

LOCAL LAND MANAGEMENT OF FIELD PROTECTION FOREST BELTS:

DECENTRALIZATION MODELS

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The state of field protection afforestation in Ukraine was studied and it was found that the indifferent attitude of the state for many years to field protection forest belts has led to an ecological crisis. We have about 15 million hectares of degraded soils, and losses due to crop failure are estimated at 33-35 billion hryvnias annually, which is also the result of long-term absence of the owner or manager of these lands. Describing the problems associated with the use of forest belts in terms of the interests of management and economic entities, it was found that currently the most influential actors are the State Forestry Agency, united territorial communities and people whose interests compete with each other. Based on studies of the evolution of land ownership under protective forest belts, taking into account the decentralization processes taking place in the country and taking into account the provisions of the Laws of Ukraine, models of their management at the local level are proposed. Emphasis is placed on the fact that, regardless of the choice of the owner, preference is given to the creation of a communal agroforestry enterprise for the arrangement of protective forest belts.

Key words: *field protective forest belts, communal agroforestry enterprise, decentralized management model, land owners of field protective forest belts*

Problem statement. Field afforestation in Ukraine has been established in Poltava region in 1809 (the first forest belts have been created), so we have more than 200 years of experience in field protective afforestation, which has become widespread in many countries around the world [1].

Currently in Ukraine there are about 350 thousand hectares of field protective and 90 thousand hectares of water-regulating forest belts, which protect almost 40%

of arable land [2]. Those forest belts perform climate regulation, soil protection and water protection functions. It has been scientifically proven that one hectare of protective forest belt protects 20-30 hectares of arable land from dry winds, increasing crop yields by up to 15%. In the fields protected by these forest plantations, the wind speed slows down by 20-30%, the evaporation of moisture is halved and, thus, the humidity increases by 3-5% [2]. In this regard, protective afforestation inhibits the development of erosion processes on adjacent agricultural lands and is one of the powerful long-term regulators of environmental safety in agricultural land use. To protect the remaining 60% of arable land, new field protective forest belts should be created. Their area should be increased by 2-3 times depending on specific regional conditions. After all, the country's protective forest cover is currently only 1.3% (in the Steppe zone – 2.2%, in the Forest-Steppe zone – 1.0 and in Polissya - 0.4%), which is much lower than optimal: 3.8-6, 2%; 2.7-4.4; 2.4-4.5%, respectively [3].

Indifferent attitude of the state for many years to the protective forest belts has led not only to the ecological crisis (we have about 15 million hectares of degraded soils, and losses due to crop failure are estimated at 33-35 billion hryvnia annually) [4], but also to the fact that economic entities do not see the benefits of protective afforestation, so we have to convince them now. According to the World Bank, in the agricultural production of Ukraine for every dollar of value added as a result of erosion, Ukrainian farmers lose about a third [5].

Disorder in the use of land plots under protective forest belts is due to insufficient coordination of activities in the field of forestry, primarily due to constant underfunding of forestry enterprises, which leads to the following: 1) no work is being done to create new field protective forest belts on degraded and unproductive arable lands; 2) existing forest belts are not monitored and accounted for; 3) protection of forest belts from fires, illegal logging, uncontrolled dumping of garbage is not carried out at the proper level; 4) for a long time no seeds are harvested, no planting material is grown, which will make it impossible to create these plantations in the future.

In view of the above, in the near future all this may turn into an environmental threat, because nothing is being done to restore the forest belts, while environmental values and well-being should be a priority in every society. It is unfortunate that we return to these problems only in unison with natural disasters or the exacerbation of crisis phenomena in the economy of nature management.

Analysis of recent research and publications. Field afforestation has been the subject of research by local scientists for several hundred years.

Conceptual provisions of landscape ecology, agroforestry, protective forestry is reflected in the works of V.V. Dokuchaiev, H.F. Morozov, V.I. Vernadskyi and others. Considerable attention was paid to the study of protective afforestation problems by G.M. Vysotskyi [3], O.I. Pylypenko, V.Y. Yukhnovskyi, A.M. Vynohradov, M.I. Dolhilevych, E.S. Pavlovskyi. Problems related to the management of agricultural landscapes by forest reclamation methods on the basis of sustainable development are revealed in the works of O.I. Furdychko, A.P. Stadnyk, V.P. Sytnyk, M.D. Bezuhlyi, A.S. Zaryshniak. The works of S.I. Ibatullin, O.V. Stepanko and O.V. Sakal are devoted to landscape planning.

