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**Active Citizenship, Forest Governance
Institutions and the Public or Common Good**

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Active Citizenship, Forest Governance Institutions and the Public or Common Good

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Introduction

What should a responsible world citizen do to demonstrate her or his concern for the environment - friendly qualities of trees? This question has been the starting point for the reflections that follow in this discussion paper. There is obviously not going to be one simple answer to the question, because responsible citizens are going to find themselves in very different settings in which the scope for action will vary greatly. So the best that this paper can do is to set out a framework for thinking about forest governance – ‘forest’ being given a very broad tree-related definition in this text – suggesting ways in which active citizenship responsibilities may be expressed.

Forest governance turns out to be an instance of much wider governance problems. Strategies for governing forest resources in any country or indeed internationally, have to address the fact that the benefits of forest inevitably include public benefits and potential costs. The assumed solution to this problem, up to about 20 years ago – or any time in the early part of the last century - was to ‘leave it to government’. Most governments in most countries did in fact take on direct management responsibilities for forest development with the consequence that most countries today still have large public sector agencies with forest responsibilities. However, go a bit further back in history [more or less anywhere] and more complex state / citizen / community institutional formula prevailed in the forests; as in many other areas of public resource management. Today the role of the state as sole provider is again being challenged from several directions. State agencies are expensive, sometimes inefficient and often corruptible. State forests are large and difficult to police, particularly when forest dweller or user interests are not taken into account. In this age of economic liberalisation also, when states are reinterpreting their roles – in response to tax averse electorates if not for ideological reasons - new ways have to be sought for harnessing common or community interests and energies into forest management. Hence the current experiments in re-inverting community management of forests as well as other strategies for engaging stakeholders in ‘co-production’. So the trend today is away from direct state control of forest resources. Now citizen roles and responsibilities are being re-introduced into forest management; but not without problems.

The debate about forests has also moved to a world-wide level, since forest use bears upon habitats, eco-systems and climate as well as trade in products. On a global scale the additional challenge to institutionalising forest governance is that there is no super-state that might be persuaded to police the forests and the associated timber trade or to absorb investment costs. So, internationally, forms of collective agreement seem to be the only way forward, raising the familiar problems distrust, free-riding

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and outright subversion. This paper therefore has to ask basic questions about strategies for re-engaging citizens in tree and forest management, looking at the nature of the ‘goods’ that citizens might be seeking as well as the institutional forms through which these goods might be achieved. Several theoretical as well as practical problems and issues emerge;

- ‘Forest’ – conceived as a tree enhancing environment – is achieved in many ways; it is not just a dense plantation of trees
- ‘Forest goods’ differ in economically defined characteristics [private goods, toll goods, common pool resources and public goods], requiring different forms of governance institution [Fig 1]
- Citizens may be satisfied with private efforts to provide trees and may be reluctant to face the transaction costs that occur as more complex forms of ‘forest’ governance are required [Fig 2]
- Institutions are best seen as ‘rules *in use*’; the active word use implying that governance is likely to require civic action of one kind or another
- Effective governance in any form is a thing of many parts. This characteristic enables active citizens to seek roles not only in extracting benefits / contributing to costs but also in enforcing governance and demanding change [checklist, Fig 3]

These points are discussed with some historical as well as present day instances drawn mostly from Japanese and British experience. The paper concludes by looking at current global issues and comes to the perhaps surprising conclusion that present day challenges seem to require not only active citizenship in developing a political momentum for eco-friendly policies but also the re-invention of common pool resource management regimes – for which most precedents can be found in ‘pre-modern’ forest governance arrangements.

The UK and Japan

This paper is being written in Japan by someone who lives in the UK and enjoys forests. So these two countries are sources of information and impression about how forests can be managed for social, economic and environmental benefit².

In all cases the equations of forest resource governance are made more complicated by history. Accepted scientific methods are a-historical, taking a ‘snap-shot’ view on structures and processes (McKean 2003). The problem is that events, relationships and institutional practices take place in time and change through time. While it may still be possible to locate famous English forests on a map; The New Forest, Sherwood, The Forest of Dean – in each of which certain citizens do still have specific entitlements and stakes in governance - neither patterns of trees nor the patterns of human involvement remain the same over time. At any one time or place there is a heritage that human actors have to take into account and ‘play their games’ within.

² Why are we citizens of Japan and UK so interested in forest? Perhaps it is a post industrial reaction, both countries having been through the social and economic shake up that is the industrial revolution? On the other hand the same industrial heritage in both countries, and the fact that national governments in both cases have developed reasonably competent bureaucratic agencies, probably leaves many citizens quite averse to the idea that citizenship is a matter of direct social responsibility.

The present day economic value of plantation forest is a current determining circumstance. In both Japan and UK, state investment in forest plantation was made in the first half of the 20th Century on the assumption of a continuing strong demand for timber. There was always the risk with a long cycle crop that at harvest time 70 years later the projected price for the timber will have changed. In this instance globalisation has opened up international markets for timber products that can be obtained far cheaper than extraction from national forests in Britain or Japan will allow. So, public investment has not led to a good economic return for the state exchequer. In fact extraction from national forests both in UK and Japan has to be subsidised. At the same time each national government is aware that the national demand for wood product has been leading to the severe depletion of native forests in poor countries round the world; a global public 'bad' that is quite difficult to regulate.

