

Mapping the space between private and public forest ownership in Europe

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Old problems:

What is the best way of representing and understanding ancient communal forest rights in a private: public paradigm?

Does state support of charitable and not-for-profit organisations make them more or less private or public?

New questions:

What is the best way of representing the emergence of NGOs and new voluntary groups (“community woodlands”) as forest owners?

How do concepts such as the “bundle of rights” relate to reported ownership classes?

Some definitions:

Public

1. Of or pertaining to the people as a whole; belonging to, affecting, or concerning the **community or nation**.
2. Carried out or made by or **on behalf of the community as a whole**; authorized by or representing the community
3. a. **Open or available to, used or shared** by, all members of a community; not restricted to private use. Also (of a service, fund, amenity, etc.) provided by local or central government for the community and supported by rates or taxes.

Private

3. **Not open to the public**; restricted or intended only for the use of a particular person or persons
- b. That belongs to or is the property of a particular person; one's own; of, pertaining to, or affecting a particular person or **group of people**, individual, personal.

FAO, Forests Europe (2010) classes of forest ownership

Can be top down and act as singular interest

Some of which act like private corporations

Ownership	Inclusion
Public	Forest owned by the State, or administrative units of public administration; or by institutions or corporations owned by public administration
Private	Forest owned by individuals, families, communities, private co-operatives, corporations and other business entities, private religious and educational institutions, pension or investment funds, NGOs, nature conservation associations and other private institutions
Other	Other kinds of ownership not classified either as 'public' or 'private'

Public benefits

e.g. Portugal: 'Baldio' communal land

Usually seeking public benefits

Citizen ownership

Opening up some space:

Public

1. Of or pertaining to the people as a whole; **belonging to, affecting, or concerning** the community or **nation.**
2. Carried out or made by or **on behalf** of the **community as a whole**, authorized by or representing the community
3. **a.** Open or available to, used or shared by, all members of a community; not restricted to private use. Also (of a service, fund, amenity, etc.) provided by local or central government for the community and supported by rates or taxes.

All citizens

All citizens in a defined place (commune, municipality, parish etc.)

Private

3. Not open to the public; restricted or **intended only for the use of** a **particular person** or persons
- b.** That belongs to or is the property of a particular person; one's own; of, pertaining to, or affecting a particular person or **group of people**, individual, personal.

