

Privatisation of forests from a sociological perspective. The extended case study of obșteea vrânceană.

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1. Introduction¹

In Romania, forests, as a valuable asset, economically, ecologically and affectively, are at the core of emerging associative necessities and of many conflicts or corrupt practices.

The undertaking of empirical sociological research regarding forest restitution and management in Romania enjoys many arguments, on both the academic and applicative side. Concerning academic advantages, I would like to point out that Romanian specialists do not pay attention to environment or natural resources as a field of investigation for the social sciences. Reversely, worldwide social scientists in the field of natural resources studies do not pay much attention to Romania, with a few exceptions. Specific post socialism issues related to resources and development, to property reform and ongoing conflicts might constitute a fruitful ground for the elaboration of fresh theoretical and empirical insights. Concerning applicative advantages, they are really numerous. There is much need of social analysis to be applied in the field of property laws, nature conservation, or institutional arrangements and local development based on local resources.

The study of collective forests engenders social issues twofold: firstly, because, as I mentioned above, it includes the dimension of property, which is a social relation; and secondly because it deals with “collective” rights and duties, which imply a wide range of relationships among shareholders. For example, one has to border the property, in order to exclude other potential beneficiaries (*e.g.* thieves). Thus, we already have a social relation of exclusion.

After the property reform in Romania, many communities or families transformed into “*homo homini lupus*”. Many people have property conflict with neighbours, fellow villagers or relatives. Moreover, the restitution of associational or communal forests brought into arena sharper conflicts than ever between community factions (interest groups). This study tries to reveal this “conflict appearance” of property reform in Romania, by concentrating on forests and moreover, on collective forests.

¹ I wish to thank dr. Marian Dragoi for giving me the opportunity to bring the sociological perspective into Romanian forestry and for enabling access to valuable data to be presented further in the paper.

2. Restitution of forests and property laws

Regardless the type of land, there were some common features for all three property laws in Romania.

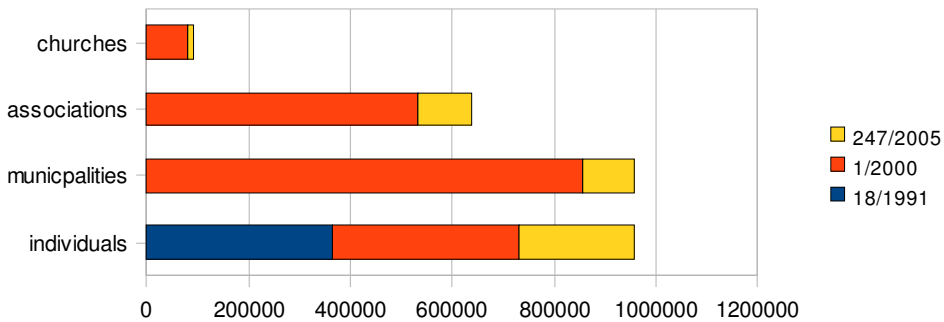
Firstly, each restitution process had to undergo two phases – validation (*validare*) and entitlement or putting into possession (*punere in posesie*). In many cases, people stopped the process at the validation phase and did not apply further for entitlement. Hence, they used the land/forest and treated it as proprietors, but without having final legal papers.

Secondly, responsibility for deliberating restitution cases was devolved to local commissions (*comisia de retrocedare*). This meant that certain locals had the power and legitimacy to decide who gets where and how much.

Thirdly, property laws emphasized *restitution* of land within historical boundaries and not *allocation /distribution* of land (as in Albania, Hungary or Czechoslovakia cf. Swain, 2000). This meant that where possible and convenient, people were supposed to receive land in the amount and boundaries of former plots (this was not the case with forests in law 18/1991, as I will explain below). Moreover, it meant that the law was supposed to make historical justice for people who were abusively dispossessed.

After communism, **the first property law, 18/1991**, allocated forest only to individuals and in surfaces up to 1 hectare. Usually, these pieces of forest were not reconstituted on the old (former) property locations (*vechile amplasamente*), as prior to 1948. They were allocated in more convenient boundaries, such as in the margins of the state forest. Thus, this law did not relief the thirst for social justice and it did not create an affective bond, as people were not provided with the whole amount and symbolic value of their former land. In addition, at that time, legislators did not impose high fines for deforestation (the ratio between fine and price of 1 afforested hectare was 1/10, thus a proprietor would obtain up to 15.000 euro for clearing 1 hectare of forest). These factors contributed to massive afforestation in the period after law 18.

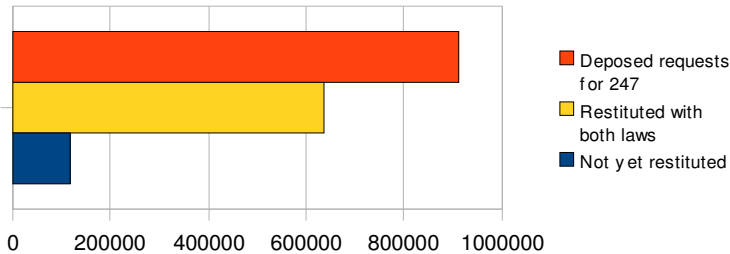
The second law, 1/2000, restituted a larger amount of forest and included restitution to juridical bodies, among which churches, associations (*obsti, composesorate*), municipalities (*primarii*), as it is visible in the graph below. It emphasized the allocation within historical boundaries, but it stipulated that plots that were entitled with law 18, should not be removed or replaced. Because the process of property title emission, obtained with law 18 went very slowly (Cartwright, 2001) and in some cases, in 2000, there were plots validated, but not given into possession with titles, people received forest with law 2000 on the plots that were already validated for another persons with law 18. Thus, conflicts have begun. I heard very often the story in which people were restituted in 2000 plots of forest that were already cut down by people who received it in 1991 without titles.



Graph 1. Surfaces of restituted forest (ha), distributed across categories of owners. RNP 2007.

The third law, 247/2005, went for *restitutio in integrum*. This law was supposed to do complete justice to former owners, by giving back everything that was exempted from restitution within former laws, public buildings, roads, watershed and protected areas.

The promulgation of this law produced a lot of expectations that were soon to crash. The sum of deposited requests for forests in associations exceeded by far the total amount of associations' forest plots restituted with all laws (including 1/2000 and 247/2005), as it is visible in the graph below and will be explained in the further section.



Graph 2. Comparison between requests with 247 and total actual restitution, for forest associations. RNP 2007.

2.1. Associative and communal forests across Romania

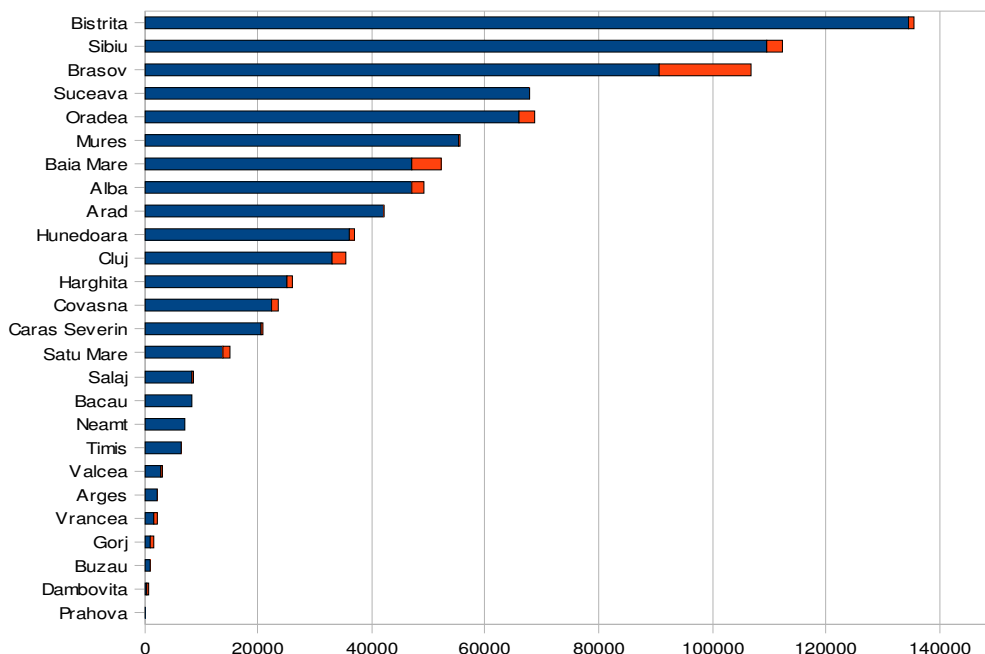
Usually, the indivisibility of a resource provides some important economic advantages – it favours its predictability and exploitation productivity. Thus, for forest resources, it is beneficial that they exist in associative forms.

