

Reclaiming the Commons

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RECLAIMING THE COMMONS

Despite its presence all around us, we find the commons difficult to define. It provides sustenance, security and independence, yet typically does not produce commodities: it is neither public nor private; neither commercial farm nor communist collective; neither jealously guarded private plot nor national or city park. Nor is it usually open to all. The relevant local community typically decides who uses it and how. While all commons regimes involve joint use, what they define access to is varied: trees, forests, land, seeds, minerals, water, fish, animals, air and language to name just a few. From urban slum dwellers to peasant farming communities, the bulk of humanity depends on the commons for its livelihood. For example, ninety per cent of the world's fishers rely on small inshore marine commons and catch over half the fish eaten in the world today (Ostrom, 1991:27).

For many years, governments international planning agencies (and many conservationists) have viewed commons regimes with deep hostility. Nothing enrages the World Bank more, for example, than the "Not-In-My-Back-Yard" mentality display in defending their commons against dams, toxic waste dumps, polluting factories and the like (World Bank, 1992). Many UNCED (United Nations Conference of Environment and Development) delegates and conservationists in Rio, similarly, viewed local control over land, forests, stream and rivers as a recipe for environmental destruction. The only way to secure the environment, they argued, is to put a fence around it, police it and give it economic value through development.

In defence of such views, development agencies have played upon two related confusions. The first, promulgated most famously in the 1960s by Garrett Hardin and others, is the myth of the "tragedy of the commons". According to Hardin, any commons (the example he used was hypothetical rangeland) "remorselessly generates tragedy" since the individual gain to each user from overusing the commons will always outweigh the individual losses he or she has to bear due to its resulting degradation (Hardin, 1968). As many critics have pointed out, and as Hardin himself later acknowledged, what he is describing is not a commons regime, in which authority over the use of forest, water and land rests with a community, but rather an open access regime, in which authority rests nowhere and in which profit for harvesters is the only operating social value.

The difference is critical. Far from being a "free-for-all", use of the commons is closely regulated through communal rules and practices. In the Philippines, Java and Laos, for example, irrigation systems are devised and run by villagers themselves, the water rights being distributed through rules laid down by the community (Cruz, 1989). Lobster harvesters in Maine or forest communities in many areas of Finland, to take two more examples, manage their fisheries and forests jointly, bestowing on themselves the power to divide up what they regard as "their" patches of sea or soil among their own communities and kin (Acheson, 1987:37-65).

In Canada, the peoples of the Wabigoon Lake Ojibway Nation of Ontario still harvest wild rice as a commons, despite efforts by the state government to impose modern management methods. The rice grows in Rice Lake and until the 1950s was harvested entirely by hand from canoes, but recently machine harvesting has also been introduced. Both machine harvests and canoe harvests are regulated through community meetings in which harvesting rights are allocated. Where harvesting rules are breached, the offender may be "grounded", one person in a recent harvest being told to:

relearn the Indian way by sitting on the shore and watching (Chapeskie, 1988:18-20).

Amongst the Barabaig, a semi-nomadic pastoralist group in Tanzania, rights of use and access to land are variously invested in the community, the clan and individual households. As Charles Lane explains:

the Barabaig recognise that, to make efficient use of resources, access to grazing needs to be controlled to prevent exploitation beyond the capacity to recover. Although surface water is universally accessible to everyone, its use is controlled by rules...water sources must not be diverted or contaminated.... A well becomes the property of the clan of the man who digs it. Although anyone may draw water for domestic purposes from any well, only clan members may water their stock there (Lane, 1990:7).

Whether the land is privately or collectively owned, the Barabaig recognise rules ensuring that the use made of it is not detrimental to the community as a whole, while certain species

of tree are regarded as sacred for the same reason. Disputes, which are rare, are resolved by a public assembly of all adult males, though sometimes in the case of a particularly difficult issue a special committee is formed. There is a parallel council of women, who also have property rights over land and animals, and occasionally may be the head of a family. Women have jurisdiction in matters concerning offenses by men against women and in matters concerning spiritual life. Lane describes how recently a women's council upbraided the men for ploughing sacred land. At the neighbourhood level, a similar council oversees the movement of herds and people to ensure that there is no overgrazing.

