

POLICY FORA AND PANEL DISCUSSIONS

At the IASC 2011, policy forum sessions were conceived as events that would provide an opportunity to discuss regional and global experiences in advocacy for a wide range of common property resources. The Conference was pitched as an interface of policy, theory and practice; inviting contributions from some of the State governments/ departments as well as other countries with functioning policies, legal and institutional frameworks, so as to influence the discussion on the need for Policy on Commons at the National and State levels.

Objectives

The motivation and objective of the policy events could be broadly charted as an opportunity to -

- explore situations where policy advocacy and intervention is required to secure rights to the commons
- exchange experiences about advocacy on behalf of collective rights, identify commonalities and draw lessons from failures and successes
- discuss the roles of grassroots organizations, federations, NGOs, government policymakers, development assistance programs, and international fora in advocacy on behalf of the commons
- explore the potential for developing resources to assist organisations in getting voice of the commons heard in the policy process at different levels of governance.

Themes and Structure

The policy fora were designed around issues with a sectoral focus such as pastoralism, forests, water and knowledge commons. This was more so as the design of the academic panels was not sector specific. However, efforts were made to place the policy sessions in coherence with the academic events scheduled on the 3 days.

The titles of the various sessions are listed below:

SECURING THE TENURE RIGHTS OF USERS OF THE COMMONS: REFLECTIONS FROM INDIA AND AFRICA

Forum Organisers: ILC and FES

Michael Taylor, Forum Moderator

Programme Manager, Global Policy and Africa, International Land Coalition (ILC) Secretariat, Rome

Discussants:

Ben Cousins

DST/ NRF Chair, Institute for Poverty, Land and Agrarian Studies (PLAAS), Cape Town

Liz Alden Wily

Land Tenure Specialist, Nairobi, Kenya

Neelima Khetan

CEO, Seva Mandir, India

Sudarshan Iyengar

Gujarat Institute of Development Research, India

Lalji Desai

MARAG, Ahmedabad, India

Maria Mashingo

Director, Pastoral Systems Development, Government of Tanzania, Dar es Salaam

Paul Mathieu

Senior Officer, Land Tenure Service, FAO, Rome

Liz Alden Wiley estimates that between one and two million people live as ‘tenants of the state’. They rely for their livelihoods on commons that are legally classified as state land. The limited ability of such land-users to protect their land rights has significant implications for their precarity and vulnerability to food insecurity. At the same time, the fact that the commons support many of the 500 million small-scale producers who are responsible for 80% of food produced in the south, points to the long-term advantages that could be sustained if such producers had greater security of tenure.

Governance of land and natural resources at the beginning of the 21st Century carries forward many entrenched challenges. However, it also presents new opportunities. There is heightened awareness of the importance of land and natural resource rights by many governments and development partners. The last decade has seen increasing policy reform that promotes greater participation in decision making, including the growing legitimacy of

‘territorial’ management, planning and ownership. Linked to this has been the growth and linkage of social movements that have been able to challenge undemocratic or unjust political norms. Moreover, new technologies and approaches are enabling the participatory registration of land rights – including at a collective level – in a far cheaper and more effective manner than previously possible.

Nonetheless, the challenges to fair and equitable land distribution appear more entrenched than ever. The growing awareness of resource scarcity in the future, coupled with the liberalisation of many economies and trade barriers in the south have seen large-scale investment interest in land, by local elites as well as transnational companies. The commodification of land and opening up of access to it through market-based competition, or else large-scale allocations or leases directly by the state, creates an increasingly uneven playing field, in which local land-users are disadvantaged. Users of the commons are particularly vulnerable to dispossession, as their land often considered as being ‘empty’, with few legal impediments to its alienation from local users. In an era of rising land values, there are also significant incentives for elites to individualise the commons and bring such parcels into the market.

Evidence suggests that the trend over the last two decades away from state control – and towards community control - of the commons is now being halted, or even reversed. Some governments are attempting to re-assert control over common pool resources such as agricultural or grazing land, timber, carbon sequestration potential or tourist landscapes, as it becomes apparent that these might be the source of significant revenues in the future.

There is clearly a need to protect the tenure rights of users of common-pool resources, but to what extent is this task possible in today’s world, and how? This policy forum brought together researchers, practitioners, policy makers and users of the commons from India and Africa. It presented perspectives based on broad trends, and will also focus on specific contexts and initiatives that inform the debate. This was an interactive session, based not on presentations, but rather on a set of questions that will be posed to panelists, with discussion and interaction from the audience.

