

## 8th Conference of the International Association for the Study of Common Property (IASCP)

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### Panel NRI1: Constituting the riparian commons

Chair: Lars T. Soeftestad

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#### Participants

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#### Panel Abstract

The panel focuses on traditional property rights to land (specifically banks) adjoining watercourses and water bodies (including, e.g., canals, channels, lakes, ponds, rivers and tidewaters). In terms of aquatic resources, riparian rights will be understood to cover: water, resources available in the aquatic environment and the adjoining banks, and the water bodies themselves.

Existing work on aquatic resources management has largely been limited to marine areas and the coastal zone, and has mostly focused on fisheries, and riparian commons have received little attention. A comprehensive and comparative perspective on riparian commons is thus long overdue. Riparian commons present new challenges, including: (i) the often preeminent premise of physiographic processes (specifically alluvion and diluvion) on human habitation and subsistence practices, (ii) the interface between forest, land, and water, (iii) types of commons, their evolution and eventual demise, and (iv) the implications of the fact that watercourses often constitute international boundaries.

The focus will be on understanding the evolution of, and cross-cultural variability in, riparian commons through reliance on historic data, and in relating such data to present-day ethnographic data. The panel aims to advance the study of riparian commons through constituting them both in theory and practice: (i) describe and analyze them in a situation prior to their change or demise (in most cases a consequence of penetration of external forces), as well as the process of enclosure itself; and (ii) address pertinent issues of institutional analysis and reform connected with efforts to support, reinstate, establish and/or

create modern and viable riparian commons regimes. Along the way, a number of key issues need to be addressed, including: (i) the existing knowledge about riparian commons, (ii) the conditions and factors that, alone or in combination, may lead to development of riparian commons, and (iii) in the ongoing process of destruction of riparian commons, the relative importance of – as well as interaction between – external factors, on the one hand, and locally specific factors, on the other hand. Relevant external factors include large-scale infrastructure projects for flood prevention, irrigation, and hydropower development.

The panel consists of presentation and discussion of selected case studies, a preliminary overview of this area of inquiry, and a discussion on next steps.

### **Paper Abstracts**

#### Paper no. 1: Managing the Zambezi Delta in Mozambique

Baldeu Chande and Pedro Gairosi

Abstract: This poster presentation documents efforts to understand and manage the Zambezi Delta in Mozambique, in a situation where both the ecology and local livelihoods and settlement patterns have been drastically altered by the impacts of up-stream damming on the Zambezi and Kafue Rivers. The focus will be on the experience of working with community interest groups, each of which focus on the management and utilization of particular local resources.

#### Paper no. 2: Shade or energy. Resource views at the Kunene River (Angola/Namibia) (Anders Hjort-af-Ornäs)

Abstract: This case study draws on a politically sensitive situation in Southern Angola and Northern Namibia where national and local interests conflict over the use of river water in a very narrow riparian stretch of the Cunene river, forming what can be described as a line oasis. Access to this riparian area is key to the current livestock production capacity. Added to this is an intense focus by international NGOs on the issue of potential hydropower production.

The riparian zone has different meanings in terms of a common resource: It forms a pivotal component in a local pastoral production system, providing livestock reproduction resources (fodder, water and not least shade). It represents an emergency food area for both humans and animals during critical weeks of the seasonal cycle. It holds the potential as a national asset for improved self-reliance and political independence from the big neighbour South Africa. It is located within the SADC region political domain, though still with insufficient legally binding agreements. Finally, it is an international issue because of the plans for hydropower production.

The inhabitants of this riparian zone subsist primarily on livestock rearing. While the cultural tradition of relying on riparian commons has deep historic roots, the current social forms are relatively new. Today's so-called traditional pastoral Himba society is to a great extent shaped by colonial events (Portuguese, German and South African dominance). The pastoral production system relies on the riparian zone in a seemingly sustainable fashion, but eco-tourism and unemployment seem to begin to degrade both physical and social landscapes.

