

International conference

Property and Environment in Developing Countries

ANR GOVENPRO

7 - 8 june 2017



National Museum of Natural History,
Auditorium of the Grande Galerie de l'Evolution

The organizing committee

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Frédéric Thomas ; Sarah Benabou ; Tarik Dahou (UMR PALOC IRD-MNHN) ;

Fabien Locher (UMR CRH, CNRS-EHESS), Valérie Boisvert (Université de Lausanne)

Certain abstracts were rewritten by the organizing committee for stylistic reasons

The conference will be held in English

Opening Session

10:15-10:45 Welcome & opening of the conference
Property and Environment in Developing Countries
Sarah BENABOU
(IRD research fellow, Anthropologist, UMR PALOC, IRD-MNHN)

Session 1. Land reforms and natural resource management

Moderator: Tarik DAHOU
(IRD research fellow, Anthropologist, UMR PALOC, IRD-MNHN)

10:45-11:25 **The Mexican challenge:
articulating property rights with environmental law**
Jade LATARGERE
(PhD student in Geography, CITERES, Université François Rabelais, Tours /
CEMCA, Mexico)

In Mexico, protected areas cover 21 million hectares (14% of the land surface), but 80% of them are under private or collective property. This situation generates numerous conflicts between national conservation policies and the rights of land owners. In this context, this contribution examines how the state tries to limit the rights of landowners over natural resources through various legal (e.g. easements) or economic (i.e. contracts, concessions, etc.) tools, without questioning land ownership. The examination of these tools shows that they mainly target collective properties, rather than private property, thus infringing community rights.

Space in law. What law and law making can tell us about the (re)creation of property regimes in Vietnam and Cambodia since 1980

Marie MELLAC
(Lecturer in Geography, Passages, UMR 5319 CNRS-University Bordeaux Montaigne)

Despite a similar initial « natural » environment, landscapes observed nowadays on both sides of the Vietnam-Cambodia border are dramatically different because of huge differences in intensity and size of land fragmentation. This contribution states that these contrasts are produced by the different resource regimes established by the two national sets of land laws. Since decollectivization, these laws have articulated various forms of land appropriation, from state property to individual private property, through long-term land concessions and temporary possession. These articulations result from competing actors and representations of spaces that crystallized around land law making. As such they also reflect the transformation of both state and society.

Wednesday 7 June

11:25-11:45

Coffee Break

Restaurant of the Paris Mosque, 39 rue Geoffroy Saint-Hilaire

11:45-12:25

Sustainability and land tenure: who owns the floodplain in the Pantanal, Brazil?

Rafael CHIARAVALOTTI

(Research fellow, Instituto de Pesquisas Ecológicas, São Paulo, Brazil)

In order to achieve poverty alleviation and nature conservation, public policy in Brazil has often been focused on securing land titles for local communities. However, such approaches have brought unintended outcomes, as shown by the case study of the Pantanal wetlands. With the creation of seven protected areas over the last 30 years, the relatively sustainable customary system of resource use of the Paraguay River floodplain has been partly jeopardized and numerous conflicts related to overlapping layers of land tenure, property and use have emerged. The author argues that any entitlement policy should be preceded by anthropological, ecological and economic surveys to better map local realities.

Social management of irrigation and dynamic of land ownership in the northern mountains of Vietnam

Emmanuel PANNIER

(IRD research fellow, Anthropologist, UMR PALOC, IRD-MNHN)

This paper aims at introducing some aspects of the local forms of irrigation management of rice terraces in a multiethnic (Giáy, Dao, Kinh) commune in Lao Cai province (Northern Vietnam, on the border with China). Compared with Red river and Mekong deltas, the state has little influence in the management of water in these areas, the local population mostly manages the sharing of the resources on their own. This leads to forms of local collective organizations quite independent of the public authorities. But since the link between these local irrigation systems and the different land tenure regimes is strong, state land reforms have deeply affected these collective irrigation systems. The author describes the current effects of these land ownership changes on community water management.

12:25-12:45

Q&A

12:45-13:15

Session 1 - Closing Lecture

Supply chains as infrastructures and translation machines: transformations of property arrangements in the Moroccan argan oil bonanza

Bertram TURNER

(Senior Research Fellow, Max Planck Institute for Social Anthropology,
Department of Law & Anthropology, Halle)

This presentation inquires in what ways the intertwining and co-production of normative and technological strands in the politics of natural resource extraction affect local property arrangements. It explores how the integration of the Moroccan argan forest in the global economy by means of setting up a supply chain is associated with resource appropriation that materializes in a twofold process of dispossession.

