Resetting the forestry commons: Constitutionality as a conflict resolution strategy in African woodlands

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A B S T R A C T

This paper comparatively analyses three case studies in Mali, Senegal and Tanzania regarding common property institutions for forest commons and their transformations during colonial and post-colonial times. Then common pool resource management was fragmented and common property was increasingly turned into state and private property and local control over resources was removed. This led to grabbing processes by foreign investors and conflicts between local and outside users of forest resources and degradation of these resources. The paper further outlines the reactions to these processes. It also highlights the neglect of the gender and marginal groups dimensions in studies of constitutionality (developing a sense of local ownership in the bottom-up institution crafting processes for the governance of the commons). In the cases of Mali and Senegal these constitutionality processes were for managing the forest resources. This led to a mitigation of existing resource conflicts. In Tanzania, out of a land-use conflict, local people had managed to create a kind of an informal convention with a British investor about land use in the valleys, which however remains fragile. The conflict arose because women had largely been left out in land deal negotiations and institution-building about the acquired land, as well as were confronted with institution-shopping by the investor and from below by fellow community- and family-men. This impacted heavily on their workload and hampered their abilities to fulfil their care work. Thus, this paper fills the gap on gender (and more differentiated – intersectionality, and generally the involvement of marginal groups) in the constitutionality process to support the "resetting of the forest commons". These have been neglected factors that need to be addressed for successful forest resources management and governance.

1. Introduction

This paper aims to comparatively analyse three forestry management case studies in Mali, Senegal and Tanzania (based on former publications: Benjamin, 2008; Haller et al., 2016; Faye et al., 2018; Gmür, 2020a, 2020b). In all these dryland contexts, local groups had established common property institutions for the management of the forest commons before colonial times. These commons regimes linked forestry with all common-pool resources (water, pastures, fisheries, wildlife, non-timber forest products, etc.) found in local cultural landscape ecosystems. The paper describes how these regulations were structured and what happened to these governance systems during colonial and post-colonial times. During these times, common-pool resource management was fragmented – forestry was separated from other common-pool resources – and common property was transformed to state and later on to private property. This process created institutional pluralism and led to strategies of institution shopping by the more powerful actors (such as

merchants, state administrators and local elites) in order to secure access to the common-pool resources. This removed local control over forest and non-timber forest products, and led to conflicts a) between local groups and external commercial users, b) between local groups and c) within local groups as well as within households (gender dimensions). Furthermore, it led to the degradation of palm tree forests in Mali, savannah forests for charcoal production in Senegal and to land and forest losses in Tanzania by a UK-based timber company.

This paper outlines different local responses to grabbing processes. In two cases – Mali and Senegal – internal conflicts could be mitigated and led to local bottom-up institution building. This took the form of local conventions for managing forests and related resources, creating a sense of ownership for all actors in the rule making process. Following a critical discussion on Foucault's governmentality and extended to environmental governance by Arun Agarwal (environmentality), both of which argue that states in one way or another enforce state and environmental rules by a process of embodiment on the state's subject (see

Agrawal, 2005). 'Constitutionality' does not refer to a state specific legal constitution process but to the locally conscious process of actors, who participate in rule creation and, as a result of this process, develop a sense of ownership in this process of institution crafting as they perceive these new institutions as their creation and not state driven as with governmentality or environmentality (see Haller et al., 2016). The constitutionality concept was developed based on a comparison of case studies in which, in a context of conflicts and heterogeneous actor constellations, successful participatory institution building resulted (cases from Mali, Zambia, Bolivia and Indonesia) (ibid). New cases were studied (see special issue in Human Ecology by Haller et al., 2018), leading to a more nuanced discussion, but they also strengthened the view that six elements were central for constitutionality: (a) emic perception of need of new institutions, (b) participatory processes addressing power asymmetries, (c) pre-existing institutions, (d) outside catalysing agents (fair platform), (e) recognition of local knowledge, creativity and social learning, and (f) higher-level state recognition.

The case of Mali belongs to the initial case studies and illustrates how the approach is also discussed in relation to forestry, the second stems from the special issue, while the third is included in this paper to illustrate blind gender related spots for the approach. An important aspect of the positive outcome of constitutionality was that in the cases of both Mali and Senegal, the danger of the conventions being too strongly defined by the involved NGOs or the state was levelled. Important elements correspond to constitutionality in the cases because local knowledge, pre-colonial resource management institutions and the levelling of local power asymmetries could be integrated in the process. In Tanzania, however, such a development was not achieved because less powerful actors in the community and within households (i.e., women) were excluded from the process of resource governance and land deal negotiation processes with a foreign investor acquiring land for a forestry plantation in the area, especially women as sisters, daughters and wives.

Thus, the aim of this paper, based on the analysis of the three case studies in Mali, Senegal and Tanzania, is to ask *first* how constitutionality as bottom-up institution-building can be used as a useful tool for conflict resolution in forest-use and management, and can thus contribute to more sustainable and more perceived governance of forests, forest products and markets. *Second*, it outlines why neglected factors such as gender, marginalised groups, hierarchy and power relations need to be considered in this process of constitution building. Although the approach focuses on power asymmetries, there is a need to tackle gender asymmetries more systematically as these are also often intersectional and of a different scope then other power asymmetries. Consequently, the paper contributes to this reflection and leads to an improved understanding of positionalities in the constitutionality process from a feminist perspective.

1.1. Theoretical framework

Theoretically, this paper follows a similar logic to other papers published by Haller (see, for example, Haller et al., 2016, 2018) and Gmür (see, for example, Gmür, 2019, 2020b). It includes institutionalism and constitutionality perspectives, as well as feminist political ecology (FPE) and intersectionality approaches linked to conflicts and conflict resolution.

New Institutionalism in social anthropology focuses on how external effects shape actors' internal bargaining power and ideologies and subsequently shape different actors' institutional choices and distributional effects (Gmür, 2020a, 2020b). It also focuses on institutional transformations that are influenced by changes in the relative price of different resources and institution shopping by different actors with different levels of bargaining power (ibid.). This new institutionalism perspective, combined with theories exploring the governance of common pool resources (CPR), also seeks to examine the impact that the institution shopping process has on more marginalised groups with less bargaining power. Furthermore, it focuses on the emergence of new institutions created by negotiation and used by different actors and how this affects access to CPR, also of weaker groups (ibid.).