Before 1948, Romania had several forms of collective ownership over forests. The form in which were owned the largest surfaces was the **communal forests** (*padurile comunale*), administered by local municipalities. Many of these forms resulted from the dismantling of the borderline institution of the Austrian-Hungarian Empire (*institutiile granicereasca*) in 1872. The political communes that were incorporated in the borderline regiments gained exclusive property rights over large forests, despite the pressures of the state that wanted this to become

state property. The property regime of the regiments of Nasaud and Orlat transformed into *paduri comunale*, while another regiment, of Caransebes, did not want to divide the forest and to give authority to the communes². Therefore, the forests and pastures from regiment of Caransebes formed an association, the Fortune Community (*Comunitatea de Avere*), which included 30.000 families at that time. However, it remained unclear if the Fortune Community had ownership rights or only use-rights.

Other communes had also forest and pasture property all over the former Austrian-Hungarian Empire, coming from expropriated Orthodox Church Fund (*Fondul Bisericesc Ortodox*) or from the expropriated Domains of the Crown (*Domeniile Coroanei*).

Nowadays, many communes got back their forests, as it is visible in graph 1 (under the etiquette of municipalities), most of them being concentrated in the former borderline departments (Bistrita Nasaud, Sibiu and Brasov – the regiment of Orlat, visible in graph 3 below).



Graph 3. Communal forests restituted with law 1/2000 and 247/2005. Distribution across departments. RNP 2007.

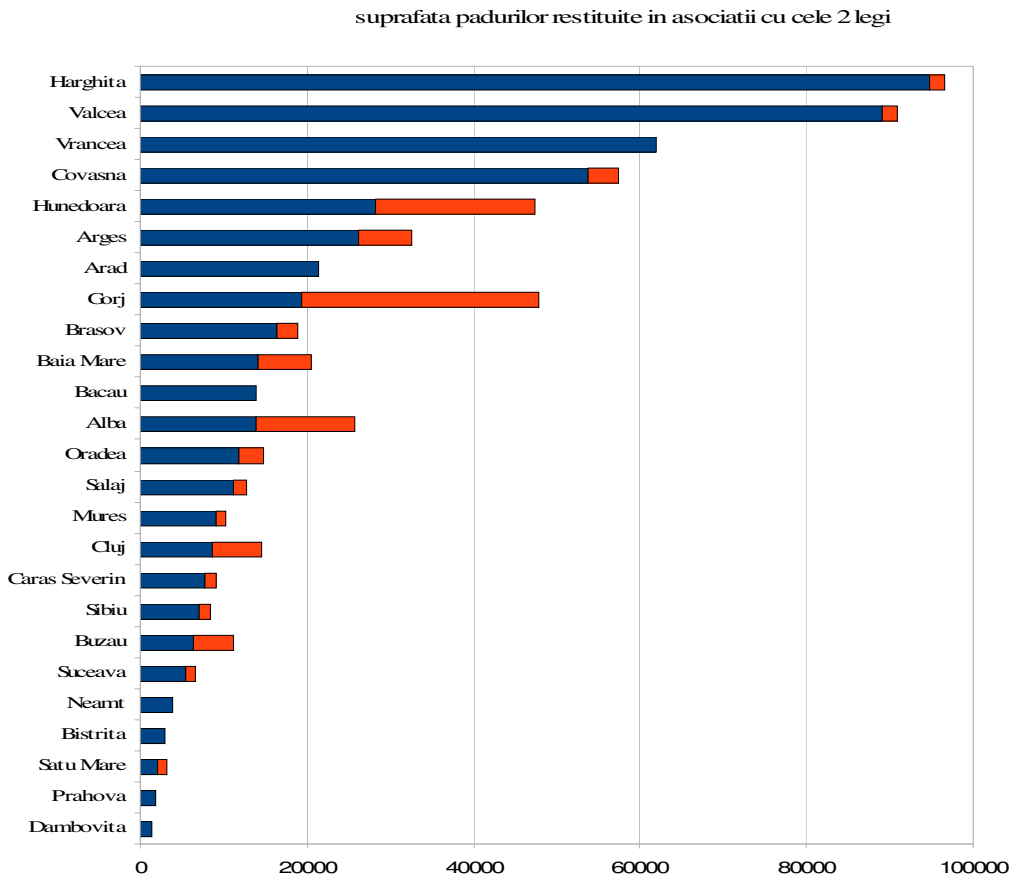
Regiment de Caransebes is visible neither in the graph above, nor in the graph below, describing the situation of associations, because its restoration is made difficult by the state, which advances as reasons lack of necessary

² My colleague, Monica Popa-Sisestean, prepares a doctoral thesis on the former borderline forests and much information that I included in this section comes from her knowledge on the issue.

documents. By July 2007, the Fortune Community did not reconstitute its “fortune” yet.

More generally, there was one major problem with the restitution of communal forests. The lack of concordance between former and present administrative units had as result the fact that present villages, which used to be political communes, did not get back their land. The land was incorporated in the present communes, together with another villages.

Other collective forms that existed in the past are the associative ones, named *obsti and composesorate*. Usually, *composesorat* is the name for the inner circle of the Carpathians, in former Austria-Hungary and *obste* for the outer circle. Although they are named associations in the laws and in formal documents, these types of property can hardly be described as associations of proprietors, because the shares that one has are not delineated plots of forest that were put together, but a quantity of products that can be withdrawn from the forest and a number of votes in the general assembly. Both *obsti* and *composesorate* can take various forms, as I will describe examples further in the paper.



Graph 4. Associations' forests restituted with law 1/2000, law 247/2005. RNP 2007.

In Romanian sociological and anthropological literature, these forms were excellently documented by Henri H. Stahl (1939, 1958) and Vasile V. Caramelea (1944, 2006).

Most of them were based on the genealogical model (acquiring membership through inheritance), while some perpetuate the non-genealogical model (acquiring membership through birth and residence, the case of Vrancea) until their dismantling in 1948. Some of them emerged from different other forms of property organization, such as *cete de mosneni* or *funii* (I will provide details in the “micro” section).

From the graph above, showing the distribution of restituted associative forests across departments (*judete*), one can draw the conclusion that law 247/2005 had a significant contribution, in some cases it doubled the surfaces of forest already allocated (the cases of Hunedoara, Gorj, Alba) with law 1/2000. It is also visible from the graph above that the forests are almost equally distributed among areas with *composesorate* (e.g. Harghita, Covasna, Hunedoara, Arad, Brasov, Maramures, Oradea, Salaj) and areas with *obsti* (e.g. Valcea, Vrancea, Arges, Gorj, Bacau, Buzau)³.