13:15-14:45

Lunch Break

Restaurant of the Paris Mosque, 39 rue Geoffroy Saint-Hilaire

Session 2. Community Management, Exclusion, Social and Environment Justice

Moderator: **Sarah BENABOU**

(IRD research fellow, Anthropologist, UMR PALOC, IRD-MNHN)

14:45-15:15 **Introductory Lecture**
Justice within the theory of the commons: Reassessing the place of women in community-based water management in Nepal

Floriane CLEMENT

(Research fellow, International Water Management Institute, Kathmandu, Nepal)

Since the 1990s, water resource development programmes in the global South have drawn on participatory approaches to involve communities in the management of water resources. The call for participation, largely inspired by principles of the 'commons studies', has however not met its promises. In practice, externally-imposed forms of participation and community-based management have often contributed to reproduce or even aggravate inequalities in water access and management. The author draws on a nascent dialogue between critical, feminist and interpretive social science approaches on the one hand, and common property theory on the other hand, to explore conceptual advances that can support a better consideration of equity in the study of common pool resource management. In particular, she examines the relevance of using environmental justice as an analytical frame, based on two case studies of irrigation programmes in Nepal.

15:15-16:15 **Justice and recognition in land concessions: Insights from postcolonial Mozambique**

Carla GOMES

(PhD student, School of International Development, (University of East Anglia, UK & University of Lisbon, Portugal)

Land grabbing has become a widespread phenomenon in Mozambique in the context of the agricultural price crisis of the 2000s. Based on interviews with government representatives, customary chiefs, company directors and the local population in two concessions, the author reviews the exclusionary effects of these concessions through the concept of environmental justice — especially through the "recognition" principle, claimed by local communities to alleviate the exclusion with which they are confronted.

From mine to commons: The case of a thwarted land grab in India

Madhuri KARAK

(PhD student, The Graduate Center, City University of New York, USA)

Based on ethnographic research in the densely forested mountains of southern Odisha, India, this contribution will discuss an indigenous anti-mining social movement's efforts to render the invisible bauxite underground (planned to be processed into alumina) as a visible, forested commons best left un-mined. Drawing on a series of Supreme Court rulings, state-appointed expert committee reports, transnational human rights organizations' appeals and depositions made at an environmental referendum, the author asks whether minerals are a public good better utilized as extractive capital for national economic growth, or a 'commons' of invisible value that sustains communities under threat from dispossession. This case of thwarted land grabbing also demands a theoretical reconsideration of 'resource' and 'property' as concepts mobilized by nation and community respectively, evoking historically particular alignments of society, nature and economy.

The mosaic of land tenures in Mexico: Various paths to conserve nature

Elena LAZOS

(Professor, Institute of Social Science, National Autonomous University of Mexico UNAM, Mexico)

Throughout history land reforms in Mexico have regularly been thwarted by large landowners and the Church. Strong community social organisations emerged as a reaction. They have become central actors in the organisation of community resources use. The purpose of this presentation is to analyse different overlapping land property regimes (private property, common property and ejido) to understand the role and complexity of the interconnection among land regimes, social organisations and agricultural policies through different stages of natural resource exploitation.

16:15-16:35 Q&A

Coffee Break

16:35-16:55

Restaurant of the Paris Mosque, 39 rue Geoffroy Saint-Hilaire

16:55-17:25 Session 2 - Closing Lecture

India's Land Questions

Mike LEVIEN

(Assistant Professor, Department of Sociology, Johns Hopkins University, Baltimore, USA)

Since the mid-2000s, so-called "land wars" have proliferated across the Indian countryside, notably with the development of Special Economic Zones (SEZs) that have led to major land dispossession. It is argued that SEZs are the culmination of a post-1991 shift from a developmentalist regime of dispossession driven by public sector industry to a neoliberal one driven by private land speculation and non-industrial growth. Through the examination of one SEZ in Northern India, the author also shows the implications of this neoliberal turn in the generation of a highly unequal and exclusionary growth and the diffusion of "land wars".

