

# PROPERTY LANDSCAPES IN MOTION

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It has been written that “Society makes property”.

[Stop and translate this into your own language – Indonesian, Mandarin, Thai, Hindi, Spanish, French and so on].

In fact, around the world, and through long periods of time, there has been, and still is, a continuing flow of human activities intended to make, unmake and remake property. These universal processes of property in motion are both worthy of study and deserving of purposeful actions.

Let me begin with three experiences –or should I call these memories?

First.

In the second half of 1969, nearly 40 years ago, I returned to Laos for a short period of research. I had

earlier spent about five years in Laos working with an NGO on various rural development projects. This visit was my first research experience in Laos; and my first post-PhD funded research project.

It also was my initial effort to understand irrigation from a sociological viewpoint. I traveled to the province of Sayaboury, in western Laos, to explore an irrigation project that was being built by the U.S. government. Since I had some ability in spoken Lao, after an appropriate briefing by the project engineers, I ventured into the villages that were to benefit from the completed project.

Sitting on the bamboo floors of village homes and talking with older men and village leaders, I quickly learned something important – but not mentioned in my project briefing. A significant part of the area projected to be irrigated by the new project already was being irrigated by locally-built and –managed

diversion systems. Small diversion structures were in place, canals to move water from these diversion points to the fields existed, intra-field structures were in place to direct water as needed and organizational arrangements – a water committee – gave direction to this local effort. In short, within the project area significant irrigation property – a CPR – had been constructed and operated.

The project engineers were either unaware of this common property, or if they knew about it, highly discounted it as rudimentary, ineffective and unsuitable for improving agricultural production.

Over the years, I and many other field researchers found this same situation repeated in tens of instances in locations throughout the world. It is a process that continues today.

Unlike property regimes were colliding – in this instance, state property and common property – with expected and unexpected consequences.

Many of you, no doubt, have observed similar happenings.

## Second

In the decade of the 1990s I worked with the Ford Foundation, based in New York. One of my responsibilities involved grantmaking in rural America – and a place that captured my attention was the northern part of the state of New Mexico. Northern New Mexico is a mountainous region of relatively low-rainfall— part of the southern Rocky Mountains – and a ethnically diverse population including native Americans, Hispanos (people whose ancestors were the Spanish settlers of Mexico) and so-called, Anglos. Northern New Mexico has become a hugely trendy

tourist destination, as well as, a popular location for second-homes and retirees.

Property forms are equally diverse. American Indian groups typically accessed land and other natural resources in common and this continues as small remnants of these once vast native lands are now owned and managed by tribal governments. The ancestors of the Hispanos typically owned private parcels of agricultural land that were irrigated by community-owned irrigation facilities with community water rights. Uplands used to graze animals and access forest products were common property resources. Some of this common property still exists – a wetland here, a forest patch there, but is minuscule in relation to former times. In the imagination of the Hispano population it continues to loom large and is a continuing matter of contestation.

The great majority of the former common property – both Indian and Hispano – has been converted into either state property [national forests, wildlife preserves, etc.) or private lands – large portions of which are now owned by Anglos. Likewise, in this dry region, water resources are increasingly stressed and water rights fraught with tensions and disagreements. Hispano communities, in particular, struggle to protect longstanding community water rights, which the state is seeking to individualize and quantify.

This is a second region where property is in motion; property is continuing to be made and unmade and, especially among the Hispano population, memories of past property arrangements are strong and motivating.

### Third

My retirement years have given me the opportunity to explore matters in new ways. I had become especially

interested in mountain regions – with particular attention to how environment and development activities are being woven together. So, to explore this broad topic, I have been returning to a place that I first visited in 1986; the district of Kullu – a part of the Indian state of Himachal Pradesh in the western Himalaya – which I first visited in 1986. This remarkable high mountain region, which was once integrated in the long-distance trade between the Tibetan plateau and the Indian plains, has been engaged in profound processes of change in the two decades since my first visit.

Agriculture has increasingly shifted from subsistence cereal production to fruit and vegetable production for close and distant markets – Kullu is at the heart of India's apple production. Animal herding – formerly an integral component of the agro-pastoralism of this region-- has become increasingly marginalized. Tourism has exploded. Large portions of the district have been

established as national parks and other reserved lands. And finally, many of the mountains streams and rivers are being harnessed for hydro-electric projects.

A part and parcel of these deep changes is widespread change in property rights. Customary water rights are being altered. Some forest use rights, legally endorsed during the British colonial rule, have been abolished. And something almost unique to Kullu district, the land rights of local gods have been transformed into private ownership.

Again, in Kullu, property arrangements are in motion, including customary common property resources.

### PROPERTY IN MOTION

Experiences such as these three shape my thoughts about property, and especially, about common property.

These experiences — in different national settings, at different times, and in varied natural settings — each, and together, draw attention to a common human endeavor —

the MAKING,  
the UNMAKING, and  
the RE-MAKING of property.