We have found a need of comprehensive disclosure of management aspects in terms of transformation of ownership of protective forest belts and scientific justification of this process from the standpoint of environmental safety in land use, as little attention is paid to it.

The aim of the study. Investigate different models of ownership relations for land plots under protective forest plantations and justify the possibility of their use in the land management system at the local level..

Research results and discussion. Referring to the history of land relations reform in terms of the transformation of land ownership under protective forest belts, this process is quite lengthy and requires additional research.

At the initial stage of land privatization in the period from 1990 to 1994, land plots under protective forest belts could be transferred to: 1) collective ownership of agricultural enterprises on the basis of a decision of the local council to create collective agricultural enterprises (hereinafter – CAE); 2) citizens for farming; the reserve lands by the decision of the local council. This stage is also characterized by

the fact that agricultural land was transferred to the collective ownership of agricultural enterprises, agricultural cooperatives, agricultural joint stock companies. In accordance with the Decree of the President of Ukraine "On urgent measures to accelerate land reform in agricultural production" of November 10, 1994 № 666/94 the likelihood of agricultural land under protective forest belts transfer to the collective ownership of the CAE has increased [6].

With the adoption of the Decree of the President of Ukraine "On the procedure for distribution of land transferred to collective ownership of agricultural enterprises and organizations" of August 8, 1995 № 720/95 the division of agricultural land into actually agricultural land (fields, pastures, orchards, vineyards) and other agricultural land (land under protective forest belts, farmyards, field roads, etc.) within the lands of CAE (1994-1995) was made. Thus, agricultural lands transferred to collective ownership of agricultural enterprises, cooperatives, joint-stock companies, including those created on the basis of state farms and other state agricultural enterprises were distributed between local residents. However, with the adoption of this decree, the lands under the protective forest belts were left out of consideration, and, as a result, these lands were not divided, certificates were not produced for them, they were not allocated and state acts were not obtained [7].

Citizens who were given land plots under protective forest belts for farming until January 18, 2001 were given the right to inherit, exchange, donate, pledge, enter into lease agreements and sell them to Ukrainian citizens without changing their purpose. In addition, they were given the right to establish joint agricultural enterprises, joint-stock companies, associations, unions, as well as cooperative enterprises and organizations on the basis of their plots. The further fate of the land plots occupied by field protective forest belts was determined by its owner – a farmer.

Land plots under protective forest belts were also part of the reserve lands. With the adoption of the Decree of the President of Ukraine "On ensuring the economic interests and social protection of social workers in rural areas and addressing certain issues arising in the process of land reform" of April 12, 2000 № 584/2000 the process of their transfer to private ownership on the territory of each village or settlement from the reserve lands has been evolving in the higher pace (usually

employees of the social sphere of the village and pensioners, who worked in this sphere became the ownership rights). Until 2001, the reserve lands were managed by village, settlement, city and district local councils [8]. With the adoption of the Land Code of Ukraine on October 25 of the same year the right to dispose of land outside the settlements acquired district state administrations, and on October 16, 2012 after amendments and additions – transferred to the State Land Agency of Ukraine [9].

Article 25 of the Land Code of Ukraine provides that field protective forest belts and other protective plantations may be transferred to the ownership of those agricultural enterprises, institutions and organizations established by former employees of state and municipal agricultural enterprises, institutions and organizations. After the initial privatization of land plots under protective forest belts, which became part of the assets of collective agricultural enterprises could: 1) be transferred to the statutory fund of the agricultural enterprise, the initiator of which was CAE; 2) be alienated by the decision of the general meeting of the CAE to individuals and legal entities on the basis of concluding contracts of sale, rent, gift, exchange, etc.; 3) be transferred as a property contribution to joint-stock companies, associations, unions and cooperative enterprises of agricultural producers without losing the right of CAE, its members to their own land plots, unless otherwise provided by the contract; 4) be distributed (in case of liquidation of the CAE) in accordance with the constituent documents of the CAE or with the consent of the owners of land shares (units) (if no agreement is reached, the decision is made in court); 5) be transferred (in case of liquidation of the CAE) to the owners of land shares (units) of the CAE who live in nearby settlements; 6) be transferred (in case of liquidation of the CAE) to the owners of land shares (units) of the CAE on the basis of the approved land management documentation at the meeting of the owners of land shares (units); 7) be transferred (in case of liquidation of CAE) to the reserve lands if they were still in communal or state ownership and were transferred to CAE on the use rights.

