

**Conference: Conference 'Design and Dynamics of Institutions for Collective Action'**

**TOPIC: The emergence of institutions for collective action**

The number of your abstract is [93].

## **Resources under a common pool regime in a historical perspective: the Slovene experience**

Romina Rodela<sup>1,2</sup>, Andrej Udovč<sup>3</sup>, Nevenka Bogataj<sup>4</sup>

<sup>1</sup> Wageningen University and Research Centre, Department of Environmental Sciences, 6700 EW Wageningen, Netherlands

<sup>2</sup> University of Nova Gorica, Laboratory for Environmental Research, Vipavska 13, 5000 Nova Gorica, Slovenia

<sup>3</sup> University of Ljubljana, Biotechnical Faculty, Slovenia

<sup>4</sup> Slovenian Institute for Adult Education, Slovenia

**Key words:** institutional regimes, natural resources, property rights, Slovenia

### **INTRODUCTION**

Research on natural resource management has shown that collaborative arrangements can benefit the local population without depleting the natural resources (Berkes et al., 1991). At current a variety of collaborative arrangements have been studied but the one that is subject to the present analysis are common property arrangements. Over the past decades these arrangements attracted substantial research interest which demonstrated that under certain conditions common property arrangements are a well functioning alternative to private property arrangements and state management, capable of a sustainable management of natural resources (Ostrom, 1990; 1999).

Common property arrangements can be linked to ancestral forms of collaboration set-up community members and as such are found across all continents. Current literature offers useful descriptions of common property arrangements which are paramount for the development of an understanding of how these arrangements function and of the impact that can have on natural resources. Most of this literature however centres on cases from other continents than Europe which could be conducive to differences in socio-economic as well political development across continents. As pointed by Gerber et al., (2008) in European countries, due to significant state interventions and legal codification, common property arrangements lost importance and oftentimes absorbed by other type of arrangements. However, despite the pressure from the state as well as private interests, common property arrangements succeeded to endure and there is a wealth of cases where these are today managing natural resources. Some of such cases can be found also Slovenia, a central eastern European country that in result to the socialist ideology in the 1950s has experienced nationalisation and in the 1990s a denationalisation processes during which

common property arrangements began to gain some attention that only in recent years assumed a more concrete form. Namely, due to a poor understanding of common property arrangements during the denationalisation process a number of questions remained unsolved and become subject to public debate only recently thanks to a bottom-up initiative. With the exception to a few projects, Slovene common property arrangements have not attracted much academic interest and to date very little information is available about how these function, the type of natural resource these manage and the contribution given to community well-being. The absence of scientific research and data, we assume, hinders the development of an understanding of what common property arrangements are and the role they have in contemporary Slovenia.

The authors of this essay nourish a research interest for common property arrangements and so have joined forces and brought together the research outcomes from past projects and own experience in the field in order to contribute to the above indicated question. The present essay is part of an evolving research and reflection process that includes knowledge transfer objectives<sup>1</sup>. The main objective here is to reflect upon issues associated with Slovene CPR and have to this we have end looked at i) distribution of CPR, ii) type of resources, ii) change in property regimes.

## **METHODS**

This paper brings together research outcomes from past projects integrated with own experience in the field and can be best described as a reflection note. The geographical area we refer to is Slovenia as we know it today. However, it is important to mention that in the past the country was under the rule the Austro-Hungarian Empire, the Monarchy of Serbs, Croats and Slovenes, followed by the Kingdom of Yugoslavia and the Yugoslav Federation, and that only in 1991 gained independence as a sovereign state. Each of these had substantial influences for the CPR. Throughout history the boundary changed and so some territories, where a Slovene speaking population lives, were annexed to other countries. The CPR located in that geographical area, despite been under a Slovene influence, are not part of the present study.

As mentioned not much research and data is available about CPR and for the present essay we used archive material with own field experiences. Namely, for the part that looks in past developments we have used cadastral books, archive material held at churches, museums, local libraries and village archives and peoples' homes which describe events from the past. It is important to mention these documents most often do not address CPR directly but in providing a description of local affairs (e.g, how a conflict in a village was handled) often include a note about aspects pertaining to common property arrangements.

On the other hand for the description of more recent developments we have used own experience in the field and (4) interviews, integrated with informal conversations the third author accumulated during past years. Namely, the third author is involved in the coordination of the study circles and in this role she collaborates with members of CPR on different projects. This gives her access to information about how things are managed in

---

<sup>1</sup> As a part of a post-doctoral project coordinated by the first author the following knowledge transfer activities were organised; i) a monograph was published in March 2012 and ii) a stakeholder workshop targeting commoners organized in April 2012. These involved the present team of researchers and aimed to feed information and so contribute to the current debate about the role Slovene CPR have for natural resources.

villages. The interviews were undertaken with four representatives of CPR, all held were held in 2012, tape-recorded, transcribed, and analysed by the third author who integrated that part of the analysis with own experiences.

