

## Article

# The Compossessorates in the Olt Land (Romania) as Sustainable Commons

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**Abstract:** The compossessorates are traditional Transylvanian commons. They were disbanded during the Communist regime and re-established after 1989 according to the successive laws concerning land restitution. The current article highlights the importance of compossessorates in the Olt Land (in the south of Transylvania, Romania) as partners involved in projects focused on the sustainable development of the area. To this end, the paper presents the main features of contemporary Romanian commons, underlines the sustainable traditional orientation of compossessorates, and signals the latter's difficulty in establishing relations with environmental protection-oriented NGOs, in this case Foundation Conservation Carpathia which focuses on establishing a national park in the area. Consequently, the methods employed to achieve all of the above was the thematic analysis of publications found in the Anelis+ databases which were considered relevant for the theme of Romanian commons, and the content analysis of some normative acts and compossessorates' by-laws dating back to the first half of the 20th century. The information on the relations between the commons and NGOs were retrieved from the official websites of the organizations, and from the media. The article shows that current compossessorates have social potential and economic efficiency. Their existence in the Olt Land is significant from an identity-based perspective. The latter is built upon the common interest of law makers and locals to constructively manage the forestry fund and respect property rights. Their functioning can be made more efficient. Both these and the NGOs openly state their sustainable orientation and that could contribute to reducing the tensions between them through correct communication. Ignoring the compossessorates' sustainable orientation and their community prestige could sabotage any sustainable local development project if they are not consulted and invited as partners.

**Keywords:** common forest; restitution of properties; logging; local communities; sustainability; NGO; communication



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## 1. Introduction

From an economic perspective, goods can be grouped in four categories, by their excludability and rivalry [1]: private goods, public goods, natural monopolies, and common resources (rival but not excludable). The latter are the object of agreements also found in the commons. The term comes from the English word countryside, and it connotes three main characteristics: sharing resources, a system of rights and obligations for the members, and a form of governance assuring respect for the system of rights and obligations (Coriat, 2015, apud [2]). The first commons were concerned with the management of land, but in the history of Europe there were also commons concerned with forests, fisheries, water, and food [2]. As a form of organization employed for the management of forests and pastures, the commons are employed in several European countries: Great Britain, Poland, Switzerland, Turkey [3], Sweden [3,4], Scotland, Slovenia, Italy [4], and Spain (Galicia) [5].

According to Vasile and Măntescu [6], the concept of property is related to the relationships established between individuals regarding an object, rather than to objects. The

property is a network of social relations based on which the individuals make decisions about objects and use them (Hoebel, 1966, apud [6]). The activity of the commons contradicts Hardin's theory on the "tragedy of the common goods" [3,7]. Hardin [8] considers that individuals take advantage of using those common resources to which they unconstrained access and for which the costs are equally shared. In other words, individuals try to maximize their advantages by over-exploiting those resource. Elinor Ostrom [9] counters this view by relying on the theory of collective action and showing that common goods can be managed efficiently, equitably, and non-destructively by local communities if the latter succeed in imposing and respecting rules which powerful enough. M. Casari (2011, apud [10]) shows four distinct ways of overcoming the "tragedy of commons", namely government regulations, individual ownership, informal cooperation, and self-governance. Commons are forms of self-governance.

The communes and compossessorates are Romanian traditional forms of commons. The instauration of the Communist regime in Romania and the henceforth transfer of the country's natural resources to state property put an end to their activity in the management of forests and pastures. After 1989, the restoration of property to former owners contributed and encouraged the re-establishment of the commons.

The current article underlines the importance of compossessorates in the Olt Land (formerly known under the political and administrative name of Făgăraș Land), in the South of Transylvania, as partners involved in the sustainable development of the area. Consequently, the research underpinning it focuses on the following objectives:

- Identifying the features of the Romanian commons as they are reflected in the papers on the theme elaborated after the fall of Communism;
- Signaling the difficulties in calibrating the policies on the commons developed by the NGOs specialized in environmental protection, in this case regarding the policy of Foundation Conservation Carpathia (FCC) on the commons in the Făgăraș Mountains area;
- Presenting the sustainable and community related provisions of the by-laws regulating the activity of the compossessorates in the Olt Land as reflecting the sustainable tradition of the legislation regarding these commons.

Additionally, the article identifies a group of measures aimed at improving the functioning of compossessorates in the Olt Land.

In Romania there are four types of property rights over forests [11]: individual, state, communal, and associative property. The communal forest is a collective forest distinct from the public domain and administered by the town hall of a territorial administrative unit called "comună" [7]. Such forests resulting from the dismantling of the border institutions of the Austro-Hungarian Empire are in Transylvania (in the counties of Brașov, Sibiu, and Bistrița-Năsăud), and in Bucovina [6,11]. The commons are associative structures, they are forest owned in an associative private form [6,12]. A communal forest is sometimes perceived by the locals as state property, whereas the commons are seen as private [6] and if they are disbanded, the forest they own becomes a communal forest [6].

"Obște", the Romanian term for commune, comes from Slavic and means "together" [11]. It refers to all community members. According to one of the first researchers focusing on the commune, the latter is an association of family households located on a common land, in which collectivity rights are prior and superior to those of the individual households in its composition [13]. The communes can be equalitarian and non-equalitarian. The difference consists in equal or different rights (to benefits and vote), depending on the number of shares owned by the members.

## 2. Romanian Commons Main Features

### 2.1. Equalitarian and Non-Equalitarian Communes

In equalitarian commons also called "by fumes" (i.e., the number of households where the fire is lit in the stove) the rights belong to active households and not to individuals [14]. Property rights are acquired upon joining the community, cannot be transferred and are

relinquished upon leaving the community or with their owner's death. This system which is very similar to the German legal system that is focused on property use and community is common in Vrancea (the south of Moldova province) and in 11% of the compossessorates from Transylvania. In non-equalitarian commons the rights are genealogically inherited, are shared among the heirs, can be sold among members and transferred to successors. Only the heirs of the common founders are members [15], and households have different rights depending on the importance of the ancestors' contribution to the establishment of the common. The non-equalitarian system which is rather similar to the Roman legal system focusing on the individual is common in Wallachia and Transylvania [16]. In both forms of commons (i.e., equalitarian and non-equalitarian) the property is indivisible, the shares owned by every member are not distinctly identified and cannot be sold outside the association [6,17]. Commons are the legal owners of the land. Their members do not exactly know which shares they own from the entire property, but they know to what benefits they are entitled and the number of votes they can cast in the general assembly as a result of the shares they have [6,17]. In equalitarian communes any resident of age (i.e., over 18 years old) has the right to vote and is entitled to an equal share of the benefits of the commune (e.g., wood, financial benefits) as the other residents of age. In non-equalitarian communes and compossessorates the shares are inherited and divided among direct heirs and the members have voting rights and benefits equaling their parents' or elders' shares [6,11,12]. The people from the outside of the community/group of descendants cannot be commons members. However, the shares can be sold among members under certain conditions [7].

## 2.2. *The Tradition of the Romanian Commons in Transylvania*

Geographically, the communes are commons located in Romania on the outer Carpathians Arc, mainly in the counties of Gorj, Vâlcea, Argeş, Vrancea, and Bacău. Most compossessorates are organizations similar to the non-equalitarian communes located on the inner Carpathians Arc, in the counties of Arad, Hunedoara, Braşov, Sibiu, Covasna, Harghita, Sălaj, Maramureş, and Bihor [6,11,12,18].

