



Welcome to the newest edition of the *The Commons Digest*! In this issue we celebrate the first World Commons Week, held October 4th - 12th of 2018. The Week was held to recognize the past 50 years of commons scholarship and to raise awareness of the nature, practice, and potential of commons governance around the globe. As a part of the Week's activities, "24 hours of global noon webinars" was organized by **Charlie Schweik**. Charlie and **Maxine Gunther-Segal** open the issue with their essay explaining the Noon Webinar concept, followed by four essays based upon webinar presentations. The first is by **Michael Madison**, writing on a decade of knowledge commons research. This is followed by **Esther Mwangi** and **Douglas Bwire**, who presents about linking forest and water resources in East Africa. **Deborah Delgado Pugley** next speaks to the topic of Global commons and indigenous peoples of the Amazon Basin. The issue closes with an essay by **Makoto Inoue**, who writes about social problems in Japan and their implication for the study of the commons.

As always, we include Emily Castle's list of Recent Publications for your information. Here's to 50 years of commons scholarship and activism. **Enjoy!**

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Reflections

Presenting events of the "World Commons Week"

Charlie Schweik & Maxine Gunther-Segal

Two members of a large community of IASC colleagues who helped to pull off World Commons Week 2018

The week of October 4–12th, 2018, IASC members and others co-produced a first global coordinated event we called "World Commons Week" (www.worldcommonsweek.org). The idea of such a week emerged from two distinct discussions that occurred during the 2017 IASC biennial conference in The Netherlands.

The first was the dialogue IASC members had about our association in the "membership meeting". I'm sure many readers of *The Commons Digest* remember this meeting, which involved discussion of what people valued about IASC membership. The strong message I (co-author Schweik) took away from that hour of community dialogue was that IASC members were grateful that such a professional association exists to support and encourage dialogue among commons scholars and practitioners both regionally and globally.

Later in the week, walking in the streets of Utrecht, several IASC members came to the realization that the upcoming year, 2018, marked fifty years since Garrett Hardin published his "Tragedy of the Commons" article in the journal *Science*. While many commons scholars grow tired of the constant references to this article, it arguably helped to



launch commons research and practice in many thematic areas, including water, forests, fisheries and marine settings; the global atmosphere; infrastructure, urban and rural areas; and in "new commons", technology, software, and knowledge sharing and co-production. Moreover, this past half-century of scholarship revealed what Hardin did not recognize: that these shared resources can be sustainably managed with attention to "institutional design". The analysis of small-, medium- and large-scale regional and global problems through the lens of commons governance offers pathways to alternative solutions to some of society's most intractable problems.

These two moments in Utrecht led to the realization that: (1) IASC members appreciate the IASC for the opportunities for dialogue it provides; (2) they crave even more regular opportunity for commons-related dialogue beyond the IASC global conference every two years; and (3) a celebration of a fifty-year anniversary of commons scholarship and practice might be the moment to try something new and something global in the off-year from the IASC Biennial Conference. The idea of World Commons Week was launched.

Further discussion within the IASC Executive Council meetings and between various commons scholars led to the three-component design of the week that emerged. First, there would be an in-person kickoff event. Second, we'd encourage global collective action at the local level through coordinated local events across the globe. Third, we'd try to do something we're not sure anyone ever has done before: hold an entire day—24 straight hours from UTC -12 to UTC +12—of live noon-hour webinars in every timezone. We'd follow the noon hour as the world turned, highlighting commons research and practice that was often representative of that time-

zone region of the world. In short, in recognition of the past half-century of commons scholarship, to recognize the desire of the IASC community to have more frequent global dialogue and to raise and broaden awareness of the nature, practice and potential of commons governance around the globe (and in particular in this era when international collaboration is threatened), the IASC organized a global "World Commons Week" from October 4–12th, 2018.

The week started with two in-person events in Washington, D.C. Ruth Meinzen-Dick and her colleagues at the International Food Policy Research Institute officially launched World Commons Week on October 4th with a panel discussion focusing on tenure security of land-based commons, particularly forests and rangelands held by communities and indigenous peoples. Over the next two days, October 5–6th, Sheila Foster, Brigham Daniels and Chrystie Swiney held the "Celebrating Commons Scholarship" conference at Georgetown Law School, in recognition of the breadth and richness of commons scholarly inquiry. (See www.worldcommonsweek.org/conferences)

The second—and perhaps most important—component of the week were the coordinated local events distributed all over the world. Our aim was to encourage old and new IASC members to celebrate commons research and practice in their local regions. We encouraged events of any form: teach-ins, seminars, talks by local scholars or practitioners, local excursions and more. Undoubtedly, developing collective action across the world promoting local events is not easy. But if there is ANY professional community who understands and is interested in collective action, it is the IASC community, and thanks to the efforts of participants like Insa Theesfeld and Timothy Randhir, very early in the organizing process we had 10–15



local event coordinators step up with ideas for events they planned to run in their area. We established a sign-up form on the website, and created an online map and table where people could see the growing list of local events emerging around the world. At some point we reached a critical mass of proposed local events and momentum, and with very little advertising, other local event proposals started flowing in. Nearly 35 local events were organized and held all over the world during the week of October 6–12th. (See www.worldcommonsweek.org/localevents).