With the possible introduction of a hydropower project in this setting, yet another large-scale impact seems likely. The paper focuses on social consequences and how common resources are perceived and maintained. The different views of the primary users on the riparian commons are accounted for, and are contrasted with a number of interpretations of community interests. In the final analysis, the ethical issue boils down to how the riparian interests of a small population, in this case only partly seasonal, can be balanced with the democratic rights of a majority population.

Paper no. 3: Sacred water and sanctified vegetation: Tanks and trees in India

Deep Narayan Pandey

Abstract: Indian villages are famous for their traditional water management. This includes, in particular, village tanks (also called village ponds), one of the most notable examples of riparian commons. There are between 1.2 to 1.5 million tanks still in use and sustaining everyday life in the 0.66 million villages in India. Tanks have been the most important source of irrigation in India. Some tanks may date as far back as the Rig Vedic period, around 1500 BC.

Studies of village settlement and collective efforts to create tanks are well documented. Similarly, studies of tanks as the source of irrigation, fish, ground water recharge and other products also exist.

The traditional knowledge of tank construction, maintenance and customary planting and sanctification of tree-groves on earthen embankments and islands within the impounded area has, however, been overlooked. These islands, known locally as *lakheta*, are constructed of soil and act as refuge for plants and animals. Such groves are prominent parts of the village-commons in India, and serve vital social, religious, ecological, and economic functions.

Rulers, *zamindars* (landlords), *talukdars* (feudal lords) and village communities took a keen interest in tank construction in pre-independent India. Abolition of *zamindari* and *talukdari* in the post-independent era led to an end of private ownership, and the ownership of confiscated tanks were vested mostly in State Governments and, in some cases, in village *panchayats*. Thus, tanks became commons, and all farmers in the command area received access to water and groves. This, however, also results in a gradual breakdown of the traditional system of repair and maintenance of the tanks. In the process of destruction of village tank commons, many revert to private and/or open access regimes. The paper presents the traditional knowledge connected with the collective creation of groves on tank embankments and tank islands. The compensatory conservation of wild vegetation adjoining the tanks, in lieu of the vegetation that may have been submerged because of the tank construction, is discussed. The functions that these riparian commons continue to serve are addressed. Drawing upon the specific case of 12 village tanks in the Kota district of Rajasthan, the paper discusses institutional arrangements connected with participatory efforts to revive, create and support modern and viable common regimes of groves on tank embankments and tank islands, and the compensatory sanctification of the adjoining vegetation.

Paper no. 4: Riparian right and colonial might in the *haors* basin of Bangladesh

Lars T. Soeftestad

Abstract: The paper aims to contribute to a better understanding of riparian commons in the *haors* (large perennial water bodies) basin of northeast Bangladesh. Towards this, it addresses aspects of the settlement history, the mode of production, the relationship between local culture, social organization and natural endowments, and the evolving dialectic between the local level and the larger socio-political context.

On the physical-environmental level, the processes that have formed – and are continuing to form – the *haors* basin are described. On the political-economical-administrative level, the importance of the British colonial power in terms of enclosure of the riparian commons, and the implications of this for local resource management, is discussed. A series of legal changes throughout the colonial and post-colonial periods, specifically the 1793 Permanent Settlement, had the implication that local rulers and estate holders acquired private ownership rights over *haors*. This had crucial implications for the fisheries management system that evolved. The position of riparian commons during the British

period is addressed through analysis of select 19th century court cases. On the local level, the situation for fishers in the *haors* basin today is discussed.

The paper argues that much of the current work that supports and advances traditional inland fisheries in Bangladesh is contributing to the creation of riparian commons. A concern with riparian commons can enhance ongoing and planned efforts to increase aquatic sustainability and productivity at both the macro and micro levels – e.g. large-scale water management schemes and involving local fishers and giving them use rights to water bodies.

The growing body of knowledge on traditional aquatic resource management in Bangladesh has important theoretical and practical implications for the study of riparian commons elsewhere. It can: (i) serve as a model for efforts to establish viable and equitable fisheries management regimes; (ii) be a source of motivation and empowerment; (iii) enable participatory approaches; and (iv) contribute to cross-cultural comparison of riparian commons – both traditional and new ones – as a separate field of inquiry.