



PROGRAMUL DE COOPERARE ELVEȚIANO-ROMÂN  
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## Project title: “Strengthening the capacities of forest owners associations for sustainable forest management”

### Activity 1.1.1

# Forest owners associations in Suceava County

## Preliminary analysis

### Policy background

Associations of forest owners have a short history in Romania being dated after the year 2000, when the second law of land restitution was issued by the Parliament. Prior to that, the land restitution process was triggered by a law issued in 1991, when only one hectare of forest and 10 hectares of cropland were restituted according to a legal procedure which actually has spoiled the whole process.

According to the law 1/2000 there was no threshold for the forestland restituted to local associations that had been created before 1948, when all forest have been nationalized by the Communist regime. In Suceava County the process didn't make any difference to the rest of the country except for the cadaster base, which was inherited from the former Austro-Hungarian Empire who had ruled three historical regions: Bucovina (actual Suceava and some territories now in Ukraine), Transylvania and Banat before the World War One.



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Having reliable cadaster records the process didn't produce too much annoy between the forest management structures and the local communities

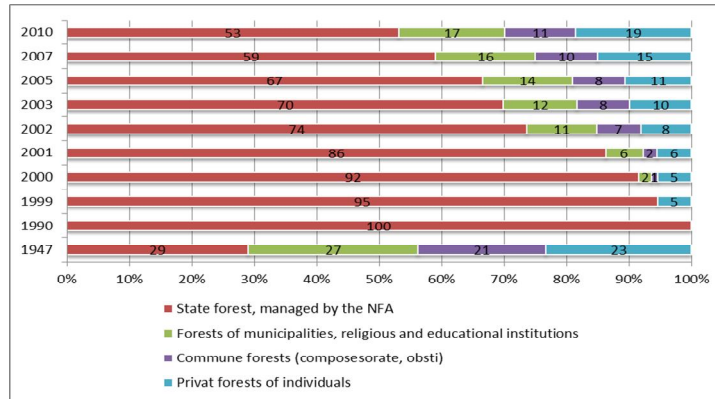


Figure 1 - Dynamics of forest tenure before and after the Communist period

'preferably, the land will be restituted in the same location proved by the tenure documentation provided by the claimant'.

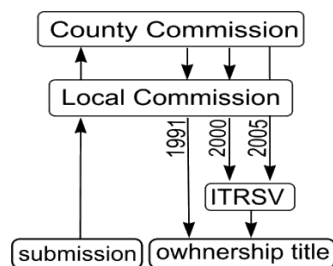


Figure 2 - main stakeholders and their roles in restitution process

The idea behind this 'preferably' was to restitute compact forest bodies to the private owners, not small patches spread out in the whole forest because every body was considering that forestland restitution won't ever go further to 'restitutio in integrum', a principle invoked barely by the third law of land restitution, issued in 2004, 13 year after the

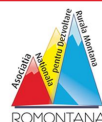
first law of land restitution.

The dynamic process shown in **Error! Reference source not found.** was initiated by the second law of land restitution, issued in 2000. The reference year is 1947 since we are having the last official data before forest nationalization that happened one year later, in 1948. A process completely overlooked by the politicians who has triggered the restitution process was the atomization of private forest fund after World War II, when the rich people, realizing that sooner or later the communists will take the power, had been selling out their forestlands to poor people, having more successors. By doing so the

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pentru un management forestier durabil

Strengthening the capacities of forest owners associations  
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PROGRAMUL DE COOPERARE ELVEȚIANO-ROMÂN  
SWISS-ROMANIAN COOPERATION PROGRAMME

atomization process was resumed fifty years later because these successors start claiming their ownership rights.

The tipping point was made by a new article of Law 1/2000 stating that the forests claimed by legal associations shall be entirely restituted; the law, for the first time after 1989, had recognized two types of community's forests: 'composesorat' in Banat and Transylvania (regions ruled by the Austro-Hungarian empire before the World War One) and 'obste' in the rest of the country. Both types of collective forests have the same historical background: communities endowed by the state or by local rulers from Middle Age for military services. These forests were commonly owned and managed by all members of the community but the share hold by each individual couldn't be sold outside the community or without community's consent.

