

ASPECTS REGARDING LEGAL PROTECTION OF FOREST ECOSYSTEMS

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Abstract

The first legislative concerns for the protection and exploitation of forests are occurring since the eighteenth century. Forest of the country has always been a priority for environmental policy. The institutional framework for forestry organization in Romania is represented mainly by the Ministry of Environment and National Administration of Forests – Romsilva. First Romanian Forest Code was adopted on 19 June 1881. In present, the main law governing the forest is given by Law No. 46 of March 19, 2008 (Forest Code). Forests are resources of interest economic, social, recreational, ecological and biological. Biodiversity conservation of forest ecosystems involves the sustainable management by applying intensive treatments that promote natural regeneration of species of fundamental natural forest type and forest conservation and quasi virgin. The main way to conserve forest ecosystems is represented by the establishment of protected areas of national interest.

Keywords: protection, exploitation, forest ecosystems, laws

1. INTRODUCTION

Nature conservation and environmental protection were a constant concern more or less pronounced global society in general and the Romanian society in particular. This concern has existed since ancient times, has evolved and developed in accordance with the regulations, policies and strategies implemented over time internationally. The main way to protect forest ecosystems is given to the establishment of national parks as protected nature reserves. In a national park there are three areas: scientific reserve zone, buffer zone and the pre park (Mohan and Ardelean, 2006).

In accordance with article no. 1 of Law no. 46 of 2008, total forest land for afforestation, serving the needs of the growing, production or forestry management, ponds, stream channels, and other lands under forest and unproductive forest management is covered, regardless of ownership, is national fund forest. In accordance with the Forest Code, public state forest area is managed by the National Forest Administration – Romsilva.

Ensuring sustainable forest management and development of multifunctional forestry is an EU priority (Dutu, 2010). The total area of the national forest is 6.5 million hectares of the property by the state is 3.4 million ha (52.2%). Land area covered by forests is 6.3 million hectares of the property by the state is 3.3 million ha (52.4%). Land area under forests and other forest vegetation in Romania represent about 27% of the country over the surface. This proportion is significantly below the European average of 36% forest. The forest area per capita in Romania is 0.27 hectares, slightly below the EU average of 0.32 ha. Romanian forest consists of coniferous forests (about 29%), beech (about 32%), oak (about 18%) but also in various other hardwood (about 15%) and soft (approx. 5%). Entire national fund forest, regardless of ownership, is subject to a forestry regime which is a system of rules of technical, economic and legal on culture, exploitation, protection and guarding forests, aiming to ensure sustainable management of ecosystems forest (Marinescu, 2003).

2. MATERIAL AND METHOD

The main acts of legislation analyzed were Government Decision no. 1403/2007, Government Decision no. 1408/2007, Government Decision no. 918/2010, Government Emergency Ordinance no. 195/2005, Law no. 18/1991, Law no. 46/2008, Law no. 100/2010 and Law no. 171/2010.

We identified the main aspect of legal protection of forests in accordance with the latest acts of legislation. We analyzed a series of laws, government decisions, government emergency ordinances and ministerial orders.

3. RESULTS AND DISCUSSIONS

Key moments in the development of forest protection legislation

In an initial phase, some regulations related to general legal institutions, such as property, although aimed primarily economic purposes, contributed indirectly to the protection of environmental factors, such as forests, water, soil or air (Dutu, 2010).

One of the first rules dating from the reign of Stephen the Great (1457 - 1504), was known as "Braniste institution or law." "Braniste law" as reserves established a territory that was forbidden hunting, fishing, cattle grazing and felling without permission of the owner of the fund. Penalties provided by "law Braniste" envisioned corporal punishment and confiscation. Arguably the first "protected areas" have appeared with the establishment "Braniste law". Prince Sigismund Bathory in 1588 issued some guidelines to ban hunting and cutting of forests on the borders of his estate near Alba Iulia. In 1706 appears the decision "Convention Focșani" including rules prohibiting the peoples from Muntenia Region to go and cut wood in the forests Moldova Region.

One of the most important moments in environmental protection in the eighteenth century, was the regulation on management and protection of forests. Thus, in Banat (1739) was constituted regular forest service and in Transylvania official regulation of forests dates back to 1781. First Romanian forestry law, printed in 1786 is considered "Orânduiala de pădure" to Bucovina, given by Emperor Joseph II and contained rules for the protection, maintenance and management of forests. In 1794 was issued "Anaphora for forests, groves and meadows" of Prince Alexandru Moruzii of Moldova. The Romanian Country first regulation on forest protection is issued in 1793.

