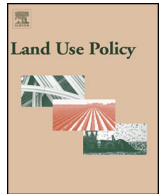




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Diverse local regulatory responses to a new forestry regime in forest communities in the Bolivian Amazon

Walter Cano Cardona^{a,*}, Wil de Jong^b, Pieter A. Zuidema^c, Rene Boot^a

^a Tropenbos International, Wageningen, Netherlands

^b Center for Integrated Area Studies, Kyoto University, Japan

^c Forest Ecology and Forest Management Group, Wageningen University and Research Center, Netherlands

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ABSTRACT

Over the last decade, important land and forest governance reforms have taken place in many tropical countries, including the devolution of ownership rights over land and forests, decentralization that created mechanisms for forest dwellers to participate in decision making in lowest tiers of governments. These reforms have resulted in an intensive academic debate on governance and management of forests and how actors should be involved. An important but understudied element in this debate is the ways in which communities cope with new legislation and responsibilities. Property rights bestowed by the government leave many aspects undecided and require that local forest users devise principles of access and allocation and establish authority to control those processes. We studied 16 communities in the northern Bolivian Amazon to evaluate how forest communities develop and control local rules for resource access and use. We found that the first requirement to community rule design, enforcement, and effective forest management is the opportunity to, and equity of, access to forest resources among members. Under the newly imposed forestry regulations, communities took matters in their own hands and designed more specific rules, rights and obligations of how community members could and should use economically important resources. The cases suggest that communities hold and maintain capacity to prepare their own ownership arrangements and related rules, even if they are strongly conditioned by the regulatory reforms. Very specific local histories, that may differ from community to community, influence strongly how specific ideas are being shaped, which in northern Bolivia resulted in notable local differences. The results suggest that new regulatory regimes should create appropriate conditions for communities to define adequate or at least convenient forestry institutions that assure an acceptable level of collective coexistence according to each particular communal history.

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Introduction

Tropical forest governance has changed profoundly over the last two decades as a result of various concurring processes. Many tropical forest countries reorganized the state and implemented political and administrative decentralization by giving lower tiers of government more administrative responsibility and more control over public financial resources. This often concurred simultaneously with land and forest devolution, as tenure reforms brought large areas of forest land under control of indigenous or other long-time resident groups. The same tropical forest countries also reformed legislation that affected forests, the forest sector and people living in forested areas. Researchers, however, have

been skeptical about how much these changes have improved democratic natural resource decision making (Andersson et al., 2006; Ribot, 2003). Some unresolved constraints remain the limitations or unwillingness of local governments to involve citizens (Agrawal and Ostrom, 2001; Blair, 2000; Pacheco, 2000), the limited overall performance of local governments (Andersson, 2004), problems arising from the need to address equity and accountability simultaneously (Nygren, 2005), and conflicting overlapping authorities between different tiers of government (Andersson and Ostrom, 2008). In this paper, we analyze local forest governance responses among forest communities in the northern Bolivia Amazon following forestry, land and democratic reforms.

The case of local responses to forest regulatory reforms in Bolivia relates to different academic debates. Since the 1990s Ostrom (1990) and her collaborators began to investigate collective action related to natural resources that are of interest to multiple

* Corresponding author. Tel.: +31 31748 14 16; fax: +31 31748 14 26.
E-mail address: walter.cano.cardona@gmail.com (W.C. Cardona).

users, but are difficult to privatize. This research has resulted in a comprehensive theoretical body on how local users develop rules and regulations (institutions) and overcome the free rider, or tragedy of the commons syndrome (Hardin, 1968). Some key features are, for instance, design principles for common property resource systems (Ostrom, 1990, 1999, 2009a,b). Key elements are that both resources and the users of the resources need to have a number of attributes for common property resource governance arrangements to be able to work acceptably. The robust and long enduring institutions that eventually are devised by the user groups also have certain common characteristics. This insight, Ostrom (1999) suggests, possibly could be used to actually design natural resource governing institutions in cases where problems of overuse and subsequent deterioration were observed, as was and still is the case in many places where forest dwellers depend on forests for livelihood needs. A critical self-review of the design principles suggest that they hold up reasonably well in the majority of the cases (Ostrom, 2009a,b), but Campbell et al. (2001) have shown examples of common property resource governance regimes that eventually broke down suggesting that the design principles have limited validity in many forest settings.