### The restitution process – the main cause of public discontent

The legal mechanism envisaged by the Parliament for the land restitution is presented in **Figure 2**. The claimant has to submit her/his request to the local commission for being analyzed. This local commission was run by the mayor and its role was to validate from the legal point of view the request and to put together, on the locality map, all claims. The forest district was represented in these commissions in order to validate or invalidate to location where the forest will be restituted, according to the legal constraints referring to strictly protected areas where the restitution was initially banned (according to the Law 18/1991).

The documentation was further handed to the county commission where all pieces of the puzzle were put together and the final approval had to be given in a broader context, with all important stakeholders staying on the same table, including representatives of the public authorities, cadaster office and, later on, after 2004, representatives of the national forest owners association. Having approved the restitution documentation, the paper went back to the local commission, now in charge with issuing the ownership titles. In many situations the county commissions completely changed the location where the



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SWISS-ROMANIAN COOPERATION PROGRAMME

forest would have been restituted and the claimants simply have refused the ownership titles. Therefore about 500 thousand hectares, at national level, were left in between, unwatched and, eventually illegally cut. The local commission was omitted from final stage of restitution after 2005, according to the technical procedures approved for implementing the final law of restitution, publicized in 2004. As it is suggested in **Figure 2**, after the year 2000 the new authority structure, which is ITRSV has intervened in the final stage of restitution process being responsible with issuing the ownership titles.

Another cause of people's discontent during the restitution process was the tough position of National Forest Administration in any legal dispute on the restitution process. As a matter of fact about 190 thousand hectares of forests were subject for a long trial between NFA and a private association who has claimed to take over in private ownership the forests managed (and presumably owned) by the Orthodox Church Forest Fund, a private entity which was created under the Austrian rule in order to manage the forest as a joint ownership. The steering committee of this entity was made of representatives of all important public institutions of the region, being rather a public entity than a private one. For a short period of time, before the elections held in 2004, those forest were actually restituted by a Government Decision withdrawn immediately by the Parliament who invoked security reasons, most of the forests being located nearby the Ukrainian border. Afterwards the Orthodox Foundation has sued the NFA again and the juridical dispute has eventually ended in 2013.

The main problems with the latest phase of forest restitution have been caused by numerous juridical appeals raised by NFA, with or without solid motives, followed by the legal provision of the new Forest Act (in force since 2008) according to which the private forest owners shall have signed an administration contract with a an authorized forest district, either private or public. Expensive trials where people had to defend their ownership followed by the obligation to sign a commercial contract with the one who had sued you is quite frustrating and a great deal of resources were simply wasted in vain by both sides. This is actually the huge transaction cost of forest restitution, plus



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the social cost of numerous illegal deforestations reported by media and the Romanian Court of Accounts, who has published an extensive report on this subject in 2013<sup>1</sup>.

## Stakeholders implied in private forestry

### Teritorial inspectorates of forest regime and hunting (ITRSV)

Territorial Inspectorates of Forest Regime and Hunting (ITRSV) have been mainly created for watching timber cruising irrespective to the ownership type;



Figure 3 - ITRSV network in 2000

other activities have also been considered, such as supervising afforestation works and forest management planning. The first legal document legitimating these structures was the Emergency Ordinance 96/1998, and the main task of ITRSV was to prevent illegal cuttings during the restitution process. Each ITRSV encompasses more counties where the

total forest area exceeds 100,000 hectares, and the total area controlled by a forest inspector shall be 10.000 hectares.

The government decision which actually endorsed the ordinance had barely been issued two years later, in 2000 (GD 1046/2000), when six forest inspectorates were created, having the jurisdictions presented in **Figure 3**. In the same year a new set of technical standards, covering all important aspects of forest management (from afforestation works to forest fire prevention), has

<sup>1</sup> „Sinteza raportului de audit privind situatia patrimoniala a fondului forestier din Romania, in perioada 1990-2012” (Synthesis of the audit report on the patrimonial status of Romanian forest fund, between 1990 and 2012. – Romanian Court of Accounts, 2013, 112 p.