Closing out the week was our attempt at running 24-straight noon-hour webinars covering the entire day of October 12th, 2018. While we can't be sure, this very well could have been the first time such a coordinated event has ever happened in human history. And thanks to (1) more than 24 wonderful commons scholars and practitioners who agreed to give talks; (2) some very capable graduate students (Ainsley Brosnan-Smith, Bia Dias, Cobi Frongillo and Dillon Coutinho); and (3) the support of the Schools of Public Policy and Earth and Sustainability at the University of Massachusetts, Amherst, we moderated, recorded and pulled off 24-straight live webinars. Topics ran the gamut from traditional commons (e.g., fisheries, water, forests, urban), to knowledge commons, to research methods. The list of speakers, talk titles and links to their recorded talks can be found here: www.worldcommonsweek.org/webinars.

For this issue, five of the webinar speakers have agreed to write up a brief summary of the talk they delivered. They are: **Michael Madison**, writing on a decade of knowledge commons research; **Esther Mwangi** and **Douglas Bwire**, writing about linking forest and water resources in East Africa; **Deborah Delgado** discussing global commons and indigenous rights in the Amazon; and **Makoto**

Inoue, who writes about social problems in Japan and their implication for the study of the commons. We are grateful to these authors for sharing their work, as well as to all of the webinar speakers.

To close, what this first World Commons Week event did, in our view, was demonstrate what we picked up as the resounding message at the IASC membership meeting in Utrecht in 2017: that the IASC research and practice community values our organization as a communication platform, and that the community desires even more dialogue and collective action. We all know that it is absolutely critical that this community regularly meet face-to-face. But we also know that it is sometimes difficult and costly to travel long distances for conferences. What World Commons Week shows us is that in between global and regional face-to-face dialogue, it is possible to organize collective action in commons scholarship and practice using today's Internet-based technologies. Moreover, this first event is inspiring because it reminds us of what we already know. The world, and IASC, is jam-packed with wonderful and inspiring people—scholars and practitioners—working hard to sustain and improve our world through collective action, and we want to talk with and learn from one another.

For those who will be at IASC 2019 in Peru, we hope to hold a meeting to discuss and organize a second World Commons Week for October 2019. I hope to see you at that meeting, or if not, feel free to email cschweik@pubpol.umass.edu to be added to the list as a possible participant or organizer next year.

Thanks to all who participated in this event,

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Knowledge Commons

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"Knowledge commons" is entering its second decade as a field of scholarly research and practice, inspired by and building on the insights of Elinor Ostrom relative to natural resource commons, and Yochai Benkler, now at Harvard University, relative to open access and the public domain. Here—as I did in our webinar in October, I outline the brief story of how the field emerged and evolved, and where it is headed.

Origins

Governing knowledge and information was long the stuff of niche fields of intellectual property law: copyrights and patents and related systems of exclusive rights, sounding partly in ancient property law and partly in modern competition law. Outside of the law, knowledge and information were secure parts of established and stable institutions that defined scientific research and cultural production of literature, music, and visual arts.

For legal scholars, the emergence of computer programs in the 1970s and 1980s and then the emergence of the Internet and modern bioscience in the 1990s de-stabilized those institutions and brought those niche legal fields to center stage. Knowledge and information, and science and culture, were revealed as key resources for economic growth and human flourishing. They were also rich targets of research opportunity for the relatively

fields of New Institutional Economics, New Institutional Sociology, and Science and Technology Studies. In practical terms, both large scale and small collaborative information production via the Internet (open source computer programs, Wikipedia) raised important research questions for legal scholars and social scientists alike. In what respects are the success and stability of knowledge-based institutions dependent on systems of exclusive rights, and in what respects might commons governance offer effective alternative strategies? In what respects are knowledge commons governance strategies novel (relative to open source computer programs, as one well-known example) and in what respects are they well established historically (relative to scientific research, for example)?

These questions, of course, mirror the questions that serve as the foundation for the work of Elinor Ostrom, Vincent Ostrom, and colleagues advancing the program of the Ostrom Workshop at Indiana University in Bloomington, Indiana.

Our knowledge commons research collaborative, now known as the Workshop on Governing Knowledge Commons (<http://knowledge-commons.net>), began in conversations and research among colleagues in 2005, leading to our first scholarly presentation (2006, at the University of Pittsburgh), our first journal publication (Madison, Frischmann, and



Image from the Workshop on Knowledge Commons website, <http://knowledge-commons.net/>

