

# Countryside Contracts

(rev)

## A Voluntary Market Mechanism Through Which The Many May Join The Few

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(A version of this article appears at [www.ruralfutures.org](http://www.ruralfutures.org), and it has formed the basis of a submission to the Policy Commission on the Future of Food and Farming chaired by Don Curry)

### Crisis as Normal in Rural Affairs

Foot and mouth has dropped from the headlines, and the bluster of the Countryside Alliance is but a distant echo. ‘Rural crisis’ is chronic but no longer urgent. So as the government gathers proposals<sup>i</sup> on the future of the countryside, there is a real danger that a typical Whitehall-formula will be adopted. This will change a few names and plot a course between the wishes of the various lobbies, probably, tilting towards bird watchers rather than hunt followers, before finally docking somewhere between the organic and sliced white loaves in Sainsburys.

I believe it’s a time for a more fundamental shift in approach. A ‘break with the present’ not just the past. I suspect many other readers of these pages will agree – and although you may not share my views, there are good reasons to press for an active new policy rather than aiming for policy drift.

I have argued<sup>ii</sup> that the global objective for UK ‘countryside’ policy should no longer be to preserve ‘rural-ness’ but to increase ecological quality. Indeed there are compelling reasons to scrap the rural-urban dichotomy as an organising political idea altogether. It is an intellectual fantasy and a social canker that should be consigned to the compost heap. But as well as adopting a new global *objective* for policy, we also need to change *how* we run the countryside, if we are to achieve a new equilibrium that works.

This paper floats the concept of countryside contracts. It leaves many questions unanswered, and is intended simply to stimulate discussion and hopefully produce a tenable model to be tested.

### Changing How We Run The Countryside

Just as the old objective is out-dated, so the old institutions and processes that determine 'rural' matters come from an era when the countryside – indeed the environment - was the active concern of the few, not the many. Today that is not politically just, and it is not acceptable. The remarkable political failure of the Countryside Alliance was not appreciating that being a minority in effective control of a common asset did not make them a suppressed minority so much as an over-privileged one.

Unless that failure of natural justice is remedied, the democratic deficit will continue to bedevil food, agriculture and environment policy with conflict, bitterness and frustrations. It is even in the interest of the 'rural lobby' to find a transparent, open and honest way to show that those managing the countryside have the support of the rest of the nation. Acquiring and demonstrating such support will be a requirement for continued tenure as managers. My suggestion is to look to the market – or at least a market dimension, to help bring about an equitable and acceptable transition from a countryside in the control of very few, to a countryside controlled by very many.

### **Changing Control of Land Use**

We need to change and broaden control of land-use, so it is more equally shared in proportion to the political will and social needs of the nation. This doesn't necessarily mean that the present managers have to go – only that they need a real mandate and programme.

Control of land use is all important because it is land-use that largely determines whether species and natural communities survive, whether rivers and groundwater are polluted, what type of farm and food practices are run, whether earthworks and historical features persist, what the local energy economy is, and who has access to which resources.

In the past the traditional method of changing land use control was simply to sell, buy or rent land, and before that, to take it by force. On all sides, many of today's more entertaining attitudes to 'rural' matters are simply echoes of those halcyon days. In the good old days rural policy differences were resolved and agricultural competitiveness ensured by such traditional means as forced evictions, clearances, enclosure, assarting, man-traps, cattle raids, sacking, burning, revolts, riots and beheadings. Not forgetting of course, invasions, local warfare and handing out land and titles for sexual favours at Court. In the 20<sup>th</sup> Century we had planning for towns, subsidies for farms and back-handers from those pouring concrete near motorway intersections.

In recent decades some, myself included, have argued for more restrictions over what those controlling land (and especially forest or agricultural land) can do with it<sup>iii</sup>. Others have argued, again including myself, for more development permission on farmland, in my case providing it leads to net ecological gain.

Lobbyists and institutions are deeply entrenched around such issues with the result that policies and practices move exceedingly slowly, and in many cases not at all. More entrepreneurial types tend to be driven from the 'rural' arena into brownfields, developments with no land-use implications, abroad, or under camouflage (for example 'electronic cottages' hidden within old pigsties). Innovation has been scarce, and the 'countryside' policy community is conservative.

