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Kafka in the Forest: A Personal Note on Monga Forest and Contemporary History in New South Wales

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After some years of absence, I found myself again active in the Australian conservation movement. A forest was to be razed, not far from where this is being written, for a relatively small yield of saw-planks. Not many species were needed; the rest simply got into the way. Access could only be vouchsafed by destroying some relatively rare and ecologically significant plants and damaging the soils and waterways. It is true that the foresters promised to respect the pockets of temperate rainforest which survive in that region. But past experience made us chary to accept their word. Besides, protection was offered only to patches of forest which exceeded a certain size. Under this rule, much of what seemed precious was likely to disappear. As an environmental group we also sought to protect the headwaters of the Mongarlowe River from pollution and siltation. The problems which I should like to discuss have arisen in the context of a conservation battle.¹ There are many such battles; ours is not unique. But here we are concerned with politics and administration rather than with forest ecology. The problems arising out of the daily tasks of a campaign committee are here interwoven with some personal reflections about the state.

THE GEOGRAPHICAL BACKGROUND TO A STRUGGLE

I have a little farm near Monga State Forest, at a place called Bell's Creek, not far from Braidwood. The forest surrounding the headwaters of the Mongarlowe River are now almost uninhabited, although there used to be a sawmill there. Only a single house still serves as a dwelling. The forest is divided into compartments of 120-500 hectares. Some compartments have been heavily logged in the past; others have been selectively logged and treated gently by Australian standards. Some small areas of temperate rainforest are still almost pristine. Monga Forest is not a wilderness, but it has considerable conservation value. With respect to flora and fauna, several rare and pivotal species survive. 'Monga' is the name of a forest settlement and erstwhile sawmill, not far from Braidwood. The sawmill was closed and the settlement largely abandoned in 1985. Now only one family survives there.

The Mongarlowe River rises from sources at an altitude of about 900 metres in steep hills and deeply carved valleys. Its waters are unpolluted and its rate of flow steady. Immediately east of the Mongarlowe River and parallel to it, is a steep escarpment, called Buckenbowra, which dips down to the coastal strip at Batemans Bay. Most of this inaccessible area has never been logged. Monga and Buckenbowra jointly form a corridor linking the Morton and Budawang National Parks with the well-established and still largely untouched Deua National Park.

Braidwood is a small, but well preserved country town, about 100 kilometres from Canberra. The offices of the Tallaganda Shire Council are situated there. The surrounding plateau is good grazing land which for the better part is still in the hands of the original Anglo-European settlers or their descendants. Major's Creek and Bell's Creek on the other hand, and the areas south of Araluen, along the Deua river, are largely in the hands of newcomers. As a rule they do not fully conform to the established norms of Australian rural society, and there is not much social intercourse between the established land-owners and the late arrivals. Nevertheless there has been mutual toleration and there have been signs of emerging cultural and social integration

THE POLITICAL BACKGROUND

In Australia, the constitution ordains that the administration of Crown lands and forests is in the hands of the States rather than those of the federal Commonwealth Government. That is not to say that the Commonwealth takes no interest in the forests, nor that it lacks resources for bringing pressure on the State's forest policies. For instance, it has the licensing power to regulate exports, including woodchips and paper pulp. But it has been chary about using its constitutional powers against the States and has been far from adverse to the sale of wood products which provide much-needed foreign currency.

Australia has preferential voting system and multi-member electorates for Senate (the Commonwealth's Upper House) which induces the major parties to compete for the green vote at election times.² Conservationists have made what use they can of Federal influence on State policies and have gained some legendary victories such as the defeat of Tasmanian plans to dam the Franklin River. With some influence from the conservation movement, a National Forest Policy was eventually negotiated between the Federal and State Governments in 1992.³ It was an enlightened document. It appeared to lay unheeded in its folder while unremitting conflicts continued between conservationists and the forest industries.

New South Wales has about 14.7 million hectares of forests of which 3.2 million are in state forests and 2.5 million in national parks.⁴ The state forests are



managed by the Forestry Commission of New South Wales which operates under the name of State Forests NSW. The Forestry Commission, despite clear statutory obligations, has been seen by the environmental movement as little more than an arm of the industry. It was almost entirely devoted to commercial production, and hardly at all to conservation.

At the regional level, the conservation groups tangled with the Forestry Commission, rather than the industry because its foresters regulate logging practices and grant cutting licenses. All the same, the State Government still has a conservation portfolio and reserves the right, in forest matters (as in many others) to reject the advice of the statutory authorities.