The theoretical perspective of *constitutionality* means the creation of institutions from below regarding natural resource management initiatives (Haller et al., 2016). It focuses on the perspectives of members of a community, on their participation in these processes, how they manoeuvre within these negotiations, i.e., which strategies they use, and how they manage to develop a sense of ownership in this process of rule creation regarding natural resources and their management (ibid.). *Constitutionality* also shows how *conflict* regarding resource management can produce solutions about rules that can benefit a majority of stakeholders, if the power asymmetries in a local context are addressed in the participatory process – as element two of the concept outlines. Accordingly, there is a need to understand these asymmetries between local sub-groups, classes or castes, ages and genders and that therefore discussion regarding solutions should first be developed within these different power groups before solutions are generated. This would, for example, also include the understanding of the different narratives of more specific conflict(s) (ibid.).

In this paper, *Conflict* is conceptualised as a disagreement between two or more parties, or between or among groups, on goals and/or on how to achieve these goals (Peterson et al., 2013: 94). Deeper social conflicts often lie under the surface of these disagreements, which are rooted in more structural inequalities (Coleman, 2011). Van Laerhoven and Andersson (2013: 123) state that conflict is both essential and hindering for the governance of CPR. In their study, they show that sustainable community forest management and conflict are not incompatible and that the most successful forest community user groups are also those that experienced the most conflicts and that have a high level of social capital and autonomy (ibid.: 123, 132). Furthermore, applying an institutional approach to conflict, they stress that reaching a consensus depends on the perceived legitimacy of the process to make the rules that lead to the aforementioned consensus (ibid.: 125). The intensity and nature of potentially recurring conflicts depend on the institutional arrangements that were created to handle such conflicts. Conflict is part of a process that leads to the creation of more or less stable institutional arrangements to govern CPR. They also differentiate between constructive and disruptive types of conflicts in this process of creating collective action to govern CPR (ibid.: 132). Indeed, Scheidel et al. (2017) demonstrate how struggles over environmental conflicts can lead to the sustainability of resource use and often create environmental justice movements, thus they are a powerful force to induce change.

The transformative power of conflicts is also taken up by the Conservation Conflict Transformation (CCT) approach; this approach examines how conservationists identify and understand, as well as try to prevent and solve conflicts, based on experiences in processes and principles in peacebuilding studies (Madden and McQuinn, 2014). Importantly, it not only looks at surface disagreements between the different parties involved, but at deeper rooted social conflicts to improve the outcome of conservation efforts (ibid.). This is crucial to facilitating long-term agreements and making them more sustainable (ibid.). Two models are applied (ibid.). First, the Levels of Conflict Model assesses the severity and types of conflict (ibid.); it aims to identify the root causes of a conflict (ibid.). Second, the Conflict Intervention Triangle is an orientation tool looking at the range of possible sources of conflict and intervention possibilities (ibid.). Madden and McQuinn (2014: 102) present an adapted triangle, including the three dimensions of conflict and conflict intervention: process (decision-making design, equity and authority, and how (and by whom) these are exercised), relationships (between different actors, groups of actors, within groups of actors involved in a conflict), and substance (corresponds to the dispute level conflict). They stress that in a conflict intervention, it is equally important to address the processes and relationships of any intervention as it is to address the dispute level

solutions themselves, as this helps to identify underlying and identity-based conflicts (ibid.). Further, they emphasise that if actors are not involved in decision-making or feel their concerns are not heard, they may reject any decision reached even if it involves a solution regarding their substantive concern (ibid.). The quality of the decision-making process also impacts the durability and success of a solution found, as well as on the relationships between stakeholders (building of trust, improved communication, respect), which are crucial for solving future problems (ibid.).

Eckerberg and Sandström (NY) give an overview of the growing research field of forest conflicts and theoretical approaches to explain them. They also stress that institutional factors are perceived as crucial in many studies on forest conflicts (ibid.: 3). Institutional conflicts arise when private and public interests conflict and when the state does not provide stable institutions regarding property rights. Furthermore, the participation of stakeholders and the management of their expectations is important in conflict resolution (ibid.). Chhatre and Agrawal (2009), based on a study on carbon storage, state that local community ownership of forest commons and rule-making autonomy leads to more sustainable consumption of forest products and thus to higher carbon storage, as well as livelihood benefits.

Haller et al. (2019b) and Haller, 2019c focuses on power relations and the production of power and questions of the emergence of changes in relative prices in his New Institutionalist Political Ecology approach (NIPE). He shows how changes in relative prices lead to the renegotiation of access to CPR with different stakeholders possessing different levels of bargaining power and using different discourses and ideologies to legitimate their interests in a process of institution shopping to push through their preferences. Crucially, he engages with more differentiated power relations than the classic Political Ecology approach. In this paper, Haller's NIPE perspective is combined with gender or an even more differentiated intersectional perspective, with studies (see Gmür, 2020a) revealing that women, depending, for example, on their position and status within the family/clan, very often have lower levels of bargaining power to redefine institutions and access to and distribution of CPR. Thus, an intersectional perspective, which explores the role played by social categories (such as gender, age, ethnicity, status, class, religion, etc.), and their intersections/overlaps, in questions addressed in this paper, is useful. An intersectionality framework looks at how the combination of social and political identities creates different forms of discrimination/disadvantage and privilege/advantage and thus may be oppressing and empowering (Cooper, 2016; Holley et al., 2016; Runyan, 2018; Zinn and Dill, 1996). Scholars in feminist political anthropology (see, for example, Rocheleau et al, 1996) have shown that gender also influences resource access, use and control, (environmental rights and responsibilities), and processes of ecological change. Sultana (2021) criticises that feminist and decolonial theories have indeed influenced Political Ecology but that they continue to be marginalised. She argues that it is crucial to learn from different forms of intersectional, interdisciplinary and international feminist inquiries in dealing with current socioecological crises (ibid.). More importantly, she argues that even FPE has been dominated by Western feminism, which is often colonial and Eurocentric, and that it is important to decolonise FPE and to engage with different feminism styles (decolonial feminism, post-colonial and Third World feminism, indigenous feminism, Black feminism, transnational feminism and Africana womanism, etc.) (ibid.). However, it is equally important to not underestimate unequal and exploitative gender power relations in indigenous societies (ibid.), and thus to include intersectional feminist scholarship of women of colour to dismantle the colonialities of gender (Maria Lugones 2010 cit. in Sultana, 2021: 160).

