

Author: Liviu MANTESCU

UNIVERSITY OF BUCHAREST, FACULTY OF SOCIOLOGY

**Local interests and individual belonging in village forest commons in
Vrancea Mountains of Romania**

**PART I: Village forest commons - community structures in the self-
governance process**

1. Introduction

The challenge of our paper is to depict the internal mechanisms that led to the malfunction of managing the commons in one particular area. What we will describe in the following pages is an institution that rules the commons of a village, pastures and forests, by managerial rules and with clear institutional framework. The *key concept* and the key actor for the local property system we discuss here is *Obstea*¹, an old form of participatory local governance and property administration. The *Obstea* is an auto governance institution for forest and pastures CPRs, spread all over mountain areas in Romania in various forms. The property regime we find in Vrancea² offers interesting particularities for sociological inquiry. It is a form of *using resources* and not a form of actually owning land; the rights to use are for the entire villagers, *equally shared* and commonly managed through the village assembly. It is an example of participatory democratic regime. The participants are the inhabitants of a rural community, and we will describe in this paper the way in which they exercise their right and the relations within management process.

The strength of our statements stems from the methodological elaboration illustrated in our thesis through a sociological comparative study carried out in ten mountain communities³ and from the extensive empirical evidence. The research started two years ago, the effective fieldwork lasting over five months.⁴ We rely on a quantitative database of 304 questionnaires⁵, and over 170 interviews, the data being representative for all population categories and covering exhaustively the dimensions of the topic. The large amount of empirical information was many times puzzling, as we confronted with major conflicts among stakeholders, with corruption and political involvement, all of them concluding to divergent evaluations. We tried hard not to take sides and to provide a comprehensive interpretation of our data, the quantitative scores proving for an accurate view.

¹ We 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 *Obshtony* in Barbara Cellarius' work); the original sense of the word underlines the participatory essence of the institution.

² Vrancea is the western part of Vrancea County, the administrative department. In Romania, this region is called even today "*Tara Vrancei*" that might be translated as **Vrancea Country**. In this paper when we mention Vrancea we refer to this part of Vrancea County. (See map 1 and 2)

³ See map 1

⁴ The financial support for fieldwork was provided by the University of Bucharest, Faculty of Sociology and Social Work and involved a 30 students team

⁵ We chose the random sampling procedure to ensure representative data, the questionnaire includes 101 items and the implication of practicing sociology students in conducting questionnaires and interviews provides a good reliability for the answers

2. Historical overview of Obstea

To have a clear view over the problems that this institution confronts today, we must understand what Obstea meant in the past.

2.1 *Obstea as an ancient model of organizing social life*

This institution was not founded in a precise period of time, for the purpose of managing the commons of a distinct community, as it is today. *Obstea was an ancient type of social organization* coming long before the organization of the ancient Romanian state, *Dacia*, in 88 BC. The 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 and since then each village in the historical Vrancea Region possesses parts of the mountains. We find *Obstea* in the documents of the XVIIIth century⁶ 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 community. Therefore, the *major property principles* in Vrancea Mountains were, and still are, *indivisibility and equal sharing*.

At the beginning of the XVIIIth century Vrancea was named by the enlightenment Romanian writer Dimitrie Cantemir "*a Peasants' Republic*" (Cantemir: 1986)⁷, for its independence inside the Moldavian State (at that time). There is much agreement between historians that Vrancea practiced joint property over all land types until the Middle Ages (Stahl: 1958). All the villages from Vrancea practiced joint property over the mountains until recently so that it was possible to be scientifically studied⁸. The first division of the mountains between villages, named at that time "the mountains' casting over the villages", took place in 1755⁹. Subsequently, another five division actions took place, the latest being in 1840.¹⁰ *This late survival of joint possession for a whole region is unique in Romania and, with the exception of some Albanese regions, in Europe*¹¹ (Stahl: 1958).

⁶ Following the Romanian sociologist, Henri H. Stahl and the comprehensive documentation of Aurel V. Sava; we have written evidence of community life in Vrancea and Obstea as an institution beginning with first village attested, Paulesti, in 1508

⁷ *Descriptio Moldaviae*, a paper written for Academy from Berlin in 1716. Cantemir was also Voievod of Moldavia for one year: 1710-1711.

⁸ Romanian Social Institute made between 1920 and 1948 a vast research campaign in rural areas, using researchers from different disciplines such as: doctors, geographers, ethnographers, musicologists, sociologists. This academic movement led by Dimitrie Gusti was named *Sociological School from Bucharest*. The first study made in Vrancea by one of the multidisciplinary research teams was in 1928, at Nereju.

⁹ according to documents cited in H.H Stahl, 1958

¹⁰ as H.H. Stahl describes, the reason for division were the pasturing necessities of each village and the distribution criteria was the monetary contribution of each village at the "great trial of Vrancea" against a powerful boyar claiming

Coming back at what the word denotes, *Obstea* is the generic name for the community, the name for community's property, for its goods and rights, and for the administration institution. Each village has a proper name but also each village is called even today as being an *Obstea Nereju*, for example. Their CPRs, so forest, pastures etc. were also named *Obstea*, "*on that mountain our Obstea is*" people say. Actually, *the common property was managed in participatory manner*, each villager, no matter man or woman, had the right "*to speak*" and to vote for how to be managed the property. The most important persons of the village assemblies were the *old and wise men*, the older men from community, forming a sort of board of administration. They had also the attributions of judging small juridical or moral conflicts between villagers and of standing as moral examples for the community. It was a participative democratic system in which nativity was the prior condition in order to protect the property. Once you became member in community, you would have the right to access the community's property resources without limit. That is why strict rules against newcomers' infiltration were customary settled. As the exploitation techniques were rudimentary, access to the resource was not restricted in any way, the only functional norms being those of respecting each village's forest boundaries.

People from Vrancea were freeholders, and freedom was given by their property.

Around 1850, the Foreign Exploitation Companies¹² penetrate in the property relations of the Region, intensifying harvesting and commoditization, giving technological and market opportunities for free-riding from some locals. Thus, the introduction of statutory regulations in 1910, as the first intervention of the state was welcomed, but had not the power to prevent successfully these free-riding behaviours.

In conclusion, *what we have to keep in mind about the ancient characteristics of Obstea is that it represents in the first place a social organization type, a corporate body managing communal resources (firstly for the whole region, and all land types and resources, and beginning with 1755 divided over villages and only the pastures and forests), directing the economic activities and supervising the communal life of its residents. I want to stress on this social historical aspects for a better understanding of the particular emergence of what we have today as Obstea institution. This*

its territory; in the collective memories, the latest division operation remained as "the great fire of Vrancea" or "the wrangle of the mountains"

¹¹ H.H. Stahl offers as an explanation for this uniqueness the geographical position of Vrancea as a frontier line region, between three regions with very different social histories, in a completely isolated mountain valley

¹² In that period, the Vrancea country had as neighbor over the mountains the Austro-Hungarian Empire, the exploitation firms developing an extracting infrastructure which didn't remain in use after the retreat of the foreigners as a form of rejection from the local villagers

institution was not settled by an agreement between people, as a contract, starting with a precise date. The word Obstea comes from Slavonic and its main meaning is togetherness. Although it reappears in 2001 as a well defined institution, with its attributions legally set and recognized by Romanian State, this institution comes as a continuity of an archaic type of organizing social life of a community, based on common property, equally shared rights, participatory management, indivisibility, inalienability of rights, indigenous priority. All these characteristics may still be found today. These principles continue to function through collective memory mechanisms that revive the golden age of the past every time the institution is challenged and every time the villagers confront the formal organization of the new Obstea. The main advantage of this continuity is the legitimacy of the common property regime.