In other ways UK and Japan are sharply contrasted. UK is thought to have been only about 20% tree covered at the time of the Norman Conquest in the 11th Century. According to the UK Forestry Commission forest cover in UK was only 5% at the turn of the 20th Century and has since grown to about 8%, largely through state plantation activities in the first part of the 20th Century³.

Japan is said to be nearly 70% forest, covering 25.21 m hectares, of which 10.33 m hectares is plantation, as against native or secondary growth forest. Japan's National Forest [state owned] amounts to 30% of all forests and covers 20% of the nation's land. 2.4 m hectares of forest are said to be in private ownership, holdings being on average 2.6 Hectares⁴. A large part of the difference is the result of contrasting topography. England's rolling hills are quite suitable for rough pasture whereas Japan's mountains need tree cover to remain stable. Public policy under different government and community governance regimes in Japan can be judged on the basis of its success in meeting this locally and nationally felt priority.

A percentage of the Japanese forest is still held in common, at a local level, under forms of common pool resource management. Iriaiken tenure under which community members jointly access forest resources – Margaret McKean (2000)⁵ – became incorporated as joint-owned private property sometime in the 1950s having previously been a form of use-rights in forest controlled by the state – the Meiji state having in turn largely taken over control of forests from local overlords.

Zaisanku organizations are rather different. They remain linked to the state as a form of special purpose local governance in which community members elect representatives onto a governing council. While this is not an outright form of

³ UK Forestry Commission

⁴ T.E Howard 1999 'Japan's green resources: Forest conservation and social values Agriculture and Human Values Vol. 16 No 4 421-430; David South 'Japan's forest policy' <http://www.metla.fi/archive/forest/1995/07/msg00045.html>

⁵ www.landpolicy.org/publications/papers/siting1.pdf; www.rcwob.doshisha.ac.jp/review/5_1/5_1_129.pdf

common ownership there is a shared liability for the budget, for use of income and for losses – the latter being the issue in the present economic context in Japan.

In the UK some commoner entitlements still exist in the ancient forests, but most commonage is pasture. The predominant form of common land in England has a private owner whose rights of ownership and use are constrained by the specified rights that commoners have to graze a fixed number of animals on the land and sometimes to collect fuel.⁶ So most English commons are *not* a form of common property or even of shared management, but are specific and limited rights that one set of parties hold against another. English commons therefore illustrate the point that private property entitlements can be constrained in innumerable ways in the interests of other parties. Recent legislation in England and Wales has given the public as a whole a new entitlement to exercise against private landholders. The ‘right to roam’ legislation gives members of the public the right to walk over various categories of private land [within a stipulated code of good practice] where they would previously have been trespassing. This legislation was the outcome of organized campaigning by pressure groups including The Ramblers Association. In Norway private forest owners have their entitlement to the use of the forest constrained by the state. Early in the last century some state forest was distributed as private property to the adjoining small farmers. These farmers are obliged by law to keep this private land as forest, replanting when they harvest.

These observations take the discussion beyond the apparently simple distinctions between state ownership, joint ownership and private ownership and illustrate the point that most property institutions are complex. In each case they are sets of rules that seek both to *allow* the exercise of use-rights and *constrain* them in the interests of other parties.

What is a forest?

In some few remaining places in the world a forest is the outcome of the interplay of forces in nature alone: in bits of the Amazon, the Congo river basin, in parts of Indonesia, perhaps. Everywhere else people have to be included in the equation. Forest becomes the outcome of people’s interaction with nature as they seek benefits from the forest and its products. The equations are about how different stakeholders; people with varying interests, extract and invest, protect and destroy, cherish or neglect the forest and about how these various people bring their understandings of forest processes to bear for the betterment of forest places and resources⁷.

⁶ Other commons are village greens, a hang-over from medieval times now preserved largely by environmentalist pressures and amenity considerations and usually the responsibility of a formal Parish Council

⁷ It might be useful here to summarize and define some of the key concepts that are used in this paper:

- The characteristics of ‘goods’, public, private, common
 - using these terms essentially as economists use them – as demonstrated below.
- Institutions: ‘rules in use’
 - Social institutions are best defined as ‘rules in use’; implying that both formal and informal rules are legally or customarily supported, accepted for use but probably also contested and changing over time
- Agency: individual, group, hierarchy
 - Rules of use are about governing a resource and also about what seems to be necessary to make governance work. Institutions are only ‘in use’ if somebody,

Forest is not one thing but many, often involving trees but not always⁸. Often a particular forest serves many different goods: what people value about forest is very varied. Forests can be sources of timber for various purposes. In developing countries poor people may value forest for what are termed ‘minor forest products’ such as dead wood for the fire, leaves and grasses for animal feed, medicinal plants, and wild foods. Ecologists value forests for the long term value of their genetic resources; meteorologists for their climate modifying effects. In wealthy or crowded countries forests tend to be seen as places for recreation and amenity; not a recent phenomenon – see my section on English kings. An American forester at a UN environment conference praised trees for their healing qualities - people in hospitals recover quicker if they look out upon them, he asserted. I have watched people feeling trees for spiritual comfort. For that purpose a tree can be anywhere that it has been given space to thrive. So my search for institutional equations must recognise that there are these various interests. The equations will be many and varied.