Bina Agarwal's work on "participatory exclusions" in forestry management (2001) is especially useful for this paper, as Agarwal shows how institutions that seem to be participatory in fact exclude significant groups of the communities in which they operate, such as, for example, women. These exclusions are rooted in systemic factors and can negatively impact equality and the outcomes of participatory resource management schemes (Agarwal, 2001). She outlines a conceptual framework that helps to identify the nature of gendered exclusion and how this can be changed (ibid.). While Agarwal's framework focuses on gender, we argue that it can be extended to include other marginalised groups, as well as applying an intersectional perspective. Participation is determined by institutions (rules and norms), perceptions, endowments and attributes (educational levels, property status, marital status, age, etc.) of affected members of a community and can disadvantage women (Agarwal, 2001) and other marginalised groups. The ability of women and other marginalised groups to change such a situation depends on their bargaining power vis-à-vis the other stakeholders involved (State, community, clan, family) (ibid.).

All the aforementioned theoretical approaches can thus be linked to conflicts and their solutions, for example, through constitutionality processes (via fair Platform).

1.2. Methodology

The analysis of the three case studies in this paper is based on a mix of a review of work published by Benjamin (2008), Faye et al. (2018) and Gmür (2019, 2020a, 2020b), as well as, in the cases of Senegal and Tanzania, on the analysis of data, as the authors of this paper (Gmür and Haller) were involved in the research, i.e., Haller in the case of Senegal and Gmür collected the data for Tanzania herself. The cases were selected because of their comparable economic and ecological setting (arid to semi-arid areas), as well as their French and British colonial past and related colonial and post-colonial forestry institutions. In addition, they show interesting similarities and differences regarding reaction to forest commons grabbing processes and participatory processes in the context of the aforementioned heterogeneity of local communities regarding power relations. Concerning the review of the papers, they were treated in a critical manner, similarly to conventional text analysis, which is informed by the method recommended by Ormondroyd (2009). A first assessment of the source was made. A text analysis regarding the content of the aforementioned processes and reactions followed. This included the determination of the background (i.e., the context within which the studies were published), purpose, aim, intention, target audience and applied methods of the author, as well as the evaluation of the results and the conclusion. Further, the objectivity, style of writing and possible reviews was assessed.

The data for Mali was collected between 2001 and 2002 (Benjamin, 2008: 2263). Alongside two Malian research assistants, Benjamin spent 1.5 months living in each of the three communities of Badiari, Douma and Senoré, in addition to making additional visits over a 14-month period (ibid.). The study followed the theoretical and methodological framework of the International Forestry Resources and Institutions (IFRI) programme, which integrates social and ecological data using quantitative and qualitative methods (ibid.). The methods employed were household and individual surveys, forest inventories, semi-structured interviews and participant observation (ibid.). The data for the Senegal section was collected over a 15-month period from February 2012 to January 2014 using quantitative (questionnaire) and qualitative methods (Faye et al., 2018: 16–17). It included participant observation (diary keeping, informal conversations, semi-structured interviews and focus group discussions) in three villages, namely Dawady, Kolomba and Boulel of the Commune of Koussanar, Tambacounda region (ibid.). The author participated in daily activities including forest harvesting. Participant observation was especially important at the beginning of the fieldwork to see if insiders observed the rules of the local conventions (harvesting techniques and taxation) and to see who was involved in wild fruit collection (ibid.). Semi-structured interviews and informal discussions were conducted with forest officers, forest users and herders, USAID-project staff and facilitators, and elected local officials on rules, as well as participation in rule-making, etc. (ibid.) Focus group discussions were conducted with forest guards and committee presidents on the success and challenges and views of the local convention and its

application (ibid.). Focus group discussions were also conducted with groups of men and women. Factors of institutional change were analysed using a New Institutionalism approach in economic anthropology (see Ensminger, 1992; Haller, 2013) (ibid.) The data for the Tanzania section was collected during several months in two villages, namely Makungu and Ukwega from March 2015 to December 2015, April 2016 to December 2016, February 2017 to October 2017, and August and September 2019 using a mixed methods research approach (Gmür, 2020a, 2020b). Data-triangulation was used to cross verify the data. Empirical data collection included participant observation, semi-structured interviews, focus group discussions, biographies, narrative interviews with members of different interest groups (local men and women, government officials, NGO workers, representatives of the investor, etc.) and household questionnaires on livelihoods and resource use (ibid.). Life histories of local actors were collected to get emic views on land use, land use changes, the land investment process and its impacts on gender relations and institutional change (ibid.). Generally, cases involving social anthropological methodology such as participant observation facilitated researchers' general understanding of the settings needed to contextualise further data gathering and inform further qualitative methodologies (such as different interview techniques, focus groups, biographies and structured interviews) in order to avoid bias that could emerge from pure participant observation.

2. Findings

2.1. Case studies

The basis of this article is the comparison of three case studies in Mali, Senegal and Tanzania.

