

LAND TENURE CHANGES OF AGRARIAN COMMONS AS RESULT OF POLITICAL SYSTEM CHANGES IN THE TRANSITION COUNTRY

Tine Premrl*¹, Andrej Hafner², prof. dr. Janez Krč¹, prof.
dr. Andrej Udovč¹,

¹University Ljubljana Biotechnical Faculty,

²Ministry of Agriculture Forestry and Food,

Dunaj, 7.9.2016



Home | COST Actions | Forests, their Products and Services (FPS) | FP1201 | Parties

▶ COST Action Networking Tools

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FPS COST Action FP1201

Parties

Action details

MoU	4130/12
CSO Approval date	07/06/2012
Start of Action	15/11/2012
End of Action	14/11/2016

Participations

Country	Date	Status
▶ Austria	05/07/2012	Confirmed
▶ Belgium	12/02/2013	Confirmed
▶ Bosnia and Herzegovina	13/06/2012	Confirmed
▶ Bulgaria	22/06/2012	Confirmed
▶ Croatia	13/07/2012	Confirmed
▶ Czech Republic	18/09/2012	Confirmed
▶ Denmark	04/07/2012	Confirmed
▶ Estonia	20/06/2012	Confirmed
▶ Finland	22/08/2012	Confirmed
▶ France	05/10/2012	Confirmed
▶ FYR Macedonia	02/07/2012	Confirmed
▶ Germany	06/07/2012	Confirmed
▶ Greece	09/11/2012	Confirmed
▶ Hungary	25/06/2012	Confirmed
▶ Ireland	05/07/2012	Confirmed
▶ Italy	25/07/2012	Confirmed
▶ Latvia	07/11/2012	Confirmed
▶ Lithuania	08/05/2013	Confirmed

Forests, their Products and Services COST Action FP1201

▶ Description

▶ Parties

▶ Management Committee

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Websites*

Action website:
<http://facesmap.boku.ac.at/>

Facesmap

Forest Land Ownership Changes
in Europe: Significance for
Management and Policy

Cost Action FP1201

You are here: [Home](#) ▶ [Activities](#) ▶ Calendar of Meetings and Events

Menu

- Home
- Themes
- **Activities**
 - Stakeholder Workshops
 - Travellab
 - Forest Ownership Enquiry
 - Country Reports
 - Training Schools
 - Short-Term Scientific Mission
 - Calendar of Meetings and Events**
- Participants
- Final conference
- Library