One possible deduction from the above is that we should be looking at a wide range of tree-related environments as modern or post-modern forests – urban forest now being a recognised phenomenon. I have taken students to the roof of an 11 storey building on the University of Birmingham campus to note that, three or four miles from the edge of the city and some two miles from the centre, looking in several directions,

representing self or group or established hierarchical authority, is an active agent, exercising power to achieve valued outcomes

- Governance
 - Governance is a term that has only recently been brought into the English language to acknowledge that control of resources in the public interest is not just a matter of government as such, but can involve different agencies
- Common Pool Resource Regimes (CPRs)
 - It has been demonstrated experimentally through games and observed empirically that beneficiaries of a common pool resource can collectively govern it, under the right given circumstances
- Nesting, layering
 - All kinds of institutions, even private property, exist in some relationship to others, happily or unhappily
- Chaos, complexity, emergence
 - Active agents can be seen to adopt some form of rational design in seeking the common good, but the outcome is complex, emergent, sometimes fragmented. Active agents act within a context that is partially defined by existing institutions and relationships, but institutions sometimes fail and new forms emerge⁷
- Context; cultural, economic and political
 - Any discussion of institutional structures and systems has to be set in context. The present context includes a near international consensus on a liberalizing economic agenda [that contrasts with the stateist assumptions of Meiji Japan and post WW1 UK public policy]. There is currently also a particular problem with the economic value of plantation forests in wealthy countries.

⁸ “The origin of the word *forest* is usually explained as coming from the late Latin phrase *forestis silva*, which was apparently applied to areas of land used by the Emperor Charlemagne for hunting. Here, *silva* meant “woodland” (as in “sylvan” and “silviculture”) and *forestis* meant “outdoor, outside” (apparently related to the Latin *fores*, “door”), so that *forestis silva* meant something like “beyond the main or central area of administration; outside the common law”.”

From No Trees in The Forest? Michael Quinton in World Wide Words www.worldwidewords.org

most of the buildings are hidden by trees. Is this not an urban forest? From the rooftops of Nagoya University buildings, trees are prominent in the landscape: foresters should feel at home in this environment.

If there are many environments that might merit the ‘forest’ title, it is also likely that they will be the outcome of different actors pursuing their ends through different institutional forms. What kinds of ideas do we need to bring to our understanding?

Types of ‘good’ in the forest⁹

Forest, as we have seen, is many things to many people. Perhaps these ‘goods’ lend themselves to economic classification. If one thinks carefully about the differing characteristics of the goods that we expect of forests, it can be seen that some – such as timber - can be extracted easily and the benefits enjoyed exclusively [sustainable timber being a different matter]. Others need appropriate forms of organization, depending upon their exclusion / subtract-ability characteristics.

Figure 1 Types of good

	Low subtractability	High subtractability
Difficult exclusion	<p>Public goods</p> <p>Global climate Landscape Sustainable timber</p>	<p>Common Pool Resources</p> <p>Mushrooms, and other minor forest products. Land stabilisation [Carbon fixing] [Timber certification]</p>
Easy exclusion	<p>Toll, or club goods</p> <p>Recreation, such as skiing, eco-tourism Spiritual value</p>	<p>Private goods</p> <p>Timber Holiday chalets Golf courses</p>

Public authorities have to consider the incentives and disincentives that are faced by citizens acting as private consumers or owners, or as stakeholders in clubs and associations [toll goods], or as members [appropriators] within common pool resource institutions. We might then be able to argue that, in principle, the dominant forest use should determine the appropriate institutional form. If private goods are sought they are best achieved through private forests. If toll goods, such as skiing, are the main attraction the forest owner can extract a rent as a reward for investment – such is the prevailing logic of ‘modernist’ public policy. The logic is powerful, however the argument can be taken a stage further to note that, usually, both the private and the public have multiple interests in the forest. Skiers want a good downhill run – for private consumption - but also want a beautiful forest landscape – inevitably public

⁹ Most cultures seem to identify types of ‘bad’ in the forest also; evil spirits, as well as outlaws [see footnote 8 above]. But let us stick to ‘goods’ in this discussion since forests are more likely to be successfully governed around benefits as against disbenefits.

consumption. Forest governance institutions, private, common or state, are therefore likely to be complex, biased towards one interest but accommodating others.

Spin-offs – positive externalities

While the analytic schema presented as Figure 1 above is widely used, public policy cannot simply be a matter of allocating a good to a box and expecting good forest governance to follow. Benefits do not fall exclusively. Individuals and groups may expect or find some public good outcomes from their activities;

- Individual : Private ownership
 - Diversity benefits; the ‘hidden hand’ + positive externalities or ‘warm glow’ gifts
- Interest group / community / the common
 - Common Pool Resource (CPR) with collective management serving the group, + positive externalities
- State hierarchy : State owned
 - Public good serving centrally decided goals with policing problems / overexploitation risks

Many individuals nurturing trees in pots, gardens or rooftops contribute to a diverse ‘forest’, and may actually be consciously contributing to the public good of landscape. Interest groups or communities, such as the supporters of a particular shrine, add to the forest in another way.

In the 20th Century in Japan, UK, the USA and in fact most other countries, the state has been the prime mover for the public good: with the problems of policing and well as under-funding and underperformance that go with populist governments. Governments are in practice only able to do what we citizens will enable them to do through our willingness to pay taxes. In recent years the public in most affluent countries has been increasingly tax-averse. Is it not likely that the institutions that govern forests are also going to be complex?

