



# The Common Property Resource Digest

No. 30 Published by IASCP in cooperation with Winrock and ICRISAT July 1994

## *IASCP News*

### Update on "Reinventing the Commons"

**The Fifth Annual Common Property Conference of the International Association for the Study of Common Property in Bodoe, NORWAY, 24-28 May, 1995**

Abstracts are now pouring in. The program committee will meet on 1-3. Sept. to decide on the total volume of sessions, finalize the organized sessions, rank those applying for developing country travel assistance and start work on composing sessions from the individual proposals.

For those wanting to participate without papers, please remember to send us the preliminary registration form (see CPR DIGEST no 29/April 94). Then you will be sure of getting the registration forms and other information due to be mailed by January next year.

For further information contact:

Erling Berge, Department of Land Use and Landscape Planning, AUN, P.O.BOX 5029, N-1432 AAS, Norway

fax : 47-64 94 83 90

e-mail : "erling.berge@planfag.nlh.no"

### TRAVEL INFORMATION UPDATE

For those who are planning to use the coastal steamer, either to or from Bodoe, be aware that the steamer is quickly filling up for the

1995-season. For those who already know their travel plans, we would advise that you write the steamer company

OVDS - Booking

P.O.Box 43

N- 8501 Narvik

Norway

tel : 47-76 92 37 50

Also the popular Fisherman's Cottages (Rorbu) in Lofoten are filling up for the 1995 season, and for those planning a pre- or post conference stay here, we would advise you to get in touch with the agency as soon as possible:

"Destination Lofoten"

tel : 47-76 07 30 00

### IASSA CONFERENCE UPDATE

Those interested in the IASSA (The International Arctic Social Science Association) conference from the 28 May to 4 June in Rovaniemi and Kautokeino can get more information from IASSA Secretariat, Arctic Center, University of Lapland, P.O. Box 122, FIN-96101 Rovaniemi, Finland

tel : 358-60-324 753 or 324 677

fax : 358-60-324 760

e-mail : iassa@roisrv.urova.fi

Message to Members of the IASCP  
from David Feeny, President,  
**June 28, 1994**

The Executive Council during its meeting in Manila on June 15, 1993 decided to raise dues

for members with incomes of less than \$U.S. 15,000 per year from \$5.00 to \$8.00 and dues for members with higher incomes from \$20.00 to \$30.00. As a member of the Executive Council of the IASCP I apologize for having not shared with the membership until now the reasoning that led to that decision.

The IASCP has held four general meetings: Duke University in 1990; University of Manitoba in 1991; Washington, D.C. in 1992; and Manila in 1993. The fifth meeting will be in Bodo, Norway May 24-28, 1995.

The first four meetings were, in my opinion, and as expressed to Members of the Executive Council by many conference attendees, great intellectual successes! Unfortunately the same cannot be said of financial performance. While the first two meetings generated modest net revenues for the IASCP, the Washington, D.C. meeting resulted in modest losses and the Manila meeting also resulted in financial losses for the IASCP. As a result our Treasury has been depleted.

The IASCP is still a very young organization. It has benefited from favors from many individuals and organizations. In particular the IASCP has benefitted substantially from uncompensated volunteer efforts of a substantial amount of time by each of its Secretary-Treasurers. Until recently all of the support staff who have updated membership lists and handled mailings to the membership have been paid by the institutions where the Secretary-Treasurers have been employed rather than by the IASCP.

There are, however, limits to what one can ask of even dedicated and conscientious volunteers and their home institutions. Thus in 1994 the IASCP started to pay for part-time help for the Secretary-Treasurer to reduce the burden on Charlotte Hess and the Workshop on Political Theory and Policy Analysis at Indiana University. Thus dues revenues sufficient to employ part-time help to shoulder an important part of the administrative burden were needed.

The Executive Council of the IASCP met on June 19-20, 1994 in Bloomington, Indiana. Administrative support and facilities for the meeting were provided by the Workshop at Indiana University (and we are most grateful for the help!). Members of the Executive Council paid their own travel and accommodation costs for attending the meeting; IASCP funds were not used to reimburse any of these expenses. The Secretariat at Indiana University and Executive Council are being very frugal with IASCP funds. The Executive Council begs the continued support of the membership, both intellectual and financial, so that a viable long-living self-renewing organization may be created. We rely on voluntary contributions and hope "to get by with a little help from our friends".

