

# RIJEČ UREDNIŠTVA

## KAKO GOSPODARIMO ŠUMAMA MALIH VLASNIKA/ POSJEDNIKA U RH

O stanju privatnih šuma u RH u nekoliko smo navrata pisali u Uvodnicima Šumarskog lista, a 2017. godine „Stanje privatnih šuma u Republici Hrvatskoj“ bila je stručna tema povodom obilježavanja Dana hrvatskoga šumarstva.

Prema podacima Šumskogospodarske osnove područja Republike Hrvatske iz 2016. godine, površina šuma i šumskih zemljišta u RH iznosi 2 759 039,05 ha. Od ukupne površine u državnom je vlasništvu 2 097 318 ha (76 %), a 24 %, tj. 661 721 ha u vlasništvu je privatnih šumovlasnika.

Članak 14. Zakona o šumama definira prema površini šuma i šumskog zemljišta privatne šumoposjednike na male s površinom šuma i/ili šumskog zemljišta do 20 ha, srednje s površinom šuma i/ili šumskog zemljišta većom od 20, a manjom od 300 ha i velike šumoposjednike s površinom šuma i/ili šumskog zemljišta većom od 300 ha.

Prema toj klasifikaciji preko 99 % površina šuma i šumskog zemljišta pripada malim šumoposjednicima, njih 418 654, što daje prosječnu veličinu posjeda od 0,5 ha.

Kao što ste već u uvodnom dijelu mogli zamijetiti, miješaju se pojmovi šumovlasnik i šumoposjednik, što je rezultat dvojnog vođenja zemljišnih knjiga kroz gruntovnicu i katastar, a njihova nesređenost otežava definiranja stvarnih odnosa. Rješavanje problema uređenja imovinsko-pravnih odnosa uvijek naglašavamo kao prioritet i prvi preduvjet stvaranja organiziranog društva. Isto tako vrijeme je da jasno razlučimo namjenu i korištenje šumskog i poljoprivrednog zemljišta. Od vremena Austro-ugarske monarhije, kada je napravljena prva razdioba, usprkos brojnim zakonskim odredbama, to još nismo učinili. Tako je primjerice velik dio šuma u privatnom vlasništvu nastao obraštanjem poljoprivrednog zemljišta, koje se još uvijek u zemljišnim knjigama vodi kao livada, pašnjak ili oranica.

Istovremeno na apsolutnom šumskom zemljištu u državnim šumama podižemo maslinike i vinograde ili izdajemo dozvole za pašarenje???

Povijesne okolnosti definirale su danas izuzetno male posjede šumskog zemljišta u privatnom vlasništvu koji ne omogućuju kontinuirani prihod vlasnicima, već se jednokratnim zahvatom pokušava izvući što veća financijska korist bez pridržavanja trajnosti, osnovnog načela u šumarstvu.

Svijest o potrebi funkcionalnog udruživanja i planiranja šumskouzgojnih zahvata na razini odjela i odsjeka kod naših šumovlasnika nažalost još nije zaživjela, pa se usprkos tomu što za većinu privatnih šuma imamo izrađene pro-

grame gospodarenja, ono se u praksi svodi na nepovezane zahvate na pojedinim česticama.

U privatnim šumama malih posjednika sve se češće događaju kriminalne radnje vezane za sječu bez doznake, krađu, izvođenje radova pridobivanja drveta od neregistriranih ili nelicenciranih izvođača, nekontrolirano stavljanje drveta u promet, nelegalna trgovina drvetom itd. Nepostojeća jasna i transparentna (tržišna) politika formiranja cijena drveta u Hrvatskoj pogoduje raznim preprodavačima, a vrijedna sirovina bez ikakve kontrole obično završava na stranom tržištu.

Sve to navodi nas na razmišljanje o odgovornosti, države kao zakonodavca i njenog odnosa prema toj kategoriji privatnog vlasništva, ali i općeg dobra zaštićenog Ustavom RH.

Postavimo ovdje pitanje odgovornosti cijele šumarske struke i njenih institucija, kao i naših kolega ovlaštenih inženjera koji često na terenu provode doznaku, ili otpremu, po načelu „od nečega se mora živjeti“. Ako svi, kao što to čini struka, zažmirimo pred ovim problemom, teško da ćemo se u budućnosti moći hvaliti tradicijom potrajnog i prirodnog gospodarenja našim šumama.

Prvi preduvjet uvođenja reda u privatnim šumama malih posjednika je organiziranje čuvarske službe. Prema aktualnom ZOŠ-u čuvanje šuma prepušteno je vlasnicima, što je s obzirom na njihovo stanje i dobnu strukturu praktički neprovedivo, ili je dana mogućnost da to obavljaju Udruge šumoposjednika, što se opet u praksi rijetko događa.

Kroz povijest uvijek su postojali čuvari šume, bili to općinski (sreski) lugari do sredine 20. stoljeća ili su to donedavno kod nas obavljali djelatnici Hrvatskih šuma.

