



A POINT OF VIEW ON THE OWNERSHIP OVER FORESTS IN ARAD COUNTY, ROMANIA

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Abstract

After the Romanian revolution of 1989, the main factor to influence the evolution of the forest sector during the transition was the change in ownership over forests.

The change of ownership through restitution during the last 20 years drew Romania closer to the European realities in terms of forests, while also generating social conflicts and even illegal exploitations, especially due to shortcomings in Romanian forest legislation. This study proposes a point of view on the ownership over forests in Arad County, Romania, as compared to the European situation.

Keywords: Forest restitution, forest legislation, private forests.

INTRODUCTION

An analysis of the situation of public and private forests in Romania entails a comparative analysis with the progress of ownership over forests in Europe over the last two centuries.

The property rights structure in the forests of European countries was largely established during the course of the nineteenth century, when forestland was surveyed, mapped and entered in land registries. Continuity and increase of wood supply required considerable private and public efforts and investment, but long-term investment could not be obtained without security of tenure. The formal clarification of forest ownership rights is probably the most significant contribution of forest laws adopted during the nineteenth and twentieth centuries. Generally, the laws had a tendency to restrict or abolish usufruct rights and to transform collective tenure into clearly defined private and public landownership. Private property rights were legally registered, and forests still under collective tenure were divided among the users. In

other cases, communal and state forests were confirmed or newly created. Quite often a combination of private or public tenures developed, characteristic of the prevailing forest ownership pattern in many European countries. The laws defined the landowner's wood production and management rights in using the forest as a productive asset for generating profit and income. They determined responsibility for maintaining collective uses in the public interest, such as access to forests and protective values in the mountains, which were important to a large part of the population. The distribution of property has changed substantially since then – both as a result of forest sales, new afforestation or forest clearance processes, and through political decisions and constitutional changes.

At the national level, there are large differences in the origins and current distribution of forest property, as well as in the regulation of use rights. In several regions, the majority of forests are privately owned by farmers and other landowners, or by large industrial companies involved in the forestry and wood industry. In other regions, the forest is mainly communal

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property, owned by cities, rural local authorities or other public bodies. The characteristic form is a mixture of different types of property, with various proportions of forest being in private, corporate or state ownership. In Central and Eastern Europe, restitution of forest property that was nationalized before or after the Second World War to its earlier owners has led to extensive property changes since 1990 (Schmithüsen, Kaiser, 2014).

Both private and public forest owners have an interest in wood production yields and harvests for generating revenue and profits from using forestland as a renewable economic resource. Owners in both categories also have a range of other interests and goals related to nonwood products, wildlife management and, generally speaking other forest benefits. Public forest owners usually have concrete objectives, as well as obligations to manage their forests to generate profits benefits from forest ecosystem services for their community and to the public in general. They may be engaged in extensive measures aimed at protecting development in mountainous areas, public infrastructure, such as roads and communications lines, or clean water resources; in providing recreational, sport and leisure facilities in cities and peri-urban forests; and in preserving valuable and rare biotopes and forest landscapes. Balancing wood harvests for material and energy markets and provision of other community services has been a goal of forest management in Europe for a long time. But the importance of all the roles of public forestland and the public's demand for a growing range of ecosystem services increased greatly during the second half of the twentieth century (Terrasson 1998).

In Europe, outside the Russian Federation, private forests predominate (Schmithüsen, Kaiser, 2014). By contrast, the Russian Federation reports only public forest ownership, although usage rights for private individuals and companies exist and further developments in ownership are anticipated. Table 1 shows the distribution of private and public forest in several European countries. Countries with a high proportion of private forests include the Nordic countries, as well as Portugal, Austria, France, Spain, the United Kingdom and Italy. Countries with a more balanced distribution include Belgium, Serbia, the Netherlands, Germany, Slovakia and Hungary. In Switzerland, the Czech Republic, Greece, Romania, Poland and Bulgaria, public types of ownership prevail. Turkey represents a special case, with practically the entire forest area being listed as public property.

Table 1. Forest ownership in selected European countries, 2010

Country	Private forest			Public forest	
	1,000 ha	1,000 ha	%	1,000 ha	%
Austria	3,340	2,482	74	858	26
Belgium	678	377	56	301	44
Bulgaria	3,831	423	11	3,408	89
Czech Republic	2,657	616	23	2,041	77
Denmark	563	424	75	139	25
Finland	22,088	15,389	70	6,699	30
France	15,954	11,841	74	4,113	26
Germany	10,991	5,283	48	5,708	52
Greece*	3,752	845	23	2,907	77
Hungary	2,027	849	42	1,178	58
Iceland	30	22	73	8	27
Ireland	737	337	46	400	54
Italy	9,149	6,076	66	3,073	34
Latvia	3,290	1,635	50	1,655	50
Liechtenstein	7	1	14	6	86
Lithuania	2,150	784	36	2,366	64
Luxembourg	87	46	53	41	47
Netherlands	365	181	50	184	50
Norway	10,250	8,800	86	1,450	14
Poland	9,319	1,658	18	7,661	82
Portugal*	3,436	3,382	98	54	2
Romania	6,495	2,097	32	4,398	68
Russian Federation	882,310	0	0	882,310	100
Serbia*	2,476	1,224	49	1,252	51
Slovakia	1,807	827	46	980	54
Slovenia	1,253	962	77	291	23
Spain	18,172	12,836	71	5,336	29
Sweden	28,605	20,941	73	7,664	27
Switzerland	1,243	354	28	889	72
Turkey*	10,740	10	0.1	10,730	99.9
United Kingdom	2,881	1,922	67	959	33

*2005 data

Source: FOREST EUROPE, UNECE and FAO 2011:322

Between 1991 and 2013, in Romania there were three stages of restitution of lands to former owners who had an ownership title before **1948**, which were legislated by: Law 18/1991, Law 1/2001 and Law 247/2005.