Romania adopted over time 5 forestry codes: 1881, 1910, 1962, 1996 and 2008 (Dutu, 2010).

Organic Regulations and subsequent regulation from Moldova (1843) and the Romanian Country (1847) contained a number of provisions that attempted to restore order in the fields of forestry church. These statutes governing the ownership and use of forests and wildlife, including some technical advice on setting optimal age for cutting, cleaning the forest, afforestation ban on grazing in forest or forest-free areas.

First Romanian Forest Code was adopted on 19 June 1881 and included forestry regulations in order to ensure the wood work and industry and to meet general needs of the country.

The first law on environmental protection no. 9/1973 is concerning the protection of all environmental factors. Under the law no. 9/1973 were environmental factors: air, water, soil and subsoil, forests and other terrestrial and aquatic vegetation, terrestrial and aquatic fauna, reserves and natural monuments.

In the field of management, maintaining ecological balance and forest exploitation after regime change politics in 1990 is adopted a new forestry code by approving the Law no. 26/1996. Under Law no. 26 of 1996 is repealed old Forest Code approved by Law no. 3 of 1962. In 2008 it adopted new Forest Code Law no. 46 /2008 as amended by subsequent legislation.

The new Forest Code approved by Law no. 46/2008 was amended and supplemented by a series of subsequent legislation: Government Emergency Ordinance no. 193/2008, Government Emergency Ordinance no. 16/2010, Law no. 54/2010, Law no. 95/2010, Law nr.156/2010 and Law. 60/2012.

The main regulations at the national level in the field of forests protection are:

- Law no. 49 of April 7, 2011 approving Government Emergency Ordinance no. 57/2007 on the regime of protected natural habitats, flora and fauna.
- Government Emergency Ordinance no. 195/2005 on environmental protection approved with amendments by Law 265/2006.
- Forest Code of Romania approved by Law no. 46/2008.
- Law no. 407/2006 on the protection of hunting

- Law no. 171/2010 establishing and sanctioning violations forest
- Law no. 100/2010 on afforestation of degraded lands

Institutional framework

Presence administrative structures responsible institutional framework for environmental protection is a prerequisite to effective interpretation and application of legal regulations regarding environmental activities. Environmental policy is increasingly present more in all countries as a factor in renewal and diversification of public institutions, ensuring the defence of general interest common to all societies. Creating an effective legal and institutional framework is providing good protection of environmental components.

The institutional framework in developing and implementing legislation on forests protection is mainly represented by the following institutions:

- at central level
 - Ministry of Environment and Forests: General Forests Department: Department of Control in Forestry, Forest and Forestry Development Division, Forestry Department Policies and Strategies;
 - Ministry of Agriculture and Rural Development;
 - National Environmental Protection Agency;
 - National Environmental Guard;
 - National Administration of Forests Romsilva;
- at the regional level
 - Territorial Inspectorates for Forestry and Hunting;
- at the local level
 - Directions Forest;
 - Forest Districts;
 - Private forest districts.

National Forest Administration, called Romsilva is an autonomous institution of national interest, with legal personality under the authority of the Ministry of Environment and Forests, responsible for forestry.

Specific legal framework under which it operates and is organized National Forest Administration are Law no. 46/2008 (Forest Code) and Government Decision no. 229/2009 on the reorganization of the National Forest Administration and approving the organization and functioning regulation.

National Forest Administration aims sustainable management unit in accordance with the standards of forest management and forest organization, forest public property in order to enhance the contribution of forests to improve environmental conditions and to ensure national economy with wood with other forest products and forest-specific services. Romsilva harvest, exploit, process and exploit specific forest products and other forest nonspecific.

Inspectorate territorial forestry and hunting are organized under Government Decision No. 333 of 21 April 2005 as amended by subsequent legislation. In Romania are 9 Inspectorates territorial for forestry and hunting.

Inspectorates have the following main tasks:

- ensure the implementation of forestry development strategy under the territorial jurisdiction;
- keep records on forest districts, municipalities, homeowners and owners of the lands with forest and forest land outside the forest, by type of use, and property titles;
- track and monitor afforestation of land compensation offered permanently removed from national forest;

Sustainable forest management under new forest code

The acceptance of the new Forest Code, sustainable forest management is achieved by: creating forests, biodiversity conservation, ecological restoration, ensuring the integrity of national forest fund, fire prevention, protection and forest protection and rational exploitation of forest resources.

In accordance with article no. 88 of the Forest Code, forest development and expansion of forest areas is an obligation and a national priority to ensure ecological balance local, national and global levels.

