RESEARCH REGARDING THE INFLUENCE OF FORESTS OWNERSHIP CHANGES ON LOCAL COMMUNITIES

CERCETARI PRIVIND INFLUENTA SCHIMBARII FORMEI DE PROPRIETATE A PADURILOR ASUPRA COMUNITATILOR LOCALE

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Abstract: *Forests accomplish an important role within the national economy and within social life. The aim of the paper is to analyze the effects of the reconstruction laws of the right to property on afforested areas. In brief, it presents the situation of forests on categories of proprietors, on the country level, with a special emphasis on the Forestry District of Cluj- Napoca, as a result of applying each landed law, as well as the prognosis regarding the future evolution of this situation and the influence of forests ownership changes on local communities*

Key words*: local communities, landed laws, right to property*

INTRODUCTION

The property rights restoration occurring in the case of Romania offers therefore a perfect context to explore the institutional influence on forest owners' behaviors. Despite its strong theoretical emphasis, empirical evidences of the role of institutions in implementing forest management principles in Romanian private forestry are scarcely available.An analysis of the relationships between forestry culture, societal perspectives towards forests and changing policy has been made by Lawrence & Szabo (2005), focusing on attitudes of foresters and rural residents affected by forest restitutions.A subsequent paper provides a sound approach to understanding the relations between expertise in forestry science and cultural dependent practices (Lawrence 2009).Irimie & Essmann (2009) stressed also the role of incentives and rationales for human actions in the reciprocal relationship between forest property rights and the attitude and conduct of policy actors. The forestry environment had a plentiful contribution to the formation, protection and development of the Romanian people, with major positive influences from the point of view of robustness and even spirituality.

While the society evolved, there was an ever-greater need for timber and agricultural areas, this the surface of the forestry fund decreased systematically until 1948, when all forests became state property.Between 1948 and 1990 there were still reductions in the forest surfaces- especially where afforested meadows were concerned (covering about 300.000 hectares), by applying studies aimed at transforming these into meadows. After 1990, one of the causes of deforestation and illegal tree cutting was the fragmentation of the forestry fund as an effect of the reconstruction of the right to property over forestry terrains.

MATERIAL AND METHODS

The area of research was represented by the North West Development Region of Romania. Within this organization Cluj was selected. The used data studies were represented by studies and annual reports of the National Institute of Statistics of Romania, statistical data supplied by the Resort Ministry statistics .Through comparison with observed and collected data at a national level, one has tried to surprise the existent situation at a regional level in Cluj County.

So as to have a general view upon the evolution of the forestry fund surfaces in Cluj County on owner categories (judicial persons, cult units, natural persons etc) we used the statistic data from the Forestry District of Cluj- Napoca and at the cadastre units in the county.

RESULTS AND DISCUSSION

In 1990, the entire national forestry fund was state property, as an effect of the nationalization in 1948.

As a result of the application of the reconstitution of the landed property right laws (Law No.18/1991 and Law No.1/2000), the forestry fund, public state property was of 4.227,7 thousand hectares, representing 66,3 % of the national forestry fund. On basis of Law No. 18/1991, 355,10 thousand hectares were returned by the state to their owners (5,6%) and 1.723,60 thousand hectares were returned on basis of Law No. 1/2000.

Subsequently, by applying Law 247/2005, this reconstitution process was accelerated, in October 2006 the returned surface being 2.226,61 thousand hectares; the process is currently going on.

The big number of proprietors is to be remarked (828.138), thus an average of about 2,68 hectares/owner. From the above mentioned laws, Law 18/1991 brought most prejudice to the forestry fund by limiting the

surface to be reconstituted to 1,0 hectares (for natural persons) and to be remarked, the reconstitution was done without respecting the initial placement. Thus, 600 000 persons regained their statute of owners, and the surface concerned is of only 359.573 hectares, this having major effects upon the fragmentation of the forestry fund (since an owner will only be given back 0,60 hectares on average).

Table 1.The situation of the reconstitution of the right to property in the case of the Forestry District Cluj, between 1989-2012

Year	Forestry fund surface				
	Total	State property	Administrat units	Judicial persons (associate cult units, schools)	Natural persons
1989	153501	153501	0	0	0
1995	153499	144703	0	0	8581
2000	153502	144053	178	11	9260
2005	153.497	93.916	31.285	9.281	19.015
2006	153.497	90.000	32.660	11.482	19.355
2012	172.999,82	78.657,53	45.326.3	10.352,8	38.663,19

Source: own processing after data from the National Institute of Statistics, Romanian Statistical Yearbook

In many cases, this small surface was fragmented in many places, because of the different descending lines. The situation was almost similar in the case of the Forestry Direction Cluj, where, in 1989, the entire forestry fund surface of 153.501 hectares is property of the Romanian State (tab. 1.). By applying the landed laws, the surface owned by the state was reduced to 78.657,53 ha, with the process still continuing.

If the local administrative units own relatively significant surfaces (tens and even hundreds of hectares), natural persons own much more limited surfaces of up to one hectare (the average being of about 0,72 ha per owner). In the category of judicial persons, other than the local communities, we included owner associations, cult units (Orthodox, Greek- Catholic, Roman-Catholic churches), schools, military units, research centers etc.

CONCLUSIONS

As a result of the presented data, of the findings regarding the effects of the application of the law regarding forest ownership reconstruction, the following may be concluded:

- There were three legislative steps which determined and influenced the type of property over forested areas: Law 18/1991, Law 1/2000 and Law 247/2005;
- Of these, Law 18/1991 led to fragmentation of properties, by limiting the returned surface to 1,0 hectare and by failing to respect the principle of reconstitution in the former places;
- Furthermore, Law 1/2000 did not have the expected effects because of maintaining a return limit, regardless of the surface they had previously owned;
- Thus, 45.326,3 hectares were given back from the administrative surface of the Forestry District of Cluj- Napoca to the local administrative units, 10.352,8 hectares to cult units and 38.663,19 hectares to natural persons;
- Law 247/2005 was the first to order the reconstitution of the right to property without any surface limitation, on the previous spots;
- It should be remarked that all property vests based on the previous laws were respected and the state was to compensate for the cases in which it could not vest the owners in nature;
- It is of utmost importance that a consistent set of laws be issued, that would support the correct administration of these surfaces with the purpose of durable administration and assuring the forest's continuity.

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