The Executive Council is formulating plans to increase membership and thereby raise additional funds without further raises in the dues. (These plans will be reported on in future issues of the Digest.) In the meantime we are dependent on the goodwill of the current membership. I hope that this information places the dues increase in perspective. Comments are welcome.

### Common Pool Resource Bibliographies Available on the Internet

The Workshop in Political Theory and Policy Analysis has recently made available many of its unique bibliographical databases on common pool resources in electronic form that can be accessed by any scientist with access through their own computer and modem to the Internet. These databases are now stored on the Indiana University Gopher. ["Gopher" is a computer software following a simple protocol for tunneling through the Internet. You may retrieve the appropriate software for your computer via anonymous FTP — File Transfer Protocol — from the University of Minnesota archive at <boombox.micro.umn.edu>].

The Workshop Gopher files contain Volumes 1 and 2 of the Common Pool Resources and

Collective Action Bibliography (1989/1992) by Fenton Martin<sup>1</sup> and Common Pool Resources and Collective Action, Vol. 3 (1994) and Forestry Resources and Collective Action (1994) by Charlotte Hess. The combined databases contain over 10,500 citations.

Files are divided by subject: Agricultural Commons, Forest Resources, Fisheries, Water Resources, Grazing Areas, Wildlife Resources, Land Tenure and Use, Village and Community Organization, Global Commons, Theory, and General Literature. Forestry Resources is the largest of these databases, containing 2,500 citations.

It is possible to browse the files or to do full text searches. For instance, one may search on authors [ostrom and elinor]; countries, keywords [such as "participatory," "indigenous," "rapid rural appraisal," "community forestry," "sustainability"]; journals [Unasylva]; conference [IASCP Annual Meeting]; dates and so forth.

To access these files, connect to: lib-gopher.lib.indiana.edu port 3080 or connect to lib-gopher.lib.indiana.edu port 70 and follow the menu path:

==>Subject Approach to IU Libraries and Internet Resources

==>Workshop in Political Theory and Policy Analysis Gopher

or connect gopher.indiana.edu port 70 and follow the menu path:

==>Other IU Gophers

==>Workshop in Political Theory and Policy Analysis Gopher

World-Wide-Web Uniform Resources Locator (URL):

gopher://lib-gopher.lib.indiana.edu:3080/1

For more information contact:

Charlotte Hess  
Workshop Research Library  
Workshop in Political theory & Policy Analysis  
513 N. Park, Bloomington, IN 47408  
USA

tel : 812-855-9636  
e-mail : hess@indiana.edu

Vols. 1 and 2 of the CPR Bibliographies are still available in print at \$25.00/each. Please send a pre-paid order for on or both to Patty Dalecki at the above address. Inquiries about other Workshop publications can also be sent to e-mail address: workshop@indiana.edu.

## *Projects and Programs*

### Integrated Coastal Fisheries Management

#### **FAO/UNDP Project INT/91/007**

#### **Fisheries Division, Ministry of Agriculture, Land and Marine Resources, Trinidad and Tobago**

#### **Introduction**

The Gulf of Paria is the most active and valuable coastal fishing areas of Trinidad. Fisheries in the Gulf of Paria are under threat from two major causes: overfishing (biological and economic) and habitat degradation and destruction. Both of these causes need to be addressed in an integrated manner because of the strong interdependencies between fisheries and other sectors of the economy. These intersectoral linkages are particularly strongly felt in the Gulf of Paria because over 90 percent of the country's population reside and work along the west coast and in the watersheds draining into the Gulf. The Gulf of Paria is also a significant area for the important oil and gas industry and related downstream petrochemical and other enterprises and shipping activities.

#### **Inter-sectoral Management Issues**

Various activities on land and in the sea affect fisheries in the Gulf of Paria. These include urban development and housing, agriculture, forestry, industry, hydrocarbon exploration and processing, and shipping. Activities with possible adverse effects on fisheries include the

reclamation of wetlands for agriculture, housing, industrial development, shipping and other purposes. The removal of natural forests in upland areas also leads to soil erosion and consequent siltation and sedimentation of nearshore fish nursery habits including seagrass beds and mangrove forests. Pollution from several sources harms fish life and reduces biodiversity of aquatic life.