PASTORALISM AND THE COMMONS: BEYOND SEDENTARISATION AND SUSTAINABILITY

Purnendu Kavoori, Forum Facilitator

Honorary Director, Centre for Social Ecology, Jaipur, India

Discussants:

Datta Rangnekar

Independent Consultant, India

Kazunobu Ikeya

National Museum of Ethnology, Japan

Sagari Ramdas

Co-Director, ANTHRA, India

Kabir Bavikatte

Natural Justice, Environmental Lawyer, South Africa

Nurzhan Dzhumabaev

Rural Development Fund, Kyrgyz Republic

Saverio Krätli

Editor, Journal of Nomadic Peoples, UK

There are two senses in which we can view the nature of isolation that pastoralists confront today. One is their isolation in local community contexts. In many parts of the world where pastoralists form part of larger societies, they are often enmeshed in antagonistic relationships with other community members. A second kind of isolation that we see is a failure, by and large, of those engaged in the study and intervention among pastoralists to link their concerns with other strands of critical thought. One result of this has been an uncritical acceptance of standardised developmental approaches in contexts where they have consequences that are counter-productive to both pastoralism and the intervention process. In India, pastoralists have been subject to intervention in a framework constructed around a model of intensification emphasising productivity leading to sedentarisation, broadly within the framework of what is called Green Revolution. Although a well-established critique of these interventions now exists, it does not seem to have made a significant change in the nature of State Policy towards pastoralists, largely because there has been a failure to understand the ecological and productive rationality of pastoralism.

In more recent years, environmentalism has become an important concern in policy making. Here too, however, we find that pastoralists invariably get the rough end of the stick and continue to be seen as perpetuators rather than victims of ecological

deterioration. Forest policy, almost exclusively, remains formulated along principles of exclusion in the interest of conservation, and pastoralists are usually the worse off for it. Compounding this has been a failure on the part of pastoralists and those engaged in advocacy to forge partnerships with organisations and communities engaged in larger struggles for social and ecological justice. Thus, it is extremely rare to find pastoralist issues being raised on platforms where human rights are being discussed, where Dalit issues are debated, or where contestations over resources are being negotiated. We need, therefore, to develop a much broader discourse on pastoralism than the developmentalist and the environmentalist. More than anything else, perhaps, it is important that pastoralist and those engaged in its advocacy begin a process of dialogue that enables pastoral issues to become important not just for pastoralists but as part of a larger critical engagement.

Similarities and differences in policy affecting pastoralists in Central Asia, Africa, North China, East Africa and South Asia

There is an enormous variety of political circumstances under which pastoralism is found to obtain with reference to State, markets and broader society. On the one hand, in countries such as Somalia where State structures are weak and mechanisms for integration poor, pastoralists face a set of challenges that are very different from other regions such as China or South Asia, where State systems are well entrenched. The crisis of pastoralism in some ways is more intensely felt in circumstances where they have to negotiate with complex institutional environments rather than in situations where the State has either collapsed or is a distant antagonist. The future of pastoralism may well be shaped by how it engages with complex State societies, where bureaucracies determine most of the outcomes available to them. Much the same applies in relations between pastoralists and markets. Most pastoralists are part of complex commodity production systems and their capacities to survive as pastoralists is very much a function of the manner in which they engage with larger market forces. A quest for pastoral autonomy may not be so much a call for self-determination but developing mechanisms for negotiating larger processes of incorporation.

Spaces within existing policy frameworks for furthering pastoralist concerns

The crisis of pastoralism is not just a crisis of production; it is a crisis of legitimacy. Developing a policy perspective on pastoralism would involve, therefore, an engagement with larger policy considerations, particularly those shaping agriculture, since it forms the larger context in which pastoralism is reproduced. It would also need to evolve around the emerging concerns of environment. State instruments rooted in

assumptions of sedentarisation remain inherently anti-pastoral. In a fast maturing context of agrarian crisis in many parts of the world, pastoralism offers a renewed opportunity for developing sustainable forms of production. However, a constructive policy engagement can only come about if there are enabling institutional spaces that recognise the relevance and necessity of pastoralism as a legitimate partner in development.

PLACING (FOREST) COMMONS IN A LANDSCAPE PERSPECTIVE

Mike Smith, Forum Facilitator

Global Partnership for Forest Landscape Restoration (GPFLR), UK

Discussants:

Andrew Wardell

Director, Forests and Governance

CIFOR, Indonesia

Narpat S Jodha

Head, Mountain Farming Systems Division, International Centre for Integrated Mountain Development (ICIMOD), Kathmandu, Nepal

Jagdeesh Rao

Director, Foundation for Ecological Security,

Anand, Gujarat, India

Herman Rosa Chavez

Head, Ministry of Environment and Natural Resources (MARN), El Salvador

Pramod Krishnan, IFS

Environment and Energy

United Nations Development Programme

India

Throughout the world forest users and owners, land managers and landscape planners are facing increasing competition for forest products and services under changing environmental, economic and social conditions. To implement current policies in a changing world requires the development of adaptive strategies that integrate traditional land management and the forest sector within a broader land-use framework. Additionally, multiple levels of governance from local to international need to be engaged to ensure better management of common land and forests.

The forum aimed to bring in regional and global challenges and solutions to governing and managing forests that are part of a larger landscape needed to provide a range of land use functions. Ecological restoration and improving the livelihoods of forest dependent communities is the ultimate goal, but is possible to clearly identify and implement the multiple benefits for people and nature.

