Introduction

Commons in a 'glocal' world

*Tobias Haller, Thomas Breu, Christian Rohr,
Tine De Moor and Heinzpeter Znoj*

Rationale of the edited volume

This edited volume compiles a thematic selection of papers dealing with the commons in a global and local context. Most of them were presented in a first version at a conference of the International Association for the Study of the Commons (IASC), held at the University of Bern, Switzerland, in May 2016. However, the concept of the book was reworked independently of the conference. The volume focuses on how, in Europe, the debate on the commons is discussed in regard to their historical and contemporary dimensions, thereby referring to the work of Elinor Ostrom. At the same time and from the perspective of a new institutional political ecology (NIPE), it explores how Europe directly affected, and still affects, the commons globally in different localities via the economic involvement of transnational companies, private investments and NGOs, as well as indirectly by means of its policies on climate, the environment and trade. The term 'glocal' in the title of the edited volume refers to this interconnectedness of global dynamics and local realities. The book fills a gap between institutional approaches and approaches related to issues of power and post-colonial studies.

The relevance of this edited volume lies in the observation that much research on the management of common-pool resources (CPRs), such as water, pasture, wildlife, fisheries, and veld products, is limited to dealing with just one of two topics: either the interaction between local participatory governance and the development of institutions for commons management, or a political-economy approach that focuses on global change as it relates to the increasingly globalised expansion of capitalist modes of production, consumption, and societal reproduction. This edited volume aims to bridge both of these topics, by investigating how global players such as European multinational companies and organisations affect the commons worldwide and how they relate to responses emerging from within the commons in a global-local ('glocal') world. Various authors from a range of academic disciplines such as geography, social anthropology, history, development studies, economics, political science, and legal studies present their research findings on the latest development in studying

the commons, be these historical insights, new innovations for participatory institution-building in Europe, or several forms of commons grabbing and restrictions on the management of commons at the international level.

The Swiss commons and their theoretical legacy

The volume's focus on Europe (and, in particular, on Switzerland) derives from the importance of these cases for debate on the commons. Here, Netting's work on Törbel, Switzerland, has been particularly significant. Netting conducted fieldwork on the peasantry in Nigeria during his early career in the 1960s, and the limitations he encountered in terms of available historical data led him to decide to do his following project in Törbel (see Netting 1993 for an overview of his research). He searched for a site in which to combine participant observation with a historical perspective, and proceeded to analyse the complete set of demographic data stretching back over centuries which he found in the archives of the Catholic church in Törbel, a small village in the German-speaking part of the Canton of Valais. 'Balancing on an Alp' (Netting 1981) was the title of his book on how the villagers managed CPRs based on common property institutions in this remote location in the mountains. His work was later used by Elinor Ostrom in her Nobel Prize-winning book 'Governing the Commons' (1990) as one of the prime examples from which she distilled the famous so-called design principles for robust institutions. Netting's work still shapes the way in which Swiss common property institutions are perceived in the global debate on the sustainable management of CPRs.

The Swiss case shows two crucial elements that are central to this volume: First, in the early modern period local actors received a degree of political independence from feudal forces and, thus, increased their bargaining power for self-governance. The members of the community were able to craft flexible solutions for resource management problems in an environment characterised by extreme seasonal variation and fragile soil conditions. Second, the basic institutional design lay in the peculiar mix between private and common property. Common property and its management institutions for the pastures made sense because hay needed to be produced on the privately-owned meadows for fodder in the winter. This necessitated feeding and collectively herding cattle on a communal pasture in more elevated, yet less productive, areas during the summer. However, in order to ensure sufficient hay production on private land in this arid Alpine landscape, the meadows required irrigation, which could only be achieved through a collective effort to transport water to the village via communal irrigation channels. This link between differing institutional designs – both common *and* private property – as well as the embedding of neighbourhood, reciprocity and trust into local religious norms and values, in this case made the commons management 'robust'. This was further enabled by the political and power-specific conditions, which were already at that time a 'glocal' outcome of negotiations between villagers and the

feudal system. The villagers bought their freedom from these powers by providing mercenaries to their feudal lords, who in turn proceeded to rent them out to European powers (see Netting 1981). However, the claim here is not that such a process was only able to develop in Switzerland: global research on the commons shows similar systems throughout Europe and elsewhere (see Feeney at al. 1990; Ostrom 1990, 2005), as well as in the Global South under pre-colonial conditions (see also Oerebech et al. 2005; Haller 2010).

Issues of 'glocality' in commons studies

What do we mean by speaking of the commons in a 'glocal' world? Robertson's (1995) influential work argues that this means the bringing together of global and local processes in interrelation, emphasising that so-called global processes of unification and homogenisation lead both to local fragmentations as well as to differentiation and divisions (Robertson 1995; Roudometof 2005, 2016; Pulcini 2012). Pulcini further suggests that glocalisation unfolds in a pathological process of 'unlimited individualism' on the one hand, and 'endogamous communitarianism' on the other hand. While the former is argued to foster an individualisation of maximising ego's gains, the latter is a reaction to this process yet also linked to the creation of closed identity groups with hostile consequences in processes of 'Otherings' (Pulcini 2012). However, for the commons in a 'glocal' world, a focus on unification, individualisation and the closure of community is misleading. Glocality instead emphasises the interconnectedness of transnational spaces (see Beck 1999) and the forces of transnationalism in a capitalist world where institutions are seen as 'rules of the game'. The concept of glocality highlights the way in which major global actors, who have decision-making power and who are concentrated in the centres of the Global North, shape global institutional trends, which have an impact on local contexts such as common property institutions for the management of CPRs. Since colonial and post-colonial times, but in particular and increasingly since the 1990s, these forces shape neo-liberal rules, which affect not only the South and the East but also the hinterlands of the Global North and its centres. Erik Swyngedouw's (2004) definition of glocalisation elegantly summarises this:

> 'Glocalisation' refers to the twin process whereby, firstly, institutional/regulatory arrangements shift from the national scale both upwards to supra-national or global scales and downwards to the scale of the individual body or to local, urban or regional configurations and, secondly, economic activities and inter-firm networks are becoming simultaneously more localised/regionalised and transnational.
>
> (Swyngedouw 2004: 24)

Glocalisation, then, shows the way how powerful actors in the global capitalist system move up and down on multiple scales and transform the rules of the game mostly flows of capital, yet also for other (cultural, social, symbolic) flows and

networks. In this way, areas are de- or re-territorialised (ibid.), meaning that they are of, or out of, interest to the elite in control of economic flows and the ways in which they are institutionalised and legitimised. This process is central to the majority of the contributions in this volume. One of the basic elements of this twin process is that common property institutions have been changed into state property since the colonial and early post-colonial period and, following the logic of the neo-liberal market, have now been converted into private property. Nevertheless, this must not be understood as a uniform process (see also Ensminger 1992; Haller 2010). New responses have been triggered which re-emphasise the local context and which, in turn, have led to responses at the national and transnational levels. Of central importance here is how a local context and its resources are valued on several scales: in Europe CPRs appear to be of little interest and under less, or less direct, pressure; they face a loss of value and, thus, their maintenance as communities and the public sector struggle to meet these costs (see, for example, the costs necessary to maintain an alpine pasture or communal forestry and its infrastructure). Conversely, in the Global South land and its related CPRs were transformed from common into state property and have attracted even more interest following the financial, food and fuel crisis of 2008.

European investments and their impact on the commons in the Global South

This leads us to a further scalar topic of 'glocality' referred to by Swyngedouw: European countries, and especially Switzerland, host major transnational companies that have an important impact on the global commons, especially in the Global South. These companies are also the major forces driving 'large-scale land acquisitions' (LSLAs) or 'land grabbing' processes as re-territorialisation of capital. They search for land for mining or industrial agricultural production; and they provide and install technology for energy production (from dams to solar energy) which consumes the commons in the Global South. They demand open borders for their products and the protection of the privatisation of the commons; or they open up areas for tourism. And, as these processes have an impact on cultural landscape ecosystems which are labelled as pristine nature, conservation organisations (sometimes in alliance with companies and tourism enterprises) promote green enclosures that affect local livelihoods and reduce access to the commons for vulnerable and marginal households. Such developments have repercussions on the way; men and women of all generations (but especially the youth), as well as indigenous peoples and other marginalised groups and classes, are variously excluded from accessing what formerly formed the base for their shared resources. The issue at hand here is that processes of LSLAs are said to bring development. But these take away not only 'land' but always also land-related CPRs such as water, forest, pasture, and veld products. Compensation may be given to more powerful groups, and to men (who may suddenly become individual landowners), yet not to marginal groups or women. Furthermore, as land prices rise in areas of investment, marginal groups and

women holding specific land rights in traditional tenure systems might lose such rights due to an increase in the commercial value of the land. The term 'commons grabbing' is highly appropriate for these processes. However, we suggest that this process should also be labelled as 'resilience grabbing', as it reduces the ability of local resource-users to recover from climate or other shocks such as crop failure, animal and human health problems etc (see the chapters by Sarah Ryser, Desirée Gmür, Kristina Lanz and Franziska Marfurt in this volume).

Local responses to glocalisation

The volume also inquires into responses to such 'glocal' connections. There are cases in Switzerland and Europe, as well as in the Global South, where resistance to commons and resilience grabbing lead to locally developed responses and solutions to global challenges. Several of the chapters contained here illustrate how local actors and groups are able to overcome political and power gaps in order to craft new solutions through processes of bottom-up institution building. These allow local actors to acquire a sense of ownership in the building of institutions for the governance of the commons, in a process that has been labelled as 'constitutionality' (see Haller et al. 2016, 2018). This approach was developed based on case studies that showed locally developed, participatory rules and regulations as a response to 'glocally' induced disturbances. However, this demands that states return basic communal property rights and assist in protecting these rights at a local level. Several chapters on Europe and the Global South in this volume provide persuasive reasons to argue that such solutions are of central importance and deserve our research attention.

Outline of the book

This volume bridges a gap in studies on the commons and contributes to a renewed debate on the politics of the commons in 'glocal' contexts. Its focus is not only on institutional interrelations and the power-dynamics they include, but also lies in addressing gender issues and local responses that go beyond a Northern, hegemonic view of resource governance. Further, it includes debates on issues related to structural, scalar and environmental justice and on how processes and fashions in environmental matters impact upon the commons and the commoners.

   The book is outlined as follows: The first part includes new theoretical issues in the study of the commons and their transformations. The second part focuses on historical evidence on commons management in Europe, as well as on contemporary adaptation strategies of commons systems in Europe. A historical part concerns itself with an analysis of various actors and triggering environmental factors which lead to specific types of commons management. This is followed by a contemporary part on European cases, which shows how current commons systems have adapted to external economic and neo-liberal political change, including a focus on innovations in the context of the relative political stability

of these European countries. The third part deals with the impact of European investors and NGO actors on the commons of the Global South. Here we discuss commons grabbing processes in LSLAs ('land and water grabbing'), the impact of mining and infrastructure as well as the impact from conservation policies driven by the North ('green grabbing'). To conclude, the final part explores international policies on water and the impact on the commons of Sustainable Development Goals (SDGs) and human rights issues. Information on the content of the chapters can be found below.