The main component of the forest is forest fund. Forests are considered and included in the national forest fund land with an area of at least 0.25 ha, covered with trees, trees should reach a minimum height of 5 m at maturity in normal vegetation. National forest fund may be publicly or privately owned and is good for the national interest. Forest protection works are required in order to maintain an appropriate health status and sustainable management of national forests. Private forests are part of the national forest. Forest regeneration is one of the priority activities of the National Administration of Forests Romsilva. All degraded and unproductive lands, regardless of ownership, whose enhancement is required in terms of soil protection, water regime, improvement the environment conditions and biological diversity is the perimeter of improvement.

Forest policies will follow sustainable and efficient management of natural resources in order to increase the economic benefits of population without endangering the constitutional right to a healthy environment and maintaining ecological balance.

Effective forest policy objectives are:

- increase forest cover;
- economic and ecological potential growth forests;
- efficiency of the control on the observance of the use of forest resources;
- sustainable use of wildlife resources;
- promoting rational use and recovery products and services provided by forest ecosystems.

Principles underlying sustainable forest management are (art.5 from Law nr. 46/2008):

- promote practices that ensure sustainable forest management;
- ensuring the integrity of forest and forest permanence;
- increasing the land area under forests; d) stable long-term forestry policy;
- ensuring continuity of adequate legal, institutional and operational forest management;
- the primacy of environmental objectives of forestry;
- increasing the role of forestry in rural development;
- promoting fundamental natural type of forest and biological diversity of the forest;
- harmonizing relations between forestry and other fields;
- support forest owners and stimulate their association;
- to prevent irreversible degradation of forests due to human activities and environmental factors destabilizing.

Regarding the management of national parks and natural in Romania, under the authority of National Forest operates 22 units.

Few statistics regarding forest fund

National forest fund area between 1990 and 2009 was small oscillations between 6.366 and 6.495 thousands hectares (fig. 1). In recent years there has been a slight increase in the national forest. State institutions are required to maintain and even increase the national forest area. Regarding the distribution of species in the forest fund is found that species of conifers, oak and beech are dominant. From 2001 until 2009 the land surface covered with conifers, oak and beech had an upward trend (fig. 2). Harvested wood volume recorded between 2000 and 2009 ranged between 14.285 and 17.238 thousands m³ (fig. 3). Between 2008 and 2009 there is a significant reduction in harvested wood volume. Regarding afforestation, in recent years have seen a reduction of new surfaces forest. In 2009, the afforestation area was 10.962 hectares (fig. 4).

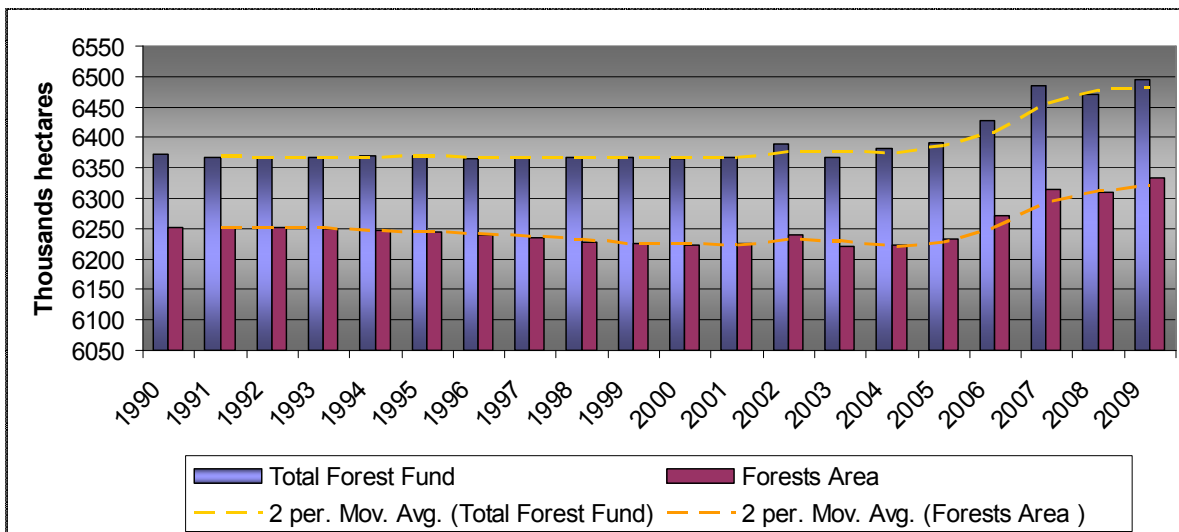


Figure 1. Forest Fund between 1990 and 2009 (<http://www.insse.ro/>)

