

RIJEČ UREDNIŠTVA

HRVATSKE ŠUME D.O.O. – FEUDALAC ILI PROVODITELJ ZAKONA

Za tematiku i aktualnost ove rubrike Šumarskoga lista očito nije potrebno brinuti. Naime, svako malo mediji nam prenose vijesti o novim nesporazumima pa i sukobima šumarske struke i amaterskih udruga, koje si umišljaju da sve znaju o šumarstvu. Interesantno, primjerice u kirurgiju se ne petljaju! Tako ovih dana u Glasu Istre čitamo: Nastavlja se fajt oko Motovunske šume – Tartufari uzvraćaju udarac: Hrvatske šume ponašaju se kao feudalac! Šire o tome pisat ćemo na temelju egzaktnih podataka u jednoj od rubrika sljedećeg dvobroja Šumarskoga lista. Ovdje ćemo komentirati Zakon i ulogu Hrvatskih šuma d.o.o.

Feudalizam je oblik društvenog odnosa koji je prevladavao u srednjem i dijelu novoga vijeka, ukinut 1848. godine, a feudalac je vlasnik zemljišta za kojega drugi rade. Da li su Hrvatske šume d.o.o. vlasnik zemljišta-šume i da li odgovaraju tome kriteriju? Za odgovor na ovo pitanje pozivamo se ponajprije na zakon, u ovome slučaju Zakon o šumama, koji u članku 2. (1) kaže: Šume i šumska zemljišta dobra su od interesa za Republiku Hrvatsku te imaju njezinu osobnu zaštitu, a u istom članku (3) Vlada Republike Hrvatske upravlja šumama i šumskim zemljištem u interesu Republike Hrvatske, prema u daljnjem tekstu navedenim načelima. Članak 3. (1) navodi: Šume i šumska zemljišta specifično su šumsko bogatstvo te s općekorisnim i gospodarskim funkcijama šuma uvjetuju poseban način planiranja, gospodarenja i korištenja na načelu održivog gospodarenja šumama. (2) Održivo gospodarenje šumama znači korištenje šuma i šumskog zemljišta **na način, i u mjeri, koja održava njihovu bioraznolikost, produktivnost, kapacitet za regeneraciju, vitalnost i potencijal da trenutačno i ubuduće ispune odgovarajuće ekološke, gospodarske i društvene funkcije na lokalnoj, nacionalnoj i globalnoj razini te koja ne uzrokuje štetu drugim ekosustavima.** Po tome načelu potrajnosti, hrvatskim šumama

šumarska struka gospodari već više od 250 godina. Uz gospodarske funkcije šuma (proizvodnju drvnih sortimentata, proizvodnju šumskog reprodukcijesokog materijala i proizvodnju nedrvnih šumskih proizvoda), treba imati na umu da ona osigurava i njene općekorisne funkcije navedene u članku 4. (1) do (9). Dakle, u gospodarenju s tim najsloženijim ekosustavom nema mjesta amaterizmu i interesnim skupinama! Žalosno je i nelogično, ali istinito, da je politika koja treba strogo zagovarati Zakon, češće sklonija njima nego struci.

Imajući u vidu prethodno rečeno o šumi kao specifičnom šumskom bogatstvu, logično je da operativno njima može upravljati i gospodariti specifična pravna osoba koja posjeduje potrebnu infrastrukturu, opremu i posebice visoko stručne kadrove. Kada je riječ o visokostručnim kadrovima opetovano ističemo, kako se još u 19. stoljeću odlučilo da šumama trebaju upravljati i gospodariti fakultetski obrazovani stručnjaci, pa ističemo da je i šumarska fakultetska nastava u Hrvatskoj uspostavljena već 20. listopada 1898. godine. Stoga je logično da upravljanje i gospodarenje šumama Vlada Republike Hrvatske povjerava javnom šumoposjedniku Hrvatske šume d.o.o. čiji je osnivač. Članak 44. (1) propisuje: Javni šumoposjednik i Ustanova (kada se radi o zaštićenim šumama) **dužni su osigurati zaštitu šuma i šumskih zemljišta** u vlasništvu Republike Hrvatske od protupravnog prisvajanja, korištenja i drugih protupravnih radnji te provoditi šumski red. Iz svega je razvidno da je sve zakonom propisano i da su Hrvatske šume d. o.o. provoditelj Zakona o šumama, a nikako feudalac. No, kada raspravljamo o stanju u našoj Državi, počevši od društvenih odnosa, gospodarstva, pa sve do prevelikog uvoza „svega i svačega“, svima su „puna usta“ Pravne države, naravno samo kada to njima ide u prilog, a briga ih za opći interes.

