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## ID 1323: The Case for Commercial Strategies in Land Commons: Emerging Findings from Around the World

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### Situating the Problem

To varying degrees of success and across a wide range of contexts, communally owned lands governed by customary institutions have struggled to re-assert its global relevance, particularly starting in the mid- 20<sup>th</sup> century. While land tended to be communally owned for the most part of documented human civilizations, the idea of private property has taken hold in the last few hundred years.

The birth of this model of land ownership has roots in 15<sup>th</sup> and 16<sup>th</sup> century England (Linklater, 2013). In these times, the classic manor was one in which strong patron-client modes of economic exchange meant that lords benefitted from having numerous tenants on their land to pay rents, perform different types of labour, serve as a support for each other, and to protect the manor from outsiders. In exchange the lord was expected to provide a type of social security for the tenant farmers, such as providing loans or assistance in times of need. When landlords started to raise rents to shift tenants off their, this shocked many and led Henry the VIII's government to pass numerous legislation to prevent enclosure by moneyed elites. Landed members of the House of Commons challenged his efforts, ending with the passage of a tax bill favouring property owners in 1535 and the rejection of a royal bill against enclosures in 1547. Despite the king's initial resistance, it was ironically his dissolution of the monasteries and their assets including about 20% of England's cultivated land that triggered a "land grab." The king sold these lands to fund the navy and wars, and these lands ended up in the hands not of the nobility but anyone who had money. The land market promised great profits, which further drove more peasants from the land and out of the country side. This firmly put in place a new private property model of land ownership.

The model soon expanded throughout Western Europe, and was exported via colonization to different parts of the world. Post-colonial governments in Latin America, Asia, and Africa perpetuated this model, viewing land as a sovereign state asset to drive economic development and formalized this into their first post-colonial constitutions. As all this unfolded, communally-owned lands managed under customary institutions weakened as they came under the onslaught of these new property regimes.

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Since the mid-20<sup>th</sup> century, as new governments struggled to govern their countries, domestic agitation and the indigenous rights movements that started to take shape, particularly in Latin America, different governments started to establish legislation to recognize customary rights to land.<sup>4</sup> These were sometimes called “indigenous land” (e.g. Bolivia since 2009, Cambodia), “ancestral land” (e.g. Philippines) and, at times and not without contention, “tribal or customary lands” (e.g. Liberia, Uganda, Ghana, Burkina Faso). Yet, there are very few areas where customary land receives strong statutory protection for a host of reasons: 1) most laws are designed to provide partial protection; 2) the implementation of these laws is inefficient whereby registration of community titles is complex, slow and resource-intensive 2) the laws are not supported by thorough spatial planning and mapping; 3) almost everywhere, there is little legal awareness among communities and weak capacity to make collective decisions; 4) and despite the evidence that shows superior production efficiency of smallholders, governments continue to prioritize large-scale agricultural and other land-based investments.

These factors have led to a spate of cases of “commons grabbing” as analyzed by Dell’ Angelo et al. (2017). From their review of 56 cases from 35 different peer-reviewed articles about large-scale land acquisitions, they found that acquisitions involved pure common-property or mixed regimes in 68% of the cases . The majority of the 56 cases reviewed or 72% involved a degree of coercion or conflict between the parties involved.

The obstacles to strengthening protection of communal land rights are many and have become the topics of much debate in recent decades. This paper seeks to examine how communities living off commons can more productively engage with commercial activities in order to strengthen resilience and to achieve sustainable livelihood outcomes. The rest of the paper will first examine the bias both in the policy and the academic world against linking commons with markets; second, what the new imperatives are that call for making this linkage; third, emerging conceptualization of the elements of successful alternatives; and fourth number of case studies that illustrate how the alternative can work. This will conclude with a discussion of implications for policy and practice in linking land commons to markets for more sustained social, environmental and economic outcomes for local communities.