Workshop on Governing knowledge commons

Strandburg, *The University as Constructed Cultural Commons*, the Washington University Journal of Law and Policy, 2009), a foundational paper setting out the knowledge commons research framework (Madison, Frischmann, and Strandburg, *Constructing Commons in the Cultural Environment*, Cornell [University] Law Review, 2010), and two collections of qualitative knowledge commons case studies [*Governing Knowledge Commons*, Frischmann, Madison, and Strandburg eds., Oxford UP 2014; *Governing Medical Knowledge Commons*, Strandburg, Frischmann, and Madison, eds., Cambridge UP 2017]. Along the way, we partnered with scholars responsible for two monographs founded on investigations of knowledge commons [Schweik, *Internet Success*, MIT Press 2012; Reichman, Uhler, and Dedeuwaerdere, *Governing Digitally Integrated Genetic Resources*, Cambridge UP 2016]. Today, the expanded group is striving not only to extend the knowledge commons research program ourselves, with an additional collection of knowledge commons cases under development [*Governing Privacy as Knowledge Commons*, forthcoming, Cambridge UP], but also to support knowledge commons research by sharing our ideas with governance researchers around the world, in law and in other social sciences. Also forthcoming under the auspices of a book

series established by our Workshop is a collection titled *Governing Markets as Knowledge Commons: The New Entrepreneurial History of Shared Social Infrastructures* (Dekker and Kuchar, eds., Cambridge UP). Ostrom's own contributions to the field are important recognition of links between her research and this new program; those contributions include her own exploration of knowledge as a commons, co-edited with Charlotte Hess, published with MIT in 2007, and an essay on the new knowledge commons research framework, published with our work in the Cornell Law Review in 2010.

The Workshop has its virtual home at <http://knowledge-commons.net>. Visitors can access both relevant publications and information about the design and use of the knowledge commons research framework. The lead researchers associated with the Workshop are Brett Frischmann (Professor at Villanova University Charles Widger School of Law); Michael Madison (Professor at University of Pittsburgh School of Law); Katherine Strandburg (Professor at New York University School of Law); Charles Schweik (Professor at University of Massachusetts – Amherst); Madelyn Sanfilippo (Princeton University postdoc in social informatics); and Tom Dedeuwaerdere (Professor at Université catholique de Louvain (UCL)).



Findings and the future

We use the term commons to refer to a form of community management or governance. It applies to resources, and it involves a group or community of people, but commons does not denote the resources, the community, a place, or a thing. Commons is the institutional arrangement of these elements. The basic characteristic that distinguishes commons from noncommons is institutionalized sharing of resources among members of a community. We use the term knowledge to refer to shared intellectual, cultural, and information resources, including inventions, creations, data, and so on. The intuition that motivates the research is that commons governance can be an effective strategy for dealing with underproduction or free riding dilemmas sometimes lumped into the category of the so-called “tragedy of the commons.” Systems of exclusive rights are not the only solutions to those dilemmas.

As researchers, we focus on empirical study. We believe that it is critical that practical applications of commons governance strategies be based primarily on sound data rather than on advocacy alone. We also believe that knowledge commons research should have its own research framework and should be directed to developing its own set of policy and design principles, or rules. We have been inspired by Ostrom’s vision, by her humanity, and by her adherence to sound research design. But we have built our own separate knowledge commons research framework to account for the distinctive characteristics of knowledge and information resources and communities, and we are not tracking the application on Ostrom’s design principles

for commons to novel knowledge and information contexts. We emphasize that knowledge commons research is motivated by interest in long-term, interdisciplinary, systematic, and comparative study of governance institutions, which is study of a sort that researchers on intellectual property law and policy rarely undertake. We are not (yet) at the point of producing theory or theories, or models. We do not (yet) have a set of design principles or guidelines for practitioners or policymakers. We hope to do both, in the future; we hope to support additional types of commons research, by generating and testing testable hypotheses.

Briefly, our knowledge commons research so far has produced a number of useful insights:

1. Knowledge is a domain of resources, rather than a single resource, and knowledge resources may be constructed by social action (including law) and/or emergent. Knowledge commons may involve managing both immaterial and material resources as parts of complex systems.
2. Knowledge commons may confront diverse obstacles or social dilemmas, many of which are not well described or reducible to the simple free rider or tragic commons dilemma. Social dilemmas addressed by knowledge commons may relate to multiple creation, curation, and coordination dilemmas. Some of those dilemmas derive from knowledge resources that serve as shared infrastructures in the production of other resources.
3. Polycentricity, clustering, and nesting of knowledge commons in broader systems are common, but they are complex.
4. Informal governance institutions, especially trusted leadership, often play



key roles in knowledge commons.

5. Commons governance evolve over time, and commons seem to play an important role in the early stages of some industries.

6. Knowledge commons governance often does not depend on one strong type or source of individual motivations for cooperation; individual actors may be rational or not, selfish or not, and so on.

7. The state is often a key institutional actor in knowledge commons.

Conclusion

We have been aware from the beginning of this journey that our research collaborative is itself governed as knowledge commons, a program of knowledge production and knowledge sharing in a complex environment that also implicates our employment at our home institutions, networks of colleagues elsewhere, the expectations and practices of our research domains, funding and publication practices that intersect with commercial

marketplaces and in some respects, with state research support. We have also deepened our friendship, which is a dimension of commons that may, at times, be overlooked. Our success to date is anecdotal evidence that our initial instincts were right, that well-structured knowledge commons can be effective, productive, and durable. Knowledge commons can produce more and better and more widely shared knowledge resources. Finally, knowledge commons can engage participants in governance practices that are beneficial for the participants themselves. The American legal scholar Carol Rose once wrote of the "comedy of the commons." It is fair, in our experience, to conclude by observing that a dose of commons can, at times, make people happy.