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SWISS-ROMANIAN COOPERATION PROGRAMME

been adopted<sup>2</sup>. The most controversial aspect has been the timespan on which a sustained yield is pursued through the forest planning: 60 years, irrespective to the ownership type and the area of the forest property.

In 2003, a new Government Decision (GD 761/2003) was issued in order to separate the two main functions exerted by ITRSVs: forest extension, on the one hand, and prevention of illegal logging, on the other hand. In fact that decision set up the National Environment Guard, aiming at preventing, identifying and suing whatever environmental crimes. The network settled down in 2000 was now dismantled in 16 Territorial Inspectorates of Forest Regime and Game Management subordinated to the Environment National



Figure 4 - ITRSV network in 2003

Guard, as shown in **Figure 4**.

One year later, in April 2004, the network of forest inspectorates was reorganized again in just eight territorial units, as shown in **Figure 5**, undertaking only 102 employees out of 259 positions the 16 Territorial Inspectorates used to have. It was a severe staff reduction, which affected the effectiveness of all measures meant to discourage illegal cuttings.



Figure 5 - ITRSV network in 2004

The official denominations of the new entities were Territorial Directorates of Forest Regime and Hunting and their jurisdictions somehow overlapped the so-called development regions (except Bucharest and its outskirt). These structures have been authorized to implement and supervise two important projects: the SAPARD program, meant to draw up money for rural

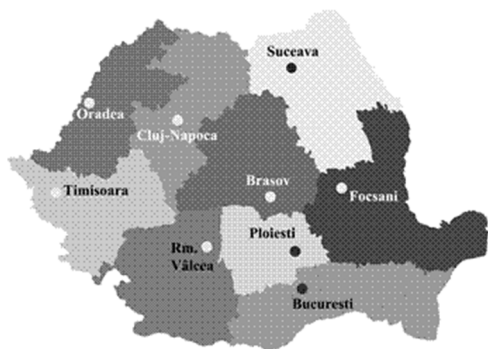
<sup>2</sup>Those standards have not been updated or withdrawn yet by the public authority even though they are obsolete and not adapted to small scale forestry which is being applied in private forests.





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SWISS-ROMANIAN COOPERATION PROGRAMME

development, and the Forestry Development Program, launched in 2003 and supervised by the World Bank.



In 2005, when the third full election cycle had begun, the ITRSV network was reorganized again (Government Decision 333/2005), resulting the geographical pattern presented in **Figure 6**, which has been maintained since then.

*Figure 6 - Actual jurisdiction of ITRSV network*

## National Forest Administration (ROMSILVA)

The role played by NFA has slightly changed in the last decade, following the legal provisions and ministerial orders issued by the public authority. As a matter of fact NFA has been playing an important policy role for the ruling parties. As anyone would expect, the leftwing party that governed between 2000 and 2004 and after 2012 tried to take over the forest management on those private woodlots not yet managed by private forest districts, since the Forest Act issued in 2008 states that any private forest shall be managed by an authorized structure, either private or state forest district.

Many forest owners failed to join into associations or small forest in joint ownership failed to set up their own forest districts simply because a forest district implies additional fixed costs, to be covered from timber sales. Therefore any forest owner is facing a Hobson choice: to make a contract with the nearest forest district or to give up her/his harvesting more than one cubic meter per year and hectare. According to the Forest Act, it is compulsory for any forest owner to acquire all important forest services – watching, timber cruising and forest protection – from an authorized provider, that is a forest district.

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PROGRAMUL DE COOPERARE ELVEȚIANO-ROMÂN  
SWISS-ROMANIAN COOPERATION PROGRAMME

As happened in many other parts of the country, the first reason for joining an association has been the restitution itself, because the national umbrella organization, which will be presented in the next session has provided juridical consultancy for smaller fees than other advocates were doing. Hence the relationship between private forest owners and NFA has been somehow tensioned because many forest owners considered they have been mocked by NFA since they have paid advocates for getting the forest back from the state and now they have to pay the same NFA for forest-related services, like forest watching, pest control, afforestation and timber cruising. Under such circumstances it is quite difficult to maintain the motivation for keeping alive the existing associations because the association itself implies some additional costs, at least the opportunity of cost of time needed to produce documents, minutes after each meeting, to organize general assemblies, and so on.