## Bias against Commons Linkage to Markets

As captured by Ostrom’s (1990) defining work, and other studies of successful cases, norms that govern the internal management of common land and shared resources are often defined by subsistence use, sustainability, cooperation, and higher levels of equity than those that undergird a private property system. This automatically pits the logic of land commons against land meant for commercial investments, whose main focus is on profit-maximization. This difference in logic is reflected in the tendency for the way management of commons has been conceptualized by academics, policymakers, and development practitioners, as resources that are intended for subsistence use rather than for markets.

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<sup>4</sup> In Africa, Ghana and Botswana were the first nations to undertake this effort soon after Independence. Botswana’s Tribal Land Act (1968) established transferred the land management powers of customary leaders to regional land boards, consisting of tribal and state leaders. Since then a number of countries including Namibia, Niger, Uganda, Burkina Faso, Mali, Lesotho, Malawi, Swaziland, Mozambique, Tanzania, South Africa and others have followed, with variation in legislation and effectiveness (FAO, 2010)

Ostrom's principles for governing the commons do not overtly refer to links between commercial interests, local economies, and livelihoods. However, a number of discussions and critiques have been inspired by Ostrom's framework which have inquired about the universality of the framework to contexts different from the cases used to construct it. Notably, Cox et al.'s (2010) meta-analysis of these debates noted that among the common critiques levelled at Ostrom's model is the need to consider more external socio-economic factors, particularly the impact of market integration on the sustainability of common pool resources. On this point, authors such as Tucker (1999) warned that inequality and resource decline can result from market integration. For instance, Cinner and McClanahan's (2006) suggested that proximity to markets is associated to overfishing among the fishing communities of Papua New Guinea. There are concerns that market integration can introduce new incentives to a commons user group (Pinkerton & Weinstein 1995; Gibson 2001) and may reduce the reliance of a group on the local resources, which in turn, may weaken the group's management regime. For example, a study about Bolivian peasant producers' engagement with the soy export market led to a weakening of local food sovereignty and food security, as food crops were replaced by soy bean monocultures (McKay and Colque, 2015).

Governments also recognize the difference in the logic by categorizing these lands as "indigenous," "ancestral," or "customary" land. Government laws often reflect this difference in logic treating the land with a different set of financial rights and obligations i.e. commons land cannot be mortgaged against a commercial loan. For example in Bolivia, under the 1996 Law of the National Service of Agrarian Reform (or "Ley INRA", as it was known in Spanish shorthand), indigenous land is not taxed, but also cannot be divided, reversed, sold, transferred or mortgaged.

A study by Gritten et al. (2015) found that community forest regulations in Cambodia, Nepal and Vietnam are numerous and prohibitive. Cambodia's regulations do not allow communities to harvest timber for sale. In Nepal, while timber harvesting for sale is permitted, the costs associated with regulatory compliance is so high that many communities think it more profitable to skirt regulatory compliance. In Myanmar, until the Community Forestry Instructions were revised in 2016, commercial activities were not permitted in its community forests, reducing people's incentives to form or to maintain them. Before, forest user groups were only allowed to use forest resources for home use, but were now allowed to cultivate hardwoods and non-timber forest products (NTFP) cash crops for substantial commercial sales and foreign export.

Even in the cases where governments have progressive laws that allow communities to engage their land commons with commercial and livelihood activities, as in Liberia under the 2009 Community Rights Law, as well as the 1998 Land Act of Uganda<sup>5</sup> and the 1999 Village Land Act of Tanzania, they have not been implemented with sufficient interest of communities in mind. In Liberia, the government facilitates leasing of community lands to companies often at discounted prices and with little to no consultation with the entire community. Contrary to what is being argued in this paper, this type of linkage between commons and the market threatens community collective rights to their land and natural resources, and in many instances, supports the transfer of large land areas from the commons into the hands of large scale commercial interests. Between 2010 and 2012, for example, using a forestry regulation that issues Private-use Permits, Liberian officials and private

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<sup>5</sup> Note that Uganda has a newer 2013 National Land Policy, which gives more recognition to customary tenure and tradition leaders.

interests colluded to contract out over two million hectares of forest land, - over 20% of the country's land space. The contracted land – community common areas – was awarded to logging concessions without legal compliance (Global Witness 2013).

