

The Common Property Resource Digest

NO. 72 QUARTERLY PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR THE STUDY OF COMMON PROPERTY March 2005

We proudly present a Special Issue of the CPR Digest on **The Digital Commons**. It appears thanks to the passion, knowledge and hard work of our IASCP Information Officer, *Charlotte Hess*, with some help from *Alyne Delaney* and *Andrew Reveille*. But it is more than just interesting information, it also places a demand on you. Take a close look at page 8! Yes, You! We can be better commoners as well as scholars. In fact, we see this issue as so important that the Digest has been asked to relay *a special message from the IASCP Council*:

“Why should I join the IASCP? I can get all the benefits that members get except the Digest, and I can usually get a copy of that, as well!” someone recently asked. It’s ironic that an organization that studies free riders should have so many. Well now we’re the ones promoting open access—of our Digest! *This is the first time that the Digest will be immediately available on the Web to everyone member or not!* So if we can make the Digest open access, maybe there are other publications out there that could be too! Just see page 8.) OA (

You would think we would know better. Or maybe we do? Those who study how people manage the commons also know that narrow economic benefits aren’t everything. People contribute to maintaining, say for example, their local forest for a host of reasons—being part of a community, affirming a common identity, contributing to a larger good. That’s why hundreds of people belong to the IASCP. We want to be part of this exciting community of scholars and practitioners working on all sorts of commons issues—including, now, the information commons. We want to participate. We want to promote and present at a regional meeting or at the next biennial meeting in Bali (YES, you can take a trip to Bali for a Larger Good!). We want to see an open access, peer reviewed electronic journal on the commons become a reality. We want our dues to help expand this community, so that students, scholars and practitioners in developing countries can participate.

So **Enjoy!** And while you’re reading, check out the form on page 15 to continue your membership in this vibrant community.

Finally, the issue concludes with a message from IASCP President *Narpat Jodha* and his current reflections on the IASCP role.

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Copyright <i>Charlotte Hess and Andrew Reveille</i> ..8	If you haven’t been paying attention, it may be hard to realize what a huge and pressing subject the issue of open access of information has become in the past few years. There are hundreds of conferences around the world and literally thousands of articles on the subject every year. What’s the big deal? Only the future of scholarly and scientific information!
Indigenous Knowledge <i>Alyne Delaney and Charlotte Hess</i> 10	It must first be noted that <i>open access to information</i> is a horse of a much different color than <i>open access to land or water</i> . In the latter case, as all of you know, open access can mean a free-for-all, leading to overconsumption and depletion – the classic tragedy of the commons scenario. With information – and here we are focusing on distributed, digital information, the resource is nonrivalrous. Open access in the information ecosystem means free and unfettered access, without costs or permissions. Instead of having negative effects, open access of information provides a universal public good: the more quality information, the greater the public good.
Important Articles for Further Reading <i>Charlotte Hess</i> 11	This article aims to introduce you to the important issues about copyright and open access; to convince you that providing open access to your research is a right and a responsibility; and to provide concrete informa-
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The Common Property Resource Digest

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tion and instructions so that all of you can easily contribute and enrich the global information commons. This is a push for institutional change, commoners, because few of you see yourselves as archivists, publishers, or librarians. But you must begin to take an active role in freeing information. The information that the world needs and values is in your hands.

The Crisis in Scholarly Information

One of the most important bases of societal well-being, the scholarly communication system, is under siege. The free flow of information and discovery is severely threatened. It is a silent crisis. It has been developing incrementally during the last several decades. But for many faculty members, it has not yet become an urgent reality because it has been so slow in developing. In fact, a system that worked well for most of the 20th century is falling apart. If it is not addressed soon, the crisis in scholarly communication may have a devastating impact on research and scholarship.

From [Scholars Under Siege](#)

For many years there has been a rising crisis in scholarly communication. Journal prices have skyrocketed and libraries' purchasing power – no matter how wealthy the institution – has continued to decline, with a projected decrease of library purchasing power from 1995 to 2007 of 80% (Hawkins 1998). Even the most well-stocked libraries are forced to cancel their journal subscriptions year after year, in response to a financially unsustainable system, where the average price of a subscription to a scholarly journal was [shown to have more than tripled](#) between 1986 and 2000. In addition, digital information is much more fragile than hardcopy books and journals. Libraries used to own their collections and had control over their preservation. Now, more and more of the collections are in digital format. These collections are licensed, not owned. When the subscription license ends, there is no permanent collection of back volumes. Many subscription contracts limit usership and restrict interlibrary loan.

Digital information can easily and quickly be withdrawn, as has happened with thousands of "public documents" on U.S. government websites after 9/11. It can lack authority, as with a lot of online medical information. It can disappear as with certain bibliographic databases that publishers decide to no longer make available.

IPR legislation, such as the Digital Millennium Copyright Act (DMCA), 1998, and the European Union Directive on Databases (EUDD), 1996, threaten traditional access to information. The DMCA established new copyright laws for digital information. Circumnavigation technology to allow "Fair Use" for educational purposes is illegal with digital information. Certain types of information that used

to be in the public domain are now copyright- or patentable. The EUDD privatizes information that traditionally was in the public domain.

Tracking the legislation on copyright and the use of digital information is a big challenge. Here is a selected list of the most relevant and important legislation list by the American Library Association Washington Office:

- [Anti-Piracy Legislation](#)
- [Broadcast Flag](#)
- [Complete Copyright Education](#)
- [Copyright Articles](#)
- [Copyright Court Cases](#)
- [Copyright Legislative Agenda](#)
- [Public Domain Enhancement Act](#)
- [Database Protection Legislation](#)
- [DMCA: The Digital Millennium Copyright Act](#)
- [DRM: Digital Rights Management](#)
- [Distance Education and the TEACH Act](#)
- [Fair Use and Electronic Reserves](#)
- [Fair Use Legislation](#)
- [Legislation Flash Reports](#)
- [Library Copyright \(separate site\)](#)
- [Open Access to Research](#)
- [UCITA: The Uniform Computer Information Transactions Act](#)

International Copyright

- [The Hague Convention and Copyright](#)
- [Free Trade Area of the Americas Agreement](#)
- [Bi-Lateral Free Trade Agreements](#)
- [UNESCO Convention On Cultural Diversity](#)
- [World Trade Organization](#)

The crisis in scholarly communication is compounded by the steady commodification of academia. Universities are increasingly intertwined with corporate interests. In the U.S., since the Bayh-Dole Act, universities have been patenting publicly-funded inventions and discoveries. Much is being written on the enclosure of “open science.”

