

Governing the Commons Workshop, March 13, 2010

Outline:

10:00 - 10:30: Heather Menzies will place the Gabriola Commons in a larger historical context, recapping Economics Nobel Prize winner Elinor Ostrom's "Governing The Commons".

10:45 - 11:15: Participant small group discussion around key success factors in other Commons

1. Transparency and Governance. Question: How would we know that we have transparency?
2. Sharing of common resources, monitoring and consequences. Question: How do we ensure public input into policy making?
3. Commons and Community building. Question: What are we doing well to build trust, commitment, and community around the Commons? What can we do better?

11:15 - 11:30: Report back to larger group

11:30 - 12:00+ Where do we go from here?

Prepared by Heather Menzies & drawn from "Governing the Commons" by Elinor Ostrom

Elinor Ostrom begins *Governing the Commons* saying that Garrett Hardin's "tragedy of the commons" essay has been repeated as gospel, yet is based on assumptions – e.g., "free rider problem"—that have never been checked out empirically.

So policy options are limited to let market free for all continue 'til resource exhausted, or bring on big gov't. (quotes, pg. 8 & 9).

Ostrom writes (pg.1): "Neither the state nor the market is uniformly successful in enabling individuals to sustain long-term productive use of natural-resource systems."

Yet, while theories exist re. role of state and the role of the firm, there's a theory vacuum re. how a community of citizens might address these questions. Ostrom fills the vacuum with stories & analysis of existing Commons:

Pg.21: "The key to my argument is that some individuals have broken out of the trap inherent in the commons dilemma... The difference may have to do with factors internal to a given group...(and their) capacity to communicate with one another, to develop trust...and sense that they must share a common future."

Pg. 29:"The central question in this study is how a group of principals who are in an interdependent situation can organize and govern themselves to obtain continuing joint benefits when all face temptations to free ride, to shirk or otherwise act opportunistically."

(Note: Here, people choose to be inter-dependent. They are not thrust into that state by circumstances.)

Key questions therefore are: Pg. 44. how to solve the commitment problem without an external enforcer; members have to motivate themselves, or their agents, to monitor activities and be willing to impose sanctions to keep conformance high.

Torbel, Switzerland:

Four-fifths of all Swiss alpine land is communally owned – through villages as villages, as (joint-stock) corporations or as cooperatives. Documents dating back to 1224 establish 5 types of communally held property: alpine grazing meadows; woodlands, the “waste” lands, the irrigation systems and the paths/roads connecting privately owned with communally owned land.

Appropriation rights defined thru individualized units –eg. “cow rights” to the grazing commons. Cows carefully counted on entering pasture; count also used to determine each family’s share of cheese made by herdsmen during summer pasturing. Newcomers don’t automatically have right to these communal pastures just because they buy a local farm and some cattle. They have to be invited into the communally held domain.

Governance thru Alp Assn. which includes all citizens owning cattle and pasturing them communally. A high degree of local autonomy and democracy. Annual meeting reviews rules and policies and elects officials, who hire alp staff, impose fines for misuse of common property, manage distribution of manure (from wintering cows at home barns) on summer pasture and organize annual maintenance work on roads, alpine huts etc.

Woodland commons is source of construction plus heat. Trees marked by village officials, and assigned by lot to groups of households.

Hirano, Nagaike...villages in Japan:

Quotes another researcher (Margaret McKean) who estimates that 12 million hectares of woods and uncultivated mountain meadows were held and managed in common by thousands of rural villages during the Tokugawa period (1600-1867) and about 3 million hectares today. “not yet turned up an example of a commons that suffered ecological destruction while it was still a commons.”

Governance thru village assembly of heads of households that had been assigned decision-making authority based on several factors including cultivation rights, taxpaying obligations and land ownership.