Two important events marked the formalization of the Obstea institution.

2.2 The first intervention of the State: 1910. First statutory laws

In 1910, the Romanian State introduced *The Forestry Code* as the first forestry statutory law, which puts the *Obstea* on legal basis. As the collective memory recalls today in our interviews, these statutory regulations were not entirely followed, they were seen mostly as unnecessary formalities, the customary norms continuing the effective regulation. Nevertheless, this legal basis proved itself important in the post-socialist restoration context, as we will see below.

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, legal administrative norms and a list with villagers that have the right over the property of the village. These signatures had, at that time, the role to make the difference between the local villagers and those who were strangers, coming from other regions and who, in different situations, have become inhabitants. In 2001, when *Obstea* was reestablished, the old statute was reinforced and the signatures were again used to determine the persons that have the right over the property, as the springs of the elders. The villagers that were not on the list may have the right to use the common property for a fee, about \$10, the equivalent of 30 breads from the bakery. This was not the procedure in all villages; some had ignored the strangers and in that way argued to protect their commons.

Towards the XXth century¹³, the villagers' access becomes more and more restricted, as the exploitation technology improved and the wood resource became from a good designated to barter, a valuable commodity designated to gain money, welfare, social status (Stahl,1958). During this period, a formal ruling structure assures the commoditization of lumber, and the responsibility in managing the commons. Since 1910 people were forced to use formalities for wood harvesting and for transportation to the marketplace. They had to prove certificates for transportation and vouchers for harvesting. The Obstea board of administration, president or secretary, people from among local people, provided these. The voucher and the certificate were the only elements in formalizing the access at that time; the peasants were allowed to extract and to sell as much as they wanted and as much as the rudimentary means permitted. The oldest people remember that persons that were in charge with "managing the commons", with vouchers and certificates, were not important characters in the community, most of them being chosen randomly. *My conclusion is that the formalization was only a surface phenomenon, meaning only few papers easy to obtain. The board of administration did not have the image of a bureaucracy, they had no center building in the village, no hierarchical structure was in place, no strong criterions for selection were used, and statutory norms were not entirely followed.*

Meanwhile, the *local elites* increased their interest for the commons, dealing with foreign exploitation firms, in some cases for the best of the local interests, in some others for the personal interest. Several 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 *ax handles* by the locals. The rules against newcomers' infiltration were not functioning anymore, and the *old and wise men* were only a keepsake in collective memory (Stahl 1958, vol. 1)

The involvement of the State in managing the commons had some collateral effects: firstly, the importance of the region increased as political capital and the politicization of the problem of the commons (since there were conflicting discussions between political parties about the adaptability to the social life particularities (Stahl 1939)). On the other hand, the increased interested for the region, for its commons, brought a commoditization of the communal resources (in Ostrom's terms, 1990, chapters 1 and 2) and even of the rights over the common property, as a remarkable shift in

¹³ For this period we rely on Henri H. Stahl's work and also on information from our interviews, querying collective memory

the local property relations. The first formal rules appeared in mediating the access of the villagers to commons and to market as a form of protection, as an enforcer, since free-riding behaviors occurred. Actually, the foreign forestry companies brought the importance of the market and technology in Vrancea's villages.

2.3 The second intervention of the State: 1948. The seizure

When the communist regime came up, the right over property was abolished. In the 50s serious fights happened in Vrancea between villagers and communist authorities. Some people were killed especially in the fire shouts that took place at Barsesti. Moreover, some of them were imprisoned, while the others hid in the mountains.¹⁴ This event practically created a demographical vacuum of elites, since people who participated were mostly the communities' leaders.

Although, individual property was not seized, the employment rate increased due to the state policy of forestry exploitation.

We consider that two important losses occurred during this period. Firstly, the educated persons, potential competent local elites, emigrated from rural areas, this being an important explanation for actual frequent mismanagement situations. Secondly, the self-governing tradition and experience was lost¹⁵.

During the communist period, the contact between villagers and their common property was not totally interrupted. Most of them worked in forestry as wage earners; 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. This is what I call **technical access**.

- Access concept as is described by Ribot and Peluso (2004) is „*the ability to benefit from things*.” Technical access is the response to a context imposed from outside and not developed within social relation like the *ability* is.
- If for property the key word is *right*, for access is *ability*

¹⁴ 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.

¹⁵ a factor that should be kept in the reader's mind for subsequent explanations

- Technical access is defined by external *circumstance, conjecture or environment* rather than individual *ability*.
- The *ability* is an intrinsic attribute of individuals, developed in time, learned, cultivated in a social context, a part of the sociality of individuals. Circumstance or environment is a context created *outside local social relations*, imposed by a third entity. In our case, this third entity is the State that creates an economical and juridical, administrative environment, imposes this context to individuals in their relation with their property. This third entity may also be a particular political situation.

After 50 years of communism and usurpation of property rights, in 2000, the villagers regained their mountains and the institution of *Obstea* reappears, as this study describes, more as a managerial instance for local development.

3.Obstea today

According to Romanian State's law no.1/2000, the State recognizes the villages' rights over the commons in Vrancea.

In its actual meaning in Vrancea region, *Obstea* can be described as a community institution of land property, mostly of forest and pastures, and administration, commonly owned by the whole population of a village. *The participatory management is reinforced, but a more formal structure arises, in conformity with contemporary organizational trends.*

3.1. Characteristics of the resource

The altitude of forests range from 640 to 1700 meters above sea level. Typologically, the forests are mixed temperate forests with hardwood (beech, birch, sycamore and elm) and softwood species (spruce, fir, pine and aspen). The age distribution of forests by age classes is even ranging from 0 to 180 years old.

The owned **forest surfaces** are large, *varying between 2000 and 14.000 hectares¹⁶ 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.

However, the resource has not the same characteristics for all villages in terms of spatial distribution and quality. We studied the case of Vrancioaia, which has mostly young forest, without the possibility for exploiting too much, important particularities concerning opportunities and management strategy arising from that. Some villages are located near to the mountain, while some are even 100 km away. Additionally, some villages have their property divided in two or three parcels, which are not in the same place.

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.

3.2. Organizational scheme

Nowadays, the common resources are managed by a committee elected by the people, on a democratic secret vote system, formed of a president, two to four councilors, and one bookkeeper¹⁷, in collaboration with the village assembly. The committee is named *the administration board of Obstea* and is in charge with 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 be consulted in all important aspects, like those concerning annual quotas, investments, modifications in the statute, incoming members. It has the right to revoke the proposals of the board and even to revoke the board¹⁸. Meetings take place usually once a year, or more if important decisions concerning property have to be made. Usually, *Obstea* has a centre, a proper building in the village, most of the times new, an automobile for its members.

In addition, as a monitoring instance we find the auditing commission, elected from among local people, chosen in an open village assembly.