## New Imperatives

Over the past few decades, a host of factors, i.e., political, economic, demographic, and ecological changes, have severely undermined common land and resources. In particular, these factors have had negative impacts on communities including displacement and dispossession, environmental degradation, and an associated increase in land conflict. Fleischman et al. (2010) use the term “disturbances” to describe factors such as these, which they define as “a relatively discrete event that disrupts social or ecological communities, resulting in changes to the physical or social environment. This paper does not conceptualize the new imperatives that call for land commons to adapt as discrete; many of these factors occur over a longer-term and are all encompassing.

As argued by Wily (2011) perhaps the largest threat to land commons comes from a narrowed focus on GDP growth and profit maximization relying solely on large scale commercial investments, into which governments tend to put little thought on how to engage local communities in such activities. Why support numerous smallholders to in productive livelihoods when it can simply transfer a single concession from which it can receive a handsome share of the profits? The drivers of large-scale land acquisitions are multiple (White et al. 2013), and range from the more mainstream needs for countries to build infrastructure and to shore up their food, energy and water security, to the newer drivers brought forth by climate change such as carbon-trading, and financialization of land to hedge against volatile investment returns. Consequently, communities have seen drastic changes in common land ownership precipitated by large scale land transfers, often contracted as concessions to investors.

In contrast to lands designated for commercial use, most states tend to see the category of “community lands” as meant for communal use and not as lands meant for helping local communities generate profit-motivated commercial activities. Often, there is no way that communities carrying out traditional systems of production on these lands have the level of power sufficient to compete with new economic models that are promoted by most state policies (De Schutter 2011).

While applicable to different degrees in settings around the world, these factors could include, but are not limited to, a) increasing population density, which is correlated to extensive and intensified resource extraction that prevents land fallows from sufficiently regenerating<sup>6</sup>; b) increasing climate change pressures have created erratic ecosystem shocks to local communities; c) the increasing tendency for individual members of communities to leave their commons in an attempt to privatize their shares; and d) the legacy of conflicts and wars that have hurt community cohesion and traditional institutions needed by communities to manage well their common pool resources. All these make it difficult to support communities living off land commons to develop sustainable livelihoods options that will allow them to meet a full range of needs beyond basic subsistence.

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<sup>6</sup> This factor must be applied only when supported with empirical facts, as it tends to be deployed against the preservation of the commons (Lappe 2013).

Cases from around the world demonstrate how these factors challenge communities to meet their substantive needs. A common pattern in Bolivia is that although there are many communal lands, people often have no economic options and little support from the government to climb out of poverty, leading to outmigration, illegal renting out land for agroindustry, logging etc. In Myanmar, the periodic rat infestations and floods in the Chin Hills create precariously high food insecurity for local communities who rely on shifting cultivation. In Liberia, the legacy of its civil war from 1989 to 2003 damaged a great deal of rural social capital, making it challenging for communities to self-organize to effectively manage their land commons. A similar pattern can be observed in the Ivory Coast where traditional decision making forums, land use and management systems, and conflict resolution institutions were undermined and weakened by the civil war, leaving many collective farms and forests poorly managed.

## Alternatives Needed

This contradiction-- statutory recognition of land commons, but insecure livelihoods and food security—can be seen the world over. This calls for interventions that can help communities maintain their “robustness” in the face of shocks, a term coined by Carlson and Doyle to mean “the maintenance of desired system performance when subjected to external or internal unpredictable perturbations” (2002:2539). Later, Anderies and Janssen (2007) added that, it is because of conscious human design that systems will continue to maintain their robustness in the face of uncertainty and shocks. These interventions can be from within or outside the community.

