

BEGINNING AND DEVELOPMENT OF THE CZECH FOREST POLICY

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Forest policy appears as a science the first after political changes in 1989. Previous forest policy works are from the period of first republic and its authors were: Daňha, Ministr, Šiman and the others. That is why there is a need to summarize the development of forest policy in the Czech Republic from the historical point of view. This historical resource enables to determine more precisely the content of present forest policy. Priorities of forest policy gradually developed from the effort to protect the existence of forest through the effort of permanency of yields to the present effort of permanency of all forest functions and processes in forest ecosystem. These efforts are evident especially in forest laws issued in the time of Austria-Hungarian Monarchy and then later after the formation of Czechoslovakia in 1918. The descent of forest policy principles started in 1948 and have continued till 1990. At that time the liquidation of private ownership also began as one of the most important factors of forest policy. After 1989, the forest policy activities focused on the restitution process and creation of new Forest Act No. 289/1995 Gazette of Laws. Very important activity is also The National Forestry Program.

forest policy; history of forest policy; forest law; property relations; land reform; public forest ownership

Forest policy appears as a science for the first time after political changes in 1989. There were even no lessons of forest policy at any forestry school including both forestry faculties. When forest policy was included to the educational program of forest faculty, there was just a general idea about the contents of this subject. The contents were gradually specified, at the beginning using foreign studies of Schmithüssen, Krott and Nislein. At the same time these findings were applied to the conditions of the Czech Republic and the Czech forest policy. This article summarizes the development of forest policy processes from the beginning of Czechoslovakia till now. There has been no study dealing with this topic so far.

Forest policy is defined as:

- a) A science about prerequisites and conditions needed so that forest management can fulfill its national economy and private economy tasks.
- b) A part of practical state management, which includes also economic policy; the aim of economic policy is to support and to take care of forest management.
- c) A science about conflicts in forest management and methods how to solve them.

According to these definitions we can determine particular groups in forest policy processes (forest owner, state, forestry staff etc.) and also conflict areas and methods how to solve these conflicts. These conflict areas and approaches, how to solve conflicts, were specific for

each historical period, because each period had different economic and social claims on forest.

Forest policy in relation to forests, as a part of European cultural landscape, dealt especially with the effort to keep forest area as a result of historical development in each country. *A very strict protection of forest against its devastation and reducing its area has been the fundamental principle of state forest policy in advanced countries.* It is obvious in Austrian forest law issued by emperor statute No. 250/1852 Imperial Act and also in forest laws issued at the same time in Germany, Switzerland, France and in a lot of other countries. Limitation of forest disposal was approved, although it was quite big interference into property rights compared with other properties. It was related especially to the prohibition of deforestation and devastation and to the regulation of harvesting. On the other side, the free entrance to forests for public was mostly also provided.

Ways of the forest management were depending on the decision of forest owners and state forest policy with its tools – forest laws did not care of them very much. The interest of forest owners in economic use of their forests led already in the Middle Ages to the fact that they tried to make plans and regulate the management. Although the harvesting started to be regulated in the 14th century in terms of its permanency, only during the 19th century scientific based methods of forest disposal according to the *principles of sustainability and yield balance* were used.

In pluralistic political system there were various categories of ownership as a consequence of historical processes, mainly political ones. The state policy of this system did not have any reason to influence forests according to the ownership or in management methods. This situation persisted till the half of the last century. After that the society started to change because of changes in living standards and lifestyle. The pressure of consumption society on natural and living environment increased. The changes in forest functions occurred. The pressure to use forests for recreation of people from big cities and regions with bad environment increased. Forest recreation became suitable for improving the health of the population and a part of lifestyle. Recreation function of forest is one of important public interests in using cultivated forests. Water management and protective functions belong to other non-wood producing effects required from forest management in enhanced extent. The forest management itself influences partly negative the runoff regime of rainfall water, soil erosion and water pollution. There are also efforts to save and intensify ecological stability of cultivated landscape. They led to the changes in nature protection conceptions and establishment of national parks and protected landscape areas. Forests with the function of nature protection in these areas have important task in protection of cultivated landscape, in protection of biodiversity and landscape character.