Perhaps we need a new word to capture this idea — not just property as a noun — but TO PROPERTY, as a verb. As in, a lot of propertying is going on in my region; or my water rights have been re-propertyed. You can consider the possibilities.

This is the larger context in which our studies of common property and our attempts to assist common property owners occur — what we might call, PROPERTY IN MOTION.

Of course, framing the context in this way underscores several important points. All of you, as students of common property or actors in support of CPRs, know these features of property. Nonetheless, before we immerse ourselves in detailed discussions of particular cases or particular dilemmas – it is useful to remind ourselves of these basics.

Property is a human construction – its not some “natural” occurrence. Property arrangements set the rules concerning how people relate to one another with regard to some object, a piece of land, a patch of forest, a stream of water, as well as, a novel idea, an original musical performance or a new medicine.

Property arrangements are impermanent. They can be altered when new ideas come into vogue. They can be reshaped in response to novel technologies. They can be re-done when political or economic power shifts.

Property situations contain multiple property forms. In many cases, perhaps all, several forms of property may co-exist in a given place. Individuals may find that simultaneously they have access to things they own individually, other things that the state owns and still other things that they own in common with some defined group. Each of these different property alternatives are constructed and may be changing in reaction to one another and to other factors.

And property edges often are, what some of you have begun to call, fuzzy. Property rules have limits, they can be ambiguous and imprecise, and they often incorporate exceptions and special circumstances. Because they typically are in motion, at any given time they may include internal inconsistencies and be subject to varying interpretations. The orthodox view, of course, is that property rights are instances of precision and clarity. Of course, many of you have

been carefully examining this proposition and offering alternative evidence.

Property rights and arrangements likely have always been in motion – always being modified, adjusted and struggling to survive. But in our current era this motion seems especially evident. I want to remind you of four especially deep trends:

One,

Large changes in state governance:

Transformations of previous socialist regimes and the corresponding changes in property arrangements that are underway – the movement from state-owned property to individual private property, or sometimes to common property arrangements. Much excellent research is being done on this topic and many of you

are already familiar with these research results, or can easily find them.

## Two

Dramatic expansion of market production and various forms of capitalism.

These trends are especially apparent in China and India where conventional thinking assumes that economic development and technological advancement require private property owners in order to function effectively. Common property groups are typically seen as antiquated, slow to change and lacking the incentives for entrepreneurship.

## Three

As a component of globalization, external investment is driving property shifts.

Related to the above point, external investors want to deal with a private sector that looks familiar – with corporate structures and laws that protect private property. Unfamiliar common property entities are marginalized and avoided, when possible.

Four.

The fourth important trend is the continuation, not without large struggles, for significant parts of the natural world to remain under the sovereignty and use of indigenous people – typically in some form of common property arrangement. These local arrangements also are in motion – striving for new ways to balance longstanding values and practices with new opportunities and constraints.

This is the global context in the early 21<sup>st</sup> Century and it has profound implications for how common property is imagined by both those within and without CPR groups. This context also presents large challenges for CPR groups to find ways to effectively adapt to these new opportunities and risks.

### Landscapes of Property

I know that there are several sessions at the conference that will be focused on new theoretical ideas and methodological tools for the analysis of common property. While not intending to highjack that effort, I do want to share with you a conceptual idea that I find promising.

Currently, one of my most rewarding tasks is serving on the board of The Christensen Fund (also known by its initials, TCF)—a US-based Foundation. TCF is

concerned with the reduction of diversity, cultural and biological, throughout the world. If you visit the TCF website you will learn that TCF's mission is —

*to buttress the efforts of people and institutions who believe in a biodiverse world infused with artistic expression and work to secure ways of life and landscapes that are beautiful, bountiful and resilient.*

Since TCF staff chose to provide support for this IASCP Conference, they apparently judged IASCP to be such an institution. For purposes of this discussion, I want to take just one of the words from that packed mission statement and explore it with relation to our property interests. That word is landscapes.

Landscape is a term associated with a specialty in ecology; predictably called landscape ecology. But it has been adopted by a wider group of writers and

analysts concerned with human uses of the natural world – perhaps you have been using it in your own work. One definition that may help our discussion is this:

*“Landscapes are the arenas in which humans interact with their environments on a kilometers-wide scale.”*

In short, landscapes refer to large rather than small spaces. In relation to the experiences I used to open this discussion – Kullu district in northern India or Taos County in northern New Mexico could be approached as landscapes.

A second, and more nuanced, feature of a landscape space is that it typically is a mosaic of interacting ecosystem patches that together comprise a diverse spatial area. Those patches might be riparian habitats, grasslands, forests, intensively cultivated fields, human

settlements – and so on. Landscape analysis drives attention to the diverse pieces that constitute the landscape, and equally, to the important processes and consequences of interaction among them.

Now, we know that property regimes also exhibit considerable diversity – what we might label property diversity. In fact, we might think of property diversity as an important biocultural element since property is a construct that often combines cultural ideas and environmental specifics, with various consequences.