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Wishful thinking or achievable goal?: Joint governance of linked forest and water resources in East Africa's "Water Towers"

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In December of 2005, the forcible eviction of close to 4000 people settled in the Mau forest complex of Kenya began; three other eviction episodes followed over the next thirteen years. The evictions were ostensibly to promote conservation, preserve ecosystem services and set the stage for reforestation of deforested and degraded forest areas.¹ Like other "Water

Towers" in Kenya and elsewhere in East Africa and globally, the Mau forest is valued as a source of rivers and streams that feed agriculture and economic development downstream sustaining millions of people in rural and urban areas. The decline of the Mau (and other Water Towers) is thus increasingly a threat to the lives and livelihoods of downstream populations who increasingly face water



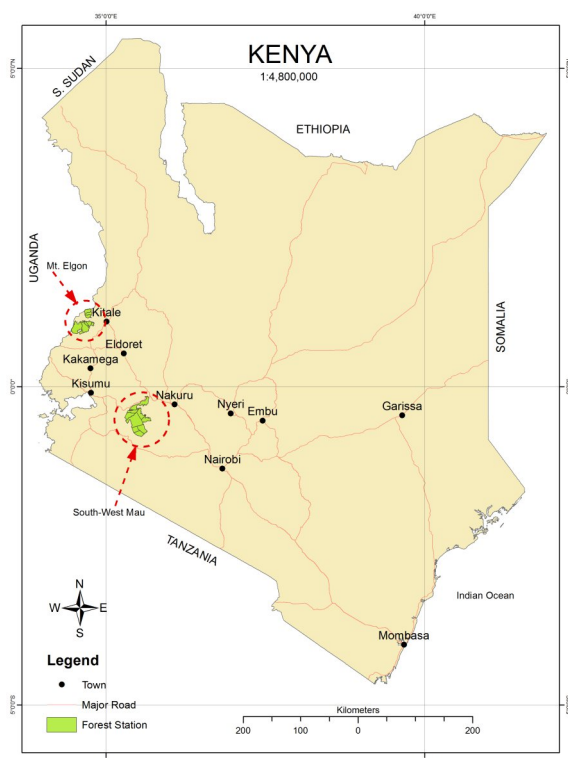
shortages, sedimentation of hydropower plants, drying rivers etc. It is also potentially a source of severe conflict as downstream communities, pending government intervention, often threaten to take action against those living upstream. The need for an improved and linked governance of upstream watersheds and forests and the water they provide is urgent.

Research in the Mau reveals strong, unambiguous correlations between land use/forest cover and the quality and quantity of water, confirming the fears and anxieties of downstream communities and government alike.² However, as in other parts of the world, the issue of linked governance of forest and water is still in its nascent stage. Current governance research and frameworks hardly explore the *linkedness* of forest and water governance and an opportunity exists to increase the broader understanding of cross-resource linkages and whether (and how) such linkages might influence resource governance. Our research and action in the Mau and Mt. Elgon water towers of Kenya and Uganda explores this issue. In particular we aim to find out the following: i) the extent to which forest resource users are aware of and understand the effects of forests on water quality and quantity; ii) the extent to which local institutions of forest governance (the Community Forestry Associations-CFAs) and the local institutions of water governance (the Water Resource Users Associations—WRUAs) conduct joint or coordinated forest and water resource use/management activities; and iii) identify local level arrangements or interventions that can foster joint forest and water governance in the Water Towers. Ultimately we aim to review and

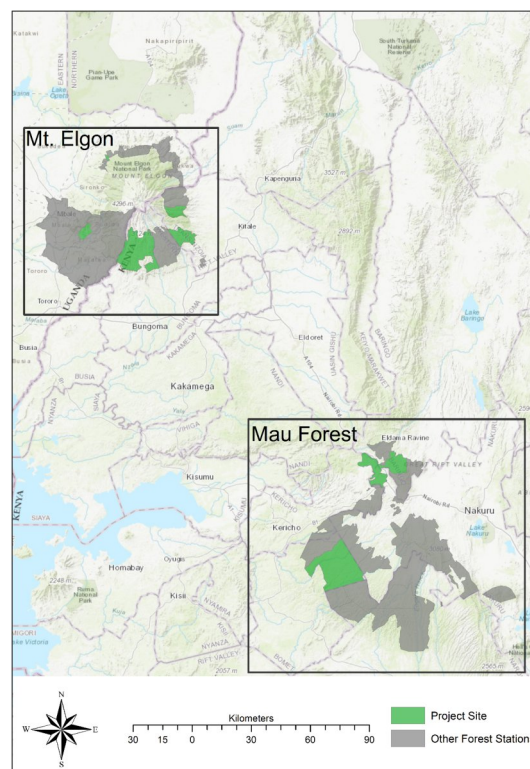
refine existing frameworks in light of cross-resource linkages.