The 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. Elections are always suspected by locals, as there are not supervised from external enforcers. Additionally, as these rural communities do not have a large selection pool for elites¹⁹, role-conflicts or legal incompatibilities frequently occur, like the major of the village running for president or councillor

¹⁶ 1 hectare = 10.000 square meters

¹⁷ this committee is remunerated; the councilors have mostly a symbolic remuneration – equivalent of 50 euros per month

¹⁸ this being the only effective sanction mentioned in the Statute; however, the conditions in which the board may be revoked are not clearly stipulated

of the Obstea, rangers as councillors of the Obstea board, owners of local forestry companies as Obstea presidents.

3.3. 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 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 locally²⁰.

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 buyer. As 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. We may also observe a potential conflict between Obstea interests to increase community's benefits and the individual's interests to obtain material benefits for themselves.

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 invested²¹ 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 not earlier than 2001, so a. and b. investments categories are quiet large for the starting period.

¹⁹ as a consequence of the urbanization process during the communist regime

²⁰ 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 5.33% of the total income for a middle level household.

²¹ 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

Our analysis shows that the level of the investments is the best indicator for the Obstea management performance. For most of the Obstea this level 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’ club²², contributed to the restoration of the town hall and to the pavement of roads, and purchased a range of forestry equipments).

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 activities²³, or industries related to timber processing. However, for short-term strategies, very few Obstea consider these as priorities.

A strong point is that the Obstea show availability for further associations. Two such associations are already created. As a strong point to be mentioned, the AOV, which include nine Obstea, provided for its members a SmartWood certification of the resource, which enables the Obstea to contract foreign companies.

3.4. Statute and enforcers

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.

It is important for our paper to detail *the role of the state*, in order to understand the statutory framework of the institution. 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 flexibility²⁴; only three of the ten communities have brought insignificant changes to the statute.

²² the villagers’ club building is almost an institution in the Romanian villages, having the role of a ‘house for culture’, with a director and rooms for diverse cultural activities, and having also a more popular role of place to celebrate weddings; during the communist regime all the administrative centres had such a building, as a consequence of the culture public policy

²³ successful tourism is already practiced by some local entrepreneurs, but only in a few villages

²⁴ they have taken the model statute *tale quale*

However, each *Obstea* is highly aware of the possibility to adapt their legal norms.²⁵ Moreover, there is a 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, which is most unfortunate, since sanctioning and monitoring are dimensions on which depends the success of the institution (Agrawal: 1994, Ostrom: 1999). The statute is so permissive, that for some mistakes, like those of the bookkeeper, the whole *Obstea* is responsible²⁶.

Besides the forestry specialized agencies, designed to monitor the resource, subordinated to state structures at central level, and regular state agencies (controlling mostly monetary operations) there are no other regulatory enforcers implicated in monitoring other *Obstea* activities, like the board respecting people's will expressed in meetings, or using equipments.

3.5. Membership

The analysis over the membership norm provides a very good example about the way in which norms may changeover 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.

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.

The property over the Vrancea Mountains comes from the seven brothers who founded the Vrancea historical region. In the old times, Vrancea Region was named '*a peasant's republic*'; free peasants who developed mostly endogamous relations inhabited it. Due to this enclosure, there were not many strangers in the region to menace the distribution of the forest resource. Therefore, there was no need of protection through genealogical rights system; the property remained open for all the inhabitants.

Now, there is much uncertainty concerning the persons who moved in the village, without having any local relatives and the persons who moved out the village, living abroad for a period over one year, but having house and family in the village. Following the statutes, those who require becoming members without descending from local villagers, pay a tax and receive equal rights with

²⁵ almost all the *Obstea* presidents we interviewed naively considered that his *Obstea*'s statute is totally different from the others

²⁶ such a situation occurred in Paulesti village, when the whole *Obstea* had to pay a fine of 4500 euros

all the other members. In the Tulnici community - very developed comparing to the neighbouring communities, feature that attracts immigrants, the village assembly changed this regulation and removed the rights of the newcomers. In these communities the exclusion of 'strangers' brings a shift in the membership principle, from the '**place**' principle to the '**blood**' principle.

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, 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*. Almost all the newcomers did nothing to become a member, but they complain about the exclusion, seeing it as breaking the rule of the place.

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

The 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, Negrilesti, in which 287 out of 1715 inhabitants have emigrated officially (see *Table 1*), unofficially much 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 needs to be 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
- Membership and use rights remain a source of conflicts as long as the village assemblies do not change the statutory laws.
- Each community imposes its customs and needs, but they have no power to survive unless recognized as statutory, due to the high degree of uncertainty and mistrust.

3.6. Struggles

“Community level attempts to control resources are likely to reflect community struggles and cleavages.” (Bruce, 1989:7)

In Vrancea region, most of the villages encounter internal conflicts concerning *Obstea*. In some villages smaller conflicts occur, most often concerning the distribution of wood and profit, leading only to dissatisfaction for some members. In others, larger economical interests interfere as incentives in conflicts, like in the case of Vrancioaia village, where the priest owns a forestry company, which practically competes with the *Obstea*. In worst cases, there are political interests, mixed with economical ones that lead to long-term cleavages, which take the form of effective fights²⁷ and trials.

These struggles often obstruction village assemblies, the majority of people manifesting no power in settling the disputes, most of the time even sharpen them by taking sides.

An important observation we made during our fieldwork is that for most of the users individual choice in the deciding process is guided more by a previous affiliation to a certain group than by the individual's judgment of the situation. Therefore, the village assemblies look more like a struggle between village's interest factions. The criteria for the formation of groups vary a lot among villages: there are family interests, investments interests (for example, the priest would like the *Obstea* to invest in purchasing a 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), political interests. Most of the *Obstea* have lawsuits in course because of these group conflicts.²⁸

The conflicts have most of the time a political colour. In the Nereju case, the implication of PSD party (social democrats) is so deep that the county administrative authorities make useless any effort of sanctioning the free riders or developing viable projects out of the community's commons, by

²⁷ frequent fights and blackmails occurred in the villages of Nereju and Negrilesti

²⁸ We believe it is interesting to list some of the lawsuits reasons: 1. In Paulesti village, one of the councilors sued the president of the *Obstea* for taking abusive material advantages from his position; the other villagers told us that the real reason is hatred between two families for property matters. 2. In Paltin village, the major was elected president of the *Obstea*, which is not possible according to the law, the next candidate took over the power, and the major sued the actual president for abusive taking over the power, in fact, the two are local leaders for opponent political parties. 3. In the village of Nereju we found a major conflict between the *Obstea* rulers, together with the owners of local wood exploitation firms, among which the major of the village and, on the other side, a group led by the former major who claims that the *Obstea* management is totally abusive and corrupt. The conflict took the form of a local rebellion against the *Obstea* rulers; there has been also a **public protest in Bucharest** and denouncing in the newspapers.

covering illegal activities of the Obstea board of administration together with those of the local exploitation companies.

As we can see, the conflicts arise most often in order to stop the free-riding behaviour. However, the profiles of the counter-party leaders do not provide a reassuring alternative, as the villagers declare.

The complicity of forestry authorities and even state authorities makes the free-riding problem to look very serious, because solving it appears as very costly²⁹. In this case, it may be required external authority, even outside Romania.

Hence, free riding is sustained by the corruption level of enforcer, in our case Romanian State authorities.