### **Objectives and Strategy of Integrated Coastal Fisheries Management**

The objective of integrated coastal fisheries management is to improve the well-being of coastal communities and society at large, through improved management of marine and related land-based coastal resources, and through the protection of the coastal ecosystem. The principal strategy elements of integrated coastal fisheries management include the following:

*Information Gathering and Research:* Wise management requires a scientific understanding of coastal resources including nursery areas and abundance of different types of fish stocks; the effects of different kinds of effluents on water quality and marine resources; the role of wetlands in the reproduction and growth of fishery resources and the impacts of sedimentation on fisheries.

Socio-economic and cultural information on fishing communities, fishing operations, and other users of the coastal and marine areas is also critically important to understand and manage human activities. When combined with scientific and natural history information, it represents a sound basis for developing programs and management action.

*Awareness Building:* Greater awareness about the management needs of the fisheries and the coastal zone of the Gulf of Paria is required at national and local levels. This will help to improve the understanding of the inter-dependencies between the terrestrial and marine environments and the role of fisheries in the national economy. It will also help to

improve the quality of policy decision regarding future developments that affect the coastal zone of the Gulf of Paria.

*Integrated Planning, Co-ordination and Consultation:* The interaction and joint action of a number of Government (local and national) agencies and community users are absolutely essential to successful integrated management. This interaction is also critical in the planning and development aspects of management regimes.

To ensure sustainability, strengthening of fisheries institutions, fishing communities and local organizations is essential. This will provide the enhanced basis for inter-institutional action, consultation and management action. These developments will also facilitate the creation of a better informed and realistic coastal zone management plan.

Beijer International Institute of Ecological Economics  
The Royal Swedish Academy of Sciences

### **Research Programs**

- The Ecology and Economics of Biodiversity Loss.
- Complex Ecological Economic Systems Modelling.
- Property Rights and the Performance of Natural Resource Systems.
- The Baltic Drainage Basin Programme.
- Integrated Assessment of Global Change.

### **Research Projects**

About 30 research projects covering a diversity of issues in ecological economics are currently undertaken by the members of the staff.

### **Teaching and Training**

The Institute currently runs teaching workshops as well as research seminars in resource and environmental economics for University teachers in economics from developing countries. The last two workshops were held in

Colombo, Sri Lanka and Gozo, Malta and the next one will be held during the fall in Jamaica, West Indies. A research seminar will be held in Arusha, Tanzania during the spring.

Staff members teach and hold University courses in ecological economics and environmental economics in Sweden.

### **Policy**

The Institute serves as advisor to Swedish ministries, Governmental Agencies, and International Organizations, currently on issues such as: trade and the environment, green accounting, valuation of biodiversity, ecocycles.

### **Other activities**

Workshops and seminars are continuously held by the Institute, often in collaboration with other institutions. The most recent one was seminar series on Population, Environment and Development. The staff are also involved in the organization of upcoming scientific conferences.

For more information and a publications list, please contact:

The Beijer Institute  
The International Institute of Ecological  
Economics  
The Royal Swedish Academy of Sciences  
Box 50005  
S-104 05 Stockholm, Sweden

Tel : 46-8-673-95-00  
Fax : 46-8-15-24-64  
E-mail : beijer@beijer.kva.se

## ***New Publications***

### **World Resources 1994-95**

A publication by the World Resources Institute in collaboration with the United Nations Environment Programme and the United Nations Development Programme.

Widely recognized as an authoritative assessment of the world's natural resource base, each **World Resources** report is a definitive reference on the global environment with the latest information essential economic, population, and natural resource conditions and trends for nearly every country in the world. **World Resources 1994-95** is the sixth volume in the biennial **World Resources** series.