MONGA FOREST CONFLICT

We turned to the State Labor Government when it transpired that the Forestry Commission proposed to log crucial compartments along the west bank of the Mongarlowe River. We laboured under the handicap that few people had ever heard of, let alone visited Monga Forest, as compared with the Franklin and Gordon, which were already sanctified in popular mythology.

Recently social integration in our region has suffered a severe setback, largely as a result of disagreements about the proposed logging of the Monga Forest. Though there is hardly any commercial advantage in it, the established landowners have mostly been in favour of logging. They fear that they will be prevented from logging on their own land, and that their control of the Shire Council will be eroded. Many of the landowners value their status more highly than the hope of affluence. The doctrine still prevails that unless it is available for exploitation, the land and its resources are worthless. Exploitation then becomes an economic necessity and a patriotic duty.

The outlook of most of the newcomers is different. Many of them have settled in the area in order to get away from industrial society, and so they do not welcome industrial exploitation on their doorsteps. The newcomers are seen more or less as hippies by the established graziers and the loggers. The counter-culture, or what there is of it, is blamed for the very real difficulties of the man on the land.

Environmental politics in rural Australia differs greatly from the urban variety. The reason is not because the city-dwellers take up only urban issues. On the contrary, national organisations such as the Wilderness Society, which seek to defend forests and rivers, are predominantly city-based. But to be effective, environmental action needs to be initiated and supported in the areas which are endangered; which is to say, in the countryside. There are therefore several regional associations, which in a crisis rely on help from the national bodies. The Friends of the Mongarlowe river is such a one.



THE POLITICAL STRUGGLE: TRYING TO LOCATE THE 'STATE'

When we set up the Friends of the Mongarlowe, two questions demanded our immediate attention. First, we asked ourselves whether we might turn to an organisation already extant, to organise protest and resistance; under whose letterhead we could write to the State Premier. Such an organisation certainly existed; it was called the Tallaganda Action Group and I was a financial member of it. Secondly we asked with whom we had to deal, in whose hands authority resided.

It transpired that a Committee of the Tallaganda Group had known of the impending danger for some time, and after lukewarm attempts to contact some of their colleagues, they had entered into negotiations with State Forests without further consultation. The Group accepted the proposition that State Forests had a right to log the area, and confined itself to negotiations for mitigated logging-practices. In our view, the forests are common property, improperly appropriated and alienated by a potentially profit-making corporation, albeit with the connivance of Parliament.

I will spare the reader the painful public meetings which ensued and the tiresome negotiations, which resulted in the emergence of a new regional conservation society, the Friends of the Mongarlowe River which, with the assistance of national conservation groups such as The Wilderness Society, pressed the case for the conservation of Monga Forest. The Tallaganda Group withdrew from the battle, predicting disaster. It was unrepentant about its habit of secrecy, even vis-a-vis their own members, and anxious not to offend the regional chief forester.

With whom then should we negotiate? It was useless to tell us that we must deal with the State Government, since, lacking effective flesh and blood for our purposes, that entity had to be approached through its functionaries and representatives. Moreover, we had to find out who was influential in the relevant government departments and who was successful and respected. It was clear from the first that direct action in the relatively remote forest for which we contended was too difficult to organise, besides being very likely to be counter-productive. A group of about sixteen of us decided to incorporate and to make our views known. Only two of us had previous experience of conservation work, or access to the information which we needed to mount a campaign.

Hoping against hope, we wrote letters to State Forests of NSW and then to the Premier and to the Minister for Forests. We gave our reasons for wishing the threatened compartments preserved. We wrote to the National Parks and Wildlife Service and also to the Federal Minister for the Environment. We waited for more than a month, but no reply came. It became clear that we had adopted the wrong tactic. In the meanwhile, in our judgement, Monga Forest was in great danger. We feared that we might wake up one morning to be faced with a *fait accompli*. Similar cases, in other parts of the State, were on record.



There were two likely ways of interpreting the silence of the authorities. One was that they had already made up their minds and in the meanwhile sought to discourage us from asking awkward questions. Another was that they had decided not to decide, and that they had set up or were in the process of setting up some new authority or committee which would relieve them of their unwelcome responsibility. In the event, the second answer proved to be nearly right, though it must be said that the committee onto which the State Government had shifted its responsibility. Far from being equitable, it was weighted in favour of the timber industry.