Development guidance instruments such as FAO’s Governing Tenure Rights to the Commons (2016), a guidance brief for the implementation of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests, already recognize that such support is necessary if communities that are dependent on land commons are develop sustainable livelihoods strategies. One of its recommendations states: “Taking jointly-managed utilization systems of commons into account, innovative strategies to generate income from commons must build on a shared vision, commitment and ownership by the entire community that collectively uses and manages (and may actually own) the land, fishing grounds and forests.” It further recommends that “strategies should be developed that provide guidance and principles with regard to community-based investment strategies and interaction with external service providers, such as the state, donors, development agencies, businesses and others.” FAO encourages income diversification and support to product marketing. While some governments and development programs have introduced interventions to support food production, including improved cultivation techniques and inclusion of cash crops to diversified production systems, additional solutions require support from outside investors or partnerships with public funds from the government or development donors.

While challenges remain in applying tools like FAO’s VGGT for the strengthening of community commons through market linkages, there are a few promising cases around the world. The next section will examine a handful of case studies around the world that look at how communities that live off land commons are engaging successfully with markets. Given all the challenges that stem from conceptual tendencies towards the commons, institutional and commercial bias, there are, to our knowledge, not many well-documented examples globally of cases whereby communities living off land commons have successfully been able to integrate commercial elements into the

management of land commons. There will be a focus on the way these communities have adapted rules to govern the use of common resources to changing local needs and conditions. As opposed to the motivation of large-scale investments, the adaptation of land commons should ideally maintain the vision of long-term sustainability based on local stewardship of the land. This is about preserving the institutions that have supported sustainable governance of the commons and maintains a humane relationship between the land and the people.

## Case Studies

### Myanmar: Community Forests & Rattan Cooperatives

In Myanmar, there are few legal instruments that recognize customary land rights. The Community Forestry Instructions (CFI), first created in 1995 under the Forest Law, is the strongest example of state protection for community land commons. Until recently, Myanmar's CFI was viewed by the state as a way to work with communities to regenerate degraded forests, in exchange for the latter to have rights to forage products. Recent amendments in 2016 to the CFI allow communities engaged in community forestry to derive more commercial benefits than before, including the right to cultivate, harvest and sell hardwoods both in domestic and export markets. This raises the incentives for communities to maintain forests, but also grants them an opportunity to strengthen their livelihoods.

One of the best examples of how communities are taking advantage of this opportunity is the La Myang Rattan Business in Kachin State, in the north of the country (Pyoe Pin Programme 2016). Together with two other community forest collectives in Southern Shan State, La Myang is setting up as a cooperative which will source its rattan from six community forest groups with which it partners. The management team consists of a chairman, treasurer and secretary.

The business focuses on two products—processing of raw rattan into canes of different sizes suitable for weaving and production of rattan handicraft products such as baskets and furniture. While development agencies provided seed investment, development agencies are helping communities to develop commercial partnerships by facilitating discussions between the producer groups and the Rattan and Bamboo Entrepreneurs Association. Through these discussions, Association realized that it could meet the demand for a steady supply of by working with communities. On the other hand, communities realized that this presented an opportunity to secure buyers while benefitting from a number of technical trainings offered by the Association.

La Myang already has buyers in Yangon, including members of the Rattan and Bamboo Entrepreneurs Association, to which it recently shipped processed rattan. The Association provided a master weaver to train producers to weave a range of handicraft products and plans to provide training to rattan machine operators to improve their performance and income. While the products still need to work on raising the quality of the products to sell to the Association, some producers have already set up local kiosks to sell their products.

One of the strongest elements of this enterprise is that communities themselves chose to focus their efforts on rattan. They realize there is a demand for these products, and recognize that their forests are suitable for the cultivation of rattan. As opposed to above examples that make the case against

market integration, this case demonstrates that communities were far more inclined to cultivate a resource which has in recent years been in decline, but for which there is high demand among commercial buyers. Since the rights to retain the 30-year on the community forest is contingent on maintaining a certain level of tree cover, communities will also have to replant trees, even as they routinely extract timber and NTFPs for their household use.

Going forth, NGOs and the Association will support La Myang to develop a business and marketing plan to expand the sale of its products. The Forest Department has been speaking to government banks to work out the mechanism of commercial loans to community forestry cooperatives such as La Myang.