17:25-17:45 Final discussion

Session 3. Community Rights, Migrations and Forest Conservation

Moderator: **Fabien LOCHER**

(CNRS research fellow, historian, EHESS, CRH-Grhen)

10:15-10:45 **Introductory Lecture**

The Remittance Forest: Turning Mobile Labor into Agrarian Capital

Nancy PELUSO

(Distinguished Professor of Forest Policy, University of California, Berkeley, USA)

How does labor migration affect property rights and access to Indonesian forests? In the mountains of Java, where political forests and agricultural plantations date back to colonial state land acquisitions in the nineteenth century, forests are being reconstituted and reconfigured by unusual subjects: the wives and daughters of contracted forest workers and other forest farmers. Working as maids and other domestic laborers in Hong Kong and other prosperous Asian cities, the wives of landless forest workers are sending home remittances. They or their husbands are invest in new rural resources—livestock—, which has led to changes in the understory of the political forest. Slowly, without really intending to, these women have regendered the forest, not completely ousting the men or the masculine associations of forests with logging and resin collection, but making inroads into the control of the forest lands via the under-used understory. This article tells the story of how marginalized women who signed up to work as maids and caregivers in Hong Kong ended up remaking the political forest as a remittance forest.

10:45-11:25 **International environmental governance:**

Towards new forms of private and collective land ownership

Andrianina RAKOTOSOA

(PhD candidate, University of Liege and University of Antananarivo)

In Madagascar, the state has to a certain extent delegated the management of the most valuable natural resources to big international conservation NGOs, whereas the sustainable management of common resources has been transferred to local communities. Beyond customary land management, the latter have therefore acquired both private and common property rights and use rights over resources as a result of this new conservation mission. The present contribution shows, based on a case study (Ankarafantsika forest area) that the transfers of rights generate many conflicts, because they restrict customary rights (often without formal titles), they disrupt local land management arrangements and do not always support conservation.

Tenure Formalization and Climate Change Mitigation: The case of a REDD+ Pilot Project in Tanzania

Ece MELIS

(Post-doc, Istanbul Bilgi University)

To mitigate the effects of global climate change, REDD+ program relies primarily on the commodification and trading of forest carbon. The functioning of this market-based mechanism demands the formalization of tenure: clear ownership and use rights over forests are presented as a pre-condition and a potential benefit of the REDD+ program. Based on the case of a REDD+ pilot project implemented in Tanzania, this contribution argues that tenure formalization is used as a security and compliance measure for carbon investments and contracts, resulting in the enclosure of forest commons and the erosion of local claims over forests and land.

11:25-11:45

Coffee Break

Restaurant of the Paris Mosque, 39 rue Geoffroy Saint-Hilaire

11:45-12:25

Reconfiguring rights:

Practices of contestation and claim-making in receding states

Manasi KARTHIK

(PhD Student, School of African and Oriental Studies, London, UK)

The 2006 Forest Rights Act (FRA) marked the first legal recognition of the rights of forest dwelling communities in India, giving them legal empowerment to manage and protect forests. This presentation offers a critical analysis of the politics of claim-making between the state and civil society vis-à-vis the FRA in Gudalur, Tamil Nadu. The FRA requires notably that claimants are either members of Scheduled Tribe communities or can prove three-generations of residence in forestlands. The concern of the author is not whether the assignment of property rights facilitates development or conservation, but rather how the assignment of property rights reconfigures existing social relations in situated contexts.

Forest commons and the new environmental paradigm: An uneasy coexistence in the Romanian Carpathians

Monica VASILE

(Research fellow, Institute of Sociology, Romanian Academy of Science, Bucharest, Romania & Rachel Carson Center, Munich, Germany)

Thanks to successive post-socialist property reforms, Romania has seen in the last twenty years the recreation of hundreds of community-owned forests and pastures. These creations refer to the existence of communal forests prior to the land collectivization in 1948. Of course the resurgence of these commons in a contemporary neoliberal context results in something completely different than what they were before the collectivist period. This contribution is based on a quantitative survey carried out on 330 different pastoral and forest commons. It describes the instituted rules of access to the resources in these new commons and more specifically, the ones seeking balance between optimization of the production and durability of the exploitation as well as their relationship with the new conservation thinking paradigm: the community management of resources.

