

# Analysis:

## Rod Leslie's Forests for the Future

- Part 1 of 7

By Alex Lockwood



*At the beginning of March, retired head of policy at the Forestry Commission, Rod Leslie, shared his seven-points for a vision of UK [Forests for the Future](#). Leslie has over 35 years in field management & conservation policy, and worked as the commission's Private Forestry & Environment officer for the South and West of England. His book 'Birds and Forestry' (co-authored with Mark Avery, RSPB Conservation director), is acclaimed as a step toward sustainable forestry planning. In the coming weeks, SOW looks in more detail at each of his seven points.*

- 1. To resolve the future of our favourite National Forests forever by giving them 'Inalienable to the Nation' legal status parallel to equally iconic National Trust properties.**

'Inalienable to the Nation' status would mean a step beyond 'public ownership' so that no government could decide to sell-off or privatize the forests as goods, protecting our National Forests against economic winds and political whims.

There was a hint of this outcome in the Coalition government's plans to give National Forests, free of charge, to new or existing charitable trusts. However, the costs of protection, access and environmental stewardship put off even the largest woodland charities from accepting the proposals. And there was no suggestion of a new legal status for the forests to accompany the transfer of ownership.

Leslie said such a law is not something the Coalition have considered: "[It] seems unlikely under the present Government – but it is an obvious manifesto commitment for Labour. Inalienable land needs to be carefully chosen – the heritage and multi-purpose forests are

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the obvious starting point, with the small commercial sites that become community woods being added later.”

The idea to make forests a ‘national treasure’ is not new, and has international precedent.

In the 1970s the environmental ethicist Christopher Stone proposed that lawmakers give substantive rights to natural objects—in particular, trees. His article ‘Should Trees Have Standing?’<sup>1</sup> suggested that current laws (in the United States, but also internationally) provided only a patchwork of protection. Stone argued major forests and other natural goods should have a default right to exist free from damage—a right that would be rebutted by would-be exploiters. (How the Amazon could benefit from such a law right now.)

One way to provide ‘inalienable status’ is through international legislation via existing bodies. For example, the New Forest has been a UNESCO World Heritage Site since 1999.<sup>2</sup> The UNESCO area protected extends to about 580 square kilometres, based on the New Forest Heritage Area boundary, the largest area of natural deciduous woodland in Britain.

The National Trust owns three percent of the New Forest, including Hale Purlieu, Bramshaw Commons and Ibsley and Rockford Commons.

But another way—and perhaps a far more radical and far-reaching move of environmental stewardship—would be to give our National Forests inalienable status via the enshrinement of legal rights for nature in law, akin to human rights.

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<sup>1</sup> Christopher D. Stone, *Should Trees Have Standing?—Toward Legal Rights for Natural Objects*, 45 S. CAL L. REV. 450 (1972)

<sup>2</sup> [http://www.nationaltrust.org.uk/main/w-vh/w-daysout/w-daysout-themed/w-daysout-themed-world\\_heritage.htm](http://www.nationaltrust.org.uk/main/w-vh/w-daysout/w-daysout-themed/w-daysout-themed-world_heritage.htm)

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This has been done at state level in the U.S., such as in Tamaqua, Pennsylvania,<sup>3</sup> and in 2008 at national level in Ecuador.<sup>4</sup> In these places, forests, swamps, heathland and important biodiverse sites can be represented in the legal process by guardians looking to protect them from privatisation, destruction or development.

Currently the UK has legal protection for other parts of our cultural heritage and landscape in the Ancient Monuments and Archaeological Areas Act (1979) which provides for nationally important archaeological sites to be statutorily protected as Scheduled Ancient Monuments; the Protection of Wrecks Act (1973); and The Treasure Act (1997) to ensure that the most important discoveries of treasure are preserved for the nation.

Our National Forests are treasures we don't even need to go and discover. We already know where they are, because on average we Brits make 317 million visits to forests and woodland each and every year.<sup>5</sup>

Is a Rights of National Forests Act (2011) so difficult to imagine?

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<sup>3</sup> <http://featured.matternetwork.com/2008/9/legal-rights-for-nature.cfm>

<sup>4</sup> [http://blogs.nature.com/news/thegreatbeyond/2008/09/ecuador\\_grants\\_rights\\_to\\_natur.html](http://blogs.nature.com/news/thegreatbeyond/2008/09/ecuador_grants_rights_to_natur.html)

<sup>5</sup> 'Monitor of Engagement with the Natural Environment: The national survey on people and the natural environment', Natural England Commissioned Report NECR049, September 2010