History of the Czech forest policy

There was no Czech forest policy till the establishment of independent Czechoslovakia. It was a part of forest policy within the Austrian Monarchy and usually attention was paid only to necessary tasks of state forest inspection according to imperial act No. 250 from 1852. Private forest owners did not have to respect almost any regulations in their forest management. In 1893 there was Act No. 11 of forest management in communal forests issued. The Union of Czech Foresters stressed that it is necessary to issue forest laws suitable for conditions and needs of particular countries. It also struggled for issue of suitable and clear declaratory statutes of this Forest Act from 1893. It pressed for improvement of bad forest condition in communal, singular and farm forests. All efforts to wake interest met with resistance of Austrian government and large forest owners. After the year 1918 the effort to certain principles of forest policy appeared again. The forest policy was supposed to be created being based on the importance of our forests from the national, social and economic point of view (Nožička, 1959).

The main principle of this forest policy was, that forests exceeding thanks to their importance and age, human life, do not belong entirely to a person who is their temporary owner, but they are a part of public natural inheritance. It means, that forests should be a public property of all nation and state is supposed to take care of them (Šimán, 1920).

It does not mean that forests should become a state property but state should have the supervision in all forests. It was also considered as very important, that the state owns a large forest property and has that is why direct interest in forest management. As for communal forests, communities should not have made decisions alone, because there was a fear that representatives of community could unprofessionally interfere with forest management, which has to be managed by professionals.

To improve the condition of small private forest properties, there was a plan to create positions of specialist providing enlightenment activities, working as advisers and motivating small forest owners to form cooperatives, which are going to be managed in a professional way.

Large forest properties were supposed to be controlled by state supervision. Independent state forest authorities were supposed to have supervision in all forests in the country. These authorities would approve forest management plans, control management in all forests and establish the function of licensed forest manager. Licensed forest managers skilled in forestry and examined by state commission.

Besides issue of legal regulations it was also necessary to form Czech forestry educational system, i.e. universities, secondary technical 4-year schools and training centers lasting a year. They were supposed to get own school forest districts.

After the First World War, when Czechoslovakia was established, lack of wood occurred and more harvesting was required. Also big forest owners wanted to harvest more because they were afraid of coming land reform. Act on temporary forest protection No. 82/1918 tried to forestall increased harvesting.

Efforts to protect forests led to the issue of law on temporary forest protection No. 37/1928 Gazette of Laws, which regulated main felling. According to this act it was obligatory for all forest owners having more than 50 ha of forest land to have and respect forest management plan. This obligation concerned about 85% of all forests.

Land reform according to acts No. 32/1918 Gazette of Laws (on attachment of estate) and 215/1919 Gazette of Laws (annexation act) was one of the main problems during the period of the first republic. Land reform concerning forest land was done later, because there were some political reasons why land reform concerning agricultural land had to be done first. Forest part of land reform started to be prepared more intensively in 1925, in 1932 the process was the most intensive and in 1937 it was temporarily interrupted. Aims of the land reform changed gradually because of political reasons. In consequence of the land reform, state forest land area increased from 1.2% to 16.4%. Some forest land was allocated to municipalities and municipal government or to other acquirers. This was also the time when municipal forest cooperatives started to be established. Every expropriation according to these acts was compensated.

Also consequences of disasters (nun moth 1917–1927, windthrow disaster 1929, snowbreak disaster 1930 and

world economic crisis 1933–1935) influenced forestry policy at that time. Especially world market crisis led to the decrease of timber export, decrease of sales at home market and timber prices break down. The state started to regulate harvesting – it was allowed to harvest only 50% of allowable cut, and started to regulate indirectly timber market through the support of export. These restrictions continued till 1936.

Harvesting restriction and absence of financial means led to the inhibition of silvicultural treatment and deceleration of forest reproduction. Fragmentation of forest estate influenced negatively the level of forest management. The formation of cooperatives of small forest owners was not very successful except several cases.