4. Conclusions: discussing *Obstea* as a viable institution

We tried to describe above, in most concrete and operational terms, the functioning of the Obstea institutions. In more evaluative terms, we can observe several strong points for these local institutions:

- the abundance of the resource, large surfaces of forest, which enables the extraction for profit for the community; good quality of the resource.
- prior experience for organizing
- development of feasible investments opportunities stemming from local empowerment and from geographical context
- potential good regulation, monitoring and planning through decentralization and participatory management, assuming that direct users know best their local situation and interests
- availability for further associations

All these strong points are just potentialities, emerging from the general design and context of the property institution discussed.

²⁹ In the case of Paulesti village, an unsatisfied councilor sued the president and the appeal reached the International Justice Court

Unfortunately, most of these potentialities are not enacted. The empirical data shows that diverse shortcomings occur.

- The resource is not exploited very profitably by the Obstea, since there are roads in very bad shape and its own harvesting and processing technology is at a low level
- Prior experience applies only for the elder members and for a different historical context; however, things could be learned from the past, which does not happen
- Most of Obstea do not take advantage of the given opportunities, because of the absence of planning and implementing an effective, long-term management strategy; even when the board is not prejudicial to the management on purpose, there are other possible incentives, like incompetence or aversion for risk
- Statutory regulations are frequently ambiguous, letting local practices decide; local practices are not customarily regulated (due to short time elapsed from the reestablishment) and thus they are contradictory, not equitable, influenced by opportunistic behaviour
- Serious free-riding behaviour occurs inside the Obstea board, serving economical, as well as political interests and vitiates almost all Obstea activities
- A real enforcer does not exist; the presumed ones - forestry authorities and state authorities are corrupt in most cases

What I have described above I will discuss using Ostrom's designed principles for robust institutions, long-enduring institutions for governing common resources (Ostrom 1999). "*Robust institutions tend to be characterized by most of the designed principles.*" (Ostrom 1995: 118)

We may resume the discussion in this table:

Table 1: Application of E. Ostrom's design principles for Vrancea case

<i>Principles defined by E. Ostrom</i>	<i>Discussion</i>
1. Clearly defined boundaries for membership	All of the CPRs that we studied have a clear statutory regulation concerning membership. In fact, 6 out of 9 deal with pressure coming from the community concerning membership.
2. Proportional equivalence between benefits and costs	Benefits exceed by far the costs. The benefits imply almost no costs from members' part.
3. Collective choice arrangements	There is the village assembly that decides concerning the commons. In fact, there are only few groups in each village that struggle, and in some cases totally ignore other people's will, using brutal or political force.
4. Monitoring	There is an informal monitoring coming from people's side, but not enforced. For forestry activities there is monitoring from forestry private and state authorities, which are corrupted in most cases.

	The local auditing commission is 'subordinated', does not monitor effectively
5.Graduated sanctions	No graduated sanctions. There are almost no sanctions stipulated in the Statutes of Obstea. The sanctions that the state authorities should apply do not exist because of the corruption.
6.Conflict resolution mechanisms	All conflicts between <i>boards</i> and people or between different persons from the <i>boards</i> are trials in the court, very expensive in money and time.
7.Minimal recognition of rights to organize	There are no restrictions imposed by the state. However, with all the internal struggles and corruption it is impossible to devise an institution successfully adapted to local characteristics.

As we can observe from the table above, most of the principles are not respected *de jure* or *de facto*. Does this mean that the institution of Obstea is not viable, that the commons should be divided or seized by the State?

Our analysis shows that neither the quality / quantity of the resource, nor the ability to make a profit are important in a good management of Obstea in Vrancea villages. As the investments level indicates and our broader qualitative evidence, the village of Paulesti has the best management from the investigated area. The key actors are persons with no major political or economical interest or backup to influence their plans and decisions. They make no illicit deals and try to meet constructive opinions in the assemblies

My conclusion is that Obstea as it appears today is a institution that confronts a lack of knowledge concerning managerial tactics and good will, not only at its superior level, the board, but more important, at the common level of the village assembly. People, although have the remembrance of how Obstea functioned before the communist regime, they have difficulties in understanding common investments, communal achievements, and they become very suspicious when they perceive the social inequality.

One may consider that Obstea is not a robust institution. I consider that Obstea has the framework for a robust institution to lead commons; it needs time for trial and error methods to gain managerial skills, for board and for people, and an external intervention, an enforcer on multiple levels, and to provide confidence for to the people.

Annexes

Table 2: Demographic structure and communal property

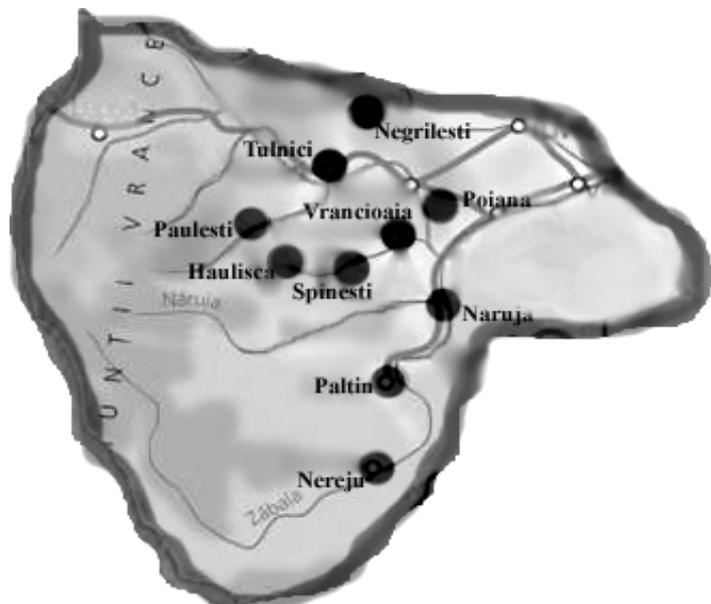
Characteristics/ communities	Păulești	Hăulișca	Spinești	Poiana	Vrâncioaia	Năruja	Paltin	Nereju	Negrilești
Inhabitants	1390	770	638	769	658	1922	1331	4228	1715
Obstea members	1160	650	946	660	550	783	800	3000	1600
Nr. of men	727	387	311	379	332	966	666	2212	816
Nr. of women	663	383	327	390	326	956	665	2016	899
Birth rate	12.23	3.89	10.97	7.80	9.10	10.92	12.02	13.95	9.32
Temporary migrants	39	21	17	3	37	12	8	25	115
Long period migrants	21	29	12	3	0	22	4	6	172
Communal property surface in ha³⁰	4500	2500	3200	3255	1700	2840	2000	4600	4000