From all departments, Vrancea is the one with the lowest level of claims. From the findings of my research, indeed restitution in the case of *obsti vrancene* went very smoothly. Documents were available, the collective memory functioned very well and witnesses helped the boundaries-tracing process. By year 2005 when the law was published, these property forms were already well established.

As explanations for the big differences between requests and actual restitution one may find: (1) the multiple claims made for the same plots, sources of conflicts and court cases; (2) the lack of evidence produced to sustain the claims; (3) the malevolence of state structures (*Ocoale silvice de stat*, *Directii silvice*) to give up forest possession in favor of particular claimants. Causes (1) and (2) are produced by the fact that before 1948 only in Transilvania property entitlements existed in municipality registers (*Carte Funciara*); it is visible in the graph above that in the other historical regions (represented by Dambovita, Buzau, Prahova departments), that were not incorporated in the Austrian-Hungarian Empire, the claims bar goes higher because of lack of evidence and fuzzy situation before 1948. Particular situations also drag the claims amount higher. Responsible for the situation in Prahova department might be the claims made by the Royal House of Romania. For the situation in Buzau County, one may find the claims made by *Obstea Mosnenilor Buzoieni*, going up to 80.000 hectares, for which they are in conflict with the Romanian Academy, “Patrimoniul” Foundation.

Firstly, from this brief macro description we see the importance of common property systems in Romania nowadays. Forest privatization meant devolvement into the hands of juridical bodies, such as associations and communes, in

³ Unfortunately this is the most specific data that is available, a comparative statistic between *obsti* and *composesorate* does not yet exist.

proportion of 60% of the total restitution. Thus, at a theoretical level, communities were empowered for development.

I showed that forest restitution was made in three steps: (1) the first step was a very small and stumbled one and the result was that only 7.8% of forest surface got privatized⁴ and almost all of this deforested; (2) the second step was a brave one, although it was a little hindered by the previous one, 34% of the total forest surface went into the hand of private owners (including individuals, associations, communes); (3) for the third phase, everybody took a deep breath for a huge step, but could not get much further, many of the claims encountered hindrances from the state that was seeing its domain diminishing; after this law, the estimation is that 45.6% of the total forest resource will be privatized.

Nevertheless, the macro approach gives only a glimpse into forest property issues. For an accurate insight into the social phenomena of property restitution and management, one has to pursue a micro approach, to document cases which might reveal how and why actors enter and continue conflicts, why expectancies appear to be so much disconnected from reality, why and how the state, through its structures hinders *de facto* privatization, how devolved property contributes to the welfare of communities, these being only a few points that I want to address further in the paper, throughout the case study of *obstea vranceana*.

3. Extensive case study: Obștea in Vrancea

The *key concept* and the key collective actor for the local property system we will discuss here is *obștea*⁵, an old form of participatory local governance and property administration.

Obștea in Vrancea is a form of *using resources* and not a form of actually owning land; unlike other forms of *obstea* in Romania, here the rights to use are for all the villagers, *equally shared* and commonly managed through the village assembly.

The focus of this paper is on the actors' narratives about satisfaction, support, involvement and their effective actions related to the institution and to the forest itself. The subject is very generous; there are many issues to be addressed; I have a large amount of fieldwork material and thus, the temptation to treat many dimensions at once underlines the density of this paper (for additional informations on the topic, see Vasile 2006, 2007).

Methods. For my research, the empirical information was many times puzzling, as I confronted with major conflicts and cleavages among shareholders,

⁴ At the end of year 2000, information from the RNP internet site, consulted September 2007.

⁵ I chose to give the Romanian word, coming from Slavonic language, for it may be useful for researchers as it reveals connections with similar institutions in other countries (see for example Bulgarian *obshtony* in Barbara Cellarius' work or Russian *obschina* in Brian Donahoe's work); the original sense of the word is togetherness and underlines the participatory essence of the institution

with corruption and political involvement, all of them concluding to divergent evaluations and narrations. I tried hard to provide a comprehensive interpretation of the data, and therefore I have chosen to combine qualitative (interviews, observation) with quantitative methods (questionnaires)⁶. I also did not want to be trapped in the particularity of one case and I have focused on a micro-comparative study of 10 communities in Vrancea Region.

The paper tries to grasp the relation of users to this form of property institution by taking into account the process of participation. Usually participation is seen as a 'good thing' because it is thought to introduce transparency and inclusiveness, as a means to rural grassroots empowerment (Nuijten, 2004). However, in the area of development studies we find approaches that denounce the tyranny of participation (Cooke and Kothary, 2001), explaining that there is frequently the case when local people are engaged in power relationships that shape participation and different parties participate in different degrees and forms (Nuijten, 2004). Following those arguments, the present study answers a set of questions. How does the participatory system act, related to issues of corruption, lack of knowledge, poverty? Does this empower local people generally, or only local people with certain statuses? Does this participation process help the community or is it more a source of conflict?

Following the steps of Henri H. Stahl in the same research area and research topic, my study enables scholars to have a *longue duree* view.

The first part of the paper follows the historical path of this institution, the seizure and the communist and post communist period until the commons' restitution in 2000. The second part describes the general framework and organizational structures. Then, I 'zoom' into the actual functioning of those structures and property related norms, underlying local variances alongside with the importance of agency with special focus on elites. The third part details villagers' (as distinct from the category of elites) actions and ideas, their access to the resource and actual involvement in the management process.

3.1. Historical insight

To have a clear view over the present-day situation, firstly I will give a short account about what *obstea* meant in the past and how it evolved during communism and immediately after its fall.

3.1.1. The "old" obstea

This institution was not founded at a precise moment, for managing the commons of a distinct community, in the form a contractual-like organisation. The

⁶ I have a database of approximately 180 interviews and 304 questionnaires. I wish to thank here my professors Catalin Zamfir and Ioan Mihailescu that supported financially my fieldwork with funds from University of Bucharest.

legend tells us that Stephen the Great in the XVIth century endows the founders of seven villages for their military merits with the Vrancea Mountains.

We find *obstea* in the documents of the XVIIIth century as a community-based institution, in the form of village assembly, which has the attributes, among others, to preserve the communities' property undivided and to ensure equal rights for every member of the community⁷. Therefore, the *major property principles* in Vrancea Mountains were (and still are) *indivisibility, inalienability and equal sharing*.

Towards the XXth century⁸, the villagers' access becomes more and more restricted, as the exploitation technology improved and the wood resource became a valuable commodity designated to gain money, welfare, social status (Stahl, 1958).

Meanwhile, powerful foreign forestry companies, especially from Austria and Italy, 'accessed' the common properties of the villagers, beginning with the middle of XIXth century, with help from local intermediaries who 'fooled' the people to sell their use-rights usually for *a pack of cigarettes*, persons that were called *axe handles* by the locals (Stahl, 1958).

In 1910, the Romanian State introduced *The Forestry Code* as the first forestry statutory law, which puts the *obstea* on legal basis.

Gradually, each *obstea* from Vrancea had to make the legal formalities to be recognized by the state. Until 1948, each village issued its own statute in which it was attested the surface of forest and pastures and the legal administrative norms.

In 1948 it was seized by the communist state.

3.1.2. The seizure, the communist period and the transition period

Some points about general property issues in the Vrancea mountain villages during the communist period will unify the picture that I try to give on the 'evolution' of *obstea*.

'My' villages were not collectivised in the full sense of the process, although several plots of land were seized from those called by the communists '*chiaburi*', and managed in a kind of smaller collective farms for animal husbandry. Usually, people in these villages opposed the 'invitation' to donate their land for socialist collective purposes. Thus, they kept their land and had to give to the farm an annual quota of what was produced in the household.