2.1.1. Regaining the forest as part of a larger commons: The case of the palm forest governance in Mali

This case study is based on research and publication conducted by Benjamin (2008) and has also been described in a previous publication on constitutionality (Haller et al., 2016). We use this case again in order to delve into the forestry aspect of the process; Benjamin presents three cases of decentralised national resource management in Mali, following the decentralisation schemes by which local conventions for natural resource management were made possible, formalising some pre-colonial common-pool resource management rules based on local common property institutions. However, the author outlines that such political changes suffer from a de facto lack of devolving power to the local level and also from local power asymmetries. Therefore, there is a lack of trust in the state's administration, which in fact tries to block decentralisation or use it for its own agenda, and the fear of elite capture. The success in mitigating such pressures from above can only be mitigated by increasing bargaining power from below and from being able to operate in a vacuum (Benjamin, 2008: 2258–2261). We will, for the purposes of illustrating what we mean by constitutionality, use the example of a village called Senoré, which together with nine other villages is located at the Western bank of the Tarabé River and is part of a large commune called Dioptodji (encompassing 61 villages) (Benjamin, 2008). Like other villages and communities presented in this paper, Bambara, Raimbe and Bella people from Sénore have developed institutions to govern flooded pasture areas (Fimbéré) and an adjacent gallery forest, which is highly monitored by a guard and sanctions rule-breakers (ibid.). Neighbors are allowed to use the forest for gum collection and leaves, and, based on reciprocity, people from Senoré are allowed to use other pastures in times of need, and villages' fishing communities (Riambé and Bella) collectively fish with fishermen from other villages (Benjamin, 2008: 2266). Challenges to the system came from inside and outside interests in cutting palm trees (doum) in the forest close to the river (Benjamin, 2008). Although the Bambara ethnic group could be stopped, outsiders were using the notion of citizenship and permits obtained by the government (forest service) to gain open access to the forest (ibid.). Consequently, the villagers stopped the protection of the forest, which attracted an American NGO called Near East Foundation (NEF) launching an initiative for a local convention (called Waldé Nema Tarabé) to protect the forest (ibid.). Reciprocal rights already present in local common property institutions played an important role in this process of constitutionality. NEF proceeded in a similar way; they initiated a discussion in several villages on how the forest should be managed, with the aim of remaining within the bounds of formal legal frameworks (ibid.). It became obvious from this consultation process that one cannot simply protect the forest without considering the management of the other resources (ibid.). As only a small number of villages in the commune had doum forests, while others did not but still depended on doum products, institutional arrangements based on an exchange of other resources or access to fisheries and pastures for doum products had already been installed in pre-colonial times (ibid.). Therefore, it was clear that the forest could not be protected without expanding the view on all the resources in the area (fisheries, gallery forests, wetland pastures, agricultural land) (ibid.). Based on this insight, an association was formed to discuss the joint management of the cultural landscape resources and the preparation of a convention for the management of all common-pool resources in this cultural landscape (ibid.). NEF facilitated the meetings and meetings with local government and technical agents (ibid.). On the basis of a rather slow process, the NGO helped 10 communities to reach a consensus for the management of the cultural landscape ecosystem and the regulation of conflicts and formalised this in a written agreement (ibid.). These were based on the previously developed reciprocity institutions between the villagers and different ethnic groups (ibid.). Although the agreements were overseen by the Forest Service, these included the negotiated and locally accepted closing of some of the doum forests for five years, the right of the water shaman to close and open the fisheries, and indicating important breeding grounds for fish and banning certain seine net techniques (ibid.). Flooded pastures were zoned for local cattle and managed by village chiefs, although these are controlled by public discussions in a mosque (ibid.). This convention worked because different local stakeholders were all involved in the negotiation process and could input their needs within the convention (ibid.). Problems were openly debated, as was the legitimacy of rule-making; for example, on the first-comer rule. (ibid.) Regarding the process of constitutionality, Benjamin writes:

"Senoré has maintained customary management institutions for Fimbéré (pastures) and Kountou (doum forest) for several decades, in spite of complicated relations with its neighbors. Participation and negotiation in preparing the local convention created a new dynamic among diverse stakeholders and created a sense of legitimacy around it. The outcome has been an enforceable agreement, established management rules and principles based on customary institutions and on local social realities and yet compatible with state natural resource policy. While environmental and social outcomes may not become apparent for several years, the convention has nonetheless succeeded in fostering dialog among stakeholders at different levels and providing a mechanism for managing natural resource-based conflict (Benjamin, 2008: 2270)."

There are several aspects which are of importance in this case; the area succeeded in the process because there was a mediating body – the NGO – bringing everybody to the table, but also because a larger group of villages, of which Senoré was part, joined forces and increased their bargaining power vis à vis the state authorities, which had to participate and listen to local voices. It is also clear that the combination of problems, conflicts, outside input and local responses falling on pre-existing institutional designs are helpful in this process. In addition, it seems that despite the hierarchical nature of village societies in Mali the accountability and transparent nature of the process helped in the process of institution building and to create a sense of ownership of this process. Only future events, however, will tell if and how the convention is the basis for further discussions, and how the interaction with more

powerful groups and with the state develops. In addition, the case study is silent regarding gender issues and socio-political differences within the villages.

2.1.2. Contesting NGO introduced local conventions for forest use: the case of forest resource use for charcoal production and wild fruit collection in Senegal

This case study is based on research and publication done by Faye et al. (2018). In the Tambacounda area of Senegal, villagers living in forest areas in the community of Koussanar have constantly been negotiating forest resource use with urban based outsiders such as merchants and transhumant herders (Faye et al., 2018: 15). This has led to conflicts that the government and international development programmes, in this case the Wula Nafaa – a USAID-funded Agriculture and Natural Resources Management Program – have attempted to solve by introducing so-called "local conventions", which are written agreements by participatory processes between the different resource users (ibid.). However, these conventions were perceived as imposing rules of management and use that were not in line with local environmental subjectivities, thus local villagers rejected these conventions and recreated and reworked rules that corresponded more to their own local practices, views, norms, needs and aspirations (ibid.).

In precolonial times, forests belonged to the patrimony of local groups defined by ethnicity and locality (Faye et al., 2018: 18). In the Tambacounda area, the Fulani are the dominant group, who had use rules for grazing in forest areas (ibid.). The most important factor in gaining access to grazing areas was residence in the village and belonging to the community and social networks (ibid). The village chief monitored and sanctioned forest use (ibid.). The second largest group are the Mandinka who are farmers and have a sacred connection to the forest (ibid.). Every kingdom and village had a tree or an animal within the forest that was perceived as a supernatural spirit protecting the community (ibid.). Thus, forests were protected and there were village organisations patrolling the forests even until after independence (ibid.). Forest activities at the village level were supervised by the authority called dugu tiggi, who were seen as caretakers (not owners) of the commons (ibid.). During French colonisation, forests became state property and private property was also possible (Faye et al., 2018: 19). Former common property forests were gazetted and came under the control of the colonial state (ibid.). This occurred within the context of Koussanar being located along the Dakar-Niamey railway with trains needing wood as fuel (ibid.). Some forests were also gazetted as hunting reserves and later on as National Parks, such as the Niokolo Koba National Park (ibid.). The non-gazetted forests were managed with the aim of providing raw materials for French industries (ibid.). Urban citizens (living in four French Communes, all people living in these communes were given French citizenship) were highly advantaged vis-à-vis the rural population (ibid.). After independence, the government continued colonial land policies with Law No. 64–46 in 1964 (ibid.). The majority of rural lands stayed under state control, with 95% of the land falling under the "national domain" (ibid.). Villagers gained usufruct rights on the "national domain", although customary tenure rights were ignored (ibid.). Former common lands and forests thereon became state property (ibid.). Private ownership of forests became possible in 1993 but has remained highly restricted and monitored. In 1996, the political decentralisation reform was launched (ibid.). New "rural communities" were created that were composed of democratically elected authorities (ibid.). In 1998, this led to the promulgation of the "Decentralising Forestry Code" (ibid.). Within this framework, "community forests" were created and managed by Rural Communities (ibid.). These community forests need to be managed based on local needs and priorities (ibid.). Technically, however, they remain part of the National Domain as the Decentralisation Code and other decrees did not abrogate the 1964 National Domain Law (ibid.). Decisions need to remain consistent with the 1998 Forestry Code, devolving the management of community forests from state to local government, with the prerequisite of a

