

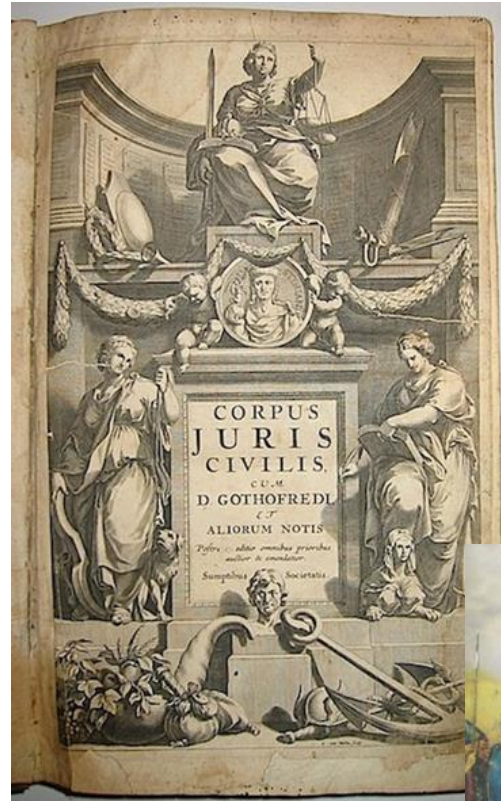
„OWNERSHIP RIGHTS IN CENTRAL EUROPE“

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CONFERENCE ZAGREB, 4.10.2018

CENTRAL EUROPEAN PROPERTY RIGHTS: BASIS

1. **ROMAN LAW:** STRICT EXCLUSIVE RIGHTS FOR OWNER; BASIS IN MOST COUNTRIES
2. **NATURAL LAW:** PART OF HUMAN RIGHTS; ART 1 FIRST PROTOCOL ECHR PROTECTION OF POSSESSIONS
3. **GERMANIC LAW:** CUSTOMS, COMMON USE, RIGHT TO ROAM, EVERYMANS RIGHT



TWO SIDES OF PROPERTY RIGHTS

- „Positive“ side
- the owner has the right to do with his property what he wants: use, consume, sell, share, even destroy
- „Negative“ side
- The owner has the right to exclude all others from using his property



FORESTS: SPECIAL KIND OF PROPERTY

- All property rights have limitations
- No harm to other property rights
- Importance for society limits
- Forests cover a big part of countries surface
- Wood supply, forest products
- Recreational area
- CO2 storage, oxygen producer, stabilize climate
- Nature protection, store water
- All countries limit forest ownership rights to protect this resource for society
- Laws forbid to destroy forests
- Sustainable use obligatory
- Right to roam
- Usage of mushrooms, berries



GENERAL PROTECTION IN AUSTRIAN FOREST LAW

- §16 no forest devastation: forest soil must not be harmed by contamination with waste, litter, chemicals, wastewater or erosion, roadworks etc
- §17 no clearance of forests without permission of government: alternative use of forest land



SUSTAINABLE FOREST MANAGEMENT NORMS

- §13 Reforestation: planting or natural regeneration, 5-10 years, liberalisation 2002



- §82-85 fellings: clearcuts are forbidden if they harm forest soil, protection function, water body or cause erosion; fellings exceeding half hectar need permission of government

LIMITATION OF EXCLUSION RIGHTS

- §33 right to roam: walking, hiking for recreation.
- Mountainbiking, riding horses, motorvehicles need permission of the forest owner
- §34 restricted areas for forestworks, houses, nurseries
- Collection of mushrooms, berries if not forbidden by forest owner: only 2kg/day for personal use



NATURE PROTECTION LAWS LIMIT PROPERTY RIGHTS

- Permissions for building roads, barns, drainages, timberyards, etc from nature protection authority
- Forests integrated in nature protection areas: national park, nature protection area, Natura2000, biosphere park, ancient forest reserve
- Already 28,3% of Austria's total surface protected
- Most protected areas in forests,
- **81,5% private forests**



EXCLUSION RIGHTS IN CENTRAL EUROPE

- Forest owners ability to allow or prevent general public from entering his forest
- Walking, hiking for recreation free in:
A,CH,D,SLO,SRB,I,HU,
- Restricted areas (reforestation area, timberyards etc) and roadblock during works, hunts, safety reasons
- Mushrooms , berries only for personal use allowed
- Mountainbiking, horseback riding free on roads in:
D,I,CH,HU,SLO,SRB
- Trails: CH, SLO, I
- A: only with permission of the owner

3.10.2018.