The main objective is building sustainable relationships between communities, government authorities, commercial interests and the delivery of ecosystem services within their dependent landscapes. One way forward, world over, has been the implementation of community institutions of forest-governance (on the principles of self-governance) and involvement of local stakeholders in decisions involving local ecological benefits and more tangible economic benefits from non-timber forest produce.

The aim of this approach is to provide a transparent process which can be used to inform decisions and invoke discussion. Collaborative planning that utilises this concept differs from conventional forest and land use planning because it examines forest values and functions along with participation of stakeholders involved with forest development, management and infrastructure planning. This links the social, cultural and ecological dimensions of spatial planning at multiple levels and scales. Complex issues of land tenure, access to resources and social justice need to be incorporated into these discussions to achieve equitable solutions

In order to develop this approach it is important to understand the current state and future evolution of (i) policy and economic framework conditions, (ii) social developments, (iii) technical innovations, and (iv) physical environments that affect multifunctional forestry at the landscape scale. Within this context we need to know what are the concerns of those living in and dependent on forests with respect to adapting land use management and strategies in a changing world.

The forum reviewed global discussions (and gaps and loops in them) on the criticality of forests and other commons for their role in maintaining ecological services and biological diversity, recycling hydrological and nutrient flows and mitigating climate change. This was coupled with the social economic and political spheres on landscape scale conservation.

GOVERNING AND MANAGING COMMON PROPERTY RESOURCES IN THE FACE OF CLIMATE CHANGE

Ashwini Chhatre, Forum Facilitator

Assistant Professor in the Department of Geography, University of Illinois, Urbana-Champaign, USA

Discussants:

A Damodaran

Professor, Indian Institute of Management, Bangalore

Jesse Ribot

Associate Professor of Geography and Affiliate, Beckman Institute

Bina Agarwal

Director & Professor of Economics

Institute of Economic Growth, University of Delhi

Gopal Kadekodi

Director, Institute for Social and Economic Change, India

William Sunderlin

Principal Scientist, Forests and Governance, CIFOR, Indonesia

The issue of management of Common Property Resources has during the past four decades received detailed conceptual and operational treatment at the hands of the academia, policy makers and civil society groups. By comparison the climate change agenda in its present form, is only a decade and a half old. Given the fact that climate change is a key issue that the world is grappling with, and is likely to have serious implications for rural poor and their common property resources, it is important that the linkage of this global environmental problem to common property resources is systematically discussed and debated upon.

Common property resource management systems are likely to undergo a major change, as the adverse impacts of climate change on the rural commons sinks in. While many common lands that are sustainably managed are resilient enough to handle climate variability and occasional shocks, the task of managing prolonged droughts and floods would call for enhanced resilience. Some of the adverse impacts of climate change on rural poor can be in the shape of permanent, large scale human and livestock migrations on account of crop failures in the farming sector, continuously decreasing employment opportunities, sinking

water tables, dried river beds and depletion of biomass resources in common property resources.

What is more disconcerting is the emphasis on implementing fast track 'projects' in common lands to address climate change. These activities tend to be undertaken by corporate groups on a top-down project mode basis, with focus on raising bio-fuels crops or fast growing tree species that have high rapid CO₂ sequestration potential and earn carbon credits for the project executing agencies. The adverse impact of these projects on biodiversity and livelihoods of common lands has not been systematically discussed. More problematic is the larger 'replication' impacts of these fast track projects by way of promoting large scale national programs on common lands that focus on earning carbon credits for public agencies and Government formations. An alternative, inclusive approach for addressing the impacts of climate change on common lands is called for.

The IASC has accordingly set up a special session on Common Property Resources and Climate Change to deliberate on the following issues:

- (1) Role of natural resources commons – forests, pastures, fisheries, groundwater etc - in providing a buffer to rural communities from climate variability is increasingly recognized. The panelists will explore the role of the commons in reducing climate vulnerability, as well as providing the foundation for adaptive responses to climate change.
- (2) The likely adverse impacts of top down adaptation measures undertaken in common lands through corporate and national initiatives. These impacts will be discussed with reference to the adverse effects of such measures on endemic vegetation, biodiversity, moisture availability and the natural edaphic qualities of common lands.
- (3) The adverse impacts of project based 'carbon off-set approaches' like Reduced Emission from Deforestation and Forest Degradation in Developing Countries (REDD) pilots and Clean Development Mechanism initiatives on the conventional subsistence means of livelihoods for the rural poor.
- (4) The design of an inclusive, bottom up approach for sustainable development of common lands to address climate change, which is consistent with the equity dimensions of the Framework Convention on Climate Change.