After the reorganization of the CAE and the division of land plots under protective forest belts, they remained "nobody's", and who only did not dispose of them (regional and district state administrations, the State Service for Geodesy,

Cartography and Cadastre), which took place outside the law. The absence of the owner of these lands for a long time has become a problem of national scale (primarily, lost reliable information about their area and actual condition). Their inventory, care felling, work on their reproduction requires significant material costs. In this regard, forestry enterprises do not agree to transfer protective forest belts to their balance sheet. These plantations, being in state, collective or communal ownership in the absence of a specific owner who is responsible for their economic condition and the condition of the lands on which they grow, are used irrationally.

Issues related to the use of protective forest belts have been particularly resolved at the legislative level. The Law of Ukraine "On Amendments to Certain Legislative Acts of Ukraine to Address Collective Land Ownership, Improving Land Use Rules in Agricultural Land, Preventing raiding and stimulation of irrigation in Ukraine" № 2498 - VIII from 10.07.2018 contributed to it [11]. This law provides amendments to a number of regulations, in particular: the Land and Forest Codes of Ukraine, the Laws of Ukraine "On Collective Agricultural Enterprise"; "On the procedure for allocating land to owners of land shares"; "On state registration of real rights to immovable property and their encumbrances"; "On land management"; "On land lease"; "On land valuation"; "On the State Land Cadastre"; "On land reclamation".

This law resolves problematic issues related to the transfer of collectively owned lands of liquidated CAE to the united territorial communities into communal ownership. From January 1, 2019, in accordance with Law № 2498, collectively owned lands that remain undistributed or not are not a subject of distribution are considered as the property of territorial communities, and local governments as their representative bodies have the right to dispose of them. But in order to acquire the right to dispose of these lands, they must be registered in the State Land Cadastre. The registration of such land plots is carried out on the basis of the application submitted by the owner or user and the available land management documentation, according to which the plots are formed. Local councils are considered to be the customer of such documentation.

The law № 2498 provides an opportunity to solve problems with agricultural land through the preparation of technical land management documentation for the

inventory of agricultural land, which will form land plots under protective forest belts, which will help to know their area and determine the actual state of forest belts.

The amendments to the Law of Ukraine "On Land Management" (Article 1) defined the agricultural land as a set of land plots, consisting of agricultural land and non-agricultural land needed for their maintenance. For example land under field roads, reclamation systems other linear objects, objects of engineering infrastructure, as well as ravines and wetlands, which are located near to the agricultural land plots borders [12].

Amendments to the Land Code of Ukraine (Article 37-1) stipulate that land plots under protective forest belts, which limit the mass of agricultural land, are transferred for permanent use to state or municipal specialized enterprises or leased to individuals and legal entities with mandatory inclusion in the land lease agreement the conditions for the maintenance and preservation of such forest belts and ensuring that they perform the functions of agroforestry reclamation. United territorial community has the rights to establish a utility company and consolidate forest belts in permanent use, which will protect them from further destruction and allow them to lease such land plots to land users.

Exploring the institutional preconditions for the effective use and protection of land plots under protective forest belts, the focus was on decentralization - the transfer of authority and community participation in forest management. Decentralization envisages that local communities will become full owners of lands both within and outside settlements and will be able to dispose of these lands.

According to an online briefing in Ukrinform, which addressed the problematic issues of restoration and reconstruction of protective forest belts in Ukraine organized by the Food and Agriculture Organization of the United Nations (FAO), 95.5% of the united territorial communities have land plots under protective forest belts. At the same time, only 14% of communities are aware of their area. 91.7% of these communities do not have technical documentation for such land plots (currently the preparation of this documentation requires significant resources), which makes it impossible to obtain ownership and as well profit. Only 7.1% of communities

registered the right of ownership of land plots under protective forest belts (some village councils conducted an inventory of lands within their territory at their own expense). In 53.8% of communities the status of these lands is not defined. Lack of experience in forestry management was found in 56.3% of the surveyed united territorial communities. It is also striking that 19.2% of respondents do not see the need to restore field protective forest belts, and 56.3% - showed a lack of awareness of their environmental value (survey results obtained as of November 1, 2019) [13].