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18 | STEIERMARK-THEMA

KLEINE ZEITUNG
MITTWOCH, 6. APRIL 2016

DIE ARGUMENTE

Mit Unterschriftenlisten, Studien und Gegenstudien sowie Argumenten und Gegenargumenten matchen sich Befürworter und Gegner der Wegefreiheit für Mountainbiker.

PRO 30.000 Unterschriften für eine Öffnung der Forststraßen für Biker haben die Naturfreunde gesammelt, 36.000 Unterstützer wohnt die Plattform „upmove“, die für totale Wegefreiheit eintritt, hinter sich. **CONTRA** 99.543 Unterschriften gegen die generelle Wegeöffnung sammelte die Initiative „Sicherheit im Wald für alle“.

PRO 60 Prozent der heimischen Mountainbiker wollen laut „upmove“ das Fahrverbot abseits freigegebener Wege kippen. Man bezieht sich auf eine Studie von meinungsraum.at **CONTRA** Weniger als ein Prozent aller Österreicher wollen abseits gekennzeichnete Wege Rad fahren, besagt indes eine GfK-Studie im Auftrag der Landwirtschaftskammer.

CONTRA Das Mountainbike-Wegenetz sei mit 27.000 Kilometern bundesweit und 5500 Kilometern in der Steiermark schon jetzt anscheinlich, argumentieren Gegner der generellen Wegeöffnung. **PRO** Teile des aktuellen Wegenetzes stellen an

Streit um freie Fahrt für Radler



Zahl der Mountainbiker steigt viel stärker als das Streckenangebot. Das führt oft zu Konflikten mit Grundbesitzern oder

Organisiert von den Naturfreunden will man (z. B. ab 15 Uhr am Burgring in Graz) mit einer Sternfahrt durch die Innenstadt für die Öffnung von Forstwegen für Biker protestieren. Damit beginnt ein seit Jahren

(schwarze) Alpenverein oder Bikerplattformen wie „upmove“, „dass es angesichts 800.000 heimischer Mountainbiker, Tendenz steigend, viel zu wenige ausgewiesene Bikerstrecken gibt. Nur ein Bruchteil des Forststraßennetzes

