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Introducing decentralized pasture governance in Kyrgyzstan: Designing implementation rules

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ABSTRACT

This article studies the design of rules for the creation of CBNRM governance bodies. Empirical data comes from a multiple case study on a recent pasture governance reform in Kyrgyzstan. The analysis builds on a modification of Kiser and Ostrom's three-leveled approach to the study of institutional change for which the actor component was specified. The study finds that multiple change agents were involved in a multi-phased rule design process under conditions of legal pluralism. It documents a case of institutional change which is triggered by exogenous (re)design of formal institutions leading to local-level institutional design which is strongly impacted by the distribution of authority among members of the local implementation network and the objectives of each actor group. It is a surprise that in the studied cases institutional bargaining did not determine institutional outcomes.

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1. Introduction

In 2009, a law “on pasture” was implemented in the Central Asian Republic of Kyrgyzstan (henceforth Kyrgyzstan) that prescribed a form of *Community-based Natural Resource Management* (CBNRM). That law signified a drastic reform of property rights over pastures, as it shifted pasture management authority from state administrations to the municipality level and replaced individual leasing, which had been in place since 2001 (Crewett, 2012; Dörre, 2012; Steimann, 2011, 2012), with collective ownership. Hence, pasture management responsibility and the right to allocate pasture-related usufruct rights are now held by newly formed community-based *Pasture User Unions* (PUUs) and their executive bodies, called *Pasture Committees* (PCs).

The design and the implementation of the Kyrgyz pasture management reform, of which the new pasture law is a sub-component, was strongly supported by the World Bank. As

such, the implementation of this reform is an example for a specific process of institutional design which is common in donor-dependent countries: implementation is the translation of externally designed rules into practice by members of an implementation network, consisting of external and local implementers including administrative policy implementers, donor-agency policy implementers and civil society actors. Such complex processes of institutional design associated with CBNRM implementation are rarely studied in institutional research which has instead mainly focused on a review of the characteristics of emerging rules.

The following article therefore explores the design of implementation rules through the course of donor-driven CBNRM implementation in greater depth. The article asks: How and by whom are implementation working rules for CBNRM in Kyrgyzstan being created? In order to allow for a detailed analysis, the study focuses only on the sub-process of the design of *boundary rules* that govern entry into those

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newly created executive bodies-municipality level PCs (Fig. 1).

Drawing on implementation research, Section 2 adds an improved actor component to Kiser and Ostroms' leveled approach to the study of nested institutions which allows for a better representation of agency in institutional analysis. Section 3 specifies the case study setting and analytical methods. Section 4 disentangles the implementation action arena and show how *collective choice boundary rules* emerge as a result of the interplay of multi-level, multi-phased decision making. In Section 5 the findings are discussed.

2. Theory and analytical framework

2.1. Levels of institutional analysis

The remainder of the paper explores how policy implementers design rules which govern the establishment of an organization. In institutional theory (rules, including norms, conventions and laws) are considered to impact actors behavior. They do so either in the form of internalized shared beliefs which emerge from practice, repetition or normative injunction or from an “immanently normative disposition, that in circumstance X do Y” (Hodgson, 2006, p. 140), but also take the form of externally designed constraints or prescriptions (North, 1991). Such rules define the available positions within such an organization, for example the number of members, chairpersons, accountants,

etc., who may or may not become a member or hold any other position within that organization, and by which process individuals get access to any of these positions. Rules which specify the set and number of positions actors may, must or must not hold in a specific action situation are called *position rules*, and rules which define entry and exit conditions for the defined positions, including (a) eligibility, (b) the processes that determine which eligible participants may or must hold a position and (c) how an individual may or must leave a position are called *boundary rules* (Crawford and Ostrom, 1995).