The tradition of communes dates hundreds or possibly thousands of years back in the Romanian provinces of Wallachia and Moldova. There are signs showing the existence of such forms of organizations in Transylvania, as well [14]. The property titles over forests were obtained in Transylvania at an earlier date compared to Wallachia and Moldova where they started being used as a result of implementing the Forestry Code of 1910 [6]. In Transylvania, most compossessorates belonged to the nobles or to the former serfs. The former had more land and thus perpetuated the class inequalities dating before 1848 [17]. They had been legally acknowledged before the XIX century [19]. In 1762 the communities living on the Transylvanian borders of the Austro-Hungarian Empire were granted land in recognition of the military service they provided for border defense. The members of these communities were the successors of a cavalry feudal class similar to others from various parts of Europe [7,16]. They were called border guards and "nemeşi"—a word derived from a Hungarian term referring to the nobles [10]. In the south of Transylvania, the nobles' property rights may originate in the medieval period of the Wallachian rule, when Romanian rulers from south of Carpathians donated land to the local freeholders [12].

The former serfs' compossessorates were established in Transylvania in 1853, following an imperial decree that granted parts of the former landlords' lands to the newly freed peasants. Formal ruling of the matter was necessary because after serfdom was abolished the landlords had informally restricted the rights of the former serfs to use the landlords' forests, while such rights had been granted long before, through *urbarium* [20]. The imperial decree stipulated reparations for the landlords [12]. The latter, in reality, resorted to bureaucracy, injustice, and conflicts to keep for themselves as much land as possible [7,16]. Thus, unlike the communes, the various types of compossessorates were regularized ever since their establishment.

### 2.3. The Post-Communist Restitution of Properties and Its Challenges

After the Second World War (WWII) and the fraudulent winning of elections by the Communists in Romania [21,22], the above and under the ground resources were declared state property. Consequently, the former owners of forests and pastures could no longer make decisions concerning their properties [12].

After 1989, in Romania a number of property laws were successively passed. According to their provisions some of the forests and pastured were restored to their former owners before the Communist regime or to their heirs. The laws are as follows: the law L18/1991 allowed only for individual restitutions of maximum one hectare of forest; the law L1/2000 (also called the Lupu Law, by the name of its initiator) provided for the restitution of larger areas both to individuals and legal entities such as the commons, but its enforcement was challenged by the confusions created by the application of the previous law—some people were granted forest lots in 2000 and those had already been cut in 1991; the law L247/2005, supported *restitutio in integrum* [6,10,12]. Besides the aforementioned laws, the establishment of the commons was also influenced by the government ordinance OG102/2001, establishing that only requested shares could be restituted and that any request would only be granted maximum 20 hectares, a regulation that led to a reduction in the area of the commons compared to the property size they had owned before 1948, while the property that was not claimed remained under state management, and by the law L400/2002, forbade selling the land owned in common [18].

That was the legal framework supporting the retro-modification of property regime after the fall of Communism, the reactivation of old forms of property organization, or the *decollectivisation*—to use Kideckel's term [23]. Programmatically, the post-Communist process of restitution was guided by social and historical justice and focused on repairing the injustice conducted by the Communist regime by respecting property old sites, forms, and rights [6,11]. It also targeted keeping the ideological promise of re-instating a traditional society composed of peasant [7,24].

However, this judicial-ideological approach ignored social, community, and anthropological changes that had occurred in the meantime (e.g., peasants' relationship with the land), as well as the situation of forest areas [18]. In this context, according to many authors' commonly held opinion, the restitution process was characterized by chaos and confusion [6,17,25,26]. The management of restitutions can be characterized as poor [27,28]. The restitution of land and the re-establishment of the commons was riddled with a lot of bureaucracy [7] and raised challenges for judges and notaries. According to Vasile and Măntescu [6], the total of the forest areas claimed through the restitution requests outnumbered the area restituted to the commons as a result of enforcing all the laws in the field. The relations of the commons with the authorities are often conflictual and generate lawsuits (against the Town Halls, the National Forest District, County Council, and National Fiscal Authority). More than half of the commons were involved in such lawsuits in 2018 [17]. The lengthy negotiations between local and state actors were doubled by negotiations among the locals [6,18] as well as by attempts on behalf of the local elites to manipulate the restitutions [1,11,27]. The confusion was sometimes purposefully maintained in order to manipulate, and the sometimes inadequate legislation allowed for abuse, unjust restitution, causing disappointments and destroying old family and community ties. Katherine Verdery [29] mentions "fuzzy propriety" as a result of unclear laws, overlapping rights and power relations manifested in property administration. She considers that direct restitution was the most chaotic manner of privatization [30,31].

The restitution process is the most recent phase from a long history of property rights over the land. This phase overlaps with the expansion of post-communist interests in forest exploitation and the narrative on the protection of the natural environment [32], but the entire previous historical course influences its development [7].

#### 2.4. *The Current Legal Statute of the Romanian Commons*

The commune and the compossessorate are legal entities. The Forest Code of 2008 acknowledges these legal entities' entitlement to privately own land [7]. The communes and compossessorates in Romania are considered non-profit organizations, but that is a partially improper description, considers [7]: these commons are not associations of individual property owners, nor are they truly non-profit, as Vameşu, Barna, and Opincaru [10] show. According to them, the (limited) distribution of profit is a feature of the Romanian commons statute.

Nyssens and Petrella [33] compare the commons as described by Ostrom and the social economy organizations and show that both types of entities can be efficient and productive, but the former focus on the interests of a well-defined group, whereas the latter target the interest of the entire society and involve the state as a regulating and funding body. Communes and compossessorates display characteristics which pertain to social economy [10,15]. Opincaru [12,17] highlights both similarities and differences between commons and cooperatives as organizations of social economy. Their sustainable orientation is one of their main similarities.

The commons have their own legal by-laws, which are legalized and legally registered. The by-laws of the commons contain provisions concerning voting, elections, benefit distribution, sanctions, as well as the consultation of the general assembly for selling and using the land [18]. They are more than a sum of rules: they act as symbols, tie current owners of the land to their ancestors respectable past, were elaborated as a result of the nostalgia for the past, and are solemnly recited during general assemblies. The statutes have a "near mystical authority", considers Monica Vasile [32].

#### 2.5. *The Management of the Romanian Commons*

Romania's forested area totaled 6,604,000 ha at the end of 2019 [34]. The commons own approximately 14% of the country's forests, namely 873,000 ha [12,16,18] and about 300,000 ha of pastures.

By law, the commons must collaborate with forestry specialists in planning tree cuts and the maintenance of the forests [10]. EU regulations include the obligation of following a management plan for private forests [35]. Thus, even if the commons govern themselves, the administration of their forest lands is accomplished on a contractual basis by a private or state forestry district [7,11]. Forest service was provided under the Communist regime by one of the most powerful territorial state structure [7]. Its privatization started in 2002 with former employees of the state structure. That generated tensions among the old state and the new private forestry districts [12]. Lawrence and Szabo [36] show that the employees working for the private forestry districts had better reputation and were considered as more trustworthy and of a moral character compared to those working for the state.

The commons function as associations with a general assembly acting as the main decision-making body [12], a council of five members, a president elected from among council members, and an audit committee consisting of three members [7]. The council members are elected for a period of two to five years. In small commons they work on a voluntary basis. In powerful commons the council members are paid for their activities, mostly consisting of managing the commons' application of forestry and environmental regulations which often change [7].

#### 2.6. *The Social Potential of the Commons and Their Economic Efficiency*

The commons have a significant role in local community development [12,17]. For local entrepreneurs, membership grants them preferential access to pastures, as well as preferential prices for timber exploitation and for renting the commons' land for building tourist chalets [16]. In the case of poor communities, the commercial activities supported by the commons can assure survival [7]. Some of the commons' income is used for community benefit [7,10,15,17,18], namely for infrastructure consolidation, for schools, churches, banquet halls, mortuary chapels, agricultural machinery, dispensaries, breeding, wells,

scholarships for community youth, marching bands, fire brigades, football teams, and local groups of young people. Some of the commons support young families by providing them with 20 cubic meters of wood for construction, sponsor various festivities throughout the year and students' Christmas celebration, bury the poor of the community and cover expensive medical treatments.