The forest policy was engaged also in other price and social tasks. E.g. timber prices policy, trade agreements, transport tariffs, forest taxation, insurance etc. Most of these tasks needed the engagement of political parties to be solved. But this engagement was sometimes missing. In spite of that there was a progress in Czechoslovak forestry during 20 years of its existence and it led to the improvement of the situation in the whole forestry.

The separation of region Sudety and their affiliation to Germany, establishment of the Slovak Republic and formation of the so-called Protectorate Czech and Moravia and its occupation by Germany caused that the organization of forestry and state administration in general were broken up. German forest authorities carried out the management of state and communal forest property and control in small private forests. Later on also organization of forestry service in Protectorate was organized according to this model and German officials stand in top positions there.

Decree of the government No. 178/1940 Gazette of Laws caused significant changes in management of small forests. Administrations of forest cooperatives were established to manage cooperative forests using licensed forest managers. Administrations of forest cooperatives had also other task besides professional forest administration – it was possible to employ here forest employees coming from occupied regions.

It is a paradox that many legal rules of a high quality in a form of decree of the government were produced during the occupation period. Czech officials, who stayed at their positions because of various reasons, usually produced them.

Decree of the government No. 178/1940 Gazette of Laws on the professional forest service was one of the most important ones. Professional forest service solved two problems of forest management at that time: professional management in small forests and employment for qualified forest managers, who lost their work as a consequence of decomposition of Czechoslovakia. All forests up to 575 ha without licensed forest manager had to join forest cooperative in consequence of this Decree. In Protectorate Bohemia and Moravia there it referred 161 460 of forest properties at the total area of 478 151 ha (average size was less than 3 ha). 74 forest districts were founded and properties of 2180 forest owners with

the area of 6450 ha formed one forest district. The main tasks of these forest districts were as follows: creation of a record of all forest properties, planning of felling, marking of timber for felling, control and felling record, reforestation of clear-cuts and other silviculture activities. Forest owners together with forest managers issued invoices for timber to avoid financial losses in timber market.

Decrees of the government No. 15/1939 Gazette of Laws and No. 291/1943 Gazette of Laws on licensed forest managers, employees of forest service and forest rangers were also important. The first one concerned the duty to employ one licensed forest manager for every 575 ha and protective forest personnel for every 345 ha. The second decree confirmed the necessity to have a licensed forest manager for every 575 ha but canceled the duty to employ protective forest personnel for every 345 ha.

Very positive decree was the decree of the government No. 350/1940 Gazette of Laws determining duties concerning the use of high quality genetic seed and plants. It ordered to approve forest stands and particular trees to be suitable for collection of forest seeds, cuttings and natural seeding. Only that one who had the license from the Ministry of Agriculture was allowed to produce forest plants and sell forest seed and plants according to this decree.

Decree of the government No. 363/1941 Gazette of Laws on clear-cuts in forest management meant a significant restriction of clear-cuts in our countries. On the other side it had also negative impact, because it caused abnormal cuttings in mature stands and creation of open forests.

Decree of the government No. 229/1942 Gazette of Laws on forest authorities has been already mentioned before.

Last two legal rules issued in this period are very important and are on a high professional level. These are: decree of the government No. 35/1944 Gazette of Laws on forest management planning and ministerial regulation No. 539/1944 Gazette of Laws with directions and more specifying prescripts on forest management planning. The most significant items introduced by these regulations were as follows:

- duty to manage private forests of the area above 50 ha and other forests regardless of the area according to approved forest management plans
- instruction on primary and final round and on record about them
- three-level system of forest
- duty to manage high forests
- new approach to harvesting regulation – total cut is decisive and is divided into main felling and intermediate felling
- implementation of harvesting indicators
- duty to choose for forest regeneration tree species suitable for respective site and advisable from the economic point of view
- implementation of logging map

There was a lot of significant property changes after 1945 because of presidential decree No. 12/1945 Gazette of Laws on confiscation of Germans' and Hungarians' property and property of Republic enemies, because of Act No. 142/1947 Gazette of Laws on audit of the first land reform and Act No. 143/1947 Gazette of Laws on transfer of 50 000 ha that belonged to Hluboká stem of Schwarzenberg family to the state. That is why state forest area increased by 500 000 ha.