Kako bi riješili ovu situaciju postoji nekoliko opcija:

- ⇒ Vratiti nadležnost Hrvatskih šuma d.o.o. preregistracijom ove tvrtke.
- ⇒ Osigurati provođenje čuvarske službe kroz lokalnu samoupravu, kao što je to bilo propisano prethodnim ZOŠ-om, no u praksi nije bilo sprovedeno.
- ⇒ Osnovati „Šumsku policiju“ s jasnim ovlastima koja će osigurati red i spriječiti kriminalne radnje.
- ⇒ Osnovati Državnu instituciju (agenciju) za šume, koja bi provodila javne ovlasti i interese neovisno o vlasništvu nad šumama i omogućila bi smislenu i sveobuhvatno planiranje i gospodarenje šumama na svim razinama.

# EDITORIAL

## HOW DO WE MANAGE FORESTS OF SMALL OWNERS/HOLDERS IN THE REPUBLIC OF CROATIA

The status of private forests in the Republic of Croatia has been treated in the Editorial section of the Forestry Journal on several occasions, and in 2017 “The status of private forests in the Republic of Croatia” was a topic discussed at the Day of Croatian Forestry.

According to the Forest Management Plan of the Republic of Croatia from 2016, forests and forestland in Croatia cover 2,759,039.05 ha. Of the overall area, state owned forests account for 2,097,318 a (76 %), while privately owned forests account for 661,721 ha (24 %).

Article 14 of the Law on Forests classifies private forest owners into three groups: small owners with forests and/or forestland of up to 20 ha, medium owners with forests and/or forestland of more than 20 ha but less than 300 ha, and large forest owners with forest area and/or forestland exceeding 300 ha.

According to this classification, over 99 % of the area of forests and forestland are owned by small forest owners (418,654 owners), which means that the average size of the forest property is 0.5 ha.

As you may have noticed in the introductory part, there is an ambiguity relating to the terms forest owner and forest holder, which is the result of the dual keeping of land books through the land register and cadastre. Their unsettled status makes it more difficult to define real relationships. We always stress that the regulation of property-legal relations is the priority and the first precondition for creating an organized society. We must also make a clear distinction between the purpose and the use of forest and agricultural land. The first division was made during the Austro-Hungarian monarchy, but despite numerous legal provisions we have not yet done so since. Thus, for example, a large part of privately owned forests came into being by agricultural land being overgrown, but in land registers they are still registered as meadows, pastures, or ploughland. At the same time, we raise olive groves and vineyards or issue permits for grazing over an absolute forest land in state forests ???

Due to historical circumstances, there are exceptionally small areas of forestland in private ownership today, and as such they do not ensure continuous income to their owners. Instead, there is an attempt to derive as much financial profit as possible through one operation without adhering to the principle of sustainability, the fundamental principle in forestry.

The awareness of the need to functionally merge and plan silvicultural treatments at the level of compartments and sub-compartments has regrettably not yet taken root among Croatian forest owners. Therefore, despite the fact that management plans have been drawn for most private forests,

in practice management is reduced to disconnected operations in individual plots.

Private forests of small forest holders are witnessing an increase in criminal actions such as felling without marking, theft, timber extraction by unregistered or unlicensed contractors, uncontrolled placing of timber on the market, illegal timber trade, etc. The absence of clear and transparent (market) price forming policy in Croatia favours various resellers, while valuable raw material, usually without any control, ends up on foreign markets.

All this makes us think about the responsibility of the state as a legislator and its attitude towards this category of private property, but also towards the common good protected by the Constitution of the Republic of Croatia. Let us also tackle the responsibility of the entire forestry profession and its institutions, as well as our colleagues, certified engineers, who mark trees or dispatch timber in the field guided by the principle “one must have something to live on”. If we, as a profession, turn a blind eye to this problem, we will hardly be able to boast in the future of the tradition of sustainable and close-to-nature management of our forests.

The first precondition for installing the order in private forests of small holders involves setting up a guard service. According to the valid Law on Forests, the guarding of forests is the responsibility of their owners, which is practically unfeasible given their condition and age structure, or this could be done by forest owners’ associations, which again rarely happens in practice.

Throughout history there have always been forest guards. Until the mid-20th century they were municipal (regional) forest rangers, and until very recently this job was performed by employees of the company Croatian Forests.

There are several options which might solve this situation:

- ⇒ Restore the jurisdiction of Croatian Forests Ltd by re-registering the company.
- ⇒ Implement guard services through local self-government bodies, similar to the regulations set down in the previous Law on Forests; however, this was not applied in practice.
- ⇒ Establish a “Forest Police” service with clearly defined powers to ensure order and prevent criminal activities.
- ⇒ Establish a State Forest Institution (Agency), which will exercise public powers and promote interests independently of forest ownership, as well as enable meaningful and comprehensive planning and management at all levels.