Rules on access and appropriation based on sophisticated understanding of environment, including how much each forest product (firewood vs. furniture stock) was worth, and the cost of monitoring labour inputs. Villagers required to perform collective work to maintain and enhance yield of the commons. Only illness or tragedy excused this labour. Or punishment followed. The elected village headman was responsible for determining date for harvesting any particular product – from wood to winter fodder. (pg. 67)

Huerta irrigation systems in Spain:

Evidence suggests these date back at least 1,000 years. Several institutions involved, including the water courts, which meet every Thurs. morning. No lawyers, but many onlookers. Also, the chief executives, called syndics elected by each irrigation community within the area (huerta) served by the region’s 7 major canals (running off the Turia River). The syndics might also

choose to convene a coordinating committee meeting to shift operating procedures in light of shifts in water flow – from plentiful to scarce or drought conditions. How much each person can take shifts according to the water-flow category in effect, with syndics taking more control over how much each farmer can take in his/her turn during drought conditions. Monitoring is also very high, with ditch riders watching as farmers take their turn at opening the canal gate.

Several levels of governance and related accountability flowing from annual or biannual assemblies. Exec. Committee elects the syndic, and also changes rules. Water court can trump syndics' authority. Local patterns differ across Spain, but monitoring key and fines key and conformance high everywhere. Water court membership rotates each month, with names drawn from diff. local huertas by lottery. Proceedings are "oral, public, summary and cheap." In some, water use rights are in the form of "scrip" in denominations from an hour to 1/3rd. of a minute, which are fully exchangeable and can be auctioned at weekly auction.

Zanjera irrigation communities in the Phillipines:

Similar to huertas in the local self-rule: irrigators determine their own rules, choose their own officials, guard their own systems and maintain them with their own labour. Here, the canals are very labour intensive, easily destroyed by flooding. Yet knowledge of and materials for making them are common, and commonly available, so tenant farmers can band together to create a zanjera on previously unirrigated land, acquiring "use" rights on someone else's property as they construct the irrigation system there, using accessible local materials like bamboo and banana leaves. Irrigators enter a "sharing the land" contract in which they get the right to use certain parcels of land in an irrigated area in return for their labour to create and maintain the irrigation system. These parcels are distributed evenly from the top of the irrigation system to the bottom, with elected management officials allocated some at the bottom so there's an incentive for them to manage the system well. There is a federation of local zanjeras, which allows for overall planning, and also serves as a bridge to larger governance policies, because the 1976 Philippine Water Code only recognizes private entities as eligible to obtain water rights, so the federation is set up as a corporation.

Each zanjera elects a "maestro" or exec. officer who acts as motivator getting people out to help repair system during monsoon floods, and also enforcer of rules. There are also team leaders to supervise dam construction etc., with commons members committed to provide up 80 plus days of construction labour per year. Because the labour requirements are so high and crucial, many zanjeras now have a rule that they screen prospective new members before a new tenancy contract is approved. Sometimes the newcomers have to sign an agreement (sort of a covenant) affirming their recognition of the zanjera's by-laws – which often also include the stipulation that erring members may be suspended, and their lands confiscated.

Sharing of irrigation water is proportional to contributions of labour and materials plus actual commons shares.

Private pumping of groundwater in California:

In mid-1940s, several local water-basin associations formed out of crisis of diminishing supply, or supply threatened by seawater incursion. Mix of water-pumping companies and individual property owners using a lot of water involved.

Turned to experts in gov't bureaucracy (Water Resources Division of the Cal Dept of Public Works) to determine extent of problem and recommend safe, sustainable extraction rate, and continued to use this body as "water master."

Water master maintains neutral role, monitoring extractions, keeping careful records and publishing these in annual reports so all can see who's complying or not. Common knowledge.

A large water co. tested the mutual-prescription extraction contract in court, and the commons rule had been upheld, at state supreme court level—with national supreme court refusing to hear an appeal to it.

As water companies come together in water basin assn., they're forced to balance accountability to the firm with accountability to the commons.

Water assns. keep detailed minutes of all meetings, including of working committees, and these are available to all members. During formative years, also published a weekly newsletter sent to all members.