POLICY SHIFTS, IMPLICATIONS FOR WATER ACCESS AND LATITUDE FOR WATER AS COMMONS

NC Narayanan, Forum Facilitator

Associate Professor, IIT Bombay, India

Discussants:

Daniel Chavez

New Politics Programme Coordinator, Transnational Institute (TNI), Amsterdam

Sunita Narain

Director of Centre for Science and Environment (CSE), India

Ramaswamy Iyer

Honorary Professor, Centre for Policy Research, India

SP Tucker

Principal Secretary to Government of Andhra Pradesh, Minor Irrigation and CADA

The water crisis due to problems of declining supply due to pollution, over exploitation and increasing demands globally has attracted attention following the international conferences on water and environmental issues in Dublin and Rio de Janeiro held during 1992 where some broad principles were suggested to achieve the multiple goals of equity, efficiency and sustainability in water management. The major contested concept in the policy debate hence is whether water is an economic good as suggested by the neo-liberal policy advocates. Water has multiple uses and valued in different terms. The property rights for use of water and hence the strategies for management also vary widely. As a response to the economic thinking, after years of deliberations in different quarters, the UN Human Rights Council has by consensus adopted a resolution affirming that water and sanitation are human rights on 30 September 2010. The policy forum on “water as commons” in the 13th Biennial Conference of IASC in Hyderabad will discuss the different dimensions of the issue – water for life, water for livelihood and water for productive uses. Even within water for life, the urban drinking water services have to be considered differently, the major debate being keeping water as a public service. The state withdrawal from rural drinking water supply with demand responsive approaches to policy raises major questions of sustainability of supply at the level of capacities at technical, economic and institutional realms. In water for irrigation, even with the policy shifts to participatory irrigation management, the role and responsibility of state and community is yet ambiguous and needs clarification. The principles of larger water allocation between water for life, livelihoods and productive uses are another level of contestation.

The Forum

The water policy forum assembled the discussions around three themes: (1) Direction and triggers of policy shift in water sector; (2) Perspectives and experiences based on specific issues and contexts; (3) Scope for incorporating “commons” agenda in the debate.

The forum involved representatives from government, academia and civil society and shall discuss general issues like policy shifts and specific issues in context to understand the nuances of the debate to explore the possibility of bringing the ‘commons’ agenda into it. It is grounded mostly in the Indian context so that it addresses certain pertinent issues in water sector. The Latin American perspective will enrich the current discussions on the role of public utilities in ensuring water as a public service. The notion of commons has to be placed within specific issues discussed in context to avoid normative generalizations and explore possibilities for creative ways to make water policy and governance more inclusive and sustainable.

The speakers brought in a range of experiences: Sunita Narain (Civil society perspective); Ramaswamy Iyer (Policy Analysis); Ruth Meinzein Dick (Policy Analysis); Daniel Chavez (Latin American experience in deepening public accountability); S.P. Tucker (Policy reform practice experience in Andhra Pradesh).

FOOD SECURITY, COMMONS AND ENTITLEMENTS – TOWARDS STRATEGIC SOLUTIONS

Soma Kishore Parthasarathy, Forum Facilitator

Independent Public Policy Professional, India

Chair:

Stephen J McGurk

Director, Regional Office for South Asia and China, IDRC

Discussants:

Jos Mooij

Associate Professor, Institute of Social Studies, Hague, The Netherlands

Regina Birner

Chair, Social and Institutional Change in Agricultural Development, University of Hohenheim, Germany

Tom Arnold

CEO, Concern Worldwide, Ireland

Kavita Srivastava

General Secretary, People's Union for Civil Liberties

Tasmin Rajotte

Representative, Quaker International Affairs Programme (QIAP), Ottawa, Canada

With contradictory trends of high GDP growth on the one hand and increasing levels of poverty and alarming levels of hunger on the other, India is a clear example of the increasing disparities – regional and socio-economic- between populations and their entitlements. Claims of large stocks of food grains belie the truth about widespread hunger and rampant food insecurity across the country. Explanations of a diversifying food basket to justify the overfull food stocks hide the reality of decreasing purchasing power, as natural resources from which people can earn incomes are divested from people's access and placed in state domain or appropriated by corporate and private parties for their own profits.

Food security is about the quantum of food produced and its demand and supply as much as it is about its availability, affordability and distribution to the population especially on the margins. More than 65% of the people in South Asia are dependent on agriculture for their livelihoods, but the paradox of disparities is more intensely experienced by those who are rural, marginal land owners and agricultural workers or in occupations based directly on land and natural resources such as pastoralists, fisheries or forest dependent communities. The lives and livelihoods of millions in the developing world are tied in to the availability and access to the commons. Approximately 300 million people depend on shifting cultivation, hunting and gathering to survive (FAO, 1996a); many are at risk of not consuming enough food to meet their daily energy requirement on a chronic, transitory or seasonal basis. Threats to their natural habitats and livelihoods have a direct adverse impact on their lives, especially by inducing and deepening conditions of hunger and reducing the means of income to address basic needs.

As privatization, encroachment and degradation of the commons occurs or state policies delimit their access for the traditionally dependent communities, the marginalization of communities dependent on the commons becomes more explicit in the form of multiple deprivations. Conflicting interests in commons between these communities and commercial interests have led to dependent communities being displaced, disenfranchised and disentitled by the modes of production and usurpations of the commons. Development initiatives themselves have led to the displacement of thousands of indigenous people, gatherers, pastoralists and fisheries dependent people and destruction of thousands of acres of common lands. Unofficial estimates place the number of development-displaced people in post independence India at around 60 million (2004)[1], displaced from an area of 25 million ha. of which 7 million were forests and 6 million were other CPRs*. Tribal people

comprise 40% of the project displaced, and 20% are dalits; these are the population rendered most at risk.