Calendar of Meetings and Events

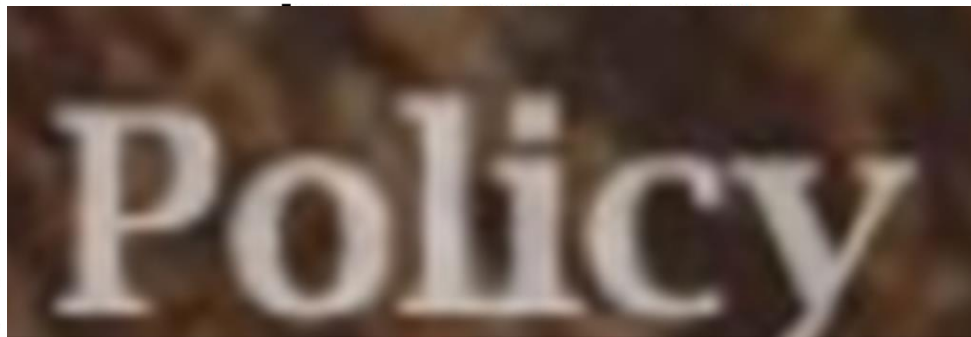


Events for

2016

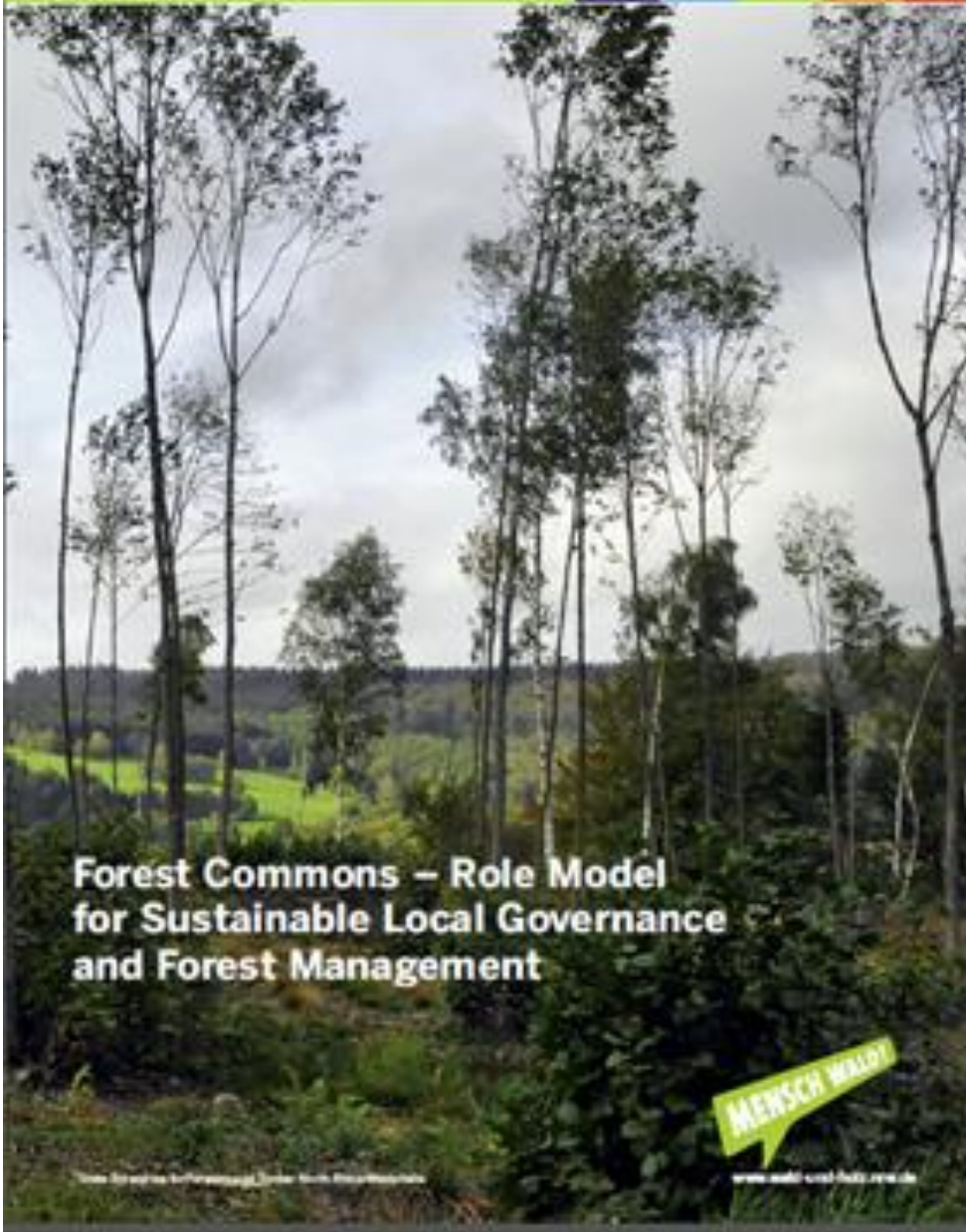
April 2016

Wednesday, 6. April 2016 - Friday, 8. April 2016 08:00 - 20:00
7th WG meeting with Travellab :: FACESMAP



FACESMAP

Scale and Community



Forest Commons – Role Model for Sustainable Local Governance and Forest Management

MENSCH WALD

Community Forestry

International Conference

Remscheid, GERMANY, September 23 - 25, 2013



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Welcome by the Ministry for Environment Nordrhein-Westfalen : Sharing Scientific Knowledge in a South - North Perspective

Remscheid, GERMANY, 23. - 25. September 2013

Community Forestry (CF) aims to improve the livelihood of local people as well as the condition of natural resources on which they depend for their living. It is assumed that if local people are involved in decision-making processes concerning natural resources, they develop a sense of ownership and start using the natural resources in more conservative way. The involvement of local natural resource users will contribute to sustainable practices, leading to various positive outcomes for the direct users and natural resources.