The failure to match supply and demand is illustrated in part by such things as the proportion of organic food that has to be imported<sup>iv</sup> (up 70 to 75% from 1999 – 2000), and over-crowding at popular RSPB 'bird farm' style reserves such as Titchwell and Minsmere. More adventurous schemes such as the National Trust's expansion of Wicken Fen are welcome but need to be scaled up by several orders of magnitude<sup>v</sup>. The plan is to increase Wicken Fen more than tenfold but even then it will still be only about 0.1% of the fenlands that existed before the great C17th drainage projects<sup>vi</sup>.

In my view the countryside policy makers need to be much more radical and far more pro-active. They may be hanging out for the default outcome of the present Whitehall policy-fest - not much change – but that won't be the end of the matter. In the absence of policy-led change there will be still be considerable change. Outside the efforts of the conservation groups it will be mostly driven 'blindly': by globalisation, by technology, by climate-change, by demography, by tourism, and by lifestyle aspirations – all expressed through market forces.

The natural 'unguided' outcome is probably the gradual conversion of 'rural' areas to non-farmland uses, both because the functional link between large-scale land-use and food production will diminish, and more importantly, because land will be culturally and socially more valuable for other purposes.

Many people will not need to live in existing cities but will want to change them, and to create new communities. An increasing number will be able to afford to buy 'rural' land and change it. With a large

population employed in a service-economy on a small island, the natural economic use of land is as various types of gardens, not cereal fields.

Ecologically C20th suburbanisation proved to be a ‘good thing’ relative to agricultural industrialisation. But policy-drift development will not necessarily prove so benign. Now we need positive development of land – we can’t rely on incidental outcomes such as ancient meadows being preserved amidst new housing in ‘captive countryside’, as there are very few such habitats left, land values are so high that developments are more closely packed and modern landscaping is far more drastic.

If the opportunity to take part in countryside development is limited mainly by price and a very limited supply, then we are more likely to see a rash of millionaires’ gardens and theme parks, than widespread habitat creation projects. Whether you are a farmer or grower who wants to see more people ‘working the soil’ or an environmental modernist who wants to see a clean and ecologically richer environment, then changing how we run the countryside is a political necessity. Central to that is allowing a lot more people to become directly involved in determining how large areas of the countryside operate.

### **Why Contracts ? And What Could Contracts Be Like ?**

The public wants different farm systems, cleaner streams and groundwater, more wildlife, more organic food, more renewable energy.

Most farmers and landowners say they’d like to provide these but ... The ‘buts’ can include access to markets, the right price, the right terms, capital to convert to organic, and so on. There are many creditable attempts to bring the land and the people into closer synchrony. For some it succeeds – often where a large landowner has substantial assets and can provide entertainment, accommodation, food, recreation and marketing. Yet for most the overall system remains exceedingly slow and frustration is high on all sides. The system is unresponsive, paralysed by the grip of lobbies stuck in the past, and many farmers feel at the end of their tether, unable to connect with the public in a gainful, mutually rewarding way .

I may be naive but I see contracts as a simple way to connect much more directly, and productively. Contracts can specify inputs, and outputs. They can focus on ends – about which there may be agreement - rather than means, about which there are plenty of disagreements. Or put it another way, the *means* are often highly charged, emotionally, culturally, socially and politically. The *ends* can be stated more objectively, and

negotiated over more easily. At least the owners/managers/providers and the ‘public’ customers may be able to discuss terms more easily.

I believe there are illuminating examples from the world of business and technology. In their book *Natural Capitalism*<sup>vii</sup>, beyond-efficiency gurus Paul Hawken and Amory and Hunter Lovins devote a chapter to ‘Muda, Service and Flow’. Muda is waste – a can of cola can be 99.96 waste in terms of time and energy (and would be better produced in a lower tech way nearer to the point of consumption). But it is service that concerns us here.

Many businesses provide a match between providers and services which is at best weak and inefficient. As Hawken et al point out, air conditioning customers ‘don’t want what an air conditioning system *is*; they only want what it does’. Car manufacturers are not in the business of transportation – they are in the business of selling cars. Yet for most purchasers the car is bought not in order to own a car but to get transportation.

Quite often this can lead to a conflict of interest between the producer and the consumer. A classic example is electricity production. Where the consumer is in the grip of a monopoly, the consumer may want cheap (preferably free) warmth, whereas the producer wants to sell as much electricity as possible. One favours efficiency, the other, waste. The now conventional reform of this situation is to convert from selling product, to selling service. Warmth (like the long established French *chauffagistes* – described in *Natural Capital*), or ‘coolth’, transport not vehicles, and so on. Often this is best expressed via leasing rather than purchase, and in contracts to supply services not product. Solvents for example are often toxic, and some manufacturers now lease their solvents (eg for degreasing) and take them back, clean and re-lease them – the user never owns them, only the service they provide. In such circumstances both parties have an interest in avoiding any waste (and hence pollution).