Thus, a limitation of this study is that the two descriptions, the *past* and *recent* developments, are developed on different data sets; archive material for the first and interviews coupled with own experience for the second. Unfortunately, due to lack of financial resources it was not possible to undertake further interviews (e.g., with senior community members) with the purpose of verifying and/or gathering further details about archive material. Nor we had access to material about Slovene CPR held at museums, libraries and state archives located in Austria and Italy. It is however our intention to continue with the research of Slovene CPR and, among other things, gather further data.

## **RESULTS AND DISCUSSION**

In this section we will offer a description for each item of interest as identified in the introduction: i) distribution of CPR, ii) type of resources, and ii) change in property regimes.

### ***3.1. Summary of past developments***

#### ***Distribution of CPR***

Archive material and historical analyses of the agricultural reforms suggest that land while owned in common was present in most part of the territory currently known as Slovenia, CPR were more frequent in areas with less productive lands, sloppy hills or difficult access. Land of difficult access or under unfavorable farming conditions was not particularly appealing. This factor could be taken as an explanation why it continued to be managed by the collectivity of inhabitants who followed specific use rights and used resources only during certain periods of the year (Britovšek, 1964). It simply was not attractive to those interested for individual farming (Britovšek, 1964).

#### ***Type of resources***

Sources suggest natural resources which were subject to common property arrangements in past centuries included pasture land, forest, ponds and rivers. Unfortunately, we could not access detailed information about resources distribution across Slovenia or detailed information about resources themselves.

#### ***Change in property regimes***

On the basis of existing documents and archive material it is observable that throughout different historical periods CPR were often under pressure by the then authorities, this either because the authorities did not see in CPR a specific benefit (e.g., Austro-Hungarian Empire) or because were perceived as a potential threat to the then centers of power and ideology at that time (the Yugoslav Federation). Two Slovene historians, Britovšek (1964) and Vilfan (1957, 1972), who had undertaken a study of agrarian reforms have commented that it was the disintegration of feudal agrarian structure that has put most pressures on CPR in this area. For both scholars CPR constituted an interesting case of village self-management with a good level of coordination among the local population. However, rather than in

common property arrangements as such, both scholars were interested into how historical events, and the introduction of the rule of law, impacted the Slovene countryside. In their writings we find a detailed description of certain events and in so doing have often mentioned the implication these had for CPR. For instance when researching the introduction of the Land Registry, which was set up in the second half of the 17th century by Maria Theresa and Emperor Franz Joseph, they found evidence that this put pressure on CPR. The prevailing ideology of that time was that agriculture has to be productive and all productive land had to be inventoried. However, land that was owned collectively by a village community was considered to be less productive and for this reason the then authorities coordinated a process of individualization of collective land from 1778 to 1849 that foresaw the transfer of collectively owned land to one individual (Britovšek 1964). Archive material reports that communities have resisted this process as resources owned collectively often were an important source of food, particular for the most remote villages. The resistance that followed allowed for the preservation of collectively owned natural resources.

Later a substantial source of pressure was exerted by the Yugoslav government which undertook a process of nationalization. With the »Act on agrarian communities" from the 1947 (U.št. 58/47) from a legal point of view property held in common by a community of villagers ended and land of this type become property of the state used for infrastructural development or to fulfill related needs. The state was interested in those holdings which were either strategic or productive and for such cases enforcement was harsh. Land or resources were managed by state authorities, or their representatives, and very often used to build roads or village infrastructure. However, not all land owned commonly was productive or had a strategic value and in such cases, particularly for holdings most remote areas as are pastures in the alpine highlands, the state did not show much interest and villagers could continue with their local traditions.

There is no official statistics but estimates suggest that the most serious decline of CPR occurred right during the period Slovenia was part of the Yugoslav Federation. Petek and Urbanc (2007) estimated that before the rise of the socialist period land owned in common reached up to 20% of the total surface of the country, while in 2007 this was a 3,5%. They estimated that during the Yugoslav period CPR dropped from over 2000 to about 660.

## **3.2 Summary of recent developments**

### ***Distribution of CPR***

In recent times things changed substantially. As mentioned the distribution of CPR over the country changed with the nationalisation these have decreased substantially. If we consider the distribution per municipality this varies from zero to over sixty CPR. In some cases these include over 3000 ha while in other cases these are smaller than 5 ha. Also the number of commoners varies from cca 20 up to 700. There are great differences in their activity (some are passive, some are in conflict, others are well organised and manage their property with profit). Due to their geographical diversity their property provides different resources. Commonly managed are forests, pastures, but also there is a case of a commonly managed vineyard, infrastructure e.g., village buildings, wells, water springs and roads.