Forestry Management Plan (ibid.). These plans, however, have largely been implemented in economically beneficial forests; for example, for charcoal production. Other forests are managed by local conventions, which often receive little support from the state (ibid.). Thus, forests in Senegal are divided into forests that have high charcoal production value – thus being of interest for the state and managed through technical forest management plans – and those that have no charcoal potential, which are subsequently subject to local conventions to prevent conflicts among local users (ibid.). Local conventions in Senegal have mainly been pushed by the British-based International Institute for Environment and Development's (IIED) Africa programme and the Innovations, Environnement, Développement (IED) NGO; the latter is the leading NGO in the development of local conventions (ibid.). Wula Nafaa first focused on the development of natural resource enterprises for revenue generation for local people, and the empowerment of rural people whose local governments have received management power over forests through participatory management tools (land use plans, forest management plans, local conventions) and later on expanded its activities to charcoal forest resources (ibid.). Forest management tools and land management use plans, allowing for the identification of potential spaces to be managed depending on the types of use, were integrated in the local conventions supported by Wula Nafaa (ibid.). If a certain forest area is favourable for charcoal production, a forest management plan needs to be created if the area is larger than 25 ha (ibid.). If in certain areas other resources such as jujube fruit, baobab fruit and gum Arabic are economically important, a local convention to manage access to these resources needs to be created to deal with potential conflicts (ibid.).

The inhabitants of the commune of Koussanar mainly belong to the Fula, Soose Kalonke, Bambara, Wolof and Seereer ethnic groups (Faye et al., 2018). The region is known as Kalonka Dugu, which means homeland of the Kalonke people (ibid.).

In the creation of the local convention of Koussanar, there were two levels of representation; the local government council politically representing local villagers and the socio-professional delegates who represent designated local social or professional groups of users (farmers, pastoralists, etc.) (Faye et al., 2018: 19–20). In addition, the commune was divided into different village zones delimited according to socio-cultural criteria, resource-based relationship, kinship and readiness to undertake common activities (ibid.). Each village had a delegated representative to the zonal committee and a development committee. Thus, there were three scales of local input, namely the village, the zone and the political rural jurisdiction (ibid.). The zones are the basis for the system of rule-enforcement (ibid.). Every zone has a relais Communautaire, who is a local representative and two natural resource guards who enforce the local convention rules (ibid.). Local forest technicians enforce the rules of the Forest Management Plan and the local convention, and inform people about the regulations (ibid.). The local representative, the guards and the technicians serve as intermediaries between the local government, the village people and Wula Nafaa (ibid.). The local convention focuses on access to pasture, water, forests and wild fruits between insiders (local villagers) and outsiders (migrant herders and wild fruit collectors from outside) (ibid.)

However, the execution of the local convention of Koussanar faced several problems of monitoring and sanctioning even after its 2009 reworking, mirroring a mismatch between the rules that were formalised and the changing local daily practices and the needs and aspirations of the villagers, which resulted in a weak sense of ownership of the institutions (Faye et al., 2018: 20–23). Effective enforcement of the rules of the convention also depends on if they match with local norms and practices, perceptions of resource ownership, fair access and distribution of resources, and availability of resources (ibid.). For example, regulations concerning firebreaks (rule no. 6) were accepted as they corresponded to traditional practices called cummuda bunde by Fulani and by the Kalonka as burburlo (ibid.). Furthermore, rule no. 9, dealing with incoming herders' access to pasture and time for leaving these

areas, corresponded to local practices. Both rules were old rules formalised in the convention (ibid.). Rules that asked for fees for the collection of fruits for sale were perceived as unfair (ibid.). Insiders felt only outsiders should be taxed as they do not have customary rights to these forest resources and are not interested in the conservation of the resource but only in the short-term cash benefit (ibid.). In particular, women who controlled the collection and sale of gum Arabic complained about lost benefit due to the taxes as prices were already low (ibid.). While women have not benefitted from the Wula Nafaa, more and more men are now interested in the wild fruit and gum Arabic business, mainly engaging as wholesalers, as prices have increased and the market has widened. They benefit from Wula Nafaa's support for networking of local users with national micro-credit banks for loans (providing warranty) and contracting with processing industries in Dakar (ibid.). Wula Nafaa has also boosted prices of gum Arabic as the project created favourable conditions at the forest edge and towns (ibid.). Access to credit increased local users' bargaining power, who could wait and sell their products in weekly markets when prices were higher (ibid.). As more villagers have become wholesalers, their buying power has increased (due to loans and cooperation with processing companies) resulting in gum Arabica sellers asking for higher prices (ibid.). However, the increasing bargaining power and changed role in the market of insiders led to insiders' rejection of rule no. 4, which required them to pay a fee per kilogram of collected fruits and a user card (ibid.). Rejection was based on changes in the relative prices of wild fruits and developed insiders' interest in the wild fruit business (ibid.). While insiders initially asked outsiders to pay a tax for wild fruit collection and sale in urban markets, later on when they themselves were involved in the business they refused the rule, arguing that they as original inhabitants with customary rights to these resources should not have to pay (ibid.). Finally, the local government had to cancel rule no. 4 due to local resistance (ibid.). Rules concerning punishment of local rule-breakers in the local convention were also not followed, as watchmen and local representatives followed a friendly approach trying to convince rule-breakers not to continue (for example, cutting of fruit trees), instead of bringing them to the nearest Forest Service office (ibid.). Locals refused any interference of state or project authorities in conflicts about resource use as these resources are perceived as locally owned, and they do not feel that they need to ask permission to use them nor to implement and sanction disobedience to rules (ibid.). Moreover, the availability of resources impacts the implementation of certain rules of the convention (ibid.). Rule no. 10 mediates access to water sources between local pastoralists and outside transhumant herders (ibid.). Outsiders and insiders are allowed to use wells and natural pools for free but for running water standpipes everyone needs to pay (ibid.). In reality, however, the rules differ according to location (ibid.). Depending on the availability of water, sometimes outsiders are not even allowed to access water if they pay, thus rule no. 10 is ignored (ibid.).

The creation of the local convention was similar to the codifying of customary rule during colonial times. It not only failed to consider local rules, but the codification also inhibits flexible processes of decision-making and rule creation, as well as hindering conflict resolution based on given authorities and adapting to changes in the environment not based on fixed rules. Insiders rejected the change in the means of regulation (local convention created by the project) and reinterpreted, avoided and selectively applied the new rules based on their needs, thus strategically attempting to regain a sense of control over the institution-building process. Thus, this case shows that local people try to maintain their bargaining power in relation to outsiders without excluding them, but demanding a fair deal and try to keep control over CPR that have been under threat from outsiders that had been given open access by government officials since colonial times.