Traditional rural communities were better at balancing personal financial interests and community interests. Apart from their value as material heritage, the commons have had moral and identity value since their establishment [37]. Even nowadays, the administration of the commons has a significant social dimension and is not a mere technical issue. It is symbolically representative, granting social status and maintaining the relation with the ancestors [6]. The residual social dimension becomes even more important as community traditions are still kept alive by the collective memory [14]. The commons are an important part of Romanian rural culture, they encourage community initiative and limits political corruption [38].

The members of the commons have pasturage rights over the land they own in common and are entitled to a share of firewood. Unlike most cases in other countries [7], commons membership can also assure financial benefits in Romania. The commons distribute the dividends resulting mainly from relinquishing logging rights and from the subsidies for pastures. Additionally, especially in the case of large organizations, there are also the funds obtained from tourism, ventures, berry and mushroom picking, and manufacturing [7,17,18].

The members of compossessorates seem to know how to protect and use their properties. In Transylvania 48% of the by-laws have a ceiling in terms of the rights that can be acquired by a given member, and such provisions are aimed at avoiding the creation of monopolies [16]. Economic activities are more efficient in the commons compared to agricultural associations and there are concerns for its growth, especially where it is very important for the well-being of its members [15]. According to Vameşu, Barna, and Opincaru [10], the "commons were by far the type of organizations with the highest rate of economic activity from all organizations in the social economy sector in Romania in 2000–2012" (p. 72). Concerning the sustainability of the commons, the same authors show that "the analysis shows that illegal logging is happening in public forests—owned/controlled by municipalities, and, very important, the proportion of wood being removed from the private forests (including commons) was smaller in Romania compared to EU total" [10] (p. 72).

### *2.7. The Romanian Commons Are Far from Flawless Functioning*

However, the smooth functioning of the commons is threatened in many ways. The pressure for intensive forest exploitation is on the increase [10]. Acquiring management plans from accredited companies is expensive for the commons. Similarly, the obligatory administration services provided under contract by forestry districts to the commons are also costly [16]. Additionally, logging can only be performed by specialized personnel and that adds up to the costs [7]. Expensive logging services and the delayed marking of the trees to be logged by forestry districts sometimes force commons' members to "steal" from their own property [16]. A national forestry focused on large scale management raises challenges for small commons. Most commons have benefits, but there are some of these which can barely survive and pay for the services provided by forestry districts [16].

Persuading councilors to accept changes in commons' by-laws and commons' members to accept sales to outsiders can lead to the acquisition of commons' land by corporations [7].

Being a member in a commons' council is not always a comfortable position. According to the commons' by-laws, general assemblies can be held if half plus one of the members entitled to vote are present. Hence, in the context of depopulation [7] and, as a result, of a system in which the right to membership is inherited and thus the power to make decisions belongs to the elderly who dominate the meetings, thus removing young people from the decision-making process [6], holding such general assembly's raise difficulties. The delocalization of rights (resulting from the heirs' situation and not necessarily from

the property or residence in the locality) also generates problems of participation in the assemblies and empowers members who are not involved in any way with the commons or with the forests to make decisions [6]. Sometimes, decisions made in the assemblies are contested or manipulated by various groups of interests [16].

The commons' members no longer log trees in their forests. The interactions that could have been generated by such actions, as well as the locals' relation with the forest are dwindling, while dividend distribution and converting benefits into financial gains is simple and handy. The presence of the financial gain affects members' representation of commons' value and contributes to increasing the importance of the financial benefits gained through membership in the commons [18]. The contemporary gap between the social dimension and the legal dimension characterizing the functioning of the commons makes the formulation of coherent and applicable forest policies difficult, allowing for interpretations and adjustments in favor of private interests [37].

### *2.8. Solutions to Improve the Social and Economic Performance of the Romanian Commons*

The studies on the commons in Romania contain suggestions to improve their functioning. Popa and Popa [37] view the necessity of imposing a sustainable logging regime as vital, that would mean spaced benefits and time for the forest to recover. Petrescu and Stănilă [15] show that the association of the commons' members with a network of similar organizations would facilitate their access to information on changes in the legal system, would represent the interests of the commons in their relationship with the state, and would also contribute to adopting new development ideas. Monica Vasile [7] highlights the usefulness of work meetings and experience exchange among members from different commons. Concerning the efficient conduct of general assemblies, the same author suggests organizing parties after such assemblies are held, sending members invitations to participate along with briefings on the activity of the commons and opening the assemblies to outside observers with acknowledged competences in the financial, administrative, mediation, and counselling fields. The author also indicates that encouraging dialogue among members, as well as democratic participation in discussions and decisions, working in common and involving the young in activities are solutions to improve the functioning of the commons. Other solutions in this respect are to increase the interest of the commons in sustainable development projects, to employ sustainable protection practices and make the members of the commons aware of their importance, and to consolidate people's identity as land owners. Welcoming members from the outside of the commons would be a useful source of new ideas, as well as a chance for the survival of the commons within communities under the risk of depopulation, but the members of the commons should be warned concerning the risk of accepting outsiders, as well as in relation with the interests of commercial companies towards their policies of managing the property within the commons. Monica Vasile [7,32] also emphasizes the significance of responsibly making commitments, along with the importance for the members of the commons to know their rights and benefits very well. Last but not the least, the members of the commons should also know that they can change their by-laws.

### *2.9. Local Communities, Commons and Protected Areas*

The attitude of the commons' members towards environmental threats is pretty relaxed. The forests and pastures they own seem rich, aridity and invasive species are not viewed as real threats, and nature preservation is rather a source of restrictions than assumed preoccupation [7]. On the other hand, from an ecological perspective, the commons in Romania are doing fine for the moment [7]. Members of the rural communities have always protected their resources and the latter's continuity [37], and the restitution of the commons' land gave them the possibility to participate in environmentally focused governing at local level [32]. The current Forestry Code encourages local self-governance and the consolidation of the legal power of commons' by-laws as a solution for limiting logging [18].

According to Monica Vasile [7], 25% of Romanian land territory is part of protected areas for various reasons. The relations between the administrators of these protected areas and the local communities are quite tense. Community members consider that their rights are not respected, that they have lost the right to make decisions about their own land and that their lives are affected. Preservation initiatives and their associated restrictions are perceived as governmental control by locals. The direct impact of the restrictions which they view as unjust and the lack of consultation between the administrators and them reduce locals' trust in such initiatives. Most commons' members view the inclusion of their lands in protected areas in negative terms and as an infringement of their way of life. That also results from an undifferentiated manner of enforcing restrictions which affects those communities applying good practices aimed at establishing an equilibrium between their preoccupations for sustainability and their concern for improving their welfare.

On the other hand, the administrators of protected areas view locals as greedy consumers, taking no interest in the environment and enjoying poaching and illegal logging. Such perception of local communities is shared by NGOs, as well. From such a perspective, it is simpler not to involve locals in environmental protection programs and to provide them with financial compensations [7].