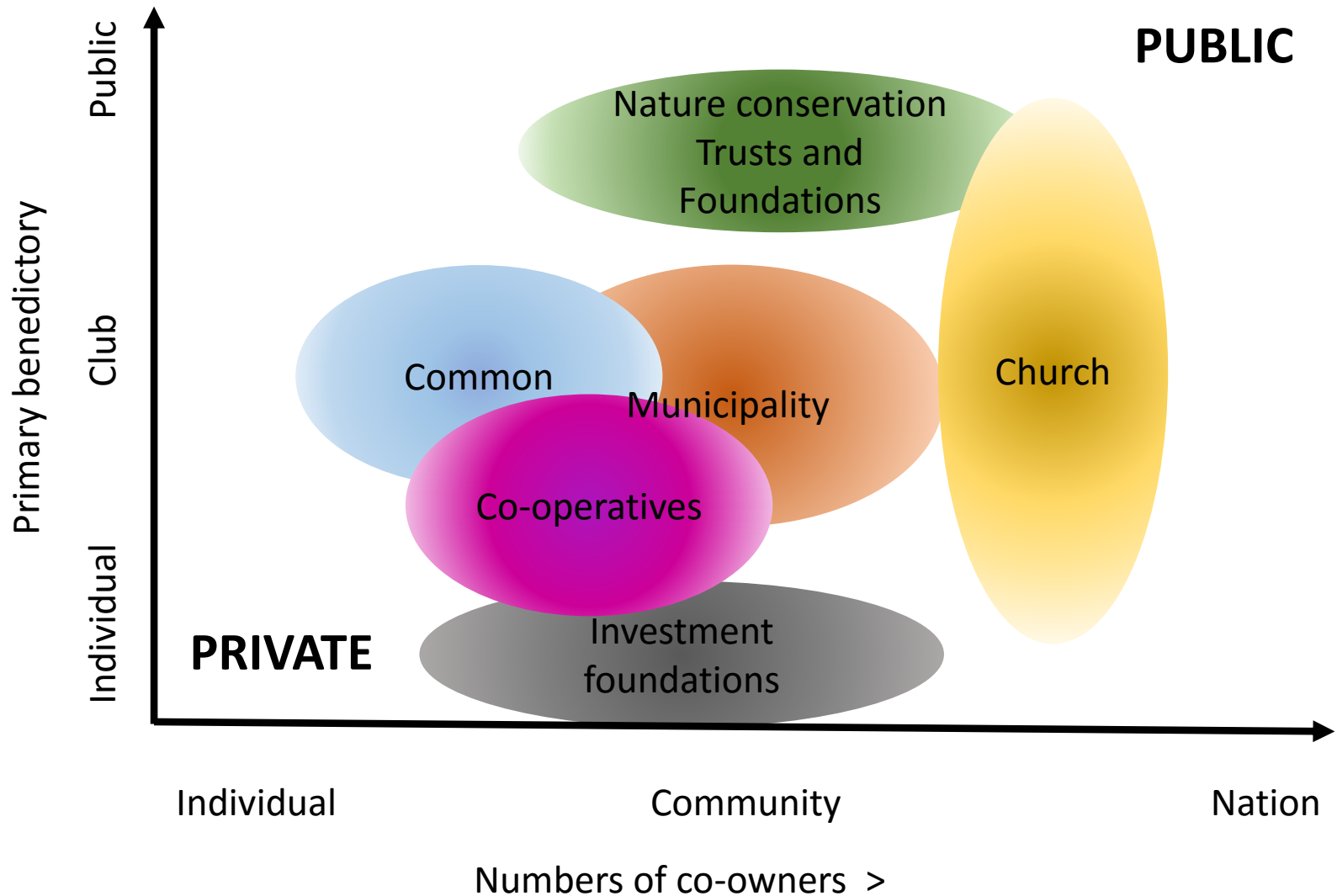
Individual

Club

Axis 1 = Numbers of co-owners

Axis 2 = Intended beneficiaries

Conceptual mapping

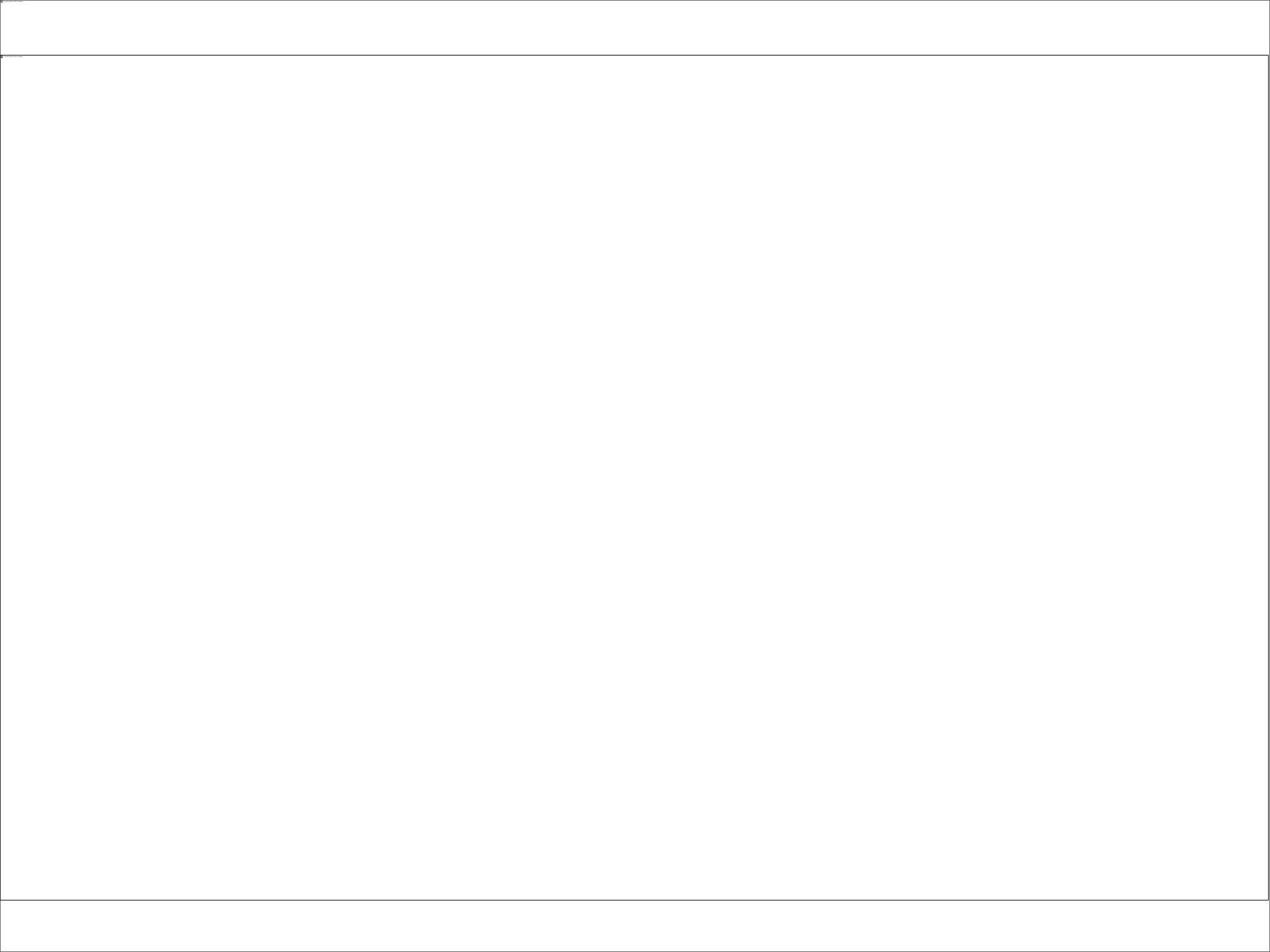


Examples of forms of co-ownerships from 28 Country reports

- Environmental NGOs
- Religious institutions
- Joint ownership
- Cooperatives
- Commons
- Municipalities

Environmental NGOs

- All classified as **private**
- Environment / conservation objects = **public benefit**
- Most receive state assistance in form of tax relief, grants and sometimes statutory protection
- Most new since 1980's - UK from late 1880's
- Some have broad-based membership and democratic governance
- An institution with several legal forms e.g. Trust, Foundation



Religious institutions

- Lutheran, Roman catholic, Orthodox, Anglican
- Ancient / Feudal – takes many forms: for income to support priests (glebe); monasteries; for poor relief; burial grounds and other sacred land - often poorly documented
- Mostly considered **private** but **public** in Belgium and Hungary and **other** in Greece