Small attention was paid to the forest policy during socialism. This important part of economic policy was declassified. Only principles of CPC (Communist Party of Czechoslovakia) economic policy were developed and state plan on national economy development was periodically compiled. *The aim of forest policy was to gain the fact that "society uses forests in the most efficient way for its own interest"* (Polák, 1959). Also specificity of forest management was left out. Forest management was very active till the end of 1980s and it transferred its gain to the state budget. But appropriation for investments did not provide even its reproduction.

Marginalization of air pollution load made the situation even worse. Nowadays the air pollution affects more than 60% of forest land with all negative consequences for forest condition. Also percentage of broadleaves in regeneration decreased to minimum. Tending interventions were done later than they were supposed to be done and very high game damages occurred. Mistakes of forest management, mistakes done in indicators and implements of forest management economy and legislation came out. This gave rise to degradation of silviculture, deformation of forest management planning function and not understanding forest as an ecosystem. This supports the statement that no rational forest policy existed.

Transfer of almost all forests to state property also enabled creation and implementation of systematic very good tools for planning and making decisions in forest management planning and forest practices (e.g. forest typology, basic unit of general planning, yield tables, forest road net of a high quality). Also standing volume increased in that time, although part of it is situated in old stands at difficult accessible localities.

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Vznik a vývoj české lesnické politiky.

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Cílem práce je podání přehledu o vývoji české lesnické politiky. Lesnická politika jako vědecká disciplína se vyučuje dlouhodobě na zahraničních lesnických vysokých školách, avšak v České republice se její obsah formuje až po politických změnách v roce 1989, kdy se začíná vyučovat nejprve na obnovené Lesnické fakultě České zemědělské univerzity v Praze a posléze i na Lesnické fakultě Mendelovy zemědělské a lesnické univerzity v Brně. Tento stav byl zapříčiněn skutečností, že oborová politika byla striktně určována politikou vládnoucí politické strany, což vedlo k potlačení rozvoje resortních politik a nakonec i k jejich likvidaci.

Metodika práce spočívala především ve studiu historických lesopolitických výstupů, hlavně lesních zákonů v evropských zemích. Dále byly studovány práce autorů z období první republiky a práce autorů zahraničních, především Nisleina, Krotta a Schmithüssena. Lesnická politika se jako vědecká disciplína objevuje v České republice

Changes in the society and forest management that came after November 1989 gave rise to the elaboration of new state forest policy principles. The government of the Czech Republic approved them in May 1994.

After political changes in 1989 also new forest act started to be prepared. This work took long five years especially because of permanent controversy between the Ministry of Agriculture and Ministry of Environment concerning competences in state administration. Act No. 289/1995 Gazette of Laws is the result of this controversy. This act implemented a very complicated and expensive system of state forest administration demanding for both forest owners and state budget. Comparison of legal rules in other European countries shows that the Czech Republic has the strictest act in Europe and may be in the world. This is not very positive because a Czech forest owner could be in disadvantage from the competitive point of view.

Conclusion

This study has the aim to contribute with its retrospective approach to the use of historical experience in the field of forest policy to formulate new principles of forest policy and legislation, which would ensure equal position of the Czech forestry in the context of EU membership.

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až po politických změnách v roce 1989. Předcházející lesopolitické práce se datují do období první republiky a jejich autory byli Daňha, Ministr, Šiman a další. Proto vzniká potřeba historického shrnutí vývoje lesnické politiky v Čechách. Toto historické východisko umožní přesněji stanovit obsahovou náplň dnešní lesnické politiky. Priority lesnické politiky prošly vývojem, od snahy o ochranu existence lesa přes snahu o trvalost výnosů až po dnešní snahu o trvalost všech funkcí lesa a procesů v lesním ekosystému.