The Mau forest complex is about 420,000 ha large and the main water source of 12 rivers that feed into lakes Victoria (Kenya), Natron (Tanzania) and Turkana (Kenya). It supports the livelihoods of more than 3 millions rural people who live in the Lake Victoria Basin and up to 2 million more in urban areas. The Mt. Elgon forest is a cross-border resource shared by Kenya and Uganda. It is the main water source of rivers that drain into Lake Victoria (Kenya) and Lake Kyoga in Western Uganda. This water tower supports dense populations of small-scale subsistence farmers. We conducted a total of 186 focus group discussions with men and women of different ages and 31 with men and women leaders of CFAs and WRUAs in two sites in Mau forest and three sites in Mt. Elgon forest. A total of 1681 people were interviewed. We chose our sites based on the legal status of local forest institutions i.e. whether they had management plans and had entered into legal forest co-management agreements with the Kenya Forest Service—the government agency mandated with forest management. Each CFA has five executive leadership positions, while each WRUA has 25 leadership positions. The average membership of the CFAs in our study sites is 2000 people while WRUAs is about 100.

There is general understanding among CFAs and WRUAs that the quantity of water in rivers and streams have declined over the past decade mostly because of changes in forest cover and health. Deforestation is the main reason why water has reduced. Planting eucalyptus/blue gum trees along river banks is another reason. Cultivating along river banks, livestock drinking, results in



Maps of the research area



Maps provided by the authors

soil erosion and siltation. The use of fertilizers in farmlands also affects water quality. Other factors contributing to forest health decline are the application of the PELIS system (which involves clearing part of the forestland for cultivation purposes) and forest fires often used to clear land for ploughing.

Although people are dependent on fuel wood for cooking and heating and use water for various domestic activities, coordination among CFAs and WRUAs is uncommon. For example there is minimal overlap in leadership and/or membership of these institutions. Of the five sites studied, only two sites showed some overlap: Itare forest (in Mau) and Cheptais forest (in Mt. Elgon). The treasurer of Itare CFA is also the treasurer of the Itare-Chemosit WRUA while the vice chair of Itare-Chemosit WRUA is a member of the Itare CFA and the vice chair of the Itare CFA is a member of the Itare-Chemosit WRUA. In Cheptais, the chair of the

Cheptais CFA is also the chair of the Chebombai WRUA, two WRUA leaders are members of the CFA and 20 WRUA members are also CFA members.

At the time of data gathering there were no joint activities designed or conducted between CFAs and WRUAs. CFAs and WRUAs provided several reasons why there were no joint activities. Each claimed a lack of awareness of the others' activities. Moreover, they indicated that the physical spaces occupied are distant, which makes joint organizing difficult. CFAs are adjacent to the forest up to 5Km mostly in the upper watershed while WRUAs are located alongside rivers and streams mostly from mid to lower watersheds. Other issues cited were that WRUA registration fees are too high, CFAs feeling that their primary activities are different (e.g. PELIS) and that they don't affect WRUAs or even that increased collaboration might lead to WRUAs invading their territory.



Overall, though members of local community forestry and water institutions are aware of the forest-water relationship and of the importance of good condition-forests to water quality and quantity, there is little interaction and coordination between CFAs and WRUAs. While fragmentation along the watershed can be viewed as an impediment to CFA and WRUA coordination, it is not the only impediment. CFAs and WRUAs are not endogenous organizations; instead they are legal entities given force by the Forestry Act (CFAs) and the Water Act (WRUAs). Furthermore, separate government agencies (i.e. the Water Resource Authority and the Kenya Forest Service), which have no documented culture of cross-sectoral collaboration can be credited with the formation of CFAs and WRUAs. Therefore, by not collaborating despite good reasons and opportunities for doing so, CFAs and WRUAs mimic their “parent” organizations.

How can coordination and collaboration among CFAs and WRUAs be improved?

First, facilitating a participatory planning process that involves both members of both CFAs and WRUAs. Applying this in our case, we have developed up to three water management plans and reviewed four forest management plans. This process ensures that activities for managing forests are included in the water management plans, and activities for managing water are also included in the forest management plans. Secondly, targeted capacity building is key to enhance coordination between CFAs and WRUAs and to enhance participation of women in management positions and in conservation activities. Joint meetings

between the CFA and WRUA leadership and common communication forums among the members are first steps. From our experience, this is a start of collaboration that is expanding where communities set targets to restore degraded forest areas and riparian zones. This contributes towards enhanced governance of forests and water as linked, rather than as separatenthropologists andch as the UNESCO Biosphere reserve provide an opportunity for legitimate local collective action. A real local-level grassroots democracy can be a tool to bring all local interests on the table, and thus creating better sustainable resource management institutions.

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Notes

1 For further reading

<https://www.nation.co.ke/news/The-big-fish-behind-Mau-land-grab/1056-4714266-juebiw/index.html>

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Global commons and indigenous peoples of the Amazon Basin today

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Indigenous people's organizations participate in multiscale processes that shape contemporary policies targeting global commons. This essay suggests some paths to approach the involvement of indigenous peoples in the governance of these global commons. To do this, it focuses on how indigenous organizations from the Amazon Basin have occupied the political space created by climate change negotiations and policies during the last decade. In the lines that follow, I will concentrate in particular on the political processes that the United Nations Convention on Climate Change (UNFCCC) has unlocked regarding tropical forest and other, derived, common pool resources. Have indigenous peoples succeeded in gaining recognition and ensuring better access to resources and services by engaging in these environmental negotiations? Are they calling into question institutional arrangements that

govern the transformation of their traditional lands?