### **Contents**

I. *People and the Environment*: Natural Resource Consumption; Population and the Environment; Women and Sustainable Development

II. *Regional Focus*: China; India

III. *Conditions and Trends*: Food and Agriculture; Forests and Rangelands; Biodiversity; Energy; Water; Atmosphere and Climate; Industry; International Institutions; National and Local Policies and Institutions

IV. *Data Tables*: Basic Economic Indicators; Populations and Human Development; Land Cover and Settlements; Food and Agriculture; Forests and Rangelands; Biodiversity; Energy and Materials; Water; Atmosphere and Climate; Policies and Institutions

### **Bibliographic Information**

Publisher: Oxford University Press  
Publication Date: March 1994  
Pages: 400, large-format paperback  
List Price: \$23.95  
ISBN O-19-521-045-X

### **Order from**

WRI PUBLICATIONS/P.O. Box 4852/Hampden Station/Baltimore, MD 21211/410-516-6963, or call toll free: 1-800-822-0505.

### **Review Copies**

May be obtained from Ms. Wendy Wahl, Marketing Assistant, World Resources Institute, 202-662-2596.

## World Resources 1994-95 Data Base Diskette

This software program contains extensive economic, Population, Natural Resource and Environmental Statistics for 176 countries. The data is compiled from the book **World Resource 1994-95**, published by the World Resources Institute in cooperation with United Nations Environment Programme and the United Nations Development Programme. The software includes mathematical and statistical functions and enables users to browse, select, manipulate, print, and transport any or all of the data. IBM-compatible, high density diskettes can be used with any IBM-compatible computer with a high-density disk drive, hard drive, and 512 RAM.

### Contents:

Approximately 500 variables for 176 countries in the following categories (time-series data is included for roughly half of the variables):

- Basic economic indicators
- Population and human development
- Land cover and settlements
- Food and agriculture
- Forests and rangelands
- Wildlife and habit
- Energy and habitat
- Freshwater
- Oceans and coasts
- Atmosphere and climate

### Bibliographic Information:

Published by : World Resource Institute  
Publication Date : April 1994  
Format : 3.5" and 5.25" high-density diskettes, IBM-compatible  
Last Price : \$99.95

### Order from:

WRI PUBLICATIONS/P.O. Box 4852/  
Hampden Station/ Baltimore, MD 21211/ 410-516-6963, or call toll-free 1-800-822-0504.

### Review Copies:

Copies of the **Data Base Diskette** are available for review, but must be returned to the World Resources Institute within ten days of receipt. Please contact Ms. Wendy Wahl, World Resources Institute, 202-662-2596 to arrange to review a copy.

## Green Globe Yearbook (1994) of International Cooperation on Environment and Development, 1994 The Fridtjof Nansen Institute

The main objective of the the 1994 Green Globe yearbook is to demonstrate to how far the international community has come in solving specific environment and development problems, what the main obstacles are to effective international solutions, and what needs to be done to overcome such barriers. The 1994 edition covers the international dimensions of deep seabed mining, oil spills at sea, illegal timber trade, the problem of migratory species, desertification, nuclear reactor safety, transfer of environmentally sound technology, follow-up of Agenda 21, and international attitudes toward environment and development, as well as exploring the role of environmental treaty secretariats and the new Commission on Sustainable Development. The reference section contains systematically listed key data concerning the most important international agreements on environment and development, and inter- and nongovernment organizations with activities in this area. The combination of independent, high quality analysis and a useful reference section makes this Yearbook unique in the dissemination of environmental information.

The Green Globe Yearbook is an independent publication on the environment and development from the Fridtjof Nansen Institute in Norway, which specializes in studies of international resource management. The Institute has a long record of academic analysis in international relations with focus on transboundary pollution, living resources, energy and environment, Soviet energy,

petroleum markets, and deep seabed mining. Established to commemorate Fridtjof Nansen, who was famous for his exploration of the Arctic, the Institute has always paid special attention to the international politics of the polar regions.

Available from Oxford University Press

### Marine Fisheries Computerized Databases (On Line and CD-ROM)

#### Available from the Fisheries Division/CFTDI Information Centre

The Fisheries Division/Caribbean Fisheries Training Development Institute (CFTDI) Information Centre has a number of Computerized databases in marine fisheries available for use. Some are available directly on-line and other are available on CD-ROM (Compact Disc-Read Only Memory).