Millions of people depend on forests for their food security, either directly for wild food resources or for ecosystem services. These communities supplement their production with forest products on common-property forest lands (lands that are owned and managed collectively) or open-access forest lands (lands that have no effective collective or private ownership status). Forest fragmentation and other forms of degradation, however, continue to impair the capacity of forests to contribute to food security, with the obvious impact of decreased biomass, i.e. a decrease in the future capacity of the forest to produce wood, fodder, buffer food, medicinal plants etc. Tasks of gathering of fuel-wood and fodder have become more arduous as the depleting commons imply that rural women have further to go and more time is spent on such tasks for the maintenance of household food security. The pervasive levels of persistent hunger call for focused efforts to address the problem not only through enhanced investment and increasing productivity of the agriculture sector, and improved food distribution; it calls for a more long term view of sustainability and access to resources on which livelihoods and survival of millions of the population, and indeed the economic and ecological wellbeing of the region depends.

Relevance: Food, livelihoods and the commons- exploring the triad

Food security is the most critical element of the livelihoods process as its assurance will invariably determine household capacities to deal with the livelihoods choices required to sustain themselves. Food security is determined by the capacity of households, communities and the state to ensure enough food on a sustainable basis for the survival and well being of its constituents by means of adoption of processes of production, creating access to and ensuring distribution of such food products and the means of their production; livelihoods resilience and food security are mutually embedded and determined by human capacities to live off the resources available as well as the socio political structures that determine their availability. Traditionally dependent communities are increasingly compelled to compete with numerous interest groups seeking to wrest control of commons, even as CPRs augment rural livelihoods especially in times of crises up to 40 per cent of their annual incomes[2]; diversified opportunities for income through CPR related employment is therefore a means to strengthen sustainable livelihoods and food security.

Common property management practices contribute directly to the capacities of communities to sustain agricultural and non-agricultural activities. While the need for

communities to manage and control resources towards their survival and an ecologically sustainable future cannot be overstated, consideration is necessary of the global trends in food markets including the globalized commercial markets for food, futures trading, considerations of profitability. Differentiated priorities between the developing world and the developed influence choices between use of food grains as food as biofuel, enhanced cattle productivity and imperatives of human survival. The global reconstruction of food markets in the futures trading scenario creates its own impacts and implications even as the land based production processes are distanced further from those who are the consumers.

The fragmentation of ecosystems into products and processes for the global market food-chain brings with it a host of concerns, and compels us to reconsider an alternative perspective to ensuring food security based on principles of equity and rights to access for the traditionally dependent. The commons discourse compels a broader visioning of the strategies beyond the current focus on PDS and BPL policies, food and agricultural policies to encompass a critique of the sectoral policies and related policy structures – industry, mining, forests, land acquisition and distribution. The challenge is to broaden the horizons of the food security discourse from its limited liberal lens, towards an inclusive and entitlements based framing of the issue that addresses issues of sovereignty, autonomy, and equity.

The Forum

Food security is a notably current issue at present in the Indian context, as the government drafts the new legal enactment to guarantee the Right to Food as an entitlement to address issues related to starvation, under nutrition, chronic hunger and inequality in the country. Efforts of the Right to Food campaign have led to the Supreme Court taking cognizance of the issue and appointing Commissioners; a comprehensive legislation that makes provision for universalization of food security based on decentralized procurement is one of the key demands[3]. The Forum provides an opportunity to draw upon experiences from various parts of the globe which may provide policy makers and practitioners insights into provisions for the assurance of food security, sovereignty and sustainability of the resources and processes on which food security depends. Experiences of community based initiatives from within the South Asia region and beyond of decentralized processes to strengthen food security can serve as examples for the way forward to address control and management of the commons from a people's perspective.

The forthcoming 12th Five year Plan of the Government of India, consultations for the preparation of which have already begun, provides a benchmark to target our efforts for the incorporation of the commons as a key factor for consideration as well as integration into the deliberations of the Plan imperatives. Reference to the Commons in the context of CPRs and NRM have been made in previous plan documents, but with little impact as contradictory policies undermined the concerns and no strategic suggestions were made on how the integrated perspective is to be achieved[4]. Efforts to introduce a nuanced view of the interrelationship of environmental sustainability and livelihoods assurance through a careful assessment of the position of the commons are critical to addressing the food security and other contradictions evident in the plan processes. Processes of planning can be strengthened with a clearer view of the commons as a complex relationship of natural resources that support the economy, ecology and livelihoods of a large gamut of vulnerable populations of India.

[1] W. Fernandes, The Human Cost of Development - Induced Displacement, in India Social Development Report, New Delhi, Oxford University Press 2008. Referred to in **Development Challenges in Extremist Affected Areas** — Report of an Expert Group of the Planning Commission, Government of India, New Delhi, 2008. Pg...

