

From open access to a regime of mixed common- and private property: Indigenous appropriation and regulation of the fodder tree *Euphorbia stenoclada* in southwest Madagascar

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The research presented here deals with the long-term development of the common-property regime for the important fodder tree *Euphorbia stenoclada* used by pastoralists in southwest Madagascar. While open access and the absence of use rules dominated the use of the trees in pre-colonial times, the institutional setting has changed over the decades. Driven by a growing scarcity of the resource, individual users started to claim private property rights on certain stocks. As a reaction, the users organized in village communities have struggled their way through a process of creating new community-based arrangements which define a proper usage and most importantly restrict private property rights and declare certain stocks as inappropriable commons.

The qualitative case study traces the processes of appropriation and regulation and analyzes the factors influencing the procedures and their outcomes. A framework for institutional change (Ensminger 1992) is used for exploring the interplay and changes in the constellation of the users' organization, formal and informal institutions and ideology, collective action and bargaining power and behavior of individual actors. Field research was carried out in 2012 and 2013 and is based on open, semi-structured and structured interviews with pastoralists and local authorities in over 20 villages in the Mahafaly Plateau region.

The results indicate that individual appropriation has started in the 1960th, gathering pace after 2000 and leading to the development of a regional market for harvesting rights. While some claims for private property rights have for ideological reasons always lacked social acceptance, the majority of has been widely tacitly accepted by the village community and later de jure legitimized. The rights got established by an unnoticed evolution ending in a fait accompli difficult to undo. At the same time, the local society' focus on ancestors' rules, norms and taboos and their value for maintaining harmony and avoiding open conflicts first hampered the creation of regulative institutions and later hindered their successful enforcement. This constellation of informal institutions and ideology, paired with the ongoing transition of the local society towards commodification and individualization, made the appropriators winners in the bargaining process over the way the property rights regime evolved. Today, appropriation has reached a dimension which in the world view of most villagers is not good for the society.

The case study gives an example how an indigenous resource regime evolves when the socio-economic and ecological context changes and the old regime does not fit anymore. In this case, the outcome of the adaptation is not fitting the needs of the society, but results from a bargaining process where individual actors use their power resources in order to push through their claims. Their rich power resources are mainly not economically founded, but derive from a power vacuum on side of the village communities and their authorities, and from a general floating of the society between traditional norms and values and influences from the outer world.

The study stresses the importance of the interplay between bargaining power and informal institutions and ideology in the emergence and outcome of community-based arrangements.