
Message from India

In January 2011 the Open Spaces Society's general secretary, Kate Ashbrook, attended the global conference of the [International Association for the Study of the Commons](#) (IASC) in Hyderabad, India. The Open Spaces Society has been a member of IASC ever since we participated in its last international conference, in Cheltenham in 2008. In Hyderabad, Kate was a guest of IASC and of the co-host, the Indian [Foundation for Ecological Security](#) (FES). She gives a snapshot of her eight days there—

The theme of the conference was 'Sustaining commons: sustaining our future'. While the definition of commons in England and Wales is pretty precise, the 600-plus participants, from 69 nations, at Hyderabad discussed something much broader and less defined—not only land and water, but including the air and the internet. The common denominator is a shared resource—but with such a wide concept the idea of inclosures becomes challenging. For instance, is stopping Wikileaks a form of inclosure?

The diversity of commons is well illustrated by 'Vocabulary of Commons', a book which was launched at the conference. It is published by FES and coordinated by [OpenSpace](#), led by Anita and Edwin in Bangalore, India.

Pre-conference workshop

I went to the conference with John Powell and Chris Short from the [Countryside and Community Research Institute](#) at the University of Gloucester. Chris and I ran a pre-conference workshop, 'Policy discussion on commons: lessons from recent policy experiences in the UK and Europe', attended by people from India, Japan, Morocco and Nepal. Chris asked each participant to draw a 'river of life', using the symbol of a river to illustrate key stages in the story of their commons, with twists and turns, widening and narrowing, the tributaries showing positive experiences and influences, and



Naya Paudel (Nepal), Gaku Mitsumata (Japan), Rosewine Joy (India) and Daisaku Shimada (Japan) draw their rivers of life.

rough waters the challenges. The results were fascinating and I learnt of the many threats to common land in these countries—the forests of Nepal, the fisheries of Kerala, India, and the grasslands of Morocco.

The conference, which is largely academic, ran for three days (plus a day of field trips). We began at 8.30 am with two talks in plenary session, then through the day there were three 90-minute sessions, each with a choice of 11 events in which four to six people presented papers. So while 400-500 papers were presented, little could be considered in depth.

Community rights

As an example, I attended a session on the governance and community rights of forest commons.

Naya Paudel from [Forest Action](#) in Nepal told of the conflict between local and global commons. Forty per cent of Nepal is forest. The state claims ownership of the carbon (a global common) and wants the forests to be geared totally to carbon sequestration, at the expense of communities who depend on them for their livelihoods.

Emmanuel Marfo from the [Forest Research Institute](#) of Ghana explained how there most of the power to allocate land resides in a complex system of chiefs who are not accountable to their communities, so the community benefits have been privatised. Attempts to sue chiefs have failed because the courts rely on customary law, ie that a chief cannot be sued by his subjects on the grounds of accountability. These were just two of countless examples of what many nations are up against.

Plenary sessions

At the plenary sessions at the start of each day the speakers had more time in which to develop their themes. Herman Rosa Chávez, head of El Salvador's Ministry of Environment and Natural Resources, told us of his struggle to bring environmental practices to the country. Since 1870 El Salvador's common property and indigenous people have been under threat, first for coffee-growing then through a civil war, as well as natural disasters. Mr Chávez sees ecosystem restoration as a means of risk reduction, a buffer against extreme events, such as the earthquakes which have torn his country apart. He has championed public participation in decision-making and is having an impact.

[David Bollier](#), author, political activist and consultant from Amherst, Massachusetts, USA, posed the question: 'How can we be more effective in bringing the commons paradigm to the attention of politicians and the media, and advocacy groups and commoners themselves?' He is researching the history of the commons to 'help us develop a new grand narrative for the



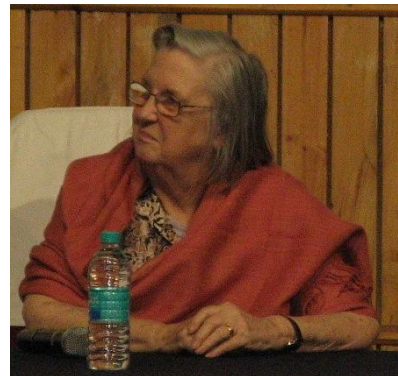
commons. It can help us understand how the dynamics of enclosure in the past are repeating themselves today. It can help us recognise who are the victims of enclosure: chiefly women, the poor, the elderly and others who depend on the commons for subsistence'. He went on to say: 'The basic problem is that we need to rediscover "commoning"—the commons as a verb, the commons as a set of social practices'. And by commons he is not talking only of land, he embraces cyberspace. He ended with a call to recover and remember the history of commons so that we can appreciate their role in different historical and political contexts, develop 'a grand

narrative' about the commons that can be popularly understood, bridge the cultural divide between digital commoners and natural-resource commoners, and strengthen the links between commons scholars, practitioners and activists.