In the 50s serious fights happened in Vrancea between villagers belonging to the Anticommunist Resistance Movement and communist authorities. Several people were killed. Moreover, some of them were imprisoned, while the others hid

⁷ men and women have equal property rights, although men are mostly present in meetings and they are involved in forestry work

⁸ For this period we rely mostly on information from our interviews, querying collective memory

in the mountains.⁹ This event, together with the imprisonment of ‘chiaburi’ practically created a demographical vacuum of elites, since people who participated were mostly the communities’ leaders.

We consider that another two important losses occurred during this period. Firstly, the educated persons, potential competent local elites, emigrated from rural areas, this being an important exogenous explanation for actual frequent mismanagement situations. Secondly, the self-governing tradition and experience was lost¹⁰, because the communal forest property was entirely seized by the state and the self-governing structures did not continue to function in illegal ways, as it happened in other parts of the world (for example, Spain, see Behar, 1986)

Nevertheless, the contact between villagers and their common property was not totally interrupted. Most of them worked in forestry as wage earners for the state structures; others stole wood from their former common property with the tacit acceptance of local authorities. Even though the villagers had no longer statutory rights over the mountains, favourable external factors coming from central level, like state policy of industrialization (which intensified forestry) or imposing state authorities everywhere led to a special type of access in which villagers could benefit from their former property mostly due to the created context, on the black market of favours exchange.

Immediately after the fall of communism, property laws were fuzzy and incomplete. (Verdery, 1998, 2003). In that chaotic realm of getting individual property back, nobody thought about collective property rights, which were re-established only beginning with year 2000. Meanwhile, local business involving timber extraction and processing flourished. Local entrepreneurs contracted with the (still in place) state agencies. Several powerful companies emerged in this way, mainly in the villages of Nereju and Tulnici, but also smaller ones in other villages.

However, these emerged businesses did not contribute essentially to the development of the area, since they offered mostly black market jobs, low qualified and low paid.

We gave details about the local firms because they play an important role in the dynamic of the *obstea* institution, as many of the patrons are involved in ruling committees of *obstea* (flagrant role-conflicts or just skilled persons for the positions?) or are informal local leaders who nurture conflicts among shareholders concerning forest issues.

3.2. *Obstea* today – general functioning, regulations

After 50 years of communism and usurpation of property rights, according to Romanian State’s law no.1/2000, the State recognizes the villages’ rights over the

⁹ The organization in which people from Vrancea fought against communist regime was named *Vlad the Impeller* and it was active till the middle 60’s.

¹⁰ A factor that should be kept in the reader’s mind for subsequent explanations.

commons in Vrancea and old institutional forms are re-established in more formalised ways.

In its actual meaning in Vrancea region, *obstea* can be described as a community-based institution that administrates the forests, commonly owned by the residents of a village¹¹.

3.2.1. Characteristics of the resource

The owned **forest surfaces** are large, *varying between 2000 and 14.000 hectares for a village population varying between 800 and 5000 inhabitants*. These surfaces permit intensive harvesting without posing ecological dangers. In addition, these surfaces permit productive exploitation, as large units.

It is important to say that the resource has not the same characteristics for all villages in terms of spatial distribution and quality. For example, one village has mostly young forest, without the possibility for extracting too much, important particularities concerning financial returns and management strategy arising from that. Other ‘technical’ differentiation criteria may be that some villages are located near to the mountain, while some are 100 km away.

3.2.2. Organisational scheme

Nowadays, an executive committee together with the village assembly manages common resources.

The people, on a democratic secret vote system, elect the committee; a president, two to four councillors, forms it. This committee is remunerated; the councillors have mostly a symbolic remuneration – equivalent of 50 euros per month. It is in charge of administrative operations (including organizing village assemblies, organizing auctions for selling timber and distribution of annual share of wood for the users), and with the elaboration of proposals of management schemes, to be deliberated in the assemblies.

The village assembly must include 50 % of the village population to be in a legal position to make decisions. Following the statute, it must be consulted in all important aspects, like those concerning annual shares distributed for the members, investments, modifications in the statute, incoming members. It has the right to revoke the proposals of the board and even to revoke the board¹². Meetings take place usually once a year, or more if important decisions have to be made.

The participatory framework looks very promising, though actually there is a range of shortcomings, because of the actual functioning of these design schemes in the context of Vrancea communities. The villagers do not attend the meetings, as they should; elections are always suspected by locals, as there are not

¹¹ There are no clear-cut membership boundaries, as I will show further in the paper.

¹² this being the only effective sanction mentioned in the *obstea* statute; however, the conditions in which the board may be revoked are not clearly stipulated

supervised from external enforcers. Additionally, as these rural communities do not have a large selection pool for elites¹³, role-conflicts or legal incompatibilities frequently occur, like the mayor of the village running for president or councillor of the *obstea*, rangers as councillors of the *obstea* board, owners of local forestry companies as *obstea* presidents, etc.

Monitoring the resource and guarding tasks are incumbent for external forestry specialized structures. In Vrancea Mountains, there are four such structures for 38 *obstea*. They levy taxes for their activities, which represent large percent of the *obstea* expenses.

Obstea has a juridical statute, being recognized as a legal institution by the Romanian State. The statute, differing in minor aspects from one community to another, regulates all the attributions of the *obstea*, the conditions of membership, the bundle of rights and duties for the stakeholders and the administration board, the manner of managing and controlling.

The effective role of the state is minimal in this property regime.

In 2000, as the restoration process begun, the right wing ruling party at that time conceived the restitution of collective forests on a much-decentralized legal foundation. They stipulated that the *obstea* institutions should follow the model of the old organizational structures. Thus, the county department elaborated an example of statute, mostly following the old stipulations before Second World War, *giving each obstea the right to modify their statutory norms, according to local situations, with the agreement of the village assembly*. Despite these favourable conditions, most of the *obstea* that we studied have not yet taken advantage of this flexibility¹⁴. However, each *obstea* committee is highly aware of the possibility to adapt their legal norms, but only three of the ten communities have brought changes to the statute. Moreover, there is a high necessity for adapting the statute, since some stipulations are ambiguous, leading to interpretations, which are a cause for the internal conflicts to sharpen.

Sanctions are not enforced in the statute. The statute is so permissive, that for some mistakes, like those of the bookkeeper, the whole *obstea* is responsible¹⁵. The lack of sanctions is observed also in the larger legal framework of property laws in Romania (Verdery, 2003: 157)

3.2.3. Benefits and opportunities

An average of 20 % of the extracted wood goes for the **household consumption** of the population. At the beginning of the year, the board and the village assembly decide the quantity of wood, *'the size of the individual's right'*, according to the investments plan and the extraction volume. Usually people

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¹⁴ They have taken the model statute *tale quale*.

¹⁵ Such a situation occurred in Paulesti village, when the whole *obstea* had to pay a fine of 4500 euros.

receive as their share a quantity of 1 to 3 cubic meters of firewood per year, per family, and the same quantity of timber, with the right to sell it locally¹⁶.

As possible strategies for the users, there are mainly: 1) harvest and use or sale to local firms; 2) direct sale of the use-right to the *obstea* or to the local firms. The user has no right to sell his share beyond the locality. If the *obstea* makes the necessary papers, there is actual possibility for the villagers to sell their share everywhere. From the ten *obstea* we examined, only one took this measure; the other ones do not even consider this step. The local companies have a benefit from this shortcoming, and the *obstea* also, as a potential buyer. As in some villages serious free-riding problems occur, to be detailed below, we could presume that illicit arrangements between the *obstea* board and local companies determine the prejudice of users in the way of obstructing sales autonomy.

The quantity that is not distributed directly to users is sold towards local or extra local firms. Auctions are organized for private companies, which harvest the surplus of wood from forest parcels. The **financial benefits** are invested¹⁷ in: a) *specialized equipments* for forest exploitation; b) *logistics* for organizational purpose, like buildings, computers, transportation and communication facilities; c) *local development*, specifically infrastructure, public utilities, construction and restoration of community use buildings. The *obstea* organizations were re-established after 2000, so a. and b. investments categories are quite large for the starting period, and this makes the subject of important quarrel among villagers and committees.