### Nepal: Community Forestry

Community forestry in Nepal was promoted to replace the state's complete control of forests, and its associated deforestation and corruption that ensued after forests were nationalized in 1957. The 1988 Master Plan for Forestry Sector (MPFS), catalysed the development of CF by including it among its six primary programs. Under the auspices of the 1993 Forest Act, 1995 Forest Regulations, and the 1999 CF Guidelines, there was a rapid uptake of CF by communities throughout the 1990s (Gritten et al. 2015). Per the Forest Department, 1.7 million hectares of forest were managed by 18,133 forest user groups by 2014, equivalent to approximately a quarter of Nepal's forest being managed a third of its population.

As explained in detail in a case study analysed by Paudel (2016), community forests were intended to promote subsistence livelihoods, reinstate common property rights to forests, and to be used to generate rural economic growth. After decades in which communities helped forest to regenerate their stock, traders and companies initiated trading relationships with forest communities in an attempt to access these stocks of forest resources for markets, including timber and non-timber forest products (NTFPs). In the last decade, and with support from international development agencies, community forests have strengthened commercial linkages with markets.

Many members of forest user groups, particularly women who do most of the collection for NTFPs have conveniently integrated the collection of products for the market into their daily household routines. Given that they only need to spend part of their time collecting products for market, they are freed to collect firewood, food items and graze their cattle. In Rolpa District, women group members identified more than seventeen items for trading and more than eleven species gathered for subsistence. Spontaneous regeneration also means that the products require little to no cultivation time. Since commercialization requires only partial wage-labour, and the cash from product sales (about US\$6 per kilogram in 2013 for a certain type of medicinal mushroom) allows households to purchase other necessary goods and services, it has become increasingly popular among community forest groups.

Marketing has also been quite straightforward given the large demand for NTFPs. Middlemen come directly to the village collectors, who act as agents for export companies or sell onwards to urban-based contractors. The middlemen also manage relationships with local government, pay any bribes exacted along the way, and network with community leaders and NGOs. Supplies are sold to Chinese and Indian buyers at the border or shipped onwards to Europe and the Middle East.



The simultaneous existence of both commercial and subsistence production in these community forests serve two objectives: 1) the fulfilment of subsistence needs for local users mean that they retain their dependence on these products and the incentives to maintain a strong management regime and 2) the generation of income for households strengthens their livelihood security and legitimizes the maintenance of market linkages. This dual form of production is able to maintain the best of the local institutions, the social values of inclusion and local ownership, and the relationship of mutual care between the people and the forests in a balanced ecosystem of co-existence.

## Bolivia: Ecotourism

The eco-hotel Chalalán in the Bolivian Amazon is one of the most successful community ecotourism projects in the world, evidenced by National Geographic in 2000, who rated it one of the best tourist places on earth. The eco-hotel belongs to the Tacana and Quechua villagers of San José de Uchupiamonas and is located on their communal land next to Chalalán Lake about six hours by boat upstream of the town of Rurrenabaque in the Madidi National Park, one of the most biodiverse places on earth (FAO 2017). The project founded in 1992 has generated considerable economic impacts and is one of the first ecotourism enterprises fully owned by an indigenous community (Movimiento Porlatierra, 2016). The case is especially interesting, because it is one of the few examples in Bolivia where a local community has applied for, and obtained its communal land title without external support (ibid.).