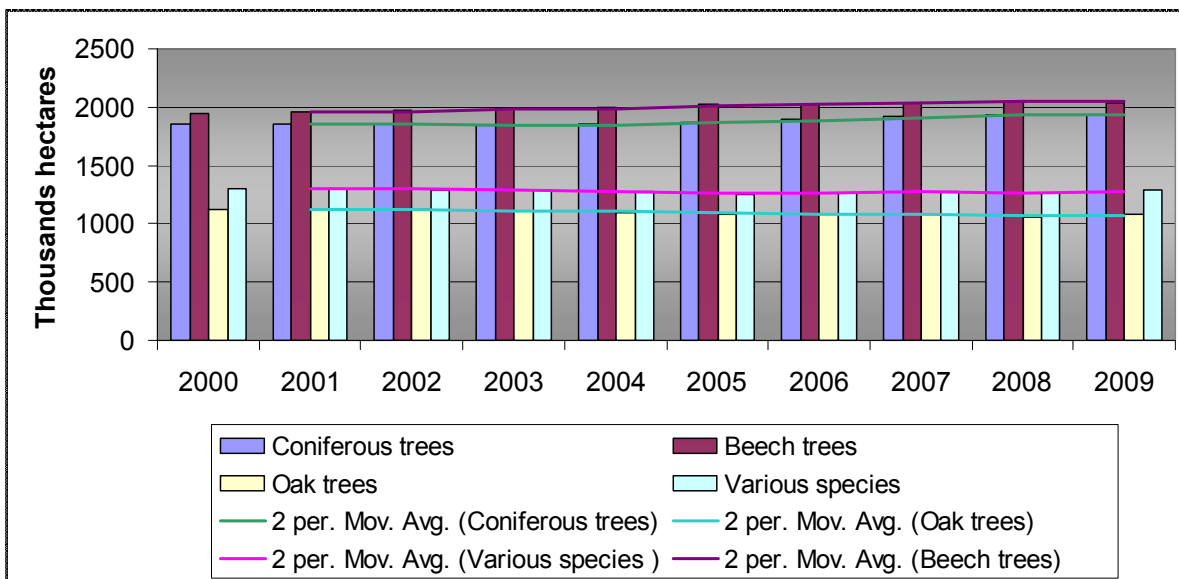


Figure 2. Forest Fund – Distribution by species (<http://www.insse.ro/>)

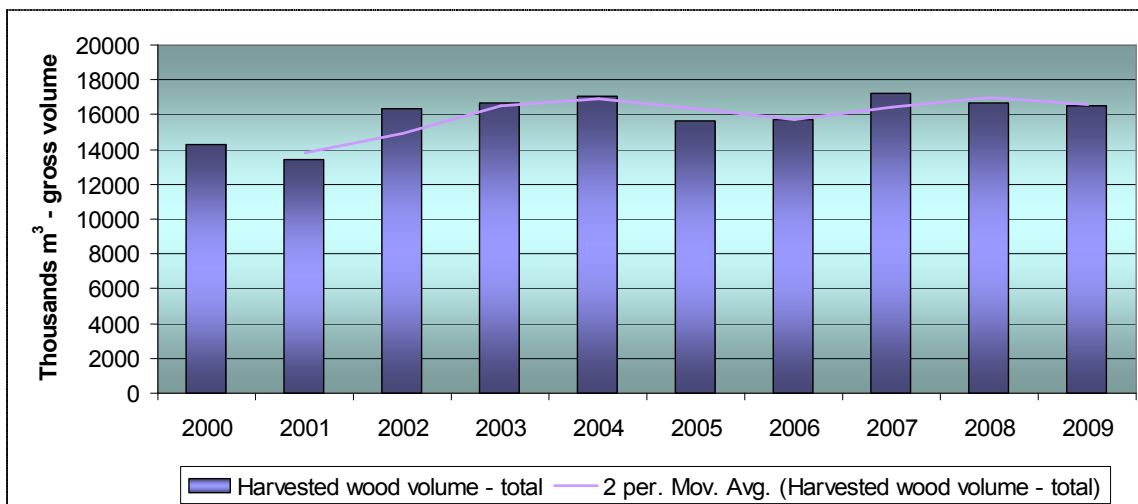


Figure 3. Harvested wood (<http://www.insse.ro/>)