Beyond purchasing of public-use buildings, infrastructure and restoration of those already in use, the *obstea* has the opportunity to develop feasible business, like tourism activities¹⁸, or industries related to timber processing. However, for short-term strategies, very few *obstea* consider these as priorities.

3.3. Zoom into local practices

In the next pages, I will try to give an in-depth account of what happens beyond the above mentioned general lines and to have a view over the local practices around forests and around the *obstea* institution.

¹⁶ For accuracy we can give precise figures: the average value of an adult individual's right is 40 euros so, for a household including two adults it is 80 euros, per year. The average value of a household's annual income in the investigated villages is 1500 euros per year. Concluding, the income from communal property rights values no more than 5% of the total income for a middle level household.

¹⁷ The invested profit excludes taxes for monitoring and expertise paid to forestry agencies and reaches amounts varying between 20.000 and 60.000 euros per year.

¹⁸ Successful tourism is already practised by some local entrepreneurs, but only in a few villages.

3.3.1. Changing patterns of rights to be a member in obstea

The analysis over the membership norm provides a very good example about the way in which norms may change over time in the Vrancea context and the underpinning mechanisms; in addition, it sheds light over the interpretations that the statutes may induce under local circumstances (the issue of membership rights is also treated in the introductory study in Romanian, here I give other situations that might contribute to discussion and clarification).

Membership in the *obstea*, the right to be a stakeholder of the common property is not acquired by inheritance, or by birth, but by living in a certain village. According to the statutes, the use-right is accorded to members of the community over the age of 18.

There is much uncertainty about the actual membership boundaries concerning the persons who moved in the village, without having any local relatives – the newcomers - and the persons who temporary moved out from the village, working abroad for a period over one year, but having house and family in the village – the temporary migrants.

Following the statutes, those who require becoming members without descending from local villagers, pay a tax and receive equal rights with all the other members. As easy as it may look, the situation varies among the villages. Some of them practice membership exclusion politics.

In the Tulnici community - very developed comparing to the neighbouring communities, feature that attracts immigrants - the village assembly changed the tax regulation and totally removed the rights of the newcomers.

In other villages, the exclusion is not so manifest. In the village of Naruja for example, a village with a high rate of immigrants from other communities (due to its administrative 'centrality' in former periods of time) the village assembly did not change the statutory norms, but it raised the tax at 25 euros (for many households an important amount) and fixed one day per year for the tax payment. In this manner, 42% of the village inhabitants are not members of the *obstea*, which leads us to the conclusion that almost all of the newcomers are non-members. Such newcomers are often living in Naruja for longer than 60 years and declare that they are still called (somehow gratuitously) '*venetic*' (newcomer).

From the interviews I could see that almost all the newcomers did nothing to become a member, not even tried to pay the tax in time, but they complain about the 'exclusion', seeing it as breaking the rule of the place. This membership exclusion politics works very discretely by combining money and time restrictions.

It is very interesting in this case who was actually in charge for taking the decision of closing the membership, because our statistical data proves that 'natives' are not against inclusion. Moreover, common sense logic stands for the inclusion, as many natives have their own wives or husbands as newcomers. It appears that there were some powerful voices in the assembly, which imposed themselves with little help from the committee (whose members stressed in my interview on the limitations of formal procedure, which in fact might easily be changed as it is locally imposed).

As village development occurs (the case of Tulnici), or demographic pressure and immigration (Naruja) the villages tend to close their *obstea* by imposing the nativity principle.

In these communities the exclusion of ‘strangers’ brings a shift in the membership principle, from the ‘**place**’ principle to the ‘**blood**’ principle.

Temporary migration abroad poses another problem, *the temporary loss of the use right*. In most communities, persons who leave the village for more than one year do not receive their share of timber. This is a problem in some communities, for example, in the village of Negrilesti, where 17% of the inhabitants emigrated officially; unofficially many more. Being an individual right, nobody can claim another persons’ right, not even the family. In addition, being a use right, as long as a person does not use the resource, its right is suspended. This use character is enforced also by another customary regulation: *the persons who did not extract or sell its share during one year, cannot extract the next year two shares*. However, these regulations are not statutory stipulated, they are only approved by the village assembly.

As we can observe:

- There is high uncertainty regarding the member exclusion boundaries
- The blood principle prevails over the place principle when newcomers ‘menace’ the commons.
- Every village tends to create its own rules, adapted to local situations, but these rules are not always seen as fair

From these characteristics follows the idea that we deal with a very flexible institution. This flexibility might be dangerous, as the norms for ‘moving’ across boundaries are not clear, not customary regulated, and people in power may change them according to their interests. It appears that this bundle of rights is designed for stable communities with no inputs or outputs. As soon as the villages become more dynamic, the membership becomes fuzzy. It is for sure a regime that favours the community despite the individual.

3.3.2. Conflicts and economic performance

Good performance of an *obstea*, can be estimated through its visible outcomes, like investments. For most of the *obstea* the level of outcomes is ‘low’ (4 *obstea* out of 9), for 3 it is ‘medium’ and for 2 it is ‘good’, even very good in the case of Paulesti village (in which the *obstea* has built his own centre, a villagers’ culture club, contributed to the restoration of the town hall and to the pavement of roads, and purchased a range of forestry equipments). The key actors in this successful case are mostly young persons (35 – 50 years old) with prior experience in forestry or local administration. They have no major political or economical interest to influence their plans and decisions. They even set up a campaign for convincing people that any association with the local baron of

Tulnici (which had attempts of transforming the *obstea* of Paulesti in a satellite) would prejudice the long-term development of the village. They do not make illicit deals and try to meet constructive opinions in the assemblies. This is the 'content' of successful agency in Vrancea context.

Low performance associates with conflicts and corrupt practices. In Vrancea region, most of the villages encounter internal conflicts concerning *obstea*.

Let us have a look at a number of conflict situations and at what could we infer from them.

In some villages smaller and isolated conflicts occur, most often concerning the distribution of wood and profit. For example, the priest would like the *obstea* to invest in the painting of the new church and is supported by the older people who frequent the church, while the younger people, following the *obstea* president, support investments in developing extraction equipment. It is interesting that even this apparently small conflict can nurture very hard feelings between the two leaders, which can grow into reciprocal accusations. Moreover, both are members of the committee, so negative consequences are even sharper and vitiate the village assemblies as well as the committee's work.

In the village of Nereju we found the most violent conflict situation, around the so called problem of corruption. The 'opposition' group, led by the former major, who claims that the *obstea* management is totally abusive and corrupt, accuses *obstea* officials and the owners of local wood exploitation firms. They denounce frauds concerning the elections of the *obstea* committee, illegal extraction of large quantity of timber, false lists of signatures for decisions, false receipts for the investments. The 'visible economy' (Verdery, 2003: 226) of the embezzlement is most intriguing for the members of the community: the officials build new, grandiose houses in the village, loaded trucks cross the village every night, transporting timber – while the investments for the community remain at a very low level. There is also much talk about political involvement in this case, as the *obstea* officials are presumed to contribute to the funding of political parties in exchange of covering their illegalities.

Until now, our case looks like a banal corruption situation. What is most unusual is the reaction of the community towards those practices. If corruption is embedded in the everyday practices and norms of the community, as it is in our case, scholars report, based on fieldwork evidence, that no real resistance will occur, people would rather resign themselves than take any initiative (Nuijten, 2003: 66, Zerilli, 2005: 96). The Nereju case shows a very strong anti-corruption initiative, which took the form of a local rebellion against the *obstea* rulers; there has been also a public protest in Bucharest and denouncements in the central newspapers. The discourse of the 'opposition' is similar to one about a guerrilla struggle; there are strategic persons in strategic places (geographical and social positions), secret gatherings. There are two persons recognised as leaders of this movement, the 40 years old former mayor and a 70 years old woman; much of the concrete initiatives depend upon them as organisers.

