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Reflections on the Commons

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Abstract

There exists a lot of bias against the very idea of Common Property Resource (CPR) in the policy world. Harden's famous 'tragedy of the commons' is relentlessly cited against this particular form of property regime, branding CPRs as 'unviable' and 'utopian' - a fantastical notion incapable of ever working. This paper, named in tribute to Ostrom's path-breaking work on the commons, attempts to reflect on the very essence of what it means for a resource to be 'common property' through looking at empirical examples and discussing criticisms directed towards, and particular myths concocted around it.

Keywords: *Common Property Resource, Commons, Property Regime*

1.0 Introduction

Too often academic and policy literature looks at 'common policy resource' as something mutually exclusive from the institutional structure imposed on it. The idea that any resource is 'common property' is a misnomer — resources are merely *controlled and managed* as common, or state¹, or private property². Sometimes they aren't controlled and managed at all but have access left open. The primary base here then becomes that of "property", or the benefits one gets from resources, and who can lay claim to those benefits as protected by a higher body through rights, or an authority.

Property isn't an object but a social relation that separates the ones who own something of value from others, involving an intricate interaction between benefits, right holders, and duty bearers. Keeping this in mind, it becomes important to look at property regimes, not as universal givens and inherent in resources but as a tool used for sustainable development, as well as the various benefits and ills that rise up as a consequence of their adoption when we recognise natural resource regimes as explicit (and implicit) organisations of rights and duties that define the relationship between two individuals with each other concerning the resources in question.

Regimes themselves take on the colour of the circumstances surrounding them, primarily popular conceptions of what is scarce and what is valuable. The problem with traditional approaches to the commons is that the very idea of property is understood incorrectly leading to the treatment of natural resources with the belief that particular characteristics are intrinsic and thus can only be controlled under a particular regime.

¹ State Owned Property: Property owned, controlled, and managed by a public authority or Government

² Private Property: Property owned by non-governmental legal entities.

So yes, the commons can manage Common Property Resources (CPRs) efficiently and sustainably, there are several empirical examples to substantiate this, but there is no one, all-pervasive approach. Common property regimes, much like the other two (favoured) state and private regimes, can both be successful as well as fail.

The question thus expands to include *why* do they fail, what factors can one look into while devising an institution that works towards development in an environmental-friendly manner, and whether bottom-up institutional regimes are beneficial or not.

2.0 What is Common Property?

So, we begin by delving into what common property is. It is often mistaken by policymakers to be the same as open access resources³, and while it is true that a failure and breakdown in the authority systems governing common property regimes can lead to resources being open access for all, there are critical differences between the two. We notice that there is a major commonality between private and common property in the exclusion of non-owners — the latter can be seen as an extension of the former where instead of the individual having sole authority over property, it is a group with definite membership and boundaries (law firms based on Partnership can be looked at as a common property resource form of arrangement.) Tribal groups, kin and extended families, neighbourhoods, sub-villages all are examples of common property management where cultural ties and endogenous authority systems govern the management of resources.

CPRs are — like any other property regime, as mentioned earlier — defined by a relationship between rights and duties; by concretising an individual's choice domain w.r.t. that of others (both within and outside of the group), a property right determines who has the authority to act in a pre-decided manner as sanctioned and backed by the state⁴. The essence of any property regime lies in an authority system facilitating the rights of an entity to lay claim to a benefit stream (property) and those with duties respecting these rights — compliance is a necessary condition for the viability of any system.

³ Rivalrous, non-excludable resources with unrestricted access.

⁴ Here looked at not as a government but any legitimate authority including customs, culture, etc.

Now, this compliance within a common property resource regime can be called into question by critics through the citation of the assumption of egocentrism⁵, that since everyone would be concerned just with their own individual well-being the common resource would be overexploited. This assumption is, however, unfounded. We see various communities develop systems where each individual “polices” the other and, through a network of rules and penalties, sustainable development is ensured. The pre-colonial Indian village economy with established status and authority systems dictating choice within both the private and public domain saw households hold common and customary obligations to each other both socially and economically; it can be said that the village itself was a unit of control and management of land and other natural resources. Socio-political, economic stratification within the community served as an effective, if not morally uncorrupt, system of self-government where rights were determined by rules and customs which ensured income systems of self-government remained efficient. One can take things a step further and juxtapose successful common property regimes, compare them to determine factors that must be taken into account while devising a system that could potentially work.