Self-governance expressed as self-organization capacity has been observed, documented and theorized in, among others, the common property resource management literature (Ostrom, 1990, 1999, 2009a,b). This literature was based on studies of rural communities that had autonomously evolved, but well developed rules of access rights to communal agricultural lands in Asia and Africa, or distribution of water rights in complex wet-rice cultivation systems. Self-organization capacity, however, is not only evident in land or resource access rights, but also in other types of social organization. For instance, Chibnik and de Jong (1990) documented how residents in the Peruvian Amazon formalized the widely applied *minga* labor exchange customs, into enduring, structured and organized work-exchange groups. Other kinds of self-organization are, for instance, cooperatives; a model of cooperation that emerged in Europe and was subsequently promoted, but that also self-propagated in many parts of the world, including tropical America (Benecke, 1994).

A next body of literature that is relevant for the case that we investigate is the academic debate on decentralization and its impact on forest dweller communities. Studies that contribute to this debate departed from the trend in many tropical forest countries in the 1990s of wider national governance reforms that essentially shifted authority and responsibility to lower tiers of government. Decentralization, it was held, would first of all increase efficiency and effectiveness of public administration (Ribot, 2003). Perceived additional benefits are that decentralized government could increase democratization and accountability, both key attributes of what came to be understood as “good governance”. Studies on the matter have found that decentralization brought the political process that affects forests close to the users, and that this at least in some cases may have resulted in better policies and administration. However, with the exception of a handful of countries, including Bolivia, decentralization as a rule did not increase the legally recognized and protected rights to participate in, for instance, forestry related decision making (Larson et al., 2007, 2010).

Academics have tried to link decentralization and self-organization capacity and dynamics with the concept of polycentric governance (Andersson and Ostrom, 2008; Nagendra and Ostrom, 2010). Polycentric governance has a normative connotation, as it implies that governance acts, for instance policy formulation, should consider both higher and lower governance administrative levels in order to be more effective and efficient. Andersson and Ostrom, 2008 Andersson and Ostrom (2008: 78) argue that when general rule systems designed at higher administrative levels are

not fine-tuned to local contexts, they will weaken local incentives to manage resources responsibly. Hence, polycentric governance is more appropriate to overcome the widely reported limited results of decentralization reforms. While the concept of polycentric governance has been explored conceptually, little empirical evidence has been provided of how different polycentric forest governance or more specific forest policies actually affect local self-governance capacities and incentives to invest in the definition of property rights and related rules regulating access to natural resources.

Policy reforms that affect multiple domains are oftentimes broad and contradictory (Pacheco, 2007, 2009; Pacheco et al., 2008; Luoga et al., 2005; Barry and Leigh, 2008) and they require further steps to adequately be implemented at local levels. Communities may opt to adapt customary property rights or customary rules to the new legal framework (Cronkleton et al., 2007; Rist et al., 2007) or may persuade governments to recognize customary rules, even if they contradict the new legal regime (Fitzpatrick, 2005; Gibson et al., 2005). It is not immediately clear whether the design principles of common property resource institutions, or other principles deducted from autonomous institutional solutions to common property resources challenges, will also apply in such cases. Until now, yet little evidence has been put forward of how communities resolve internally issues of ownership or use rights when new legislation redefines property rights and procedures to commercially exploit forest resources, as has happened in Bolivia since the mid-1990s.

Considering the above, this paper explores the questions: How do local communities respond to and how do they define their own arrangements under new forest and land regulatory regimes? In particular we seek answers to the questions: How much do such regulatory reforms constrain or enable local capacities to devise local arrangements, and how important and relevant are social, cultural and historical attributes of the communities that need to fend for themselves once forestry reforms have been imposed? We hypothesize that indeed local communities possess capacities to devise local institutions to govern common forest resources, and that they can set those capacities to work, for instance when land and forestry regulatory reforms are imposed. However, as the results of our research confirmed, directions that communities take to devise these local arrangements are not only influenced by attributes of the common property resources and the forest users, but also by local socio-political and institutional histories. Even among communities that appear to deal with quite similar common property resources and that share the same cultural attributes and regional history, we observed very different outcomes (Cano, 2012), and this begs for explanation.

Thus, we researched responses of forest communities in the northern Bolivian Amazon about 15 years after the country implemented wide-reaching land and forestry reforms which put a large part of the national territory, especially in the lowland forested east and north, under the control of rural villages and indigenous communities, in addition to implementing wide-reaching decentralization and popular participation reforms (Pacheco, 2009).

The paper has six sections including this introduction. The next section presents the background to Bolivia's decentralization, and agrarian and forestry reforms of the last 15 years. The section 'Research Methods' summarizes the research methods. The 'Results' section provides a basic typology of how rural people legitimize former rules and design new ones to distribute land within their community, and to secure access to valuable forest resources. The 'Discussion' section suggests some theoretical implications of the empirical findings, and the last section concludes.

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