



Formation of new property rights on government land through informal co-management: Case studies on countryside guerilla gardening

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ABSTRACT

Extant research on guerilla gardening, defined as the unauthorized cultivation of land belonging to another, has hitherto focused on public space in urban areas, neglecting those that occur in rural settings. This rural land policy study examines a form of guerilla gardening in the countryside in Hong Kong, carried out by specific walker communities who routinely do early morning walks. Most of the gardens they have cultivated have become part of country park protected areas. This study identifies five phases of land use status evolution undergone by these morning walkers' gardens (MWG), from the time the phenomenon of guerilla gardening in the countryside began in the 1960s to recent times, illustrating the role of land use change in enabling squatters with a degree of property rights by way of informal land resource co-management. Through the three case studies presented in this article, it is argued that MWGs can represent the emergence of incipient forms of natural resource co-management in Hong Kong. This study emphasizes the important role of resource user leadership in enhancing the land use value of land in itself and for the wider community. Some recommendations are provided to enhance resource user participation in land resource management.

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1. Introduction

While MWGs 'founded' in the hills and mountains of Hong Kong were originally seen as illegal and were therefore subjected to control and even demolition, they have become one of the recreational site facilities provided by the government in country parks. Based on the initial study commissioned by the British colonial government in Hong Kong for the introduction of a system of protected areas, MWGs were clearly not foreseen as some of the recreational site facilities to be provided in country parks (Talbot, 1965). MWGs are officially called as such, because they were originally 'founded' and cultivated by specific walker communities who walk the hills and mountains between six and nine every morning. Compared to walkers in general, who walk the hills and mountains in the morning or at other times of the day, these guerilla-gardening walker communities are in the minority. The

creation of protected areas in Hong Kong was aimed at conserving biodiversity and wildlife and controlling outdoor recreational and nature-based activities in which city dwellers began to develop interest in the 1960s (Jim, 1986). Another objective was the control of unlawful occupation of government land including private gardens cultivated by morning walkers. According to early drafts of the Country Park Bill, the unauthorized occupation of government land implies both squatter settlements and 'private' gardens.² In Hong Kong laws, the unauthorized occupation of land is defined as to illegally "use, inhabit, be in possession of, enjoy, erect or maintain a structure on or over, and place or maintain anything on, land" (Land (Miscellaneous Provisions) Ordinance, Cap. 28). These private gardens present an interesting form of guerilla gardening, which have eventually become incorporated into country park land use planning known as MWG.

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² In the initial preparatory documents for the Country Parks Bill, 'residing and squatting' were included in the long list of activities subject to control of use, but this was eventually subsumed under "any other similar activities" in the final legislation at the request of the Governor of trimming down the list (Secretary For Environment, 1975: HKRS684-3-55-26).

This paper offers at least four contributions. First, the study examines guerilla gardening in an Asian context, thus it contributes to the body of academic literature which has largely focused on the American, European, and more recently Australian contexts. Second, the paper introduces a phenomenon unique to Hong Kong, that is, countryside guerilla gardening. This unique spatial phenomenon extends the concept of guerilla gardening beyond urban areas. Third, this paper uses the concept of co-management to describe the land use status evolution of MWGs in Hong Kong country parks. Co-management offers insights into the relationship between user-groups and the state with respect to small-scale natural resource units within protected areas. Fourth, although the partnership arrangement described in this paper is still in its incipient forms, the study provides strong evidence in a different spatial and cultural context of a positive relationship between local resource users leadership, on the one hand and, on the other hand, the conservation and sustainable development of ecotourism within protected areas (Evans et al., 2015; Manolis et al., 2008), thus corroborating the findings of other studies.

In the following, we briefly review literature on guerilla gardening, co-management of natural resource, and user-leadership within the context of the adaptive co-management literature. Afterwards, we identify and describe the phases of land use evolution of MWGs, illustrating three of these phases showing incipient forms of co-management with specific case studies. We then analyze the data and discuss the findings. Finally, some recommendations are provided to promote local resource involvement in natural resource co-management.