³⁰ 1 ha = 10 000 square meters

Obstea period/ criteria	Socio-economic characteristics of the people	Salient aspects of communal property	Organizational structure	Attributions	Menaces
Before 1910	<ul style="list-style-type: none"> * Free peasants * Social equality * Total economical dependence on the resource 	<ul style="list-style-type: none"> * Indivisibility of the resource * Unrestricted access * Inalienability of the right over the property 	<ul style="list-style-type: none"> * Decision instance: village assembly + informal leaders – <i>old and wise men</i>. * Occasional meetings, no building center * Customary laws 	<ul style="list-style-type: none"> * Preservation indivisibility * Preventing trespassing * Regulating moral life in the community, judging small conflicts 	<ul style="list-style-type: none"> * Strangers * Foreign companies of wood exploitation
1910-1948	<ul style="list-style-type: none"> *Formal leaders, political parties *Increased importance of the common resource *Politicization of local interests *Social development of the communities *Total dependence on the resource 	<ul style="list-style-type: none"> * Formal restriction of access * Commoditization of the resource * Breaking the equal sharing principle, attempts of appropriation from local leaders 	<ul style="list-style-type: none"> *Formal institutional structure imposed by the state. *The structure is mostly ignored. 	<ul style="list-style-type: none"> *Provides for villagers vouchers for exploitation and certificates to transport timber on the market *Negotiates with exploitation companies 	<ul style="list-style-type: none"> * Free riding from local appropriators – <i>ax handles</i>
1948-2000	<ul style="list-style-type: none"> * Urban migration * Employment facilities * Partial dependence on the resource- forestry waged work for the state 	<ul style="list-style-type: none"> * Technical access 	NONE	NONE	<ul style="list-style-type: none"> * The State
After 2000	<ul style="list-style-type: none"> * International migration *Independence from the resource *Social inequality 	<ul style="list-style-type: none"> * Excessive * Access based on power, ability *Problems with participatory management 	<ul style="list-style-type: none"> *Formal structure: president, councilors, bookkeeper *Village assembly. 	<ul style="list-style-type: none"> *Managing the commons 	<ul style="list-style-type: none"> *Free riding * Mismanagement

Table 3: Comparison of the Obstea institutions in different periods of time

Maps



Map 1: Historical region of Vrancea and the investigated villages



Map 2: Vrancea Mountains in Romania

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Author: Moonica VASILE

UNIVERSITY OF BUCHAREST, FACULTY OF SOCIOLOGY

**Local interests and individual belonging in village forest commons in
Vrancea Mountains of Romania**

PART II: The Individuals and the Forest Commons

1. Introduction

1.1. Theory and methodology

Scholars approach common pool resources (CPR) studies from two methodological perspectives³¹: the *institutional analysis*, which provides a paradigm for conditions and design principles to be considered in the CPR local management (Ostrom: 1990) and advocates for the viability of common property regimes³²; the *anthropological method*³³, which emphasizes the embeddedness concept, examines property practices in wider social, political, historical and legal context (Hann: 2000, Von Benda-Beckmann: 2004, Veredery: 1998); the natural resource management perspective, with accent on access theories (Peluso, Ribot: 2003).

Integrating the previous views, we want to introduce also a 'pure' sociological inquiry *in order to explore the perception and support of the whole community for the communal property institutions. Another challenge is to understand local practices and internal mechanisms that led the population to their representations and actions.* The statistical analysis permits to provide verified valid explanations and to create typologies on various dimensions, enforced and detailed by qualitative information from the interviews. The wide range of cases included in our survey, spread over a small geographical area offer a very interesting site for the comparative method. The general setting remains the same, and the researcher is not biased by changes in broader external context (laws, interfering markets or institutions) or historical dependence, while small-scale variations (even particular actors and events) change completely the situation.

1.2. Who are the users?

³¹ We consider here especially land resources

³² A very large amount of studies come to sustain the paradigm, from various geographic and social settings; for forest property studies see works of Elinor Ostrom, Margaret McKean, Arun Agrawal, J.E.M. Arnold

³³ With its branches - environmental and ecological anthropology or legal and law anthropology; see works on anthropologists as Bonnie McCay and J. Acheson, Franz and Keebet von Benda-Beckmann

In order to understand the context in which the institution of Obstea functiones, I will take a look at the villagers' socio-demographic profile³⁴, as well as to their main characteristics which influence perceptions and practices related to communal property.

The population is slightly aged (a mean age of 54 years), 42% of the households including retired people. The younger people in most villages temporarily working abroad. The education level is very low (no education 6%, primary school 28.4%, gymnasium 32.3%, high school 24.3%, professional courses and university 8.3%), the employment rate being also low (only 25.4% of the households include persons who earn wages, legally or on the black market, another 32% being day workers). The occupations distribution is quite uniform, most of the villagers practising agriculture (48.1% of the working people, consisting of day work, and subsistence strategies), the intellectual occupations being practiced only by 5.1% of the inhabitants. Although their occupation mostly concerns agriculture, the quality and quantity of household's owned land and livestock is not very high, an average household owning around 2 hectares of meadows and pastures for 1 cow, 1 pig and 3 sheep.

Most villagers are aware of the development opportunities for the community stemming from the communal property restoration. Moreover, they are also aware of the potential ecological dangers that an irrational exploitation may pose. Most of them do not possess accurate knowledge about the resource's characteristics, the statutory regulations and the formal procedures implied by managing communal property.

2. Local practices and the problem of access

2.1. 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. We found two main strategies. The first consists in self-harvesting timber and fuel wood by the locals from the forest and using it for household subsistence or selling it to local forestry companies. The second consist 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 terms of monetary profitability, the selling price being higher, as it has labor invested in it and the second is convenient in terms of easy handling. These two main strategies include in fact multiple practices, as we describe below

³⁴ The frequency analysis is based on our questionnaire survey

different actions of users related to different local instances, to provide a clear view over locals involved in common property use practices. It is not the place in this paper for a complete analysis of the commodity chains. The stress is upon ability and benefits for *users engaged in these chains*.

Table 1: Practices of users related to local instances

1. User harvests, uses		
2. User illegally harvests more than his right, sells		Local company illegally buys and sells
3. User buys the harvesting operation, uses	Middleman harvests	
4. User buys the harvesting operation, uses	Obstea harvests	
5. User harvests, sells		Local company buys and sells
6. User sells		Local company buys, harvests, sells
7. User sells	Middleman buys, harvests, sells	Local company buys and sells
8. User sells	Obstea 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*.

The ***most frequent practice*** is the last one listed in the table (8), in which people that 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 than sells it, or just 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 when they sell it to the Obstea, because Obstea invests the profit in the community, which adds value to the benefit of the user. Although we can suppose that rational choice over the material benefit is at stake in the users' reasoning, it is not entirely so. *The concept of clientelism and group affiliation plays a key role in depicting these practices*. We do have to keep in mind that we talk about communities that usually do not exceed 2000 individuals, so they easily form kinship networks or groups around local formal and informal leaders. Middlemen usually have limited harvesting ability, so a small clientele of neighbors and relatives develops around them. In addition, there are not many timber companies in the villages, so they cannot absorb a large number of

sellers, excepting Nereju and Tulnici, which are located near the forest. Obstea remains the largest buyer for most villages.

2.2. Harvesting – desirable but difficult

Increased attention must be paid to *harvesting practices*. Direct harvesting is the only practice that binds effectively the user to his communal property.³⁵ 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 a low access level. How do we define access and what concrete aspects does it imply? Ribot and Peluso (2004) describe the access concept as „the ability to benefit from things”. Its concrete aspects in our case are distance from community to resource, technical means of harvesting and transportation of timber, power relations between users and authorities (rangers and Obstea board). The further discussion details each of them, as they occur in the interviews.

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. 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, and the youngest villagers had never been there. Motives for difficult access are that roads are in a very bad shape and most of the locals do not possess a car (only 19.2% possess a car). Some Obstea do not permit the access in the forest, but employs 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. However, most of the Obstea let free direct access for the users to harvest their share. The quantity of harvested wood is restricted to the trees that are marked with the stamping-hammer.