* Common Property Resources

[2] Dasgupta M cited in Chopra K 2008

[3] Summary Resolutions Of The 4th National Convention Of The Right To Food Campaign, Rourkela, 6th To 8th August, 2010

[4] **Ashish Kothari** Environment, Food Security And Natural Resources- Lacunae In Tenth Plan Approach Paper Economic And Political Weekly January 26, 2002 289-292

VALUING ECOSYSTEM SERVICES: SOME IMPLICATIONS FOR REGIONAL AND GLOBAL POLICY

Dr. VP Jauhri, IAS (SESSION CHAIR)

Former Special Chief Secretary to AP Government and Director General of Dr.*MCR HRDI*
Andhra Pradesh

Discussants:

Helga Serrano

Advisor, Yasuni - ITT Initiative, Coordination Ministry of Heritage, Ecuador

Pavan Sukhdev

Special Advisor and Head, Green Economy Initiative UNEP

Haripriya Gundimeda,

Associate Professor, IIT Bombay, India

The brought in experiences from recent global discussions on payment for ecosystem services and economic evaluation of ecosystem services. The regional context of the forum was that India is now discussing Green Accounting and the larger debates on economics of ecosystem services. The forum sought to address the contribution of commons to the economy and to the livelihoods of poor– forests, grazing lands, wetlands and oceans, in economic terms.

The forum discussed the challenges, insights and leads from the Yasuni-ITT Initiative in Ecuador, a proposal towards sustainability. August 3, 2010, the Government of Ecuador and UNDP signed the Memorandum of Agreement for the Yasuni-ITT Initiative to leave the Ishpingo-Tiputini-Tambococha oil fields untapped under the core of Yasuni National Park in exchange for an international contribution for lost revenue – an equivalent to at least half of the resources that would be received if Ecuador exploited its oil in a highly biodiverse area.

One intent was to discuss the TEEB findings from a Commons perspective, the title, structure and content could address the broader realm of payment for ecosystem services and the challenges involved.

The forum also drew the attention of the IASC community to the TEEB study which holds both enormous potentials yet at the same time some dangers for an equitable and sustainable use of the commons or natural resources more generally. All TEEB volumes highlight the potentials of valuing biodiversity and other ecosystem services for conserving natural capital, for enabling sustainable economic development and for poverty alleviation. (further information and some of the reports under teebweb.org - where the volume

mentioned features under TEEB for Administrators). Nevertheless valuing nature even in non-monetary terms also bears its risks - especially regarding social exclusion.

FOREST RIGHT ACT, COMMUNITY FOREST RIGHTS & MANAGEMENT/ COMMUNITY CONSERVED AREAS

Neema Pathak-Broome, Forum facilitator Kalpavriksh, India

Discussants:

Ashish Kothari (Session Chair)

Kalpavriksh, India

Gary Martin

Global Biodiversity Fund

Madhusudan MD

Scientist, Nature Conservation Foundation, Mysore, India

Fred Nelson

Maliasli Initiatives

Ilse Köhler-Rollefson

Projects Coordinator, League for Pastoral Peoples and Endogenous Livestock Development, Germany

Mohan Hirabai Hiralal

Vrikshmitra

Main aim

To discuss key policy directions for CCAs as a form of governance of the commons, both in general, and in particular focusing on the Indian situation

Key issues

What experiences in policy formulations are available from other countries, relevant to India?

How have these policy formulations implemented in India and in other countries and what have been the experiences with the same?

What are the policy implications of major issues that have come up in discussions related to the conservation of commons by people during the this conference, e.g. on common property laws, customary vis-à-vis statutory law, livelihoods and conservation interface, institutional structures for governance and management, and so on?

What are the key policy gaps in India that need to be addressed, and how will they be addressed?

What are the specific ideas for influencing India's policies?

Participation:

Fred Nelson, Experiences related to conservation from restitution of rights in Africa

Gary Martin, Global experiences on conservation of commons by local and indigenous communities

M.D. Madhusudan, Ecological concerns and conservation of commons by indigenous and local communities

Mohan Hirabai Hiralal, Using Forest Rights Act to support CCAs

EMERGING POLICIES: CREATING NEW COMMONS

C Shambu Prasad, Forum Facilitator

Associate Professor, Xavier Institute of Management, Bhubaneswar(XIMB), India

Discussants:

David Bollier

Independent Policy Strategist and Journalist

Shiv Visvanathan

Senior fellow, Centre for the Study of Developing Societies (CSDS), India

Wiebe E. Bijker

Professor, Technology & Society, University of Maastricht, The Netherlands

MV Sastri

Knowledge in Civil Society (KICS), India

Venkatesh Hariharan

Corporate Affairs Director,
Red Hat Asia Pacific, Bombay, India

The 21st century has presented new challenges to policymaking. There is now a better appreciation of the complex and interlinked nature of the policy process and an increasing shift from creating new policies to the process of policymaking, from a rigid prescription of right policies to creating an architecture of participation and consultation of stakeholders and of learning together. In India civil society organizations and social movements have played major roles in shaping public policies through initiatives such as the NREGA and RTI. They have demonstrated the potential of peoples involvement in policy making by creating new knowledge commons where the views of the labourer, a citizen has found voice and has created a demand for effective service delivery from the State. Translating the potential into a policy framework or guideline requires a better understanding of peoples knowledge and how it contests and dialogues with the knowledge of the expert.

