European Forests 2020. Available at: http://foresteurope.org/wp-content/uploads/2017/01/oslo_russian.pdf (in Russian)
- [9] Montreal Process: Criteria and Indicators for Conservation and Sustainable Management of Temperate and Boreal Forests. Available at: https://www.unece.org/fileadmin/DAM/timber/Forest_Policy/Capacity_building/Montrealskiy_process_Kriterii_i_Indikator_i_2008.pdf (in Russian)
- [10] Non-legally binding instrument on all types of forests. Available at: http://www.un.org/esa/forests/pdf/notes/bali_081207_pc.pdf
- [11] On Additional Measures for Forestry Development, Rational use of Nature and Preservation of Objects of the Nature Reserve Fund. Decree of the President of Ukraine, November 21, 2017. *Ofitsiynyi Visnyk Prezidenta Ukrainy*, **26** (2017), Article 520. (in Ukrainian)
- [12] On Approval of the Concept of the Formation and Development of Forestry. Order of the Cabinet of Ministers of Ukraine, April 18, 2006, No. 208-p. *Ofitsiynyi Visnyk Ukrainy*, **16** (2006), Article 1207. (in Ukrainian)
- [13] On Approval of the Regulation on Student Forestry. Order of the Ministry of Education and Science of Ukraine, January 30, 2015, No. 66. *Ofitsiynyi Visnyk Ukrainy*, **28** (2015), Article 819. (in Ukrainian)
- [14] On Approval of the State Target Program “Forests of Ukraine” for 2010–2015: Decree of the Cabinet of Ministers of Ukraine, September 16, 2009, No. 977. *Ofitsiynyi Visnyk Ukrainy*, **72** (2009), Article 2475. (in Ukrainian)
- [15] On Education. Law of Ukraine, September 05, 2017, No. 2145. *Ofitsiynyi Visnyk Ukrainy*, **78** (2017), Article 2392. (in Ukrainian)
- [16] On Extracurricular Education. Law of Ukraine dated June 22, 2000 No. 1841-III. *Ofitsiynyi Visnyk Ukrainy*, **29** (2000), Article 1190. (in Ukrainian)
- [17] Yushkevych Kr. Students’ forestries are the main vocational guidance platform for young people in forestry. Available at: <https://www.kmu.gov.ua/ua/news/249022299> (in Ukrainian)
- [18] Network of knowledge. *The Montreal Process*. Available at: https://www.montrealprocess.org/Addressing_Global_Forest_Challenges/network.shtml
- [19] The Transformation of our World: An Agenda for Sustainable Development for the period up to 2030. Resolution by the UN General Assembly, September 25, 2015. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N15/291/92/PDF/N1529192.pdf?OpenElement> (in Russian)
- [20] Tkach V.P., Torosov A.S., Pasternak V.P., Tkach L.I. The base of national forest policy of Ukraine. *Scientific Bulletin of UNFU*, **14.5** (2004), p.249–254. (in Ukrainian)
- [21] Turbar T. Environmental protection work of students in school forestries (the 2nd half of XX – beginning of XXI century). *Scientific Bulletin Melitopol State Pedagogical University. Series: Pedagogy*, **1** (14) (2015), 383–387. (in Ukrainian)
- [22] United Nations strategic plan for forests 2017–2030 and quadrennial programme of work of the United Nations Forum on Forests for the period 2017–2020. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N17/184/62/PDF/N1718462.pdf?OpenElement>
- [23] Yanji Declaration. Available at: <https://www.montrealprocess.org/documents/statements/MontrealProcessYanjiDeclaration.pdf>

Address: Anzhela Slepchenko, Taras Shevchenko National University of Kyiv, 64/13, Volodymyrska Str.,
Kyiv, 01601, Ukraine.

E-mail: anhelika2003@ukr.net

Received: 08.05.2018; **revised:** 27.06.2018.

Слепченко Анжела. Міжнародно-правові передумови розвитку учнівських лісництв як форми освіти в інтересах сталого розвитку лісових ресурсів. *Журнал Прикарпатського університету імені Василя Стефаника*, 5 (2) (2018), 163–169.

Автором здійснено аналіз міжнародно-правових передумов розвитку лісівничої освіти в Україні. Усвідомлення необхідності сталого розвитку лісових ресурсів і відображення цієї ідеї у міжнародному праві викликають посилену увагу до лісівничої освіти та просвітництва і повинні спрямувати вітчизняну юридичну науку на дослідження правових проблем розвитку шкільних лісництв в Україні. Учнівські лісництва – це одна з правових форм позашкільної освіти еколого-натуралістичного напрямку в Україні, спрямована на надання знань, вмінь і навичок у галузі лісівництва та підвищення екологічної культури дітей та молоді.

Ключові слова: учнівські лісництва, сталий розвиток лісових ресурсів, міжнародно-правові передумови, позашкільна екологічна освіта.