Why citizens may be satisfied with private forest goods

To simplify I would like to present decisions about appropriate institutions as a matter of individual choice. In many, perhaps most situations, individual citizens are *not* in practice going to attempt to activate most of these choices, in part because they will have reached a level of satisfaction relatively easily, in part because the heritage of earlier decisions made by earlier generations of citizens constrains them.

The diagram can be seen as a ladder. Each step increases costs. The point of this diagram is to show that citizens have a range of ways in which they can satisfy any desire they may have for a public good, such as a forest. These include:

- Creating a private ‘forest’ in a garden or rooftop¹⁰

¹⁰ Tokyo civic authorities provide encouragement to property owners to invest in roof-top gardens as a means of energy conservation. Such investments have wider conservation potentials as well as private amenity enhancement.

- Enjoying other people’s private investments in their private spaces as positive externalities or private ‘gifts’ to the public
- Enjoying forests like Yogato Park¹¹, where public and / or religious institutions demonstrate forest related values, that are only valued if enjoyed
- Engaging like-minded people over the internet to develop forest awareness in public policy
- If such actions do not satisfy only then may it be necessary to form some kind of association to share values or take joint steps to create or protect forest
- If the association or community is able to hold forest resources in common as a C.P.R this may satisfy – but is organisationally costly
- On the other hand a campaigning or advocacy strategy may be necessary, requiring a range of political and organisational skills as well as networks of communication and influence
- Finally there may be appeal to the state or perhaps even the international organisations, seeking world treaties. The problem at this stage changes to become an instance of the wider problem of democracy: how to sustain an interest and how to hold power-holders to their promises.

Figure 2 Citizens acting to promote ‘forest’

Don't give up, try again at another institutional level		- for instance, see if there are ways of encouraging positive externalities, perhaps by developing networks or c.p.r information regimes
	If not poss	
Join a pressure group – a common pool of good-will – to demand better individual behaviour or more responsive collective governance		- seeking power within the market or within the political arena [Japan Forest Forum www.wood.co.jp/forestforum
	If not poss	
Attempt to find or establish a common pool of the resource you desire		- seeking a form of collective governance such as a trust, a delegated authority or limited purpose authority
	If not poss	
Look for a network of like minded people to share ideas		- seeking the power of purposeful communication and the links that others may have to influence the formal holders of power [http://forests.org/archive/asia/natiweek.htm]
	If not poss	
See if the common good can ‘ride on the back’ of a private good or another, better subscribed public good		- forest protected by a shrine or temple, the linear forest of the railway track side,
	If not poss	
Look to intended beneficent or positive unintended outcomes of private behaviour		- positive externalities or ‘warm glow contributions to the common good; like the ‘forest’ that is the outcome of well planted private gardens
	First	
Need identified: where to find it? START		- cannot supply individually

¹¹ A very beautiful forested public amenity situated close to the University of Nagoya in Nagoya City

Transaction costs

From this discussion it is clear that active citizenship is constrained by mounting transaction costs. Often we are more or less satisfied by personal initiative + free benefits from other actors, so we don't attempt to move up the ladder. The state exploits our cost aversion to do what it wants in our name; and laments our disengagement. Nevertheless, people who live amongst forests will inevitably have a special interest in the environment and what it does for them. A specific instance was explored in Shinshu Prefecture (see below).

What makes institutions work?

Institutional governance is many layered, whatever kind of institution. Elinor Ostrom (1992) developed the following classification for analysis of farmer managed irrigation systems;

- Constitutional Rules
 - Membership, access, boundaries, ownership
- Collective Choice Rules
 - Who gets what and who gives what
 - What sanctions for rule breaking
- Operational rules
 - Where, when, how, of operations and monitoring

For effective Common Property Resource management of any kind commoners have to adopt sets of rules that enable them to perform at each of these organisational levels. The word collective obviously applies to common properties, operating as groups. However **choice rules** apply to all kinds of social institutions that govern resource use. For instance the institution of private property in any country always includes;

- **As constitution:** an ownership statement specifying boundaries, etc, entitlements, of principal and others, expressed in a document
- **choice rules;** what the owner [and others] can or cannot do with the property
- **operations;** there will also be specifications about keeping in good repair, not harming neighbours, etc., and what other parties can do if you don't.

Private ownership compresses these kinds of choice but the agency of the owner tends to be constrained by state and neighbours in various ways.

Any institution or formal organisational also has to allow for four main types of activity; that can be conceived as rounds of play. In any actual context the necessary activities are not play of course but the serious business of exercising rights to obtain benefits and pay costs and to make sure that other parties behave as expected. While the relationships of private property tend to involve external agents; appeals to the police, the courts, etc., any form of joint or common property may require participating individuals to actively exercise their rights and obligations within the framework of rules. A stakeholder in a community forest for instance, may have to prevent a neighbour from taking more than the permitted quantity of forest products and argue the case before a local tribunal. Fig.3 provides some idea of the complex fields of responsibility and action in a resource governance institution.