In response, blackmail and even death threats occur. In the given conditions, there are no forms of demanding accountability for these actions outside the formal channels. There is not the usual ‘opacity’ problem; the abusive administration is obvious. We could see in this case a form of ‘rude’ politics, in which local norms are simply blown away (if they ever existed); power was gained in a favourable circumstance and is maintained by force.

In five out of ten villages, conflicts turned into long trials, resource consuming. There are no local arenas and mechanisms for a ‘low-cost’ resolution of conflicts. Customary law and local norms seem that have no effective power in regulating them and controlling their escalation. In the past, before the wars, such violent, ‘rude’ conflicts also occurred, so we cannot blame the ‘mercantile’ and ‘individualistic’ condition of modern society for the failure of community control. At the same structural strengths or weaknesses (as statutory regulations, community profile, resource characteristics, pressure from upper level - bureaucratic or politic, historical path) there are different responses. The explanation lies in the particular configuration of actors and power relations within each village. Those who are involved and shape the conflicts, the significant actors, are either the local elites, who can be entrepreneurial, administrative or just charismatic informal leaders (as the old woman in Nereju) or the forestry ‘authorities’ (especially the rangers); those two categories are not mutually exclusive. What counts is their agency, in terms of capacities, intentions, and interests – played in interaction with the agency of other members of *obstea*.

3.3.3. A few intermediary conclusions

In the beginning of our inquiry, as looking at the historical picture and at the institutional and geographical framework, we find several strong points for the forest commons in Vrancea:

- abundance of the resource, large surfaces of forest, which enables the extraction for profit for the community; good quality of the resource.
- historical legitimacy and prior experience for organizing
- potential good regulation, monitoring and planning through decentralization and participatory management, assuming that direct users know best their local situation and interests

As looking closer at local practices and claims, the image becomes more and more blur. Even the boundaries of membership are not clear at all, the very principle being contested. In addition, when we look at the flow of actions related to the commons in each village, we see very different functioning of the same structures. From a very promising general image, we reach the rude arena of conflicts.

Inside the same structures, the local ‘stories’ and actors matrix can build very different situations from street fights and blackmail to a peaceful development.

Looking at those variances, we conclude that most important is the interaction between local elites.

One explanation for the bleak picture is that the *obstea* does not benefit from clear and detailed statutory framework. Nor does it have a customary developed normative guidance. Practices are not yet encompassed in coherent bodies and this leaves breaches for conflicts and corruption. The only stable thing is the past (period before communism) revived in the present. The restoration brought back the old principles (participation, equality, indivisibility, inalienability), even the old statutes in a new coat. Nevertheless, the inactivity of those structures for 50 years determines mostly the adhocery of today, as this absence period prevented the constant upgrade of practices and customs.

The fuzziness characteristic for property rights in Romania after communism (Verdery, 1998) touches this commons' regime too.

One of the things that we can state at this point of the paper is that *obstea* has a very powerful collective dimension. Unlike other collective forms, the benefits for the individual are drawn indirectly, through the mediation of the community. Individual shares do not represent much, only 5 %, of the household's income. Still, individuals are expected to embody the community and to participate in the management of their property. This participatory scheme is meant to empower them, to make them a part of the actual decision-making. Until now, we could see that there is little room for their voices and actions.

In the next part, I want to give the individual's point of view. What do the members of the *obstea* do and think about their institution? How is their access to the resource? On which basis are they satisfied or not, why do they not trust the committee and do not want to get involved in decisions? If we presume that each of them embodies the community, what is the actual support of the community for the institution?

3.4. Dis-Satisfaction problems. Embezzlement and trust

People consider the forests as the most important income source for the community, by far overtaking funds allocated from the State's budget through the municipality. Even those who show unsatisfied consider that "*with this obstea we have something, which is better than nothing*". Most of them perceive correctly that the communal property exploitation empowers the community and opens development opportunities. In some villages, *obstea* invested visibly in the development of the infrastructure, materializing this empowerment. Nevertheless, in most villages the investments in the community remained at a low level, generating a negative perception of the *obstea* management.

From our quantitative evidence, only 18.9% perceive that the *obstea* has done 'a lot' for the community and 30.8% perceive that the *obstea* has done 'nothing'. In some cases, this attitude appears as unfair, since people expect the *obstea* to be a 'saviour' for the community in all aspects, a *panacea*.

Local population is most frequently unsatisfied with the activity of the *obstea* executive committee.

The population blames *obstea*'s official leaders for dishonesty, greediness from which *free-riding behaviours* occur. They depict illicit subtraction of

collective benefits, through mechanisms like bribery, political clientelism related to illegal deals between *obstea* board and the forest department (be it local or central), or local forestry companies. They denounce the officials' flourishing business and households as indicators for these misappropriation practices. As a gross measure, only 32.4% of the population perceives the rulers as being correct in their activities.¹⁹ Even in the villages where corruption is not at stake (1 & 2 in the table below), the villagers think that there has to be some embezzlement going on; they cannot conceive a correct board.

Table 1: Perception of the correctness of *obstea* board

Village	The <i>obstea</i> board is...	
	Mostly correct	Mostly incorrect
Naruja	44.9%	55.1%
Vrancioaia	41.3%	58.7%
Nereju	25.9%	74.1%
Negrilesti	24.4%	75.6%

In the villages where embezzlement is obvious, it is easier to observe that satisfied persons are mostly those who are connected with the *obstea* activities and implicitly benefit in some degree from it.

The degree of tolerance for corrupt practices varies consistently between villages depending not so much upon the embezzlement degree, but on the overall perception of the *obstea* outcomes²⁰. The strongest example in that direction is the case of Tulnici village, where a very rich official, a so called local baron, (I spoke about his 'postsocialist' ways of getting rich in a previous section) spends a small amount of his income for charity actions, annual allowances for the poor and other kind of donations for the community. Formally, he is only one of the five members of the *obstea* committee; informally, he is the one that rules the *obstea*. His charitable actions and his presumed 'management capacity' diffuse over *obstea* institution and influence the general perception about it. The depletion of the *obstea* funds does not appear very obvious when considerable investments are visible. Therefore, most members of the community perceive him as 'good' even though 'corrupt'. To quote an informant, "*the wolf eats where he runs*" (R. V., age 50, Vrancioaia village). In this case, corrupt practices are seen as 'correct' (Haller & Shore, 2005: 13). Corruption is accepted because 'some of the benefits of this appropriation spill over the rest of the population' (Lomnitz 1995 quoted in Haller & Shore, 2005: 13).

The perception over these free-riding practices, however flexible it may be, leads to very low degree of *trust in the obstea institution*, the perception of

¹⁹ This percent varies significantly between villages, at $p < 0.01$ level

²⁰ The argumentation would be: "*They make their share, but we make ours also.*"

unfairness and dishonesty influencing significantly the percent of 66,1% who do not trust the *obstea* board²¹.

The problem of reciprocal trust is very important since through various mechanisms it determines the success of the institution (Ostrom, 1990). The communities in Vrancea offer a favourable framework for developing generalized trust; the people trust each other in a very high degree (60% affirm that 'generally, people in the village can be trusted'), but actual practices of the *obstea* board determine the villagers to be sceptical about any argument or initiative.