Characterizing the issues associated with the use of protective forest belts in terms of the interests of public and private entities, we note that in Ukraine there is a very departmental structure of forest use. The largest area of 7.6 million hectares (73%) of forest lands is used by forestry enterprises of the State Agency of Forest Resources of Ukraine (hereinafter – the State Forest Agency). Municipal forests are concentrated on an area of 1.3 million hectares (13%), the Ministry of Defence uses 1%, and about 0.8 million hectares of forests (7%) with not identified user, including protective forest belts.

Currently in Ukraine the most influential public and private entities in agriculture industry are: 1) the state (represented by the Ministry of Environmental Protection and Natural Resources, the State Agency of Forest Resources of Ukraine), which aims to profit from forestry, but does not invest in this area; 2) united territorial communities that are interested in obtaining income from forest land plots; 3) people with their own interests in this area. We have different interests that compete with each other.

This, in turn, indicates the need for a significant change of emphasis in management. Adhering to the current laws and regulations governing the use of land under protective forest belts, we find it appropriate to consider several options for land management models under protective forest belts at the local level, primarily from the point of view of the owner of such land (Table 1).

Model 1. Field protective forest belts are in communal ownership. The owners of land plots under field protective forest belts are: city, settlement, village councils or united territorial community (hereinafter - UTC), public authorities, which are given the right to dispose of those plots.

Models of land management of protective forest belts at the local level

<i>Owner, land users</i>	Model 1	Model 2	Model 3
	village, settlement, city community, united territorial community, bodies	private enterprises, farms, agricultural enterprises	state institutions (state enterprises, NAAS, Ministry of Education, Ukravtodor, Ukrzaliznytsia)
<i>I stage</i>	<ul style="list-style-type: none"> • making a decision on conducting an inventory of land plots with forest belts; 		
<i>II stage</i>	<ul style="list-style-type: none"> • preparation of technical documentation on land management; • entering information into the State Land Cadastre; • registration of property rights; 		
<i>III stage</i>	<ul style="list-style-type: none"> • transfer of land plots with field protective forest belts, which limit the mass of agricultural lands for permanent use to state or municipal specialized enterprises; • transfer of land plots under protective forest belts, which limit the array of agricultural lands for lease to individuals and legal entities with mandatory inclusion in the land lease agreement of conditions for maintenance and preservation of such belts and ensuring their performance of agroforestry reclamation functions; • UTC is given the opportunity to create a municipal agroforestry reclamation enterprise on its own territory take care of field protective forest belts. 	<ul style="list-style-type: none"> • transfer of land plots with protective forest belts, which limit the mass of agricultural lands for lease to individuals and legal entities with mandatory inclusion in the land lease agreement of conditions for maintenance and preservation of such belts and ensuring their agroforestry reclamation functions. 	<ul style="list-style-type: none"> • transfer of land plots with field protective forest belts, which limit the array of agricultural lands for permanent use to state or municipal specialized enterprises;

For full use of the owners of this tool there is a need for reliable information about land under protective forest belts, for which a decision is made to conduct an inventory of these lands, which provides: 1) collection and analysis of lands under protective forest belts (quantitative and qualitative accounting); 2) geodetic survey; 3) preparation of technical documentation for the inventory of land plots with field protective forest belts; 4) obtaining conclusions and approvals; 5) assignment of the cadastral numbers of the land plots under the forest belts; 6) implementation of normative monetary valuation of lands; 7) obtaining an extract on the right of ownership of land.

Presence in the communities of the formed land plots under field protective forest belts is the basis for their transfer to the state or municipal enterprises in constant use, and to rent them to legal entities and physical persons on conditions of preservation of forest belts and observance of agricultural requirements. In this regard, land users take measures to increase productivity, biological sustainability and reclamation efficiency of protective forest belts by adhering to forest management materials with the features of agroforestry reclamation. It is possible to create a utility company on the territory of UTC to take care of field protective forest belts.

Model 2. Owners of land plots under protective forest belts are: private enterprises; farmers; agricultural enterprises. Efficiency of management will be provided on condition of passing of three stages: 1) the authorized body makes the decision on carrying out inventory of the land plots with forest belts; 2) preparation of technical documentation, entering information into the State Land Cadastre, registration of property rights; 3) lease to legal entities and individuals on the terms of the lease agreement which provides for the preservation of forest belts and compliance with the requirements of agroforestry reclamation.