Theoretical approaches: historical, causal-justice and institutional-political perspectives

The first part comprises three keynotes and two chapters that were presented in different panels during the conference. The two chapters have a broader theoretical thrust in terms of institutional and economic, as well as power-specific, aspects of the commons, and are well-suited to aid analytical reflections on the case studies that follow in the chapters contained in the remaining sections of the book. The three keynotes with which this book opens are edited transcripts of the talks, which have been revised by the authors, yet retain their oral tone: first, Daniel Schläppi (University of Bern) presents a number of founding elements in thoughts on the commons in Switzerland – a place that, since the work of Netting and Ostrom, is seen as a model for the sustainable management of CPRs. In *Shared ownership as a key issue of Swiss history: common-pool resources, common property institutions and their impact on the political culture of Switzerland from the beginnings to our days*, the author argues that the notion of shared ownership is a key element, and shows that the practice of communing has been present from its very beginnings in the Middle Ages and is, hence, a model of the 'co-production of statehood'.

Looking back is also what the geographer and political ecologist Jesse Ribot (School of International Service at American University, New York University Wagner School, and The Anthropology Program of the City of New York Graduate Center) does in his keynote *Social causality of our common climate crisis: towards a sociodicy for the Anthropocene*. By moving to a more global scale, he argues that the analysis of climate vulnerability of poor groups necessitates a look back at the beginnings of the production of precarity. There is a need to understand causes before anything approaching transformative solutions might be found in regard to adaptation to climate change. Ribot argues that the capacity to adapt to changes is often not available to local actors for social and political reasons. This should lead us to questions of local capacity and resilience.

A link is thus made to David Schlosberg's (University of Sydney) talk on *Disruption, community, and resilient governance: environmental justice in the Anthropocene*, which outlines that environmental justice has rarely been considered in debates on the Anthropocene. This is highly problematic for reasons already emphasised by Ribot, yet here Schlosberg refers to two additional causes, leading to what he terms 'disruptions to communities' – and community

relationships with the environment and their commons. First, the occurrence of the 'slow violence' of environmental deterioration (Nixon) reproduces inequality and undermines the ability of communities with their cultures to produce food, access land and provide themselves with the means for good health. Second, and often occurring simultaneously, these disruptions intersect with singular 'quick' events like hurricanes, wildfires and heat waves. These two elements of disruptions caused by the Anthropocene must be addressed if social justice and successful adaptation strategies to disruptions are to take place.

These three pre-reflections – on: a) how well working commons systems are rooted in political and power-specific balanced communal property and actions; b) how in the Global South these are disrupted by lack of power and the creation of vulnerability in contexts of climate change; and c) how the political disruptions in the Anthropocene make quick adaptation strategies useless – are also part of the reflections contained in the two chapters that follow. These address the issues of human rights and social change, as well as reflecting on the value of institutional and political ecology-driven analyses of the interlinkages and power dynamics related to the commons. Elisabetta Cangelosi (SciencePo, Paris) provides *A definition of the commons, between human rights, resistance, and social change*. From a purely traditional and customary form of managing natural resources, the commons now represent a key topic for the debate on economic, social and environmental justice. The debate about the commons plays a relevant role at the global level, especially by connecting experiences of resistance around the world. However, the definition of the commons tends to remain open and Cangelosi's analysis builds upon an approach that combines human rights, tradition and resilience. It also focuses on different types of commons (urban, natural, digital) combining theoretical considerations.

This in turn links to the institutional and political ecology approach of Tobias Haller (University of Bern), who proposes a new theoretical approach with his chapter *Towards a new institutional political ecology: how to marry external effects, institutional change and the role of power and ideology in commons studies*. He shows that previously proposed arguments need to be contextualised in a more structural-scalar and interrelated way in order to address issues of institutional change as developed in the New Institutionalism approach in social anthropology; and he combines this with the study and refinement of the definition of power. In political ecology, the analysis of power, its emergence and its function, are well-studied in frameworks that focus on a Marxist political economy, a Foucauldian constructivist, and a de-constructivist feminism, and the post-human turn. In combination, this helps to conceptualise power dynamics at all scales but often lacks the focus on interdependencies. The marriage of these two approaches – that is, Political Ecology and New Institutionalism, so as to form the New Institutional Political Ecology (NIPE) approach – is argued to be helpful in understanding how mechanisms of institutional change unfold in the interrelation of external and internal factors to a local community. A crucial element here is that external factors change the value of contexts and resources (i.e. a change in relative prices) and affect a local community's bargaining power in selecting institutions

and legitimating their choice – which in turn affects the distribution and access to CPRs. This may serve as an additional theoretical framework for looking at the case studies in the subsequent three parts.

Following the discussions that emerge from the introduction, important general reflections can be made for the case studies that form the remainder of the book. The historical cases in Switzerland indicate that the robustness of these commons systems results from local people's increased power to secure common property rights. These can manifest what is labelled to be constitutionality in form of common property and bottom-up institutions that are communally agreed upon and developed by local actors, thereby creating a sense of ownership in the institution-building process (see Haller et al. 2016, 2018). We argue that the empowering of local actors and help in establishing power-specific neutral platforms in order to develop local innovations could be the road forward in successfully tackling the problems faced by commoners in a 'glocal' world.