In order to explore rule design during policy implementation, a process in which multiple stakeholders are involved, a leveled analytical approach is required. Kiser and Ostrom have proposed a framework for the study of vertically interlinked and nested rule design (Kiser and Ostrom, 2003, p. 57; Ostrom, 1990, 1999, 2005). According to their model rule design takes place in rule making situations at different levels. At each of the levels the following three factors come into play: first, *community*, second the *biophysical world* and third, an already existing set of *rules-in-use* which has emerged at a previous level of rule design. Hence, rules for altering rules which define who may or must and how to change rules are designed at what is called *deeper rule making or choice situations* and are used at *higher level choice situations*. The framework proposes three dependent levels of rule design (from deeper to higher level: *collective choice*, *constitutional choice* or *meta-constitutional choice situation*) but acknowledges the possibility of a potentially infinite number of nested rule making situations (Ostrom, 2005, p. 58). According to this

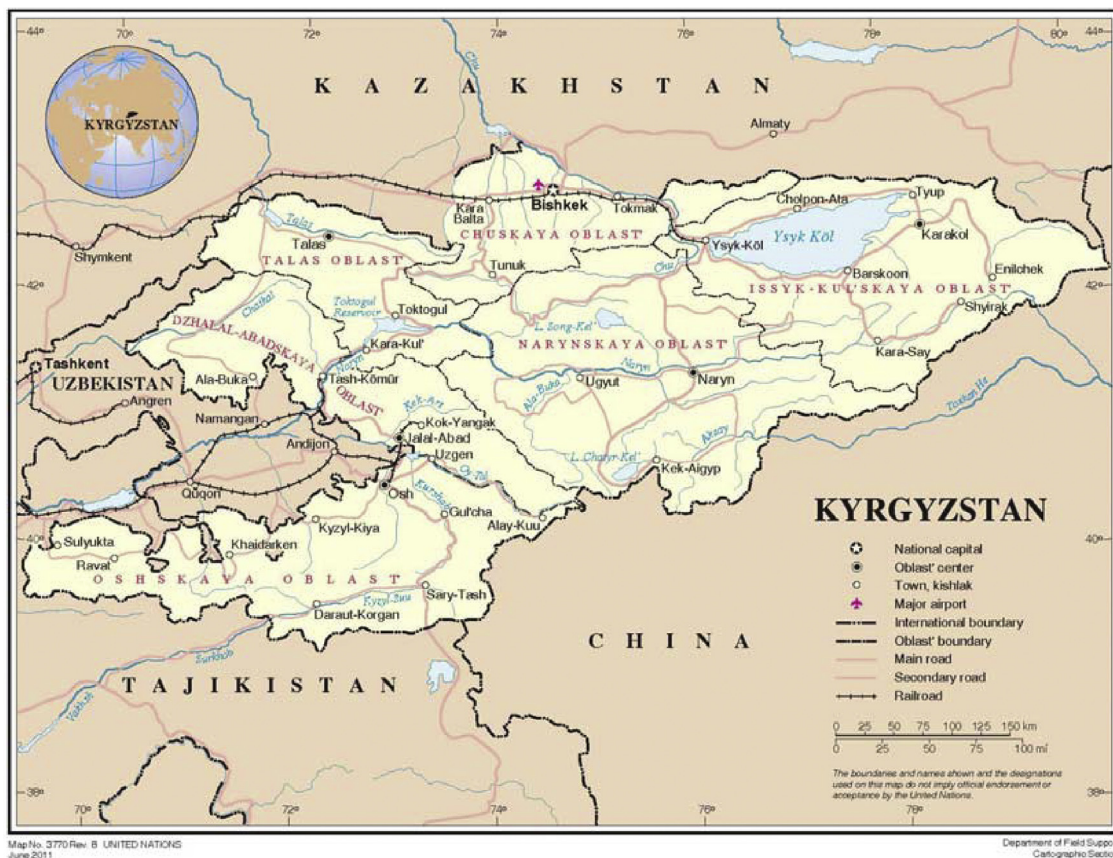


Fig. 1 – Map of the Kyrgyz Republic (United Nations Cartographic Section, 2011).

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