As India prepares its 12th Five Year Plan with greater focus on inclusive growth it is time to assess as to how much of this thinking from the field and debates on the commons is likely to find place in the planning process. Would such voices get drowned as the conversations move towards more formal planning processes that privileges the expert over the common man? Are there better experiences that India could learn from in dealing with different knowledge systems? Should the knowledge commons go beyond its current emphasis on digital commons? How would new commons translate in the Indian context where there is a simultaneity of worldviews, times and ways of being? How can these talk to each other?

Are there new (human created) commons emerging that have used the potential of open source philosophies to create new dialogues on knowledge and democracy? How can these be mediated? Are the current frameworks on understanding commons such as the IAD sufficient to understand new commons in pluralist societies? What more would be needed? Can the ideas of Gandhi's 'oceanic circles' and Hind Swaraj be reinvented in today's context? How would such a re-invention help in the commons debate? Can the questioning of expertise and professions in Hind Swaraj create newer ways of exploring and enacting expertise?

The policy agenda on commons has often been on the issue of rights, largely understood within the frame of access – for and against – people. What would it mean to have a rights view on knowledge? How can ideas of cognitive justice be worked in practice? How can some field level ideas lead to policy insights for the 12th plan but also the inclusive innovation agenda of the National Innovation Council? Can India learn from some Dutch experiences in knowledge dialogues on health and nano-technology on the way they seek to deal with different kinds of expertise? How can local and international commons work to mutually benefit and strengthen each other?

LEGAL RECOGNITION OF COMMUNITY BASED PROPERTY RIGHTS

Sanjay Upadhyay, Forum Facilitator

Managing Partner, Enviro Legal Defence Firm, India

Discussants:

Kate Ashbrook

Open Spaces Society, UK

Liz Alden Wily

Land Tenure Specialist, Nairobi, Kenya

Ritwick Dutta

Legal Initiative for Forest and Environment (LIFE), India

Klaus Deininger

Lead Economist, Development Research Group
The World Bank, Washington DC, USA

Ramaswamy Iyer

Honorary Professor, Centre for Policy Research, India

Usha Ramanathan

International Environmental Law Research Centre (IELRC), India

Property rights are an important factor in natural resource management. Indeed, sustainable development is unlikely to ever be attained in many locales if the property

rights of indigenous and other local communities remain unrecognized by national and international laws. Terms and concepts concerning property rights, however, have deeply imbedded and often different meanings for different people. As efforts to understand the relationships between different domains of work and scholarship increase, new insights concerning challenges posed by language are emerging. The emphasis given by "poststructuralists" to language and interpretation is having an enormous impact upon thinking and scholarship in the liberal arts and social sciences, including theories and concepts related to property rights. Different concepts of property lend support to and are consequently reproduced by particular political-economic or cultural orientations. As such, it is important to develop and disseminate new ways of discussing property and property rights that better reflect and promote the concerns and best interests of indigenous and other local communities.

CIEL's Law and Communities Program first publicly invoked the term "community-based property rights" and the acronym "CBPRs" in 2000. Among other things, the CBPR concept is purposefully designed to be useful in advocating on behalf of local communities and their rights to manage and control natural resources. It is the product of a program objective to develop and promote applied legal concepts that are more pro-community and more equitable than widely used terms such as common property and "community-based natural resource management," which is also known by the acronym CBNRM. The concept of CBPRs provides an intentional and strategic conceptual contrast to CBNRM, common property, and other terms such as co-management and joint management.

Legal recognition of CBPRs by governments should be understood to be an aspirational and optimal goal for many local communities that are or will be negotiating natural resource management agreements with governments. Although full legal recognition of CBPRs as private rights may not be the final outcome of a particular negotiation with states that claim ownership and control over vast areas, it is important that long-marginalized local communities and advocates on their behalf know of and pursue an optimal ideal outcome. This is fundamental to any credible and fair negotiation process involving rural peoples and their property rights.