European examples from the past and present: levelled power, balanced bottom-up solutions and innovations in times of crisis

The second part of the edited volume addresses the issue that Europe can be seen as a lab for sustainable CPR management under state-secured common property institutions. It is comprised of two subsections: in section one we present two further cases from Switzerland (Anne-Lise Head-König; Martin Stuber and Sarah Baumgartner) as well as one on the Benelux area and England (Maïka De Keyzer), and one on the German-Swiss borderlands (Michael Zeheter). The four chapters explain how common property institutions developed and how these were transformed in the pre-industrial period and beyond. These processes took place in situations of asymmetric power relations, when local actors jointly carved out spaces of relative freedom from the mediaeval powers of the church and nobles, both in cities and as well in more remote localities.

Section two contains three case studies (Ramez Eid; Angelika Lätsch; Gabriela Landolt) on contemporary Europe following the end of the age of fuel-wood energy and at a time of structural adjustments brought about by industrial and agro-industrial production after the 1950s, when the relative prices for timber, fish, and pastures as well as related goods such as milk, meat, and other agricultural products had declined drastically in comparison to industrial products and salary work. This is our first encounter with the modern 'glocal' world, whose victims, just as in the Global South, have been local agrarian producers who cannot compete with the lower prices of agrarian products stemming from capitalist production. All three areas presented here show local responses. However, these often go further than just aiming to rescue the commons: responses have been increasingly mixed with issues of local identity, changing power relations and alternative ways of life. It is striking that, in all the local responses witnessed in these three cases, processes of institution shopping and innovations for building local, bottom-up institutions have occurred.

European historical cases

In the first chapter of the history subsection, Maïka De Keyzer (KU Leuven) deals with *Common challenges, different fates. The causal factors of failure or success in the pre-modern Brecklands (England) and the Campine (Southern Low Countries) compared*. She shows that common property institutions and formal collective action developed simultaneously throughout north-western Europe from the Middle Ages onwards. This can be exemplified by two low-land areas – the Brecklands in South-East England and the Campine area in the Dutch-Belgian borderlands – that faced similar conditions of threat to CPRs (pastures and marginal areas with veld products) which were to be covered by sand. Communities in the Campine area were far more successful than communities in the Brecklands in acting collectively and preventing the sand dunes from covering the pasture, fields and veld and producing so-called 'wastelands'. The author argues that higher power asymmetries and higher inequalities in the Brecklands appear to have undermined collective action, while the buffering of such inequalities and relative political independence led to success in fighting the sand dunes in the Campine area.

A similar stance is taken by Michael Zeheter (Trier University) in his contribution on fisheries in Germany, *For the common good: regulating the Lake Constance fisheries from 1350 to 1800*. He shows that the fisheries on Lake Constance were a common property in medieval and early modern times. Although private property rights pertained close to the shore, all of the 'deep' lake and most of the littoral were open to all inhabitants living in the region who were under the jurisdiction of the neighbouring principality, while the 'deep' lake was beyond anyone's jurisdiction. However, this did not lead to overuse of the fishery because, in practice, specialised skills and equipment were needed to exploit the resource and make a living from selling catches on the local markets. In addition, fishermen were also linked to local municipalities through communal ties. The key institutions for this successful resource management were developed by guilds and were based on balanced power relations.

The next chapter takes us to an overview of Swiss commons institutions: Anne-Lise Head-König (University of Geneva) indicates in *The commons in highland and lowland Switzerland over time: transformations in their organisation and survival strategies (seventeenth to twentieth century)* that there was variability in common property institutions that regulated the CPRs. This was due to environmental and topographic heterogeneity, but also because of differences in territorial organisations within the area of what today is Switzerland. A unifying principle, however, was that all communities were collective owners of land and land-related CPRs, at least until the end of the eighteenth century, in both rural and urban areas. By the end of the Old Regime, this communal order had come under pressure due to an increase in population size and intra-corporational conflicts over the right of usage. This presented significant challenges for commons management over the course of the nineteenth century. Nevertheless, numerous

civic institutions (both urban and rural) have persisted, with only a slight change in their objectives.

The city of Bern is a case in point of how external changes affecting the commons can be institutionally adapted in a sustainable way. In their chapter *From natural supply to financial yields: the common fields of the Bernese Civic Corporation since the seventeenth century*, Martin Stuber and Sarah Baumgartner (University of Bern) use the example of the civic corporation of Bern ('Burgergemeinde') to show how the political and economic value of its CPRs have changed fundamentally in the course of transformations that have followed changes in the political and energy systems. The commoners of the city of Bern owned fields and forests from the time of the town's origins in the Middle Ages; each member household was granted the right to a certain amount of timber from the forests and a plot in the fields for their subsistence needs. After the revolution brought about by Napoleon, this privilege ended: while all the inhabitants of Bern were now permitted to rent land, the newly established Bernese Civic Corporation remained the owner of the land and distributed annual revenue among its members – in effect a move back to the initial distributional justice of the commons. Today, the rising income from the commons as real estate is widely distributed as a general investment in 'culture and science' projects.