12:25-12:45

Q&A

12:45-13:15 **Session 3 - Closing Lecture**

Property, resource tenure and management in the Nicobar Islands, India

Manish Chandi

(The Nature Conservation Foundation
and the Andaman and Nicobar Islands Environmental Team)

Common property resource (CPR) theory describes property rights regimes among small communities in all their diversity. However each regime is under constant change insofar as societies continuously renegotiate their terms and conditions. This is particularly the case in the wake of natural disasters. This presentation examines the institutional dynamics brought about by the 2004 tsunami in the Nicobar Islands of India, and notably those related to the sudden change in the availability of livelihood resources and those induced by the subsequent strong state intervention in rehabilitating affected communities.

13:15-14:45 **Lunch Break**

Restaurant of the Paris Mosque, 39 rue Geoffroy Saint-Hilaire

Session 4. IPR, Traditional knowledges, Bundle of Rights and New Commons

Moderator: **Valérie BOISVERT**

(Assistant Professor, Economist, Lausanne University, Switzerland)

14:45-15:15 **Introductory Lecture**

Power Asymmetries, Unruly States, and the Bundles of Property Rights

Prakash KASHWAN

(Assistant Professor, Department of Political Science, University of Connecticut, USA)

Critics of the Schlager and Ostrom's typology of the 'bundles of property rights', such as Ribot and Peluso, have argued that it focuses too narrowly on rules while neglecting power relations that determine the control over and the access to natural resources. Even though these political ecology critiques mobilize concepts external to the Schlager and Ostrom typology, they redirect our attention to political and economic inequalities that shape bundles of rights. This presentation builds on these critiques to offer a power-sensitive analysis of the bundles of property rights thesis. It emphasizes the role of the state as an 'enforcement' agent, i.e. how the nature of actually existing states affects the development of the 'bundles' or property rights in natural resources; what institutional arrangements ensure the enforcement of citizens' rights to access against state agencies that exercise de facto control; and how does 'the state' address its own conflicts of interests?

**15:15-16:15 Reconciling property rights with indigenous 'life-worlds':
Traditional knowledge in the age of neo-liberalism
and commodification**

Indrani BARPUJARI

(Advisor, Centre for Governance at the Atal Bihari Vajpayee Institute of Good Governance and Policy Analysis, Bhopal, India)

Ujjal Kumar SARMA

(Assistant Professor, Sociology and Community Development,
Indian Institute of Forest Management, Bhopal, India)

Starting from the principle that traditional knowledge is, by definition, shared knowledge on which no one can claim exclusivity; is protection by exclusive intellectual property rights possible? This contribution aims to demonstrate that this compatibility inevitably goes through a certain number of adjustments of the intellectual property laws. Gramscian pessimism predicts that by introducing traditional knowledge into trade rationalities it will inexorably undergo «cultural hegemony»; the authors investigate how Indian politics allows the transformation of these knowledges into assets with a real profitable exchange value for the indigenous and local communities.

Patents, new biodiversity enclosures?

Some thoughts on the recent case related to *Quassia amara*, French Guiana

Frédéric THOMAS

(IRD Research fellow, historian of science and technology, PALOC, IRD-MNHN)

In a pending proceeding, the Foundation France Liberté accused a French public research Institute (IRD) of biopiracy for having apply a patent on a molecule with antimalarial properties, found in a plant in French Guiana (*Quassia amara*), thanks to the local populations' knowledge, but without associating these populations to the invention. My contribution will consist of conducting a 'Latourian' social study of ethnopharmacology from this textbook case, to show that the patent legal framework is built on a *naturalist cosmology* that claims to delineate clearly what is nature and what is not, to draw the distinction between discoveries, which are not patent subject matter, and inventions which are. I will show that this naturalist doctrine of the patent is exhausted, and cannot help societies address the question of the fair benefit sharing arising from the appropriation of an innovation consisting in an isolated gene or a purification of chemical component, or a molecule. I will try to renew the ABS scheme of the Nagoya protocol in the light of a monist approach towards scientific activities. What is at stake is not to find a system of compensation to the so-called 'commoditization' of nature, but rather what societies decide to do with their scientific innovations: either to keep them as common property, or to let them be managed by market instruments, and what for ?

**In search of urban commons:
The contested management of waste in emerging countries**

Jérémie CAVE

(PhD Student, urban planning, independant consultant in urban ecology)

In Vitória (Brazil) and Coimbatore (India), several kinds of agents manage or recover solid waste: the municipal service, private operators, informal recovery agents and traders, etc. Until recently, their respective devices used to coexist. The situation is yet becoming conflictual. Due to the implementation of separate collection programs, the recovery of recyclable items gives rise to appropriation conflicts.