NFA, as any large company, wants to have solid contracts with all its clients and, according to an internal order issued in 2014, the forest management contracts shall be agreed between each NFA forest districts and each holder of the ownership title, unless there is no other legal entity to stand for the forest owners' interest, like a local association established according to all legal requirements. The other alternative an association might have is to create its own private forest district, provided that the total forest area managed is larger than 3000 ha in plain areas, 5000 ha in hilly areas and 7000 ha in mountainous zones.

### Roles played by the forest district

The most important tasks which shall be carried out by forest professionals are the following ones: 1) timber cruising, 2) planning the cutting budget within the bounds given by the forest management plan (the cutting budget envisaged for 10 years shall be broken down in ten annual allowable cuts); 3) afforestation works and 4) forest watch and pest control. All these four activities are the so-called forest-related services and, according to the Forest Act, they shall be delivered by an authorized forest district, private or public





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SWISS-ROMANIAN COOPERATION PROGRAMME

(i.e. NFA). According to the degree to which the forest owners are willing to outsource the forest-related activities, a forest owner or a forest owners' association can choose one of the options described in **Table 1**.

**Table 2 - Type of forest services carried out by forest districts for private forest owners'**

Type of forest owner	Minimal forest-related services enforced by the forest act	Other forest-related services which can be outsourced to the forest district
Individual forest owners	Forest watching, timber cruising for salvage products, main yield and thinnings, pest control, forest management planning	Afforestation works
Forest owners' association and municipality forests		Afforestation works, timber sale, auctions, harvesting operations, forest road maintenance

## Situation of forest owners association in Suceava County

Formally, according to the official data provided by Suceava ITRSV, in Suceava County there are as many as 37 associations. In addition to this situation, other nine associations have been identified in the National Catalogue of Associations, Foundations and Non-profit Organizations, hosted on the portal of Ministry of Justice. These associations are presented in **Table 3**.

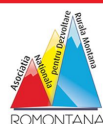
Although ITRSV has a special department dealing with extension services, when it comes to reliable information about the democratic mechanisms supposed to gear each association things are not clear at all.

Screening the information provided by **Table 3** an area with many association potentially willing to apply sustainable principles in a more consistent way when it comes to forest management would be nearby Solca or, more likely, between Solca and Gura Humorului. The main problem with this area is the forest administration, which is public, not private, meaning that all existing association and forest owners in that area have signed administration contracts with the state forest districts, certified under FSC label. The forest areas owned by individuals and associations are not subject to this certificate and it is quite unlikely to convince NFA staff to go for another certificate, for this time PEFC, only for a small area, having in mind that NFA, at national level,

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Strengthening the capacities of forest owners associations  
for sustainable forest management





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SWISS-ROMANIAN COOPERATION PROGRAMME

went for the most disadvantageous scheme, which is group certificate. It is cheaper, but applied on very large areas it is risky because the whole group might lose the certificate for one single forest district failure.





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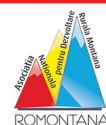
*Table 3 - Forest owners associations as registered by Suceava ITRSV*