V pluralitních politických systémech existovaly různé druhy vlastnictví lesů, jako důsledek historických procesů, hlavně procesů politických. Státní politika těchto systémů neměla důvod diferencovaně ovlivňovat lesy v rozsahu druhů vlastnictví, ani ve způsobech hospodaření. Tento stav trval ještě v polovině tohoto století. Potom se začal v důsledku změn životní úrovně a životního stylu lidí pronikavě měnit. Zvýšil se tlak spotřební společnosti na přírodní a životní prostředí. Došlo ke změně v poslání lesů. Stoupal tlak na využívání lesního prostředí pro rekreaci obyvatel velkoměst a regionů se zhoršeným životním prostředím. Rekreční funkce lesů dnes představuje jeden z důležitých veřejných zájmů na využívání kulturních lesů.

Původní snahy však byly jiné, a sice ochrana lesa před zmenšováním jeho plochy a před případnou devastací. Tyto snahy se projevily hlavně v zákonech, a to jak v době Rakouska-Uherska, tak i později. Doba Rakouska-Uherska byla bohatá na lesopolitické změny, které vyvrcholily vydáním nejprve tzv. Tereziánských lesních řádů a v roce 1852 známého zákona č. 250. Podobné zákony byly v té době vydávány také v Německu, Švýcarsku a Francii. Tyto snahy pokračovaly i po vzniku Československa v roce 1918. Lesnická politika po založení Československa znamenala především majetkové změny ve formě první pozemkové reformy. Nicméně i zde vznikly důležité a kvalitní právní normy. Pravděpodobně nejzávažnější z nich byla opatření v důsledku celosvětové hospodářské krize v letech 1933–1935. Ta vedla k poklesu vývozu, ke snížení odbytu na vnitřním trhu a ke zhroucení cen dřeva. Stát zavedl radikální regulaci těžby dřeva na 50 % zákonem povoleného etátu a nepřímou regulaci trhu dřeva podporou vývozu. Tato omezení platila do roku 1936.

Kromě toho se lesnická politika první republiky zabývala dalšími problémy. Byly to např. otázky cenové politiky u dříví, obchodních smluv, dopravních tarifů, zdanění lesů a pojištění. Řešení většiny těchto otázek vyžadovalo spoluúčast politických stran, která někdy chyběla. Přesto však československé lesnictví zaznamenalo za 20 let své existence všeobecný pokrok, který vedl ke zlepšení situace.

Zajímavá je i lesnická politika během Protektorátu, kdy vznikly velmi kvalitní normy ve formě vládních nařízení. Tato vládní nařízení podrobně a důrazně řešila problémy, které se dosud žádný politický systém neodvážil řešit. Jednalo se především o společné obhospodařování drobných lesů a stanovení výše těžeb a zásad hospodářské úpravy lesů. Také byly řešeny otázky genetiky osiva a sazenic. Tato vládní nařízení byla zrušena po roce 1945 jako předpisy z doby nesvobody, nicméně v některých případech ke škodě českého lesnictví.

Další dalekosáhlou lesopolitickou aktivitou bylo přijetí Benešových dekretů, které přivedlo do majetku státu cca 900 tisíc ha lesních pozemků. Díky tomu má dnes Česká republika jedno z nejrozsáhlejších státních vlastnictví. Úpadek lesopolitických zásad nastal v letech 1948–1990, kdy došlo k likvidaci soukromého vlastnictví jako jednoho z nejdůležitějších činitelů lesnické politiky. Lesnická politika se redukovala na prioritní plnění státního plánu a závěrů sjezdů Komunistické strany Československa. Lesnické zásady, byť se v zákonech vyskytovaly, měly spíše ideologický a proklamativní význam. Po roce 1989 se lesopolitické aktivity zaměřily hlavně na restituci vlastnických vztahů a vznik nového zákona č. 289/1995 Sb. o lesích. Významnou aktivitou je i Národní lesnický program. Začaly se řešit i zásady společné evropské lesnické politiky v rámci EU. Významnou současnou aktivitou jsou i celosvětové lesnické kongresy a konference ministrů, kde je hlavním tématem především ochrana lesů a jejich trvale udržitelný rozvoj.

lesnická politika; historie lesnické politiky; lesní zákon; vlastnické vztahy; pozemková reforma; veřejné vlastnictví lesů

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