

BRIEFING NOTES

to improve our understanding and ability to ask the right questions and take effective action on land matters in West Africa

'Land Tenure & Development' Technical Committee

Defining and implementing a land-based commons approach

by Étienne Delay¹, Sigrid Aubert¹, Aurélie Botta¹

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When access to renewable natural resources is limited, the strategies societies develop to respond to changing contexts often result in greater social inequality and degradation of the natural resource base. In order to take account of different kinds of uncertainty and avoid the ecological pitfalls and poverty traps associated with land issues, the commons approach recommends that development practitioners involve user groups in the collaborative design, monitoring and evaluation of landscape-based projects. This entails identifying the issues that arise when securing holders' rights to land and the resources it provides, and examining how social and ecological justice is achieved.

COMMONS AS AN ALTERNATIVE TO THE MARKET AND THE STATE

In 1968, the idea that free access to natural resources leads to their overexploitation was presented as 'the tragedy of the commons', along with the suggestion that the predicament could only be resolved through nationalisation or privatisation. This thesis has been challenged by numerous studies and authors – most notably E. Ostrom, who dedicated her career to exploring local mechanisms for regulating commons (cf. 'Governing the commons', Ostrom 1990) and was awarded the Bank of Sweden Prize for Economic Sciences in memory of Alfred Nobel; followed by Weber and Reveret (1993), whose analysis of the systems for stakeholder representation led them to question the laws governing adaptation to changing ecosystems and environments.

Meanwhile, the first claims to the commons were supported by avowedly 'anti-capitalist' pushback against the private appropriation of every social sphere, and have become part of a common language shared by the growing number of actors seeking new ways to combat the ascendancy of capitalism.

Analysing the commons approach to land matters between 2016 and 2018, the 'Land Tenure & Development' Tech-

nical Committee highlighted its value in two specific areas. First, it takes account of the interdependent relations between users at different organisational levels (from the individual to the biosphere); and second, it facilitates shared understanding of their dynamics and spatial and temporal changes in these relations (CTFD, 2017). Discussing these two points can help restore the legitimacy of stakeholders who use territorial resources and, if need be, envisage how to safeguard their practices.

THE THREE PILLARS OF THE LAND-BASED COMMONS APPROACH

The land-based commons approach draws on the three inseparable elements that define a common: namely, a community of users, a resource, and the rules that this community formulates to regulate use of the resource in question, which are updated according to changes in the ecological, social and economic context (CTFD, 2017). These three elements can be used to understand and intervene in a given action situation.

¹ Researcher, UPR GREEN (Internal Research Unit / Management of Renewable Resources and Environment), CIRAD. CIRAD, UPR GREEN, F-34398 Montpellier. GREEN, Université de Montpellier, CIRAD, Montpellier, France.

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● Understanding resources as territorialised

The term 'resource' expresses the value accorded to a material or intangible element that an individual or group uses at a given time in order to satisfy their needs. A resource is spatialised when it is associated with a space (point, path or polygon) or place (toponym) in its users' system of representation. Finally, a resource is territorialised when it is spatialised and its access and use are governed by rules that are formulated and implemented by actors in the territory concerned.

Commons that are based on land and land-related resources emerge from and evolve according to the identification of territorialised resources whose uses can be shared by single or multiple groups of actors. Hence the potential existence of nested commons involving different resources and different groups at different levels.

● Rethinking security of tenure in terms of land use rather than land ownership

Conventional approaches to securing 'rights holders' access to resources and ensuring that they can exercise their rights over time link the land base (spatial area) with the resources it contains, and ensure access to resources through access to the space concerned. But any process of spatial appropriation also entails spatial segregation. Making access to resources contingent on appropriating a piece of land disregards the differences in different 'right holders' status. It also diminishes the values embodied in the land's social and ecological functions, and ultimately hinders the implementation and regulation of many practices that have developed over time

as societies adapt to their environment (Le Roy, 2019).

The land-based commons approach advocates separating resource use from formal land ownership in order to secure the rights of multiple users. The solidarities that emerge when different types of resource use are analysed can then become vectors of social regulation in the territories concerned. The approach works on the premise that deeper understanding and consideration of 'action situations'⁴ will generate support for collective actions that are likely to respond to multiple social, economic and ecological challenges.

● Taking a holistic approach

The commons approach proposed for development actors and operators has three objectives.

Going beyond 'common lands'

Regarding resources as territorialised marks a shift from securing use rights (an aspect of private ownership) to securing a right 'to use' that is inseparable from the basic rights accorded to living beings in a given territory.

This enables practitioners of the land-based commons approach to:

- **adopt a functional approach to land relations**, and thus explore appropriation regimes that go beyond the legal status of land. The right to use is understood as a jointly constructed social relationship that is defined by the role attributed to territorialised resources in order to envisage how they may be shared;

- **define communities on the basis of social relations**: thinking about individual and collective users in terms of spatially and temporally distributed networks of relations will foster the emergence of inter-linked territories that can self-regulate through their interactions.

Going beyond community-based management

The participatory governance favoured by development projects since the 1990s brings its own challenges, as it can be used as a cover for new forms of authoritarianism as well as a path to emancipation. Community-based management remains an ideal that needs to be re-invented on a case-by-case basis. Proponents of the commons approach want to reverse the processes that give operational management rules their legitimacy; so that users control how their practices evolve in space and time, rather than following abstract, externally imposed standards. Investing in close relations and building trust between users increases the likelihood of compliance with rules that are perceived as fair, and encourages stakeholder participation in the development of mechanisms to enforce these rules at different organisational levels (controls and sanctions).