Fig.3 Institutional Governance Checklist

<i>Institutional competence</i>	<i>Doing the business</i>	<i>Evaluating, learning changing</i>	<i>Rewarding, punishing, peacemaking</i>	<i>Managing the environment</i>
<i>Constitutional choice / Charter</i>	Framework enables activity	Provides for revision of the rules	Establishes judicial / reconciling process	Locates the institution in relation to others
<i>Collective choice / Council</i>	Provides for participative feedback on experience	Establishes review procedures	Judging + appeals to higher body	Allows for Defense of entitlements against others
<i>Operations Management</i>	Workable procedures	Mutual performance appraisal arrangements	Processes for reconciling, policing and sanctioning	Is about policing boundaries against intruders

It can be seen that governance is quite a complex business. A current trend in ‘modernisation’ is to separate out the different functions into different organisations. For instance the UK Forestry Commission which is a government agency with some departmental functions has separated out its forest management operations into a company called Forest UK, which remains state owned, ‘limited by guarantee’. Evaluating and learning aspects of policy development is also sometimes separated into specialist agencies. Some work will be put out on contract to universities or research institutions. Rewarding can be done by conditional grants from government.

Defending rights and entitlements tends to be left to advocacy NGOs or sometimes Unions. A current example in the UK [Scotland in this instance] has been the role of The Crofters Association – a body that represents the holders of Crofters tenancies; a particular form of protected tenancy that applies in certain remote areas in Scotland. The Crofters Association has been particularly active in championing a new entitlement. This is ‘the right to buy’ the land they farm. When a landlord wishes to sell, the crofter-tenants now have to be given the chance to purchase the estate at a fair market price. The legislation has been passed in the Scottish Parliament and the first purchases have been made. This form of land reform is now being extended. A green paper under consideration by the Scottish Executive and Parliament that would give a similar ‘right to buy’ to people living in forests. In the forests this ‘right to buy’ will be a case of denationalisation, moving resource control away from the Forestry Commission to individuals or into a new form of common property resource: a jointly managed trust.

Successful forest governance involves multiple stakeholders

In the following section I look at historical instances in Japan and in Britain of the involvement of stakeholders in forest governance. I then refer to current policies of the two governments in re-engaging with social and environmental concerns. In Japan, as mentioned earlier, different forms of common pool resource management have survived into the present time, though there does not seem to be a close relationship between these institutions and current public policy. In England the history of forest policy, going back to the Norman Conquest, is one of land use control by the Crown as a means of social control. Highly extractive acts of crown ownership have however been modified over centuries to accommodate the interests of multiple stakeholders.

There is of course a gulf between the conceptual framework that has been produced in the earlier part of this paper and the actual findings in any historical context. The problem with deductive theory is that social and political environments never quite match experimental situations. Other variables tend to intervene and need other kinds of explanation or, if we cannot manage that, at least explication. Experimentation and deductive logic provide ‘back of the mind’ frameworks or models to bring to the field when examining actual situations but other frameworks may need to be brought to bear also. For instance a broad political economy perspective may be needed to understand the context of forest governance. Such a perspective should encourage one to note the social groups and their interpretations of their own interests that prevail at any one time. Three instances are relevant;

CPRs in Japanese forests 入会権と財産区 [illiaiken tenure and zaisanku]

In Japan some CPR regimes in forestry have survived from the Tokugawa era into the modern [or post-modern] era. Part of what the government describes as private forest is held in common under illiaiken tenure and zaisanku. Members of the local community have entitlement to certain benefits and have a direct or indirect voice in the governance of the designated community forest. Historically these benefits consisted in the protective value to local communities of a tree-clad mountain – a value that continues today. However access to forest products such as leaf- mold for fertilizer and mushrooms or small game as wild food were also important benefits for farming communities. The linkages to water quality in the rivers and even coastal fisheries were also recognized within the institutional arrangements.

If they benefit they have a stake in ensuring that others make equal contributions and do not take more than their agreed share – that is the theory [McKean 2002]. The regimes can be shown to have adapted to incorporate new assets, such as income from a golf-course or a quarry. Some uses are in practice restricted by conservation requirements imposed by the Prefecture on behalf of MAFF – what Ostrom would see as an organization nested within wider public authorities.

However a new challenge arises when, as at present, market conditions become adverse. The income that can be obtained from timber at today’s prices does not cover extraction costs. The cost of necessary maintenance cannot be recovered out of sales. The value of the forest stand can further decline if good maintenance is not kept up. A feature of these organizations is that if they fall into debt individual members can be held personally liable for losses. Some of these organizations are therefore currently in crisis; stirring citizens into action to find solutions.

Margaret McKean feels the need for further historical and empirical research to establish how it was that collective management of forest through *iriai* institutions thrived under the Tokugawa period of non-democratic government in Japan and even survived – not without struggle – Meiji centralisation of control (2002). Without knowing the answer [or having research evidence] I would seek a hypothesis that relates the particular interests of the rulers – perhaps in levying armies from their retainers; certainly in levying tax – to the strategies and interests of local notables and the survival strategies of poor farmers who would have a greater dependency upon the commons. In Japan the ruling classes seemed to be interested in income rather than land management and eventually turned to investing in industry. In England by contrast aristocrats over a longer period took an interest in farm productivity and in farming the land themselves and led an enclosure movement that largely removed the commons, leaving only a few marginal lands with commoner entitlements.