- Subsumed into state ownership in CEE countries – restituted in most countries but also retained as state
- Disputed restitution in Czech Rep. (resolved 2012) and Romania (unresolved) related to separation of church from state
- Afforded charitable or special status in most countries e.g. in Serbia church is exempt from management restrictions applied to other private owners
- Church can create new forest management regimes or agencies and usually uses professional foresters e.g. Sweden, Latvia, Serbia, Slovakia etc. – all of this activity is recent and often considered progressive

Joint ownership

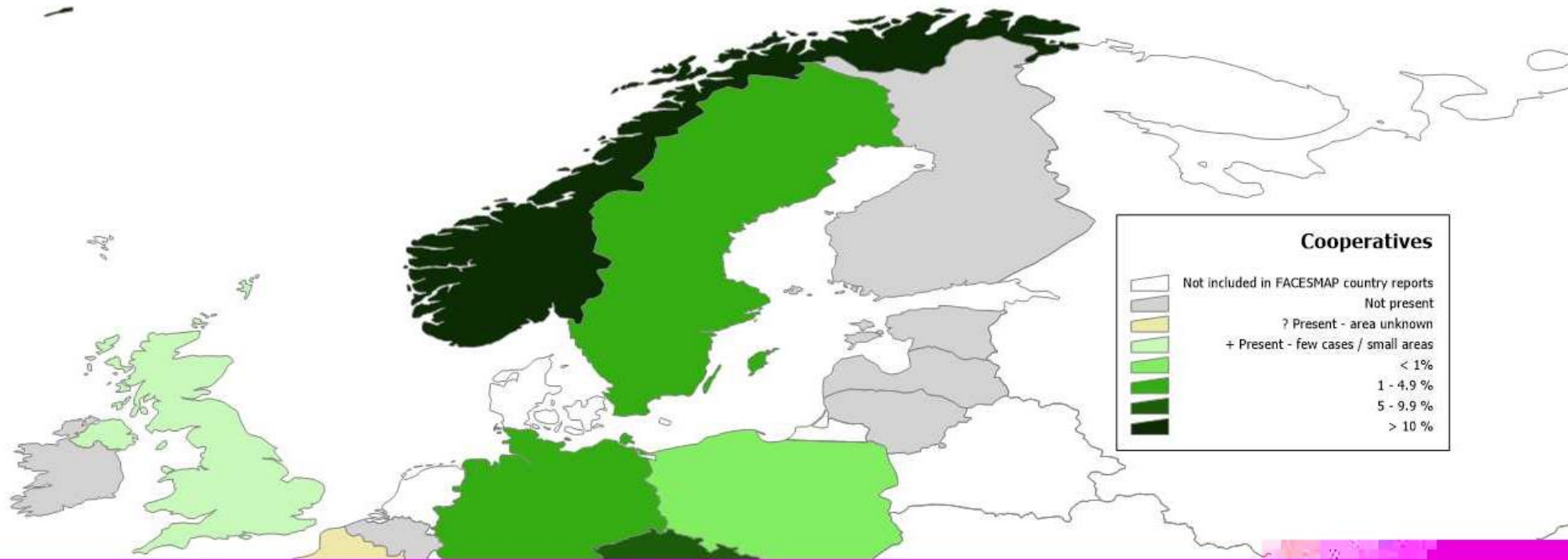
- Multiple owners of a single parcel of forest – can involve public agencies and companies as well as private individuals
- Counted as a category of **private** but also as **other** (Finland) and as a category in its own right (Spain)
- Recent emergence of special provisions made to help avert further fragmentation of family forest e.g. *Groupement forestier familial* (Belgium), *Société civile immobilière* (France)
- A legal form rather than an institution