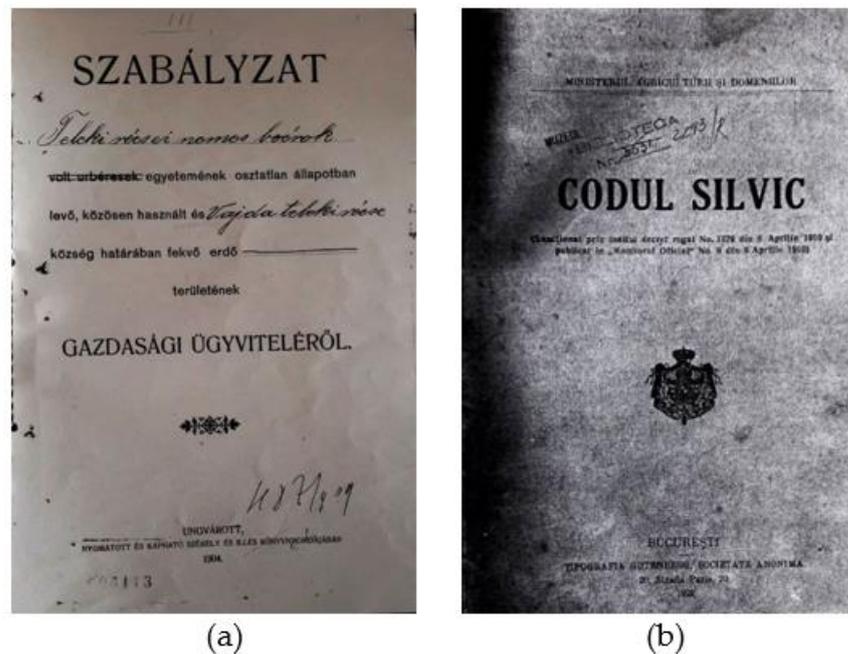
The specialized literature on the topic presents the differences between the representations of the commons' members, on the one hand, and those of the people supporting protected areas, on the other hand in relation with land management. The current study aims at approaching those differences as a problem ensuing from strategies and communication, while signaling the convergence of all stakeholders' interests as far as the sustainable development of the land under discussion is concerned. The aforementioned confluence depicts the commons as necessary partners in environmental protection-oriented projects.

### 3. Materials and Methods

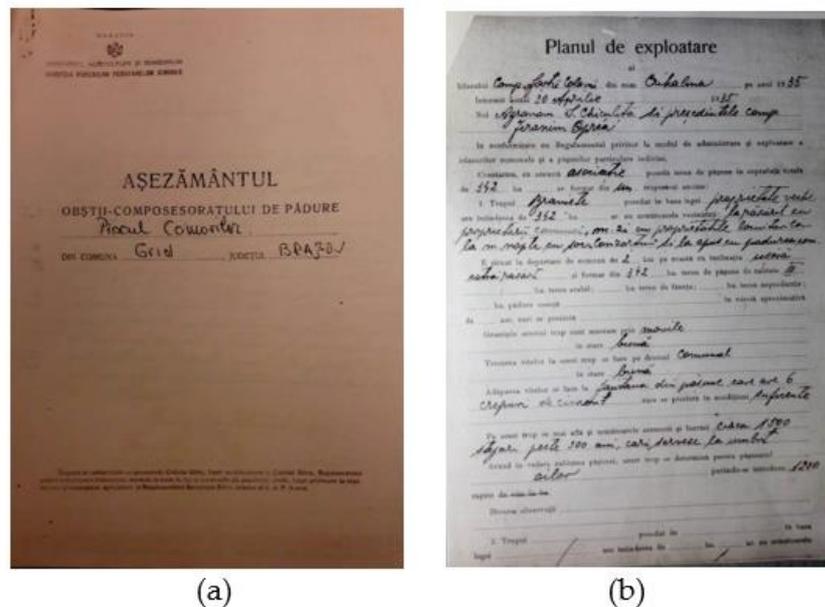
In order to identify the defining features of the Romanian commons we thematically analyzed 30 contemporary studies and articles on the topic of Romanian commons highlighted as representative for the topic under investigation by the databases made accessible through the Anelis+ program in March 2020. We opted for thematic analysis given the method's flexibility and independence from a pre-determined theoretical framework [39]. The main thematic categories ensuing from our analysis are presented in the Section 1, while also highlighting the content of those categories which underlines the sustainable nature of the Romanian commons.

In order to identify the relationship between the compossessorates in Făgăraș and FCC we relied on the content of the following websites: [www.nostrasilva.ro](http://www.nostrasilva.ro), accessed on 8 January 2022 and [www.carpathia.org](http://www.carpathia.org), accessed on 8 January 2022. The former belongs to the Nostra Silva federation that was established in order to protect the interests of the local owners of forests and pastures in the Făgărașului Mountains. The latter is the official website of FCC. We also employed references to FCC intentions made by central and local media.

In order to highlight the sustainable traditional orientation of the compossessorates from the Olt Land, we used the results ensuing from the content analysis conducted on the following documents considering them as social documents: a. the Regulation on the organization and functioning of the compossessorates in Transylvania during the Austro-Hungarian period (Figure 1a) [40]; b. the Romanian Forestry Code of 1910 which was also enforced in the province of Transylvania after the Great Union of 1918, i.e., the Union of Transylvania with the Kingdom of Romania (Figure 1b) [41]; c. a by-law dated 1943 and belonging to "Piscul Comorilor" ("The Peak of the Treasures" in English) compossessorate from Grid village (Figure 2a) [42] situated in the south east of the Olt Land; d. an exploitation plan dated 1935 for the compossessorate from Crihalma village (Figure 2b), situated in the far north east of the Olt Land.



**Figure 1.** Regulation of compossessorates activity dating back to the beginning of the XX century: (a) the Austro-Hungarian regulation of 1904; (b) the Romanian Forest Code of 1910, 1922 edition.



**Figure 2.** Documents of some compossessorates from Olt Land: (a) the cover of the by-law (the archaic name in the Romanian language: “Așezământul”, means Settlement) of the “Piscul Comorilor” (“The peak of the treasures” in English) Compossessorate in Grid; (b) the 1935 land exploitation plan of the “Crăița” (“Young Queen” in English) Compossessorate in Crihalma.

The categories used in the analysis and their indicators are: 1. Interest in preserving the property (indicators: regulations on the rights over the shares in the commons, regulations on the rights to sell the share/shares in commons, limitations on the number of shares that can be purchased by an individual member, banning the sales to outsiders); 2. Interest in preserving forest (indicators: regulations on forest cutting, organization of bids with legal counselling, banning forest cutting in certain areas, collaboration with forestry authorities); 3. Interest in afforestation (indicators: establishing nurseries, organizing afforestation related activities); 4. Community interest (indicators: regulating the distribution

of benefits among members, directing some of the benefits to the vulnerable members of the community, financial support for some infrastructure work, financial support for cultural, educational activities etc.). The current article presents a synthesis of the analysis results presented in a previous article [43] and highlights some other relevant contents found in the analyzed documents. The significance of the provisions referring to the protection, conservation or restoration of forests and pastures is highlighted below.

In order to underline the local relevance of the commons, the results of the main research project on the compossessorates conducted during the inter-war period in Olt Land were used. That project was authored by Vasile Caramelea, a member of the School of Sociology from Bucharest. The results of the aforementioned research were published in 1944 [44] and 1945 [45].

#### 4. Results

##### 4.1. Commons at the Foot of Făgăraș Mountains and Foundation Conservation Carpathia

The tense relations highlighted by contemporary studies on Romanian commons can also be identified in the case of the compossessorates in Olt Land. The latter have been in conflict with the Foundation Conservation Carpathia for several years. The latter is considered as the lead entity promoting the project of establishing the future “Făgăraș Mountains” National Park in an area in the Southern Carpathians covering the counties of Brașov, Sibiu, Argeș and Vâlcea. The foundation was established in 2009 and has been running actions aiming at reforestation, reintroduction of extinct species from the area, limitation of human intervention in the (almost) virgin forests situated on both sides of the Carpathians [46]. The goal of foundation leadership is for the park to be the “Yellowstone of Europe”. The actions undertaken by the foundation are needed because “modern life is putting under increasing pressure the area. Especially after the Romanian government started restituting land in 2004, the virgin forests were threatened by logging, overgrazing the alpine grasslands, a lack of good wildlife management, and destructive development projects under discussion” [47], as the website of the foundation mentions.

The project of establishing the park, as well as the supervision and the finalization of ecological reconstruction in the lands acquired by FCC are long-term endeavors. In this respect, the director of the Foundation underlines the following: “If the Romanian state decides that the Făgăraș Mountains are to become a national park complying with international standards in the field, then we donate the properties we hold in the area since we do not want them on long-term. We want to save them now and then make sure they go back to people” [48] and “The statute of the Foundation mentions that when a National Park meeting international standards in the field is established, we donate the forest to the state” [49] points out the FCC executive director.