Contemporary European cases

The last three cases in the historical section bring us to contemporary issues of the commons in Europe, which include coping strategies in the constellation of a 'glocal' world and innovative strategies to defend and maintain the centuries-old commons in a modern context where CPRs are of much lower value. Ramez Eid (Sakhnin College, Israel) opens this sub-section with *Universal values and the protection of commons: fighting corruption with bottom-up process in Mallorca*. Eid uses the constitutionality approach to analyse how local inhabitants in central Mallorca perceive the bottom-up process for crafting institutions for the management of the forest commons in a protected area in the western Mediterranean (Serra de Tramuntana in Mallorca, Spain) threatened by mass tourism that affects the whole island. Eid explains how CPRs are losing value in comparison to investments in tourism, which is a sector in the hands of a few powerful owners of capital who profit from neo-liberal policies. In addition, local people have lost trust in the government, which is believed to be corrupt. This perception of the state in crisis led to the narrative of an ineffective and incapable government and contributed to the creation of a new social and political bottom-up dynamic: local actors used the institutional framework of the UNESCO Biosphere Reserve initiative as an opportunity for their participative strategy to regain the commons of the area.

A similar case is provided by Angelika Lätsch (University of Bern) with her chapter *Constitutionality and identity: bottom-up institution building and identity among Coastal Sami in Northern Norway*. Similarly to the case of Mallorca, the process of regaining the commons started with a crisis related to the failure of state

governance of fisheries due to an over-capitalisation of commercial fishing fleets. Despite the fact that this leads to overfishing, the state favours the commercial fisheries industry by permitting higher fishing quotas in fjord areas, and at the expense of traditionally equipped local fishermen of indigenous Sami origin. These locals became engaged in a bottom-up institution-building process, which initially presented the classic elements of constitutionality yet later developed into something more: Lätsch shows with her research that the local small-scale fjord fishermen of Sami origin based their claim to access fishing grounds not only on arguments of equal rights but, increasingly, on their Sami identity as an indigenous people. In doing so they claimed collective resource governance rights in their traditional territory, based on the International Labor Organization (ILO) Convention 169 on indigenous rights, which the Norwegian state has ratified. Adding to previous insights, the case illustrates how identity matters in the process of constitutionality for new CPR institution building.

This element of identity can also be found in Gabriela Landolt's (University of Bern) chapter on institutional changes of the alpine pasture commons in the Canton of Graubünden (Grisons), Switzerland. She provides us with *Swiss alpine pastures as common property: a success story of bottom-up institution-building in Sumvitg, Canton of Grisons, Switzerland* by showing how 80 per cent of alpine pastures in the Canton are still managed as common property. Communes are the lowest governmental entity in Switzerland; and as owners of alpine summer pastures they are responsible for maintaining and allocating the CPRs to its farming population, which is a right backed by cantonal law. Despite the structural pressures of reduced agricultural prices and value of the commons, and despite the decreasing number of farmers – at the same time as their diversity (dairy and meat-producing farmers) was increasing – the case of the mountain village of Sumvitg shows that a community can succeed in upholding its common property institutions by adapting them: first, by crafting new organisational structures with new institutions, which made them independent from non-farmers in the community; second, by creating new rules that integrated both types of farmer groups along with their differing interests. The key to success in this case was good leadership among the farmers and the effort that was expended to enable the full participation of all farming actors involved.

Features and effects of European investments in the commons in the Global South

In this part we move on to the more obvious aspects of the 'glocalisation' of the commons. This part of the book is divided into three sub-parts: the first deals with several notions of *commons grabbing* as an effect stemming from European investments in agro-industrial production. The second looks at *impacts of mining and large infrastructure projects* which involve European investors and companies. The final sub-part deals with green grabbing issues related to *conservation of European provenance*, be this in protected areas in several forms, conservation work for European (Swiss) zoological gardens, or climate protection projects

such as REDD+. All chapters begin with a historical overview on the commons institutions before showing how these were dismantled through colonial and post-colonial processes and, finally, outline the impact of relative price changes on the commons as these areas become increasingly valuable and accessible to powerful actors and their investments. In conclusion, these chapters also address local reactions to these investments and the losses that have been brought about – losses that often differ once regarded through the lens of gender.

Land grabbing and the commons

The first of four chapters in this section provides a quantitative overview of the state of the commons in the times of LSLAs. Markus Giger, Kerstin Nolte, Ward Anseeuw, Thomas Breu, Wytske Chamberlain, Peter Messerli, Christoph Oberlack, and Tobias Haller (University of Bern, Leibniz University, CIRAD, ILC, University of Pretoria) show in their contribution *Impacts of large-scale land acquisitions on common-pool resources: evidence from the Land Matrix* how land grabbing or LSLAs impact the commons globally. Large-scale agriculture often affects areas containing CPRs used by smallholders and pastoralists as members of former common property systems. The authors describe several mechanisms of impacts on these commons and indicate that the Land Matrix (LM) data on former usage, vegetation cover and ownership of land acquired through LSLAs show that almost 60 per cent of the lands in which investments are made were, in one form or another, previously governed under common property before they became state property. However, the importance of this finding becomes apparent when we consider that in most regions of the Global South, but especially in Africa, the CPRs are still needed by local users of the land.

   In the chapters that follow, authors deal with concrete case studies of LSLAs, in which European investors and European capital are involved. Kristina Lanz (University of Bern) takes us to Ghana to show how local elites and an agro-industrial company remove land and resources previously part of the commons. In *"They said they were bringing a development project": 'best-practice' large-scale land acquisition or 'commons grabbing' in Ghana's Volta Region?* her social anthropological study illustrates the impacts of a large-scale rice plantation in Ghana's Volta Region. The investment reduced both individually owned farmland and communally owned lands (for grazing, collection of fuel wood, fish ponds, etc.) via enclosures. Only rich and politically influential local elites (chiefs) were compensated, while former commoners lost important resources for their livelihoods in the floodplain and other areas for which no compensation was paid. However, both the company as well as the local chiefs as 'customary' authorities argued that the loss of CPRs was more than offset by the various opportunities created by the company's operations and *Corporate Social Responsibility* (CSR) programmes. Beyond this, the chapter also presents local reactions of the area's youth to this company and elite commons grabbing, who challenged elites during official meetings.