Cooperatives

Not so different from
common land
arrangements

- All counted as **private** except **other** in Greece
- Is a legal form rather than a fixed type of institution so means quite different things from one country to another
- The coop can be the legal entity which owns (rents or holds agreement with state) on land and the members have a share in ownership (one man one vote), members can buy shares or transfer their land into coop
- There are also coops formed by groups of private owners primarily to pool resources for timber mobilisation and sales – but also for other services
- In post-socialist countries top-down driven establishment of cooperatives brought negative experience recently accompanied with distrust and difficulties in functioning of this institution.
- A legal form that can serve many purposes

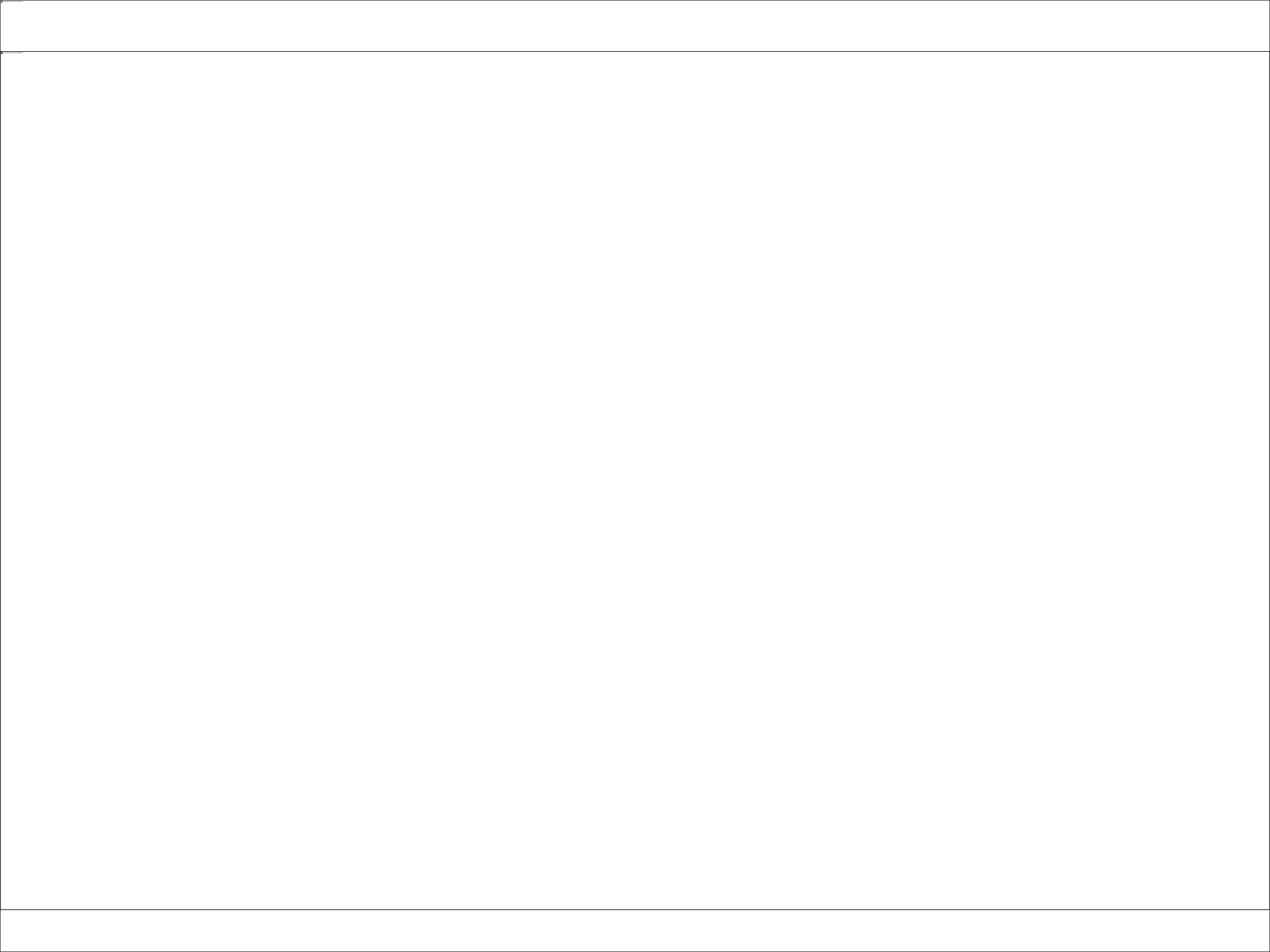
Overlap with Forest
owner associations



Commonage

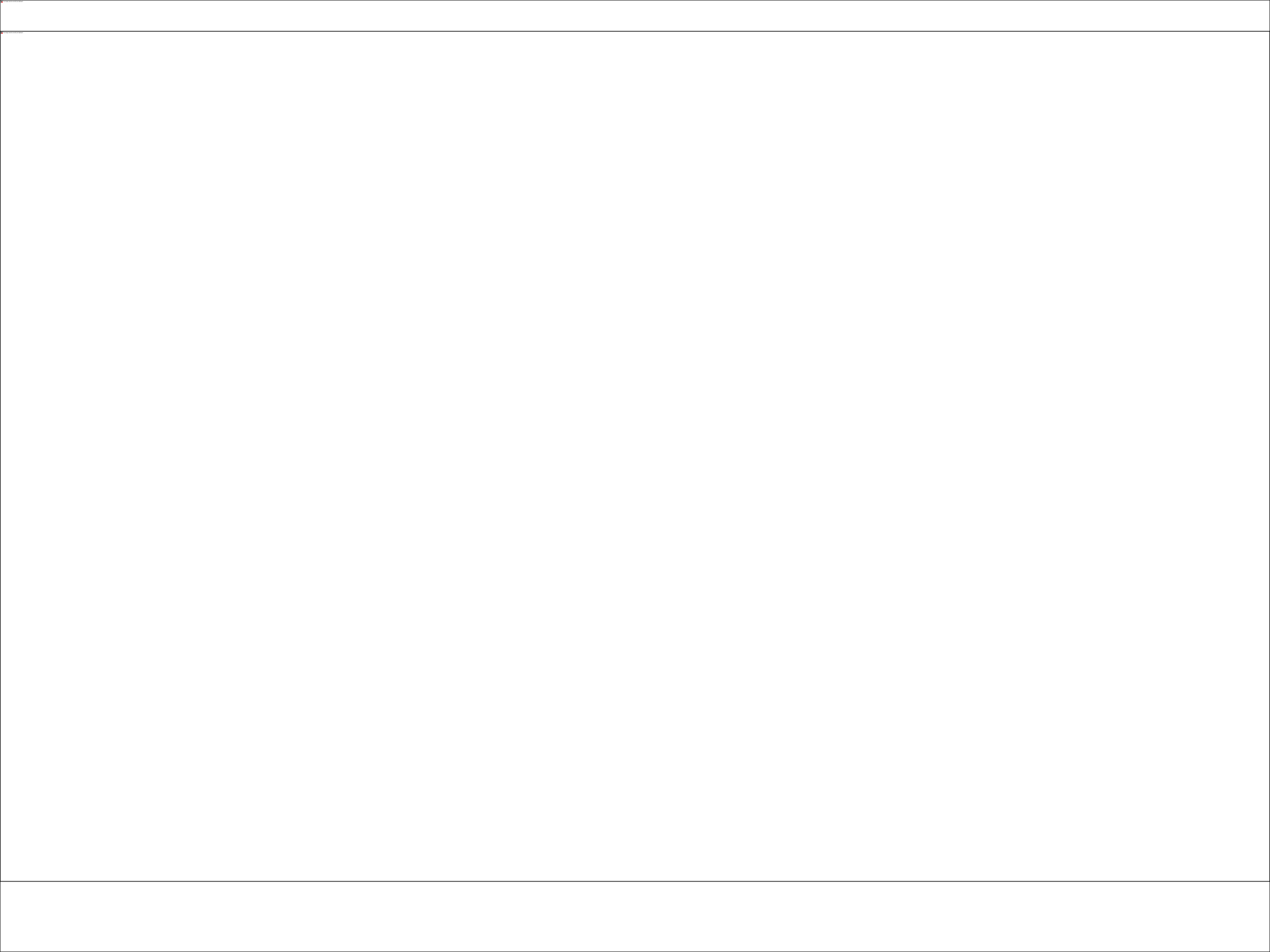
“land held in common” also “the condition of being subject to rights in common” (OED)

- Ancient (very) but also new forms and adaptations constantly appearing
- Basically forest managed by rights holders (commoners) for mutual benefit – with many variants on tenure, inheritance and benefit sharing arrangements
- Many names: Common, Urbariat, Komposesorat, Obsti, Agrargemeinschaften, Urbarialgemeinschaften, Erdöbirtokosság, Zemljišna zajednica, Imovna općina, Baldio, Montes comunales, Allmenning, Bygdeallmenninger, Realsameige ... etc..
- Various classed as **private** (x 6), **public** (x 2), **Indigenous** (x1), **joint** (x1) and **other** (x1)
- An institution with many legal forms!