The project was a local initiative with initial external support: Villagers saw that tourists came to nearby areas, including to Lake Chalalán which allows for spectacular wildlife spotting. Some villagers worked temporarily as guides, and the village had a contract with a travel agency. The community of San José de Uchupiamonas started their own ecotourism project in 1992 and received an initial fund from Conservation International on the premise that loggers had received concessions in the area, and that the ecotourism project would protect the forest as well as wildlife (UNDP 2012). The funds were used to build the eco-lodge, and to train the staff with the help of external experts. The village, which is two more hours further upstream by boat, used to have 250 inhabitants when started in 1992, since a lack of livelihood opportunities had led to a strong outmigration from the impoverished area (CIFOR 2005). In 2001, ownership of the eco-hotel was transferred to the community, who founded a shareholder company, where all village households are shareholders. Shares can be obtained, for example, by investing work force into infrastructure construction (Movimiento Porlatierra, 2016). Over time, the community took over control of the eco-lodge, including institutional measures to ensure financial sustainability, such as when to increase lodging rates, investments in infrastructure, marketing, accounting, and business planning (UNDP 2012). The company has a shareholder assembly, a board of directors, general manager and other components of an anonymous society, all from the village (Limaco, 2008). With the growing success of the lodge and area, it now has more than 700 inhabitants (Movimiento Porlatierra, 2016).

With the creation of the Madidi National Park, former livelihood strategies such as hunting, fur trade, logging, or gold mining, had to stop. Today, the lodge is the only local source of stable employment and wage incomes. Gross annual revenue per year is over US \$300 000 USD from roughly 1,000 guests per year. Revenues are reinvested in the project, distributed among the shareholders and a community fund, and paid out as wages (CIFOR, 2005; UNDP, 2012). Recently, US\$40 000 was shared between the community fund and to the 75 households who hold shares



(Movimiento Porlatierra, 2016). Employment is rotational and employs about 30 staff; 30–50% of adults of the community are involved in some way or another as employees. As a side effect, the enterprise has enhanced a considerable secondary economy of artisanal products and agriculture in the village of San José de Uchupiamonas (Movimiento Porlatierra, 2016). Further, a school was built from the communal fund, where villagers can study up to 12th grade. Salaries of the teachers are partly covered from the community fund. The fund also covered the travel and (successful) lobbying necessary to build an improved health post (CIFOR, 2005).

In 2000, a formal communal land title (Indigenous Communal Territory, TCO) was requested with the help of a lawyer paid by revenues from the company. There were different, also private claims on the land, but the communal land title was eventually granted in 2005 for 210,056 ha (Movimiento Porlatierra, 2016).

The model has been replicated in other places of Bolivia, but in smaller extensions since places are often less spectacular and initiatives lack the initial funding Chalalán had through Conservation international (CIFOR, 2005; UNDP, 2012). Nevertheless, there are now more than 60 comparable community-based ecotourism projects in Bolivia (UNDP 2012). As the three main success factors for the long-term sustainability of the Chalalán enterprise, UNDP (2012) cites 1) the availability of start-up funds which allowed the project to develop quickly and to enhance local management capacity; 2) the social cohesion and solidarity within the community which included a shared identity and common vision and responsibility regarding the local economy; and 3) the spectacular setting in the Madidi National Park next to Chalalán lake, combined with a rich cultural heritage.

Currently (2016/2017), the village as well as the eco-lodge is threatened by a hydropower plant planned by the Morales administration, which risks inundating the lodge, the village, and large parts of the Madidi National Park, as well as the neighboring Pilon Lajas Ecoreserve and its indigenous communal lands. Other constant threats are land forest clearing activities for crops, hunting, mining, and concessions for oil extraction (CIFOR, 2005), made possible in National Parks through Supreme Decree 2366 from 2015.

### Liberia: Community Forestry

Liberia is small West African country located in the forest belt of the Mano River Union basin, possessing over 40% of the West Africa's remaining rain forest, yet almost 50% of the country population is food insecure, according to the World Food Program. Since logging commenced in the early 1970s, Liberia's local communities have been excluded from decision making processes related to forest resource, over which they have been custodians for centuries. Some commentators have asserted that this lies at the heart of its 14-years civil war.

In order to reverse this challenge, since 2006, with the support of civil society actors, the government reformed land and resource legislation, with a view to protect the land claims of ordinary Liberian citizens, and in particular rural communities. The National Forestry Reform Law of 2006 and Community Rights Law (CRL) of 2009, for examples, grant (paperless) communities the right to manage their communal forest land and resources, and include key provisions that allows communities to benefit from income-generating activities on their land.