The next case study deals with the investment of a forestry company from the UK and South Africa on common land in Tanzania. In her chapter *Grabbing the female commons: large-scale land acquisitions for forest plantations and impacts on gender relations in Kilolo district, Iringa Region, Tanzania*, Désirée Gmür (University of Bern) shows that – as seen already in the previous chapter – the loss of the commons affects mostly women in these communities. Since the socialist period, which lasted until the mid-1980s, and the subsequent move towards a neo-liberal order, Tanzanian governments have increasingly invited foreign investments, attracting them by means of new laws. Gmür describes the deal for forest plantations made by a UK-based investor called *New Forests Company* (NFC) in the Kilolo district of the Iringa region. She shows how the company strategically activates and transforms institutions (so-called institution shopping) in order to access common and private land; it also makes use of laws on the protection of forest, as well as water conservation discourses, in order to legitimise land alienations. These, then, affect women differently than men, as they reduce the formers' ability to fulfil their care work due to their loss of access to the best land and its related CPRs (e.g., water, fruit trees, grasses). The chapter shows that commons enclosure has negative effects on women, who face difficulties in organising resistance and coping with their losses.

In contrast to the Tanzanian case, Franziska Marfurt (University of Bern) shows the opposite process in local reactions by women. In *Gendered impacts and coping strategies in the case of a Swiss bioenergy project in Sierra Leone*, the author illustrates how a land deal implemented by a Swiss-based international biofuels company in Sierra Leone was perceived by local actors, especially women. Because of LSLAs locals lost their status as former commoners and were transformed into mere land users lacking property rights in regard to CPRs such as a wetland's water. This water had been used for irrigation and vegetable production for sale at the markets, thereby forming the basis for many women's livelihoods. However, affected women and others organised themselves, using several institutions (so-called multiple institution-shopping) to regain access to water by, first, using customary land rights providing them with traditional water rights; second, using the modern private land-rights system that places a land owner under pressure to withdraw the land from the company; and third, involving local and international human rights organisations struggling to strengthen women's rights to land and its related CPRs.

Mining and infrastructure

Sub-section two deals with case studies of mining and infrastructure, which involve European countries as investors or hosts of mining companies and providers of wind and solar energy technology. The first chapter in this section provides an overview of new mining activities, illustrated here through concrete examples of the impacts that mining has on the commons. With *The open cut: mining, transnational corporations and the commons*, Thomas Niederberger, Tobias Haller (both University of Bern) and Madlen Kobi (University of Zurich) present how mining activities have been expanding since the early 2000s, leading to

confrontations with locals over the loss of their water, land, and forest commons. They analyse the multiple impacts that transnational large-scale mining corporations from Europe and other Northern regions have on the commons, and include findings from an extensive comparison of 13 case studies across five continents (based on Niederberger et al. 2016). In order to illustrate important trends, the Mopani Copper Mines in Zambia and the Tampakan copper-gold project in the Philippines are discussed. These two cases illustrate that large-scale mining not only leads to 'commons grabbing' and contamination of CPRs, but also undermines local institutions (such as customary property rights and other regulations) essential for the sustainable governance of commons. This triggers a variety of local responses, which range from negotiation with the investor to resistance.

While mining activities are generally accused of having negative environmental as well as social impacts, the opposite applies to so-called sustainable energy production such as solar energy. It is hard to see problematic aspects for the commons when desert-like areas are transformed into sustainable energy. Nevertheless, on a large scale such projects can be highly problematic and reveal similar processes of the disregard of local actors and grabs as pertain to their unsustainable cousins. Sarah Ryser (University of Bern) indicates in *Are green energy investments levelled by the 'new commons'? Compensations, CSR measures and gendered impacts of a solar energy project in Morocco* that green investments must pass the test of social sustainability. In her case study a local Berber clan was provided with compensation payments for their land, which had been labelled as wasteland, in order to establish one of the world's largest solar projects. This took place under the guidance of the King of Morocco and with the support of the European Union. Via a state-private partnership company called MASEN (Moroccan Agency for Sustainable Energy), 3,000 hectares of communal land were acquired that had previously been owned by the Moroccan *Amazigh* Clan in the Ghessate rural council area near Ouarzazate. Ryser's analysis shows that the discourse of a fair deal in transforming old to new commons does not hold: not all groups – and no women whatsoever – were involved in the deal, which was based on a non-negotiable and low price per land unit that was paid into a fund for local development. Furthermore, the study shows that local people living in proximity to the site do not have access to this fund and that, thus, the CSR projects are not adapted to local needs.

Green enclosures

The previous case links well to the final sub-section in part three on Europe's impact on the commons in the Global South. While Morocco, too, is a case of green grabbing it does not share the same features as those presented in the following three chapters. These deal with the classic green grabbing processes highlighted by Fairhead, Leach and Scoones (2012) as a way of enclosure based on the discourse of conserving pristine nature. However, this process is clearly related to other types of grabs: agro-industrial investments as well as mining and

infrastructure development are directly related to conservation issues. While these activities destroy 'pure nature', the relative price for 'protecting' nature rises and thereby creates a conservation value to be tapped (see also Haller and Galvin 2011) illustrated in this third sub-section. In *Global changes in local governance of the commons: the case of the African Parks Foundation engagement in Nech Sar National Park, Ethiopia*, Girma Kelboro and Till Stellmacher (both University of Bonn) show how global conservation trends affect local people in their usage of their cultural landscape ecosystem in the context of the international NGO African Parks Foundation (APF) in Nech Sar National Park (Nech Sar NP). The authors discuss how pastoralists and farmers living within and around this park are greatly affected by attempts of state authorities and the involved NGO to redefine conservation and usage of the park's 'natural resources'. This has led to the reinforcing of exclusionary conservation approaches that are in contradiction to the interests and needs of most local users.