This contract- and service-based approach has yet to make much headway in rural and countryside matters but the potential may be huge. It is fairly obvious that the current conventional farm-business fails to connect with the social market for what its bit of the countryside produces (or what is wanted). Attempting to negotiate a contract which is for food and then also air, water, butterflies, copses, walks and hedges, when actually dealing only in sheep meat or sugar beet, is unlikely to be successful.

New forms of social and ecological contracts might help therefore solve ‘countryside problems’ by negotiating what land provides, and what the inputs are.

We could develop a system of contracts between – to use the cliché - town and country. Except it is unlikely to be simply ‘town and country’. Rather, contracts between people who own and or manage land, and those who might like to take a determining stake in how it is run and what it produces. Such social ecological contracts could involve the public much more directly. They could help redistribute rights and responsibilities in a way acceptable to all sides.

In such a system twenty farmers and landowners in say the fens or a Herefordshire valley or on a stretch of the Pennines might join together and make a contract with say 1,000 or 10,000 people across the UK (by e mail etc) or, say, the residents of Nottingham, to run their land for maybe 100 years or 50 years, in a particular way. The particularities might specify numbers of breeding birds, water quality in streams, trees promoted from hedgerows, access for picnics, hay rather than silage – and so on.

The parties to the contract would in effect be shareholders and get certain rights and benefits. These might include food, access and control, exercised through various consultation and decision-making processes. They would share risk by providing finance up front.

In other words, it is another way to connect the will to finance conservation with the means to do it. By including all activities on the land in the management agreement or plan – from types of crops to chemicals used and waste disposal or treatment processes etc – then all environmental impacts originating on-site could be determined. Only influences originating off-site, such as from traffic or air shed pollution or upstream rivers, would be beyond local control.

What would the managing landowners or tenants get in return ? Firstly, a wage and or other income streams set at a level they agreed to before entering the scheme, and renegotiated via mechanisms which they had also agreed to. Secondly, reduced risk. Thirdly, a new political constituency.

In this theoretical description the idea sounds rather like a social contract. A social contract has been described<sup>viii</sup> thus: *‘The imaginary device through which equally imaginary individuals, living in solitude (or,*

*perhaps, in nuclear families), without government, without a stable division of labour or dependable exchange relations, without parties, leagues, congregations, assemblies, or associations of any sort, come together to form a society, accepting obligations of some minimal kind to one another and immediately or very soon thereafter binding themselves to a political sovereign who can enforce those obligations. The contract is a philosophical fiction developed by early modern theorists to show how political obligation rests on individual consent*'. According to the encyclopaedia, C18th political philosophers Thomas Hobbes, John Locke, John Rawls and Jean-Jacques Rousseau all contributed to the idea.<sup>ix</sup>

When tyranny and anarchy aren't your top concerns, then most individuals won't want to make an *individual* contract. To be practical, some sort of agency would be necessary to make a contracts scheme convenient to use.

It seems to me that there are already quite a few professionals who could be involved – and, just as estate agents were only too pleased to 'band' houses for the Council Tax – it could help fast-track the system. Land agents and estate agents, farm co-operatives and other management systems for example those working to common management objectives in The Broads<sup>x</sup>, are all well-established entities. They might play a role as brokers.

The system could be institutionally lean and it could use new technology to enable participation or 'pitching' with low transaction costs. Local authorities or a central government agency might use the internet – or – commission an internet service provider plus say a NGO for quality and trust purposes - to recruit the shareholders or stakeholders into the process. The 'net has numerous group-buying schemes which make use of these qualities to enable groups of people to come together painlessly, to profit from joint transactions<sup>xi</sup> - buying anything from CDs to heavy construction materials. More localised and specialised use of the internet would fit with the governments ambitions to put the UK 'online'.

An interesting experiment in use of the internet for a wide consultation on landscape and conservation issues was WOW – Way Out West – run by Lancaster University in West Cumbria<sup>xii</sup>. This study examined public understanding and perception of the landscape and character areas using the joint Character Map developed by English Nature and the Countryside Commission. The Forestry Commission and Cumbria County Council were also involved in the scheme.

