

# **Ensuring the Sustainable Use of Commons: Conserving and Building “Common Property”**

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# Introduction

In planning for sustainability, a first step is to understand the logic of existing land use systems. They did not drop from the sky, but evolved through community decisions in response to needs and problems. The use of such resources is often governed by customary land tenure. Often these tenure systems are characterized as “communal”. In fact they consist of multiple tenures for the multiple uses of land. Some land is owned by lineages and inherited by individuals, or assigned to families, but other are for the shared use of members of the community, such as pastures and forests. These “commons” are often subject to degradation through overuse, due in part of inadequate land tenure and property right arrangements. The analytical and practical tools exist for governments to sustain or create “common property” systems that promote sustainable use of such shared-use land resources.

# Land Use/Land Tenure Niches

- Existing land use systems as the product of community experience
- Local institutions are a key resource in achieving sustainability
- There is a need to
  - drill down into land use systems of local communities,
  - identify land use “niches”: areas of land suited for particular uses, and
  - understand the norms and institutions involved with each niche
- Because land tenure rules are framed for particular land uses, land use niches are also commonly land tenure niches, and those tenure rules help determine sustainability of land use

# Communal Land: Drilling Down

- The stereotype: community land tenure as communal
- In fact, community landscapes contain numerous tenure niches, some of which give community members rights to share the use of the resource
- A tenure system may be “communal” in the sense of “community-based” (land is under community authority)
- A tenure niche may be “communal” in the sense that its use is shared by community members.

# Typical Communally Used Resources

These resources, while important to all community members, are particularly important to the land-poor

- Pastures
- Forests
- Wetlands
- Shrines
- Football fields
- Public facilities

# Tools for Analysis of Sustainability

- Property rights play an important role in community incentives for sustainable use
- Economists have developed two key analytical categories for communal use situations:
  - Open Access
  - Common Property
- Each creates very different incentives for sustainability on the part of resource users

# Open-Access

- An open access resource is a resource whose use is shared and unregulated
- It is the classic free-for all, either among
  - members of the community
  - communities and their members
- Incentives and impacts of open access:
  - “Stinting” by users is not rewarded
  - Users seek to maximize use
  - Unsustainable use results

# Common Property

- “Common property” is shared-use resource for which tenure rules and institutions allow community control of use
- Common property involves two aspects:
  - Tenure: the right to exclude and control use
  - Governance: the rule-making and enforcement institution
- Incentives and results of common property:
  - Security of tenure, and a long time horizon for users
  - A long-term interest in sustainability and good husbandry



# How Can Commons Use Become Unsustainable?

- Many customary communities have adequate traditional common property arrangements, but such land is often under pressure
- When customary authority fails or is undermined:
  - The commons may shrink and disappear, or
  - The resource may revert to open access, or
  - The resource may be appropriated and subdivided by local elites

# What can Governments Do? Refrain from Undermining Customary Common Property

- Governments have often legally undermined customary common property
- Instead, they need to:
  - Provide legal recognition to the authority of community institutions over their commons
  - Ensure that customary rules and decisions of those institutions are respected by the courts

# What Can Governments Do? Strengthen Common Property Management

Governments can improve common property management by providing and promoting:

- Commons demarcation and registration
- Model organizational by-laws for institutions
- Model by-laws governing use (by resource)
- Community-level technical assistance