After the three-stage restitution process, still ongoing, the Commission of Evaluation of Ownership Titles validated approximately **950,000 ha**, with an



actual restitution of only 75% of this surface. (Abrudan, 2012, Popa, 2014).

If the forest surface in private property before 1948 had been fully restituted, the total surface to be transferred to the private property of individuals and legal entities would have amounted to 4,500 of the total surface of 6,300 ha of the national forest fund (Maior, 2010).

MATERIALS AND METHOD

To evaluate the ownership and administration of forests in Arad County, the authors propose a comparative analysis of the situation of ownership in Arad County against the national and European situation.

The data for Arad County are given in table no.2, its source being the statistic records of the Arad County Forest Department.

Table 2. Arad County forest fund area on 01.01.2013

Administrator	Public property of the state	Property of territorial administrative units	Private property of individuals and legal entities	Property	Overall total
National Forest Society	95,278	10,250	12,659	1,818	120,455
Iancului Forest Halmagiu	-	564	11,457	592	12,613
Zarandului Forest Sebis	-	6,588	11,372	7	17,967
Beliu Grove	-	8,933	717	1,711	11,361
Mocsoni Starcea	-	-	5,512	-	5,512
Nadas	-	-	5,790	-	5,790
Regal Savarsin	-	-	7,340	-	7,340
Mures Valley Barzava	-	6,068	3,143	2,250	11,461
Zarandul Tarnova	-	7,578	4,767	323	12,668
TOTAL I	95,728	39,981	62,757	6,701	2,050,167
Pasture ridges			994	9,493	10,487
OVERALL TOTAL	95,728	39,981	63,751	16,194	2,060,654

Additional data and information was collected from Arad County Forest Department, I.T.R.S.V. Oradea, territorial administrative units, co-ownerships, religious units and individuals. Specialized literature was also consulted.

RESULTS AND DISCUSSIONS

With a percentage of 56% restituted forests, Arad County is situated above the national average, comparable to many European countries with a sustainable forest economy. Forests in the property of territorial administrative units account for a relatively large percentage, i.e. 18%. Arad County also has forest fragmentation and division issues. Due to initial regulations in Law 18/1991, the 30% of private forests were held by over 100,000 former owners.

It is evident that in such situations, even if security issues are addressed on a contractual basis, we cannot talk of efficiency in administration. Law 247/2005, which in fact supplements Law 1/2001, creates the premises of sustainable management of the entire private forest fund, but the process is still ongoing.

A notorious case in Arad County is the private Forest District of Nadăș. The correctness of its establishment has been under consideration by criminal investigation authorities. The authors of this article believe that the media, including national, wrongfully induces the idea that illegal forest exploitations are concentrated in the private forest fund. The fact that, in countries such as Austria, Denmark, Finland, France, Norway, Spain, Slovenia, or Sweden, forested-related crime is low demonstrated that it is legislative shortcomings that generate the situation found in Romania. Neither the current Forest Code, Law 46/2008, nor the three restitution laws have ensured legislative restriction in regulating the administration of privately owned forests. An optimistic scenario makes us hope that, as we approach the end of the restitution process, we will be able to enjoy, here in Romania, through a sustainable Forest Code and sustainable forest laws, an integrated administration of the national forest fund. Thus, we will continue to offer to some European economic actors the opportunity to profit from a reality we have called "forest dumping".



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REFERENCES

- ABRUDAN, I.V., (2012) – A decade of Non-State Administration of Forests in Romania: Achievements and Challenges. *International Forestry Review*, No 14 (3), pp. 275, 284.
- MAIOR, C., (2010) – General and forest management, Ed. "Vasile Goldiș" University Press, Arad, pp 146, 147.
- SCHMITHÜSEN F., KAISER, B., SCHMITHÜSEN, A., MELLINGHOFF S., PERCHTHALER KAROLINE, KAMMERHOFFER A., (2014) - Entrepreneurship and Management in Forestry and Wood Processing – Ed. Routledge, Taylor and Francis Group, London and New York, pp 12-14.
- POPA, B., NIȚĂ, D.M., (2014) – Overview on forestland investments opportunities in the context of forest restitution process in Romania. *Studia Universitatis "Vasile Goldiș", Engineering Sciences and Agroturism Series*, Arad, vol. 8, issue2, pp 7-11.
- XXX Law no. 46/2008 – Romanian Forest Act, București, 2008.