Participatory conservation can take a more fortress-like shape in a neoliberal context, as shown by Samuel Weissman (University of Bern) in *Discourse and entanglement in a transnational conservation arena: deciphering the ideologies and narratives behind conservation discourse in the 'glocal' commons in Kenya*. His contribution reveals that conservation in this country has, on paper at least, been inclusive for local people and local conservation organisations. This should also apply for national programmes and international donors who embark on establishing a global network of environmental- and development-friendly communities. This is part of a legitimising discourse that includes local participation in the protection of rhinos, which, however, is not defined by local actors themselves but by a hegemonic, external definition of local people that takes place through defining them as either related to tradition or to modernity. This discourse obscures the discriminations against stakeholders that are taking place. In addition, heavily armed forces control the area, and their presence is legitimised due to the activities of so-called poaching groups seen to be criminal in nature.

Striking similarities exist between Weissman's case and the final case in this sub-section by Heinzpeter Znoj, Rahel Jud and Yudi Bachrioktora (all University of Bern). Their chapter *Rain forest anomy: national parks, REDD+ implementation and the run to the forest in Jambi, Indonesia* shows how the implementation of REDD+ schemes should help safeguard the remaining forests in the province of Jambi in central Sumatra, which have experienced a fast rate of forest conversion for oil palm plantations over the past 40 years. But the enforcement of Jambi's forest reserves, in form of national parks and REDD+ project areas, have an indirect impact on the far larger forest areas beyond their perimeter. Pressure on these forests has increased due to shifting formal and informal modes of access, and because of massive population movements. The authors present three ethnographic cases that shed light on how, in the context of the weak institutional framework of the Indonesian state, the formal implementation of national and global norms of forest preservation goes hand-in-hand with the practice of their systematic circumvention. This process furthermore also undermines traditional, institutionalised CPR-norms regulating access to forests. Although REDD+

schemes provide for local indigenous people to collectively use the forest as a CPR in non-destructive ways, this does not result in robust institutions. On the contrary, settlers successfully claim indigenous status to gain access to the forest and convert it into oil palm plantations.

Commons and international law

As power over resources increasingly shifts towards nationally and globally active investors attempting to institute private property as a precondition for maximal value extraction, bottom-up initiatives to defend community-based control over resources are systematically thwarted. This suggests that legal support at an international level is needed to strengthen the commons in the 'glocal' world.

This is precisely what Insa Theesfeld (Martin Luther University Halle-Wittenberg, Germany) proposes in her chapter *A structured checklist to identify connections between land and water grabbing*. She argues that the increase in the amount and frequency of international land investments should also alert us to the threat of so-called water grabbing. To date there is no conceptual legal framework designed to address the issue of grabbed water or to regulate compensations in the context of negative impacts on locals. Theesfeld therefore proposes a checklist based on property rights theory, which should enable us to examine the relationship between land and water. Key to such a list is the obtaining of knowledge on the individual bundles of property rights, which are affected and change when land is transferred from one owner to another – or when it is simply grabbed. Eight analytical patterns of interrelation are proposed that aim to strengthen the systematic comparison of case studies. The author illustrates this with cases of LSLA that have had an impact on the water sector in Ethiopia and Tajikistan. Her analysis shows that these land grabbing cases can also be termed 'water grabbing'.

Similarly, the issue of water rights is the focus of *International investment agreements and mega-regionals: promoting or undermining the right to water?* by Rodrigo Polanco Lazo (University of Bern) and Azernoosh Bazrafkan (Maastricht University). Looking at the state's obligation to provide drinking water, the authors check on how investment in the water sector within the framework of a commodification of these services affects this obligation. Investment protection rules, as established in International Investment Agreements (IIAs) may have an impact on the human right to water. Polanco and Bazrafkan thus focus on recent treaty-making developments in bilateral investment treaties and preferential trade agreements (termed 'mega-regionals'), including investment rules. They argue that companies whose investments affecting water come into conflict with states that must protect the provision of water. Therefore, laws on water-related issues developed for investor-state dispute settlement (ISDS) mechanisms should be included in the IIAs.

The final chapter in this section takes up the issue of the human right to water – which is also alluded to in Schlosberg's keynote on environmental justice. With her chapter *The human right to water in India: in search of an alternative commons-based approach in the context of climate change*, Birsha Ohdedar (School of

African and Oriental Studies, London) provides evidence that access to water as a human right faces challenges especially in the context of prior marginalisation of actors, which also coincides with them being most affected by climate change (see keynote by Jesse Ribot). Contestation over water in places such as India necessitates an analysis of multiple social, political, ecological, and climatic processes that mediate access to water. Thus, a larger 'hydro-social' lens is needed. While the human right to water has been recognised at both an international and domestic level in India, the dominant interpretation of the right both in legal and political discourse has been centred upon a fixed relationship between the rights-bearing subject and the quantity and quality of water. Ohdedar argues that in this way the multiple contestations in the hydro-social cycle that produce rights issues are not analysed. In order to remedy this problem, she proposes that water has to be conceived as a CPR. This view would provide the legal integration of the human right to water by taking into account the hydro-social conditions related to access and distribution of water.