Landscapes of property is a concept that could aid us in uncovering – recognizing that not all forms of property are easily legible -- and understanding property diversity at a larger scale – an analyst would seek to identify the various forms of property existing in a particular landscape and also seek to uncover the myriad ways in which these property arrangements

have, or now, connect, compliment or collide: a kind of landscape ecology of property.

What seems likely is that most of the world's rural people and communities operate in property landscapes that are increasingly diverse – with multiple forms of property operating simultaneously and with increasing accretions of past and current property arrangements. By focusing on property landscapes one might better understand and assess the interplay among different property types. One can look at the overall pattern of access that households and communities creating by relating to common-property resources, privately-owned resources, and state-owned resources, thus understanding how the different property types are amalgamated, interwoven, constrained and exploited to contribute to livelihoods, community well being and environmental health. Examining the position of common property within a property landscape might

better represent the situation of common property resources in the current Century.

I suggest that high on the agenda of future research and action should be attention to these property landscapes, including attention to how they are shaped by what one writer has described as *“local power relations, historical memory and practice and ecological specificity”* [ the prose of Jennifer Sowerwine]. Perhaps some of you are already doing such work, if so I look forward to learning about it.

### IASCP in this century

We have been talking about common property in this Century. I now want to briefly turn to the topic of IASCP, our organization, as we begin the fourth IASCP

Conference of the 21<sup>st</sup> Century [that leaves 46 more conferences to be held this Century!].

First, let's take a look at who we are in this conference.

1. How many of you are traditional owners, trustees or users of common property? Please stand.
2. How many of you are conduct research and/or teach about common property? Stand again, if this applies to you.
3. How many of you work with an NGO that is an ally of common property groups?
4. How many of you are elected or appointed members of government interested in common property?
5. How many of you did not yet stand up?

IASCP has been since its inception a vehicle for building the CPR community. It has been a key

instrument for exchange among academics and practitioners, and increasingly, community leaders. In addition to expanding understanding of common property, IASCP also has sought to induce action and policy formulation.

IASCP has evolved since its creation and likely will do so throughout this century – important new services like the digital library have been put in place, new organizational arrangements such as the regional groups and meetings have emerged, and there has been a continuing push to apply common property ideas to new resources and problems such as the so-called global commons. I applaud the creative energy of the IASCP members and leaders that underlies these novel actions.

And, more changes are being planned – the new International Journal of the Commons and now the re-naming of the IASCP. Let me hazard a comment on

the approved name change. I understand that the proposal to drop the word property from the name – leaving the new moniker as, the International Association for the Study of the Commons – has been approved [by about 100 people].

I am sure much thought has gone into this decision and that there is considerable merit in a change that might widen the appeal of the Association to a greater number of scholars, activists and others. Presumably, this name change will not eliminate concern with property, in particular common property. I hope the Association will continue to welcome and cultivate the discussion of common property theory, analysis and action.

But, we also need to recognize that a concern with the boarder notion of the Commons could result in reduced attention to the very matters that have been at the core of IASCP activities – since one assumes

that the number of days available for global and regional conferences is not infinitely expandable nor are the number of pages available in the CPR Digest of the planned International Journal.

Given the enduring centrality of property issues for critical problems such as conserving the natural environment, managing natural resources carefully, and improving the livelihoods and wellbeing of millions of rural people around the world – all topics which will be abundantly covered in the meeting -- one might have considered re-naming with a different direction, for example, the International Association for Study of Property Arrangements [IASPA]? This nomenclature would keep property central but expand to explicitly include many forms of property. But that issue is now settled – my hope is that you continue to keep your property focus a central concern.

Finally,

I want to return to the key point, to again sound my key note – and, end with a comment about common property in the remainder of this century. I believe we should continue to analyze and understand, and in some cases facilitate, the movement of property landscapes, including common property arrangements, around the world – not out of a fear that common property will disappear but based on the hope that common property will continue to be a property option that works well from some people and resources in selected situations.

Of course, one needs to recognize the indeterminate character of the times that lie ahead – the future is likely to be composed of some amalgam of the deeply familiar and totally novel and unexpected features.

But, I suggest that in that in this less-than-clear future, common property arrangements will continue to

be an important part of the mix -- an option that can be exercised by those who chose to do so.

More or fewer things may be owned in common, the rules of common ownership may take new shapes, and world opinion may tilt toward or away from common property. But common property arrangements are highly likely to survive – and I would suggest even flourish as they are transformed in directions that increase their effectiveness and efficacy in the 21<sup>st</sup> Century.

I believe this will be the case because:

- Local will still count
- Increasingly, dissimilar contexts will arise as global trends are shaped by local forces, this creating new CPR opportunities,

- Thus, property landscapes will continue to be an amalgamation of diversity – not, one size fits all.

IASCP, perhaps also transformed, needs to continue its mission of strengthening the theory and practice of common property in a world that is both culturally and biologically diverse and in motion.