The analysis shows that people do not participate in the village meetings because of their lack of trust in the committee; they consider useless their right to speak their mind and to make decisions. Another crucial consequence is the *lack of support for the very principle of common property*; people who do not trust the board manifesting the tendency to consider that communal property should be divided between the shareholders (42% of the total population stands for the individualisation). In addition, an important variable is the *perceived necessity for the state intervention*, villagers with low trust appreciating that the *obstea* should be subordinated to state authorities, some of them even considering that the communal property should not remain private, but to be administrated directly by state authorities (40% of the population stands for the total dependency from state authorities).²²

The problem of mistrust highly influences the support of the local population for the design principles of the communal property in Vrancea: participatory management, determining the actual participation rate in the village assemblies, indivisibility and private nature of the property. Through its officials, *obstea* as an institution loses support on several dimensions.

3.5. Resource use and access

3.5.1. Selling, harvesting or both?







A key discussion in the paper is about the actual practices of the local population related to communal property. By practices, we mean harvesting and commoditization of timber and fuel wood. There are two main strategies. The first consists in self-harvesting timber and fuel wood by the locals and using it for household subsistence or selling it to local forestry companies. The second consists in direct selling the use-right to the *obstea* or middlemen, which harvest the timber and sell it to companies and pay the person for it, or to local companies. The first strategy includes harvesting and is convenient for the user in monetary terms, the selling price being higher, as it has labour invested in it and the second

²¹ The Pearson correlation coefficient between perception of honesty and level of trust is very high, 0.490, at a significance level of $p < 0.01$.

²² Verified correlations between variable of trust and the others variables - participation, opinion pro division, opinion pro state; these correlations are significant at $p < 0.01$ level

is convenient in terms of easy handling. These two main strategies include in fact multiple practices, as we describe below different actions of users related to different local instances.

Table 2. Practices of users related to local instances

Actions of users	Next local instances and actions related to users' practices	
1. User harvests, uses		
2. User illegally harvests more than his right, sells		Local company illegally buys and sells
3. User pays for the harvesting operation, uses	Middleman harvests, user takes next action 	
4. User pays for the harvesting operation, uses	<i>Obstea</i> harvests, user takes next action 	
5. User harvests, sells		Local company buys and sells
6. User sells right		Local company buys, harvests, sells
7. User sells right	Middleman buys, harvests, sells	Local company buys and sells
8. User sells right	<i>Obstea</i> buys, harvests, sells or just buys and sells (standing timber)	Any company buys and sells or buys, harvests and sells

In each community there can be found all of these practices, although in some villages one practice prevails over the others. What we can infer from the table is that *individual local users do not have the legal access to extra local markets, even when they possess transportation means, being limited in the profit they can drive from their share*. I detailed above (in the Benefits section) that the sales autonomy can be achieved if the local *obstea* makes the necessary papers and at this moment there is only one *obstea* that did it.

The most frequent practice is the last one listed in the table (8), in which people who do not have harvesting means or availability sell their timber use-right directly to the *obstea*, which harvests the resource, if it possesses harvesting technology, and then sells it by auction to interested companies. Usually, to sell one's right to the *obstea*, to intermediaries or to local companies does not imply

differences for the users in the obtained price. The only difference occurs on the long run, when they sell it to the *obstea*, because it invests the profit in the community, which adds value to the benefit of the user. The benefit that people expect does not seem to be the only motivation for their actions. The concept of clientelism and *group affiliation plays a key role in depicting these practices*. A small clientele of neighbours and relatives develops around the middlemen. The timber companies in the villages and the *obstea* have also their clientele divided according to above mentioned group-interests and affiliation to one leader or another.

3.5.2. Harvesting – desirable, but difficult

Direct harvesting is the only practice that binds effectively the user to his communal property. Besides investing work into the forest, to harvest means also to know the forest, to evaluate it correctly. Consequently, this practice adds knowledge of the resource for the user involved in decision-making process and adds monitoring abilities. As we can observe in the above table, only three of the eight practices involve direct harvesting by the users; we find one of them (the illegal one) mostly in the two communities near the mountain.

Direct harvesting is made in very difficult conditions, by low access level.

It is striking that most people do not have any physical contact with their communal property, not even to pay a visit in a Sunday afternoon, riding their little horses or by their carts. Most of the old people have not been in the forest since they were young, before Second World War.

Harvesting communal trees is a practice influenced by the *physical access to the mountain*, the actual distance to the forest. Most of the communities have their property at least 20 km away. The village of Nereju is actually located right near its forest, but the village of Negrilesti is about 80 km away.

Some *obstea* do not permit the access to the forest, but employ specialised carters who bring the wood to the road. Most often users do not agree with these practices because they cannot control the quality of the brought wood. On the other hand, the members of the *obstea* board argue that specialised carters are the best solution for maintaining order in the forest.

Possession of *technical means of harvesting and transportation* of timber is not common among local users. Even for those who own something, harvesting is not an easy operation since the technology rests rudimentary. Only 22.7% of the users have technology for cutting down trees, 38.1% have wagons for transportation and horses only 20.2%.

Another important element in this discussion about access is *the role of the power relations between users and the forestry authorities*. The board, usually the president, decides whether a user may have the right to harvest in a convenient

place (near the road and good quality) or not.²³ Users often argue that “*we must go to that far off point with old trees to harvest our share, since the president has no interest in favouring us*”. Even though this situation occurs, a user may still harvest in a suitable place if he makes a deal with the ranger.

All those determine the locals to prefer the direct sale of their right. For the necessary household consumption, they prefer to buy from middlemen.

3.5.3. Alternative mechanisms of access – theft as inclusion

Deals with the rangers and bribery are at stake when we talk about another practice – *the theft of wood*, the users in this case developing a wide range of abilities. Extended night theft practices occur mostly in Nereju village, as the geographical position permits, being located nearest to the mountain; and as the socio-demographic situation demands, Nereju counting an increased number of very large and very poor families with no opportunities to work. Most of these poor families make their living from this kind of theft²⁴, selling the stolen wood to local companies, the average gain²⁵ from such activities (excluding bribery for the guards) being almost equal with an average legal household’s income. We face here *non-legal means of access as possible mechanisms of access* (Peluso, Ribot, 2003). *These illegal mechanisms engage a chain of illegalities*, since the local firms who buy this timber at lower prices must provide false vouchers for the exceeding quantity of processed wood, and rangers must ‘cover’ the damage.

Interesting about this practice is that, even though it is illegal, the actions of the thieves are well known in the community, everybody talks freely about that and no sanctions occur. The poverty of the thieves’ families makes the community tolerant about these acts. The villagers do not consider it as a theft from their own property, but as the only way of social inclusion for the poor.

3.5.4 Loss of access freedom = Loss of property

Due to difficult access, direct harvesting is substituted most frequently with other modalities of benefiting from communal property, like selling the use right or contracting middlemen for harvesting. *This absence of effective contact between users and the forest conduces to an inaccurate image over the resource and to an insufficient monitoring and controlling – which is most inadequate as it comes from actors involved in the decision-making process. Besides these practical consequences there are also emotional ones. The forest loses its value.*

I have observed during the empirical inquiry that, although harvesting is not practiced anymore by most of the local villagers, the problem of harvesting, and of

²³ their motivation for this situation appears as it is likely that letting the users decide for themselves in this case would not reach any consensus; but, of course there are other potential options, like using any random allocation procedure, which are not taken into consideration

²⁴ They have a share anyway, but that quantity is not enough for a living, theft means illegal harvesting more than one’s share.

²⁵ About 150 euros per month.

the direct access is a point of reference and is reactivated in their narratives as a permanent and serious complaint.