In the village of Torbel in Switzerland, grazing lands, forests, "waste" lands, irrigation systems and paths and roads connecting privately and communally-owned property are all managed as commons. Rights to these commons are not open to all but are conferred by commoners who have the power to decide whether or not an outsider should be admitted as a "citizen" in the community. Under a regulation which dates back to 1517, and which also applies to many other Swiss mountain villages, no one can send more cows to the communal grazing area than they can feed during the winter, a rule that is still enforced with a system of fines. As Elinor Ostrom reports:

This and other forms of 'cow rights' are relatively easy to monitor and enforce. The cows are all sent to the mountain to be cared for by the herdsmen. They must be counted immediately, as the number of cows each family sends is the basis for determining the amount of cheese the family will receive at the annual distribution (Ostrom, 1991:62).

Once again, the commons are administered by a council, in this case consisting of all local cattle-owners. Besides grazing rights, it assigns timber for construction and fuel, arranges the distribution of manure, and is responsible for the upkeep of fences and huts.

The second confusion over the commons is between environmental degradation which can be attributed to the commons regimes themselves and that which typically results from their breakdown at the hands of other property regimes. As many authors have pointed out, on closer examination the "tragedy of the commons" generally turns out to be the "tragedy of enclosure" (Bromley, 1991). Once they have taken over land, enclosers, unlike families with

ties and commitments to the soil, can mine, log, degrade and abandon their holdings, and then sell them on the market without suffering any personal loss. It is generally enclosers rather than commoners who benefit from bringing ruin to the commons.

In the mid-North region of Brazil, poverty has sometimes been blamed on dependence on babaçu palm in secondary forest, but can be more accurately attributed to the displacement of the babaçu commons by commercial forces. The palm has long been revered by local forest dwellers as a "tree of life" and was used to furnish leaves for shelter, husks for fuel and fodder for animals. Following a period of open access when the region was first colonised, common property rights to the palms were established informally, and many peasants depend partly on sales of babaçu produce harvested from trees growing on agricultural land. When large-scale investors moved into the area to produce sugar, alcohol and cellulose, much land previously covered with babaçu stands were cleared. Ranchers have also cleared large areas for pasture. Peasants who gather babaçu fruits from this pastureland are castigated as trespassers and blamed for starting wild fires, cutting fences and leaving fragments of fruit husks that can cause injury to the hooves of cattle. This then justifies further cuttings which lead to deeper impoverishment (May, 1990:23-27).

None of this is to suggest that all commons regimes are always capable of preventing degradation of forests, fisheries or land indefinitely. But as Martin Khor puts it:

local control, while not necessarily sufficient for environmental protection, is necessary, while under state control the environment necessarily suffers (Khor, 1992).

One reason why local control is essential is, as Richard O'Connor has argued, that:

the environment itself is local; nature diversifies to make niches, enmeshing each locale in its own intricate web. Insofar as this holds, enduring human adaptations must also ultimately be quite local (O'Connor, 1989:393-414).

Biological diversity is related to the degree to which one locale is distinct from the next in its topography and natural and human history. It is best preserved by societies which nourish

those local differences and in which the traditions and natural history of each area interact to create distinctive systems of land, water and forest use.

This local orientation is best manifested in small commons regimes. As Elinor Ostrom notes:

Small-scale communities are more likely to have the formal conditions required for successful and enduring collective management of the commons. Among these are the visibility of common resources and behaviour toward them; feedback on the effects of regulations; widespread understanding and acceptance of the rules and their rationales; the values expressed in these rules (that is, equitable treatment of all and protection of the environment); and the backing of values by socialisation, standards and strict enforcement (Ostrom, 1985).

A second reason why local control is important is that where people rely directly on their natural surroundings for their livelihood, they develop an intimate knowledge of those surroundings which inform their actions. The Barabaig fully understand that if cattle were to be kept permanently on pastures near local water sources, the land would quickly become degraded. As Charles Lane points out:

As herds of livestock are brought to the river margins everyday, whatever the season, they know that the forage there is needed by those who are watering their stock. If others were allowed to permanently graze it, this forage would soon be depleted and not available to those who go there to draw water. This would ultimately result in destruction of the land through over-grazing and damage from concentration of hoof traffic. The Barabaig, therefore, have a customary rule that bans settlement at the river margins and denies herders the right to graze the forage if they are not there to water their stock (Lane, 1990:8).