Campaigner

It was good to hear from a campaigner, and it gave me the opportunity to ask a question and, in doing so, to introduce the Open Spaces Society to this international audience. After mentioning our colourful history of direct action, I pointed out that everyone at the conference had the potential to be a campaigner, and I asked David what three things each of us could do to help achieve his grand vision for commons. He replied that we should develop a more publicly-available discourse on commons (without dumbing down); begin new conversations among commons subgroups to become a federated movement rather than the present segmented movement; and develop new connections between scholars, activists and practitioners. As a campaigner, I hope I can help to make these things happen.

It was a pleasure once again to meet Elinor (Lin) Ostrom, from Indiana University, USA, who had attended our workshop in Cheltenham. Lin won the 2009 Nobel Prize for Economics for her work 'Governing the Commons: the evolution of institutions for collective action'. She has challenged the conventional viewpoints about the role of institutions in natural-resource governance. In particular, she has countered Garret Hardin's famous 1968 article, 'The Tragedy of the Commons' which was based on the premise that when resources are shared by a group, each individual is encouraged to maximise his own



Lin Ostrom.

consumption, leading to depletion of the resource. Ostrom argues that local communities are, at least in certain contexts, able sustainably to manage common-property resources through locally-devised institutions regulating use. Her theory gives legitimacy to local communal management as a sustainable form of resource governance, and Lin is a heroine among those working on commons.

Policy fora

The formal part of each day ended with four parallel policy-fora each intended as a discussion of an issue in greater depth. I spoke at a forum on legal recognition of community-based property rights, with three Indian lawyers, an Indian water expert and a German economist with the World Bank. Because this is a vast topic we agreed to concentrate on two questions: (1) is the law a help or hindrance in securing the property rights of rural communities in agrarian economies, and (2) if the latter, how should the law be changed, bearing in mind considerable contrary forces against recognition of landed commons as community property? The plan was for the speakers to be brief, allowing plenty of time for discussion, though it didn't quite work out that way!

I explained that in England and Wales custom *is* the law, and I advocated the benefits of defining and recording legal rights. But the counter-argument was put from countries whose customs are not enshrined in law, namely that once a right is defined it is easier for the state or a developer to steal it. We may feel under siege here in the UK, but there are many nations which are now undergoing theft of land, water and common-property rights on a massive scale—just as we suffered during the inclosure movement.

Economic growth

With economic growth in India now at nine per cent a year, its commons are under severe threat. (According to the National Sample Survey Office of India, commons constitute 15 per cent of India's total area, and are shrinking at the rate of 1.9 per cent every five years due to encroachment.) A team from the Foundation for Ecological Security presented a series of papers on 'A Commons Story, in the rain shadow of green revolution'. The study asked whether the commons would survive under the changing production environment, and also whether agriculture, livestock and rural livelihoods could be sustained in the absence of the support provided by commons. Not





Deccani sheep graze the common (see page 7).

surprisingly, it answered no to both questions. In an essentially unpredictable environment, it is the commons-livestock-agricultural complex which provides stability. In the arid, semi-arid and sub-humid regions, 20 to 40 per cent of households' incomes are derived from commons, and this is far greater than the incomes derived from the Mahatma Gandhi National Rural Employment Guarantee Act 2005 (which provides a legal guarantee of 100 days of employment a year to adult members of rural households willing to do public work).

The study also highlights the role of community institutions in securing the community-property rights of marginalised people, thereby strengthening the resilience of these households. But the area of common land is declining, through encroachment, usurpation by the élite, and state policy which favours the diversion of commons to other uses, for mining, dams and development.

The study notes that the passing of the Forest Rights Act (in full, the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act 2006) marks a significant step in recognising the legitimacy of community rights and customary-use regimes in governing forest resources, but in practice it has brought restrictions and has excluded communities which are dependent on these resources.

Forest Rights Act

While I was in India I tried to understand the implications of the Forest Rights Act on the commons and their people. This is not easy as it is complex.

The [Kalpavriksh Environmental Action Group](#) (which was formed in 1979 with a campaign led by students to save Delhi's Ridge Forest) has published a useful [summary](#) of the Forest Rights Act. This explains that the act recognises and gives forest-related rights to scheduled tribes who live in the forests, as well as to other communities who have lived in the forests for generations. It extends to the whole of India except for the states of Jammu and Kashmir.