Government could set the process going with some funding and a central standards-setting agency – OffCount perhaps. However part of the energy or dynamic of such a system would rely on allowing people to negotiate the contracts that suited them, while recognising certain constraints (such as designations, species requirements under law).

If (as admittedly seems unlikely) government wanted to ensure the common nature of the assets involved, it could issue everyone with one share to be used in one part of the scheme, and allow trading in others. American environmentalist and entrepreneur Peter Barnes has argued for a similar system (a Sky Trust in America) in his recent book *Who Owns The Sky ?*<sup>xiii</sup>.

To make a real difference to the politics of the countryside, any contracts scheme would need to involve large numbers of people.

### **What's The Potential ?**

This system is completely untested but there are a number of reasons to think that some potential is there, reflected perhaps in what people already pay for and what they say they are willing to pay for.

Millions pay to be members of NGOs such as the National Trust or RSPB. Recreation in the countryside is the most popular leisure activity. Membership of NGOs themselves is dwarfed by the number who count themselves as 'green' consumers. Large numbers of Britons pay out for ethical pensions or other 'screened' or actively managed investments. It seems to me that taking a determining stake in an area of the countryside could be much the same sort of decision.

- Countryside Agency reports<sup>xiv</sup> that visits to the countryside accounted for 25% of total domestic tourism in England and 22% (£2.5 billion) of the total spend of £12.9 billion in 1999. Of this, some 15 million trips and 61 million nights were taken by UK adults as holidays, with growth in the holiday sector continuing to rise.
- Between 1993 and 2000, the number of tourist trips to the countryside grew by 50%, while the number of nights spent away from home grew by 30%
- The Countryside and Rights of Way Act will give people more



opportunity to enjoy the countryside. By 2005 it is expected that people will have the right to walk across between 4,000 and 7,000 square miles of open country and registered common land in England.

- Sales of organic food grew by a record 55 per cent in the year to April 2000, according to the [Organic Food and Farming Report 2000](#). *'The organic market topped £600 million in 1999-2000, and our new report shows not only that more people are buying organic but they are buying more frequently and spending more when they buy,'* said Patrick Holden, the Soil Association's Director.
- Fifty-two per cent of respondents to a MORI poll commissioned by the Soil Association said that 30 per cent of farmland should be farmed using organic methods in contrast to the current 3 per cent. One in four said the government should devote more resources to organic farming to address concerns about food safety
- ◆ Ethical investment – according to EIRIS (Ethical Investment Research Information Service)<sup>xv</sup> latest data available (August 2001) estimated the size of pooled ethically screened funds in the UK at £4 billion. The latest estimated figures for the number of unitholders or policyholders in these funds is 492,000. The amount of money invested in ethical funds has more than doubled in last three years.
- ◆ ‘Green consumer’ activism – MORI found<sup>xvi</sup> that in 1998, 53% of people in the UK had taken action to cut car use and electricity consumption on environmental grounds, 38% had deliberately purchased recycled products and 25% had avoided/boycotted something on environmental grounds. Some 25% declared themselves willing to pay an extra 50p on a £10 product on environmental grounds, 17% would pay up to £1 more and a further 17% would pay over £1 more.

### **Similar Initiatives**

I am not aware of any contract-based systems of the type suggested here but there are many schemes that are similar in some respects.

### **– US Experience**

In the United States contracts have been promoted as the ‘final version of the voluntary approach’ (as an alternative to the traditional regulation) in

the context of regulation of industrial polluters, developers and resource users. Jason Scott Johnston<sup>xvii</sup> of the University of Pennsylvania refers to ‘environmental contracts’ which are both contractual and regulatory. Such moves are mainly driven by the idea that there are cheaper and more effective ways to achieve enhanced environmental performance and quality than can be achieved through command and control regulation by setting emission limits, pollution quotas or technology standards.

The extent to which such agreements ‘work’ must be judged by their immediate and long-term environmental performance and the backing that they receive from various players in society – NGOs, communities, councils, businesses, politicians - etc..

Some of the controversy surrounding these approaches, also reviewed by Scott Johnston, flows from attempts to exclude some pressure groups and others from the process. For contracts of any sort to work in the UK, it would seem important to avoid this difficulty by increasing the overall opportunities for participation in deciding what happens to countryside, and by ensuring that any contract system supplements and does not replace existing regulatory mechanisms. However whereas the contracts reviewed by Johnston are mainly seen as alternatives to traditional regulation, countryside-landscape-habitats in the UK are largely unregulated or under-regulated and under-enforced (eg farm water pollution). A major clash with existing initiatives may therefore be unlikely.