Commoner entitlements in England's Ancient Forests

McKean [2000¹²] herself draws out some of the parallels with England. In the New Forest today [new in 1097], commoner entitlements [to keep horses] remain, with ancient bits of forest governance added to modern. In the Forest of Dean, another of the ancient UK forests, commoner entitlements were to mining rather than livestock maintenance. The Forestry Commission took over the forest in 1924 but the Verderer's Court, revived in 1834, still functions, now representing forest dweller interests to the Commission.

How did the thoroughly punitive measures adopted by William the Conqueror and his Norman followers and successors from France transform into a commons regime of a kind? The Norman kings set about establishing a new ruling class in England, superimposed on the earlier Anglo-Saxon social structures. The infamous Forest Law of 1097 was not about trees, because much of the declared forests was farmland or open country. It was about hunting. It established the right of the King to all deer, wild boar, and hares in the area, the right for his huntsmen to chase across fields and properties, set out punishments for poaching and established guards and courts. It also removed the previous legal systems in these areas – hence the term 'outlaw' [including the famous Robin Hood]. The King however could not himself chase deer across the 1/3 of England covered by the law. Instead his intention was to use the power to grant favours to the bind the new ruling class [both nobles and bishops] to the Crown. The Law established a thoroughly punitive regime, but in practice these local rulers had in turn to do deals with the peasants to keep them from revolting – and to ensure that they could go on paying taxes - so commoner forest use rights gradually emerged, entitling the local peasantry to keep certain pigs, horses, etc., in the forest¹³.

¹² Margaret McKean 2000 'Siting and designing Successful Institutions for Community Rights in Natural Resources' Paper presented at the International Conference on Land Policy, Jakarta, Indonesia 26th July 2000 www.landpolicy.org/publications/papers/siting1.pdf

¹³ It can be noted also that no English kings until the 16/17th Century had a formal administration that might carry out the decisions of the crown. The same applies in Tokugawa Japan, although considerable progress was made towards establishing effective land surveys and tax administration in Japan over that period.

This may sound as though it was the outcome of enlightened bipartisan negotiation (Fig 3 middle column). In fact the process of change included squatting and encroachment, covert or open rebellion and no doubt corruption. The sunny side of this process comes down to this day in the tale of Robin Hood, battling it out with the wicked Sheriff of Nottingham. Encroachment by miners into the Forest of Dean was still going on in the 19th Century ¹⁴. The fact that some such entitlements exist to this day gives history a rosy glow. But pressure by active citizens of one kind or another is still vital to good forest governance. For most of the population in UK today, enjoying forest access for leisure purposes is the outcome of pressure from such interest groups as The Ramblers Association as much as relatively enlightened state and local government policy.

Current Government Strategies in Japan and UK

In both Japan and UK national governments can today be seen to be responding both to an internationally driven agenda. This agenda is concerned with the environment. Forests play an important role in the environment through the potential for carbon fixing, climate regulation and other public benefits. Both governments are also clearly aware of the challenge to effective governance that this agenda presents and have, for better or worse, adopted a generally liberalizing approach. Also - as might be expected of any effective administrations - they have had to respond to very practical matters such as public finance constraints. It is in this context that their strategy statements have to be read. Both governments also take public participation seriously but what this means in practice may be limited in different ways.

Japan: “forests for the people”

Japan government currently attempting to re-engage people and forests

Context

- Massive disengagement since Meiji development of state forest
- Negative value of plantation forest timber
- Growing interest in tourism and recreation
- Growing ecological awareness and activism

Current Japanese forest policy involves a shift to social-benefit-oriented forest management. The annual report of the Forestry Agency (2002) also acknowledges the aim of streamlining organisations, in the interests of efficiency and effectiveness.

The Forestry Agency’s strategy, under the heading: “Common assets of the nation, with people’s participation, for the sake of the people” has a populist ring to it. The claim is that 80% of national forest area is now dedicated for social objectives, including, water resource conservation, soil conservation, recreation and environment. People’s participation is in the recreational areas where forest officers work with volunteer groups to establish or improve forest – potentially reducing costs of maintenance. The Forestry Agency follows the practice of designating forest areas for

¹⁴ Tony Oldham ‘The mines of the Forest of Dean’
www.mike.munro.cwc.net/mining/tony_o/fod_01.htm

specific primary purposes. Each National Forest is classified as "forest for water and land conservation," "forest for symbiosis with people" or as "forest for cyclic use of resources", which are the remaining areas for primary timber production. The symbiosis areas include, Elinor Ostrom (1992) developed the above classification for analysis of farmer managed irrigation systems. "Interaction Forests," which are National Forest provided as a workplace for forestry volunteer groups, "Forestation to support the culture of wood", which contribute to the continuation of traditional culture, and "Corporation forest", [with] profit-sharing.¹⁵

The National Forest UK

UK government has recently created The National Forest in central England covering some 200 sq miles, in area of mixed land use, including derelict former coal mines.

- Charter: an act of Parliament
- Council: central appointees and local government reps and some stakeholders
- Management: company limited by guarantee
- Operations: direct investment and grants

This development aims to increase woodland cover within the 200 sq miles from 8% to around 30%. It is a centrally conceived and funded scheme with local stakeholder involvement through local government representation, private business and other interests. Operations are devolved into a company structure to give maximum freedom of action and responsibility. It is envisaged that through direct investment or through encouraging inward investment, local employment will be increased in this depressed part of the country. The incentives to participation by landholders in this scheme are traditional: namely government grants.