MEGATRENDS AND FOREST OWNERSHIP RIGHTS

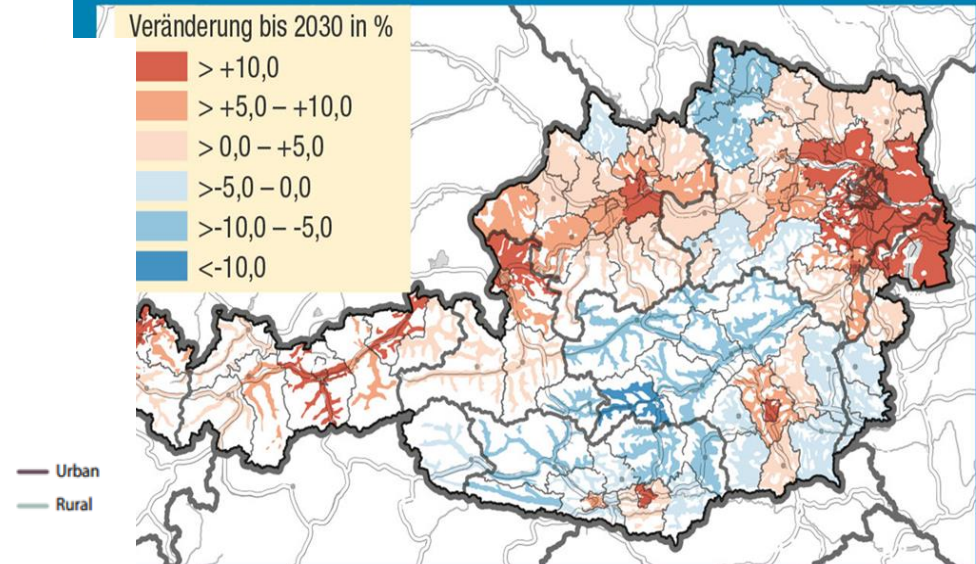
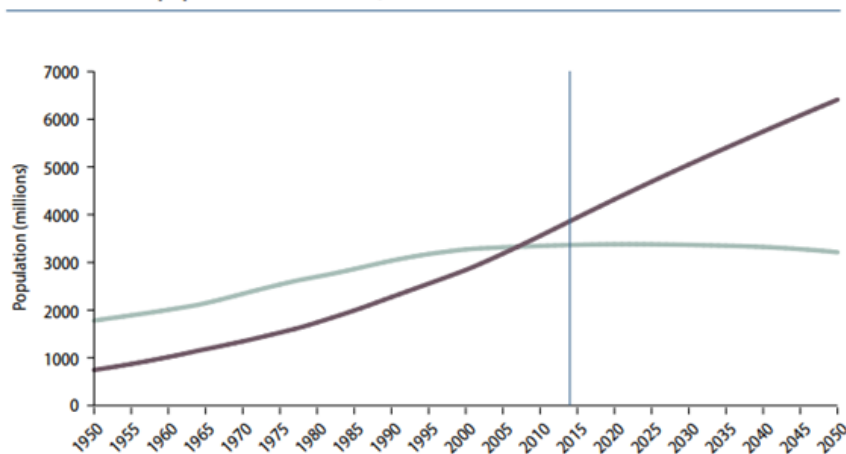
- Urbanization: Austria 50% today in towns, 2030 over 75%
- Democratic majority decides
- Media and opinion leader in towns

Forests seen as recreation area,
Nature reserve but not as someones
property and source of living?
Constant NGO pressure on forest

Bevölkerungswachstum konzentriert sich
auf Ballungsräume



Figure 2.
Urban and rural population of the world, 1950–2050



NEW TECHNOLOGIES - NEW MOBILITY

Drone technology everywhere
Aviation law – forest law
Lobby on European level



Hoverbikes not mountainbikes



Gefällt 696 Mal

apolloflightlabs_ The Apollo JetBike,
the world's FIRST and Only Jet-
Powered Flying Motorcycle is on eBay!
NO RESERVE! Ready to fly!

HOW TO COPE WITH NEW CHALLENGES?

- **New Challenges:**
 - New mobility
 - Urbanization and less influence of countryside in policy making
 - Pressure from environmental NGOs
 - Tourism and access to forest increase
- **Objectives:**
 - Preserve exclusion rights for forest owners
 - Increase understanding and influence of forest owners issues in society
 - Retrieval of property rights

PROPOSALS FOR ACTION

- 1. Multi media marketing for forest related issues including all social media channels
- Create new stories of owners and sustainability
- 2. Rethinking of visitor management systems in all kinds of forests with new methods



Source: www.slideshare.net/sigriddekaste/multi-channel-marketing-blueprint



Source: www.mysafetysign.com

CHANGE PARADIGMA FROM MULTIFUNCTIONAL FORESTRY TO SEGREGATION MODEL??

- A heretical question: who got all the profits from multifunctional forestry?
- More and more protected areas, regulations, restrictions, shared use...
- WWF world forest report: no appreciation for European forestry
- Start a discussion with a study about segregation as the new model for our forestry
- Isn't society behaving like someone who leaves a restaurant without settling the bill??



**THANK YOU FOR YOUR
ATTENTION!**

3.10.2018.

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