2.1.3. Changes in the management of forest commons in the context of a British large-scale forestry investment project in the Kilolo district, Iringa region, Tanzania

This case study is based on research and publications conducted by Gmür (see Gmür, 2019; Haller et al., 2019a; Gmür, 2020a; Gmür, 2020b). In pre-colonial Tanzania, resource rights and responsibilities, including forests, fisheries, water, pastures and agricultural land were held in common by different local groups defined by kinship, clan membership, etc., who owned these resources within their lands, mostly under sophisticated systems of rules and norms (institutions) under a common property regime (Gmür, 2020b: 57–59). Different members of these groups, including women, had different rights and responsibilities to these resources based on marital status and kinship ties (ibid.). In Wahehe and Wabena (Iringa region), land was mostly the communal property of the clan, with clan heads having the power to allocate land and award land rights (among which there were more communal and more individual rights) to members of the clan (ibid.). Women were also entitled to inherit land from their fathers and mothers (ibid.).

After 1895, during German and British rule, the management of these CPRs increasingly became state-controlled whereby land was divided into several categories and commons were split up and governed by separated policies, legislations and regulations under the management of separate state resource management bodies (Gmür, 2020b: 59–61). Land and CPR became the property of the state, and local groups had deemed rights (no documentary evidence) of occupancy held in trust by the Governor (ibid.). Women's rights were denied under statutory law but respected under customary law (ibid.)

After independence in 1961, traditional leadership was abolished and new village governments were introduced by a socialist system (Gmür, 2020b: 61–63). Resource management, however, was similar to that of colonial times; common property regimes managing CPR were eliminated and adapted to socialist ideologies (ibid.). All resources, including forests, became the property of all Tanzanians (ibid.). Land and other resources, as well as capitalist assets, were nationalised involving large alienations of resources that became state property, managed by centralised state management agencies (ibid.). Access to resources for local people was further limited; customary tenure systems and the rights for women within them were not respected (ibid.). Post-socialist governments have held on to the ownership and control of CPR from the mid-1980s (ibid.). In the context of economic liberalisation and encouragement of private investment, legal and institutional frameworks were adapted to flatter a neoliberal economy, and management of land and CPR became increasingly decentralised (ibid.).

In 1995, a new land policy was accepted by the Parliament, including two new land laws in 1999 – the Land Act 1999 and the Village Land Act 1999 – that stipulated that all Tanzanian land was public land, with local communities having landholding and managing but not ownership rights to land and CPR (Gmür, 2020b: 64–66). The National Forest Policy of 1998 also declared forests to be the property of the state, with local communities (represented by the village councils) having management rights to the forest within the territories of their village land, which they manage according to customary rule (ibid.). However, this failed to correspond to pre-colonial forms of common property and required a formalisation of rules (in the form of village natural resource management plans, village resource management committees and by-laws of forest resources use), which had previously been more flexible and adapted to changes in the environment (ibid.). Thus, CPR such as forests in villages came under the management of villages, with specific village administrative bodies (village forest committees) managing village forests (ibid.). This was later institutionalised in the Forest Act of 2002 (ibid.). Therefore, on paper, villagers were increasingly gaining legal control over land and forest resources on their lands, reflected in many participatory forest management projects (Gmür, 2020b: 87–89). Simultaneously, however, and increasingly overriding the common property rights, the private component of the forestry sector grew (ibid.). Thus, even though local villages have management rights to land

and forests in their territory, this could not keep away external utilisation, state property and privatisation tendencies (ibid.). Many large-scale plantations were established between 1990 and 2002, encouraged and facilitated by the new Land Acts 1999 (ibid.). Also, small-scale and medium tree-planting activities, very often involving domestic investors, have increasingly occurred (ibid.). Many small-scale private forest businesses by local farmers have been supported by donor funded programmes such as the REDD+ and HIMA, especially in the Southern Highlands (ibid.). However, the new investment by the New Forests Company has also triggered some small-scale tree planting by villagers in the area, mainly because few former or current employees of NFC were able to acquire knowledge in tree planting. People realised the value of the business due to the investor; indeed, the NFC has also launched an outgrower scheme, although this remains in its infancy (Gmür, 2020b).

In 2016, the New Forests Company (NFC), a British investor, applied for around 30,000 ha and had acquired 6300 ha by 2013 in the Kilolo district (Gmür, 2020b: 89–93). Meanwhile, it is said that the company has acquired more than 8000 ha of land in 9 villages (ibid.). The NFC has owned land in Makungu and Ukwega since 2013 on uphill as well as in valley bottom areas (so called vinyungus, very fertile small areas of raised beds, bench terraces or ridges along the stream-beds) to plant pines and eucalyptus (ibid.). In Makungu, the investor had acquired around 2000 ha from 9 clans and around 350 ha of land in Ukwega from 8 clans (ibid.). During the fieldwork, NFC was in the process of acquiring FSC certificates for its Kilolo plantation (ibid.). The NFC Sustainability Report of 2019 states that NFC underwent annual FSC audits in all its operational areas (ibid.).

As the investor entered the area and showed interest in the village land, the value of the land rose, creating land scarcity and prompting more powerful actors – especially men as fathers, husbands and brothers, etc. – to dispose of the land to the investor. Less powerful members of families and clans, especially women, who had customary entitlements to these commons, including trees, were largely left out in land deal negotiations (Gmür, 2020a; Gmür, 2020b), leading to women losing access to CPR that was crucial for food and cash production (ibid.). Women especially were concerned about losing fruit trees such as lime, avocado, banana, pear and Mikuti fruit from the Mikuti tree whose leaves are used as a medicinal plant (ibid.). These trees are often found in the valley bottom areas to which members of the family owning the vinyungus had access, and women had access as part of their customary rights to clan land and their role as carers for the children and the household (ibid.). In addition, in other areas in between agricultural plots, people often have communal and private natural and planted forests, with trees (including fruit trees) producing timber and non-timber forest products (NTFPs), such as fruits and leaves used as food and medicine (ibid.). Women often controlled the income gained from selling fruits from these trees and used it for their care duties giving them a certain independence from their husbands (ibid.). The fruits are also crucial in the nutrition of children as a source of vitamins in a very much starch-based food system (ibid.).