Venue: [Monastery Church](#) Remscheid-Lennep, GERMANY,

Scientific board: Anun Agrawal (USA), Bas Arts (Netherlands), Peter Cronkleton (Peru), Wolfram Dressler (Netherlands), Max Krott (Germany), Anne Larson (Peru), Melanie McDermott (USA), Hemant R. Ojha (Nepal), Bikash Rath (India), Carsten Schusser (Germany), Renate Spaeth (Germany)

Keynote Presenters: Jill Beisky, Wolfram Dressler, Melanie McDermott, Anne Lawrence, Carsten Schusser, Nevenka Bogataj, Paola Galto, Tine Premr

Oral Presenters: Jane W. Kigaru, Susan Comba, Jane Carter, Reem Hajar, Ella Furness, Joana C. Bezerra, Thomas Skor, Phil René Oyono, Frans Pareyn & Maria Auxiliadora Gariglio, Martha West Lyman, Bianca Ambrose-Oji, M.C. Yufanyi Muvuh

Selected Papers and Posters: are invited to contribute to the special issue of: *New Challenges for Community Forestry: Sharing Scientific Knowledge in a South - North Perspective*, [Forest Policy and Economics](#) 2014

Soupravljanje naravnih virov:

vaške skupnosti in sorodne oblike skupne lastnine in
skupnega upravljanja



Uredila Romina Rodela 2012



***Contemporary Perspectives on Common Pool Resources:
Exploring Current Challenges and Potentials vis-à-vis the Ecosystems Services
Framework***

Date: 19 and 20 May 2016

Venue: Ljubljana, Slovenia

Organizers: ZRC SAZU, Södertörn University

ORGANIZING COMMITTEE

Mateja Smid Hribar and Mimi Urbanc

ZRC SAZU - Research Center of Slovenian Academy of Sciences and Arts

Anton Melik Geographical Institute

Gosposka 13

SI-1000 Ljubljana

T: 00386 (0)1 4706352

E: mateja.smid@zrc-sazu.si

Romina Rodela

Södertörn University

School of Natural Sciences, Technology and Environmental Studies

SE-141 89 Huddinge

Wageningen University and Research Centre

Laboratory of Geo-Information Science and Remote Sensing

T: 0039 334 99 63 658

E: rodelaromina@hotmail.com

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Publikacije SAZU >

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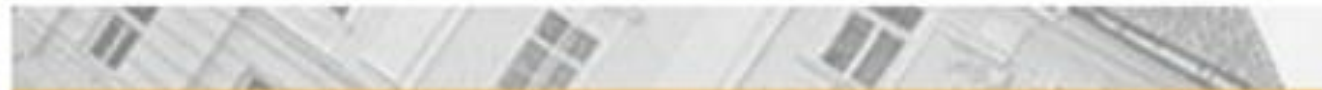
Uprava SAZU >

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Iskalnik

 po publikacijah**Poštni seznam**

Naročite se na zadnje novice in objave SAZU



Posvet o slovenskih agrarnih skupnostih

16. februarja 2016

Slovenska akademija znanosti in umetnosti in Biotehniška fakulteta vabita na

POSVET O SLOVENSКИH AGRARNIH SKUPNOSTIH,ki bo v torek, **16. februarja 2016, v Prešernovi dvorani SAZU, Novi trg 4, Ljubljana**

Agrarne skupnosti so edinstvena živa praksa, ki v slovenskem prostoru neprekinjeno deluje vsaj od srednjega veka dalje. Posebnost so tudi na evropski ravni, saj skupno gospodarjenje še vedno izraža delovanje skupnosti na podeželju pa tudi njen poseben odnos do zemlje in krajine. Zgodovinski preobrati in družbene spremembe v zadnjih stoletjih so agrarne skupnosti izrinili na obrobje veljave pa tudi iz formalnega priznanja tej posebni obliki lastnine. Danes v Evropi njihovem modelu sonaravnega gospodarjenja z viri namenjajo vse več pozornosti, ker je odporen na notranje in zunanje spremembe in skladen z načeli trajnostnega razvoja. Posvet je osredotočen v vrednotenje agrarnih skupnosti in njihovo oživetje v Sloveniji. Častni pokrovitelj poveseta je minister za kmetijstvo, gozdarstvo in prehrano RS Dejan Židan.