### ***Type of resources***

After the WWII forest became a resource managed by state institutions, but with the fall of the socialist regime and denationalisation rights to this resource were returned to villages, the former CPR, who today manage this forest. There is an evidence of excellent

management of forest by CPR which provides income. Pastures, once a prevailing form of common land, still exist, particularly in the Alpine area and in the Karst area. Elsewhere in Slovenia during decades they mostly turned into forests. According to Perko and Hrvatin (2008) most of common property is of low productive value but – according to Rodela (2012) collaborative arrangements as found in Primorska region could help in maintaining ecological value of the Karst landscape.

Several other types of resources are managed under common property arrangements (water springs, wells) and several of them are based on local infrastructure which became cultural heritage. Functionality of these object has been sometimes lost, however their symbolic role remained. In the period of rising welfare these were renovated in the framework of diverse projects and now offer a source of common identity.

### ***Change in property regimes***

In 1991, with the Slovene independence legislation provided possibility of registration of commons (until 2001) so a strong movement of revival started on the basis of old and usually lost documents or unadjusted legislative procedures of inheritance (for the sake of large economic or political emigration during war or post-war undemocratic regime. Denationalisation process turned common property into private property with duties of co-management. Namely, CPR do not have a legal status and qualify at best as a group of people who spontaneously choose to manage jointly natural resources.

## **CONCLUSIONS**

This essay is part of a work in progress and as such it's aims is to introduce Slovene CPR about which little has been written. We have brought together research outcomes from past projects we were engaged with and own experience in the field in order to provide a brief description of Slovene CPR. What it emerges is a situation where CPR were under pressure, and still are as the current law does not recognise common property but only private and state property. As such property over land or other resources belongs to the individual right holders and not to the village as it used to be in the past. CPR are a sort of informal institution, a group of people who if they like so can get active as individuals for a common good that benefits the collective, but on the other hand are liable individually. This situation proved not to be beneficial for the villagers as less people is active and the management burden is not equally shared. Besides not being this situation conducive to the creation of a shared identity and collaborative enterprise very often individual right holders prefer to sell their rights which contributes to further fragmentation.

## **REFERENCES**

- Anko, B., 2009. Soseska zidanica. V: Bogataj, N. (ur.): Berilo o trajnosti, Andragoški center Slovenije, Ljubljana.
- Berkes, F., George, P.J., Preston, R.J., 1991. Co-management: The evolution in theory and practice of the joint administration of living resources. *Alternatives* 18, 12-18.

Britovšek, M., 1964. Razkroj fevdalne agrarne strukture na Kranjskem. Razprave in eseji, Slovenske Matice, 5: 81-165.

Gerber, J.-D., Nahrath, S., Reynard, E., Thomi, L., 2008. The role of common pool resource institutions in the implementation of Swiss natural resource management policy. *International Journal of the Commons* 2, 222–247.

Petek, F., Urbanc, M., 2007. Skupna zemljišča v Sloveniji. *Geografski vestnik* 79(2): 41-62.

Ostrom, E., 1990. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge University Press, Cambridge.

Ostrom, E., 1999. *Self-Governance and Forest Resources*. CIFOR occasional papers No. 20. Center for International Forestry Research. Indonesia.

Vilfan, S., 1980. Soseske in druge podeželske skupnosti. *Gospodarska in družbena zgodovina Slovencev, Zgodovina agrarnih panog* 2: 9-74.

Vilfan, S. 1957. Podobe iz nekdanje živinoreje med Trstom in Slavnikom. *Slovenka Kronika* (5)2: 69-87.

Vilfan, S., 1957a. K obdelavi polja v Slovenski Istri, *Slovenski etnograf*, 73.

Vilfan, S., 1972. Komun v Črnotičah, *Traditiones*, 1: 155.

## **Sources:**

Register 2011. Register agrarnih skupnosti pri Upravni enoti Sežana. Vpogled v register (september 2011).

MKGP 2010. Navodila za izvajanje podukrepa »Ohranjanje ekstenzivnih kraških pašnikov«

Statistični urad Republike Slovenije. 2011. Družine po tipu družine, občine, Slovenija, večletno.

Zakon o agrarnih skupnostih. 1947. Uradni list Ljudske republike Slovenije 52-323/47, Ljubljana.

Zakon o upravljanju in o gospodarjenju s premoženjem bivših agrarnih skupnosti. 1956. Uradni list Ljudske republike Slovenije, 7/56, Ljubljana.

Zakon o razpolaganju s premoženjem bivših agrarnih skupnosti. 1965. Uradni list Republike Slovenije 462-1/65, Ljubljana.

Zakon o ponovni vzpostavitvi agrarnih skupnosti. 1994. Uradni list Republike Slovenije 5/94, 38/94, 69/95, 22/97, 79/98, Ljubljana.

U-I-300/97, 56/99, 72/00 Odločba upravnega sodišča št. U-I-300.

U-I-308/02-10 Odločba upravnega sodišča U-I-308/02-10.