Furthermore, people complained about changes in the landscape from a landscape mainly characterised by indigenous trees to a monocultural area with foreign trees of eucalyptus and pines (Gmür, 2020a; Gmür, 2020b). Large areas of indigenous trees were cut down to build roads to and within the plantation, for the tree plantation itself and for firebreaks (ibid.). Additionally, more and more local people started to invest in small-scale tree plots on their land inspired by the NFC investment, thus cutting down indigenous trees (ibid.). These indigenous forests were private but also a common property of the village, managed by the village government by village natural resource committees, to which all the villagers had access, allowing them to collect firewood, wild fruits for food, medicinal plants and mushrooms, as well as wood for construction and furniture (ibid.). The quality of the indigenous trees is said to be much higher than of the modern trees. These products are now harder to find, especially also because the investor cut down many

of the bigger and older trees (ibid.). According to villager narratives, the felling of the indigenous trees also changed the micro-climate of the area; this involved weather changes as the climate has become warmer and rivers are drying out as indigenous trees are more water friendly than modern trees, which require more water (ibid.). This affects access to NTFPs such as mushrooms, which are increasingly drying out due to the changed climate (ibid.).

The small-scale commercial tree planting, which has a long history in the area and has increased due to the investor, is still mainly a male business, although women contribute to the labour force in the family plots (Gmür, 2020b). The outgrower scheme introduced by the investor is not putting specific effort to encourage women in tree planting (ibid.). As it is in its infancy, it remains to be seen how women benefit from the scheme; however, it looks like men might benefit more as they are more familiar with it (ibid.).

The investment of the NFC thus leads to reduced access to these multifunctional purposes and uses of the indigenous forest and other fruit trees on clan land as local villagers, and especially women, lost access to the formerly used clan land hosting these trees. All of this is due to different levels of grabbing processes – i.e., internal grabbing within clans and family members selling the land without involvement from other members, especially women, arguing on the basis of, though contested and reinterpreted, traditional land inheritance and decision rules among the Wahehe and the Wabena (Gmür, 2020a; Gmür, 2020b). This involves claims by men saying that women as sisters, daughters and wives have less say and right to clan land than men (ibid.). Furthermore, there is external land grabbing by the investor grabbing the fertile valley bottom lands and other uphill land by employing the institution shopping within the Land Act and the Village Land Act of 1999, particularly the institutional element; the latter implies that all land in Tanzania is public land and the president has final decision-making power over it. This is in addition to the Water Resources Act of 2009 (Article 34) that prohibits human activities near water resources, which includes vinyungus. Consequently, villagers were not allowed to use the vinyungus and the trees and NTFPs found there (ibid.). The ability of women to fulfil their care work, as well as providing food security, are severely hampered by the investment (ibid.).

Initially, people were refusing to leave the vinyungus by going to cultivate the vinyungus stealthily at night (Gmür, 2020a, 2020b). However, later on the investor pressured village governments to stop people from using their vinyungus (ibid.). Before 2019, no villagers tried to solve this situation by openly resisting or by organising in groups to claim their rights (ibid.). Women especially were too preoccupied with dealing with men as fathers, husbands and brothers practicing "internal family or household grabbing" than organising to regain access to the vinyungus (ibid.). Instead, women, but also affected villagers in general, were coping with the situation by looking for land to buy or rent in other areas, although this is difficult as there is little fertile land left, and prices have increased (ibid.). Some also work as labourers on other people's plots, have migrated out, reduce food consumption, look for alternative incomes (such as beer brewing) and intensify production on the remaining plots (ibid.).

However, villagers have complained to their village governments about the grabs, especially the vinyungus grabs, which largely went unheard due to lower bargaining power of village governments vis-à-vis the district backing the investor before 2019 (ibid.). In 2019, villagers were allowed to return to the vinyungus that did not share a border with the plantation and that were not close to any other forest area, due to a risk or fear perceived by the investor regarding fire caused by villagers' traditional soil preparation methods (ibid.). The villagers have managed to regain access to some of the vinyungus due to continuing complaints about their threatened livelihoods to the village government. This concerns especially the time during the rainy season from November when people usually harvest beans from the vinyungus, and sell part of it to buy maize, which is only harvested in March and July. Thus, they do not have enough food from November until March (harvest time of maize) if

they cannot sell the beans to buy food (ibid.). Access to important NTFP in the vinyungus such as fruit trees is also especially important for the nutrition of children, as well as providing women with an independent income; these, however, were no longer accessible (ibid.). Now, villagers and the investor have established rules regarding the use of vinyungus – specifically, villagers need to call the investor's fire department when they want to prepare their plots; the department will come to supervise them burning the plant waste, etc., for soil preparation (ibid.). So far, villagers say that this has been going smoothly, and that the company's responsible team (fire department, forest managers) always comes when they call it (ibid.).

The village government and the VEO (Village Executive Officer) have been backing the villagers in their complaints to the district and the investor, even though the decision has not yet been made official and probably will not be, as vinyungus use is still "illegal" as per law and the investor might want to change its concessions when they feel the risk is too high for the plantation or they wish to acquire more land (Gmür, 2020b).

Communal rights to land and related CPR such as forests were strengthened and weakened at the same time by the new land and forest laws as villages gained certain management rights to the resources; in the end, however, all the land and forest resources still belong to the state. This makes it easier for outsiders such as foreign and domestic investors to access land and other resources such as forests in village areas. The need for plans and the formalisation of rules is a time-consuming process and their implementation in Tanzania has been slow, which further hampers villagers' rights to land and related CPR. For women, it is difficult to act collectively as their care responsibilities are time consuming and patriarchal power relations make it hard for women to be heard in negotiations. In addition, women have no knowledge about their rights provided in formal state law.

Thus, this case ascertains that constitutionality must be examined from a gender perspective as women are confronted with institution shopping from below (fathers, brothers, husbands) depriving them of essential forest resources to fulfil their care work and providing them with an independent income, whilst the investor is not interested in the rights women have in customary rules. However, as shown in this case, the investor could not ignore the food security situation of the villagers as they had subscribed to follow corporate social responsibility rules to acquire the FSC certificate for its wood and need to maintain a reputation at the national and international levels. Consequently, the investor agreed to make concessions, albeit only informally. The villagers, together with the VEO of Makungu, used the food insecurity argument, and women pointed out their difficulties fulfilling their reproductive work responsibilities, to leverage their interests regarding the vinyungus and to increase their bargaining power in negotiations with the investor, and thus managed to create an informal local convention on vinyungus use with the investor that is perceived as more just.