10:00 Otvoritev: Robert Zorec, tajnik IV. razreda SAZU

10:05 Pozdravna nagovora:

Dejan Židan, minister za kmetijstvo, gozdarstvo in prehrano RS

Ernest Petrič, ustavni sodnik

10:10 Prvi del

Andrej Udovč (BF), Mimi Urbanc (ZRC SAZU): Porazdelitev in obseg slovenskih agrarnih skupnosti

Andrej Hafner (MKGP): Institucionalni okvir agrarnih skupnosti, razvoj in stanje

Nevenka Bogataj (ACS): Oživljanje po sedmih razvojnih prelomnicah

12:00 Drugi del

Paolo Grossi (ustavni sodnik, Rim, Italija): Agrarne skupnosti - posebna oblika posedovanja

Rudi Šimac (Zveza AS): Kaj se lahko naučimo iz poosamosvojitvenega obdobja?

Karlo Grgič (podpreds. dr. Consulte sk>Lastnine): Sporočila prostora, nekoč razdeljenega z mejo

13:30 Razprava s poudarkom na vprašanju »kako naprej«?

Organizacijski odbor: prof. dr. Andrej Udovč, prof. dr. Janez Krč, dr. Nevenka Bogataj. Posvet bo potekal v slovenskem jeziku. Zagotovljeno je prevajanje predstavitev g. Grossija. Kotizacije ni. Zaradi omejenega števila mest vujodno prosimo, da svojo udeležbo prijavite najkasneje do 20. januarja 2016 na e-naslov nevenka.bogataj@gmail.com.

Vujodno vabljeni!

Vsebina





From restitution to revival: A case of commons re-establishment and restitution in Slovenia

Tine Premrl^a, Andrej Udovč^{a,*}, Nevenka Bogataj^b, Janez Krč^a

^a Biotechnical Faculty, University Ljubljana, Slovenia

^b Slovenian Institute for Adult Education, Ljubljana, Slovenia

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ABSTRACT

Agrarian commons in Slovenia share a common historical origin with other countries. In the twentieth century, commons in some of these countries experienced traditional management institutions and nationalising their property. During 1990s, one third of former agrarian commons were re-established and restituted. We evaluate the response of three different types of agrarian commons (forest, pasture, and meadows) from three different landscapes (Alps, Pannonia and Mediterranean) in the context in which the commons were restituted. We use the upgraded version of Ostrom's framework to evaluate the ability of the legal framework to enable the robustness of these historical institutions. We find that governments misunderstood commons and tried to impose rules which are not suitable for commons. In the case of Slovenian agrarian commons, we found that the legal framework of agrarian commons and thus affects their efficiency in resource governance. Without the legal framework, the present situation can lead to the decay of these historical institutions.

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1. Introduction

Social and political changes in ex-socialist countries of Central and Eastern Europe (CEE) in the 90's included the transition from planning to market system via the processes of privatisation and restitution (Bouriaud and Schmithüsen, 2005). Restitution is defined as a process which addresses dispossession that has taken place under colonialism and/or socialism (Fay and James, 2009). Land restitution brings the past into the present (Larson et al., 2008). In this process we have, on one side, a community of rightful claimants who often have high expectations regarding the valorisation of their restituted property rights, and on the other side, the state as a key actor which is often 'both playing the game and making the rules' (Fay and James, 2009).

As the other CEEs, Slovenia also shifted its political orientation towards democracy and the market economy. One of the set goals in this transition process was to repair the injustices caused by the Yugoslav government's dispossession/nationalisation of properties after World War II (WWII). In Slovenia, in addition to larger properties of different ownership origins, restitution processes have also included agrarian commons' properties and rights. As in Slovenia commons were also restituted in other countries which experienced socialist regimes, such as Hungary, the Czech Republic, Slovakia (Oravska and Chobotova, 2006)

and Romania (Mantescu and Vasile, 2009). Commons in other countries with commons has been studied in different contexts (Wily, 2000; Cellarius, 2003; Lawrence and Ostrom, 2008). Slovenian agrarian commons share a common historical background with some of the CEE countries. The process of Monarchy land reforms from the 19th century included a part of it.

Common use of land under different political and legal arrangements has a long history in the territory (Ostrom, 1960; Bogataj and Krč, 2014) and has always been studied by legal theoreticians and governments (Britovšek and Udovč, 2014). The legal frameworks of the commons are different from those of the private law traditions.