We can say that the most serious complaint of old people regarding today's *obstea* norms is the difficult and restricted access in the forests. For them this constitutes the most striking difference between the good old norms before the communism on one hand and the new ones on the other hand. *Loss of 'freedom' for accessing and using their communal resource* is invoked as an *alienation of their property right*; it places the property's administrators and guards on an 'external', even 'enemy' position in people's representations. A frequent opinion can be expressed in the following way: "*In the old times, our obstea was ours indeed; I went in the forest where I wanted, I could harvest even one thousand trees, nobody asked me anything; if I go now, even to pick up mushrooms, the ranger is besides me with a loaded gun.*"²⁶

3.6. Participatory management – challenged by local ,powers'

Among the principles of the *obstea*, the community members' inclusion in the management schemes is one of its strongest points. Researches and policymakers stress the participation as being essential for robust community institutions. More recently, development studies doubt the effectiveness of these arrangements, even calling participation 'the new tyranny' (Cooke & Kothari, 2001). Those studies argue that far from representing the empowerment of all community members, such arrangements enable the powerful to make decisions with the legitimacy of 'local' and 'representative' knowledge.

In our setting, claims of participatory management are also challenged by local practice, through different mechanisms.

Only 36% of the members participate frequently at the village assemblies, insufficient for legal recognition of decisions. For a meeting to be in the legal position for decision-making there has to be a percentage of 50 % +1 and for very important decisions 66%. Moreover, active participation, people who express a point of view in the meetings are even scarcer, 16% loudly expressed their opinions in the past meetings.

3.6.1. Voices and voters in decision-making process

Based on statistical evidence we can understand which characteristics define people who participate in the village assemblies (these standing also as explanations) and to distinguish between characteristics of passive or active participants.

Participation of a person in the village assembly is more likely to occur whether the person is aged, knows more things about the past (has a good 'collection' of memories about the *obstea* institution) and 'feels that he is a

²⁶

informant P. I., age 82, Paulesti village

proprietor over the forest commons'.²⁷ In addition, these people trust the *obstea*²⁸ and appreciate its achievements²⁹.

The evidence that people who do not appreciate the activity of the *obstea* board as positive usually do not participate in meetings, gives us reasons to believe that the non-participants consider useless their involvement³⁰, *the village assemblies being therefore populated by users who may manifest a tendency to approve the obstea board proposals, because of their trust.*

Another consequence of this correlation is that participation rate is also dependent upon actual circumstances (bad management) and future favourable conditions may change this pattern.

Among these participants, there are persons who express their opinion, who are invested with 'a voice' (35% of those who participate declare that they expressed an opinion during last meetings). Their participation is not conditioned by any actual circumstances. Additional characteristics of the 'voices' are higher education and possession of larger individual property.³¹ *With this profile, we can observe that the village assemblies benefit the presence of the competent 'elites'.*

In the beginning, I supposed that the members whose opinion in such meetings would make the difference, the 'opposition informal leaders', would not involve themselves in the decision-making process, due to the expressed contempt towards the officials' corrupt practices. They declare that *'there is no point to express one's opinions, because anyway they do what they want'*; however, despite these declarations, they choose to be active and not to resign themselves.

The interviews show that even though remarkable competent opinions occur during meetings, the passive participants that form the voters' mass usually decide and vote without taking into account the expressed opinions; they do not vote according to judgement based on evaluation of the economic returns, or on any other cost-benefice calculation, but mostly according to previous group affiliations (which may not be profitable in a rational way for the affiliated one).

3.6.2. Does participation mean actual decision?

We could not explain the non-participative pattern by the lack of interest from the inhabitants, since 57% declare that they are 'interested a lot' in the *obstea* activities and 'not interested' only 11%.

From our interviews, the villagers' most frequent explanation for their absence is a situational one; they consider the participation useless because of the chaotic atmosphere at these meetings and the impression that the *obstea*'s officials manipulate the decisions.

²⁷ all these correlations are significant at $p < 0.01$ level

²⁸ correlation significant at $p < 0.01$ level

²⁹ correlation significant at $p < 0.05$ level

³⁰ the qualitative data sustains this statement too

³¹ correlations significant at $p < 0.01$ level

We can infer from the direct answers and from the perceptions analysis that the existing *gap between local users and managers* is one of the most powerful reasons for the non-involvement model, which leads us to the conclusion that in fact *most villagers do not consider the obstea as a self-governing institution*. They *do not consider themselves empowered in any way to decide over their communal property*. They feel deprived of their right to participate effectively in decision-making process, manipulated, and not listened by the board (30.9% consider their opinion is only ‘sometimes listened’ and 55.4% ‘never listened’).

Therefore, the village assemblies look more like a struggle between village’s interest factions, power relations between different social networks interfering very much in the decision-making.

4. Restitution of forests and property laws

The paper shows the process through which property reform in Romania devolved forests to re-established community-based institutions (*obste*). Four years ago, I started the research with the hypothesis that reestablishment of old forms and decentralization will empower enthusiastic locals to put in practice their best management strategies and contribute to the development of the area. My findings contradict this (idealist) hypothesis, as I will describe further.

Forest privatization meant devolvement into the hands of juridical bodies, such as associations and communes, in proportion of 60% of the total restitution. Thus, at a theoretical level, communities were empowered for development.

The analysis shows that people do not participate in the village meetings because of their lack of trust in the committee; they consider useless their right to speak their mind and to make decisions. Another crucial consequence is the *lack of support for the very principle of common property*; people who do not trust the board manifesting the tendency to consider that communal property should be divided between the shareholders. In addition, an important variable is the *perceived necessity for the state intervention*, villagers with low trust appreciating that the *obstea* should be subordinated to state authorities, some of them even considering that the communal property should not remain private, but to be administrated directly by state authorities.

The problem of mistrust highly influences the support of the local population for the design principles of the communal property in Vrancea: participatory management, determining the actual participation rate in the village assemblies, indivisibility and private nature of the property. Through its officials, *obstea* as an institution loses support on several dimensions.

We can say that the most serious complaint of old people regarding today’s *obstea* norms is the difficult and restricted access in the forests. For them this constitutes the most striking difference between the good old norms before the communism on one hand and the new ones on the other hand. *Loss of ‘freedom’ for accessing and using their communal resource* is invoked as an *alienation of their property right*; it places the property’s administrators and guards on an ‘external’, even ‘enemy’ position in people’s representations.

This absence of effective contact between users and the forest conduces to an inaccurate image over the resource and to an insufficient monitoring and controlling – which is most inadequate as it comes from actors involved in the decision-making process. Besides these practical consequences there are also emotional ones. The forest loses its value.

People perceive better the communist period when access and fulfilment of use come to the forefront. Although access took many times an alternative form, as illicit access, in people's representation the most important thing is the code of established practices. This body of customary use makes the forest more available than ownership itself. As the analysis about material value of property shows, the most prominent meaning is the “use”. *Therefore, an explanation for the approval of the state-ownership regime is to be found in the presence of an established set of customary practices, which enabled an informal use-right.* This set of practices was very much based on the tacit arrangements with the rangers, thus we could name it a corruption-based set of practices.

Currently, most people claim the intervention of the state to stop abuses of power and depletion, to enforce participatory decisions. The image of the state that people appeal to in their claims is more in terms of “police, army and justice” or eventually the ministry of agriculture, however at a central level. Local state enforcing agencies (meaning people from the village or even from the nearest city) are not seen as enforceable enough, because they are corruptible as well.

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Abstract

Privatisation of forests from a sociological perspective. The extended case study of obștea vrânceană.

The paper aims to depict the process of forest restitution in Romania, mainly of communal and associative forests. The first engenders a 'macro' perspective, trying to grasp what happened all over Romania. The second part focuses on the Vrancea Region and describes the way in which the community-based institution of obstea manages local forests, emphasising the emerged conflicts, the participatory schemes, as well as satisfaction and access of users.

Keywords: natural resources management, community-based institutions, common-pool resources, property laws, obste, forest privatisation, Romania.