Under the CRL, the Community Forest Management Agreements (CFMAs) are intended to provide protection to community food and livelihood security as well as an opportunity for communities to engage in commercial activities on their common, for community members to work together to

efficiently the forest. Initially, the Forestry Development Authority (FDA) supervised the awarding of the first five CFMAs. By manipulating the CRL, these CFMAs ended up in the hands of companies doing large-scale commercial logging. Communities are currently facing challenges in areas where FDA has facilitated CFMAs establishment and these communities are constantly appealing for governance assistance to enable them to create stronger community forests, including how to more effectively perform their roles and responsibilities. In contrast, a USAID funded project also facilitated establishment of another dozen community forests that demonstrate strong community governance. Under the USAID project, Gba and Zor communities of Nimba County jointly established a Community Forest project on a total of over 600hectares of customary land under the CRL. The project organized community awareness meetings and decision-making forums. The purpose of these meetings and forums was to prepare communities to navigate the legal regimes and set up a land and resource use management system.

As a key step in the CRL, Gba and Zor formed a joint forest management team to enable co-operation between community-based stakeholders and external actors. The team employed traditional approaches to counter environmental degradation and loss of biodiversity, and importantly, to counter any negative impacts from large-scale commercial activities on the community forest lands. For example, in 2012 a mining company, Mount Belle Resources – claiming a mining concession from the government – started prospecting in the Blei Forest and overstepped the boundaries of the community forest. The company was intercepted by Forest Guards of the community, which led to a US \$3,000 penalty for breaching the community forestry law. Furthermore, the community negotiated lease agreement with a multinational mining giant, Arcelor Mittal Liberia.. This demonstrates the beneficial impact of community forestry; in particular, managing community forest land in areas adjacent to large scale commercial activities.

Over the years since the passage of the CFL, local communities have filed more than one hundred applications for community forestry. The coming online of the Norwegian-funded US\$10 million Liberia Forest Sector Project offers a glimmer of hope, but it will take more than money for communities to actualize community forestry in Liberia. Technicians at the FDA, alongside development agencies, must carry out the time-consuming work to socialize and organize communities around the broader collective tenure security of the common, including mapping of the forest land and resources, preparing forest land and resource plans, and establishing a framework for participatory decision making. From the USAID project, tools were developed and shared with FDA and CSOs to assist communities in their CFMA application processes.

Communities must be clear in their rights within the existing legal frameworks so that they can demand that companies adhere to FPIC principles and so that they can firmly negotiate fair terms on commercial agreements with the numerous companies that are flooding into the country.

## Discussion

This paper first attempted to demonstrate the bias against the link of land commons to markets. Then it argued that new imperatives that threaten the wellbeing of commons systems calls for innovative ways to link the commons to market. The cases presented attempt to demonstrate how these processes are unfolding in different parts of the world. Less positive examples from Liberia show that when government facilitates commercialization of the commons in a non-transparent way

that does not bear community interests in mind, but that further perpetuates the dominant model of large-scale land concessions, this becomes a manipulation of law intended to strengthen land commons, e.g. 2009 Community Rights Law. In contrast, those community forests facilitated under the USAID project promoted collective tenure security, through mapping of their forest lands and resources, preparing forest land and resource plans and participatory decision making. In turn, these communities were then able to benefit from the commercialization of land commons .

Adaptation to new pressures requires those who live by rules that govern the commons to take an active role in modifying them to fit the changing needs and conditions of an evolving world. Employing Ostrom's framework to assess the robustness of what is coined "socio-ecological systems," Fleischman et al. (2010), in their review of five forest-user groups in Indiana State, found that communities most effective in responding to a number of disturbances to the healthy functioning of their groups, encouraged group learning and collective decision-making to resolve these problems, in turn, enhancing group community adaptiveness to deal with future disturbances. For example, the communities all faced issues of trespassing, taking of NTFPs and timber, which went against community rules that prohibited or severely restricted tree-cutting. In response to the problem the communities created formal laws that replaced their earlier informal norms to more strongly enforce rules against tree-cutting.