While scientific research, particularly in the environmental sciences, is, of necessity, becoming more collaborative and more international, the global digital divide quickly separates the information haves from the have nots. In many parts of the world library collections have been devastated by war and poverty.

Rising prices, restricted use, diminishing or depleted collections, fragile sources, unsustainable practices –all

contribute to the enclosure of the *information commons*, which was the focus subject of the [June 2003 Digest](#).

The Solution to the Crisis: Open Access (OA)

There is one solid antidote to this crisis: **open access**. Open Access is barrier-free sharing of research results with colleagues worldwide. This digital exchange enlarges our audience and increases our impact. The following argument about open access applies to scholarly information that is created for impact, not profit. It does not apply to works which help support the author or artist’s career, as with much music and art. But most of you are not in that category. A university, institute, or organization pays your salary that obviates your having to rely on your publications for your income. OA advocate, Steven Harnad, makes the distinction between “give-away” and “non-give-away” literature. Researchers don’t usually expect a fee or royalties for their work.

Peter Suber, a philosophy professor and perhaps the leading expert on OA wrote in *Nature* (June 2004)

“So even though readers, libraries, universities, foundations, and governments have their own perspectives on OA those that support the concept can guide, help or nudge authors. In this sense, authors have primacy in the campaign for OA, and the single largest obstacle to OA is author inertia or omission...Each individual author has within his/her capacity to make their work openly accessible. Most don’t, it is speculated, because they are not informed.

There are several ways that authors can make their work freely accessible online:

1. By publishing your work in open access journals There are now over 1000 peer-reviewed, open-access journals (See Box A on Page 4)
2. By submitting their **postprints** (published, peer-reviewed papers) to an Institutional Repository or a OA Digital Library
3. By submitting their **preprints** (working papers) to an IR or DL.

) OA (

Rationale for Open Access

Visibility and Impact

OA is a recent phenomenon, only made possible by digital media. It has been calculated that citation rates for online articles are significantly higher (measured as high as 286%) than for traditional journal articles. Since researchers generally write for impact, rather than money, increased citation rates further the professional reputation and careers of the authors. This visibility also benefits the home institutions, locally, as well as the worldwide community researchers. See Box B (Page 5) to find references to all of the major visibility studies to date.

Open Science

Open science is the tradition of scholars freely exchanging information and knowledge, leading to new discoveries growing out of older ones. This is Newton's conception of "standing on the shoulders of giants." But high prices and poor access to scholarly journals are rapidly eroding this tradition.

Distinguished scholar Arturo Gomez-Pompa recently wrote:

It seems to me that something very wrong is happening to scientific publications. They are becoming expensive and, as a result, out of reach of students and scientists from developing countries. I believe that something has to change. As scientists, we want our articles to be read, discussed, and reproduced as many times as possible...Scientists need to consider seriously the Open Archives Initiative for biodiversity publications. We need to make our work accessible to the world... "Gomez-Pompa, A. 2004. "The Role of Biodiversity Scientists in a Troubled World." *BioScience* 54(3):217-225. p. 224

Likewise, a leading scientist addressed a conference in India:

"Scientists in such [developing] countries need to find a more radical response by harnessing the new opportunities provided by information and communication technologies (ICTs). We need to break away from the existing model of publishing and communicating scientific knowledge. One way of doing

this is to embrace the 'open-access' approach being promoted by the Budapest Open Access Initiative with its two complementary strategies of setting up interoperable open archives and promoting open-access journals. <http://ncsi.iisc.ernet.in/pipermail/lis-forum/2004-March/000692.html>

Bridging the Digital Divide

The digital divide is more than the gap in digital access between industrialized and developing countries. It is a gross imbalance between information from the "north" and information from the "south. The gap is reflected in the predominantly western content and languages of the Internet. Bridging the divide won't happen by western information being taken *off* the web. It can only happen by putting a large amount of indigenous and scientific information from Africa, Asia, and Latin America *on* the web.

The President of the African Academy of Languages, H.E. Adama Samassekou spoke eloquently in favor of open access for Africa in November 2004 "Open access for all, constitutes at the same time, an intellectual requirement, an economical necessity, and a duty of human solidarity!" <http://www.wsis-si.org/CODATA/codata-samassekou-en.pdf>

Open Access would let transition & developing countries have free access to scientific knowledge, an absolute and fundamental requirement to build an effective education system, and to provide the basis of a sustainable intellectual and economical development. It would also help emergent countries to start Scientific Journals on their own. Only historical inertia keeps the current situation as it is now <http://www.wsis-si.org/si-events.html>.

Preservation and Sustainability

It has been estimated that the average lifespan of a URL is 44 days. Depositing eprints into trusted repositories and digital libraries helps preserve the scholarly record. Likewise, supporting OA journals makes good economic sense. OA journals archives are sustainable because they are so inexpensive. There are many systems of open-source software to build and maintain them. Many operate on a business model. Some journals charge the authors' university

Box A:

Directory of Open Access Journals

<http://www.doaj.org/>

DOAJ covers free, full text, quality controlled scientific and scholarly journals. It aims to cover all subjects and languages. (As of March 1, 2005) there are **1479** journals in the directory. Currently **378** journals are searchable at article level. As of today **70134** articles are included in the DOAJ

Example: [Ecology & Society](#)

This journal provides open access to all of its content on the principle that making research freely available to the public supports a greater global exchange of knowledge. Such access is associated with increased readership and increased citation of an author's work. For more information on this approach, see the Public Knowledge Project which has designed this system to improve the scholarly and public quality of research, and which freely distributes the journal system as well as other software to support the open access publishing of scholarly resources.

Other Sample titles:

[The Global Review of Ethnopolitics](#)

[Law and Contemporary Problems](#)

[Revista de Sociologia e Política](#)

[VertigO - La revue électronique en sciences de l'environnement](#)

or institute to publish the article. With this model, the institution is paying for the outgoing articles rather than incoming journal articles into the library. Other OA journals charge a fee to the authors in order to publish.