A Latin proverb says that co-ownership is a common property. Researchers in the twentieth century developed the concept of 'tragedy of commons' (Hardin, 1968). This economic theory is based on the assumption that individuals, acting independently and rationally according to each one's self-interest, act contrary to the group's long-term best interests. The result of satisfying self-interests leads to depleting the common resource. The theory was explained in the case of a pasture open to all where herdsman, on the basis of individual rational economic decisions, depleted the common resource by overgrazing the pasture. The theory was subsequently heavily criticized (Ciriacy-Wantrup and Bishop, 1975; Ostrom et al., 1999). Hardin later explained that his theory refers to unregulated commons (Hardin, 1998).

Sum of our personal bibliographies on the topics of commons holds more than 50 units „produced“ in the time of the COST Action!

* Corresponding author at: Jamnikarjeva 101, 1000 Ljubljana, Slovenia.
E-mail address: andrej.udovc@bf.uni-lj.si (A. Udovč).

HIGHLIGHTS

- ❑ We presuppose that **agrarian commons in Slovenia follow similar principles** of natural resources management as other forms of common management described in the **theory of commons**
- ❑ We evaluate the **legal framework** in which agrarian commons in Slovenia were re-established and their properties were restituted.
- ❑ According to **design principles** robustness of agrarian commons is affected.
- ❑ Members of agrarian commons in Slovenia are not necessary resource users.
- ❑ **The more flexible legal framework could enable agrarian commons to reach higher level of robustness.**

DESIGN PRINCIPLES

- To **assess the robustness** of CRP institutions, the commons governance design principles approach was developed
- We understand the robustness as **“the maintenance of some desired system characteristics despite fluctuations in the behaviour of its component parts or its environment”**
- These principles have been believed to affect the success of self-organized governance systems, including **effective communication, internal trust and reciprocity, and the nature of the resource system as a whole.**

LAND TENURE CHANGES OF AGRARIAN COMMONS AS RESULT OF POLITICAL SYSTEM CHANGES IN THE TRANSITION COUNTRY

- Paper with a status „under construction“
- Research focus:
 - Legal framework of a different political system in the relation to the naturel resource
 - Content of „ bundle of rights“
 - Relation between the titleholders (user) and something of value (resource) against all others
 - Land tenure regime - „commons“
 - CEEC country Slovenia
 - Time frame – last 200 years

7. DS „Minimal recognition of rights to organize: The rights of appropriators to devise their own institutions are not challenged by external governmental authorities.“

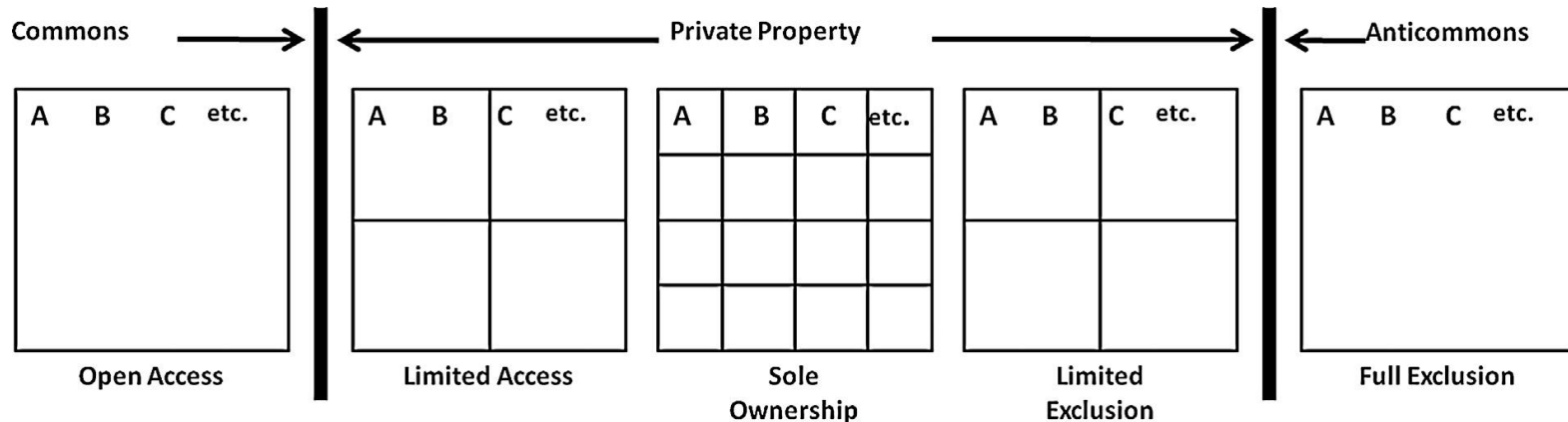
NOT

"My fellow Americans, ask not what your country can do for you, ask what you can do for your country.,,

BUT

*evaluate what „a country“ did to enable **users** to use a **resource***

THEORETICAL FRAMEWORK



Heller, M. A. (1999). "The boundaries of private property." The Yale Law Journal **108**(6): 1163-1223.