Echoing Fleischman et al., Haller et al. (2016), in reviewing four cases of common pool resource management, found that those that are most successful in creating effective institutions share a number of characteristics: a) that local communities revise or build new institutions in line with their own values; often these new institutions build on the pre-existing ones; b) that these institutions are recognized and facilitated by the state; c) diverse actors must come together to negotiate the most appropriate institutions, whether traditional or new ones; and d) third parties such as NGOs can support this process by creating a safe and open space for open debate.

In the cases reviewed in this paper, these types of conclusions also hold true, but the cases also reveal some nuances when applied to the effective linkage of land commons and markets.

- In order for communities to successfully link their land commons to the markets, communities must either create new rules or adapt pre-existing rules, according to their shared norms, to govern the use of common resources to changing local needs and conditions. In Myanmar, Nepal and Liberia, community forests adapted their existing use of forests for sustenance in order to engage with commercial buyers of their forest timber and non-timber products. In Myanmar's Rattan cooperatives, communities created a registered cooperative and created new rules of resource management on top of their community forest management plan which required that the balance between replanting and routine extraction of timber and NTFPs for their household use and rattan for commercial use. Similarly, in Nepal, communities extract mushrooms for commercial sale at the same time that they maintain their forest stock for long-term sustenance. In Bolivia, communities learned new rules in order to manage the eco-lodge. In all these cases, new rules governing commercial engagement did not replace, but built on their shared norms of maintaining the natural wealth of their land commons.

- Outside catalysing agents e.g. development agencies, private sector actors, are needed to assist communities technically, financially and organizationally. This is in the form of financial seed funding or to help communities to access commercial funds, as in the case of the Myanmar Rattan cooperative and the case of the Bolivian eco-lodge which received funds from Conservation International to develop quickly and to enhance local management capacity. Another form of assistance is to serve as a facilitator to ensure a participatory process is followed and there is healthy negotiation between members of the community. In the Liberian case, the partners of the USAID project invested extensive time and resources to socialize and set up the community forests, building on existing social networks and ensuring that the benefits would not be captured by tribal elites. In the Bolivian eco-lodge, Conservation International gradually transferred management responsibility to the community over time, as they developed more of the skills necessary to run the eco-lodge without external assistance.
  
- Beyond higher level acknowledgment of the new institutions is also needed, government must provide support for the sustainable use of resources. This includes policies that support community-based commercial activities and services i.e. market information, and local infrastructure to move goods. In the Bolivia example, the state has shown to be rather counter-productive, weakening the 1996 concept and law of communal lands. For example, the name "TCO" (Tierra Comunitaria de Origen) has been changed into "TIOCs" (Territorio Indígena Originario Campesino ) with the 2009 constitution in order to include "Campesinos" and "Originarios" into the concepts, which often migrate from other places to produce coca or soy bean, or to rear cattle (Grisaffi, 2010). In Liberia, state concessions for plantations and mining have transferred about 20% of the country's land area, much of that community claimed lands, to companies. In Nepal, the procedures for extracting timber for commercial sales is onerous and forest user groups complain about the lack of technical support from the forest department for safe felling.

In contrast, the Myanmar Forest Department has included clauses to state that it will change its role to facilitate and assist communities with the development of sustainable community forests. In order to do so, they are taking an active role in discussing the possibility of commercial loans from the Myanmar Cooperative Bank and the Myanmar Agriculture Development Bank. The success of the Bolivian eco-lodge also demonstrates the need for governments to consider the national value of eco-system services that reside in well-managed land commons. The natural beauty of the national parks surrounding the lodge translates into high-value tourism. There are numerous other eco-system services, among them watersheds, diverse animal and plant species, and rich stores of carbon which could theoretically be used to further benefit local communities. A shift in valuation of large-scale land concessions to state support for national development models that are inclusive of local communities mean that states need to create a legislative framework and offer the financial and technical services to assist communities to thrive off of land commons.

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