THE MAIN CONSEQUENCES OF APPLICATION OF THE LEGISLATION ON THE BUKOVINIAN FORESTS

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Abstract. The human being’s greed and the recklessness push the things over the tolerance limits. The big volume of the cuttings concentrated on hydrographic basins, the substitution of the multi-year stands beech mixed with resinous, the creation of dense pure evenage and genetically homogenized cultures of spruce fir – left without proper care – damages brought in the process of exploitation, the resin-tapping, depasturage and other thoughtless human interventions have created an economic disorder of big proportions on wide areas and for long standing. The consequences of this disequilibrium show clearly through the great instability of forests to unfavourable natural factors. As a consequence, massive windthrows and wind and snow breaks have taken place. The damages are greater in zones with a higher ponderosity of artificial pure spruce fir, especially in those zones where there are 40-80-year old cultures being at a critical age with regard to their vulnerability to adversities.

Keywords: forest code, forest, anthropic risk, Bukovina

The administration of the forests in Bukovina has known two long periods during the time. The first one is that under the Austrian domination which lasted from 1775 till the Great Union in 1918. The second one began after this period and has continued up to now. During each of the two periods there were different stages determined by certain economic, politic and social factors. In 1776 a Silvan Ordinance was given by the governor Spleny. This ordinance aimed to assure the guard of the forests, to prevent their devastation and to regulate the forestry operations. Special care was paid to the rational use of the wood by forbidding the burning of the working wood, by using only the hazel twigs for wattle, by forbidding the peeling and the carving of the trees, the arson of the forests, the grazing in...
The main consequences of application of the legislation on the Bukovinian forests

The Ordinance for the forest for Bukovina in 1786 (this is the oldest Romanian silvan code after the one in Transylvania in 1781) synthesises the silvan, scientific and practical knowledge of the three periods and aims a good administration of the forests in Bukovina by issuing some regulations both for woodcutting and regeneration of the forests. A special emphasis is laid on protecting and preserving the forests, on preventing the abuses, the wood wastage by using it for fencing and wattle, etc., on preventing the arsons, forbidding the grazing, trees damaging by ring-shaping for the expansion of the agricultural fields and of the meadows, by forbidding fencing inside the forests, etc.

The silvan legislation in 1786 was extremely advanced for that period of time and it was the basis of the silvan law in 1852 which was promulgate in Bukovina, too.

The Austrian silvan law in 1852 is the first modern silvan law, also written in Romanian, and it was applied both in Bukovina and in all the territories inhabited by Romanians. For that period, this law had a distinct ecological and preserving character of the forests and of the environment in this zone. Even if all its good parts were taken into consideration, because of the lack of the silvan personnel necessary its stipulations were difficult to be applied.

The period under the Hapsburg dominance till 1897 was the most unfavourable. The exploitations of colonial type were practised and these led to the liquidation and clearance of timber of a great of part of the existing virgin and permanent forests in that zone.

There were created those evenage one-crop systems on huge areas which became vulnerable to all kinds of climatic adversities and whose consequences can also be seen today. It is the potassium age when the most beautiful trees were turned into ashes; it is the water store age, the age of wooden roads, of concentrated gardening and of shaved cutting on big areas which affected the ecological equilibrium of these ecosystems.

The great wastage of wood by leaving high butt logs, exploitations of the trees at choice and from a certain diameter above, unexploitation of the imperfect trees and of the fire wood, impoverishing the forests with resonance wood and keys wood, etc., was the feature of that period.

The constitution of the Lemberg-Cernăuți-Iași railway in 1867 opened the access for the wood from Bukovina forests to the European market and even to the world market, determining the intensification of the exploitations and of building the timber factories.

An important event in that period is the setting up of the forest planning service in 1875 for the forests of the Forestry stock, which directed the administration of these forests for almost three quarters of a century. Forest planning is drawn up and the first afforestation workings are performed. A turning point in Bukovina forests historiography is the building of the network system and of transport plant in the Forestry stock forests after 1897, which made the administration of these forests reach a superior level.

Their influence was very big, favouring the passing from an extensive administration to an intensive one, to reducing of the cutting areas, to their dispersion within the forest massifs in hillock zone at first and then in the mountain zone, the promotion of the natural regeneration, etc. There was a transition from sowing through spreading over the all area to direct sowing in holes and plantations with seedlings produced in own seed beds.
All the Forestry stock forests are well planned; the forest districts dispose of maps of stand, culture and exploitation plants maps, of very good accounts, etc.

The second period, beginning after the Union Act in 1918, knows two distinct stages, the first one that continues till the forests nationalization in 1948 and the second one beginning after that period and continuing up to now.

