



Beyond Property: Co-Management and Pastoral Resource Access in Mongolia

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Summary. — A critique of property theory points to the limitations of policies that seek to specify property rights, to strengthen or to re-establish common property institutions. Drawing on property theory and its critique, this paper presents a detailed case study of two waves of reform that attempted to reorganize property relations in Mongolia. Despite their analytical sophistication, property theories face particular challenges when translated into policy prescriptions. Reforms need to build on a broader understanding of the practices and mechanisms involved in governing resources, thereby providing a means to improve resource management.
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1. INTRODUCTION

In the mid 20th century, development policies encouraged the use of new technologies to intensify the traditional production of livestock in Africa and elsewhere. After this proved unsuccessful, development organizations attempted to reform the management of pasturelands by granting private property rights to pastoralist communities, particularly in Africa (Khazanov, 2013, p. 897). Later in the 1990s, governments combined market-based land reforms with community-based natural resource management (CBNRM), to develop policies designed to strengthen local pastoral institutions. However, these approaches are yet to provide a solution to the challenges of managing pastoral production. To a significant degree the obstacles they encounter reflect theoretical problems in the collective action¹ theory that have yet to be addressed in practice. Although the insights provided by critics of the collective action theory remain highly relevant, there is clearly a need to assess their applicability to particular cases, such as that of Mongolia, the subject of this study.

This paper examines the impact of two land policy reforms that occurred during or after the implementation of a structural adjustment package (SAP) in Mongolia. In 1991, the Mongolian government privatized collective assets, effectively dismantling pastoral institutions inherited from the past. Then, drawing on collective action theory, the state applied a sophisticated approach to pastureland management prioritizing community-based natural resource management (CBNRM) and co-management of pastoral lands involving centralized government and self-governing community institutions (Fernandez-Gimenez & Batbuyan, 2004; Mearns, 2004b; Schmidt, 2004). From 1994, the government reformed land tenure introducing exclusive individual rights to pastureland. By encouraging industry intensification and the eventual sedentarization of herders, these reforms sought to adjust the livestock industry to a market economy (Bazargur, 1998, 2009).

Through an analysis of changes to historical pastoralism in one particular case, and drawing on the tools provided by collective action theory and the access approach, this paper considers how these reforms changed herders' access to resources in Mongolia. We argue that attempts to specify property rights in land and a narrow application of collective action theory

continue to impede natural resource management. This is principally because, in applying these theories, policy makers misread how pastoralist institutions had in the past applied integrated approaches to manage the three critical components of pastoral production: livestock, labor, and land (hereafter 'components'). In the process, reformers overlooked how this system had allowed for flexibility of movement, enabling herders to cope with unpredictable weather conditions.

This paper identifies five limitations in these approaches for implementing pastoral land management policy. First, these theories provide universalizing concepts of property rights and thus tend to generate an overly prescriptive approach. Second, based on assumptions embedded in collective action theory, analysts misread the Mongolian landscape—misconstruing the natural resource problem as one of 'open access' or the absence of property rights (Fernandez-Gimenez & Batbuyan, 2004; Griffin, 2003; Ickowitz, 2003; Mearns, 2004b). Thus, they promoted approaches involving either modifying existing state territorial structures or crafting new forms of property institutions. However, this has proved inadequate to the task of managing dynamic social and resource boundaries.

Third the interpretation and application of these approaches raises questions of equity and legitimacy. The reforms broke down a system that in the past had provided legitimate and secure access to all. Implementation of such policies in Mongolia increased the complexity of property institutions, leading to ambiguity regarding who has what sort of rights and authority over which property and resources.

Fourth, as the reforms built on an inadequate understanding of customary resource governance, they narrowly focused on land, neglecting the management of the other components

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of production, such as labor and livestock, which are also critical to resource governance. Fifth, these approaches neglect the way actors make use of legal and extra-legal mechanisms,² beyond property rights, to derive benefits from pastoral production. This is largely because these theories present a ‘fixed’ menu of property-based mechanisms for defining access and use of natural resources for improving management. However, these concepts of property inadequately map onto the field. In essence, both land reform and CBNRM approaches, lack the conceptual acuity required to understand the dynamic contexts found in Mongolian pastoralism, which cannot be distilled into the fixed categories of property theory.

Consequently, we conclude that the application of institutionalist collective action theory, as an alternative to privatization, has yet to improve livelihoods or environmental management. In large part, this is due to a misunderstanding of the dual control institutions that support customary pastoral governance. By moving flexibly across space, and by coordinating the components of production, herders regulate access to migratory pastoral resources. Jurisdictional control, rather than exclusive rights to land *per se*, facilitates this freedom of movement. Thus, rather than ‘open access’, the underlying problem remains the dismantling of this dual control over the integrated management of pastoral production components. Therefore, future reforms need to consider the possibility of reviving the historical practices of dual control.