³⁵ this aspect will be detailed in a further discussion in the paper about mechanisms of representing 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. 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.

2.3. Alternative mechanisms of access - theft

Deals with the rangers and bribery are at stake when we talk about the most interesting 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 theft, selling the stolen wood to local companies, the average gain³⁶ from such activities (excluding bribery for the guards) being almost equal with an average legal household's income³⁷. 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.

2.4. Loss of access freedom = Loss of property

Due to the 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.*

³⁶ about 150 euros per month, which for a 2 adults household means 4 shares more than the legal right

I observed during the empirical inquiry that, although harvesting is not practiced anymore by most of the local villagers, the problem of harvesting, and of the direct access is a point of reference and is reactivated in their narrations as a permanent and serious complaint.

We can say that the most serious complaint of old people regarding the 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 and the new ones. *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.*"³⁸

3. Satisfaction among users related to communal property

I start the analysis of the villagers' perception over the performance of Obstea by stating that the empirical research show that the locals are mostly unsatisfied. What does it mean? A conceptual distinction occurs at that point: there can be satisfaction with Obstea management at a particular moment or satisfaction with the institution of Obstea, which includes its statutory and customary principles, economical power and development opportunities, land patrimony. In the locals' perceptions and representations these aspects are interrelated, so most often their expressed opinions offer an intricate view. Our sociological analysis tries to distinguish the precise configuration of each element in people's perceptions for the conceptual accuracy's sake. However, it is difficult for a researcher to draw a conclusion upon the final degree of overall satisfaction only by looking at the qualitative data. The quantitative measures are of very much help in this case.

*The score of overall satisfaction with Obstea performance*³⁹ is very low, indicating a mean value of 2.3 (1 the lowest value – 10 the highest). Only 12.2% of the villagers appreciate the activity of their Obstea as being satisfactory. Satisfaction level does not vary significantly between villages, even though management capacity, achievements and land patrimony vary. An interesting

³⁷ calculated from our database

³⁸ informant P. I., age 82, Paulesti village

finding is that it was almost impossible to draw a clearly defined typology for the ‘satisfied persons’ and ‘unsatisfied persons’. Persons with similar socio-demographic characteristics express divergent understanding and interpretation of the same Obstea institution. There is no such thing as a standard reasoning for being satisfied or unsatisfied. The same element can be at the same time interpreted as positive or negative (for example, building a church is a motif for pride for some villagers, while for others is an unproductive investment). One element has priority over another, depending on person (for example, the very restoration of Obstea patrimony as an ancient identity mark for the historical free villages can constitute a sufficient reason for being satisfied, while for others this element is very absent, economic returns being most important).

3.1. Satisfaction and material benefits

3.1.1. Interest

Even though this heterogeneity puzzles us, there is one simple criterion to be considered highly discriminator for the overall satisfaction with the Obstea performance. This criterion is ***the material interest***. The Obstea investments and activities can meet or not one person’s interests. Community members are most often heterogeneous concerning interests in using trees (Bruce: 1989, Schlager and Blomquist: 1998) or in investing profit of the Obstea. Not only direct personal interests are involved, but also indirect ones, related to clientelism and social groups’ affiliation. One could argue that through the participatory management, Obstea is designed to meet the majority’s interests. As it is shown elsewhere in the paper, in practice the village assembly’s decisions do not represent the majority, but the opinion of the powerful users, those with higher economic and political assets.

The empirical setting offers *two eloquent examples for satisfaction with Obstea being ruled by fulfilment of interests*. One is the village of Nereju where timber harvesting and processing business developed (there are around 100 local companies, varying in size), the geographical position near the forest area being very favourable, while advantages for the population remain at a low level. Here, Obstea’s abusive management meet the interests of people owning companies and people involved in forest matters, favouring illegal economic returns. These strata of local population show a high level of satisfaction. Meanwhile, all the other members of the community show unsatisfied because their income does not increase due to the communal property and the infrastructure does not develop. *I argue that for most of the villagers the material interest, the*

³⁹ Computed as a sum of values indicated for the variables “appreciation of achievements for the community”,

economic return is more important for being satisfied than the moral judgement of Obstea's board practices. In other villages, where the population perceive corrupted practices, but where achievements are visible and shares are large, the population shows itself more satisfied on the reasoning that “*They make their share, but we make ours also.*”

Another interesting example is from the village of Spinesti, showing the symmetrical opposite situation to Nereju, the majority being satisfied and a minority unsatisfied. Here, a competent management board and a large surface of the forest property assure high returns for both community and households. The majority of villagers are satisfied. Even though, there is a small number of persons who are deeply unsatisfied, the priest and villagers close to him, who complain that Obstea did not help enough for the purchasing of the new church, and some school teachers, who complain also about the insufficient allocation of funds for the school⁴⁰.

In most cases, villagers expect to perceive an immediate material gain from the communal property in the form of community achievements and household income. As these requirements are met, the overall satisfaction with Obstea activities increases, without the major interference of other variables, such as judgement of fairness, norms observance, strategic management. This attitude is not very fortunate for the general course of the Obstea management, since serious mistakes and free-riding behaviours can occur without the awareness of most locals, who are blinded by their satisfaction with material advantages, or worse, who tolerate these mistakes on behalf of these advantages. I described a hypothetic situation that can occur from putting first the immediate economic returns, but most frequently in Vrancea villages, serious mistakes and free-riding behaviours go together with very low level of achievements and small shares for households. I encountered only one case that shows the hypothesized situation – the case of Poiana village. Here, fights, even trials between members of the *Obstea* board disturb every activity of strategic planning, having long-term negative consequences. However, the *Obstea* provides large shares for the households, which generates satisfaction among stakeholders and support for the group led by the president of the Obstea. This is not the case for all the villagers, but for the majority, especially for those who have a low living standard, low education level leading to lack of knowledge regarding opportunities and management strategies. Unfortunately, the population in most of the villages has these indices and situations like this may occur everywhere.

“appreciation of the honesty in administrating funds” and “trust in the Obstea board”

⁴⁰ although Obstea already invested 20.000 euros for the church, developed a scholarship program and invested in the purchasing of furniture equipment for the local school

3.1.2. Community achievements and individual benefits - “with this Obstea we have something, which is better than nothing”

An important aspect in the discussion is the effective measurement of *appreciation of the achievements for the community with funds from exploiting the common property*. People consider the forests as the most important income source for the community, by far overtaking funds allocated from the State’s budget. 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 strategy. 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’. Sometimes, this perception is unfair, since people expect the Obstea to be a ‘savior’ for the community in all aspects, a *panacea*, which is not possible. As a reason for this statement, we bring a quantitative measure that shows that the most expected achievement from Obstea is the improvement of roads in the villages (35.2% mentioned it as a free answer), which doesn’t constitute a principal task of the Obstea activity, state central authorities being in charge for the improvement of roads quality. We find here *a shortcoming for the functioning of Obstea, the lack of knowledge from the population about Obstea’s attributions, leading to lack of common understanding*, which is emphasized in theory regarding common pool resources as being an important aspect (Ostrom, 1999)

Along with the appreciation over community benefits goes the *appreciation of individual benefits, economic returns for households*. The analysis shows that the revenue for the majority of the stakeholders is not very high, representing in average 5% of the household’s annual income. *Due to this economic independence from the wood resource, the villagers do not perceive the individual advantage as being satisfactory*, 88.9% of the locals considering that they should have more individual advantages, like larger shares of wood and money.