THEMATIC SESSIONS

BETWEEN THE SEA AND THE LAND: COMPLEX COMMONS AT THE INTERFACE OF MARINE-
TERRESTRIAL SYSTEMS

Prateep Kumar Nayak, Panel Coordinator

Natural Resources Institute, University of Manitoba, Canada

Elinor Ostrom, Panel Chair and Speaker

Workshop in Political Theory and Policy Analysis, Indiana University, USA

John Kurien, Panel Speaker

Former Professor, Centre for Development Studies, Thiruvananthapuram, India

Fikret Berkes, Panel Speaker

Natural Resources Institute, University of Manitoba, Canada

Maarten Bavinck, Panel Speaker

Centre for Maritime Research, Universiteit van Amsterdam, The Netherlands

Most research in the area of commons and common-pool resources has sought the simplicity of studying single resource-based management cases to develop theory. However, there is now a growing recognition amongst commons scholars of the need to expand commons theory to include more systematic studies of the complex linkages between different resource systems and focus on the integrated nature of their management. The panel will focus on a group of resources that are located at the interface of marine-terrestrial systems and explore the potentials for their management under commons arrangements. Such an approach is important as commons theory has primarily focused either on marine or terrestrial resources, with a comparative lack of attention given to the areas that lie between these two systems. These areas are complex human-environment systems at the marine terrestrial interface that require specific attention. Found in diverse parts of the world, these areas typically include coastal lagoons, mangrove forests, estuaries, yet could also be expanded to embrace urban habitations that sprawl along coastal areas. They not only epitomize both marine and terrestrial systems but also maintain their unique disposition by acting as a link between the two. They are host to a good part of our planet's biodiversity and about half of the world's population live in the proximity. Consequently, resources here are fast becoming major attractions from the point of both conservation and development, which make it imperative to look for innovative approaches to secure their sustainability.

The panel dealt with a central theme: How do we use the existing or develop a more sophisticated theoretical framework for the commons to understand and address issues related to these in-between areas? Specifically, do the complexities associated with these areas offer new challenges for commons scholarship to develop, or is current commons scholarship sufficient to deal with the challenges these areas offer?

The panel focused specifically on, but was not limited to, some of the following topics:

1. Does the existing scholarship recognize resources at the marine-terrestrial interface as a class of commons requiring particular attention?
2. How do we describe commons in the context of the marine-terrestrial interface?
3. Can principles and approaches generated from studies of one particular resource system be applied to different, presumably more complex, systems at the marine-terrestrial interface?
4. Given that these areas are economic, ecological and anthropogenic hotspots, how do we balance the eminent challenges and prospects they offer? That is, what challenges do we face in managing these commons as complex human-environmental systems where success remains contingent on reconciliation between the three often conflicting characteristics?
5. How do we design policies and approaches to address this particular class of commons in the face of growing influences from drivers such as globalization and climate change?
6. What are the future directions for commons scholars, both academics and practitioners, and policy makers?

The panel explored some of these topics and their related aspects, bring up new questions, and discussed future directions for sustainability of the commons that occupy a critical space between the sea and the land.

Panel members will discuss the following topics:

Prateep Nayak: Introduction and overview

Elinor Ostrom: Challenges of devising institutions related to the sea as contrasted to land

Fikret Berkes: Why social-ecological systems?

Maarten Bavinck: Governing the littoral in contexts of legal pluralism: A typology of ruling interactions

John Kurien: Negotiating rights at the land-sea interface: Coastal community perspectives

PHILANTHROPY AND THE COMMONS

Ruth Meinzen-Dick, Panel Facilitator

Coordinator, CGIAR Program, Collective Action and Property Rights (CAPRI)

Discussants:

Tom Arnold

CEO, Concern Worldwide, Ireland

Jeffrey Campbell

Director of Grantmaking, The Christensen Fund (TCF)

Ujjwal Pradhan

Regional Coordinator, ICRAF Southeast Asia Regional Office
Bogor, Indonesia

The panel discussion featured a dialogue with representatives of foundations and other philanthropic organizations who support work on the commons, to get their perspective on why they are engaged in work on the commons. What are the aspects of the commons that resonate with the objectives of their organizations? What is their advice for sustaining research and action on the commons? The panel included both organizations with longstanding commitment to the commons and IASC, and relative newcomers to work on the commons; international and Indian philanthropic organizations.

Preliminary questions raised:

How long has the organization been involved in work on the commons?

What aspects of the commons is the organization interested in (e.g. for environmental benefits, livelihoods of the poor, culture, knowledge sharing/digital commons, etc.)?

What kinds of programs does the organization support?

What relative emphasis does the organization give to research, grassroots action, or policy work? (What does it take to get those to work in synergy?)

How does the organization define success in their work on the commons? If you were reporting to your board on a highly-successful commons-related program, what would that look like? (how do you define success in work on the commons)?

The discussion may also dwell in the challenges new economy has placed on the philanthropic, academic, non-profit and governmental sectors alike. It is now more important than ever to identify opportunities to build and strengthen relationships among foundations, between philanthropy and nonprofits, and to include academics, government and community representatives in the conversation.

Many nonprofits, public agencies and foundations are operating in the space between “individual” and the “governments” attempting to assist in achieving development, in supporting causes, in developing examples, and assisting collaborations to take place. In an era of market meltdowns and economic recession, it's a time of transition, requiring leaders of foundations, non-profits, academics and governments to pivot, plan, and adapt in the face of new realities. Panelists will discuss what influences their decision to support and what changes they expect in terms of impacts and sustainability.

The panel was composed of representatives of foundations and other philanthropic organizations with interests in working on environment and development, in particular common property resources. The conference provided a unique opportunity for foundations to understand the discourse on commons, understand the research priorities and gaps, the practitioners' searches, and a platform to network, and explore our common goals and interests in strengthening the impact of philanthropy in development of the 'Commons Agenda'.