The Open Society Institute has announced a new grants program for open access journals. The program, part of the Budapest Open Access Initiative <http://www.soros.org/openaccess/index.shtml> will support publication of research by authors from developing and transition countries,

building upon a successful pilot project in 2002 that provided grants to 34 open access journals. To support open access and the international scholarly community, OSI will provide \$50,000 in funding to support the publication in open access journals of articles by authors residing and working in countries where the Soros foundations network is active.

http://www.soros.org/initiatives/information/news/openaccess_20041004

• OA is time-consuming, complicated, and a pain in the neck.

It is true that author noncompliance is the single greatest barrier to OA! Providing preprints and postprints online is just a matter of practice. Too busy to register (free) and submit your eprint to the Digital Library of the Commons? Send your word file to us at dlc@dlib.indiana.edu and we will convert it to .pdf and mount it on the website for you.

Box B

[The Open Citation Project](http://opcit.eprints.org/)

<http://opcit.eprints.org/>

Reference Linking and Citation Analysis for Open Archives

This website contains the best list of impact studies on open access at:

The Effect of Open Access and Downloads on Citation Impact:

[A Bibliography of Studies](http://opcit.eprints.org/oacitation-biblio.html)

<http://opcit.eprints.org/oacitation-biblio.html>

See especially:

Harnad, S. and Brody, T. (2004a) "Comparing the Impact of Open Access (OA) vs. Non-OA Articles in the Same Journals." *D-Lib Magazine*, Vol. 10 No. 6, June 2004

<http://www.dlib.org/dlib/june04/harnad/06harnad.html>

Brody, T., et al. 2005 "Citation Impact of Open Access Articles vs. Articles Available Only Through Subscription ('Toll-Access') with Downloadable Graphs of '% Articles OA' and '% OA Advantage' by Discipline and Sub-discipline."

http://citebase.eprints.org/isi_study/

Collective Action Initiatives for Open Access

The momentum for Open Access worldwide has been steadily growing over the past five years.

The Open Archives Initiative

was launched in 1999. It develops and promotes **interoperability standards** that aim to facilitate the efficient dissemination of content. OAI creates protocols for metadata harvesting which means that one search (on Google, for example) will pull up all the relevant hits in all OAI-compliant

archives, repositories, and digital libraries. <http://www.openarchives.org/index.html>

Myths about Open Access

• OA negates or gets in the way of peer-review

On the contrary, OA enhances the visibility of peer-review. 92% of journals now allow author self-archiving of journal articles because they have learned that self-archiving increases visibility and sales.

• OA is not allowed by publishers

If you happen to publish in one of the 8% of the journals restricting self-archiving, you can still self-archive your preprint. See: <http://www.ecs.soton.ac.uk/~harnad/Temp/Romeo/romeosum.html>

• OA works are not copyrighted

Some authors choose to put their works into the public domain (see Creative Commons below) but most choose to copyright their OA works.

The Scholarly Publishing and Academic Resources Coalition (SPARC)

is an alliance of universities, research libraries, and organizations built as a constructive response to market dysfunctions in the scholarly communication libraries. SPARC serves as a catalyst for action, helping to create systems that expand information dissemination and use in a networked digital environ-

ment while responding to the needs of scholars and academe. <http://www.arl.org/sparc/index.html>

Open Access News

Maintained by Peter Suber, these two resources on open access are invaluable:

Open Access News (Formerly Free Online Scholarship

<http://www.earlham.edu/~peters/fos/fosblog.html>

SPARC Open Access Newsletter

<http://www.earlham.edu/~peters/fos/newsletter/archive.htm>

Budapest Open Access Initiative 2001

The Initiative begins:

“An old tradition and a new technology have converged to make possible an unprecedented public good. The old tradition is the willingness of scientists and scholars to publish the fruits of their research in scholarly journals without payment, for the sake of inquiry and knowledge. The new technology is the internet. The public good they make possible is the world-wide electronic distribution of the peer-reviewed journal literature and completely free and unrestricted access to it by all scientists, scholars, teachers, students, and other curious minds. Removing access barriers to this literature will accelerate research, enrich education, share the learning of the rich with the poor and the poor with the rich, make this literature as useful as it can be, and lay the foundation for uniting humanity in a common intellectual conversation and quest for knowledge.”

<http://www.soros.org/openaccess/>

Bethesda Statement on Open Access Publishing (2003)

Issued by a groups of researchers in order to encourage their organizations sponsor and nurture scientific research to promote the creation and dissemination of new ideas and knowledge for the public benefit. <http://www.earlham.edu/~peters/fos/bethesda.htm>

Berlin Declaration on Open Access to Knowledge in the Sciences and Humanities (2003)

was drafted “to promote the Internet as a functional instrument for a global scientific knowledge base and human reflection and to specify measures which research policy makers, research institutions, funding agencies, libraries, archives and museums need to consider. <http://www.zim.mpg.de/openaccess-berlin/berlindeclaration.html>

World Summit On the Information Society (WSIS)

<http://www.itu.int/wsisis/>

WSIS was organized by the UN. The **WSIS Declaration of Principles** begins:

“We, the representatives of the peoples of the world, assembled in Geneva from 10-12 December 2003 for the first phase of the World Summit on the Information Society, declare our common desire and commitment to build a people-centered, inclusive and development-oriented Information Society, where everyone can create, access, utilize and share information and knowledge, enabling individuals, communities and peoples to achieve their full potential in promoting their sustainable development and improving their quality of life, premised on the purposes and principles of the Charter of the United Nations and respecting fully and upholding the Universal Declaration of Human Rights.”

<http://www.itu.int/wsisis/docs/geneva/official/dop.html>

Public Knowledge

<http://www.publicknowledge.org>

Public Knowledge (PK) is a US group of lawyers, technologists, lobbyists, academics, volunteers and activists “dedicated to fortifying and defending a vibrant information commons. “PK monitors the US Congress, Agencies, State Legislatures and International Bodies for any proposed legislation or policy that relates to intellectual property or technology policy. It also runs the Open Access Project promotes the free and unrestricted world-wide electronic distribution of peer-reviewed journal literature; the Creator’s Project works to make copyright and technology work for artists; the Global Knowledge Initiative “champions the public’s stake in international intellectual property rights.”

