

CPR FORUM *Europe Regional Report*

Reflections about European and non European commons, from an American perspective

Leticia Merino

Universidad Nacional Autonoma de Mexico

I have tried to organize a general comparison of European and non European commons, following four main general themes addressed by many of the papers presented in the conference:

- the understanding of what private property is and the historical weight of private property,
- the historical important of the state in the management of the commons versus their management by local communities,
- the processes of decentralization and or devolution of rights over territories and natural resources.

Different presentations showed that the understanding of private property is far more complex in many places in Europe than it is today in most of the Americas, where private property rights tend to be understood as absolute.

In the American ideology of private property, the owner rights tend to be the only visible or considered legitimate, to the point that in some countries private property can be legally defended with arms. In contrast different presentations discussed the presence of commons (defined by their exclusivity and rivalry) and rights of commoners to use the commons within private lands, as show the cases of the Sami's rights to grass their reindeers in lands owned by others, or the "private commons" of Wales and England.

A second main theme of contrast is that of the role of the State and the sense of the state intervention in the management of the commons. In this sense there are important differences among countries which have a colonial past from does without this historical experience. In the Americas most of the pre-colonial institutions disappear after the conquest and the demographic tragedy that followed the Europeans arrival to the continent and claimed the lives of nearly 90% of the population of those days (due to their lack of immunological response to the crowd diseases brought from Europe). In Spanish America during the XVI, XVII and XVIII centuries, communities property institutions were, at a large extent a result of colonial policy: indigenous was then a juridical definition based on ethnicity: Indigenous were prohibited to dress as Europeans, to have professions, they could either be ordered as priests, or have private property. Collective property, as community property was the only type of property that the colonial State recognized to indigenous, or "naturals", as they were called. Communities had also other meanings for indigenous population, becoming and institution of defense and resistance that allowed the social and political survival of local populations.

The emergence of post-colonial States produced a move, similar to the appearance of the modern State in Western Europe, in the centralization effort and search of social homogenization.

Parallel to the imposition of central governments and of ethnic majorities as bearers of nationalities during the XVII and XIX centuries, National post-colonial States in the Americas in the XIX and XX Century, intended to nullify or deny diversity. Institutions that did not fit in the Western pattern of society, such as collective property was seen as anachronistic or retarded. Consequently private and public properties were seen as the only two possible types of property. Local communities both in Europe and the Americas lost vast territories and rights.

The imposition of centralized State management of the Commons (common pool resources) has proved to be mostly a failure in different parts of the industrialized and non industrialized world, of which socialist regimes in Eastern Europe are extreme examples. Various presentations in the European conference 2006, showed the costs of this policies in Transylvania, Vlachia, Bulgaria: the destruction of local institutions and social capital imperative for sustained management of the commons. While documenting losses and difficulties these papers pose a fundamental question: that of the institutional development needed to manage the commons in a “postcentralization” context.

The last theme of reflection and comparison is that of contemporary decentralization and “devolution” processes taking place in the non industrialized world, including Latin America, and in Eastern Europe. Experiences in different Latin American countries, and some exposed in the conference show to main results: the need of local management of fragile ecological systems. These are systems as the Arctic Ocean, the Antarctica, the global climate, the boreal and tropical forests, biological diversity, that provide goods and services key for human societies.

They can be thought as common or public *resources*, in terms of difficulties of exclusion. In policy terms the paradox is that they present appropriation problems that need to be addressed globally and locally, and provision needs that are mostly met locally. The recognition of these needs, have led in some cases to the recognition of the role, need, and value of the local, the need to provide incentives and recognize local rights, not only use rights but also rights of local governance of the commons. These tendencies to strengthen the local have been more evident in forestry and conservation in the non-industrialized world— Bolivia, Central America, Mexico, Kenya, Uganda — but are also present in the United Kingdom and Norway.

Seen from a “non-European” perspective, local democracy and strength of local culture appear to be more vivid in Western Europe than in many places of the World, but devolution is also needed and is also happening in some European settings. However, in the context of weak democracies, devolution and decentralization moves face the risk of becoming “centralized waves of decentralization”.

A key element of the agenda of international development agencies imposed on non industrialized countries, regardless local conditions, is decentralized control of natural resources. Given the differences in local conditions, there is a need to see policies as experiments suited for each particular context. Devolution/decentralization need to be based on nested institutions, cooperative management, multi-stakeholders arrangements and cooperation and cross scale schemes. These appear more feasible in Europe than in countries with a colonial past and fractured societies (there are similarities among Eastern European, the European periphery, and Latin America), because of the similar impacts of decades of authoritarian bureaucratic States,

poor social capital, and risks of Elite capture. Importantly, democracy cannot be imposed: when imposed upon others, success does not always follow. Thus, there is a paradox to “imposed” decentralization and devolution.

In conclusion, I found there is a usefulness of comparative studies; not only do the differences become highlighted, but similarities among seemingly unrelated areas (e.g., Eastern Europe and Latin America) can help in strengthening our understanding of the conditions required for successful resource management.

lmerino@servidor.unam.mx