Private forest ownership in the Russian Federation

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Abstract. The purpose of this paper to reveal features of the growth of forests (trees and shrubs) on privately owned lands in Russia. The article examines some of the legal aspects of the use of forests on such lands, and also suggests mechanisms for the legal regulation of the use of forests on lands that are in private ownership. Based on the results of the analysis, the problems associated with forestry on private land in Russia are identified and approaches to solving these problems are proposed. As a result it is proposed to amend a number of regulatory documents.

1. Introduction
According to Art. 8 of the Forest Code of the Russian Federation [1], forest areas within the forest fund lands are in federal ownership. At the same time, according to the same article, the forms of ownership of forest plots in the composition of lands of other categories are determined in accordance with land legislation.

Nevertheless, the opinion that there are no private forests in Russia and that all forest resources belong to the state has taken root in society and in the minds of the professional community. However, this is an erroneous opinion, which reflects the imperfection of the current legislation and statistics regarding forests located on land plots not in state ownership.

2. Methods and Materials
The legal basis for regulating forest management relations is the Forest Code of the Russian Federation, other federal regulatory legal acts, regulatory legal acts of the constituent entities of the Russian Federation adopted in accordance with them, as well as municipal legal acts issued by local governments within their powers. Since 2006, since the adoption of the current forest code, the concept of using forest resources assumes a “lease approach” in which forests are transferred for temporary use to tenants, and the state performs only the functions of supervision and control. At the same time, for the lessee, as a rule, a legal entity, the main purpose of the activity is to make a profit, and not as sustainable management, conservation of biological diversity, etc., which are not declared by the forest code. At the same time, at the moment there are no mechanisms for the privatization of forest lands, and the very question of such a possibility is very controversial.

In 2019, within the framework of the international project "PerForm", we analyzed perception of citizens and the professional community regards forest based bioeconomy [2].

3. Results and Discussion
In the process of collecting data, were obtained results that are directly related to the topic of this study. During the research, a unified questionnaire was developed for the countries participating in the...
research process (Finland, Austria, Sweden, Italy, Germany, France, Slovakia and Russia), citizens were asked various questions, including whether they are forest owners. In Russia, the survey was conducted in St. Petersburg, and the question "Do you own more than 1 hectare of forest land?" 8 people out of 100 gave a positive answer. When clarifying the answers, it turned out that they own land plots from the composition of agricultural lands and lands of settlements overgrown with trees and shrubs.

These results can be compared with the data obtained during the studies of the PerForm project in other countries. According the table 1 percent of respondents who consider themselves owners of forest plots of more than 1 hectare is comparable to the data obtained in Sweden (8.8%) and significantly exceeds the same indicator obtained in the survey of respondents in France (4.6%). Moreover, Sweden and France are countries with a high proportion of growing stock on private land [3]. In Sweden, the share of private forest holdings in the total forest area is over 73% [3].

**Table 1.** Distribution of respondents who consider themselves forest owners based on the PerForm survey results.

| Location of the survey | Number of respondents claiming to own more than 1 ha of forest land | Total number of respondents | Percentage of respondents who say they own more than 1 ha of forest land |
|------------------------|---------------------------------------------------------------|-----------------------------|---------------------------------------------------------------------|
| Finland                | 40                                                            | 206                         | 19.4                                                                |
| France                 | 9                                                             | 196                         | 4.6                                                                 |
| Russia, Saint-Petersburg | 8                                                           | 101                         | 7.9                                                                 |
| Sweden                 | 18                                                            | 204                         | 8.8                                                                 |
| Italy                  | 3                                                             | 290                         | 1.0                                                                 |

As noted above, forests can grow on lands of different categories. And the greatest interest from the point of view of the development of the private forestry system is agricultural land. Forests growing on agricultural land are one of the most important categories of forests in Russia in many respects. As a rule, they are located on fertile lands in areas with the most favorable climate for plant growing (it was these in the historical past that were primarily developed for the development of agriculture) - therefore, they are more suitable than other forests for intensive forest growing. Most often, these forests are located closest to people, close to a relatively developed transport infrastructure, and in many cases directly border on rural settlements. The development of mechanisms for full-fledged forestry in these forests will create additional jobs and opportunities for the socio-economic development of the regions. And most importantly, this will allow solving the problem of abandonment of such lands, which leads to a number of problems, the main of which are fires that occur in such areas.

According to [4] in Russia in 2018, there were from 30 to 70 million hectares of fields overgrown with trees and shrubs. According to the Ministry of Agriculture [5], in 2019 the area of empty agricultural land in Russia was about 15.3 million hectares. According to Greenpeace data [6] in the Russian Federation for 2021 the area of unused agricultural land is 76 264 hectares, (which is 4.5% of the total area of Russia)

According State (national) report (2019) on the state and use of land in the Russian Federation in [7] the area of non-agricultural land in the structure of agricultural land amounted to 183 892.8 thousand hectares. Of which the area of agricultural land occupied by forest plantations is 19 223.8 thousand hectares (5% of all agricultural land). During 2019, the authorities made decisions, according to which work was carried out to transfer forest areas from agricultural organizations to the jurisdiction of forestry enterprises, including the termination of the right to permanent (indefinite) use of previously accounted land plots, cadastral work on the formation of new land plots and the introduction of information about them in the USRN. As a result of the above measures, 874.8 thousand hectares of land were transferred from the category of agricultural land to the category of forest lands. The largest areas of land were transferred in the Tyumen region (672.1 thousand
hectares), Perm region (59.8 thousand hectares), Tomsk (37.3 thousand hectares), Kirovskaya (33.4 thousand hectares), Ulyanovsk (21.9 thousand hectares), Ryazan (16.0 thousand hectares), Yaroslavl (13.0 thousand hectares) regions.