The Conservation Commons

Formerly called the “Biodiversity Commons”, this is an important initiative that recognizes the necessity of free and open access to information in all areas of environmental and conservation science. On May 25 and 26, 2004, a group of 48 representatives from 27 organizations met at the Headquarters of IUCN - The World Conservation Union – in Gland, Switzerland, with the goal of exploring the establishment of a new paradigm for the sharing of conservation-related data, information and knowledge – a global knowledge “commons”. Participants in the meeting included representatives from the conservation and scientific communities, multilateral organizations, indigenous people, and the private sector, who recognized the potential of this initiative to improve informed decision

Box C:

The Conservation Commons

<http://conservationcommons.org/principles.htm>

Supporters agree to the following:

Principle 1 Open Access

The Conservation Commons promotes free and open access to data, information and knowledge for conservation purposes.

Principle 2 Mutual Benefit

The Conservation Commons welcomes and encourages participants to both use resources and to contribute data, information and knowledge.

Principle 3 Rights and Responsibilities

Contributors to the Conservation Commons have full right to attribution for any uses of their data, information, or knowledge, and the right to ensure that the original integrity of their contribution to the Commons is preserved. Users of the Conservation Commons are expected to comply, in good faith, with terms of uses specified by contributors and in accordance with these Principles.

making as well as to accelerate the drive towards achieving the 2010 Target on Biodiversity adopted by the global community in the Johannesburg Declaration. The meeting generated a highly constructive exchange of ideas on the notion of a Conservation Commons. A draft statement of principles was developed through discussion and dialogue, and subsequently revised by the interim steering committee for the Conservation Commons established during this meeting (Box C above).

Institutional repositories and digital libraries

An institutional repository is a digital, open access facility generated by a university or other home institution. Content usually includes working papers (preprints) articles, enduring teaching materials, dissertations and theses, slides, images, etc. Since the development at MIT of a new, open source software for repositories, called *D-Space*, IRs are rapidly spreading throughout the world. They expand access and greatly increase the impact of research. They also increase visibility of the home institution. Facilitating the evolution of open access to scholarly information, IRs add to the global commons of trusted, interoperable, distributed scholarly information.

Digital Libraries are online facilities that can contain the same kind of content as IRs but are usually discipline-focused rather than institution-focused. The Digital Library of the Commons (DLC) <http://dlc.dlib.indiana.edu> is a prime example. It uses open source software, E-

prints, and is OAI compliant. See more on the DLC below.

Both IRs and DLs are easily sustainable. With an initial setup of open-source software and OAI protocols, and some institutional server space, maintenance is not difficult. Depositing new articles takes only a few minutes, and can be done by individual authors, not archive managers.

There are many helpful resources for setting up IRs and DLs. See, for instance, the SPARC Institutional Repository Checklist & Resource Guide by Raym Crow at http://www.arl.org/sparc/IR/IR_Guide.html

Open Source Software

EPrints software <http://software.eprints.org/> was the first open source software for digital libraries, specifically designed for “refereed research literature online through author/institution self-archiving.”

DSpace <http://www.dspace.org/> is rapidly becoming the OS of choice because it is designed to accept other media besides text, such as video, multimedia, etc.

Greenstone <http://www.greenstone.org/cgi-bin/library> is also a very attractive software for a digital library or IR.

Exemplary Open Access Facilities

Bioline International <http://www.bioline.org.br/> is a not-for-profit electronic publishing service committed to providing open access to quality research journals published in developing countries. BI’s goal of reducing the South to North knowledge gap is crucial to a global understanding of health (tropical medicine, infectious diseases, epidemiology, emerging new diseases), biodiversity, the environment, conservation and international development. With peer-reviewed journals from Brazil, Cuba, India, Indonesia, Kenya, South Africa, Uganda, Zimbabwe and to come, BI provides a unique service by making bioscience information generated in these countries available to the international research community world-wide.

SciELO <http://www.scielo.org/> hosts open access journals published in Latin American countries, mainly Brazil, Chile, and Cuba.

BioMed Central <http://www.biomedcentral.com/home/> is an independent publishing house committed to providing immediate free access to peer-reviewed biomedical research. All the original research articles in journals published by BioMed Central are immediately and permanently available online without charge or any other barriers to access. This commitment is based on the view that open access to research is central to rapid and efficient progress in science and that subscription-based

access to research is hindering rather than helping scientific communication.

Public Library of Science <http://www.plosbiology.org>
PLoS Biology features works of “exceptional significance” in all areas of biological science, from molecules to ecosystems, including works at the interface with other disciplines, such as chemistry, medicine, and mathematics. All works published in the *PLoS Biology* are open access. Everything is immediately available without cost to anyone, anywhere — to read, download, redistribute, include in databases, and otherwise use — subject only to the condition that the original authorship is properly attributed. Copyright is retained by the author. More information on the PLoS license is available at <http://www.plosbiology.org/plosonline/?request=get-static&name=license>.

ArXiv.org <http://arxiv.org/> is the oldest e-print archive, serving the fields of physics, mathematics, non-linear science, computer science, and quantitative biology.

“It is an automated distribution system for research articles, without the editorial operations associated to peer review. As a pure dissemination system, i.e., without peer review, it operates at a factor of 100 to 1000 times lower in cost than a conventionally peer-reviewed system. This is the real lesson of the move to electronic formats and distribution: not that everything should somehow be free, but that with many of the production tasks automatic or off-loadable to the authors, the editorial costs will then dominate the costs of an unreviewed distribution system by many orders of magnitude.”

Over 300,000 eprints have been deposited since 1991!
eScholarship Repository, University of California
<http://repositories.cdlib.org/escholarship/> contains around 6200 eprints (preprints and postprints) as of March 2005.

Digital Library of the Commons (DLC) <http://dlc.dlib.indiana.edu> is your archive/library/repository!
There are now over 1100 full-text articles, conference and working papers, and dissertations. The single biggest obstacle to a larger volume of content is author non-compliance at the individual level. Of the 1100+ documents, 936 are papers from IASCP conferences. But very few authors self-archive their papers at this time. *We hope that this issue of the Digest will motivate many of you to submit your preprints and postprints.*

Futher Information about the Topics in this Special Issue

A list of citations will appear in the online version of the Digest. Readers may also e-mail Charlotte at hess@indiana.edu for further information on any of the topics discussed in the special issue.

Coming this year to the DLC:

- Full-text searching
- Image database from commons field research
- The *Comprehensive Bibliography of the Commons* was last updated in April 2004 with 39,888 citations and 6200 abstracts. This April it will contain over 43,000 citations and 8200 abstracts

Submit as many of your research papers on the commons as you wish! And please give us feedback about the submission process. We want to make it as clear and painless as possible.