Going beyond community-based management simultaneously entails:

- **adopting a bottom-up approach at the territorial level**: Taking users' practices as the starting point encourages social innovations that are likely to strengthen social bonds, and increases individuals' ecological awareness (social and ecological solidarity). Bottom up, processes to secure land tenure are better adapted to local realities,

⁴ E. Ostrom defined an action situation as a social space where participants with diverse preferences interact, exchange goods and services, solve problems, dominate or fight.

and strengthen stakeholder involvement in local governance;

- **specifying the contextual goals of commons:** Development operators are looking for leverage effects on action situations. Getting users to think collectively about the different roles of territorialised resources helps clarify what it means to ‘work together’, and looking beyond the resource itself helps build coalitions and actions that aim to protect common interests;
- **regarding the principle of subsidiarity as a key issue in participation.** The practices and decision-making processes that co-exist at different levels need to be compatible. This can be achieved by empowering stakeholders through actions that can be undertaken in their respective environments, and by ensuring that they have the human and material resources they need to accomplish their mission. Linking

subsidiarity with participatory processes makes it possible to articulate actions at the different organisational levels concerned.

Understanding commons as an action situation

Commons are not static, they are constantly evolving (Bollier and Helfrich, 2015). They rely on social and ecological solidarity, and are inseparable from the ‘action situations’ in which they emerge, are maintained, reinforced or disappear.

Development operators can understand these dynamics by:

- **establishing what it means to ‘work for the common good’,** by formalising and sharing a common reference point based on practices, discourses, gestures or representations that are perceived as fair, through an iterative process of creating and exchanging individual and collective knowledge;

- **envisaging a change of scale through collaborative networks.**

The possibility of ‘common’ use is based on sharing and mutual aid, which can also be envisaged at different organisational levels. In this context, collaborative networks provide opportunities to facilitate exchanges and, if necessary, organise the defence of common interests.

FROM UNDERSTANDING TO INTERVENTION: TOWARDS A DEVELOPMENT ACTION ETHIC

Implementing the commons approach to land and the resources it contains will entail a change of attitude among development operators. To facilitate the inclusion of commons in development projects, the ‘Land Tenure & Development’ Technical Committee developed and formalised the six guiding principles shown in Box 1 below.

There is no denying that institutional constraints on interventions sometimes hinder the emergence, maintenance or strengthening of commons; or that securing the local rights claimed by user groups operating in different territories is a major challenge. Nevertheless, it helps free stakeholders from the structural constraints of project-based approaches and can also ensure that the results obtained through subsidised actions are sustainable.

The land-based commons approach can be used to envisage alternative, locally orchestrated ways of regulating a given socio-ecosystem. In this context, recognising distributed rights associated with land use that relate to both space and resources represents a new way of promoting social and ecological justice within the societies concerned. ●



**BOX 1:
SIX GUIDING PRINCIPLES
FOR INTERNATIONAL
COOPERATION**

- **Principle 1.** Recognise and promote the potential of commons by seeking to understand and encourage widespread recognition of the roles they play and the importance of resources. → Recognise the value of shared resources.
- **Principle 2.** Find ways to better understand the commons environment by analysing the networks of interactions, action situations and uses. → Understand social dynamics.
- **Principle 3.** Adopt a pragmatic approach in order to identify key commons that need support, to ensure access to livelihoods and safeguard collective wellbeing. → Consider the ecological dimension.
- **Principle 4.** Initiate and develop procedures and processes that can be anchored in stakeholder practices and thus encourage their appropriation. → Consider how resources are appropriated in order to ensure social and environmental justice (how space will be used over time).
- **Principle 5.** Prioritise support based on jointly designed initiatives and subsidiarity to anchor commons in local governance systems. → Do not replace project beneficiaries through project implementation, and work with existing institutions rather than replacing them.
- **Principle 6.** Include rights holders in monitoring and evaluation processes to give them indicators of how these commons evolve. → Prioritise self-management.

REFERENCES

>> Bollier D. and Helfrich S. (eds), 2015, *Patterns of Commoning*, The Commons Strategies Group.

>> CTFD, 'Land Tenure & Development' Technical Committee, 2017, *The opportunities and challenges presented by a land-based commons approach*, Paris, Ministry of Europe and Foreign Affairs (MEAE), Agence française de développement (AFD).

<https://www.foncier-developpement.fr/publication/opportunités-defis-dune-approche-communs-de-terre-ressources-porte/>

>> Le Roy E., 2019, *Pourquoi et comment la juridicité des commons s'est-elle imposée dans nos travaux fonciers? Récit d'une initiation*, CTFD.

<https://www.foncier-developpement.fr/publication/pourquoi-et-comment-la-juridicite-des-communs-sest-elle-imposee-dans-nos-travaux-fonciers-recit-dune-initiation/>

>> Ostrom E., *Governing the commons: The evolution of institutions for collective action*, Cambridge University Press, 1990.

>> Weber J. and Reveret J.-P., 1993, 'La gestion des relations sociétés-natures : modes d'appropriation et processus de décision', *Le Monde diplomatique*, coll. Savoirs, n° 2, 'Environnement et développement'.

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EDITORS

Etienne Delay – UR Green, Cirad: etienne.delay@cirad.fr
 Sigrid Aubert – UR Green, Cirad: sigrid.aubert@cirad.fr
 Aurélie Botta – UR Green, Cirad: aurelie.botta@cirad.fr

PEER REVIEWERS

Patrick d'Aquino – UR Green, Cirad: patrick.daquino@cirad.fr
 Amel Benkahla – GRET, 'Land Tenure & Development' Technical Committee Scientific Secretariat: benkahla@gret.org

