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Summary – Vitaliy Storozhuk

DEVELOPMENT OF THE INSTITUTION OF FOREST OWNERSHIP RIGHTS IN UKRAINE

The paper analyzed the development of different forms of ownership of land for forestry purposes for the period of Ukraine's independence and considered the legal mechanisms of their regulation. The study showed that public, municipal and private ownership of land for forestry purposes are at different stages of its formation; and the institution of ownership rights in Ukraine is undergoing the stage of forming the territorial basis of rights associated with registration of land title documents.

The state ownership of land for forestry purposes in Ukraine has remained dominant form. Changes to land laws resulted in increasing the area of land owned by municipalities. Enterprises subordinate to local governments use about 12% of forest lands. The area of forests transferred to private ownership is insignificant (0.1%).

The study provided practical recommendations for improving the regulatory framework for the development of non-state ownership of land for forestry purposes and the state governance of forests in various forms of ownership.

To bring the regimentation status of long-term temporary forest use to the provisions of land law, proposals to amend the Forest Code and the Rules for Keeping the State Land Cadaster were developed for state registration of the right to long-term temporary use of forests. To create equal conditions for the formation of state and communal ownership of land for forestry purposes, it was suggested that the legal status of planning and cartographic materials as forest management documents should be extended confirming temporary right of permanent use of forest land plots provided earlier to utilities. In connection with the development of the law on agricultural land circulation, legislative requirements were suggested for acquiring land ownership in the consolidation or use of shelter belts as non-agricultural serving land designated for agricultural use.

The key issue for further development of the institution of ownership rights to land for forestry purposes is the formation of communal property as a result of legal separation of land in state and municipal property. Along with optimizing interdepartmental structure of state ownership of forests, the study draws attention to the development of mechanisms of state control and governance of public forests of different ownership. Solving these problems will be a real step to ensure equal conditions for the development of state, communal and private ownership of land for forestry purposes.