2. CPR MANAGEMENT, PROPERTY RIGHTS AND ACCESS

For over four decades, the idea of using property policy (either through state or community institutions) to manage landed resources has provided a foundational tenet of resource management. In response to [Hardin’s \(1968\)](#) simplistic analysis, an intuitionist reading—referred to as the ‘collective action approach’ or ‘CPR theory’—emerged focusing on common pool resources (CPRs) that are readily overused ([Johnson, 2004](#); [Saunders, 2014](#)). CPRs are resources from which it is difficult to ‘exclude’ others, where one person’s use subtracts from what others can use ([Ostrom, Gardner, & Walker, 1994](#)). This framework opened up a new way of thinking about, and managing the problem of complex and overlapping, bundles of rights ([Feeny, Berkes, McCay, & Acheson, 1990](#); [Robbins, 2004](#)). In this revisionist view, the answer to CPR management lay in recognizing and re-installing or creating self-governance by community institutions.

Alternatively, co-management approaches might provide a way to get co-existing management authorities to work together to govern resources held under complex bundles of rights ([Agrawal & Gibson, 1999](#); [Berkes, Feeny, McCay, & Acheson, 1989](#); [Feeny et al., 1990](#)). Thus, the challenge became one of clarifying the circumstances that might support improved CPR management, and either mending deficiencies in the old institutional arrangements, or crafting newer and better rules using a nested approach ([Agrawal, 2001](#); [Agrawal & Ostrom, 2001](#); [Ostrom, Burger, Field, Norgaard, & Policansky, 1999](#)). Recognizing complexity, [Ostrom \(2009\)](#) acknowledged the importance of going beyond a universal design principle and incorporating flexibility when addressing the specific social and historical aspects in various CPR governance arrangements in different contexts and tenure regimes.

However, a body of literature has emerged that demonstrates that many of the projects applying these approaches have achieved ‘disappointing outcomes’ ([Saunders, 2014, p. 637](#)).

A critique of the collective action approaches has emerged that suggests that it may be difficult to engineer property institutions along the lines suggested by those actually applying collective action theory ([Hall et al., 2014](#); [Johnson, 2004](#); [Saunders, 2014](#)). First, policy approaches derived from property theory can be prescriptive in nature, focusing ‘more on how property regimes should be instead of how they are’ in order to promote a socio-economic agenda of equity, efficiency, and sustainability ([Benda-Beckmann, Benda-Beckmann, & Wiber, 2006, p. 2](#)). In reality, approaches that try to formalize individual property rights are limited in their effectiveness, given that processes of formalization are contingent on so many factors ([Cousins, 2009](#)). Concepts of property have emerged through unique historical processes embedded in specific socio-political contexts ([Benda-Beckmann et al., 2006](#)). Understanding these contexts is crucial to learning about how various circumstances affect actors’ decisions over the use of natural resources ([Agrawal, 2003](#)). All too often this complexity eludes simple property categories, leading to interventions that struggle to accommodate socially embedded norms, values, and interests ([Saunders, 2014](#)).

Second, some users may be unable to exercise property rights due to their lack of access to the other means of production including labor, information, capital, or assets ([Berry, 1993](#); [Cellarius, 2004](#)). The social stratification which generates inequities of access creates a problem of legitimacy. As actors work around the state law, this can lead, in the eye of those advocating exclusive property rights, to ‘fuzzy’ property rights, which ‘lack clarity of borders, owners and exclusion’ ([Verdery, 1999](#), cited in [Sturgeon & Sikor, 2004, p. 3](#)).

Third, actors’ ability to benefit from the exploitation of natural resources may have little relation to their formal property rights ([Ribot & Peluso, 2003](#)). Thus, it may be difficult to apply property rights approaches in cases where actors employ other mechanisms and strategies to benefit from natural resources, that bear little relation to prescriptive norms, or enforceable claims, supported by property institutions ([Ribot & Peluso, 2003, p. 155](#)). Indeed, [Ribot and Peluso’s \(2003\)](#) access approach has provided the means of rethinking CPR management problems, opening up new ways of reading changes in how actors control production and marketing.

3. STUDY SITES AND RESEARCH METHODS

To date, there has been limited research on how and why transition policies of privatization and land reform have altered local pastureland management in Mongolia. This paper examines why herders changed the means they use to access seasonal pasture and how this affects management of disputes and overuse. Using a qualitative case study method, this study applies an access approach to understanding the specific mechanisms that different actors apply in accessing pastoral resources and how this is linked to underlying property relations in pastureland management in Mongolia. Here we explain why some CPR management approaches succeed, while others fail in regulating overuse and subtractibility. In particular, we investigate why these policies face difficulties in improving pastureland management, herding risk management and livestock population control. We explain why each approach faces problems when regulating local pastoral resources. Based on a case study undertaken in Herlen Bayan-Ulaan, Mongolia’s oldest and largest State Reserve Pasture Area, we argue that reinstating the historically integrated management of pastoral production is the key to

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