We argue that reasoning in binary terms, i.e. opposing private goods (waste as resources) to public goods (waste as garbage), is a deadlock. Instead, wouldn't it be fruitful to formulate this issue in terms of common pool resources? Our empirical findings do indeed confirm the rival and non-excludable nature of the urban solid waste deposit. What's more, an on-going collective governance process in Vitória seems to correspond to the implementation of a resources institutional regime, through the attribution of "usage rights" to different agents...

16:15-16:35 Q&A

16:35-16:55 Coffee Break

Restaurant of the Paris Mosque, 39 rue Geoffroy Saint-Hilaire

16:55-17:25 Session 4 - Closing Lecture

**Commoditization, primitive accumulation,
and conservation displacement: Tanzania 1850-1950**

Roderick P. NEUMANN

(Professor of Geography, Florida International University, USA)

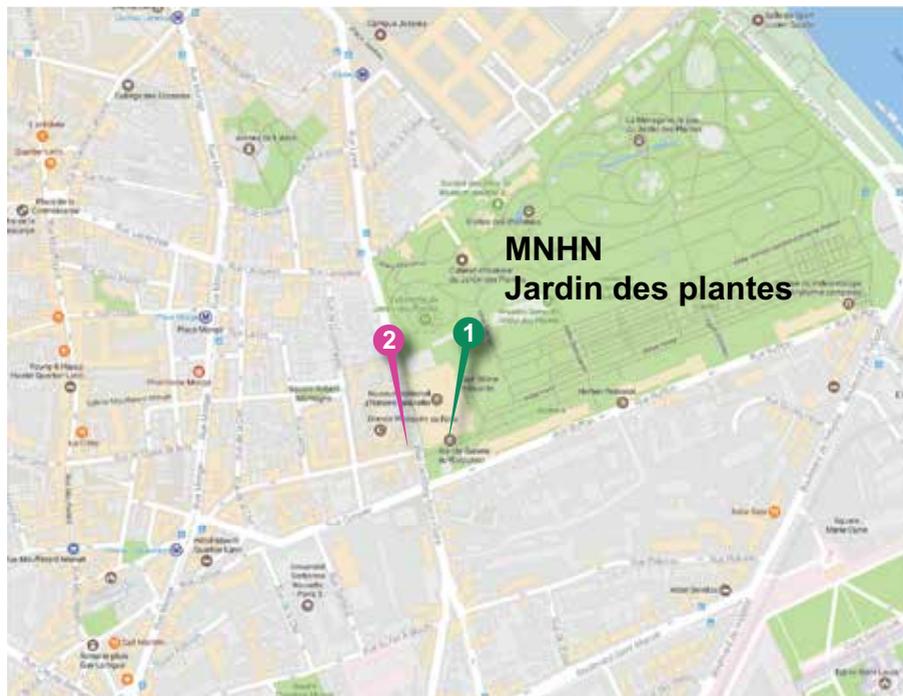
Within political ecology and related fields growing attention has been paid to a range of enclosure processes labelled as «green grabbing» «or «conservation displacement.» Collectively these efforts seek to explain how conservation enclosures are shaped by or contribute to capitalist development under contemporary neoliberalism. I suggest that such inquiries can profit from a longer historical perspective. I illustrate my argument using the case of South-Eastern Tanzania between 1850 and 1950. I show how African peasant participation in a series of extractive commodity booms produced the political-ecological conditions that made possible their own displacement from the *Selous Game Reserve*. In this case the evidence suggests that capital accumulation created the opportunity for conservation enclosure, rather than vice versa, as the green grabbing literature posits.