A problem of shared view over the strategic management comes up between the Obstea board and local shareholders when the immediate material interests of the villagers confront the organizational needs of the board (like purchasing a building, transportation and harvesting equipment). In the interviews, local people express often their fear that equipments could be used in abusive manner for the personal interest of the board members. Since the new institutional form has not a long history, only 5 years of effective functioning, the organizational needs are quite large for

this starting period and meeting them may have a long-term impact, which is not always fully understood by local population, or even by the board itself.

3.2. *Individuals' vision over the administration's ways*

Local population is most frequently unsatisfied with the activity of the Obstea board of administration. When they are satisfied, they take into account the personal capacities of the councilors and of the president, important criterions being proper education, understanding and desire to meet villagers' needs, honesty and the visible achievements of the Obstea as an indicator for the strategic view and proper management abilities.

When they are unsatisfied, the *moral judgments are most important*. The population blames Obstea's official leaders for dishonesty, greediness from which *free-riding behaviors* 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 free-riding practices. Only 32.4% of the population perceives the rulers as being correct in their activities.⁴¹

We can prove statistically that *the very principle of commons, indivisibility, is menaced by the negative view over the honesty and commitment of the Obstea board*, people who show a more negative perception of these features considering that the commons should be divided between users.⁴²

The degree of tolerance for free-riding behaviours varies consistently between villages depending most on the embezzlement degree, and on another two variables. Firstly, it depends on the overall perception of the *Obstea* activity (including achievements), meaning that a positive perception involves a higher degree of tolerance⁴³. Secondly, it depends on the overall image of the *Obstea* officials, if they were popular, perceived as honest, trustworthy, the villagers would soon condone the norms violation⁴⁴.

3.3. *Trust*

⁴¹ This percent varies significantly between villages, at $p < 0.01$ level, from 24.4%, the lowest degree of appreciation that the obstea is correct in the village of Negrilesti to 43.9% in the village of Naruja.

⁴² Correlation significant at $p < 0.05$ level

⁴³ The argumentation would be: "*They make their share, but we make ours also.*"

⁴⁴ The reasoning would be: "*He would be stupid not to take some advantages if the situation permits.*"

However, the perception over these free-riding practices, at a larger or smaller scale, leads to very low degree of *trust in the Obstea institution*, the perception of unfairness and dishonesty influencing significantly the percent of 66,1% who do not trust the Obstea board⁴⁵.

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

We may provide from the statistical evidence *a very well grounded causal model for variables dependent upon level of trust*, in our case crucial consequences of the absence of trust. Our analysis shows that lack of trust in Obstea's board determines the villagers *not to participate* in the village assemblies, to consider useless their right to speak their mind and to make decisions. Another crucial consequence is that *a low level of trust determines 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 interference*, 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.⁴⁶ *The problem of mistrust highly influences the support of 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.*

In order to have a broader view over the principles aspect, we will discuss the effective degree of support from the population towards the institution's main norms.

3.4. Support for design principles – the traditional foundation

There is actual support from the local population towards general principles of the organization of communal forest property. Among all the norms that regulate commons in Vrancea, we consider four of them as rooted in the organising tradition of these villages – **inalienability of the use-right**,

⁴⁵ The Pearson correlation coefficient between perception of honesty and level of trust is very high, 0.490, at a significance level of $p < 0.01$

⁴⁶ all these correlations are significant at $p < 0.01$ level

indivisibility of land, equal sharing between members and participatory management. These general norms, **which ultimately define the institution of Obstea** in Vrancea region, survive over time on a customary base, not essentially challenged by rational choice arrangements.

Inalienability

The principle of inalienability is sustained by 76.8% of the shareholders. For them, the right to the Obstea is seen as a local identity mark. The Obstea represents for many villagers a community before representing an organisation type. Thus, to hold a share in the communal property means to be a villager. Persons that argue *for* the alienability, invoke reasons on a rational choice basis. Even though the costs of being a shareholder are not high at all, they consider that they could make more benefit out of selling their right for good.

3.4.1. Equal sharing

The principle of equal sharing of the common property's benefits among all the stakeholders is not usual for collective property arrangements. Even in Romania, Vrancea Mountains are an exception. From our survey, most of the villagers see the norm of equal sharing as being the best way. Only 31.5% consider that there has to be an unequal sharing, but for those the shareholding should not be on the liberal principle, more for the ones that deserve, but on the socialist principle, more for the ones who need it, so that inequality in distribution ultimately leads to equality in wealth. Equal sharing principle is usually challenged by local practices, because access is not equal for all the members. Free-riding coming from the upper strata occurs, and theft from the lower strata. These two kinds of behaviour are not equally stigmatised as a violation of norms, the theft is tolerated, considered as more inoffensive and equitable.

Thus, a very resistant and popular norm is judged according to local context. Although, this norm, very rarely found in communal property arrangements, is not in danger to be changed, as it is 'path dependent', rising from a rooted practice and it is widely supported by local villagers.

3.4.2. Indivisibility

In Vrancea, although there is much agreement upon the mismanagement of most administrative boards, upon the perception of potential ecological dangers due to overexploitation of forests and upon the unsatisfactory individual benefits from the commons, most of local villagers do not see the individualization of the common forests as a solution for this unfavourable situation. Only 41.4% consider that the common forest should be divided between members of the *Obstea*.

The indivisibility of the resource provides some important economic advantages – it favours its predictability and exploitation productivity (Ostrom: 1999; McKean, Ostrom: 1995). If it were to divide the commons between members in equal shares, for a two adults household the average share would be 6,4 hectares, a small resource unit, not enough to make a profit out of it. Despite this argument, exactly those who argue for the divisibility have mostly material reasons (not enough benefits due to the mismanagement).

Most of the villagers who answered our questions do not consider the economic profitability as a reason for sustaining the indivisibility norm. They consider instead the potential unfairness of the division operation (on the accessibility criteria “*one could receive a piece of land near the village, the other one, on the top of the mountain*” or the wood quality criteria), the potential conflicts arising from it as a consequence of trespassing and stealing and the impossibility of monitoring and guarding the resource. Some of these fears could be easily avoided and the others are not realistic, since individual forest property exists in Vrancea, 23.2% of the villagers successfully owning average surfaces of 47 hectares each, therefore we argue that the grounds for supporting this principle are mostly traditional, not instrumental.

Our arguments prove that the indivisibility norm is sustained on a customary, traditional foundation, not on economic or other kind of rational justification.

4. Participatory management – challenged by local practice

Among the principles of the *Obstea*, the community members’ inclusion in the management schemes is one of its strongest points. In the ruling tradition of these villages, there is continuity for this principle, which researches and policymakers stress as being essential for robust CPR institutions (Gibson, McKean, Ostrom: 1999). Unfortunately, the actual practice for the users is not to participate in the *Obstea* meetings. Only 36% of the members participate frequently at the village assemblies, insufficient for legal recognition. 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, expressing a point of view is even more unusual, 16% loudly expressed their opinions in the past meetings.

At this point, we encounter a discrepancy between abstract rules and actual practices, in theoretical terms between the categorical property rights and concretized property relations (von Benda-Beckmann: 2004).