The first stage is influenced by the economic crisis and by the disturbances of the two world conflagrations, two different ways of forests administration being known: one for the Forestry stock forests and another one for communal and peasant forests. An advanced sylviculture is practiced in the Forestry stock forests, the regeneration and stand care workings gathering momentum, the forest planning is revised periodically and observed stringently, natural regeneration being promoted by applying successive cuttings in the mixtures zone and land clearing of smaller areas in pure spruce stand in mountain zone. Special care is paid to prevention of the windthrows through proper arrangement and sylvicultural measures.

The same thing cannot be said about the communal, private and peasant forests which were cleared of timber and degraded through abusive exploitations and depasturage in this period. The majority of these forests did not dispose of arrangements and were administrated on the basis of some sketchy regulations of exploitation which usually did not contain but some indications upon the quantities of wood that were to be exploited yearly. The less satisfactory or inadequate way of administrating the communal, public and private forests in the past resulted in decreasing of the productivity of 28% of stand, significant areas were not regenerated or they were regenerated with species of an inferior economic value, large areas of the Forestry stock being devoid of buildings and plants of transport strictly necessary for a good silvan administration. (Brega, P., 1995).

The Austrian silvan law in 1852 remains in force in Bukovina till 17th June when it is repealed and the Romanian silvan code in 1910 is applied, which extends and generalizes over all the forests in the whole country. After this date a series of modifications of this code and new laws appear, such as: the law for degraded fields’ improvement in 1930, the law of the nature monuments, the law for the protection forests in 1935, the law for wooden material control in 1938, etc.

Remarkable progresses are realised together with the appearance of the law referring to the protection of the forest patrimony in 1947. Through this law the silvan regime extends over all the forests in the whole country, holding back irregular cuttings, enacting the obligatory character of the forests administration; measures for reafforestation of the exploited and not regenerated areas, as well as of the residual ones, are taken. The last stage after 1948 is marked by a very important event – the nationalization of all the forests in 1948, the Church forestry stock being abolished in 1949 by the Decree no. 273.

In 1962 the new silvan code appears and it aims at the same objectives, but however there still are some economic pressures on the forests by applying land clearing of big areas or by inadequate treatments, surpassing the forest possibility, creating evenage one-crop systems on big areas. In other words, the ecologic principle was less taken into consideration, priority being given to other issues. The new silvan code repeals the entire previous legislations (The silvan code in 1910, the law no. 204 in 1947 regarding the protection of the forest patrimony, decree no.201 in 1953 on wooden products circulation, etc.)
During the time, but to be more specific since forests nationalization (1948), series of calamities has fallen upon the forests in our county, such as: windthrows and wind breaks, snow, insects invasions, drying fir-tree phenomena, wind attritions, fires, etc., all of them contributing to confusing the forest administration according to the planning stipulations, on one hand, and on the other hand to stand weakening through rarefaction of some massifs and emptying some vast slopes. The most affected districts can be enumerated: Broșteni, Iacobeni, Cărlibaba, Coșna, Vatra-Dornei, Fâlcău, Putna, Solca and so on. It should be pointed out that these stands also suffered because man’s bad interventions.

But the first and the biggest calamity were the SOVROMs (mixed Romanian – Soviet companies), which were founded immediately after the end of the war and operated under the rule of some councillors till 1954. These companies took over the exploitations from the most accessible resinous stands and all timber-factories in the zone, monopolising the exploitation in all the stands in Bistrita area, especially in those ones where flowing waters gravitate arranged for rafting, practising land clearing on large areas, as a rule on entire lots. They also took over the exploitation and the timber-factories from Fâlcău and Putna districts, to which there were forestry railways (C.F.F.) on all the main valleys and the timber-factories were connected to both C.F.F. and to C.F.R.

There was a big exploitable stand surplus at all the districts where the exploitation was performed by Sovromlemn, especially at the districts resulting from the Church forestry stock, and this thing made it possible for the forest planning stipulations referring to the possibility to be excelled 4 – 7 times every year (Marcean, 2002).

Being known the fact that the Romanian state did not have the right to control the financial exploitation activity and management at these mixed companies, the exploitation rules were not observed. Thus, when trees were cut down, there were left butt logs 1m high which did not peeled and they were categorised as cut trees with rottenness but also having portions of healthy wood.

Speaking about the stands mixed with beech and other broad-leaved trees, when these represented up to 20%, the broad-leaved trees remained unprocessed, especially in those situated in the upstream. As a rule, SOVROMs did not receive cutting areas mixed with broad-leaved trees that they did not exploit, these being used as a burning wood on. It is mentioned that these units were planned with benefits, but wastages were registered every year. The Romanian was obliged to pay both the benefits that were awarded to the Soviet part and wastages registered in the production process.

Besides the wastages in exploitation there were management wastages that could not be seen, the Romanian state having no right to control the management and bookkeeping activity only after 3rd April 1954, when the Sovromlemn’s activity ceased as a result of a common decision of soviet and Romanian government.