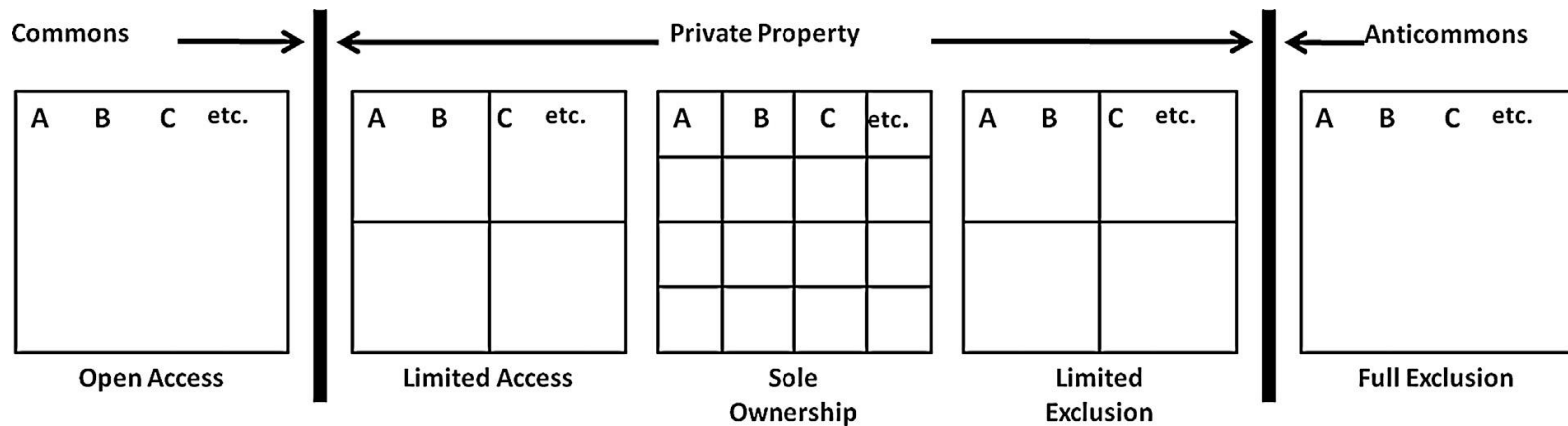
Heller, M. (1998). "The Tragedy of the Anticommons: Property in the Transition from Marx to Markets." Harvard Law Review **111**(3): 621-688.

Hardin, G. (1968). "The tragedy of the commons." Science **162**(3859): 1243-1248.

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

Cox, M., G. Arnold, et al. (2010). "A review of design principles for community-based natural resource management." Ecology and Society **15**(4): 38.

THEORETICAL FRAMEWORK



Lopes, L. F. G., J. M. R. dos Santos Bento, et al. (2013).
"Institutionalization of common land property in Portugal: Tragic trends between “Commons” and “Anticommons”.” Land Use Policy 35(0): 85-94.



PRELIMINARY FOUNDLINGS

- History shows us that “the only thing that is constant is change” and land tenure rights are not immune to that.
- Historical milestones can be placed at the change of political system who often redefined land tenure relationship between *the titleholders with regard to something of value against all others*
- Among other countries, countries of Central and Eastern European (CEEC) were in the last century several times affected by the rapid political system changes which have completely changed a course of previous land tenure policy

PRELIMINARY FOUNDLINGS

- Underutilization of the resources it seems to be a more concerning factor in today commons (and not the classical problems of over tragedy over exploitation in commons).
- It looks that the commons as a land tenure regime is in practice and by theory (not immune to behavior changes detected by researchers among others land tenure regimes).
- In the stable political environment continuous development of tenure relations is possible and more adaptive.

HVALA ZA POZORNOST !

Tine Premrl

premrl.tine@gmail.com