At the time we were seeking advice from the Canberra Conservation Council. We learnt that, without altering the status of numerous agencies which are involved in environmental decisions, the Government had set up yet another, the Resource and Conservation Advisory Council [RACAC], which was to differ from all its fellows and predecessors in that it was to be run by stake-holders. It was expected to arrive at decisions without resort to the Government. A stakeholder is a person or group, with a stake in forests. The most important stakeholders were the timber-industry, the relevant trade union, State Forests, the conservationists and the National Parks and Wildlife Service. The Federal Government was also represented, albeit in a low key. The new body was to be devoted to initiating genuine negotiations and to strive for peace in the forests. It chanced that at the very time at which the new body was trying to establish itself and to gain the co-operation of stakeholders, the Friends of Mongarlowe were looking for an authority to which our case for Monga might be presented.

We found that public meetings were arranged in Canberra and along the coast, whose function it was to explain the new process of conflict resolution and bargaining which had the blessing of the State Government at the time. This was to encourage people, loggers as well as greens, to co-operate and support RACAC. The word 'advisory' in the name was not much stressed, since RACAC saw itself as qualified to reach decisions. These needed only the imprimatur of the State Government which legislate make RACAC decisions enforceable. We were told that RACAC was committed to putting the National Forest Policy into effect and that agreement on this basic policy had been reached between the Commonwealth Government and all the States. By the mere act of presenting our case to RACAC, we acquired the status of stakeholders and were thus given a key to the negotiation room.

The fact that the central council of RACAC was dominated by the industry was supposed not to perturb us. In some mysterious way voting on proposals was to be avoided. It must also be mentioned that the work of RACAC was to proceed by stages. The first, or interim, stage, which was completed in mid-winter 1996, was supposed to identify compartments which 'may be required for conservation', which is to say, more or less, that they may be needed for national parks. The second was to undertake a joint State-Commonwealth comprehensive regional assessment of all the uses and values of the forests. Two processes were

to proceeded simultaneously. The first would select conservation-worthy compartments by reference to an agreed set of criteria. By the time that we first became aware of RACAC – it was little advertised and ignored by the press – the central council had already agreed on such a set of criteria. Although they were expressed in excessively general terms, they did represent a genuine attempt to implement the National Forest Policy. Most conservationists accepted them. But we were given no opportunity to criticise. We were told that any criticism would be taken into account in the second stage. If a compartment satisfied the criteria, it was placed automatically on the interim conservation list, it being understood that the number of compartments which might thus be selected would be relatively small. It seemed that Monga Forest failed to get selected under this process.

A basic weakness of the proceedings was that an area needed advocates in order to have any hope of escaping the axe. An advocate on the other hand can only succeed if he or she has access to current information as by right and if the brief is acknowledged. Only one advocate was allowed for each region and each stake-holder, which presupposed that there were no conflicts of interest between the conservation groups. We were lucky: we got on well with our advocate.

Next, the Government would nominate a percentage (say 60 per cent) of the previous year's aggregated yield of state-forests in that region. That amount may be expressed in terms of a number of standard compartments or their yield. That process was naturally favoured by the conservation groups, since it implied a pre-established contraction of the industry. There remained a substantial residue of unallocated compartments, some of which the conservation groups conceded to the industry and some which the industry conceded to the conservationists. A substantial residue of compartments remained, for which both sides contended. There followed a sort of auction at which the contenders 'sold' compartments in order to accumulate credit, which might then be used to 'buy' others. Monga was thus 'bought' at considerable cost to the conservation interest. To facilitate the bargaining, RACAC arranged compartments in order of productivity or yield, depending on species, and naturally on current market prices and the cutting (or harvesting) cycle of that species.

It was said that although the organisation and administrative structures of RACAC were provided by the State, decisions would be reached, after negotiation, purely by the stakeholders. We found that the central council of RACAC included some highly respected conservationists and that national conservation bodies, such as the Australian Conservation Foundation, were all in favour of working with and through it, even though some fundamental concessions were demanded, such as accepting the irrevocability, except by consent, of RACAC decisions, even if they were unfavourable to the conservation cause. Physical confrontation was also to be forsworn, though that was never explicitly said.