A US example which appears relatively successful is the HCP or Habitat Conservation Plan, a mechanism drawn up through Section 10 of the Endangered Species Act. The HCPs were inspired by experience at San Bruno California where 90% of the habitat of the endangered callippe silverspot butterfly is protected in perpetuity through a 1980 contract that stipulates the management of 3,000 acres. Scott Johnston writes:

*‘The plan provided a trust fund to permanently fund butterfly population monitoring and habitat restoration efforts, and it sets up the county as the ongoing habitat manager, required to make annual reports to the [US Fish and Wildlife] Service. The San Bruno HCP was implemented by an agreement between USFWS, the California Department of Fish and Game, the California Department of Parks and Recreation, the county, three cities, and four major landowners. The landowners participating in the plan demanded a promise, included in the implementing agreement, that no landowner would be required to take habitat mitigation steps beyond those set forth in the HCP’.*

## **- Non-Governmental Organisations (NGOs)**

Some may argue that NGOs such as Wildlife Trusts, National Trust or RSPB do this (contracting) already. This is true but only to a limited extent (cf the list at 'conclusions').

The National Trust for example leases fishing rights<sup>xviii</sup> on the River Severn at Dudmaston in Shropshire to Britain's 'foremost angling society' the Birmingham Anglers Association. But fishing is unusual in being commercialised as 'rights'. Birdwatching, butterfly appreciating, walking or viewing the countryside have not (yet) been systematically commoditized in this way. Moreover, the National Trust owns a large amount of land but it is a small proportion of the countryside. In addition the Trust doesn't systematically offer a stake in management to its members: like most NGOs it's relationship with its members is patrician.

Decisions in NGOs such as the National Trust, RSPB and Wildlife Trusts are largely taken by an 'expert' and 'managerial' class. They decide how land is managed and why. Members are offered only very occasional opportunities to vote on big issues, for example, through AGM Resolutions. As a member of the Trust, I'm not aware of being offered an opportunity to take a more direct stake in the countryside, whether by paying more or not. Personally I'd like to see all National Trust farmland be organic, and much of it carrying windmills for electricity. But aside from pressing my opinions on friends who happen to work for the organisation, I just pay my sub and accept that those who run the organisation will decide, often after some consultation.

Such a system doesn't hugely bother me. I think the National Trust is a noble edifice – as is the RSPB. The management system reflects the countryside as it was in the nineteenth and twentieth centuries. The general NGO-model is a long way from what I am proposing, although NGOs could perhaps adopt it as a new business.

A further issue that can become problematic for NGOs is the perceived or actual dissonance between a fund-raising offer and what is done with the donors money. For example money given to 'save this forest' may in the mind of the donor be expected to go to tree guards or fences or land purchase. The NGO however may expect to be able to use it for planning, negotiation, education, lobbying, management, administration or maybe even other projects or programmes altogether. As a result, some NGOs try to set up more 'direct' schemes with no or lower

overhead. Jon Hutton for example<sup>xix</sup> is planning such projects in Africa, linking donors with field schemes via the internet. A contracts scheme would not eliminate overhead but it could clearly encapsulate and itemise all associated costs for each one-off transaction, in the way that the costs of UK financial advisers are legally required to be identified to customers.

David Russell of the National Trust commented<sup>xx</sup> to me:

*“The most obvious example of a conservation "contract" is the National Trust. 2.6 million people fund an organisation which holds lands and buildings for public benefit, including access and conservation. They, the members, have no exclusive rights, but they do have perks (eg free entry to houses or gardens).*

*Property ownership by the Trust is a unique compromise on property rights which vests benefit in the whole public... The provision of inalienable ownership means that in theory the contract for conservation is of unlimited duration. It might be difficult for private landowners to contemplate such an open ended arrangement.*

*Currently within the Trust stakeholder influence is increasing as a result of a gradually more open management style. Also as the National Trust builds partnerships it enters into "contracts" with other landowners to deliver conservation and access benefits which are in the widest public interest. The public's contract with the Trust can be used to tie in other landowners ... This type of "contract" is less exclusive than a more formal contract between a city and a tract of countryside. Would the people of Nottingham who might pay for the fens allow others beneficial access or use of the land?”*

### **- Community Supported Agriculture (CSA)**

Closer to countryside contracts comes ‘Community Supported Agriculture’ (CSA). In 1965, Japanese mothers were concerned about loss of arable land, an increasing infiltration of imported food, and ‘the resulting exodus of farmers to cities’. As one account<sup>xxi</sup> has it, they ‘approached a local farmer with the idea of making a financial commitment to the farm in exchange for fruits and vegetables. They entered into a contract, or *teikei*, which literally translates as ‘partnership’ but philosophically means “food with the farmers face on it”. The concept took root and spread.’