17:25-17:45 Final discussion

- Benabou S., 2014 — «Making up for lost nature? A critical review of the international development of voluntary biodiversity offsets.» *Environment and Society : Advances in Research* no. 5:103-123.
- Chouquer G., 2011 — «Le nouveau commerce triangulaire mondial. Ou les analogies du foncier contemporain.» *Etudes rurales* no. 1 (187):95-130.
- Clement F., Amezaga J. M., 2013 — «Conceptualising context in institutional reforms of land and natural resource management: the case of Vietnam.» *International Journal of the Commons* no. 7 (1):140-163.
- Coase R. H., 1960 — «THE PROBLEM OF SOCIAL COST.» *Journal of Law & Economics* no. 3 (OCT):1-44. doi: 10.1086/466560.
- Dahou T., 2013 — «Droits d'accès ou droits de contourner. Les concessions d'exploitation des ressources marines en Algérie Etudes rurales, 2013, n°192, p. 25-42.» *Etudes rurales* no. 192:25-42.
- Dahou T., Elloumi M., Molle F., 2013 — «Appropriations et conflits autour des régimes d'accès aux ressources renouvelables. Introduction.» *Etudes rurales* no. 2 (192):9-23.
- Hardin Garrett, 1968 — «The Tragedy of the Commons.» *Science* no. 162 (3859):1243-1248. doi: 10.1126/science.162.3859.1243.
- Holmen Hans, 2015 — «Is Land Grabbing Always What It Is Supposed to Be? Large-scale Land Investments in sub-Saharan Africa.» *Development Policy Review* no. 33 (4):457-478. doi: 10.1111/dpr.12118.
- Joly P.-B., 2009 — «L'accès à l'âge du capitalisme informationnel.» In *La bioéquité. Bataille autour du partage du vivant.*, edited by F. Bellivier and C. Noiville, 24-37. Paris: Autrement.
- Kosoy N., Corbera E., 2010 — «Payments for ecosystem services as commodity fetishism.» *Ecological Economics* no. 69 (6):1228-1236. doi: 10.1016/j.ecolecon.2009.11.002.
- Locher F., 2013 — «Les pâturages de la guerre froide. Garrett Hardin et la Tragédie des communs», *Revue d'Histoire Moderne et Contemporaine*, 60(1), 2013, pp. 7-36.
- McCarthy J.F., Vel J.A.C., Afiff S., 2012 — « Trajectories of land acquisition and enclosure: development schemes, virtual land grabs, and green acquisitions in Indonesia's Outer Islands.» *Journal of Peasant Studies* no. 39 (2):521-549.
- Merlet M., 2010 — «Différents régimes d'accès à la terre dans le monde. Le cas de l'Amérique latine.» *Mondes en développement* (151):35-50. doi: 10.3917/med.151.0035.
- Ostrom Elinor, 1990 — *Governing the commons : the evolution of institutions for collective action, The Political economy of institutions and decisions.* Cambridge ; New York: Cambridge University Press.
- Ribot J., Peluso N., 2003 — «A Theory of Access.» *Rural Sociology* no. 68 (2):153-181.
- Rifkin J., 2000 — *The Age of Access: Ken Tarcher/Putnam.*

- Silva-Castaneda L., Verhaegen E., Charlier S., Ansoms A., 2014 — *Au-delà de l'accaparement: ruptures et continuités dans l'accès aux ressources naturelles*, Collection : *Ecopolis* - 22. Bruxelles: Peter Lang.
- Thomas F., 2009 — «Protection des forêts et environnementalisme colonial : Indochine 1860-1945.» *Revue d'histoire moderne et contemporaine*, no. 56 (4):104-136.
- Thomas F., 2012 — «Le protocole de Nagoya au secours des contrats d'accès à la biodiversité.» *Revue des contrats*:961-972.
- Thomas F., 2014 — «Les éthiques du partage des avantages dans la gouvernance internationale de la biodiversité sauvage et cultivée.» *Éthique publique* [En ligne] no. 16 (1):mis en ligne le 15 août 2014, consulté le 01 mars 2016. URL : <http://ethiquepublique.revues.org/1392> ; DOI : 10.4000/ethiquepublique.1392.
- TNI. *The Global Land Grab : A Primer* 2013 — Available from <https://http://www.tni.org/files/download/landgrabbingprimer-feb2013.pdf>
- Vatn Arild, 2007 — «Resource regimes and cooperation.» *Land Use Policy* no. 24 (4):624-632. doi: 10.1016/j.landusepol.2006.06.002.
- Vatn Arild, 2015 — *Global environmental governance*. Edited by J. MartinezAlier and R. Muradian, *Handbook of Ecological Economics*.
- Verdery K., 1998 — «Transnationalism, nationalism, citizenship, and property. Eastern Europe since 1989.» *American Ethnologist* no. 25 (2):291-306.

Access map



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Auditorium de la Grande Galerie de l'Évolution



Accès rue Geoffroy Saint-Hilaire

2

Restaurant de la Grande Mosquée



39 rue Geoffroy Saint-Hilaire