Reflections presented in this essay are based on multi-sited ethnographic fieldwork within the Conferences of Parties of the UNFCCC from 2010 to 2018, as well as during meetings for the implementation of national and subnational policies related to REDD+ (reducing emissions from deforestation and forest degradation) in the Amazon Basin of Ecuador and Peru. I have used a combination of participant observation, semi-structured interviews and analysis of legal documents and reports issued by institutions such as the UNFCCC, and non-governmental organizations working for nature conservation and indigenous peoples' representation between 2007 and 2018.



Shifting global commons

Unlike global public goods, global common-pool resources face problems of congestion, overuse, or degradation since they are subtractable (which makes them rivalrous). As Ostrom (2002) proposed, common-pool resource typically consists of a core resource (e.g. water, game or fish), which defines the *stock variable*, while providing a limited quantity of extractable fringe units, which defines the *flow variable*. While the core resource is to be protected or nurtured in order to allow for its continuous exploitation, the fringe units can be harvested or consumed (Ostrom, 1990). When the resource units are highly valued and many actors benefit from appropriating (harvesting) them for consumption, exchange, or as a factor in a production process, the appropriations made by one individual are likely to create *negative externalities* for others.

When appropriators cannot communicate and have no way of gaining trust through their own efforts, or with the help of the macro-institutional system within which they are embedded, the prediction of depletion that the tragedy of the commons suggest (Hardin, 1968) is likely to be empirically supported. Ocean fisheries, the stratosphere, and other global commons come closest to the appropriate empirical referents.

If appropriators can engage in face-to-face bargaining and have autonomy to change their rules, they may well attempt to organize themselves. This would be the case of contemporary climate change multilateral negotiations where issues related to the state of our common atmosphere are discussed and new rules agreed. As Ostrom (2002) has shown, whether actors organize depends on

attributes of the resource system and the appropriators themselves that affect the benefits to be achieved and the costs of achieving them. Global commons are vast domains described in international law as regions belonging to no one individual or nation, but protected by law for use by all the earth's citizens (Milun, 2016). In fact, international law describes all global commons domains as theoretically lying outside the territorial sovereignty of states. But, many times, actions affecting them radically do come from territories under the sovereignty of states and they might be willing to bargain and cooperate.

The Amazon Basin: A multiscalar challenge

Amazonian forests are subject to a severe and sometimes overwhelmingly human pressure. Although the importance of the Western Amazon Basin for Earth's ecological systems is widely recognized, the Amazon Basin remains a site of wood, gold, oil and gas extraction. This is not a new story. Extractive economies have a longstanding social and economic prominence in even the most remote regions of all its affluent rivers. This has shaped political administration, circulation of the local population and land acquisition in many sub-national contexts. The control of activities affecting the forests is subject of the sovereignty of the counties that share this territory. Changing path dependencies of institutional arrangements is then a task that involves multiple scales of governance.

Indigenous peoples' "officially recognized territories" cover 25.3% of the total Amazonian territory (Rojas Garzon, 2009). These areas have been constantly threatened for diverse reasons, among them: the overlap of several forms of land

tenure and rights systems (Rojas Garzon 2009; Larson 2011); the aggressive exploitation of natural resources and the development of infrastructure projects in the Amazon (Rojas Garzon, 2009; Shankland and Hasenclever, 2011; Neumann, 2005).

The "Forest carbon unit" and the limits of a new green economy

The entry of climate policies to Amazonian territories is a recent milestone on the process of management of global commons. We can place it in time around the 2010s with the implementation of first phases of REDD. In fact, valuing carbon emissions and establishing a cap-and-trade policy, intended to reduce pollution by offering economic incentives to achieve this goal. This emerging economy aims at re-structuring incentives in order to keep the forest standing. It has introduced new institutional arrangements such as new state agencies (related to carbon monitoring and valuation) and starting new power dynamics as well. New local bureaucracies dealing with conditional transfer and grants, officials in NGOs dealing with climate policies and indigenous peoples' technical officers are examples of this. Political economies over forest mosaics and matrix landscapes are changing (Hecht et al, 2014:112). All these efforts have been highly controversial. But, investment on cartographic and demographic information about the Amazon forest (and carbon storage) has redounded in the construction of better official data. More importantly, the possibility that the future implementation of REDD+ could impact on indigenous people's livelihoods conditions and land accessibility has made native communities aware of the need to advocate for the respect of their rights in



Meeting of indigenous communities at COP 24 in Katowice Poland

Photo: Kiara Worth

climate policies (Wallbott, 2014; Delgado 2018).

On a positive note, after a wave of lobbying and critique (see Larson, 2011) of considerations on indigenous rights, new schemes of participation in forest governance were discussed and introduced in policies and intervention standards. Social comparative research on land tenure and indigenous people's livelihood conditions started to raise interest as well. Benefit sharing has gained new impetus as a new source of income has been profiled.

Indigenous Peoples' organizations at the supra national level

Who are the indigenous people's organizations active in the Amazon? Over the past decades, Amazonian indigenous peoples have organized themselves in communities as well as in representative federations and organizations with the specific purpose of securing their territories and enhancing their collective wellbeing. Amazonian indigenous peoples count of about 5000 self-recognized indigenous communities, 400 indigenous organizations at a supra-communal level, and 390 indigenous cultural groups (COICA, 2004). In every country, indigenous peoples have established local representative federations under the



support of national federations. These national organizations are interconnected within the Coordinating Body of the Indigenous Organizations from the Amazon Basin (COICA) founded in 1984. The umbrella organization advocates for the indigenous organizations' interests on a regional and international level and coordinates their political activities.