Similarly, the diverse systems of agriculture evolved by peasant farmers around the world have not evolved randomly, but reflect a thorough understanding of the elements and interactions between vegetation and soils, animals and climate (Altieri, 1991:93).

Techniques used by farmers have been tried and tested over generations and are embedded in the social and economic circumstances in which they live. These circumstances include rules governing the use and management of the commons which can be seen as a set of restraints which help conserve the social and physical environment for generation (McCorkle et al., 1988:40).

Indeed, the notion that present generations are merely stewards who hold the land of the ancestors in trust for future generations is one held by many local communities. That notion is not simply an ideal but, where commons regimes still hold sway, informs and influences day-to-day behaviour.

The remarkable success of local commons in safeguarding their environments is well documented. A detailed study of Japanese common land was unable to find a single example of a:

commons that suffered ecological destruction while it was still a commons
(McKean).

In Pakistan, the traditionally-managed communal forests are officially acknowledged to be more effective in environmental protection than forests owned and managed by the state (Pakistan National Report to UNCED, 1992).

But that success depends on more than local knowledge of the environment, respect for nature or indigenous technologies. The extent to which sanctions against environmental degradation are observed depends greatly on the extent to which members of a community rely on their natural surroundings for their long-term livelihood and thus have a direct interest in protecting them. Once that direct interest is removed, the cultural checks and balances that limit potential abuses of the environment are rendered increasingly ineffective and the authority of commons regimes declines.

In that respect, the key to the success of commons regimes lies in the limits that its culture of shared responsibilities place upon the power of any one group or individual. Where everyone has some degree of bargaining power, no one is likely to starve while others are

comfortable. This also helps to explain why exclusion from the group is such a potent threat and why commoditisation of food is often perceived as a threat, since it takes power over subsistence out of the hands of the less well-off.

Changes in the power base of a local elite or increases in effective community size entailed by integration into a global regime can rapidly undermine the authority of the commons. As Berkes and Feeny observe, at some point:

the breakdown of a community with the associated collapse in concepts of joint ownership and responsibility can set the path for the degradation of common resources in spite of abundance (Berkes and Feeny, 1990:50).

It is precisely this process that development fuels. The expansion of modern states, international and market institutions entails a shrinking space for the commons, making enclosure an ever-present threat. As their environments are destroyed or degraded, their power eroded or denied, and their communities threatened, millions are now demanding a halt to the development process. As Gustavo Esteva writes:

if you live in Rio or Mexico City, you need to be very rich or very stupid not to notice that development stinks... We need to say 'no' to development, to all and every form of development. And that is precisely what the social majorities - for whom development was always a threat - are asking for (Esteva, 1992).

A call to reclaim the commons is often reflected, in political terms, in a demand for land reform. Many governments, however, have come to power on the promise of agrarian reforms only to renege on their promise once in power. Reviewing the record of land reform since the break up of the colonies, the United Nations Food and Agriculture Organisation (FAO) concluded that the history of land reform had been largely one of failures. In a world where market forces, government regulations, vested interests and military conflicts conspire to undermine the stability of the commons, simply redistributing land provides no guarantee that the beneficiaries will be able to hold onto it for long. It is more often the case that small elite groups of absentee landlords rather than the landless benefit in the long run. As this

process continues, more and more people are rendered landless through dispossession, debt or poverty, with land being increasingly concentrated in fewer and fewer hands.

The experience of top-down land reform programmes suggests that a space for the commons cannot be created by economists, development planners, legislators, "empowerment" specialists or other paternalistic outsiders. To place the future in the hands of such individuals is to maintain the webs of power that are currently stifling commons regimes. One cannot legislate the commons into existence; nor can the commons be reclaimed simply by adopting "green techniques" such as organic agriculture, alternative energy strategies or better public transport - necessary and desirable though such strategies often are. Rather, commons regimes emerge through ordinary people's day-to-day resistance to enclosure, and through their efforts to regain the mutual support, responsibility and trust that sustain the commons.

That is not to say that one can ignore policy-makers or policy-making. The degradations of transnational corporations, international bureaucracies and national governments cannot be allowed to go unchallenged. But the environmental movement has a responsibility to ensure that in seeking solutions, it does not remove the initiative from those who are defending their commons or attempting to regenerate commons regimes. It is a responsibility it should take very seriously.

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