The current legislation does not allow full-fledged forestry management on such lands. So in Part 1 of Art. 78 of the Land Code of the Russian Federation [8] indicates that agricultural land can only be used for agricultural production, the creation of ameliorative protective forest plantations, research, educational and other purposes related to agricultural production, as well as for aquaculture (fish farming) purposes. It should be especially noted here that Part 2 of Article 8.8 of the Code of Administrative Offenses of the Russian Federation [9] provides for administrative liability for non-use of a land plot from agricultural land, the turnover of which is regulated by Federal Law of July 24, 2002 N 101-FZ "On the turnover of agricultural land" [10], for conducting agricultural production or carrying out other activities related to agricultural production during the period specified in paragraph 3 of Article 6 of the Law on Turnover ...

In September 2020, the Resolution of the Government of the Russian Federation No. 1509 "On the peculiarities of the use, protection, protection, reproduction of forests located on agricultural lands" [11] (hereinafter - the Resolution) was issued, which, although it contradicted some points of the Land Code of the Russian Federation, but all it also created the basis for possible forest use on agricultural lands. However, less than a year later, a draft resolution of the Government of the Russian Federation was published, making significant changes to the Resolution [11]. These amendments establish the period of forestry not exceeding a ten-year period. Upon the expiration of this period for the use of forests located on agricultural lands, the owner (rightholder) of such lands is obliged to carry out cultural and technical reclamation in order to involve such lands in agricultural circulation. If such amendments are adopted, full-fledged forestry becomes impossible.

Thus, at the moment there is a situation in which large territories in private ownership are covered with forest, but this forest is not legal and is subject to felling at the expense of land owners. There are not so many mechanisms that allow such owners not only to conduct forestry and profit from such activities, but at least simply to be able to cut down and sell the existing forest stand at the moment.

The problem of overgrowth of privately owned land plots is not new. The experience of other countries should be considered here. For example, in Spain there is a similar problem. In this historically agrarian country, a large proportion of land plots is privately owned (about 80%). The average land holding area is 4 hectares. However, since the end of the 80s, the Goths in Spain collapsed agriculture and a large amount of agricultural land was abandoned. According to the current Spanish legislation, land that has not been used for more than 10 years is considered abandoned, in addition, if the area of the site is more than 1 hectare and woody vegetation has appeared on such land and it has reached certain taxation indicators (minimum relative density - 10%, minimum stand height - 4 meters etc.), then such land goes into the category of "wooded lands" and from that moment it is prohibited to destroy the stand - when the stand is destroyed (in case of fire, outbreak of pests, unauthorized felling, etc.) on "wooded lands »The owner of the land is obliged to pay a fine and restore the lost stand. In addition, it is possible to carry out any forestry activities (including all types of felling) only if there is a management plan agreed with the forest manager in the area of responsibility of which the indicated "wooded lands" are located (in the area of responsibility of each forest manager there is a territory with an area of 20 70 thousand hectares). Due to the fact that the development of a management plan requires special knowledge and certain investments, and also due to the fact that it is not profitable to conduct forestry on plots of land with an area of several hectares, Spain faced the problem of massive overgrowth of land with trees and shrubs and an increase in total forested area (table 2).
Table 2. Dynamics of changes in forested area in Spain.

| Year | 1990 | 2000 | 2005 | 2010 | 2012 |
|------|------|------|------|------|------|
| Forest covered area, 1000 ha | 13818 | 16988 | 17293 | 18173 | 18525 |

The country, which for a long period of history was agrarian and had minimal forest cover, in a very short period of time became the third in the European Union in terms of the area occupied by forests. And due to the fact that most of the lands overgrown in this way are not managed (thinning, cleaning up debris, etc.), the country is faced with a serious problem of an increase in the number of fires [12, 13].

4. Conclusion
At the moment, every region in the country is trying to solve the problem related abandoned lands, covered by forests first of all, by allocating funds to land owners for the development and approval of management plans and running the economy.

Returning to Russian realities, an integrated approach is needed to address the current situation. First of all, the state should give the right to land owners to independently make a decision regarding forest growing on a land plot, without reference to the category of land. In addition, changes should be made to the legislation, primarily the Land Code, as well as related documents. The following points must be fulfilled strategically:

- Introduce a technical definition of a forest term into the Forest Code;
- Develop mechanisms to legalize forest management on lands of different categories, which are in private ownership;
- Inventory and accounting forest resources on lands that are not part of the Forest Fund;
- Develop recommendations for private forest owners;
- Create a system of specialized training programs and short-term courses for potential forest owners.

Benefits that can be obtained as a result of the implementation of the program for the development of private forest ownership on lands of different categories:

- the emergence of a mechanism that allows the owner to benefit from the territory overgrown with forest;
- additional revenues to the budgets of different levels due to taxation of resources;
- additional employment;
- rational use of existing natural resources;
- creation of a tradition of private forest ownership.

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