Today 11 million people in Japan are members of the teiki-based system which comprises more than 600 producer-consumer groups. The largest cooperative network in Japan is the Sekatsu Club<sup>xxii</sup> – each chapter can involve thousands of people and may support up to 15 farms.

A network of community farms has also been built up in North America, beginning with just two east coast farms in 1986. By 1996 over 65 Wisconsin community farms grow food for around 3,000 households. In North America as a whole there are over 1000 such farms. The farm income is reportedly £32.5m<sup>xxiii</sup> In Germany and Switzerland community supported agriculture started in the early 1960s.

American community supported farms offer a mixture of food, most of it organic or ‘sustainably’ grown, and participation in farm work, visits, celebrations and food distribution. Varying from 3 to 300 acres, they produce a very wide range of food and are in that respect more similar to small-holdings or market gardens than most conventional modern industrial farming.

Membership fees are typically \$300 - \$500 a year per household – paid back in food and opportunities to take part, as well as guaranteeing a range of environmental and health benefits. The food is for example almost all consumed close to where it is produced.

In so far as members or ‘shareholders’ pay a fee at the start of the season and meet the upcoming growing expenses, the relationship is more substantial and robust than, for example, that between ‘vegetable box’ schemes and buying from farmers markets in the UK. Anna Barnes of the Prairieland Community Supported Agriculture points out that ‘unlike a farmer’s market system, supporters of community agriculture actually share part of the farmer’s risk’.

CSA therefore redistributes risk and control in a way that farmers markets don’t, and which the British ‘local’ country-food boom doesn’t either. Even with high technical traceability – the farmer’s bar-code on the food if not his or her face – buying lamb from a particular valley or apples from a certain set of orchards differentially rewards schemes with desirable qualities but it gives limited influence and no control over land-use.

Thus it cannot guarantee the panoply of consequences that flow from land use. This is why control of land use is in fact the central ‘countryside’ issue. For some the ‘food issue’ may start at the plate and finish with the

consequences of digestion but for most, food is just one element of a larger more complex environmental question.

There seem to be very few CSA-type schemes in the UK<sup>xxiv</sup>. South Somerset Council's Food Links Directory<sup>xxv</sup> lists over 100 producers, some organic, selling direct to the public.

Somerset-based Michael Littlewood is a proponent of CSA, and has had meetings with community groups such as the WI and farmers to promote the idea<sup>xxvi</sup>. Littlewood says that the loss of market gardens is a major difficulty in getting such projects underway in the UK. Farmers who are specialised to grow one crop are not interested in converting to produce 30 – 40 types of product he says.

Writing in the WI magazine, Sheila Purcell reports that 'organisers of a proposed community food project in Cambridgeshire' got a good response from householders (over 800) but poor one from growers. Organiser Derrick Last, of Downham Conservation Volunteers, blames the influence of supermarkets. Their project was prompted by the sight of 'uneconomic' carrots being ploughed back into the ground. Meanwhile Texan carrots were on sale in the local supermarket.

However worthwhile, these sorts of schemes are food-centred and mostly farm-scale rather than explicitly extending to landscape and wildlife habitats.

Another feature of CSAs seems to be that they rely on a significant input of 'free time' from enthusiasts. In America CIAS notes 'CSA projects rely to varying degrees on member volunteers to work on the farm and help with various tasks'. This does not mean they will not or cannot grow but like any inherently voluntary activity they presumably risk periodic 'burn out' (like UK veggie box schemes that have voluntary distribution systems). It seems to me that for any new contracts scheme to grow rapidly, it should be open to voluntary inputs but be driven by financial exchange which means it does not have to rely upon volunteer input.

## **Certification and Standards**

Organic standards and other production standards, even certification 'Fair Trade' schemes where the treatment of workers and education may be captured in the production process, offer and price, are all proxies that

leave control with producers. The producers are in effect being regulated through a social, market-based contract.