After this date, as a consequence of the controls performed by the state authority big frauds and deficiencies in the exploitation units management at the timber-factories, both at the enterprises level, at the Sovromlemn trust leadership level, its headquarter in Vatra Dornei, as well as at the central level, of Russian councillors in Bucharest who facilitated the purloining of hundreds of cube meters of timber that arrived in Near East instead of U.S.S.R. or in the Romanian state administration
Thus, SOVRoms exploited in an “organised and barbarian” way, ignoring the forests planning stipulations, the most accessible and valuable stand, stocking the resulted wooden weight in the Caspian Sea “brine”.

After 22nd December 1989 the anthropic factor, (the internal anthropic factor this time) leaves its mark on the forests from all over Romania in an inadequate way, the forests becoming political capital for the crypto-communists in leaders. Thus, without taking into consideration some competent voices from the Romanian sylviculture, the post-December legislative forum promulgated the 18/1991 law, according to which, only in Suceava county, approximately 16,000ha of forests were retroced to the “ex-owners”, between 1991 and 1997. We underline “ex-owners” because a part of the area in population possession was retroceded without authentic acts regarding the property right, but just on “witnesses” basis.

Law18/1991

The most ugliest and black calamity in our forests, determined by man, is the emission and the application of that horrible law, drawn up by a group of political people, for political capital, against the forests existence, and therefore against our society: Law 18/1991.

It is known the fact that Land stock law was approved and applied at the beginning of 1991. This appeared in a great legislative vacuum, and this led to various ways of interpretation and application, materializing in a series of abuses and inequalities willingly facilitated by some mayors – chiefs of the commissions, who meanwhile were changed due to the elections, and today it is not known who the guilty one is.

Although at the Parliament level, through silvan competent authority, numerous interventions were made, requiring the acceleration of the Forestry Code appearance, the Legislative remain insensible to all the tragedies which both forest and its protectors were forced to undergo. At the time when this law was put into practice, the present Forestry Code was not elaborated and promulgated, and in very many cases the new owners once they were in possession with field delimitation, they simply cleared wide areas. In some zones thefts of wooden material were signalized, there were massive illegal cuttings, especially resinous trees, transports without legal documents and storages in ditches, yards, orchards with wooden material which lost its value, being left unpeeled, in the end being good only for fire.

According to the information held at the end of 1998, in Suceava county, out from the forest area administrated by the Forestry Department (417,800 ha), 16,348% ha, that is 3,9%, were given according to the Art. 41 at Law 18/1991, which represents relatively little compared to other counties where the private forests constituted much larger areas at the time of nationalisation. What is alarming is the fact that there is no forest on approximately 400ha of the area that no longer belongs to the forestry stock, and on approximately 15ha the forest was thinned out and brought to the degradation stage, in both situations being transformed into pasture.

The forest appropriation has not been done respecting the former properties because the limits of the present forests are not known, because the ex-owners before the nationalisation are not known, too, because of negligence or of other interests.

The biggest error in drawing up and application of the Law 18/1991 is that the way of administration and the assurance of the guard for the retroceded forests were not stipulated, in the circumstances in which the society was dominated by chaos, the majority
of the population impoverished more and more, and the thefts, deceptions, corruption, as a rule, flourished. In this circumstances the forest can be treated from a “particular and common” point of view, in other words from political and particular interests.

The particular interest became manifest, the most typical, sometimes brutal or even barbarian, towards the forest on the occasion of the Law 18/1991 application and forwards the Law 1/2000 of privatizing the forests, without assuring their guard and administration in the new conditions of property.

In these conditions in Suceava county 10,000ha from 16,000 ha of privatized forests were cut, the slopes remaining bared with a saddening aspect, in the middle of an ecologial and touristic campaign, under the victorious sight of the political people who sacrificed the forest – and they are still sacrificing it – on the politic propaganda altar, which in most of the cases has as base personal interests, as heirs of the former forest owners.

The majority of the cuttings were abusive, through thefts – the forest not being watched, stimulated by the hundreds of sawmills set up in all valleys in our forests also according to political criteria, working abusively in a great part.

In these conditions, apart from the stands cut on the slopes that can be seen bared today, the most beautiful fir-tree stand was pulled out and cut (Cajvana forest lays over 300 ha) and oak stand, too. (Adâncata – Fetești forest, in the vicinity of Suceava city, near the headquarters of Adâncata district).

Another error, this time of the central silvan authority, consists of the fact that the forests that were the object of the Law 18/1991 were removed from the forest planning.

It is necessary for an unitary accounts of the national forestry stock that the forests which were the object of the Law 18/1991 and those that are the object of the Law 1/2000 to be included in forest planning from the UP where they were part of it, in a separate chapter, with a table for the area with the plots and with each and every owner. (Marcean, M.)

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