Two categories of people can claim rights under the act: forest-dwelling scheduled tribes, who primarily reside in or depend on forest or forest lands (land which is legally classified as forests, regardless of ecological status) for their livelihoods,



The village of Saipet.

and other traditional forest dwellers who have, for at least three generations before 13 December 2005, primarily resided in and depended upon forest land for their livelihoods. The rights which they can claim include the right to hold (but it's unclear if this means outright ownership) and live in forest land with certain restrictions, and to collect, use and dispose of minor forest-produce which they have traditionally collected within or outside the village (including bamboo, brushwood, medicinal plants etc). The rights can be inherited but not transferred to another person. No member of a forest-dwelling scheduled tribe or any other traditional forest dweller can be evicted from forest land under his or her occupation until the procedure to verify and recognise his or her rights is complete. The local governing body is the *gram sabha*, the village assembly. The communities are empowered to declare as Community Forests any forest that they have been conserving and protecting.

As Ashish Kothari and Neema Pathak Broome of Kalpavriksh write in *Forest Commons and Community-based Governance in India* ([Common Voices](#) issue 3, 2011), implementation of the Forest Rights Act since 2008 when it came into force has been significantly obstructed by a forest bureaucracy reluctant to give up power.

The Ministry of Environment and Forests, while claiming to give authority to village-level institutions and democratise forest management, is pushing for Joint Forest Management Committees in which the Forest Department has substantial power, so that its initiative falls far short of the Forest Rights Act, which empowers *gram sabhas* to set up committees to manage forests. In particular, the ministry states that prior consultation with *panchayats* (village councils) will be sought in matters of relocation and declaration of protected areas, ignoring the provisions of both the Wild Life (Protection) Act 1923 and the Forest Rights Act, which require *gram sabha* consent and not merely consultation. This undermines the local community institutions. The forests are of global significance and the communities must be given a chance to run the forests for the good of all.

Indigenous people

I attended part of an all-day side-event run by Kalpavirksh Environmental Action Group, called ‘Indigenous and Community Conserved Areas (ICCAs)’. It hosted speakers from around the world, each giving a 15-minute presentation on their experience of ICCAs within their own countries. [ICCAs](#) are defined by the International Union for Conservation of Nature (IUCN) as natural and/or modified ecosystems containing significant biodiversity values, ecological functions and benefits, and cultural values voluntarily conserved by indigenous peoples and local communities—both sedentary and mobile—through customary laws or other effective means. ICCAs have only recently gained recognition, and the Convention on Biological Diversity encourages all countries to recognise and support ICCAs (following recommendations from the fifth World Parks Congress in Durban, 2003). Again, this session highlighted how vulnerable are indigenous people and their homelands.

Deccani sheep—a case study

Many of the issues described above were well illustrated by our field trip to look at pastoralism in the Deccan region, north of Hyderabad. Here people’s survival depends on their Deccani sheep which are important for their dark, coarse wool and are ideally suited to the extreme temperatures and long-distance migration in search of food and water.

We visited Saipet, inhabited by a hundred families. The villagers welcomed us with music, song and dance. We removed our shoes and sat on Deccani-wool blankets. The village elders, through interpreters, told us their story.



The shepherds, during the migration from August to February, make agreements with farmers who pen the sheep on their land, winning dung for their soil and in return giving the shepherds food and pocket money. Meanwhile in the villages the women sort, card and spin the wool (*left*) while the men weave it into blankets and mats.



There is now competition from imported ‘shoddy’ wool—cheap, soft merino wool from Australia. The soldiers no longer use Deccani blankets and the market has declined. The state pays the shepherds to replace or cross their Deccani breed with

heavier, meat breeds which are more susceptible to disease and less able to cope with the long migration. We were told: ‘The government is pushing us to the hairy mutton variety’.

The sheep coexist with food crops; as soon as the crop is harvested, the land becomes common grazing (cf the lammas lands of England and Wales). But the state is promoting industrialised land-use for non-food crops, and dams and irrigation are enabling year-round use for rice and sugar cane. A dam near Saipet has drowned much of its grazing land. And the commons are being enclosed for private use: we saw many white posts marking out the enclosures (*right*). So the culture of shepherdding is declining and fewer women are learning to spin wool. The old ways are imperilled.



[Anthra](#), a group which works with the landless to protect indigenous knowledge, has helped the shepherds form community groups (*sanghams*), open to all, which meet regularly to share their concerns and provide a voice for the communities, working to improve their livelihoods and restore their control and autonomy over their farming systems. There are parallels with our own [Foundation for Common Land](#), which gives a voice to commoners.