Concluding remarks

The volume provides examples of the commons in a 'glocal' world on several scales, as well as discussing their interrelations. It bridges the gap in the literature between the focus on the sustainable governance of CPRs and external and internal power relations between actors. The case studies show how institutional and political ecology approaches in combination help to analyse agencies of different actors on different scales and the challenges for the commons that result from this. An important lesson lies in the insight that common property institutions for specific resources may have been more widespread in the past than hitherto acknowledged, and that early on these were already linked to private property in the context of specific other resources. In particular resources like water and marginal, less intensely used land and related CPRs were often governed as common property because this institution provided collective solutions for a sustainable use. This also included adaptive mechanisms to react to external changes. Furthermore, it contributed to social sustainability and higher resilience of local groups as well as of individual households. In this way, historical common property institutions were part of the production and maintenance of dynamic cultural landscape ecosystems. State property and, later, neo-liberal private property arrangements in a 'glocal' world are destabilising and dismantling these common property institutions on a large scale and, as a result, also contribute to the undermining of these ecosystems. This led – and continues to lead – to different forms of exclusion of local actors from CPRs on several scalar levels and contributes to higher vulnerability and lowered resilience of former commoners. However, the cases contained in this book also show successful responses that secure common property and the possibility to defend, newly adapt to and justify collective ownership in a 'glocal' world. The successful cases also indicate that processes of fair and participatory bottom-up institutional adaptation strategies are of crucial importance, as is discussed in the constitutionality approach.

More research is needed on how commons institutions have evolved, how they have been challenged by the impacts of 'glocalisation', and under which conditions local actors with varying bargaining power can regain or lose access and control. These experiences provide the key to reacting to problems and disturbances in the 'glocal' world and its powerful neo-liberal actors – theirs is a power that may be challenged by a collective re-appropriation of the commons in the long run. Yet, the ability to locally reshape the institutional design while still being exposed to 'glocalisation' and depends on the bargaining power of local actors. This includes especially the power to define what so-called 'nature' means: for most of the groups discussed in this volume, their environment is not pristine or 'pure nature' but instead a cultural landscape. They have contributed to this landscape with their institutionalised usage, and they have a rightful share in its CPRs. However, the right to this share and to having the power to decide its institutional design does not stop at the local level. Rather, this needs to include an analysis of higher-level, interrelated power-driven processes, the anticipation of its impacts, and international support of local responses.

References

Beck, U. (1999) *Schöne neue Arbeitswelt: Vision: Weltbürgergesellschaft*. Frankfurt am Main: Campus.

Ensminger, J. (1992) *Making a Market. The Institutional Transformation of an African Society*. Cambridge: Cambridge University Press.

Fairhead, J., Leach, M., and Scoones, I. (2012) 'Green grabbing: a new appropriation of nature?', *Journal of Peasant Studies*, vol 39, no 2, pp 237–261.

Feeney, D., Berkes, F., McCay, B.J., and Acheson, J.M. (1990) 'The Tragedy of the Commons: Twenty-Two Years Later', *Human Ecology*, vol 18, no 1, pp 1–19.

Haller, T. (ed) (2010) *Disputing the Floodplains: Institutional Change and the Politics of Resource Management in African Floodplains*. Leiden: Brill.

Haller, T., Acciaioli, G., and Rist, S. (2016) 'Constitutionality: conditions for crafting local ownership of institution-building processes', *Society & Natural Resources*, vol 29, no, pp 68–87.

Haller, T., Belsky, J.M., and Rist, S. (2018) 'The constitutionality approach: conditions, opportunities, and challenges for bottom-up institution building', *Human Ecology*, vol 46, no 1, pp 1–2.

Haller, T. and Galvin, M. (2011) 'Challenges for participatory conservation in times of global change: lessons from a comparative analysis and new developments', in Wiesmann, U., and Hurni, H. (eds), *Research for Sustainable Development: Foundations, Experiences, and Perspectives. Perspectives of the Swiss National Centre of Competence in Research (NCCR) North-South* (pp 467–503, vol 6). Bern: University of Bern, Geographica Bernensia.

Netting, R.M. (1993) *Smallholders, Householders: Farm Families and the Ecology of Intensive, Sustainable Agriculture*. Stanford: Stanford University Press.

Netting, R.M. (1981) *Balancing on an Alp: Ecological Change and Continuity in a Swiss Mountain Community*. Cambridge: Cambridge University Press.

Orebech, P., Bosselman, F., Bjarup, J., Callies, D., Chanock, M., and Petersen, H. (2005) *The Role of Customary Law in Sustainable Development*. Cambridge: Cambridge University Press.

Ostrom, E. (1990) *Governing the Commons. The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press.

Ostrom, E. (2005) *Understanding Institutional Diversity*. Princeton, NJ: Princeton University Press.

Pulcini, E. (2012) *Care of the World: Fear, Responsibility and Justice in the Global Age*. Berlin: Springer.

Robertson, R. (1995) 'Glocalization: Time-Space and Homogeneity–Heterogeneity', in Featherstone, M., Lash, S., and Robertson, R. (eds), *Global Modernities* (pp 25–44). London: Sage.

Roudometof, V. (2005) 'Transnationalism, Cosmopolitanism and Glocalization', *Current Sociology*, vol 53, no 1, pp 113–135.

Roudometof, V. (2016) *Glocalization: A Critical Introduction*. New York: Routledge.

Swyngedouw, E. (2004) 'Globalisation or 'glocalisation'? Networks, territories and rescaling', *Cambridge Review of International Affairs*, vol 17, no 1, pp 25–48.