#### On-Line Databases

- *Stock*: a comprehensive database on the commercial marine species, fisheries and oceanography of Trinidad and Tobago and adjacent region.
- *Info*: Info covers literature dealing with processing and management offishery, biological and oceanographic data.
- *Guide*: This database comprises contact information for institutions which have assisted in obtaining material for the Stock, Cruise and Info databases described above, and other known to have research interests in the region.
- *Cruise*: This database is an inventory of fishery and oceanographic cruises conducted in the Caribbean region.
- *Rosearch (Rosoop Search)*: ROSEARCH provides rapid access to many details of research vessel cruises, using information supplied on the Intergovernmental

Oceanographic Commission's (IOC's) ROSCOP (cruise summary) form.

#### CD-ROM databases

- *Aquatic Sciences and Fisheries Abstracts (ASFA)*: This data covers information for the science, technology, and management of marine and freshwater environments.
- *Waves/Vagues*: This database includes references to current literature and historical publications in the field of marine and aquatic sciences.
- *Directory of Marine and Freshwater Scientists in Canada (included in Waves CD-ROM)*: The Directory of Marine and Freshwater Scientists in Canada is an inventory of marine and freshwater Scientists and Engineers in Government Organizations, Universities and Industry.
- *Wildlife & Fish Worldwide (WFW)—Volume I*: Compiling information from the US Fish and Wildlife Service, this database covers the world's literature on mammals, birds, reptiles, amphibians and fish.

Information on searches and requests can be obtained from the Fisheries Division/CFTDI Information Centre, Ministry of Agriculture, Land and Marine Resources, St. Clair, Port of Spain, Trinidad, W.I. Tel: 625-8757, Fax: 625-8761

Please send us  
your  
announcements of  
workshops,  
organizations,  
publications, etc.  
We will print them  
in the Digest.

## *CPR Digest Editorial Section*

### Some Notes on the Substance and Terminology of the Norwegian Law of Common Property

by . Erling Berge and Hans Sevatdal,  
Department of Land Use Planning,  
The Agricultural University of Norway

#### **Introduction**

The various names for jointly used natural resources communal property resources, common property resources, common pool resources, *res nullius*, etc., do not specify a type of ownership situation for a resource, only its use. They all convey a sense of access for everybody to a finite resource with all the problems this entails for equity of distribution and the sustainability of utilization.

If a community or a society wants to regulate the distribution of access to, and appropriation from, a natural resource, two fundamental problems are encountered: 1) how to define persons or groups of persons with legitimate access to the resource, and 2) to what degree additional rules affecting the distribution of the benefits from the resource are needed.

The present paper will discuss how Norwegian law has solved this problem. In order to develop better tools for managing common property we need a more precise language to describe and distinguish between the various possibilities for using and regulating the use of resources. In our description of the Norwegian law we will be as precise as possible. We will utilize established legal terminology to achieve this. When the (English) terminology is unknown or non-existent we shall have to go into more detailed formal explanations.

#### **Legal terminology in Norway**

Norwegian law recognizes two main types of ownership-situations: single ownership and

ownership in common.<sup>1</sup> The actor who holds the rights and duties recognized by law is the legal actor. The legal actor is either a real person, a recognized type of private body, or a recognized type of public body. By and large the rights and duties of single ownership, according to the law, will not depend on what kind of legal actor the owner is. In some cases, however, the exceptions are important. Only real persons can have *odal* (allodial) rights to a farm. Some public regulations discriminate, and of course the tax system is different for real persons and private bodies. Thus, if one wants to investigate differences in how owners manage their resources, it is not enough to look at differences in the priorities of the owners; also the discrimination according to type of actor in the property rights regime needs to be incorporated in the study.

Ownership in common is different from single ownership mainly by special provisions taking care of decision procedures among the owners to protect the weaker party in any dispute. In general both single ownership and ownership in common by the three traditionally recognized types of legal actors are considered unproblematic (even though the problems in any particular situation may be formidable).

However, in our situation two further types of owner and ownership are of particular interest. The new type of owners will be called quasi-owners and the new type of ownership will be called quasi-ownership, in order to

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<sup>1</sup> According to Lawson and Rudden (1982:82-84) the term "ownership in common" is the best approximation. English property law recognizes two types of co-ownership: joint ownership and ownership in common (for land the terms are joint tenancy and tenancy in common). The difference between them concerns what happens to the property on the death of one co-owner. Joint ownership implies that one joint owner's share accrues on his death to the other joint owners, while ownership in common implies that on the death of one co-owner his share passes to his successors. The joint ownership situation is ideal for the functioning of trusts and is said to apply to the management of property while ownership in common applies to the beneficial enjoyment of property.

emphasize that they share important characteristics with legal actors and legally recognized ownership without being legally recognized as owners or ownership.