2. Guerilla gardening: meaning and motivations

Guerilla gardening, defined as “the illicit cultivation of someone else’s land” (Reynolds, 2008: 16), may have existed long before it attracted the attention of scholars in the 1970s. Since then, the interest in the topic has burgeoned in academic literature, social media, web-based forum, and news media (Adams et al., 2015). The term ‘guerilla gardening’ may have possibly been first coined in 1973 by a grassroots movement in New York City called the Green Guerrillas whose primary aim was to cultivate and beautify derelict spaces (Adams et al., 2013). Some of the basic features of guerilla gardening are individuals or groups involved are volunteers; they do so without permission; often they target public and private spaces of neglect; and, they transform the environment through the planting of flora” (Flores, 2006 in Adams and Hardman, 2014: 1103–04). More recently, guerilla gardening has also been called urban activist gardening, particularly when “it involves the temporary transformation of vacant construction sites – such as wasteland, abandoned car parks and vacant rooftops – into urban farmland and green meeting places” (Graf, 2014: 452). The rise of the Do-It-Yourself (DIY) urbanism movement promoting a variety of self-help urban beautification efforts has received its impetus from guerilla gardening (Finn, 2014). As a form of DIY urbanism or guerilla urbanism, activists carry out urban planning interventions commonly characterized as small scale, functional, temporary, creative, and place specific (Heim Lafrombois, 2015: 1). Although guerilla gardening and other forms of DIY urbanism take place outside formal urban planning structures and systems, in some places like Amsterdam, the Netherlands it has been adopted as an experimental tool in small-scale improvements and temporary use of urban space by the local government, with the potential of becoming a formalized urban planning strategy and receiving longer-term investment. Fabian and Samson (2016: 166) list other terms found in literature to refer to “the various forms of creative, localized attributions and alterations of urban environments” It

is important to note however the focus on urban spaces in these concepts.

Guerilla gardeners perceive neglected and underused areas as loose space lying somewhere between individual private property and the ‘commons’ (Blomley, 2004), and they cultivate these spaces for social and symbolic functions (Sbicca, 2014). The social function emphasizes gardening as an enjoyment for the community and as an opportunity for social interaction, whereas the symbolic function tends to focus on the transgressive nature of guerilla gardening, that is, as a means to show resistance against mainstream culture or hegemonic planning (Adams and Hardman, 2014). Some of the social purposes of guerilla gardening are: improving the landscape and increasing biodiversity, food, health, and business (Reynolds, 2008; Adams et al., 2013). Lyons (2014) stresses the role of guerilla gardening as one of the means to better achieve food security in the midst of poverty and hunger. Another social function of guerilla gardening is for community use by providing education (e.g. botany, benefits of community gardening), recreation (e.g. picnic, barbecue, gardening), and socializing with friends and newcomers or passersby. In addition, guerilla gardening provides opportunities to achieve environmental justice through direct action, rather than just complaining to officials or reacting to what happens (Shepard, 2014). Ralston (2012) suggests the idea of school gardening as a gateway to gardening activism.

The symbolic value of guerilla gardening lies in its capacity to express a message, whether to demonstrate that something widely thought to be impossible as possible or as a reminder to the community about an important event that happened in a place or to transmit hope or optimism or to show resistance against government planning policy such as redevelopment. Academic literature often portrays guerilla gardening as expression of resistance that opposes government’s rhetoric and rejects neoliberal agendas. Guerilla gardeners perceive planning as an uncertain and time-consuming process (Adams et al., 2015), and oppose government control and ordering of space, claiming the right to participate in shaping landscapes by direct action (Adams and Hardman, 2014). Cilliers and Timmermans (2014: 422) argue that guerilla gardening can be considered as a tool “to enhance community participation within the place-making process,” and participation can be fostered by enhancing their connection to the place through ownership. Crane et al. (2013: 71) consider guerilla gardening as “a powerful pathway towards producing engaging and sustainable communities.” Guerilla gardening is an innovative initiative of grassroots individuals and groups for social interaction and networking, for knowledge exchange, and for building and strengthening social capital and cohesion. In this sense, guerilla gardening can be seen as a non-conventional means by which the local community can become partners of the government in achieving social goals and benefits.

However, Adams et al. (2015) point out some of the criticisms against guerilla gardening, contradicting or weakening some of its social and symbolic functions above. These criticisms relate community, property rights, and environmental issues. Some guerilla gardeners may tend to be a closed group and fail to interact with the people and environment around the space they cultivate. This can make the wider community feel excluded from the garden. Private individuals feel victims of injustice when guerilla gardeners colonize their property which they fence off barring access to their own property. The short-term sporadic guerilla gardening, which has become quite common in recent years, has the disadvantage of the piece of land reverting back to its previous state of neglect.

Despite assertions of the global phenomenon of guerilla gardening, literature on the subject in the Asian context is still wanting. Reynolds (2008) identifies specific individual guerilla gardeners in Singapore and Japan. Notwithstanding claims that “urban activist

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