Meanwhile, the foundation has established a biodiversity farm in a depopulated village on the bounds of Făgăraș Land, has also started a project on a food hub, organizes training meetings with local tourism entrepreneurs and employs locals in conducting forestry activities.

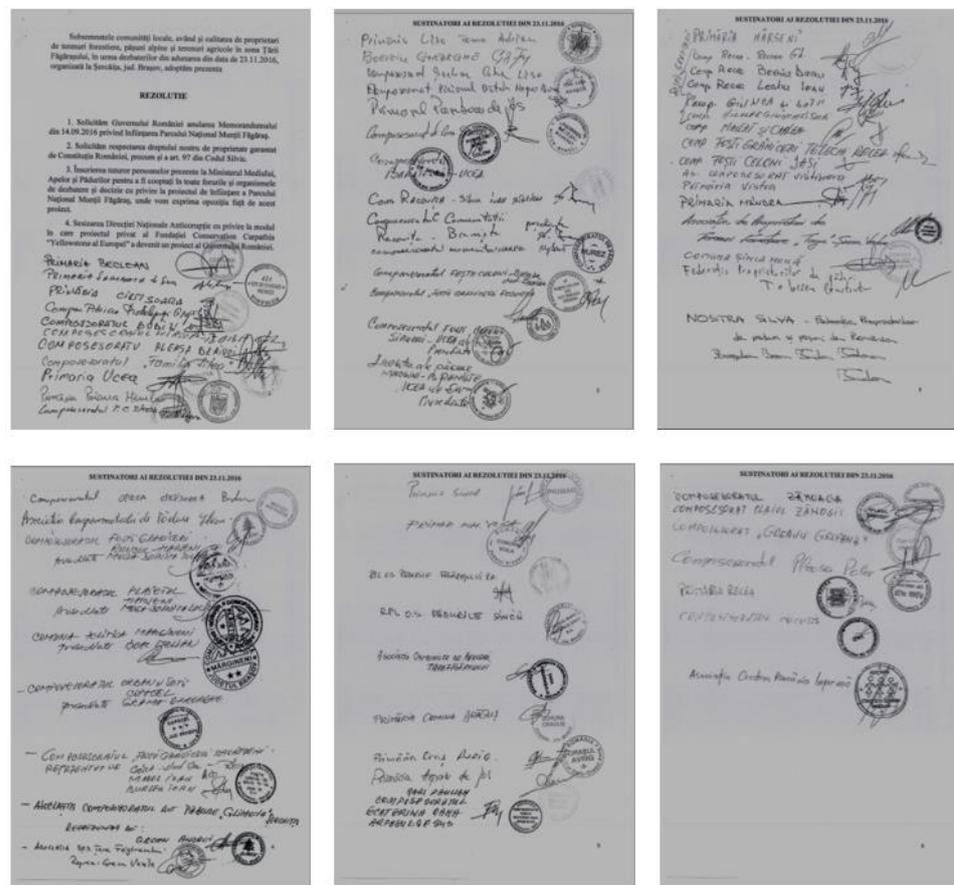
Creating a new national park would change the local economy and, in order to develop alternatives for the local communities, an intensive dialogue is necessary. We need to understand opinions, beliefs, and fears, together with the economic situation of these local communities in order to develop measures which are fit for the local conditions.

There are a lot of misperceptions about what a national park is and what kinds of restrictions come with it. There is a need for a widespread information campaign and we need to get people ready to benefit from our conservation enterprise programme.

“Our project will develop a stakeholder platform to give local people a voice, listen to their concerns, and give them the opportunity to participate in the process of developing a new national park. We will organise several local events to celebrate and highlight the natural wonders of the Făgăraș Mountains, organise exchange programmes with other protected areas, and school and volunteer programmes” [50] programmatically claim the FCC members on their site.

On the other hand, the members of the communes on the south slope of the mountains and the members of the compossessorates in the north, in Transylvania, do not regard the interventions of the FCC in the Făgăraș Mountains favorably.

They accuse FCC of having acquired land (i.e., 25,400 ha until now, according to the foundation’s website) coming from contestable restitutions, and also of having purchased shares in the commons by taking short-cuts to their by-laws, and of running manipulative propaganda concerning the local benefits generated through the foundation’s activities, and last but not the least that the organization aims at diminishing the locals’ decision-making power over their lands. In the autumn of 2016, the representatives of the compossessorates from Brasov County along with some of the mayors of the communes in the area signed a resolution by which they required the annulment of Memorandum for the establishment of the park [51]. The resolution and signatures of the representatives of the compossessorates and of the mayors of Olt Land are reproduced in Figure 3.



**Figure 3.** The resolution and signatures of the representatives of the compossessorates and of the mayors of Olt Land [51].

The meetings aimed at introducing the FCC project to the locals’ representatives were tense [52]. “The main point is that the fool is not he who buys, but the seller. What is more, they come to teach us how to preserve the area, how to protect our fauna, forests and so on, while they no longer have any of those and there’s plenty of that over here, and that does not mean we did not know how to manage them . . . let us take as an example Austria and let me explain what I mean by that: the by-laws of the compossessorates in Crihalma and other villages follow the Austrian model, which means that nobody except the owners can buy land, whereas the members can buy one from another, but none of them more than 5%; that shows how well they taught us to protect ourselves. Consequently, similarly to the Austrians who know how to protect their properties, we also try to protect our own property”, underlined one of the mayors from Făgăraș Land participating in one of the

meetings in 2019 [53]. “We, the mayors, do not agree with the establishment of this national park. We as mayors are transient, but the forest belongs to the villages and is everybody’s heritage. We cannot give away the forest for some park”, would point out another mayor in 2020 [54]. “I called the mayor in Cozia (a locality in the area where the FCC owns land, south of the mountains, o.n.) and asked him. Nobody can have cattle graze the land purchased by the foundation. We will ask the Government to pass a law on land sale to foreign citizens. The people working with the foundation look for gaps in the by-laws of compossessorates to buy even more land. I do not believe that is a solution for our mountains. Some compossessorates date back to 1700, and people knew how to preserve wild forests”, claims one of the forest owners during a press conference in 2019 [55].

The four years allocated for debates with all involved communities were insufficient [56] and the timeline was extended.

Local [57] and central [58,59] media had different perspectives on the FCC. Some journalists mentioned relations, interests, persuasion, and corruption. Others focused on conservation, virgin nature, control of forest exploitation, benefits for the locals in their reports. Leaving aside the reasons of all these aforementioned positions, which are not under the focus of this article, there is still an unnatural situation: both the foundation and the compossessorates view their actions as responsible and contributing to forest and mountainous pastures protection, while they are openly in opposition.

As in many other cases, truth is multi-faceted. Forest restitution in Romania was followed by a time period characterized by massive logging. In the context of a state uninterested in managing logging in the neighborhood of the already existing Piatra Craiului National Park [60], the FCC solution to buy all/as many forest plots as it could, reforest and preserve them can be viewed as rescuing. The current Romanian Minister of Environment made the following statement in 2021: “Ten-fifteen years ago there was massive clearing. The current wood control and traceability system no longer allows for such massive logging nowadays . . . There were many cases of illegal massive logging ten years ago, but nobody can afford to do that nowadays. Most definitely massive logging over large areas is no longer the case in the present. Nobody takes such risks any more . . . There were many cases of illegal logging on the border between Harghita and Bacău, as well as in the Făgăraș area. There were indeed such phenomena, but the current wood control and traceability system prevents such massive logging. This system makes the selling of illegally logged wood more difficult” [61]. Nonetheless, at the beginning of 2020, the European Commission announced the launch of an infringement procedure against the Romanian authorities for having failed to protect forests and prevent illegal logging in state owned and private forests in protected areas in the Făgăraș Mountains [62].