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The Digital Commons A CPR Digest Special Issue

Copyright

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Authors often do not know much about copyright and simply hand over their rights to publishers. Typically a publisher will ask you to sign a copyright/license agreement. The document’s purpose is to transfer to the publisher ownership of copyright in your work or otherwise convey to the publisher a bundle of rights, one of which is the right to publish your article.

The right to self-archive the refereed postprint is a legal matter, because the copyright transfer agreement pertains to that text. But the pre-refereeing preprint is self-archived at a time when no copyright transfer agreement exists and the author holds exclusive and full copyright. So publisher policy forbidding prior self-archiving of preprints is not a legal matter, but merely a journal policy matter. See: <http://www.eprints.org/self-faq/#self-archiving-legal>

Many experts in the field believe that the shift from print journals to some form of open-access electronic publication format is inevitable. Researchers can accelerate this process by posting their work, both pre- and post-prints, to institutional repositories such as the Digital Library of the Commons. Again, **the copyright provisions included in journal publishers’ contracts do not include pre-prints.** It is important to note the distinction between copyright and “embargo” policies (so-called Ingelfinger Rules, which do not allow publication of works made

public in any way); these embargo policies are not inscribed in law. Harnad and others recommend simply disregarding the embargo since publishers have no legal recourse in this matter. Because of mounting pressure, over 90 % of journals now allow self-archiving of postprints. But for those that do not, it is still possible to post the preprint. For articles published in journals with more restrictive copyright policies, authors may employ a **“pre-print + corrigenda”** strategy, where they post an additional file, which lists changes and additions, with the archived pre-print draft of the article. **This is a legal method that authors can use to regain control over their own work.**

More and more authors are adding **addenda to their copyright agreements**. There are many variations of these addenda available on the web. Indiana University offers two types of addenda drafted by professional legal scholars at http://www.copyright.iupui.edu/nego_doc.htm#adda. The Queensland University of Technology also offers a very helpful site at: <http://eprints.qut.edu.au/copyright.html>

Most sample addenda are written to address the author’s use of the postprint of the article. It is also recommended that authors retain rights to *translations* of their works in the same addendum. See Box One for helpful links to copyright guides.

Creative Commons

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Science Commons

The framers of the Creative Commons, in cooperation with scientists, learned societies, and funding organizations such as the National Science Foundation, have attempted to employ some of the same principles they applied to

copyright with scientific research and data. The Science Commons <http://science.creativecommons.org/> is concerned with two broad areas; opening access to research literature, and allowing for the sharing of raw data. In regards to research literature, the Science Commons adapts the existing Creative Commons by providing rights concerned with the self-archiving of pre- and post-prints, and the right to publish the same work in

multiple journals. Over the past few years, intellectual property rights have been gradually extended to cover unanalyzed scientific data because of the commercialization of scientific research. The developers of the Science Commons surmise that the data itself should not be covered by intellectual property rights because the innovation is generated using such a small percentage of it. In the very near future, the Science Commons intends to address this issue by creating a license for the sharing of raw scientific data sets.

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Box One:
Resources on Copyright for Authors

Suber, Peter. *Open Access Overview* – Clear, concise, authoritative, informative <http://www.earlham.edu/~peters/fos/overview.htm>

Project Sherpa A website dedicated to tracking publishers’ policies on copyright and self-archiving. Provides a searchable database <http://www.sherpa.ac.uk/romeo.php>

Scholarly Communication Toolkit: You Can Make a Difference <http://www.ala.org/ala/acrl/acrlissues/scholarlycomm/scholarlycommunicationtoolkit/faculty/faculty.htm>

Harnad, Steven. 2003. and Why to Free the Refereed Research Literature Online Through Author/Institution Self-Archiving, Now. <http://www.ecs.soton.ac.uk/~harnad/Tp/resolution.htm#1.4>

Copyright Management for Scholarship <http://www.surf.nl/copyright/keyissues/scholarlycommunication/agreements.php>

Acknowledgements for the Special Issue

The sections on open access and copyright draw from the numerous articles and papers of OA experts Peter Suber, Steven Harnad and the team at SPARC.

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The Digital Commons

A CPR Digest Special Issue

Indigenous Knowledge

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Interest in indigenous knowledge (IK), especially that of biological resources has been increasing over the last two decades, particularly with the advance of information technologies. Individuals, corporations, and nation states compete to file patents on discoveries learned from IK. The number of patents filed has steadily grown over the past ten years. Large transnational corporations like Monsanto, DuPont and others have been investing into biotechnology in such a way that patents have been taken out on indigenous plants which have been used for generations by the local people, without their knowledge or consent. The people then find that the only way to use their age-old knowledge is to [buy them back](#) from the big corporations. In Brazil, which has some of the richest biodiversity in the world, large multinational corporations have already patented more than half the known plant species. See: <http://www.globalissues.org/EnvIssues/GEFood/FoodPatents.asp>

Patent laws do not recognize indigenous knowledge and traditional systems of ownership. The UN HDP reports that two researchers from the University of Mississippi Medical Center were granted a US patent for using tumeric to heal wounds. This was, in essence, theft of a long-standing IK practice in India. In order to repeal the patent, petitioners had to produce an ancient Sanskrit text – to prove what was common knowledge to a whole culture! See *The Human Development Report 1999* http://hdr.undp.org/reports/global/1999/en/pdf/hdr_1999_ch2.pdf

There have been some attempts to safeguard IK. The United Nations Convention on Biological Diversity (1992), <http://www.biodiv.org/convention/articles.asp> recognizes the need to protect indigenous peoples' property rights and requires corporations to obtain prior consent before conducting research but this is often and easily overlooked. Signed by some 169 nations, CBD was drafted to arbitrate competing interests from bioprospecting, work towards the maintenance of national and international genetic stocks, and to introduce standards and ways of measuring genetic diversity. Signatory countries have

obligations to preserve native systems of IK, consult the holders of IK prior to its commercial use, and create appropriate systems to compensate the holders of IK equitably for their contributions.