3.0 So How Can CPRs Work?

Ostrom in her critically acclaimed work “Governing the Commons: The Evolution of Institutions for Collective Action” warns readers against generalising policy and that the adoption of such an epistemology⁶ will lead to disaster considering the ever transient nature of socio-ecological conditions concerning social, economic and technological developments; for common governance to be successful, the rules need to change. Following this cautionary warning, she sets up a loose set of prerequisites for adaptive governance of complex systems, primarily:

- **Providing Information:** Trustworthy information about stocks, flows, and processes within the system and human interactions affecting the system is necessary for an institution to work. This information must be in congruence with the scale of events and

⁵ Refers to innate selfishness - that an individual could only make choices that benefit solely their own selves

⁶ Theory of knowledge, especially with regard to its methods, validity, and scope.

decisions — averaged out info often neglects local information important for identifying solutions — and also be relative to decision-makers needs with respect to timing, content and form of presentation. A system also needs information on values and uncertainty, the latter to accommodate scientific ignorance and disagreement and the former to understand the effect of decisions on various valued outcomes. For instance, lack of knowledge on part of the government of CPRs instituted by various tribes in India which had cultural ties to land led to unsustainable decisions of development and poorly regimented nationalisation of these resources.

- **Rule Compliance:** Effective governance requires adherence to a set number of rules, with toleration of reasonable violations. Those imposing them must be seen as an effective and legitimate authority. Command and control strategies have often proved to be regressive in the past due to lack of will or resource. Several instances of imposition on independent jurisdictions over the commons by central governments have resulted in failed common property regimes; it can be seen through the nationalisation of forests that were treated as common property by various tribes by the governments of India and Nepal, as well as the creation of land boards to allocate common land by the government in Botswana as a conscious effort to undermine local chiefs' authority.
- **Infrastructure:** Infrastructure, including technology, determines the extent to which a commons can be used, the ability to manage waste, motion behaviours, etc. It can even be said that the state of technology determines the viability of the regimes chosen to be used. For example, better communication through cell phones aided in-shore common property regimes in Canada with enforcing the compliance of the system used where individuals would immediately contact everyone else in case they found someone violating the agreement.
- **Change:** How flexible an institution is to changes in the environment is essential to whether it will succeed in its goal of sustainable development; fixed rules have a propensity to fail, they are too confident in static knowledge.
- **Conflict:** Development choices are inherently bestowed with conflict by virtue of differences in power and values across interested parties. And while the conflict ensuing from diverse perspectives, interests, and fundamental philosophies can boil down to

dysfunction, the clash between theses and antitheses very often leads to syntheses — when people varying in different backgrounds from engineers to local landowners, environmentalists and academics from various backgrounds were brought together to create a strategy for regulating the Mississippi River and its tributaries, a consensus was eventually reached, after extensive research and deliberation, over the confidence of the working of the alternative strategy that was developed.

4.0 What Is The Way Forward Then?

Olson's well-known argument against the commons bases itself mainly on the assumption that incentive to contribute voluntarily is lost for those who can't be excluded from obtaining the benefits of a public good, leading to them free-riding⁷ were either *all* participants free-ride as the temptation to do so overcomes decision-making or *some* free-ride on the efforts of others resulting in less than optimal output. Either way, the result will not be beneficial to anyone involved. Models developed on this are handy when trying to understand rationality, they help capture important aspects of problems that occur in many diverse settings around the globe.

The reason these models are dangerous is that they are looked at as metaphors — the constraints that are assumed to be fixed for analyses are done so while assessing empirical situations as well, unless for the influence of external authority. The prisoners in their famous dilemma do not have the power to change the constructs placed upon them. It is imperative to understand that not all users of natural resources are in this position of helplessness, they are not incapable of manipulating constraints. As long as individuals are viewed as prisoners, policies will continue to build off of this metaphor.

‘Getting institutions right’, determining which course of action or which regime is the ‘best’ for sustainable development, is a time-consuming, conflict-inducing process. It requires reliable information. Abstracted models that make use of policy as a metaphor, a given and not a tool, where individuals are assumed to be caught in an inescapable trap, will only cause more potential damage to our ecosystems.

⁷ Situation where users that benefit off of communal resources, goods, and services do not pay or contribute towards them.

People do have the ability to extricate themselves from dilemmas, some work and some fail, both must be looked into and analysed in depth to come to an understanding of what helps and what doesn't. There is no one distinct method of sustainable development, one needs to devise and base policy on the characteristics of natural resources and the human associations that interact with them. The popular idea of a 'one size fits all' fix concretised through arguments that have very convenient assumptions is to walk a very dangerous path, one that might lead us straight to disaster.

"Our development interventions will be successful only if we approach the choice of particular property regimes with the idea in mind that such regimes are policy instruments rather than policy goals." (Bromley, 1992)

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