COICA is recognized in the literature as a transnational social indigenous movement (Brysk, 2000; Martin, 2003) since "it has sustained interactions with its networks and has shared collective interests, identities, and values across national boundaries" (Martin, 2003:105). In all, COICA counts today with legitimacy, vis-à-vis diverse actors (indigenous and not), for the representation of Amazonian indigenous peoples across the Amazon borders (Martin, 2003). COICA has become an authorized representative voice, having presence in most of the relevant international fora. It counts with the respect as well as the political and financial support of funders and international organizations (Brysk, 2000).

Lobbying for rights as a multilevel strategy

Indigenous peoples challenged the emerging normative order by networking among the indigenous groups, conducting diplomacy work with states parties of the UNFCCC, building convenient alliances with non-state actors, and connecting the local to the global discussion (Lozano, 2018; Delgado, 2016).

Indigenous peoples have been participating in the UNFCCC process as a constituency. They have struggled for recognition as efficient actors against deforestation, promoting the idea that

respect for their collective rights is the best guarantee for forest resilience. Today, environmental organizations learned from their conflictive past with forest-dependent local communities and built coalitions with indigenous peoples.

The reason that native peoples have a unique voice in international law of the global commons is because they have always had a unique position in the international legal order (Milun, 2016). At the same time, indigenous peoples face exceptionally difficult political, environmental and economic circumstances, that their rights so their lands should be clarified and that they should be compensated when their rights have been violated (Lindroth, 2014, p.342).

Tailoring a counter narrative for the multinational arena

As Lozano (2018) points out, we can single out three "expert practices" regarding the narrative that indigenous representatives use during their advocacy inside climate forums: a. a language of exceptionalism; b. a language of the uncertain and calculated indigenous rights; and c. a language of remedy and compensation. In other hand, indigenous peoples' organization stress the need of an "Amazon Agenda".

Amazonian Indigenous REDD (AIR) was a way of articulating a discourse to reframe a mechanism that was design by global elites working on environmental issues. As practitioners and scholars recognize, Amazonian Indigenous REDD represents "an innovative approach to REDD+" (Hvalkof, 2013:5) that emerged in 2009 as a response to the REDD+ hegemonic discourse. AIR's strategic framework is



Photo: IIPFCC

Indigenous Peoples and States negotiators celebrate their agreement on the final text for the Local Communities and Indigenous Peoples Platform at UNFCCC COP 24 in Katowice Poland

founded in three main pillars: (i) To give priority to the holistic vision of indigenous territories by focusing on the design and implementation of "indigenous lifeplans"; (ii) To ask for major commitments from developed countries as potential carbon buyers to take actions to reduce GHE in their own countries; (iii) to request tackling the major drivers of deforestation (COICA, 2011).

It is presented to raise the environmental integrity of the mechanism and show a morally adequate solution for building enabling conditions for a new economy. It entailed a land tenure reform that considers adequately their use of the commons; it proposed a joint mitigation/adaptation approach to climate change that give a substantial role to indigenous woman; and an adequate evaluation and compensation for carbon and non-carbon benefits.

Critiques and concerns raised

As Lozano points out, COICA has tailored its self-representation to the expectations of the UNFCCC discourse, reproducing the development and indigeneity discourses. COICA's political message represents a particular strategic action to take advantage of a specific context (in this case, REDD+ framing) in order to incorporate its own agenda in the REDD+ Pan- Amazonian debate and to redirect the

discussion to the enabling conditions that require to be fulfilled for the implementation of any REDD+ initiative in Amazonian indigenous territories. In this way, the organization avoids being excluded of the REDD+ regime and the potentialities that it offers.

Many scholars and practitioners consider that this framing is apolitical and technical. It does not address the Biopolitics of indigeneity, (in which indigenous people participate reinforcing its meaning - "paradoxical indigenous subjectivities") (Lindroth and Sinevaara-Niskanen, 2013:287-8; Lindroth et al., 2014) reinforcing the idea of an environmental subject (Agrawal, 2005). Although this concern is valid, keeping an open dialogue with states maintained a contentious space that was not affected, and broken, by open violence.

Achievements of IPOs by climate policies

The work to influence policies at different scales that IPOs organizations have developed do have significant achievements. It confirms the cultural identity as Amazonian indigenous peoples. This identity is not stuck in the past but do adapt and face the ambivalent senses that actors in the global fora might give to them (Milun, 1991). It has strengthened the unity highlighting their differences. There is much to gain keeping a coalition such as an Amazonian one. Progressing in the Amazonian indigenous agenda. Finally, increasing indigenous networks' internal and external legitimacy.