Nr crt	Association	Founding date	Location	Number of associates	Total area (hectares)	Involvement in different events on private forestry	Internal democracy
1	AFFP Bradul	27.03.2002	Iaslovaț	295	160,92		
2	APP a Mosnenilor din Mitoc	24.02.2000	Mitocu Dragomirnei	152	142		
3	APP a Obstii Humoreni	28.03.2005	Humoreni	195	121,43		
4	APP Bucovina		Cimmpulung Moldovenesc	50	3897,87	Quite visible at county level, general assemblies on regular bases	
5	APP Cetina	06.01.2002	Cacica	400	592,15	Good communication with forest administration	
6	APP din Moldova Sulita	24.04.2005	Moldova Sulita	21	21	NA, poor communication with the local forest district	
7	Obștea Arbore	13.03.2000	Arbore	150	599,42	Not so visible Internal conflicts between members	
8	Asociatia Aurul Verde	20.06.1997	Botosana ®	NA	292	Still stuck on the conflicts within caused by the restitution	
9	Obștea Clit	14.02.2000	Arbore	46	67,2	Yes, they attended some meetings organized by the WB project; good terms with the forest district	
10	FF Privat Partestii de Jos	13.05.1998	Parteștii de Jos ®	933	296,3	Registered in the national catalogue due to the pressure exerted by ITRSV, no internal democracy proved	
11	Obcina Galanesti	17.04.2000	Galanești	128	75,9		
12	Obstea Berchisesti	20.09.2000	Dragoiești	106	135,9		
13	Obstea Capu Campului	13.09.2000	Valea Moldovei	82	211,1	Problems caused by an obsolete statute	
14	Obstea Capu Codrului	10.04.2000	Capu Codrului	NA	235,87		
15	Obstea de padure Valea Seaca	08.08.2000	Valea Moldovei	178	235,98	No data available yet about internal organization but problems with the forest district	
16	Obstea de Razesi Ortoaia	05.04.2000	Dorna Arini	22			
17	Obstea Dragoiesti	18.10.2000	Dragoiești	86	176,76		
18	Obstea Dresiuka Maritei	09.03.2001	Darmanești	45	17,34		
19	Obstea Gemenea	06.09.2000	Stulpicani	135	582,6	Dictatorial leader	

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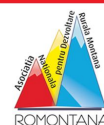
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20	Obstea Gura-Negrii	30.01.2000	Dorna Arini	21		Good terms with the private forest district and municipality
21	Obstea Negrisoara	18.01.2001	Dorna Candreni ®	21	336	Good terms with the private forest district and municipality
22	Obstea Padurii Balaceana	24.08.2000	Balaceana ®	505	316,66	NA
23	Obstea Padurii Ilisesti	15.09.2002	Ciprian Porumbescu	102	76,13	Good terms with the forest district although they didn't pay on time the administration fees
24	Obstea Poiana	18.10.2000	Poiana Micului	80	266	
25	Obstea Solca	10.10.2002	Solca	NA	54	No data about internal organization. Problems with the forest management plan (the allowable cut exceeded)
26	Obstea Solonetul Nou	11.10.2000	Cacica	116	133,43	Quite good terms with the forest district and transparency
27	Obstea Vicovu de Jos	23.01.2004	Vicovu de Jos	312	298,05	Illegal cuttings with but no evidence about owners involvement
28	Obstea Voitineli	03.04.2000	Galanesti		146,63	Same as above
29	Padu Man	28.06.2000	Manastirea Humorului	123	576,32	No data available yet, no contact person able to provide information
30	Panaci – Saru Dornei – Dorna Arini	23.03.2006	Șaru Dornei	NA	NA	Unable to produce evidence about general assemblies but good cooperation with the forest district
31	Plesana	18.10.2000	Manastirea Humorului	16	128	No steering committee, no document concerning general assemblies
32	Asociatia Forestiera Pohonicioara		Izvoarele Sucevei	NA	103	Same as above, plus internal conflicts within members
33	Poienita	07.04.2003	Poieni Solca	21	190,5	Good cooperation with the state forest district, but some conflicts with harvesting companies
34	Obstea Corlata		Dragoieshti		52,36	
35	Asociatia Obștea Vicovu de Jos	11.04.2007	Vicovu de Jos	NA	NA	Some internal conflicts impeded a better cooperation with the forest district (illegal cuttings)
36	Asociatia Composesoratul de padure Vicovu de Sus	04.12.2006	Vicovu de Sus	63	57,7	Same as above

