



Exploring the evolution of land tenure and land use change in Panama: Linking land policy with development outcomes



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ABSTRACT

In this paper I discuss the linkages between land use management and land use change, as well as the impacts of land use policies at the local level. Specifically, I suggest the current land tenure regime in Panama is the outcome of a path-dependent process that includes a Spanish legacy of land tenure institutions and beliefs, a policy-making process that responds to immediate or short-term development outcomes, and the broader political economic context. First, I introduce theoretical perspectives on land policy and development. These are followed by a narrative of the evolution of land tenure in Panama, in the context of development processes and land policies in Latin America. In the final section, with the case of lifestyle migration to Bocas del Toro, Panama, I illustrate how the pathways between land management and land use, in the context of political economic development drivers and outcomes, have significant local outcomes.

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1. Introduction: Linking land policy and development

The availability and use of land is broadly perceived as a key issue in the development of a nation in terms of poverty reduction, the provision of food, equity, political and economic power, and conservation (Schlager and Ostrom, 1992; Zoomers and van der Haar, 2000). However, there is no agreement on the most appropriate regime for land management to achieve an adequate balance of these development goals. Identifying best land management practices becomes increasingly difficult, as the value of land has shifted from being measured in terms of what it could produce to its increasingly multifunctional, complex, and market transaction values based on real estate speculation and other economic measures (e.g. Carbon trading). As global priorities for land use change, so do management regimes, and, importantly, the impacts and outcomes for local populations. For instance, neoliberal ideologies and structural adjustment programs implemented throughout the 1990s forced developing countries to adopt land management regimes that commodified land through the promotion of private property rights and thus led to the creation of land markets that were easily inserted to the global economy. The “land grab” is a 21st century outcome of changes in land use led by these ideolo-

gies, driven particularly by food and energy scarcity (McMichael, 2011); and characterized by the lease or acquisition of land in developing countries for the production of food, alternative energy, extraction of minerals, and as a reserve for environmental services (Borras et al., 2011). These new forms of land concentration have adopted distinct regional characteristics, as a result of discrete political geographies and economies. In the case of Central America, scholars suggest that land concentration has been led by foreign investors and “newer hubs of global capital” (Borras et al., 2012; p. 851), as opposed to being led by foreign nations. Zoomers (2010), Van Noorloos (2013) and Van Noorloos (2014) further argue that activities such as tourism and new migration patterns, influenced by the global political economic context, national economic development policies, and by changes in individual objectives and attitudes towards life, are not traditionally considered in land grab conversations, yet, like the traditional debates around the concentration of land, they have important impacts at a local level. Tourism and real estate are important and related economic drivers in Latin America where, in the case of Panama specifically, investors are attracted by fiscal incentives and an active real estate market (Spalding 2013a); suggesting, as Van Noorloos (2013) points out, that lifestyle migration and residential tourism are closely related to real estate developments and new processes of urbanization. On the ground, outcomes of these regional and national processes are usually unequally distributed across the population.

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As [Jepsen et al. \(2015\)](#) point out, little is known about the linkages between land management and land use change, and developing a deeper understanding of the historical drivers and pathways of land use change and ensuing management regimes is key to developing effective land management policies that are able to address national, regional, and global development and sustainability goals. Here I explore these links, as well as the impacts of land policy outcomes at the local level. Specifically, I discuss how the current land tenure regime in Panama is the outcome of a path-dependent reactive sequence process ([Mahoney, 2000](#)). This process is based on the idea that land policies are created in “reaction” or response to particular events, while also being strongly influenced by historical ideologies around land ownership and use. In other words, it is the result of a process that is embedded in the colonial legacy of land tenure institutions and beliefs in Latin America, a policy-making process that responds to immediate or short-term economic or development outcomes, and the broader political economic context for the region. I begin by discussing perspectives on land policy and development, followed by a history of the evolution of land tenure in Panama in the context of the political economy of land and development in Latin America. I then introduce the case of lifestyle migration to Bocas del Toro in north-western Panama to illustrate land policy-economic development links, and how the creation of policies has responded to short-term pressures and has affected local people, landscapes, environments, and customary systems of territorial organization