Handbook on the Implementation of Conventions Related to Biological Diversity in Africa <http://www.unep.org/padelia/publications/handbook11.htm>

Negotiating Diversity: A Field Guide to the Convention on Biological Diversity <http://www.cesagen.lanacs.ac.uk/virtual/biodiversity/index.htm>

The WTO Agreement on Trade-Related Aspects of IPRs (TRIPS (1994) required member countries to protect intellectual property rights: copyrights, trademarks, designs, patents etc. but does not take into account local customs and laws. It is generally viewed as an industrialized world agenda. For a perspective from India, see <http://www.indiaonline.com/lega/feat/wtrr.html>

When the United Nations Draft Declaration on the Rights of Indigenous Peoples <http://www.cwis.org/drft9329.html> was signed in 1993 many indigenous groups were optimistic. Mathew Coone Come, Grand Chief of the Grand Council of the Crees wrote in 1995:

The Draft Declaration...began as a cry from the indigenous peoples for justice, and it is drafted to confirm that the international standards which apply to all peoples of the world apply to indigenous peoples. Every paragraph of the Draft Declaration is based upon known instances of the violations of the human rights of indigenous peoples.

Unfortunately, in reality there are no enforcement measures built into to treaty and there continue to be countless violations. See <http://www.nesl.edu/intljournal/vol6/leon.pdf>

Regional initiatives include the ASEAN Framework Agreement on Access to Biological and Genetic Resources (2000) <http://www.grain.org/brl/?docid=785&lawid=1261>, The Model Law Of The Organisation Of African Unity On Community Rights And On The Control Of Access To Biological Resources (2000) <http://www.twinside.org.sg/title/oau-cn.htm>, and the Andean Pact Decision 391: Common System on Access to Genetic Resources (1996) http://www.ipria.org/research/trad_know.html#Andean. Many individual nations have also been working to protect their native IK through legislation in the last five years. Despite the fact that there is as of yet no common or universal approach to the protection of IK rights, on a policy level, it is receiving significant attention, primarily from the governments of developing nations, where the most exploitable IK is

thought to lie. Much of the attention is focused in this debate on agricultural and medicinal IK, although cultural and expressive IK is commonly also addressed.

IK on the Web:

NUFFIC (Netherlands Organization for International Cooperation in Higher Education)

IK Pages <http://www.ik-pages.net/>

The “ Gateway to Indigenous Knowledge” with news, conferences, reports, newsletters, networks, organizations, projects, articles, journal information, and more. A very thorough site.

Register of Best Practices on Indigenous Knowledge <http://www.unesco.org/most/bpikreg.htm>

This site is hosted by UNESCO and NUFFIC. It has many links, arranged by region, then country

Traditional knowledge, genetic resources, folklore and biodiversity http://www.ipria.org/research/trad_know.html

This webpage at the the Intellectual Property Research Institute of Australia (IPRIA) website is an excellent overview of domestic, regional and international treaties, which aim to safeguard traditional knowledge

South Asian IK Digital Library

In January 2004, South Asian countries announced they create a digital library of the region's traditional knowledge and develop laws to prevent such knowledge being misappropriated through commercial patents. The plan was announced at a two-day workshop held in Delhi, India, last week by the South Asian Association for Regional Cooperation (SAARC). Participants at the workshop have begun drawing up a technical framework for classifying the region's traditional knowledge and linking it to the international patent classification system. The aim is to create a composite digital library comprising individual Traditional Knowledge Digital Libraries (TKDL) from each country in South Asia. Read More at <http://www.scidev.net/News/index.cfm?fuseaction=readNews&itemid=1840&language=1>

The International Federation of Library Associations and Institutions (IFLA) Statement on Indigenous Traditional Knowledge <http://www.ifla.org/III/eb/sitk03.html>

This statement was signed in 2002. It begins: ings have a fundamental right to access to expressions of knowledge, creative thought and intellectual activity, and to express their views publicly. IFLA acknowledges the intrinsic value and importance of indigenous traditional knowledge and local community knowledge, and the need to consider it holistically in spite of contested conceptual definitions and uses.

The Digital Commons

A CPR Digest Special Issue

Important Articles for Further Reading

Charlotte Hess
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General

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FROM THE PRESIDENT

IASCP and the Challenge of Managing Global Commons

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This note in a way represents loud thinking on usability of IASCP model (approaches/ processes/experience etc. underlying the CPR focused research, advocacy and decision, effectively used in dealing with local CPRs in many countries) to address the governance or management problems of global commons. For doing so, (i) first we identify the key features of approaches/processes focused on CPRs, facilitated by IASCP directly or indirectly; (ii) next we outline the major constraints to effective governance of global commons; (iii) finally, we try to see the indicative match or mismatch between (i) and (ii). The purpose of this note is not a scholarly message but some pre-mature ideas for sharing, developing or rejecting by CPR researchers.

1. The Uniqueness of IASCP as an International Association

When viewed through: the growth and diversity of its membership, the number of studies and publications on CPRs, number of scholars actively engaged in researching CPR issues, frequency and varied themes of meetings/workshops deliberating on operational and conceptual dimensions of CPRs at different levels, formal and informal exchanges and interactions between policy makers/practitioners and researchers concerned with CPRs, scholarly work on cutting edge issues in the field of CPRs and their links with larger socio-political and environmental contexts, promotion of concerns and action on CPRs including through interdisciplinary work, advisory input by CPR workers at different levels ranging from community based rural development to the mobilization of international opinions for governing global commons etc., IASCP (operating through its members at different levels) has made a remarkable progress in a short period.

The aforementioned achievements could be linked to some unique features of IASCP that distinguishes it from other international professional associations, which are often structured and operated as groups of learned citizens i.e. the

fora for distinguished scientists and scholars to discuss the vital problems of mankind with often little links with the relevant and functioning humanity on the ground. The two key attributes of IASCP as mobiliser and promoter of concern and action for CPRs include:

- (a) A collective and voluntary facility for building a CPR-fraternity comprising diverse stakeholders from different countries and socio-economic groups differing in terms of level of their formal education and articulation capacities, as well as disciplinary backgrounds; primary interests and responsibilities vis-à-vis the dimensions of CPR-work (e.g. field NGOs and activists versus university professors and policy-programme advisors) and finally level and type of planned or actual usage of CPR-learning (e.g. for academic or policy-programme purposes etc.). These structural features and associated functional arrangements promoted by IASCP facilitated regular interactions and exchanges between CPR-scholars and practitioners.
- (b) Continuous process of interactions and mutual learning promoted by IASCP between those engaged in research and practices covering different aspects of CPRs in different geographical and socio-cultural contexts through publication, CPR digest, web-site as well as (e.g. biennial conferences and regional workshops etc.), helped in building and harnessing of synergies between different stakeholders as an important factor in promoting IASCP as a movement. Field application of learning on CPRs emerged as a key outcome of features and processes mentioned above.