In a more concrete fashion we can see the results of this work in the global level by the adoption of the UNFCCC decision on the Local communities and indigenous



Peoples platform (1/CP.21 P.135) and COP22 report on an incremental and participatory approach. Financially, their inclusion at the constitutional level is the Forest Investment Program (FIP), which deals with governance at the national level. A Dedicated Grant Mechanism (DGM) of US 5 million approved by FIP in May 2015. In Peru, across the 40 agreements, \$50 million will be invested, of which \$14.5 million will be granted to meet the demands of Amazonian Indigenous Peoples, divided into 3 priorities: \$7 million to meet the demands for land-titles; \$4 million to promote community-based forest management; \$3.5 million to support forest governance of Indigenous communities and organizations.

Final remarks

This essay aimed to point out some of the new directions taken by indigenous social movements from the Amazon to ensure collective rights during the redefinition of key global commons. I believe that including normative global orders as a crucial level of analysis, and focusing on the way this political realm articulates the relationship between the "human" and "the environment", helps as foresee contemporary adjustments occurring at different scales of governance.

Climate policies implementation are a multi-scalar and a multi-actor challenge. The challenge consists in striking balance between avoiding perverse outcomes of climate actions while pursuing co-benefits, and ensuring the feasibility of climate measures. Inter-linkages with international human rights law is proving effective to engage non-state actors and to avoid harm. As global commons are challenged by national sovereignty and a

constant pressure for privatization it can be definitively depleted. Nowadays, robust ways of networking of non-state actors, such as indigenous peoples, at critical levels of decision making and implementation, are a source of influence and power for action.

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Current Social Problems in Japan and Its Implications for the Studies of the Commons

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Japan has been facing unprecedented social challenges in recent years. This is evidenced by a declining population and birthrate, increasing economic stratification, a changing household structure, public health issues associated with an increasing number of dementia patients, deteriorating local communities, increasing number of unoccupied/vacant houses, increasing number of absentee landowners (including even unknown owners of the vacant houses and lands),

incomplete land register investigations, as well as social problems related to the environment, energy, resources, housing, medical system, and education. Though currently issues in Japan, these challenges will soon be shared by many other countries around the world, even developing countries.

Some of the efforts made in Japan to cope with these problems may contribute to preparations for countermeasures by other countries in the near future. In order to



tackle the problems of absentee and unknown forestland owners, for example, the Forestry Agency of Japan proposed to introduce controversial 'New Forest Management System' in 2017, in which management rights of unmanaged forests are transfer from private forest land owners to the local government for a maximum of 50 years, and the local governments entrust the management implementation rights such as timber harvest to logging companies for a minimum of 15 years.

To cope with the problems associated with depopulation and aging, many actors have been examining different solutions: (1) trials to rent only certain parts of a house, in order to exclude the Buddhist family altar room; (2) increasing number of the people live a two-based residential style and go back and forth between the rural community and the city; (3) local communities and NGOs are involved into the process of purchasing the vacant house by the outsiders to consider whether the outsiders will be adaptable to the community. Even though local residents, their children and relatives are the main actors to maintain community function of depopulated and aging rural areas, 'out-migrants' also make important contributions by visiting the villages for attending Bon Festival in summer, a new year ceremony in winter, village shrines' festival in autumn, new year ceremony in January, and the equinoctial week in March and September to visit family graves. It is unknown, however, whether there are any possibilities to maintain villages in which many stakeholders continue communicate and take action together, even after the majority of the population migrated from the village.

In theory, such trials reflects a situation



Photo: Makoto Inoue

In the process of throwing away the household goods in a vacant house

where ownership is weakened while usufruct rights are strengthened. Such trials are certainly based on the concept of deformed 'soyu' ownership, or a sort of joint-ownership that is a basis for "iriai" (commons entrance) rights. In customary 'soyu' ownership, people form organizations while individual members also have independence; rights of management and disposal belong to the organization while usufructs belong to the individuals; individual members do not have their own holdings.

Deformed or contemporary 'soyu' ownership might serve as a framework for land management under declining and aging population. Expected attributes with which main actors of contemporary 'soyu' ownership endowed (Mogi 2016) are:

1. Joint undertaking can be set as a purpose of the organization.
2. The organization is independent even from donors.
3. Management and labor are not separated but integrated, that coincides with Principle of International Co-operative Alliance.
4. Admission to and withdrawal from the organization are limited. "Graduated membership" (Inoue 2011), in which rights and duties of the members are gradually



set, might be one of the ways to do this.

5. Decision making should be done democratically, usually one vote per member. But "commitment principle" (Inoue 2011), which recognize the rights of stakeholders to speak and make decisions in a capacity that corresponds to their degree of commitment, can also be applied. If it is adopted, the decision-making process is no longer based on the notion of equality (one vote per member) but that in itself will not be problematic as long as members view the decision-making process as fair.

6. Outflow of the benefit from the organization should be minimized, while enhancement of the 'soyu' property must be a major concern.

7. The undertaking and participants are integrated with the communities.

8. The products of the joint undertaking should meet the social needs. Entrepreneurship is required to be sensible to the needs, make a feasible plan, and balance income and expenditure.

9. Relation to the public sector, including subsidy, should be carefully considered.

I believe elaborating and discussing the above-mentioned concepts is one of the most important tasks for scholars of the commons in Japan today. At a practical level, it is also indispensable for us living

in Japan to try to meet the current challenges, though it will not be easy to do. It seems one of a few choices for our better future.

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