Since I left India there has been a Supreme Court judgment which gives some encouragement to those defending their commons. On 28 January, the court held that the enclosure of a village pond in Rohar Jagir, Tehsil, in the state of Punjab, by real-estate developers was an illegal occupation of the commons. The developers, who were appealing against a ruling in a lower court, had filled in a pond with soil and started building houses on it. The Supreme Court ruled that the pond must revert to the commoners and the illegal occupiers must be evicted. The case is reported, with a multitude of comments (some sceptical) on the [Down to Earth](#) website.

Getting out

Although we spent most of our time on the campus of the Dr Marri Channa Reddy Human Resource Development Institute of Andhra Pradesh, there was some opportunity to see Hyderabad.



On the afternoon of our arrival, Sunday 9 January, a group of us visited the Qutb Shahi tombs (*left*). There are 82 tombs, commemorating kings and their relatives,

commanders, dancers, singers and royal doctors of the Qutb Shahi dynasty period (1518-1687). We then went to the nearby Golconda Fort, the capital of the Qutb Shahi kings, set on a granite outcrop and surrounded by huge crenellated ramparts. The water supply was secured by a series of concealed earthen pipes, while the acoustics ensured that even a small sound from the entrance could be heard at the top of the hill.



At Golconda Fort: Kate Ashbrook, Yumiko Yasuda, Tasmin Rajotte, Chris Short and John Powell.

The following evening the conference was officially opened at Sampradaya Vedika, a large venue in Hyderabad, with speakers including the Indian government's Minister of State for Environment and Forests, Jairam Ramesh. He covered a wide range of global issues, and was refreshingly outspoken about the lack of concern about



Golconda Fort.

environmental matters among politicians. He called on those present, as the world's top scholars on commons, to help advise his ministry in getting a good deal for the commons.

The conference banquet was held at the eighteenth-century Chowmahalla Palace, which was built by the Nizam dynasty (which ruled from 1719 to 1947). We were entertained by dancers (*below right*).

On our last day we visited the crowded and atmospheric Lad Bazaar and Charminar (Four Towers) a triumphal arch built at the centre of Mohammed Quli Shah's city in 1591 to commemorate the shifting of the capital from Golconda Fort and thus the founding of Hyderabad, as well as the end of an epidemic caused by water shortages at Golconda.



Meeting of members

The IASC held a members' meeting, and the president Ruth Meinzen-Dick, Senior Research Fellow of the International Food Policy Research Institute in



Charminar.

of the government's twelfth five-year plan (2012-17) as well as initiating a long-term campaign for the commons. So after the conference ended I took part in a weekend event for FES, working with over 30 people, mostly Indians, to develop this 'commons initiative'

After two days we had agreed a series of statements to summarise our joint vision for the future of commons in

India, which we called 'Think commons'. These are a shared

understanding of commons culture and knowledge; ensuring survival and quality of life within commons; community-based ownership and control; local-level governance, and empowerment of people to manage commons.

We then set out a work-plan aimed at



Thinking commons: from left, Yash Shethia (India), Soma Parthasarthy (India), Kate Ashbrook and George Por (Netherlands).

Washington DC, USA, stood down after more than two years hard-working service, to be replaced by Susan Buck, Associate Professor of Political Science at the University of North Carolina, USA. The president elect is Letitia Merino from Ciudad Universitaria in Mexico City; she will take over the presidency in 2013.

Think commons

When FES proposed to host the IASC's thirteenth biennial conference, it did so with the intention of triggering a process that would

result in better recognition and governance of India's commons, and feed into the preparation



The view from Charminar.

(1) influencing the Planning Commission for India's five-year plan, and government, so that they recognise, make provision for and implement beneficial provisions for commons of all types in legislation and policy; and (2) building understanding of commons at all levels—among commoner networks, policy-makers and national and local government

officials, ensuring that one language is used and that commons are understood.

I encouraged the group to treat this as a campaign and my contribution was principally to instil some campaigning techniques into the process. Inevitably we did not complete everything in two days, so we grabbed some time on the journey home to type the notes.



On the plane to Dubai



At Dubai airport

I hope to continue working with FES in developing its plan, to help IASC to campaign for commons, and to attend the next global conference in 2013, the first to be hosted by commoners on a common—the northern slopes of Japan’s Mount Fuji. □



A toast to the commons: from left Susan Buck (IASC president, USA), Alyne Delaney (IASC’s Commons Digest editor, Denmark), Chris Short, Kate Ashbrook, John Powell and Hijaba Yjkhambai (Mongolia).

More pictures can be seen at

http://www.flickr.com/photos/kate_ashbrook/sets/72157625887241342/detail/

**Kate Ashbrook, Open Spaces Society, 25A Bell Street, Henley-on-Thames RG9 2BA
tel 01491 573535, hq@oss.org.uk, www.oss.org.uk, registered charity 214753, March 2011**