IASCP induced action on multiple fronts. Context specific policy advocacy and application of work on CPRs also grew side by side. Furthermore, the information, insights and understanding generated by CPR work strengthened the agenda of community organizations, NGOs etc. dealing with these resources at grass roots level. On the other hand this (including through constructive dissents) led to rapid conceptual refinements and work on cutting edge issues involving CPRs. Besides, CPRs found a place in the academic curricula of different universities and also became an important area of interest for several donor agencies engaged in rural development through community mobilization and collective action in the developing countries. Even a quick glance at different issues of CPR-Digest, papers for biennial conferences and regional workshops as well as the peer reviewed publications of IASCP members would support the above assessment.

2. Challenges of Global Commons

In the light of the above background, experience and achievement of IASCP (or CPR workers) an important question relates to usability of the same in developing governance systems for global common pool resource, such as global pollutions sinks, international waters, global

biodiversity flows and stocks, systemic environmental changes, internet space etc.

A relatively new field for the bulk of the CPR workers (researchers and practitioners), global common pool resources present a qualitatively different and larger challenge for IASCP and its workers compared to local CPRs. The first and foremost challenge of global commons consists of difficulties in ready applicability of IASCP approach (e.g. mobilisation of diverse stakeholders, their interactions and dialogue at micro-levels, functional mix of research and action components and inbuilt focus on basic social values such as equity, fairness etc.) to address the governance problems of global commons.

This in turn happens because of (i) scales and levels of global commons (e.g. global pollution sinks; global biodiversity; international waters etc.), and complexities characterizing them and (ii) differences in stakeholders perceptions and perspectives about them. We elaborate on this by commenting on indicative attributes or rather gaps in the ongoing general approaches to govern the global commons and possible contribution, IASCP (based on their experience in addressing local CPRs) can make in addressing some of these gaps.

(i) A Top down, macro-level approach

The prevailing approaches to identification and structuring of the issues of global commons (e.g. dimensions of global environmental changes, their abatements and adaptations etc.) are characterized by a top-down focus, where governance problems and possible solutions are conceived at global, international or regional levels. In here even if the involved stakeholders (e.g. countries and groups) are correctly identified, they continue to have multiple disconnects unlike in the case of local CPRs. Despite global treaties and agreements as framework tools of governance, the practicable elements for managing global commons, continue to be assessed differently by different stakeholders (e.g. rich and poor countries). This affects both decision system as well as enforcement possibilities focused by different stakeholders. This tends to push the global commons' governance issues towards rather abstract generalities repeatedly recorded and reported by periodical meetings of the "parties to agreements".

IASCP's association with such processes at different levels focusing on: needs and ways of mobilizing and linking diverse stakeholders, integrating policy and action aspects of CPR governance, involvement of communities and integrating macro- micro perspectives etc. can offer some lead lines for managing global commons.

(ii) Scale factor and heterogeneities

To reiterate, some of the above mentioned problems are rooted in the scale factor as well as vast heterogeneity of stakeholder perspectives and their underlying political power. The long dragging situation of Kyoto Protocol can illustrate the essence of this point, where diversity of national interests-driven gaps in perspectives and the differences of economic and political powers obstruct the governance systems for global commons. Higher the scale, greater are the heterogeneities and differences with regard to global CPRs as well as the involved stakeholders.

IASCP – designed and promoted systems of dialogue and conflict resolution at micro-level (e.g. community forest management in developing countries) tend to become irrelevant or non-functional in such situation. Identifying the ways to promote such relevance in the new context is a challenge for IASCP. One possible approach to address the situation could be promoting space and role for micro-perspectives in the macro focused discourse on global commons. IASCP can attempt this through its research and advocacy activities.

(iii) Indifference to micro-realities and perspectives:

As already alluded to, another feature of approach and design of discourse on global commons is the general indifference towards micro level processes and practices. Accordingly, even when the global/macro issues are elaborately debated and decided upon at the highest levels, their micro-roots are rarely effectively addressed. Take the cases of global environmental change or biodiversity decline. Through UN systems or other agencies, treaties are formulated to address them; states sign them; but the process hardly address the place-based realities, the treatment of which is key to success of governance structures designed by international treaties. IASCP – through its past work and experiences could play important role to alert and induce the global actors to be sensitive and effective in this regard.

(iv) Resource management minus people

Another basic problem of ongoing macro-level discourse and agreements on global environmental commons is that they treat the commons more as components of natural resources with little concern for the people and the basic issues of livelihood, equity, fairness and action-led sustainability, which IASCP has been addressing as a part of its mission from the very beginning. International treaties/agreements on biodiversity conservation, climate change or desertification, etc. which bring top down ideas and funds for the signatory governments of developing countries, rarely bother to consult local communities and incorporate their perspectives in designing "governance

norms and mechanisms". IASCP could make this issue as a part of its informed advocacy and discourse at relevant levels.

(v) Inherent inequalities

Quite related to stakeholder disconnects mentioned earlier, the vast differences in focused time horizons, capacities, costs and perceived gains associated with collective management of global commons, tend to make globally designed approaches highly unequal for the parties to agreements. The historically generated and structured differences between rich and the poor countries (vis-à-vis costs of managing global commons) are hardly compensated by provisions (through GEF etc.) provided under the international treaties. This is more so, when compensations hardly reach the real custodians of environmental resources such as grass roots level communities. IASCP through its work on assessment and valuation of environmental services of CPRs in different contexts can help to highlight and address this problem in appropriate fora.

The above indicative assessment of approaches to governance of global commons is quite sketchy. Yet it is suggestive enough about the emerging situation. In the light of the above it may not be far wrong to say that, if global discourse on global commons continues as it is approaching now i.e. (i) ignoring basic social values (e.g. focus only on resources with indifference to people) involving livelihood, equity, fairness and place based sustainability processes; (ii) dominance of macro-approaches ignoring their micro-level roots; (iii) political power and national interest-driven gaps, in the perspectives and practices of stakeholders trying to evolve governance systems for global commons; and (iv) persistence of inequities in potential costs and gains of managing global commons, a new form of “tragedy of commons” may emerge. This is highly likely with enhanced primacy to market forces and marginalization of state and communities under economic globalization. However, materialization of such potential tragedy of commons will be highly ironical because it would happen despite more information, identified potential options to address the problems and higher level of awareness as well as global administrative structures to address the involved tasks. Unlike the situation of Hardin’s pastoralists, the present situation is both qualitatively and quantitatively different and potentially more conducive to avert the tragedy of commons.