### **TYPES OF OWNERS AND OWNERSHIP**

Legally recognized types of owners

1. public bodies
2. private bodies
3. real persons

Quasi-owners

4. estates e.g. farms or fishing vessels

Legally recognized types of ownership

1. single ownership one legal actor holds title
2. ownership in common more than one legal actor holds title

Quasi-ownership

3. joint quasi-ownership

One may say that the right to use some resource is quasi-owned if it is inalienably attached either to quasi-owners or to legal actors in their capacities of being residents in an area or citizens of a state. Besides inalienability, the quasi-ownership of some resource is different from ordinary ownership in the protection afforded by society. It depends less on statutory law and more on customary law and continuous use than ordinary property rights.

The quasi-owner can also be thought of as an estate in its capacity as a cadastral unit. An estate is not a legal actor, but the right to use some particular resource can be inalienably attached to an estate. The ability of estates to hold resources in quasi-ownership is the basis for calling them quasi-owners. The right to resources held in quasi-ownership may be annulled (extinguished) by loss of citizenship or by exclusion from particular areas (or registers

as the case may be), but not transferred independently of the estate. Selling the estate implies selling those particular rights as well. If the quasi-owner ceases to exist, the resource held in quasi-ownership will either also cease to exist or revert to the co-owners in case of joint quasi-ownership, or to any descendants of the estate in case of ownership in common.

This kind of relationship between a farm and some particular right has existed for a long time in Norway. It could be in the form of holding a certain proportion of all "assets", the ground itself included, or it could be in the form of the right to use some particular resource. The latter situation implies that use rights are separated from ownership to the ground. Separation of the right to use particular resources from the title to the ground is very common and can be found in a variety of forms. Thus various kinds of use rights to resources like pasture, wood, hunting and fishing have been attached to farms in this way. Recently a similar situation has arisen in the relation between fishing vessels and fish quotas (the registry of fishing vessels then performs the same role as the cadastral register).

Quasi-ownership of the ground in some commons will imply ownership in common also for other resources in the area while quasi-ownership of usufruct implies joint ownership. If for example two farm estates, both with rights to hunting in the commons, are joined, the new estate will not have the hunting rights of both the former farm estates, only the hunting rights of one quasi-owner. Only if quasi-ownership of the ground in the commons is included among the assets of the farm, will the hunting rights increase with the share of the ground.

The quasi-ownership relation is the basis of the legal construction which is called *allmenning* in Norwegian. Literally the word *allmenning* means "owned by all" and is used to denote an area which can be used freely by all. In this interpretation it has the same meaning as the commons, but in legal terminology the word has taken on a specific and precise meaning.

Here it means an area, most typically forests, mountains or other outfields, in which the members of a local community or some group of farm estates hold, in joint quasi-ownership, most of the rights to most of the resources. The title to the ground is normally held by the state (*state-allmenning*), but in a few cases it is held by the farm estates in joint quasi-ownership (*bygde-allmenning*).<sup>2</sup>

The rights held by the persons or estates using the resources of the area designated as a commons, are held in joint quasi-ownership and separated from the ownership of the ground. They are specific in the sense that after the rights holders have exercised to their satisfaction their traditionally established use rights, the remainder can be enjoyed only by the holder of the title to the ground. This is particularly important in relation to new uses of the ground. Thus the right to exploit waterfalls for the generation of hydroelectric energy goes with the ground since this is a new use of the waterfall. There are many local manifestations of the commons with state-commons and bygde-commons as the main forms.

In the same bygde-commons there may be some farms with both ownership rights to the ground itself as well as use rights to some particular resource, and some farms with only use rights to some particular resource in the commons without any right in the ground. In this case

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<sup>2</sup> The Norwegian word *bygde* does not translate well into English. It means a sparsely settled local community somewhere on the scale between hamlet and town. It may include a few hamlets, even a village, but the connotation is of a sparse settlement. In this connection - bygde-commons - its meaning is more in the direction of opposition to the state. It means only that the ground of the commons is owned (in quasi-ownership) by a group of farms close by the commons, while the rights to use the commons can be described in the same way as those in the state commons. However, the group of farms must include more than 50% of the farms with rights in the commons. In the cases where the number of ground owning units were less than 50%, the rights of the commons has as a rule been extinguished and the assets distributed among the groundowners.

the farms with ownership rights to the ground in a state common.