Ten yrs. after initial institution building, a more sophisticated governance model developed, featuring a "constitution" for a multi-agency management system with public powers to tax, to sue and to engage in the provision of more water supply. Voted on by local citizens (who buy the water municipally), it creates a poly-centric public-enterprise system in which the gov't bureaucracy took on more power (through "limited-purpose" gov't agencies), but the water assns devised the governing policy and continue to have decisive input into policy changes. The legal structures of the State of Calif recognize the rights of water pumpers to organize, with these quasi-public units nested within larger units.

Success Factors in Sustaining Commons:

- small to medium scale (a few hundred people. Max. around 15,000)
- continuity in time. Populations involved relatively stable.
- extensive "norms" (rules and policies, formal and informal) have evolved that clearly define appropriate behavior.
- not a lot of socio-economic differences between participating members.
- perseverance in institution building. Institutional "robustness" (rules devised and modified over time through combination of collective choice and constitutional choice policies) and sustainability are linked.
- rules and policies are context specific and change with changes in local context.
- obtaining best info. available and disseminating it widely increases cooperation among commons participants/members.
- commons associations (must) provide a continuous open forum for discussing anything and everything that arises. Because the context is a living body (of water, land etc, plus a community of people), things always change, fresh challenges always arise.
- While "provisioning" issues (vs. "allocation" issues) can include the provisioning and re-generation of resources (food, wood, potable water etc), a lot of this involves nurturing supportive social institutions, and the relations of trust and commitment on which the whole commons enterprise's cultural and political health depends, and its economic sustainability too.

Success Factors in effective resource allocation/provision.

- a fair, orderly and efficient method for allocating resource units; this motivates participants to contribute to the continued provision/upkeep of the resource system.
 - effective pooling of both scientific knowledge and local time-and-place knowledge, and transparent sharing of this as common knowledge.
 - using feedback on what's just been learned to modify institutional structures and policies.
 - individuals value distant-future returns less than immediate future; so restraints needed where appropriate.
 - important to have clear rules for access and consequences for non-compliance.
 - Fines and other sanctions plus losing face when information (demonstrating individual over-extraction) made public combine to be effective.
 - Trust among commons participants and a sense of community are key to robust institutions and institution building, and related commitment. Though this linked to effective, efficient and fair rules. Pg. 45: "Without monitoring, there can be no credible commitment; without credible commitment, there is no reason to propose new rules. The process unravels from both ends..."
 - Clarity in everything from rules and consequences to labour/ material tithing requirements and the reasons behind resource allocation is essential to keep conflict levels down and sustainability of resource system up.
 - nesting of rules and institutions within larger ones, including those of the state and justice system. Getting this right (esp. recognition of autonomy and authority of local Commons by larger government structures) is critical. Having larger government backing, for enforcement and adjudication, can also be critical (e.g. irrigation systems in California.)
 - Even when relying on experts and public institutions, continuous engagement and dialogue in local commons is essential. Effective self-governing commons require ongoing dialogue in an open, public forum.
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Summary of Discussion at the Workshop - What's Next?

- Website mirrored in paper - brochures and local papers
- Everyone can talk to others about the Commons - information, invite them to the Commons, and make that personal contact
- Timber-frame bldg (Sustainability Centre) could have an information centre component
- have a large welcome sign
- outreach to other community groups
- each of us can find away to bring others into the Commons
- need more information from the teams - include in their mandate an outreach communication component
- Communication strategy - pin point who isn't involved and who we want involved, and figure out how best to reach them
- outreach day - activities during afternoon, then a pot luck then Council meeting
- Buttons - I'm a Commoner, Ask a Commoner - Bumper Stickers - Proud to be a Commoner
- more social contact cements ongoing financial commitments as involvement increases
- projects to involve/mentor young people
- be careful in communication to present inclusivity - " We're Commoners "
- A Place for Everyone ... A Place for You
- Communication team - have anecdotes in papers - keep them short
- SLOW DOWN - everything does not have to happen at once - put the extra energy into the community
- Let people come to the Commons from where they are at the present
- have another brain storming session at the Community Hall or AGI Hall
- look into 'asset mapping'
- have work parties with pot luck