The Forest Stewardship Council Certification schemes for example, originated by WWF and probably the most 'environmental' of the wood certification schemes now in operation, give the consumer a guarantee of certain forest practices being followed in the source forest. The efficacy of the scheme relies on trust in the expertise and integrity of the certifiers and the participating companies. The Marine Stewardship Council's scheme for fish is similar.

### **- Area-Based Schemes**

David Stroud of the Joint Nature Conservation Committee cites a mountain valley system in Austria. This valley-wide scheme promotes high quality wildlife friendly-farming. The farmers and local food retailers got together to market the valley, with local manufacturers buying from the farmers and all the produce sold with a distinctive 'valley' brand identity.

Lancashire, Manchester and Mersey Wildlife Trust initiated<sup>xxvii</sup> organic vegetable growing on a 'Food Plot' at a block of 7 disused allotments three years ago and this has now spread to five other schemes in the area including Bolton's Gathering of Organic Growers (GOG). Allotments have declined 1.4m to 300,000 today<sup>xxviii</sup>. The community-based approach is argued to increase the likelihood of utilising allotments and similar land schemes.

David Russell at the National Trust points out that more conventional contracts for public benefit include the old Forestry Commission Dedication schemes whereby landowners undertook to deliver certain public goods in return for a public commitment to funding, albeit mediated by Government with no individual choice involved. Wayleaves also provide for the provision of public services by contract.

In Permaculture Magazine<sup>xxix</sup> Martin Littlewood describes a community 'eco-farm' (Tablehurst Farm near East Grinstead in Sussex) housing fifteen people and involving 'outside partners'. 'Little Ash Eco-farm' he says, 'has facilities for a leather worker, woodsman and rough furniture maker, basket and reed worker, spinners, weavers and knitters to run their own businesses'. Little Ash, in Devon, also supplies its own energy from renewable sources.

I admire such schemes but I don't want to join one myself. I quite like growing vegetables, and am by training a plant ecologist but I'd rather spend my time studying wild plants, or painting or birdwatching or campaigning for my children's climate, than tilling the soil. I know others disagree.

Many such projects are driven by people very committed to personal involvement in tilling the soil and growing their own food. For some it has mystical or near-religious qualities, and for many it expresses deeply held values or political beliefs. Littlewood talks of it as an alternative to a 'gentrified villages' with 'wealthy residents' who 'feel more at home behind the wheel of their expensive cars than on their feet'. Simon Fairlie conducts his own vegetable jihad, attacking 'urban idolatory'<sup>xxx</sup>, the 'urban jackboot', and declaring that the 'one thing that convincingly defines the countryside as different from the town' is that 'rural culture is grounded in working the land'. Fairlie states 'urban economy ... pays no allegiance to place, only price. (He then updates Kropotkin to complain about the price of milk.)

Agricultural fundamentalists and exclusive rural isolationists don't want an accommodation with 'towns' or townies or urban or suburban areas, or people living in rural areas who they regard as un-rural and therefore politically incorrect. Their formulae are not surprisingly politically unattractive and of little use as practical campaign tools. Such approaches are therefore likely to remain marginal.

One approach with bigger potential might be to try and match up existing groups of 'producers' and 'consumers'. Farmers co-operatives such as Framlingham farmers in Norfolk, are collections of one type of producer. 'Consumer' groups could be existing groups specialised as consumers of food or rural or natural resources – such as birdwatchers, natural history societies, rambblers or gourmets – or groups or communities that exist for another purpose. These could be towns or villages, parishoners, employees, round tablers or any other group.

The drawback of using established groups is that although their interests are *relevant*, people did not join those groups for this purpose. Achieving sustained commitment may in practice therefore be more difficult than if one starts from scratch with a completely new group, recruited on the basis they understand the mission, the vision and that they do wish to participate. This could go for 'both sides' of the equation.



As Scott-Johnston says: ‘Environmental contracts, unlike other regulatory reforms, really do represent agreements that all parties must believe to be preferable to the status quo.’<sup>xxxix</sup>

If we are serious about harnessing forces that could lead to really significant change, we therefore need mechanisms which are easy and attractive to use. We need to do what works, and to get consumers and supporters on-side through what makes sense to them, rather than demanding that they convert to a different belief system and agree with us on our terms.