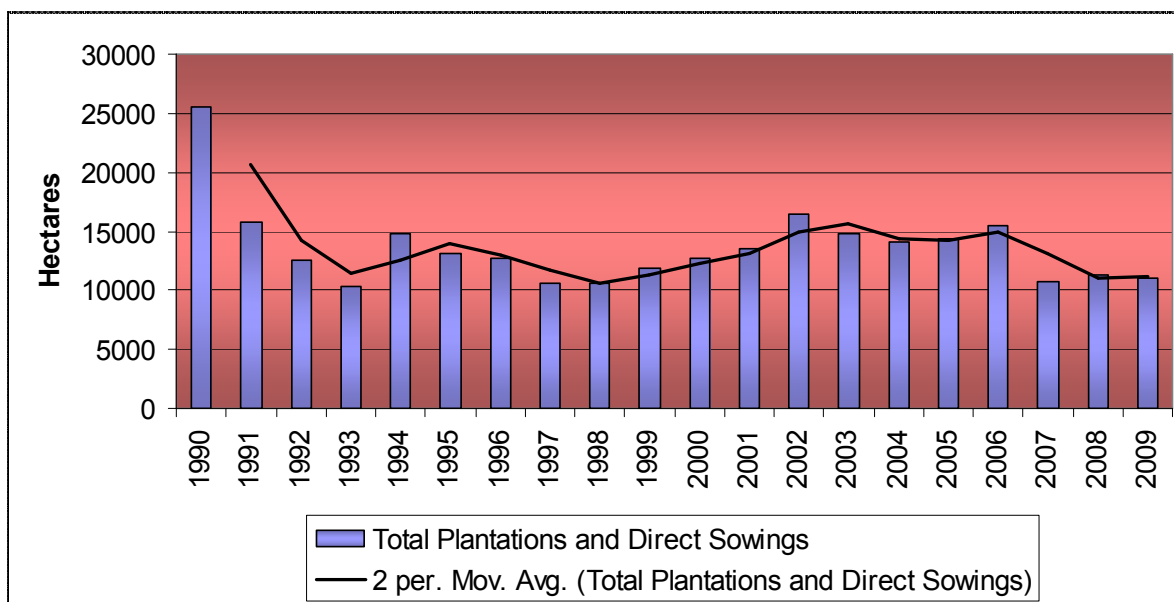


Figure 4. Afforestations - Total Plantations and Direct Sowings (<http://www.insse.ro/>)

4. CONCLUSIONS

Legal protection of soil is an essential component for achieving sustainable environmental development. Socio-economic development requires continuous updating and improvement of permanent forest protection regulations. Forestry require special protection legal and appropriate institutional framework.

Sustainable forest management and hunting wildlife contribute to improved quality of life and ensure sustainable development of society. Monitoring and management of forest resources is the National Forestry Administration attribute. The sanctioning regime in the forest is mainly determined by Law no. 171 of 16 July 2010 establishing and sanctioning violations forest.

European Ecological Network of Protected Areas Natura 2000 is a useful tool for biodiversity conservation forest ecosystems.

5. REFERENCES

- Duțu M. (2010) Dreptul mediului. Ed. C.H. Beck, București.
- Duțu M. (2012) Politici publice de mediu. Ed. Universul Juridic, București.
- Marinescu D. (2003) Tratat de dreptul mediului. Ed. All Beck, București.
- Mohan Gh., Ardelean A. (2006) Parcuri și rezervații naturale din România. Ed. Victor B Victor, București.
- Stancu R., Deaconu Gh., Richițenu A., Stancu S. (1977) Aspecte ale dezvoltării legislației de ocrotire a naturii în România. Revista Ocrotirea naturii și a mediului înconjurător, nr. 2.
- ***Government Decision no. 445/2009 on assessing the impact of public and private projects on the environment.
- ***Government Decision no. 918/2010 on the reorganization and functioning of the National Environmental Protection Agency.
- ***Government Emergency Ordinance no. 195/2005 on environmental protection approved with amendments by Law 265/2006.
- ***Government Decision No. 333 of 21 April 2005 for reorganization of territorial forestry and hunting departments in inspectorates territorial for forestry and hunting.
- ***Government Decision no. 585/2011 amending Government Decision no. 333 of 21 April 2005.
- ***Law no. 46/2008 - Forestry Code.
- ***Law on afforestation of degraded lands no. 100/2010.
- ***Law no. 49 of April 7, 2011 approving Government Emergency Ordinance no. 57/2007 on the regime of protected natural habitats, flora and fauna.
- ***<http://www.rosilva.ro>
- ***<http://www.insse.ro>