Model 3. Field protective forest belts are in constant use by state enterprises, NAAS, the Ministry of Education and Science of Ukraine, the State Agency of Motor Roads of Ukraine, the Joint-Stock Company "Ukrainian Railways" and other state institutions. This management model provides for the passage of three stages: 1) the authorized body makes a decision on the inventory of land plots with forest belts; 2)

preparation of technical documentation (almost 92% of communities do not have technical documentation for land plots with forest belts) [13]; 3) entering information into the State Land Cadastre, registration of property rights; 4) transfer of field protective forest belts for permanent use to state and communal enterprises on the conditions of forest belt preservation and fulfilment of agroforestry reclamation requirements.

Conclusions and prospects. Models of formation of property rights relations on land plots under protective forest plantations are offered and possibilities of their use in the land use management system at the local level are substantiated. In particular, it is proposed to lease communal land plots under field protective forest plantations to land users who functionally use them. State-owned land plots under protective forest plantations are transferred to state-owned enterprises for permanent use.

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УПРАВЛІННЯ ЗЕМЛЯМИ ПІД ПОЛЕЗАХИСНИМИ ЛІСОВИМИ НАСАДЖЕННЯМИ
НА МІСЦЕВОМУ РІВНІ: ДЕЦЕНТРАЛІЗАЦІЙНІ МОДЕЛІ

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Вивчено стан ведення полезахисного лісорозведення в Україні та з'ясовано, що індиферентне ставлення з боку держави упродовж багатьох років до полезахисних лісових смуг призвело до кризової екологічної ситуації (маємо близько 15 млн га деградованих ґрунтів, а збитки через недобір врожаю оцінюємо в 33-35 млрд гривень щороку), що також є результатом довготривалої відсутності господаря цих земель. Характеризуючи проблеми пов'язані із використанням лісових насаджень з погляду інтересів суб'єктів управління і господарювання з'ясовано, що наразі найвпливовішими суб'єктами виступають держава, Держлісагенство, об'єднані територіальні громади та люди інтереси яких конкурують між собою. На підставі досліджень еволюції розвитку права власності на земельні ділянки під полезахисними лісовими смугами, враховуючи децентралізаційні процеси що відбуваються в країні та з врахуванням положень Законів України запропоновано моделі управління ними на місцевому рівні. Акцентується увага на тому, що незалежно від вибору власника надається перевага створенню комунального агролісомеліоративного підприємства для впорядкування полезахисних лісосмуг.

Ключові слова: *полезахисні лісові смуги, комунальне агролісомеліоративне підприємство, децентралізаційна модель управління, власники земельних ділянок зайнятими полезахисними лісосмугами*

УПРАВЛЕНИЕ ЗЕМЛЯМИ ПОД ПОЛЕЗАЩИТНЫМИ ЛЕСНЫМИ
НАСАЖДЕНИЯМИ НА МЕСТНОМ УРОВНЕ: ДЕЦЕНТРАЛИЗАЦИОННЫЕ
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Изучено состояние ведения полезащитного лесоразведения в Украине и выяснено, что индифферентное отношение со стороны государства на протяжении многих лет к полезащитным лесополосам привело к кризисной экологической ситуации. Имеем около 15 млн га деградированных почв, а убытки из-за недобора урожая оцениваем в 33-35 млрд гривен в год, что также является результатом длительного отсутствия хозяина этих земель. Характеризуя проблемы связанные с использованием лесных насаждений с точки зрения интересов субъектов управления и хозяйствования выяснено, что сейчас влиятельными субъектами выступают государство, Гослесагентства, объединенные территориальные общины и люди, интересы которых конкурируют между собой. На основании исследований эволюции развития права собственности на земельные участки под полезащитными лесополосами, учитывая децентрализационные процессы происходящие в стране и с учетом положений Законов Украины предложены модели управления ими на местном уровне. Акцентируется внимание на том, что независимо от выбора владельца предоставляется преимущество созданию коммунальных агролесомелиоративных предприятий для упорядочения полезащитных лесополос.

Ключевые слова: полезащитные лесные полосы, коммунальное агролесомелиоративное предприятие, децентрализационная модель управления, собственники земельных участков занятых полезащитными лесополосами