The scheme is not integrated with European agricultural policy. Current EU agricultural policy is aimed at reducing the production of crops that are surplus to requirements by paying farmers to 'set aside' land rather than use it for crops. So the payments are for doing nothing. A simpler arrangement, meeting two aims with one measure, would pay farmers to put this land into forest – or allow forest to regenerate itself.

Twelve Community Forests are being created on the edges of British cities

These urban fringe forests are based upon partnerships between The Forestry Commission, The Environment Agency 'and a host of other local and national organizations'¹⁶. They are no doubt a very good idea but they are not what would be recognized internationally as community forests. People using these forest areas for recreation will be consumers of the good rather than contributors or owners. In some instances even the local governments do not seem to be actively involved. In these circumstances the policing and maintenance of these forest areas will continue to fall to the state.

¹⁵ Forest agency 2002

¹⁶ www.forest.gov.uk/forestry/infd.4zzcgx

A tour with a forester

Theoretical models and frameworks are also challenged by any reasonably close encounter with actual forests and forest institutions. There is much about Japanese forest that still mystifies me, even after a professor of forestry very kindly took me on a visit to forests in the part of Shinshu Prefecture¹⁷. We passed through areas of Government plantation forest, some opened up for skiing, as well as areas of illiaiken forest on our way to visit a local government area where we met local government officials and the staff of two different zaisanku forests.

The government forests are a magnificent sight: well cared for stands of Japanese Cedar and Hinoki, amenity value enhanced in some parts by a scattering of deciduous trees. The skiing resorts, just about to open for the winter season, were well laid out and attractively landscaped. This is well conceived government action. Elinor Ostrom (1992) developed the above classification for analysis of farmer managed irrigation systems. The problem of current Elinor Ostrom (1992) developed the above classification for analysis of farmer managed irrigation systems. Rent economic value is however felt in the state forests as well as the private. Annual reports highlight the social and environmental value of forests and downplay the economic. While in some state forests the foresters have been able to mobilise volunteer labour for maintenance work, it is clear that the overall forest relies upon the ability within public budgets – despite liberalisation pressures - to defray costs across the system.

We passed through a settlement that owned a forest under cooperative illiaiken arrangements. The common owners of the forest had rented plots of land for holiday chalets, and were now enjoying a good income from this source, which they were putting towards the maintenance of community facilities. They had decided initially to divide up the profits of their exercise as additional personal income, but on the first occasion apparently, found government tax collectors standing by to deduct a share for the state. So, in subsequent years they maintained the income within the corporate account and used it for public community purposes. Although this group did not have income problems it is not clear how well they were maintaining their remaining forest.

The Zaisanku forests were in greater difficulty. These forest institutions remain attached to the state in the form of the local municipality. While the residents in a particular community that adjoins the forest are members of the institution, entitled to elect a governing committee and to shares in benefits / costs, they do not have outright ownership and cannot sell their entitlement to other parties. The local municipal council provides services to these institutions in the form of forest advisors, though they also employ their own staff. The municipal treasurer keeps the accounts.

For many years these institutions provided a modest form of collective income to the resident communities that was usually used for some local public purpose such as building or maintaining a community hall. In times past also many of the costs of forest maintenance were met by the members themselves forming work parties to weed new plantations or prune the growing trees. Such work was an obligation and

¹⁷ My thanks to Professor Masao Koike of Shinshu University; errors of interpretation are of course mine.

members could be fined for not participating. Work parties could however be paid for their labour out of forest income, thus ensuring direct personal benefit as well as institutional benefit. However the present generation of members are no longer willing to take part. In consequence, maintenance costs have put additional strain on the budgets.

Harvesting trees is no longer an adequate source of income, so the cash flow of these institutions now depends mostly upon their success in raising rents and charges for other, non-forest activities. Both of these forests had turned over a part of their land to golf courses. One also earned income from a quarrying concession. However both forests were facing financial difficulties and forest maintenance was falling into arrears – further lessening the potential value of the crop. Since liability for debts would ultimately fall upon the members, these members had suddenly began to take an active interest in the affairs of the forest; seeing a looming crisis for which there did not appear to be an obvious way out.

These community-managed or involved forests have evolved a long way from their origins back in feudal era Japan. At that time there was no central state administration; the state relied upon feudal lords to collect rents on its behalf but had no interest in forest products as such. The farmers did rely heavily upon local forest for leaf-litter as fertiliser for the fields, for fuel, for protection against landslides and for mushrooms and other wild food products. The forest that produced these goods was in many places a native mix of deciduous and non-deciduous trees, allowing space for an under story of mixed herbage. Plantation forests are barren in that respect. Nevertheless these institutions have survived through the Meiji era of state intervention that was followed by very substantial forest plantation by government following World War 2. Historically interest groups have actively insisted upon their survival. There must be a question now as to what is the next stage?

What this brief glance at a current instance of Japanese people's involvement in forest reveals is that illiaken and zaisanku institutions do continue to give citizens a stake in the forest and in the local economy, even if this is currently problematic. Since the forest in these parts is now more valued as amenity than for subsistence or as a commercial crop it is notable that the members of some of these organisations have been able to find ways of accessing the new economic drivers in the local economy – golf and visitor accommodation. These 'goods' as well as the wider scenic and amenity values of the forest are not confined to the particular patches of forest cover that fall within the concern of these institutions (and indeed not all such institutions are well placed to benefit from them). There are questions therefore about the relationships between illiaken and zaisanku institutional governing bodies and other key stakeholders in the local environment such as the municipal and prefecture officers and well as private investors – who will all have a concern for the appearance of the forest, access for leisure purposes, etc, as well as economic opportunities that depend upon successful forest management.