3. Discussion and conclusion

This special issue looks at local resource conflicts and calls for holistic approaches to analyse them. It also draws on peacebuilding scholarships and institutional framework analysis related to forest governance and forest products.

The three case studies presented refer to local attempts to develop solutions to forest resource conflicts. A comparative overview is provided in Table 1.

In all the cases, local people tried to participate in the creation of local institutions to push through their own interests regarding CPR, i.e., forests and NTFP to which they had lost access or their access to is threatened. In the process of the creation of these local rules, they selected multiple existing regulations and rules and thus often follow multiple-institution shopping processes that are advantageous to them and try to structure the new rules in a way that is perceived as just.

Thus, this very much depends on their bargaining power at stake and how this power changes over time. In the case of Mali, the bargaining power of the different sub-groups (farmers, pastoralists and fishery people) is strengthened to form a collective, because the US-NGO managed to bring local actors together and allowed them to discuss how to structure the convention. It helped that the content could be locally defined and local actors decided to bring in the old institutional setting that should be recognised based on reciprocal access. Therefore, for the protection of the forest, these old rules need to be brought into the new regulations of these interlinked commons. At the same time, this brings with it a revitalisation of common property in this context. And as the government had at that time fostered the use of this institution (the rightfulness to craft local conventions), it made it attractive to use this state institution and combine it with the old common-property institutions in order to keep out timber merchants. Thus, the development of a sense of ownership in the institution building process – constitutionality – took place. Local power asymmetries could be balanced and local actors could refer to their ecological knowledge and to their reciprocal access to common-pool resources that are also beneficial to them.

Similarly, the process of selecting the convention structure in Senegal becomes evident but with another nuance. Here, the process seems, in contrast to the Mali case, participatory in the beginning. However, the research of Papa Faye (Faye et al., 2018) revealed that this was not the case. Because, via both state interventions and new rules created by local representatives, and not in a bottom-up participatory process, the local view regarding the fairness of the distribution of the resources was neglected. As the whole process was labelled as participatory, local actors took the liberty of adapting the rules for distributional access to the CPR so that local people were not marginalised by the new arrivals. Therefore, local actors gained enough bargaining power to finetune the overall rules adapted to a notion of fair distribution of forests, especially NTFPs, on a local scale.

Gender, and more broadly intersectionality, is mentioned in the literature on constitutionality, which is seen in the Tanzanian case study (see Gmür, 2019, 2020a, 2020b), but also in cases presented in publications by Marfurt (2019) and Haller and Merten (2018). Nevertheless, it needs to be further conceptualised in the sense of intersectionality. This is why in the constitutionality process there is the need to bring in gender and hierarchy as a central element. It is largely women and poorer women's groups that are marginalised in this process. Thus, the real participatory crafting of institutions would create different rules than without the recognition of these differences. There are hierarchies

Table 1

Comparative overview of recognition of power asymmetries, conflict resolution, multiple institution shopping, new commons institutions, intersectionality and constitutionality.

Case	Recognition of power-asymmetries & balancing bargaining power	Conflict resolution processes & external agents	Multiple institution shopping processes	Creation of new commons institutions including local rules & knowledge	Intersectionality addressed	Constitutionality process reached?
Mali	Yes	Yes	Yes	Yes	Yes	Yes
Senegal	No (in the beginning), later yes	Yes	Yes	First no then yes	Yes	First no then yes
Tanzania	No	Yes	Yes	No	No	No

Sources: Benjamin (2008), Faye et al. (2018), Gmür (2020a, 2020b) based on elements from Haller et al. (2016).

between all actor-groups, and as the work of Lanz et al. (2018) shows, even within local groups. Cases from Ghana and Zambia illustrate this, but the new case about Tanzania presented in this paper clearly shows what it means for the women to be marginalised, and that the pressure and drudgery of reproductive work is at stake here. The commons grabbing processes described in this and in the other cases did also impact local women but they were not particularly involved in the decision-making process for institution-building, as in the cases in Zambia and in Ghana. However, the case in Tanzania shows how much more, and also how differently, women are affected and have less bargaining power to bring in their views. What happened in Tanzania is that local women reacted to the loss of access to land and trees, which reduced their capacity to perform the reproductive work, and thus led them to organise and to get support both officially and from selected men. Therefore, in the end they were able to address the issue of bargaining power backed with several discourses focusing on the legitimacy of reproductive work and threatened food security, and the unethical as well as illegal nature of resource grabbing by men (be these external or internal men). Table 1 gives a comparative overview of the elements discussed:

Table 1 reveals that in the Mali case all the six elements discussed where reached; these include that a) power asymmetries are recognised and bargaining power of the different actor groups are balanced. This then has to be b) linked with existing conflict resolution processes and the help of external and more or less neutral external agents. c) This enables actors to select from among the different institutional options to d) create new commons institutions based on their knowledge, while e) addressing intersectionality related to gender and f) finally reaching the constitutionality process. We see that in the Mali case all elements are present, while in the Senegal case different local actors had to first redress the local power asymmetries in order to be able to craft local commons institutions in a second step. These addressed the need to redistribute the gains from the forest commons in a way local actors perceived as fair. But in both cases issues of intersectionality were addressed, while this is not the case in Tanzania; no inclusion in the new rules, no intersectionality and thus no constitutionality resulted as a result.

Thus, in the process of creating local conventions and constitutionality, it is vital to ascertain which groups of people, and/or which people, are left out, and to analyse under which conditions marginal groups can be integrated in the constitutionality process. For forestry, this means assessing how more marginal groups are directly and indirectly affected by large scale investments in their access to resources, and how common property institutions – that had in some way secured this access in the past, can be restored again and adapted to the new conditions. Such processes can stem from conflicts such as is the case in Mali and Senegal and these collective processes are ways to reduce conflicts. However, these might also remain exposed to what is called structural conflicts pushed by more powerful groups and also governments. Structural violence is something that women face even more, and in the Tanzanian case the grabbing of female commons, and the pressure this creates, was the key for more conflictive actions also by the women in order to be heard. Therefore, conflicts might be the sign of an imbalance and also be a recourse in order to get important issues on the table and address the remedy for structural violence. Seen in this sense, and in a limited way, violence can also be productive in the end, raising more marginal actors' bargaining power.

Declaration of Competing Interest

The authors declare that they have no known competing financial interests or personal relationships that could have appeared to influence the work reported in this paper.

Data availability

The data that has been used is confidential.

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