The legal norms regulate only the effective participation. We saw the absentee problem as integrated in a wider set of behaviours, which is *the users’ implication in the Obstea activity*. The

statistical value for the implication⁴⁷ is 3.2 on a scale from 0 (lowest value) to 10. This shows that the whole community is in a very low degree effectively implicated in the decision making process.

4.1. 'Voices' and 'voters' in decision-making process

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

Our statistical data proves that 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 proprietor over the forest commons'.⁴⁸ In addition, these people trust the Obstea⁴⁹ and appreciate its achievements⁵⁰. Therefore, *the level of customary based commitment to the institution, as an intrinsic characteristic of a villager, generates participatory behaviour*. This leads us to the conclusion that the lack of this characteristic among users may generate a low participation rate.

Following the causal chain, one must examine 'commitment' and 'customary'. Commitment may have multiple causes, even psychological ones; customary is mainly caused by habit, prior experience. *We may infer that one reason for the absentee problem is the interruption of Obstea existence during the communist regime, causing a 'brake' in the collective memory to be transmitted to next generations*.

Additionally, 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 involvement⁵¹, *the village assemblies being therefore populated by users who may manifest a tendency to approve the Obstea board proposals, as a consequence 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.

⁴⁷ A computed a score from 3 variables: interest, participation and expressing opinion at a meeting, with different weights

⁴⁸ all these correlations are significant at p<0.01 level

⁴⁹ correlation significant at p<0.01 level

⁵⁰ correlation significant at p<0.05 level

⁵¹ the qualitative data sustains this statement too

Among these participants, there are persons who express loudly 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. **They are customary committed to the Obstea institution.**⁵² Additional characteristics of the 'voices' are higher education and possession of larger individual property.⁵³ *With this profile, we can observe that the village assemblies benefits of the presence of the competent 'elite' in discussions. 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 or after a proper judgement, but according to group affiliations.*

4.2. Why users do not participate in the village assemblies?

There may be other several causes for this non-participatory pattern. Some of them are structural. A large number of persons temporarily emigrate to work in foreign countries and some of the villages we studied encounter a demographical problem. The worst situation is in the village of Negrilesti where from official statistics 16.73% of the total population migrated to work mostly in Italy as shepherds⁵⁴. The unofficial figures from our interviews show an even higher percent, of 40%. However, this is not the case for all the villages.

Another structural incentive for failure in the functioning of participatory management comes from theory (Ostrom: 1999); it is *the lack of salience*, as users are not dependent upon the resource they will not invest in participating or accessing knowledge for a well grounded position in the decision-making process. 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; the villagers do not like to participate and consider the participation useless because of the chaotic atmosphere at these meetings and the impression that the *Obstea's* officials manipulate the decisions.

⁵² on the same statistical base as above

⁵³ correlations significant at $p < 0.01$ level

⁵⁴ The National Statistics Data Base, 2004

4.3. Does participation mean actual decision?

As a structural incentive for the declared ‘chaotic atmosphere’, we have to examine *the community size problem*. The institutional theory tells us “neither size, nor heterogeneity is a variable with a uniform effect on organizing and sustaining self-governing enterprises” (Ostrom, 1999: 9). As we confront in Vrancea with relative large communities and a legally constituted village assembly would consist in an average of 400 participants, one may presume that it is very difficult to meet agreements in this case. The actual situation shows us that there are many passive participants and that coalitions frequently occur; therefore, the large size is not an impediment.

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-implication model, which leads us to the conclusion that in fact *most villagers do not consider the Obstea as a self-governing institution*. A large number of users do not consider themselves empowered in any way to decide over the 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’).

On the other side, the administration board denounces this gap and the chaotic atmosphere as important problems too, but they blame the villagers’ lack of knowledge and information regarding the *Obstea* statute, activities and possibilities. This reasoning is sustained by our experience during our fieldwork. Some of the villagers do not even approximate the surface of their communal land. The major cause for this situation is the poor level of population’s education (66.7% accomplished only their gymnasium studies), due to the urbanization process during the communist regime. At a low education level, the villagers’ assembly may not provide adequate decisions. The statistical analysis shows that most implicated persons are also higher educated ones⁵⁵.

Another important observation we made during our fieldwork is that *individual choice in the deciding process is guided more by a previous affiliation to a certain group than by the individual’s judgment of the situation*. 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. *Nevertheless, the participatory process is corrupted also by the low educational level of the villagers, conducing to lack of knowledge for accurate individual choices*. In such cases of uncertainty arising from internal factors, the theory recommends external intervention (Ostrom: 1990).

⁵⁵ The correlation is statistically significant at $p < 0,01$ level

We argue that the participatory management is not essentially wrong, because there has to be mutual monitoring between all the parties included in the common property system for making credible commitments (Ostrom, 1990: 45) and because there are mostly contextual reasons for its shortcomings. As we have shown above, for the mutual monitoring to become effective, the level of villagers' education must increase and the groups affiliation's power to lower. In the area, there are educational possibilities, but no job opportunities for the educated ones. Therefore, the educated strata usually leave the rural area.

In the given conditions, the institution has to be enforced by external⁵⁶ referees at the village assemblies and administration board elections.

5. Conclusions - “*The Obstea does not know, because ‘she’ is a newborn; but she will remember, the Obstea will know.*”⁵⁷

The strong points of the communal property institution in Vrancea coming from local population sustain mostly a long-term development of Obstea. As our examination shows, these points are: prior experience which enhance skills and commitment; increased interest in Obstea activities and correct appreciation of the potential opportunities and power of the institution; support for most of the design principles as indivisibility, inalienability, equal sharing; desire to involve in the management practices and to access the resource. As we could see during the argumentation, the most loyal ally for the institution is the custom, the traditional foundation, although interrupted for 50 years from an unfortunate state policy. Local villagers do not argue the necessity of the institution as a contract, based on an instrumental reasoning about efficiency, but as a historical legacy, as a mark of the locals' identity.

The main problems would be limitation of access, due to forestry regulations and rudimentary means; lack of knowledge regarding statute stipulations and formal procedure, market necessities, mostly formal and external aspects; and, most important, serious mistrust in the actual management,

⁵⁶ As far as names from the county department are involved, by external we mean state or private organizations from outside the county, eventually state authorities at central level

⁵⁷ T.B, age 56, Paulesti village; here the villager uses a pun, he uses both meaning of the Obstea, as a community of people and as an institution, as a community 'she' (in Romanian Obstea is a feminine noun) knows, as an institution 'she' is a newborn

due to free-riding behaviours, manipulation and internal conflicts. The mistrust aspect tends to affect the support for important institutional principles like private nature of property, indivisibility and participatory management and the interest of the population regarding Obstea matters. This problem must be solved until all the customary commitment and the salience of restoration (as an enthusiastic perception over opportunities) is gone. There is evidence, in the case of Spinesti village, that an honest and competent management may succeed in the given conditions. We observe that situational variables, at the lowest level of the village's context are the cause for mostly negative perceptions.

We confront the discrepancy between the categorical property norms (von Benda-Beckmann: 2004), which are highly supported, and the concretised property relations, which in our case are not perceived by local users as suitable. In most cases, researchers argue that shortcomings in property management stem from the lack of embeddedness of statutory norms in the local context, and for the situation to get better, they must adapt to local practices. In our case, the concretised property relations and practices related to communal forests must change and legal regulations must be enforced.

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