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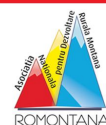
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	Bivolarie					
37	Asociația Proprietarilor de Padure Baranca–Ursuleasa	30.09.2012	Campulung Moldovenesc	7	130,4	New association, good terms with the private local forest district, fresh management plans
Associations registered in National Catalogue of Associations and Non-Profit Organizations but not recorded in ITRSV books						
38	Asociatia Poiana Comanestilor	13.12.2013	No data available yet			
39	Asociatia Razesii Dorneni	23.03.1998	No internal democracy, large illegal cuttings after restitution. Although the forest owned by the members could be enough for a private forest district nobody would take the chance due to the large area to be reforested after illegal cuttings			
40	Asociatia Codrii Cajvanei	22.01.2010	No data available yet			
41	Asociatia Brosteni Valea Bistritei	27.06.2006	Good cooperation with the state forest district, but small conflicts within members (as reported by the forest district who is managing the forest)			
42	Asociatia Fondului Forestier Privat „Poienita” Poieni - Solca	07.04.2003	No data available yet			
43	Asociatia Fondului Forestier Privat Bradul Iasolvat	27.03.2002	No data available yet			
44	Asociatia Forestiera Pohonisoara	10.04.2008	No data available yet			
45	Asociatia Forestiera Arinis	26.03.2014	New association, not active yet, they need a business plan. Great expectation from the management plan which was not paid yet.			

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Întărirea capacității asociațiilor proprietarilor de păduri pentru un management forestier durabil

Strengthening the capacities of forest owners associations for sustainable forest management





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## The situation of private forest districts in Suceava county

In order to achieve the project goals, the second analysis shall be focused in those combinations of private forest district and two or more private forest owners (municipalities, monasteries, joint ownership or associations of individuals) willing and able to undertake the responsibilities of forest certification, irrespective the system (PEFC or FSC). The associations that have created their own private forest districts are presented in

**Table 4** and, according the procedures required by any certification process, the forest district is the beholder of the certificate; therefore the target group shall be sought in the associations presented in there.

*Table 4 – Associations with private forest districts in Suceava County*

Association	Association's address	Private forest district	Private forest district address
Association of Forest Owners Bucovina	Campulung Moldovenesc, str. Calea Bucovinei nr. 13, jud. Suceava	Bucovina	loc. Campulung Moldovenesc, str. Garii nr. 5, jud. Suceava
Dorna Candrenilor municipality (VatraDornei, Dorna Candreni, Cosna, Poiana Stampei and Carlibaba)	Comuna Dorna Candrenilor, str. Principala nr.85, jud. Suceava	Dorna	Comuna Dorna Candrenilor, str. Principala, nr.85, jud. Suceava
Falticeni Orthodox Churches Association and ProtSilva Association of Campulung	Suceava	Silva Bucovina S.R.L.	Suceava, str. Vasile Bumbac, nr. 8
Associaton of Orthodox Churches of Falticeni protopope	Suceava	Ilisesti S.R.L.	Suceava, str. Zamca, nr. 36





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SWISS-ROMANIAN COOPERATION PROGRAMME

Asociatia Forestiera Romana	Bucuresti, str. Stelea Spatarul, nr. 23, parter, corp B, sector 3	Falticeni S.R.L.	Sasca Mica, comuna Cornu Luncii, nr. 28 bis, jud. Suceava
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All other forest owners associations have agreed administration contracts with either NFA forest districts or other private forest districts which are located in neighbouring counties, like Neamt, Bistrita, Bacau and Botosani.

The main cause behind this puzzle of forests and private forest districts shall be sought in the manner in which the counties' boundaries have been drawn in 1965, when the new territorial administration was adopted. The newly created counties, at that time did not perfectly overlap on the counties delineated before the Word War II, when most of the forest were in private ownership. Part of the forest owned now by inhabitants from Bistrita, Bacau, Neamt and Botosani have fallen in 1965 in Suceava counties and Suceava ITRSV has issued the ownership titles to people living in those surrounding counties. When these forests had to be managed by a private forest district, in many situations the forest owners have preferred to make an administration contract with the nearby private forest district, although the forest itself was located in a different county. Such situations have occurred in many other parts of Romania and this is the reason why many private forest districts are managing forests scattered in more counties, disobeying the territoriality principle which is a rule of thumb in forestry.