3. Potential Indicative Role and Responses of IASCP

Can IASCP help in inducing change in approach to global commons? Can it transform and use its past experiences with local CPRs to facilitate the change ? A positive response at this stage may amount to a loud thinking. Yet it needs presentation to induce others to think, supplement or replace the points raised here.

The central thrust of our argument is that IASCP has certain niche attributes in terms operational concepts approaches and actions which it has evolved and applied to address the CPR management issues at local levels. The same attributes with context specific adaptations, could be promoted and tried for addressing the challenges of governance systems for global environmental commons. Some of them were alluded to in the preceding section.

To reiterate, we suggested the indicative possibilities of building bottom up, participatory, micro-level approaches to understand and address the governance problems of macro-level or global commons operationally fragmented in local contexts. The involved approaches should built-upon the IASCP’s experiences in helping management of local environmental commons in diverse situations. Building of local capacities, federating of local stakeholders and enhancing their place and voices in global discourse on governance of global commons would be an essential part of such effort.

However, despite their own experiences and deep concerns, IASCP or CPR experts would need to have collaboration with other agencies sharing the concern for environmental and social issues in the changing global contexts. Such agencies may include certain NGOs, international/national action agencies and community federations as well as specialized technical agencies dealing with specific global commons such as IPCC, IHDP, UNEP, IUCN etc. to cite a few.

Finally, what has been stated above addresses the problem from largely the angle of those who would like to alter or amend the new changes affecting global CPRs. However, an equally important part of the strategic approaches should be to focus on the agencies and actors contributing to the changes (global environmental) themselves (e.g. global/local polluters). Changes in the approach, decisions and activities of these agencies – as a set of stakeholders, offers an area, where, IASCP through its insights and understanding, generated by conceptual break-throughs and their potential applications, can prove helpful. This implies aggressive advocacy and participatory advisory input in the discourse and preparations for global treaties and implementing mechanisms directed to governance of global commons.

In the near term context IASCP should engage in developing a conceptual cum operational framework to prioritise the issues and advocate and initiate activities that help integrate knowledge and action on management of global commons.

Note: Some of the documents that helped in shaping the views presented in the paper include the following:

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Charlotte Hess

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Call for Papers

The IASCP

Europe Regional Meeting

Building the European Commons: From Open Fields to Open Source Brescia - Italy - March 23-25, 2006

Conference Themes and Sub-themes

The regional meeting of the European branch of the IASCP will focus primarily on the European commons, however within the global context. The goal is to foster more discussion and collaboration especially among European researchers working on commons from an interdisciplinary point of view.

The social, economic and technological changes of the last three centuries have seriously challenged the long tradition in common property, the use and management of Common-pool resources (CPRs). Nevertheless, many resources in the European region are still managed in common by user-associations or by community institutions. Examples include pastures, forests, irrigation systems, and other natural or man-made resources. Moreover, a number of new common resources have been formed in the course of the industrial and post-industrial development. These include transportation and communication infrastructures, public urban areas, green leisure areas and several other fundamental resources. Finally, a new, fundamental class of goods shows strong Common-pool resources characters: the environmental services, which are furnished by ecosystems from the local to the global level. Common-pool resources are, although politics and the media often consider them as a residue of the past, essential for supporting human life and for the welfare of every living being on Earth.

The conference is interdisciplinary and open to any individual interested in common-pool resources and common property issues. It is aimed at encouraging the discussion on the conference topics among researchers and practitioners living in Europe or elsewhere. This should result in a stronger research network and an enhanced exchange of experiences primarily among European researchers and students working on CPRs and also with scholars elsewhere.

Common Property Resource Digest

The conference is organized in three sub-themes:

1. Long-enduring Common-pool Resources on the European Continent

The Common-pool resources we are referring to here include pastures, forests, water, irrigation systems, fisheries and other shared man-made facilities, and a number of other resources varying in the different parts of the region. Many of those "traditional" commons were managed effectively and survived for centuries. Due to important changes in agriculture and the industrial development, many of them have lost their economic importance. Moreover, the many of the European governments of the 18th and 19th centuries have attempted to abolish the commons in favour of private property. Nevertheless, in several cases they are still relevant for local population and maintain a crucial ecological and cultural significance. Moreover, from the analysis of historical case studies lessons can be learned for the present day management of common land, in Europe but also elsewhere. This theme comprises research on the management and use of both historic and present-day CPRs and on the evolution of common property in the region throughout the past few centuries.

2. New Common-pool Resources

This theme includes CPRs that can be grouped in four broad classes: the urban commons, the virtual commons, the environmental services and the global commons. It also includes traditional commons that have changed in the present time as, for instance, in the case of the recreational use of forests or water basins. All the commons listed above share the characteristic of being the by-product of economic and social developments that have taken place in the past few centuries. Research on those topics using conceptual tools designed for the study of CPRs has strongly increased in the last few years. Moreover, many of those resources are, at present, crucial for the welfare of human beings as a whole.

3. Non-European Commons

Many Europeans are interested in issues regarding CPRs located outside the region, mainly in the less developed countries. The conference organizers encourage the participation of researchers and

practitioners working on non-European commons in order to foster the mutual recognition of topics and problems shared by different regions of the Earth. In particular the comparison of cases is encouraged in this context. Comparing developed and developing countries perspectives is a key issue in reaching a broader understanding on the management of commons.

Panel and Paper Submission Guidelines

The conference organizers welcome papers covering one of the conference three sub-themes. Broader papers covering topics that cut across more than one of these themes are also welcome.

Both full panel sessions (a maximum of four papers, one discussant and one chair) and separate papers can be submitted. Abstracts of maximum 500 words should be in English and submitted by the 15th of September 2005. Complete papers will have to be submitted by the 31st of January 2006. Funding will be available for a limited number of participants. Those interested should contact the conference organizers.

All applications in electronic format (.doc, .pdf or .rtf files are all acceptable) should be sent to iascp@eco.unibs.it. Please, send along the following information:

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