2. Perspectives on land policy and development

Land is inextricably linked to development and the human condition through the various uses and meanings ascribed to it. Land means different things to different people, and the only constant characteristic is that its material nature or form is defined by a specific and unchangeable geographic location ([Li, 2014](#)). Therefore, although land cannot be physically moved, demographic change, multiple land uses, and the emergence of a market for land, suggest that the relationship between people and land is extremely dynamic and has evolved over time from hunting and or agricultural subsistence activities to a series of more complex relationships and transactions that assign value to the land beyond its capacity to produce and support life on this planet. These values are also as diverse as the people who use the land. However, following [Velásquez Runk's \(2012\)](#) critique of the notion of neoliberal multiculturalism, in the current context of neoliberal land reforms, governments and financial institutions tend to privilege the economic or utilitarian value of land, assigned by the market, over its social and cultural worth ([Ankersen and Ruppert, 2006](#)). Indeed, the efficient and effective functioning of a market for land necessitates clear rights over land that further commodify the resource, supporting the idea that broadly assigning private property rights is the best model for economic development in terms of the possibilities to generate income, access credit, and ensure food security ([Deininger and Feder, 2001](#)). The hegemony of this narrative in development efforts is clear, as exemplified by World Bank and Interamerican Development Bank supported land administration programs implemented during the 1980s and 1990s throughout many Latin American countries ([Soto Baquero and Gómez, 2012](#)). As [Barnes \(2003\)](#) points out, these programs had the main goal of regularizing private property to facilitate the creation of a market for land, often neglecting or outsourcing sustainability and equity programs.

However, the need to sustain people over time by maintaining cultural ties with their environment and by generating and transferring wealth across generations suggests that both economic and sociocultural aspects of the human-land relationship must be taken

into account for more equitable development policies ([Barnes, 2003](#)). As [Acemoglu et al. \(2012\)](#) suggest, the concept of “inclusive” political and economic institutions is key to the success of a nation. Thus, in contrast to the economic focus on land, other academics propose that the relationship between people and land is intricately related to, and to an extent defined by, culture (see [Nadasdy, 2002](#) and [Berkes, 2012](#)). A critical perspective argues that cultural norms and characteristics assign particular meanings to land that ultimately define the set of potential uses of land, as well as the manner in which it is distributed. Essential to this is [Nadasdy's \(2002\)](#) treatment of property as a cultural construct in which he explains that the concept of property is generally understood as a Euro-centric construction whereby rights to land are directly linked to the labor exerted by individuals over said land. [Nadasdy \(2002\)](#) further argues that so-called “first nations” or native groups also used the concept of private property and agreed upon a set of rights over that property using communal-ownership agreements. However, these fail to adhere or to be supported by European-style property right institutions such as laws and regulations related to individuals. These traditional cultural meanings tend to be unrecognized by the current legal framework, which produces and reproduces unequal power relations within and across nations ([Peet and Watts, 1996](#); [Robbins, 2004](#); [Velásquez Runk, 2012](#)). [Berkes \(2012\)](#) further elaborates on this relationship by using the interrelated concepts of human ecology and territoriality to describe the evolution of traditional systems of subsistence as based on a pattern of human adaptation to the environment based on the definition of territories as a basis for the control over resource use. Ultimately, many of the territorial systems served to allocate rights over the use of certain resources, but rarely allocated the land itself. As a result, policies that deal with the distribution, regulation of uses, and property rights of land are fraught with conflict and often times contradicting outcomes. These theoretical debates over land range from Marxist critiques of the privatization of property or the means of production (see [Harvey, 2005](#)), to the struggle for the recognition of non-structural or customary land tenure arrangements as a human rights issue (see), to the post WWII promotion of private property as the panacea for economic growth (see [Feder and Feeny, 1991](#)). While the former perspectives are recognized in the literature and in practice, the latter represents the dominant narrative used by development agencies and national governments.

Privatization of land and its insertion in the global economy thus becomes a key development strategy in terms of reducing poverty, identifying the capacity for growth, recognizing human rights, and ensuring conservation of natural resources ([Demsetz, 1967](#); [Feder and Feeny, 1991](#); [Schlager and Ostrom, 1992](#); [De Soto, 1993](#); [Zoomers and van der Haar, 2000](#)). The expectation is that a market for land, created by establishing clear individual property rights for those who have the ability and means to make the land productive, will ultimately lead to a more efficient land system that could, in turn, facilitate higher levels of foreign investment ([De Soto, 1993](#)). Despite the recognition by international organizations, such as the World Bank, that the complexities of cultural and traditional meanings and uses of land could negatively affect the economic efficiency of individual titles, the provision of private property rights systems that exclude customary uses and understanding of property continue to be privileged in broad discussions about the role of land policy in development outcomes ([Deininger and Binswanger, 1999](#)). However, there are inherent tensions between the natural and social organization of the land and resources that people depend on, and the organization of land by state and economic powers, that complicate land management ([Castro, 2013](#)). Furthermore, response to these tensions in the form of grass-roots resistance or struggles for human rights ([Velásquez Runk, 2012](#)), and political economic factors such as global economic crises, both

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