## Conclusions

Requirements of an effective contract based system might include -

- ◆ Mechanisms for participation which are as wide as the volume of demand is broad – ‘countryside using/consuming democracy’ if you like
- ◆ Mechanisms which are flexible and quick to set up and adjust but which can provide long term security to endeavours which need long term guarantees
- ◆ The ability to capture environmental, ecological and health requirements and benefits including heritage, archaeological integrity etc of the whole landscape not just an element of it [cf fishing rights or food production] – all the inputs and outputs
- ◆ Creating mechanisms which are as transparent as possible, not siphoning off resources into overhead or diversions of unknown or unclear purposes
- ◆ Delivering geographically defined guarantees, concerning the management of identifiable areas of land
- ◆ Sharing control of land use rather than just offering influence

- ◆ Being run by financial exchange rather than depending on dedicated voluntary activity of a minority – thus being rapidly ‘scalable’

The professional means and market conditions for such a system certainly exist. The scope for such a scheme can only really be investigated by experiment. Because it is voluntarily negotiated, it may open up the real possibility of progressively improving relations between those who own and manage land and those with a strong desire to see it environmentally improved and conserved. Contracts would not solve the ills of the countryside but they might bring the equivalent of shareholder democracy, increasing accountability and improving the match between countryside management and public values.

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<sup>i</sup> For example *The Policy Commission on the Future of Food and Farming*

<sup>ii</sup> See for example *Time For A Campaign Against Rural England* Report at Rural Futures [www.ruralfutures.org](http://www.ruralfutures.org) (2001), The countryside is a myth, *Independent on Sunday*, (Comment) March 18 2001, Time to campaign against ‘rural England?’ *ECOS* 21(3/4) 2000/01 pp 2-7 In my view, *BBC Wildlife* May 2001 pp 45-6

<sup>iii</sup> For example *Cash or Crisis*, Chris Rose and Charles Secrett, Friends of the Earth 1982

<sup>iv</sup> *Organic Food and Farming Report 2000* – from the Soil Association - shows imports account for 75 per cent of UK organic food sales compared to 70 per cent in 1999 [www.soilassociation.org](http://www.soilassociation.org)

<sup>v</sup> See for example cases in Habitat conservation – a framework for future action, Mark Avery, *ECOS* 22 (1) 2001 and The role of large areas in nature conservation, John Harvey, in the same volume. Arable farmers 6 A Thornalley & Sons are selling 115 acres of land adjoining Wicken Fen to the National Trust. Wicken Fen, which is one of Britain’s oldest nature reserves, has been nurtured by the National Trust since it purchased two acres in 1899. An on-going programme of acquisitions has seen the site grow to over 800 acres with current considerations to expand the reserve to more than 9,000 acres over the next 100 years (3700 ha. currently owned by over 120 people)– see [www.wicken.org.uk](http://www.wicken.org.uk)

<sup>vi</sup> Currently it is 0.08% of the original extent, and the Trust plans to increase it from 324ha to 3700ha. *Wicken Fen – The Next 100 Years*, National Trust Acquisitions Group – paper at [www.wickenfen.org.uk](http://www.wickenfen.org.uk)

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- viii M. Walz *Social Contract*, The Oxford Companion to Philosophy 1995
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- x Deborah Proctor pers comm
- xi See for example group buying at [www.buyit2gether.co.uk/](http://www.buyit2gether.co.uk/) and [www.dealpartners.com/lineone/](http://www.dealpartners.com/lineone/) and a commercial example from the building trade in Australia -[www.heavy.com.au/](http://www.heavy.com.au/) See also ‘vertical marketplaces’ at [www.yahoo.com](http://www.yahoo.com)
- xii See report that can be downloaded at [www.lancs.ac.uk/depts/iepp/wow](http://www.lancs.ac.uk/depts/iepp/wow) or contact Bronislaw Szerszynski and Sue Holden at the Institute for Environment, Philosophy and Public Policy – [bron@lancaster.ac.uk](mailto:bron@lancaster.ac.uk)
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- xvii Jason Scott Johnston, *Environmental Contracts: Comparative Approaches to Regulatory Innovation in the United States and Europe*, edited by Eric W Orts and Kurt Deketelaere, Kluwer Law International, London/ the Gaue/Boston 2000, ISBN 90-411-9821-0 (Jason Scott Johnston is at Uniniversity of Pennsylvania Law School - [jjohnsto@law.upenn.edu](mailto:jjohnsto@law.upenn.edu)
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- xx David Russel is at [XEADRX@smtp.ntrust.org.uk](mailto:XEADRX@smtp.ntrust.org.uk)
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- xxiii Sheila Purcell, Community spirit, page 50 – 51 *Home and Country* (Womens Institute Magazine)
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- xxv Call South Somerset District Council on 01458 257438
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