Municipalities

- Forests owned by lowest level of state administration
- All public but with some ambiguity e.g. Slovakia, Slovenia, Spain and Austria (especially when evolved from commons)
- Various different relationships between municipality, state forest service, community and forest:
 - Land owned and managed by municipality (e.g. Parks)
 - Previous common owned and managed by state
 - Owns land but management by commoners
 - Owns and manages land as representative of community
 - Land owned by individuals but managed by municipality
- A legal form for tenure and management oversight
- Supports a wide range of governance arrangements



Community-controlled forestry...

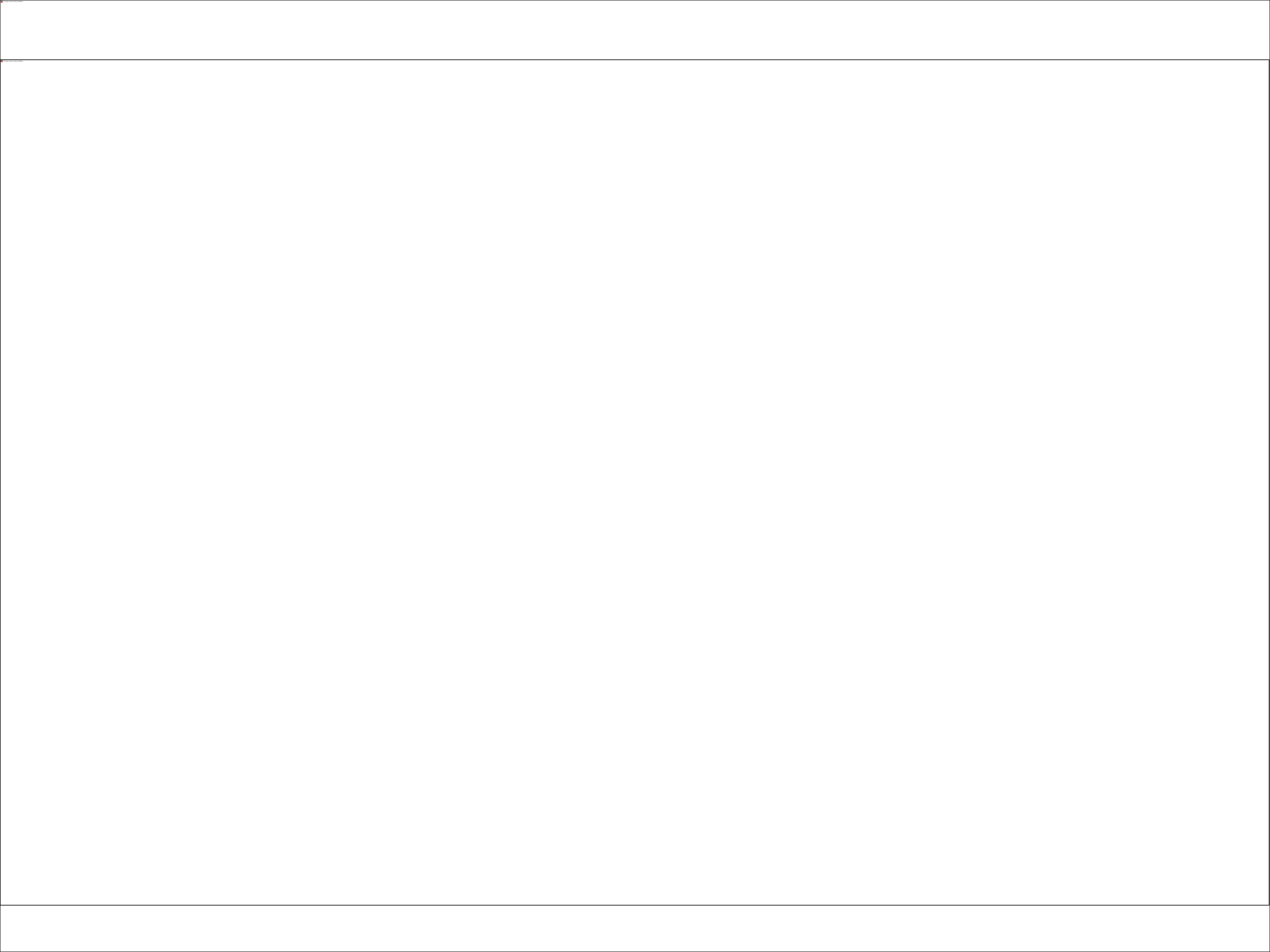
Essential characteristics:

- Assembly of all commoners
- Elected Board of Directors
- *Pro indivisio* – singular estate - individual ownerships not marked
- Defined geographic location and community

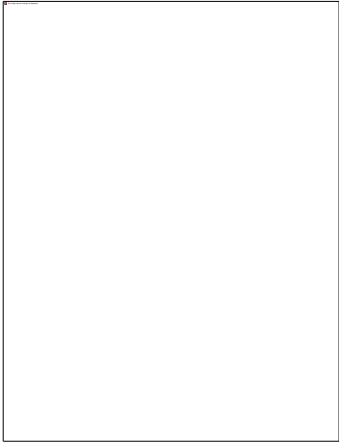
Community-controlled forestry...

Variable:

- Membership: assigned to individual (and heirs), property, citizens, subscribers (can be open or closed)
- Distribution of benefits: 'ideal shares', equal shares, local community, public
- Land tenure: owned by members, state, municipality, private third party
- Management: commoners, employee, state, contractor etc.



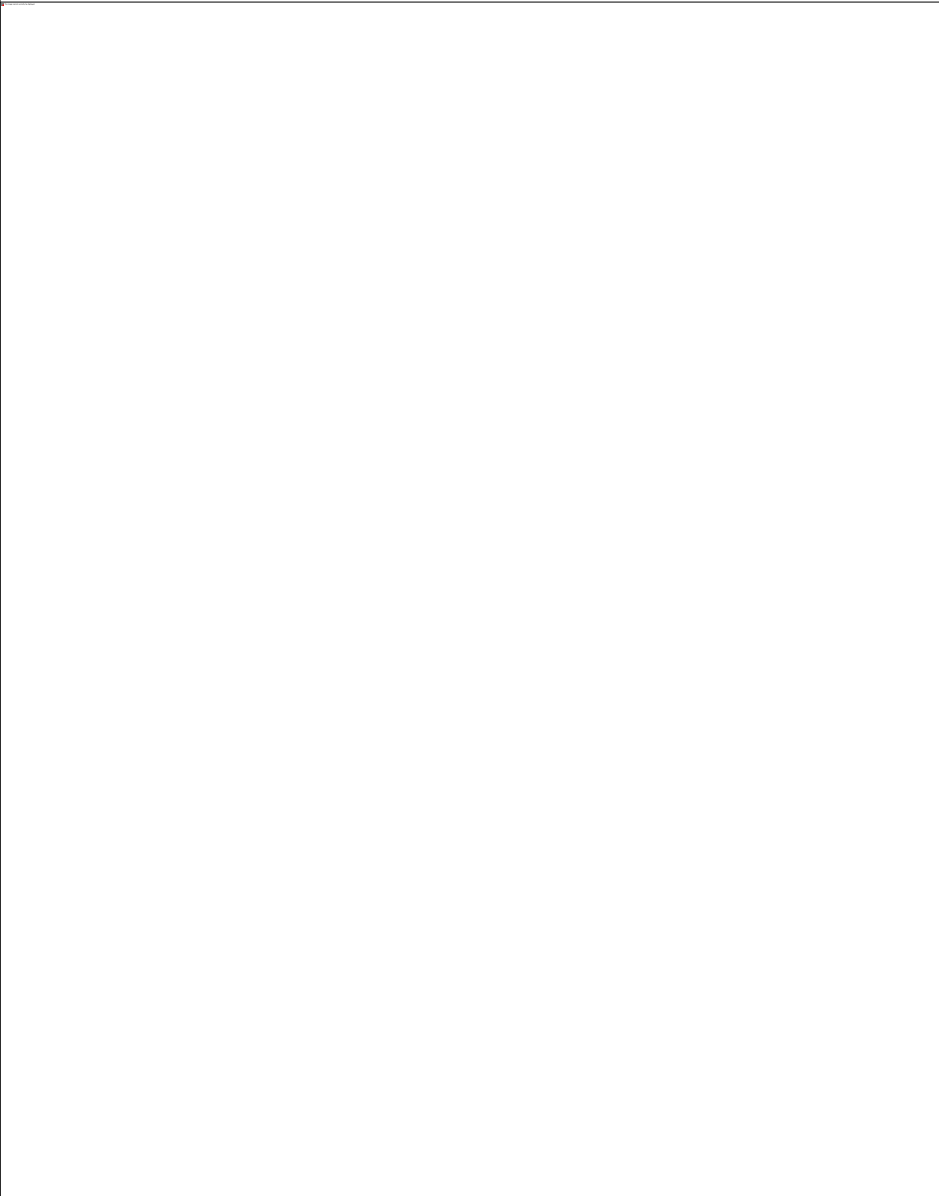
Rights & Resources Institute



Four categories:

- Government administered
- Designated for indigenous peoples (IPS) & local communities
- Owned by IPS & local communities
- Owned by individuals and firms

Global comparisons



As defined by the G3 (Rome, 2010),
locally controlled forestry is

‘the local right for forest owner families and communities to make decisions on commercial forest management and land use, with secure tenure rights, freedom of association and access to markets and technology.’