On the other hand, the FCC leadership and/or its advisors did not approach the challenges raised by the locals’ resistance very efficiently. Nostra Silva—the Federation of Pastures and Forests Owners from Romania representing the latter’s interests benefitted from several favorable court rulings against the FCC. Thus, the court forced the FCC to compensate the federation and its president for the moral damage caused by the slanderous information relayed by the FCC to the forest bodies, mayors and forest owners in the area of Făgăraș Mountains. The FCC’s goal in disseminating such information was to prevent from unfolding a meeting organized by Nostra Silva in 2016 on the opportunity of establishing a national park [63]. Contrariwise, the Court of Appeal from Brașov declined the request for moral damage compensations made by the FCC in relation with Nostra Silva, considering the articles and information on the actions of the FCC posted on the site of the federation as justified. The aforementioned items indicate the use of lobbyism in promoting the “European Yellowstone” project in front of the Romanian government, the hiring of some of the FCC former employees by the Ministry of Environment, Water and Forests, the purchase of land from the communes by taking shortcuts in relation with the latter’s selling rules in the case of those who are not their members, as well as the FCC’s disregard for the locals as possible partners. The Court of Appeal also rejected the FCC’s request to impose permanent censorship on information released by the press in

relation with the foundation's activities, viewing it as imbalanced and incompatible with the freedom of speech [64].

All of the above considered, it is obvious that there is an open conflict between the local owners and the FCC. Its cause seems to be the result of an inadequate approach to forest preservation from the very beginning. The state did not show any interest in purchasing the land for sale but it was happy that someone else was willing to preserve the forest. The locals allowed/facilitated aggressive logging in the areas they had been given back, but they also viewed as the normal course of action to make their own decisions as to what happened to their land. The FCC found that establishing a national park was the most efficient solution to preserve the forest. Nonetheless, it built its strategy without seriously engaging local land owners, and thus disregarding the traditional sustainable dimension of their commons.

#### *4.2. The Sustainable Tradition of Compossessorates in Olt Land*

During a field research conducted in 1939 as part of the campaigns run by the Sociological School of Bucharest, Vasile V. Caramelea identified 60 compossessorates in Olt Land, most of them having belonged to the boyars or to the former serfs [44,45].

The oldest boyars' compossessorates were established as a result of the beneficence of Wallachian rulers to the boyars in Transylvania. The latter, described as the "the real and good ones", established for the forests and pastures they had been granted the first forms of commonly owned property in their villages. In Olt Land, there was also another group of boyars, of lower prestige. They were former serfs who had been granted boyar positions by the princes and princesses of Transylvania as a reward for having faithfully served their landlords or in the military, or they had bought their noble titles [65]. In the case of boyars' compossessorates, property and voting rights were genealogically inherited and equaled the number of shares the ancestors had owned upon the establishment of the associative structure.

Former serfs' compossessorates were set up after serfdom was abolished in Transylvania. The Austrian state provided compensations for the former landlords of the serfs, while granting the latter property rights over their former masters' forests. The organization of compossessorates was initiated and supported by a number of legal documents. Law no. 10/1848 enforced the breakdown of forests for serfs from the nobles' forests. The Urbarial Patent of 1853 enshrined the serfs' complete and exclusive right of ownership of the forests they had been granted [20]. Law no. 31/1879 provided for the administration of serfs' forests as commonly owned and under the supervision of state forestry structures. Law no. 19/1898 started the internal organization of compossessorates and ruled the sustainable exploitation of forests. All those overlapped the customary law of village communities, according to Stahl [66], another sociologist from the team of the Sociological School of Bucharest. The rights of the members belonging to those compossessorates were equal and inherited by the males coming from serf families. Thus, the ties among the members were of social kinship and not genealogical. Common property is preserved and passed from one generation to another undivided [44].

There are two distinct legal systems guiding the functioning of the two dominant types of compossessorates from Făgăraș and they reflect different social relations. In the case of boyars' compossessorates, the commons are the property of some free people, membership is genealogically inherited, members' rights are unequal and members are entitled to a number of votes that equals their number of shares. As for the former serfs' compossessorates, the commons property comes from the division of the former masters' land, membership is the result of having been part of a serf community, members' rights are equal, and each member can only throw a vote. Each of these legal systems capitalize on rules and practices characteristic for local customary law. The Austro-Hungarian administration integrated customary provisions in a Regulation (known as *Szabalyzat* in Hungarian language and dated 1904) aimed at organizing compossessorates and managing their common property [43,67].

The Regulation was gradually introduced in Transylvania and entitled the assembly of compossessorates' co-owners to change their own by-laws, validate the compossessorate development strategy and annual activity plans, guarantee the constructive exploitation of forests, balance income and expenditures, and supervise the tasks attributed to the people elected to that end [40]. The council of the elected consisting of a president, a forest administrator, a notary, a treasurer, and five members was the executive authority of a compossessorate.

According to the Regulation, the forest exploitation plan has to detail the way of using all forest and pastures products (i.e., wood, grass, hay, seeds, mushrooms, and berries). The compossessorates had their own nursery gardens and seed collection (especially oak, beech, and maple seeds) was an important activity contributing to the afforestation of cutting areas. The surplus of wood resulting after community needs were met could be sold through auctions in a manner that guaranteed the rational exploitation of auctioned areas [40].

Nonetheless, the preoccupation for preserving the forest was not imposed via the Regulation. It dated back to customary practices of managing common property. The by-law of the compossessorate in Grid, legally established in 1894, refers to a previous decision made by the "elders": "Until 1858 the whole forest was exploited in a meaningless and free manner, everybody cutting as they willed and could. In 1858, the elders took notice of the destruction and realizing their descendants would no longer benefit from the forest decided to establish an area where cutting would be done by rules. And they implemented the decision they made" [42] (p. 3). The paragraph shows the capacity of the community to stop its counter-productive behavior. It also highlights the elders' authority in the community and, especially, their sustainable manner of regarding the forest as a resource to be preserved for their descendants.

After Transylvania united with Romania at the end of First World War (WWI), Romania's Forestry Code of 1910 was also applied in the province, while the Austro-Hungarian laws and regulations were rescinded [68]. The compossessorates in the Olt Land rewrote their by-laws both legally and from the forestry perspective. They were encouraged to renounce with terminology such as "boyars" and "former serfs" which was viewed as reminiscent of old ad rigid social inequalities [69]. However, customary sustainable practices have also found their place in the new regulations.

The assembly of compossessorates' members, which played the role of a decision-making structure, ruled in relation with the plan for the exploitation of wood and the afforestation strategy. The assemblies were headed by the local judge who guaranteed that the decisions made were balanced and in accordance with the provisions of the Forestry Code and of the by-laws. Between the general assemblies the proper functioning of the compossessorates was ensured by the Administration Council whose main responsibilities were the administration and preservation of the forest fund, establishing the exploitation and renting conditions for the land, observance of forest arrangements, establishing the quotas allocated to co-owners, and ensuring forest guarding and protection.

The Forestry Code [41] and the by-laws aligned to it rigorously provide for forest and pasture exploitation, which is a tell-tale sign of preoccupations for compossessorates' sustainable development. Pasture exploitation was in agreement with pastoral arrangements and exploitation plan, documents which were elaborated by forestry authorities. Their provisions were obligatory, placed restrictions based on the maturity of forest stand and forbade grazing in protected forest areas. Forest renting was possible only through public auctions and with the approval of forestry authorities. Forest exploitation could be undertaken based on a forestry arrangement specifying the adequate measures for the restoration, improvement, protection, and capitalization on compossessorate forest.

The volume of wood annually exploited covered the fuel and construction needs of compossessorate members and, additionally, could provide some income for them. According to the inter-war by-law of the compossessorate in Grid [42] wood was distributed among members based on their needs and not in accordance with their rights. Those holding more rights were compensated from the surplus. The wood compossessorate members

received for their own use could not be sold. Auctions for surplus wood were organized and winners were contractually bound to ensure the guarding of forest exploitation and employ forestry workers from within local communities on a preferential basis [42]. The general assembly of compossessorate members could grant gratuities or price discounts for the wood distributed to those members who had had higher losses throughout the year, to the disabled, widows, and orphans.