A second version of the separation of use rights from the ownership of the ground is found in what is called *allemannsrett* (literally "all men's right") which perhaps could be translated as public rights. This right is restricted to real persons, is established by residence in the state, and applies to all ground with some restrictions for cultivated land and built up areas. Right of way, camping, hiking or picking of wild berries are examples of this. Rights to some kinds of hunting and fishing are public rights, but restricted to state commons. Public rights can be said to be held in quasi-ownership by individual persons in a way similar to the rights enjoyed by farm estates in state-commons or bygde-commons. Public rights comprise, however, fewer types of enjoyments and they have weaker protection (probably since their economic value is low or impossible to estimate).

A third type of restriction on the ability to enjoy a right and the area where it applies, is the right of access to pasture and other necessary resources for the reindeer herders. The right to hold reindeers is restricted to Norwegian citizens of the Saami people and, since 1 July 1979, it also depends on either being active as a reindeer herder on that date or having proof that at least the father or mother or one grandparent of the person was an active reindeer herder. In principle their rights of access to the necessary resources are independent of ownership of the ground whether the ground is owned by the state, or by any other legal actor singly or in common. Their rights apply only within the 10 reindeer herding districts defined by law in 1894 and depend on continuous use of it from "time immemorial".

#### Law and the question of access

The indivisibility of the resource and the divisibility of benefit in conjunction with societal goals of equity of distribution and sustainability of resource productivity, defines

the boundaries of the management problems we are concerned with. The degree and character of excludability is one of the parameters of choice in the solution of the management problem. The legal terminology seems to be largely independent of this problem.

Our concern here is the less clearly defined situations where both the characteristics of the resource may be unclear and the distribution of access to the resource may be an issue. The legal practice around public rights ("all men's rights") and joint usage rights to various kinds of resources seem to be those of most interest.

From the goal of equity in distribution it follows that access restrictions should be as mild as possible. In those cases where legal practice does restrict access to some resource system without granting some legal actor ownership rights, the leading principles for exclusion are

- 1) legal right of residence (some kind of "citizenship"),
- 2) geographic boundaries, and
- 3) geographic proximity.

In a situation with indivisibility in the resource system, the boundaries of the management problem will be defined by the (minimal) boundaries of a productive resource system, and access problems must be related to this area. Thus the geographic boundaries of resource units will not be a parameter of choice for the lawmakers. This leaves residence and proximity as the established principles for limiting access rights. If maximum access to the resource system is desirable, both residence and proximity or some combination of them may serve without leaving it open to free access.

#### References:

Lawson, F.H. and Bernhard Rudden. 1982. "The Law of Property" Second edition. Oxford, Clarendon Press.

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Bloomington IN 47408

**INTERNATIONAL ASSOCIATION FOR THE STUDY OF COMMON PROPERTY  
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*Dues:*

\$ 30.00 for persons with annual income above \$ 15,000.

\$ 8.00 for persons with annual income up to \$ 15,000.

**Method of Payment:**

Check on U.S. bank, postal money order, non-U.S. check or other financial instrument, U.S. currency.

Make checks payable to "IASCP".

If you are in a situation where you cannot remit payment by any of the above methods, but wish to continue your membership, please make a brief statement explaining your situation. We will carry your membership. We expect you will submit payment if your situation changes or if you travel to the annual meeting.

Please clearly indicate your and mailing address for the *Digest*. Telephone and email information is useful, but feel no obligation if you prefer not to supply such numbers.

We are happy to furnish receipts when necessary, but each receipt mailed requires time and postage so please do not request one unless necessary.

Completed forms and other all membership related enquiries should be addressed to:

Charlotte Hess  
Secretary / Treasurer  
International Association for the Study of Common Property  
513 N. Park  
Indiana University  
Bloomington IN 47408

Phone : 812-855-0441  
Email : hess@indiana.edu