In terms of the commercial value of the forest it is also clear that there is a national as well as local interest in ensuring that the forest is maintained in good productive order until such time as the commercial market revives. This suggests that local institutional leaders may have to make representations within the national political

field to ensure that the state plays its role. Local strategies can seldom be exclusively local.

Community managed or involved forests are also subject to overall strategic forest management provisions concerning environmental protection, - water and soil conservation - set by the Forest Agency and implemented through the prefecture.

Current Challenges of global economic context

To identify the potential for new forms of common pool resource management it is necessary to look at the recent history of analysis in this field. I think that this line of analysis can be used to illustrate the point that, to ensure that wide-ranging benefits flow from the forest, citizens need to play active roles in sponsoring and supporting forest institutions of all kinds; private, common and state. A concern of particular significance for advanced industrial countries is the depletion of forest resources in poorer countries that is, in large part, stimulated by the demand for forest products that wealthier countries generate.

Both Japan and UK are wealthy countries that can import cheaply. Ethically minded governments then face two dilemmas. Not only are national forest owners and timber producers facing negative income prospects – a powerful political lobby but also, an ethical policy requires some form of regulation of a trade that is not confined within their borders. Hence the move towards, on the one hand subsidy regimes and on the other, certification of origin of timber in sustainable forest

Strong voices are being raised to the effect that Japan has externalized the ‘common bad’ of forest mining through its import policies. Actually the same could be said with equal justification about Britain; UK imports a higher proportion of timber than Japan [and for much longer – instance the 18th Century taste for mahogany furniture] Effectively this means that policy has to address the question of certification, the registration of origins of timber in forests that are managed on a sustainable basis. Such a scheme has to be recognized world-wide. Even America is under pressure to comply. So we see the development of institutions for managing such a scheme on a world scale; a context that lacks an effective central governance institution. To work, such a scheme is dependant upon a) consumer pressure so that, b) timber merchants and production companies find it in their interest commercially to join the scheme and to put pressure on other merchants and producers to also join. The international mutual policing of timber registration that is required suggests that this is a new version of the common pool resource (CPR).

A further potential forest related CPR concerns carbon fixing. Carbon fixing – within the constraints of present technology - is mostly a matter of growing trees. The current international debate is about instituting a notional common pool [sink in this case] for carbon to be fixed that can be allocated in shares to all countries. Each country would then set a target to be achieved by afforestation schemes. Countries which fail to meet the target would be able to trade quota with a country that is able to do more than its quota. The tradability element is a relatively novel institutional arrangement but the core element of the scheme; the shared responsibility for management of the common

pool, places it firmly in the CPR box [Fig 1, High subtractability / Difficult Exclusion].

These schemes also illustrate a point about CPR regimes which is perhaps not so clear in pre-modern origin schemes. Subtractability usually requires the imposition of a notion of shares that may or may not equate with readily identifiable quantities of things. Sharing formula are always to some degree abstractions.

Conclusions

This wide ranging study does not conclude with a set prescription for that might be applied by all citizens in all countries. Citizen X may see the need to act responsibly in promoting tree growth and forest governance but circumstances are too varied to allow for one prescription. However, the review should illustrate the fact that present day opportunities for engagement are many

Internationally minded citizens should act to support:

- **networks of like minded persons globally**
- **global communities of interest**
- **common pools of understanding – www**
- **a challenge to holders of power everywhere**

as well as;

- **new hierarchies of forest and environmental governance and international law**

Individual citizens in most places will probably make most contribution to the world-scale ‘forest’ public good by participating in pressure groups and networks¹⁸, as a means of raising awareness and creating a supportive culture for formal decision making. Networks come and go. One particularly active international network can be found under the name of ‘forest list’¹⁹. This has been sustained over more than a decade, sometimes well informed, sometimes not, sometimes engaging in heated debate, more often exchanging information that somebody thinks might be useful to someone else. The sponsorship of this network seems to have followed the initiative of concerned individual volunteers rather than any institution, though the key movers seem to be academics, judging by their addresses. At any one time this kind of action may not seem to have specific outcomes that can be counted as an addition to good ‘global forest’. Nevertheless, it is probable that the rural Japanese farmers who struggled historically to maintain and adapt their local means of access and control of

¹⁸ www.CIFOR.cgiar.org/docs
<http://forests.org/archive/asia/natiweek.htm>
Sustainable Green Ecosystem Council
Clean Development Mechanism (COP9)
http://homepage2.nifty.com/fujiwars_studyroom/english/e_index.html
www.peopleandplanet.net
Japanese Consumer Union
Japan Forest Forum www.wood.co.jp/forestforum

¹⁹ www.metla.fi/archive.forest/1995/07/msg00045/html
[now] <http://joyx.joensuu.fi/listserv/forest-list.html>

the tree-clad slopes above their houses, also sometimes felt that their struggle was without clearly defined wins. Perhaps governance of the forest is like that but good governance depends upon a willingness to go on struggling. Japanese farming communities have a record that the rest of us should seek to emulate.