The by-law of the compossessorate in Grid establishes the existence of (at least) a forest nursery “where the seedlings necessary for the afforestation of blank areas, incompletely regenerated forest stands, degraded land and for the improvement of stands with valuable tree species (oak, maple, ash, elm, spruce etc.) are grown” [42] (p. 24).

The 1935 exploitation plan of a former serfs’ compossessorate from Crihalma refers to a forest called Braniște, mentioning it as an old property consisting of “approximately 1500 oak trees older than 300 years serving for shading”. The last part of the reference in the document agrees with the dictionary meaning of the Romanian common noun *braniște* which means protected forest where cuts are forbidden. Even the existence of the term signals the preoccupation for the sustainable management of forests from very old times. The name of the forest in Crihalma, and the explicit observation that the oaks “serve for shading” show an old and natural concern for maintaining the forest fund.

## 5. Discussion

### 5.1. The Compossessorates in the Olt Land as Eligible Partners for Environmentally Oriented Projects

The traditional and sustainable orientation of the compossessorates from Olt Land is visible in the dependency created between the decision-making power (which was granted based on the number of votes) and the surface compossessorate members owned, the forbiddance of selling members’ rights, the careful balance between income and expenditures, the support for the local workforce, the mandatory collaboration with forestry authorities, the provisions concerning the constructive exploitation of forests and pastures, the detailed rules for organizing auctions, the prohibition of grazing in protected forests, the nurseries, and the support granted to community members in need.

The compossessorates of Olt Land have thus a long and sustainable tradition in managing forests and pastures. The existence of such a tradition perpetuated by the by-laws of contemporary compossessorates [43], justifies and should drive further support for a partnership between FCC and the compossessorates.

Monica Vasile [7] suggests that the Romanian commons should be considered Indigenous Community Conserved Area (ICCA), namely “natural and modified ecosystems, including significant biodiversity, ecological services and cultural values, voluntarily conserved by indigenous peoples and local and mobile communities through customary laws or other effective means” [70] (p. XV), and hence extra attention should be paid to the role of indigenous custodians [71]. The concept of ICCA is not known, used or formally acknowledged in Romania. However, the forests and pastures owned by the communities could be considered such areas, according to Vasile [7]. The autonomy of the commons and their democratic functioning [12], the legal status of the commons as NGOs in Romania and their by-laws guaranteeing their democratic management along with a healthy manner of using their land [18], are additional reasons to view them as partners in environmentally oriented projects. National legal provisions on the obligation of the commons to resort to specialized services (i.e., a forestry district) in order to manage their lands, the EU regulations on the need to have management plans developed by accredited firms for privately owned forests further contribute to sustaining their case. These features of the commons are mentioned in the Section 2 (Romanian Commons. Main features) of this article.

Compossessorates have other advantages, too. One of them is their social potential, as a Romanian form of commons, another lies in the economic efficiency of the compossessorates. Section 2 of the article refers to those, as well. The existence of the commons influences the whole community. A part of the income made by the commons is used for

the benefit of the communities. The compossessorates have moral and material power in communities, are well-organized and function by respecting the established rules by demonstrating community spirit. Commons means for locals' dignity, valuing the past and community membership [72]. Their development generates social, material, cultural and environmental benefit for communities [16]. Last but not the least, the members of the commons are capable to protect their forests from illegal cuts and excessive exploitation [10].

All of the above are arguments in favor of viewing the compossessorates as eligible partners for the FCC and the latter's efforts towards preserving the forests in Făgăraș Mountains. That is all the more important since the activity of compossessorates can be improved.

The solutions to improve the functioning of the Romanian commons identified while conducting the thematic analysis of specialized literature are presented in the Section 2 of the article. Some of the solutions, such as employment opportunities for young people in rural areas, improved communication strategies, establishing common goals for the locals, and establishing associations of several commons resemble those proposed by Bastida [5] for Galicia. They also reflect some similar local features such as the aging rural population and the migration of the workforce.

Concerning the Romanian commons, the measures to improve their functioning can be made more efficient [43] by: establishing the legal statute of the commons as distinct from that of other non-profit organizations and in accordance with the references made to the commons in the current Forestry Code; focusing on the history and sustainable functioning of the commons as topics covered by the ecologically-orientated disciplines from the pre-university school curriculum and/or as optional disciplines taught in the schools in Olt Land; establishing collaboration relations between compossessorates and schools in order to develop educational projects targeting both the local history and the sustainable tradition of the commons in the context of nowadays' trend in the Romanian educational system in project-oriented learning [73] and, implicitly, in encouraging students to use the Internet to conduct their research [74,75]; establishing mutually advantageous collaboration relations between compossessorates and specialized faculties (e.g., the Faculty of Silviculture and Forest Engineering from Transylvania University of Braşov) allowing students to conduct their field practice and facilitating the commons' access to counselling from forestry experts; using the Internet to adequately promote the image of compossessorates in accordance with their members' sustainable perspective; support of NGOs to the functioning of compossessorates.

Compossessorates as associative structures whose neglect generates losses for environmentally oriented projects (or whose disregard affects the efficiency of initiatives aimed at protecting forests).

The arguments in favor of taking compossessorates as partners in environmentally oriented projects are seconded by several other reasons which show that when initiating such projects, it is advisable not to ignore the compossessorates.

The concept of property employed by the Romanian legislators in relation with the lands of the commons is a protectionist and collectivist-nationalist one [76]. As such, it keeps the land outside the estate market, protecting it from the interests of international logging companies [5]. The inalienability of property is a particular feature of Romanian legislation in the field, which thus opposes the neo-liberal individualistic tendencies manifest at European level [5,18].

Section 2 of this article presents the difficulties of land restitution process in Romania, as well as those related to re-establishing the commons. Their members were very tenacious in order to succeed and that incurred recovering land ownership deeds (which sometimes were only available in the archives of the former Austro-Hungarian Empire [18], countering manipulation attempts, overcoming ambiguous legislation, or filing lawsuits against mayor halls. The locals who managed to restore the commons and make them work had the motivation to protect their restituted property and the right to decide upon its use. They

are also very attentive and overly sensitive when it comes to any attack against their property rights.

The by-laws represent for the members of the commons their relationship with their past before the Communist Party came to power, as well as their connection with their traditional communities. As already showed in the first part of the article, the by-laws have a “near mystical authority” [32]. The importance associated to property rights in Romania after the fall of Communism should not be underestimated, especially in the case of the people dwelling at the foot of the Făgăraș Mountains. Consequently, the subchapter to follow focuses on the historical reasons underlying the, particular, aforementioned feature by discussing the Olt Land in particular.

### *5.2. The Importance of Property Rights in Olt Land*

The Olt Land is known for the powerful anti-Communist resistance movement organized in the Făgăraș Mountains in the middle of the last century. The, particular, geographical configuration of Olt Land supported the locals to develop their own customs and traditions [77]. The locals are descendants of many generations who have undergone changes in the political and administrative status of the area and successively found themselves under the rule of local leaders, of Hungarian royalty, of rulers from Wallachia, of Universitas Saxonum, as well as of the Austro-Hungarian Empire until Transylvania united with Romania after WWI [78].

The repeated invasions of the Tatars [79], the punishing incursions organized by Vlad Țepeș, ruler of Wallachia [80], and the campaign ordered by the Empress Maria Theresa to impose Catholicism made the locals even stronger [81], and consolidated their sense of ownership over their mobile goods and property. The anti-Communist resistance movement organized in the area was also powerfully driven by the locals’ rejection of agricultural collectivization following the Soviet model [82].