We were told that industry and State Forests, our old antagonists, would make whatever concessions were necessary to make RACAC workable. It



transpired after the first plenary session, the industry no longer felt itself bound by the protocol relating to logging and roading practices, and would not accept any settlement which did not guarantee complete resource-security regardless of newly available scientific or economic information, or changes in the world-market. Needless to say, no conservationist could accept that.

The overall timetable of RACAC, in the first half of 1998, was to replace its interim assessment with a final report, after which decisions would not be challenged and universal harmony would prevail in the conservation world. But the habit of scepticism is deeply ingrained in some of us. We noted that the demand for resource security in the interests of industry was not matched by any sort of conservation security.

The technicalities of the RACAC process are very complex. Enough concerning them has now been said. The emergence of RACAC had been unexpected, but it was welcomed. It offered the hope of a genuine armistice. The Interim Report was duly presented to Parliament. The Government conceded most of our demands, but we remained sceptical. For instance, we found that some of the crucial yield-figures, on which the integrity of the bargaining process depended, were grotesquely inflated by State Forests, who had a monopoly of providing them. A public meeting in Braidwood, addressed by a senior forester, was stacked with angry loggers who had liberally patronised the local club, in consequence of which conservationists, who attended, were howled down and insulted. Some of us did not feel safe in the meetings room. Meanwhile the magnitude of the responsibility of accepting attenuated constraints on forest management began to dawn on some of the established conservation groups and so, inevitably, the question arose as to whether RACAC could deliver what it had promised. It seemed highly likely that our former antagonists would not stay idle, and that the contingency that RACAC might fail, was not being ignored. Our colleagues in the national green organisations also had doubts.

The ink on the pages of the first RACAC report was barely dry before the Federal Government announced new and greatly inflated quotas for the export of woodchips which could not be fulfilled unless the agreement, which we had worked so hard to achieve, was set aside. Promptly the State Government, or one of its agencies, announced that 'in special circumstances' areas might have to be logged which had been conceded to conservation at the RACAC meetings. Everything was back to normal.

REFLECTIONS

Reflecting on all this, some awkward perplexities arose, though it was not easy to define them. It was not clear where, in the area covered by RACAC and its stakeholders, authority resided, which would ensure that binding undertakings could be given and which was proof against being insouciantly set aside, for

instance because of some new way of coping with the conflict, temporarily fancied by which ever power was in ascendancy. An almost Hobbesian sense of insecurity emerged. Could we rely on RACAC to defend its arbitrament?

Authority should be visible and patent. Or else we end up in Kafka's Castle. The citizen should not need to cast around for some agency or corporation, one of many, to which to apply, like a sufferer from some serious disease, who must take his chance with this doctor or that, all equally unknown. So, overwhelmed by the wordy complexity of uncertain foci of power, we looked for a way of legitimating the agreements which had been reached under the aegis of RACAC. That is to say, we looked for the state, but could not find it. It was not there to listen to our grievances, to study our proposals or to fashion and unfold the laws. True, I did see truncated reports of what was supposed to have transpired in Parliament and I did find party-political pamphlets and journalistic beat-ups of trivial issues. I read reports of goings-on in high places, but almost nothing about the real dynamics of the vital environmental issues which confront the nation.

Beyond conservation, more and more vital decisions for the future of the nation pass to corporations, custom-built for private profit; often their power is immense. They are not obliged to report to Parliament. RACAC had the appearance of democratising an area of decision and regulation within the competence of the government. In that spirit we supported it wholeheartedly. I still support it, but warn my colleagues and my friends to be on their guard. The non-existent state, and a divided executive power, have a way of creating phantasmagoria and illusions. By the time that we wake up, our democratic traditions may be eroded and the forests will have gone.

NOTES

¹ For a technical introduction, see Clark, S. and Darlington, C. 1997. *Submission on the interim assessment process negotiation outcomes; regions S1, S2 and Tumut: a cross-regional submission on behalf of New South Wales Conservation groups to RACAC*. Sydney: South-eastern Forest Alliance.

² One of the most useful introductions to the history of conservation in Australia is Goldstein, W. (ed.) 1979. Australia's 100 years of National Parks. *Parks and Wildlife 2* (special issue): 1-160.

³ Commonwealth of Australia 1992. *National Forest Policy Statement: a new focus for Australia's forests*. Canberra: Australian Government Publishing Service.

⁴ *Australian Forest Resources* 1990 and 1991. The definition of forest for these data is based on tall trees and excludes woodlands. Forest types have since been re-classified.