Uredništvo

EDITORIAL

CROATIAN FORESTS LTD - FEUDAL LORD OR LAW ENFORCER?

We should never be concerned about the themes and topicality of this column of Forestry Journal. Every now and then the media reports on the latest misunderstandings and even conflicts between the forestry profession and amateur associations which imagine that they know everything about forestry. Interestingly, they never meddle in surgery, for example. The Voice of Istria recently wrote: The battle of the Motovun Forest continues - Truffle hunting people strike back: The company Croatian Forests Ltd behaves like a feudal lord! This topic will be dealt with more extensively on the basis of exact data in one of the columns of the next double issue of Forestry Journal.

Feudalism is a form of social system that prevailed in the Middle and part of the New Age and was abolished in 1848. A feudal lord was a land owner who had other people working for him. Is the company Croatian Forests Ltd the owner of the land - forest and does it match these criteria? To answer these questions we should first consult the law, in this case the Forest Law. Article 2 (1) of the said Law states: Forests and forest land are natural goods of interest to the Republic of Croatia and enjoy its particular protection. In the same article (3) it is stated that the Government of the Republic of Croatia manages forests and forest land in the interest of the Republic of Croatia according to the principles listed further on. Article 3 (1) states: Forests and forest land constitute specific forest wealth and together with non-market and market forest functions dictate a particular manner of planning, management and usage according to the principles of sustainable forest management. (2) Sustainable management of forests means using forests and forest land **in the manner and to the extent to which it maintains its biodiversity, productivity, regeneration capacity, vitality and potential to, now and in the future, fulfil the relevant ecological, economic and social functions locally, nationally and globally without inflicting harm to other ecosystems.** The Croatian forestry profes-

sion has applied the principle of sustainability to Croatian forests for over 250 years. In addition to commercial forest functions (production of wood assortments, production of forest reproductive material and production of non-wood forest products), we should bear in mind that it also ensures its non-market functions listed in article 4 (1) to (9). Therefore, management of this most complex ecosystem excludes amateurism and interest groups! Sadly and illogically, but true, politics which should strictly enforce the Law, is more often inclined to them than to the profession.

In view of what was said above about the forest as specific forest wealth, it is logical that it should operatively be managed by a specific legal entity which has the necessary infrastructure, equipment and highly skilled personnel in particular. As for highly skilled personnel, we repeatedly point out that it was decided no later than 19th century that forests should be managed by academically educated experts. Furthermore, the university forestry education in Croatia was established as early as 20th October 1898. It is logical, therefore, that the Government of the Republic of Croatia entrusted the company Croatian Forests Ltd, a public forest owner which it founded, with forest planning and management. Article 44 (1) states: The public forest owner and Institution (in case of protected forests) **are obliged by law to ensure the protection of forests and forest land** owned by the Republic of Croatia from unlawful appropriation, use and other illegal activities, as well as enforce the forest order. Clearly, everything is regulated by law: hence, the company Croatian Forests Ltd is the law enforcer and by no means a feudal lord. Yet, when we discuss the situation in our State, starting from social relations, economy and excessive import of “anything and everything”, we all swear by the legal State, but only when it is in our favour, while public interest is of no concern whatsoever.

Editorial Board