On the northern side of the Făgăraș Mountains, the Făgăraș Carpathian Group was organized and led by Ion Gavrilă Ogoranu. The core of the group consisted of students or undergraduates who knew one another since their high school days when they had attended “Radu Negru” high school in Făgăraș. They were locals and familiar with the mountains where they had spent their childhood. Some of them had fought during the war, other had graduated from military schools. The group members were renowned for their shooting skills—they were even better than the soldiers employed by the Securitate (Romanian for Security, the repressive entity of the communist regime) troops. They managed to stall many of the repressive actions of the Securitate. Consequently, their names became legendary and their fame huge compared to the rather small number of group members.

Starting with 1952 the Securitate considered the Făgăraș Carpathian Group as the most dangerous resistance movement—even more dangerous than the Outlaws of Muscel, also known as the Arsenescu-Arnăuțoiu group of former professional military officers conducting its activities on the southern side of the mountain [83]. The group was disbanded in 1956. Ion Gavrilă Ogoranu was only arrested in 1976.

The fighters in the mountains benefitted from the wide and impressive support of the rural communities at the foot of the mountain who provided them with food, medication, medical assistance, information, or hosted them if necessary [81,83]. The locals suffered repercussions because of the support they granted. Many of the members of support networks were arrested, investigated, tortured, imprisoned, or sentenced to death. The estimated number of families persecuted under the suspicion of having helped the fighters was greater than 1000 [83,84]. The memory of the resistance movement is still live within the communities at the foot of Făgăraș Mountains. It continues the long experience of the locals in fighting for the protection of their land.

When overlaying the perspective above on practices such as forest leasing and resorting to commons as tools of social entrepreneurship, all of which are solutions suggested to

manage the commons forests in Galicia [5], it becomes obvious that the latter do not match very well in the case of the compossessorates from Făgăraș area.

### *5.3. Sustainable Orientations in Disagreement with the Forests and Pastures in the Olt Land*

The attempts of the Foundation Conservation Carpathia to interfere with the management of the commons located in the areas where the two most powerful anti-Communist resistance movements activated, along with a complicated and cumbersome restitution process begun after the fall of Communism and aimed at repairing past wrongdoing, show the underestimating the importance placed by the locals on their property and on their right to decide how to capitalize on it. The people from Făgăraș area have a long experience in fighting for the protection of their land. The opposition they put up against collectivization makes them very proud. Any attempts at constraining their rights of using their own land would generate resistance.

The FCC touched a nerve in this respect. It did not take too long to move from a speech focused on “The foreigners shall not tell us what to do in our own home with our land” to the idea that the national park would lead to the slow destruction of local communities. Thus, any possible collaboration and communication were blocked before they even started. Additionally, on the southern side of Făgăraș Mountains where the Foundation Conservation Carpathia controls the use of acquired land (in the Rucăr commune area) there are signs of imbalance in local economy: the farmers are restricted from using alpine pastures, the locals have their access to their own land plot restricted, picking berries and mushrooms—which is an important activity for income generation in the case of the poor Roma people in the area, is also restricted [85].

What is there to do within the given context? One solution would consist in declaring the wild forest in Făgăraș Mountains a national park as soon as possible along with the state taking over and managing the needs and requests of all land owners (FCC, compossessorates, town halls, and individual owners) in the park area and in the areas in the latter’s neighborhood. The aforementioned solution stands little chance to be put into practice considering the current position of the state on forest preservation. However, it is worth supporting it considering that according to the FCC’s status, when the park functions in accordance with international standards the foundation will donate the land it owns in the park to the state.

Another solution is to reset the relationship between the FCC and the commons in the Făgăraș Mountains area. That means opening communication channels and building a relation based on real partnership focused on the preservation of forests and alpine pastures. Such partnership means acknowledging all previous errors in approaching the situation, partners declaring all their interests and fears, as well as mutual acknowledgment as partnership members entitled to decision-making. The partners are/view themselves equally interested in the sustainable management of the resources in the Olt Land. Such a partnership would capitalize on the sustainable tradition of the compossessorates in Făgăraș area. The solution above is more adequate for the current situation.

It is to everyone’s benefit to open the communication between the FCC members and those of the compossessorates in Olt Land. Managing tensions would enable their partnership. A large project on forest preservation stands by far more chances to succeed if it is accomplished in collaboration with the local owners of land and not despite them.

The rich biodiversity of the area can be explained as the result of traditional old practices in land exploitation. Local communities have a historic role to play in making forests look as impressive as they do nowadays, and the EU is pursuing a policy of lending to traditional land use practices [85] and of encouraging owners of small forest lots to become involved in the sustainable management of their forests [5].

### *5.4. Research Limitations*

The disagreements between the good intentions of the locals and of the sustainably orientated NGOs may characterize other areas in the world, as well, where the latter

conduct their activities. The current study only focuses on discussing the FCC relationship with the compossessorates in the Olt Land and does not focus on the activities conducted by other environmentally concerned NGOs, which is one of the research limitations. In the same context, another limitation is that the paper does not highlight the relationships between the Romanian commons and other forms of commons from Europe. The latter, as presented by other paper [4,5], seem to come from a common ancient natural form that adapted to the various historical contexts. It would have been useful to highlight the aforementioned common roots in order to sustain the sustainable and traditional dimension of the commons. Furthermore, from a methodological perspective, the presentation of the relationship between FCC and the representatives of the commons in Făgăraș is based on available documents, and that could also be considered a limitation of our research. Interviews with the parties involved in the conflict would have clarified and further supported the presentation of the conflict and its discussion.

## 6. Conclusions

Thus, the compossessorates in the Olt Land are Romanian commons and have a secular history. Considering the restitutions made after the fall of the Communist regime in Romania and a favorable legal framework, the compossessorates have a sustainable orientation, social potential, and economic efficiency. The support for their functioning converges with the local inherited attitude towards property rights, as well as with the European policy of giving credit to traditional practices of land use.

The article highlights the features of the Romanian commons that the contemporary literature of the topic discusses, and presents the traditional sustainable orientation of the legislation on compossessorates and the by-laws of these commons. The article also shows the tensions developed in the relationship between the representatives of the commons and the FCC.

The role of the compossessorates within local economy has important community, identity, and historical stakes. As a result of that, their members are interested in consolidating it. The difference of approach between them and the supporters of the minimum anthropic intervention in relation with the sustainable future of the forests in the Făgăraș Mountains is one of the cases in which good intentions run counter one another.

Each of the two approaches is logical, has its own relevance and is justifiable. It is all about the emic/ethical distinction of anthropologists. Additionally, it is also about the confrontation between a traditional approach to land to be found until late modernity and a postmodern approach, which, in its turn, may be also declining during nowadays' transmodernity [86]. It is efficient the two approaches to work together, namely to support the functioning of compossessorates as commons with already proven sustainable potential. The NGOs would greatly capitalize on their competences if they contributed to making the commons efficient. There is room for improvement in the functioning of the compossessorates in the Făgăraș area. It is to the advantage of all actors involved to correctly take into account the sustainable dimension of the traditional local practices on relationship with the environment and, consequently, to use the skills of NGOs to enhance these traditional practices.

The current study presents the tensions between one type of commons represented by the compossessorates in the Olt Land and environmentally oriented NGO (i.e., FCC) ensuing from a mutually flawed understanding of values, intentions, and interests. Its approach shows the inherent conflict underlying any relation between the representatives of the commons and the supporters of initiatives targeting locals' property rights over the commons land and coming from outside local communities. The relationship can evolve into a conflict despite the convergence of the involved parties' interests to sustainably manage the land. The conflict is the result of communication flops. In this context, the article indicates to possible venues for addressing the matter: a) employing adequate strategies and instruments to have the parties know one another, and b) viewing commons as entitled useful partners in any sustainability oriented project targeting their communities.

Elaborating a guide of good practices to support the relationship between the commons and the NGOs involved in natural environment conservation/recovery initiatives could prove a useful approach and is a future inciting research venue. In this respect, the usefulness of the guide could be enhanced by approaching the features of the commons from various parts of Europe from a comparison and contrast perspective, as well as by underlining the common customary under layer of those.

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