[International Alliance of Indigenous and Tribal Peoples of the Tropical Forest](#) (IAITPTF)

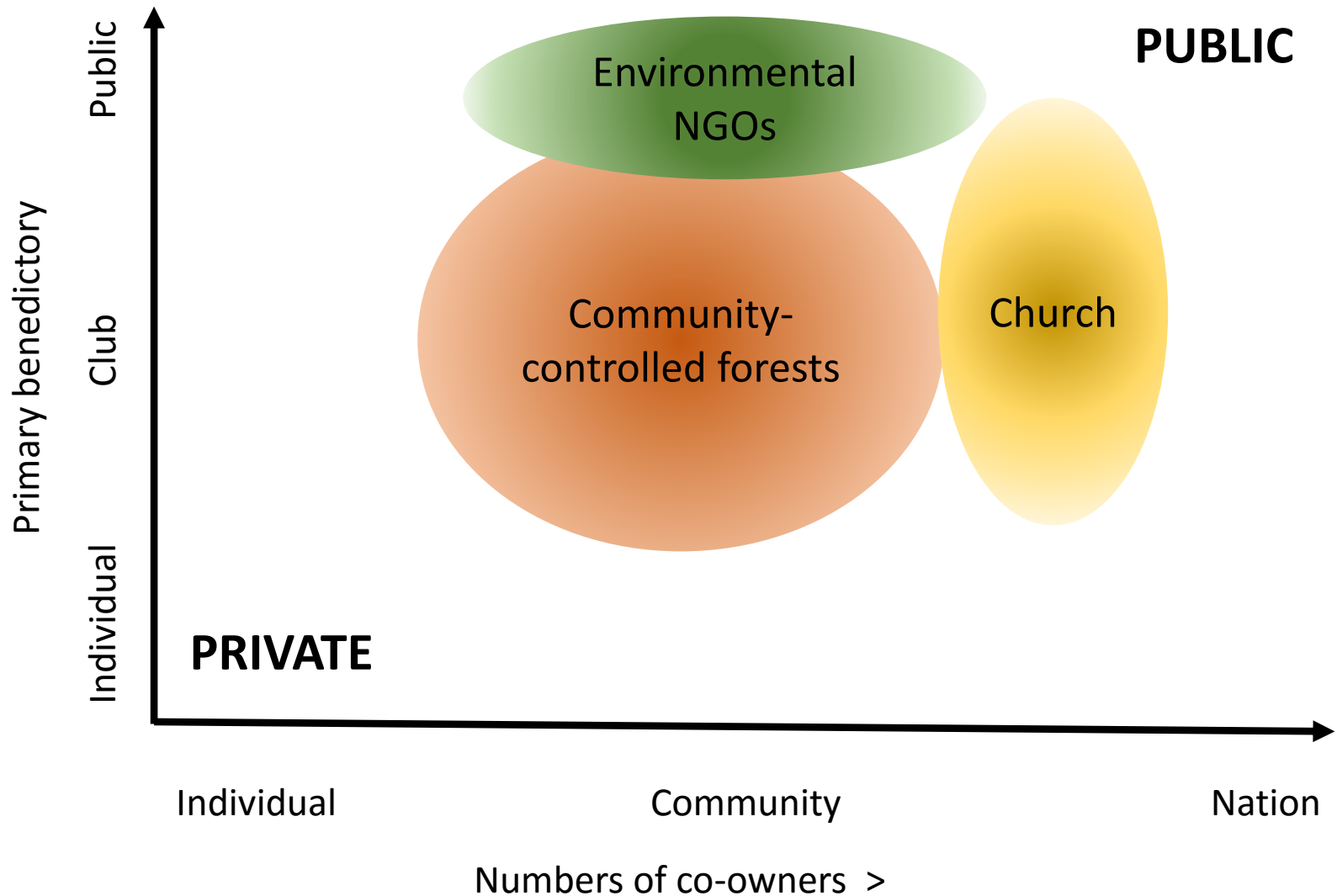
[The Global Alliance of Community Forestry](#) (GACF)

[The International Family Forest Alliance](#) (IFFA)

Some conclusions

- There are elements in ownership definitions and characterisations which are inconsistent and poorly represent diversity of practice as shown by FACESMAP data
- Don't confuse legal forms of tenure or incorporation with functional institutions for forest management

Populating the third sector



Thank you!