



## Common property protected areas: Community control in forest conservation



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### ABSTRACT

This paper examines the role of property rights and community control in promoting forest conservation, and extends the classic framework of the bundles of property rights to non-consumptive resources and ecosystem services. Common property resources are first contrasted with protected areas, and then combined to develop a conceptual framework for common property protected areas (CPPA). A case study of a communally owned forest reserve in Costa Rica shows how the CPPA model identifies various stakeholders and their roles, rights and responsibilities. We argue that landscapes under common property governance can extend and link protected areas across a mosaic of property types without sacrificing the wellbeing of local residents.

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### Introduction

This paper lays out a set of principles and conditions that define common property protected areas, and examines their implementation in a communal forest reserve in Costa Rica. We adapt the framework of [Schlager and Ostrom \(1992\)](#) to define the bundles of property rights held and roles played by various stakeholder groups, with the aim of advancing understanding of how novel property rights arrangements can promote grassroots conservation.

Scholars of common property have documented numerous cases in which small communities have created local institutions that promote more sustainable uses of natural resources. Presenting multiple and unique scenarios for collective action, communities have demonstrated widespread capacity for limiting and regulating their own impacts on the environment in order to sustain resources in the long run. Common property regimes have been studied largely in the context of managing extractive resources, but nature provides many services beyond the production of specific goods. Protected areas are one policy tool for the conservation of broader values like biodiversity and amenity, in which government control restricts other stakeholders' access to and uses within the bounded areas.

Although attempts to link common property theory and protected area policy have been few, the gap is not wide, and can be bridged. Common property research has focused on extractive resources on community-controlled land- and seascapes, while modern protected areas have been developed largely on public lands managed by national governments to protect non-consumptive resources. This top-down model has discouraged the application of common property theory to the design and management of protected areas. There is, however, a range of protected area models, including types that allow for different gradations of sustainable use rather than strict preservation. This paper argues that common property theory can illuminate the conditions under which protected areas can be managed by and for communities, while enhancing the connectivity of conservation networks at the regional level.

### Materials and methods

The theoretical discussion of this paper lays out the concepts and problems relevant to property rights, the commons, and territorial approaches to conservation, based on a review of the literature. We then compare and highlight the differences between common property regimes and protected areas, and propose a definition of a common property protected area that combines the two concepts.

The empirical sections of the paper review Costa Rica's policy framework for forest conservation based on document analysis, and then present a case study of a protected area created, owned and managed by a rural community. The first author stayed in the site as

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a volunteer to conduct semi-structured interviews and participant observation. Building on the fieldwork findings, the paper proposes a set of criteria and conditions that characterize common property protected areas as an institutional model, with particular attention to the “bundles of property rights” defined by Schlager and Ostrom (1992). The paper concludes with a reflection on the role of common property protected areas in maintaining or re-establishing wildland connectivity between island parks. These small areas have the potential to help form biological corridors, buffers and stepping stones by filling the gaps between large conservation areas such as national parks, without sacrificing the wellbeing of local populations.

### Theory: property regimes and conservation territories

Two characteristics can subject common-pool resources to the tragedy of the commons: (1) it is difficult or costly to exclude other users; and (2) one person's use subtracts from the resource available to others (Ostrom et al., 1999; Dietz et al., 2002). Without enforceable social mechanisms to regulate the users, open-access resources are vulnerable to overuse and depletion. In the long run, all users bear the ultimate cost of overuse. This is the fundamental scenario described by Gordon (1954) and Hardin (1968).

If not open to access by all, a resource needs to have some type of property regime. Property can apply to diverse natural, social and conceptual objects, including bounded spaces of land and water, natural resources, buildings and ideas. In this paper, property refers to the rights over resources and spaces, not to the physical resources or spaces themselves. Schlager and Ostrom (1992) divided the property rights concerning natural resources into five types of authority: access, withdrawal, management, exclusion and alienation. Property regimes are “a complex bundle of overlapping and hierarchical rights and claims, distributed among many persons and related to other social relationships” (Jeanrenaud, 1999: 129). Accordingly, resources can be managed under multiple property regimes that may be complementary or in conflict. A complementary combination of regimes may be more effective than a single regime, although conflicting regimes can invite disputes and mismanagement of resources (Berkes et al., 1989; Schlager and Ostrom, 1992; Dietz et al., 2003; Ostrom, 2009).

Property regimes are also dynamic rather than static, and depend on the strength of underlying social institutions, alliances, and reciprocal obligations. The foundational literature on common property focused mainly on community of place (e.g. Netting, 1976; McKean, 1992). Later authors (e.g. Agrawal and Gibson, 1999; McCay, 2001; Bradshaw, 2003) emphasized the heterogeneity within communities, and demonstrating that community failure as well market failure may occur in resource management. Poteete and Ostrom (2004) found no hard and fast rules concerning group size or heterogeneity in determining whether collective action could be mustered successfully, and pointed again to the vital role of institutions for forest management. Traditional institutions allocating and enforcing property rights over natural resources have been observed to fail due to power contestation between factions and interests within local communities, and between communities and outside parties such as companies, governments and environmental non-governmental organizations (ENGOs) (Jeanrenaud, 1999; Hayes, 2010).

Common property regimes governing extractive resources are normally formed within user groups that internalize the costs of management, including monitoring and enforcement. In contrast, the costs of monitoring and enforcement are largely external to the economic framework of many public protected areas. Park visitors, for example, do not pay the full costs, and governments must cover additional costs from public budgets. Where public

funding comes from general tax revenue, the burden is passed to the general public, most of which may receive no direct benefits from the protected areas. With higher priorities usually on the political agenda, government budgets for conservation are often too low to pay for the management costs. When those costs are internalized among beneficiaries through mutual monitoring and sanction, the resulting social institutions can be both equitable and efficient (Poteete and Ostrom, 2004; Ostrom, 2009). Insufficient monitoring and enforcement are identified as the weakest links in government-led resource management (Dietz et al., 2002).

Advocates for protected areas have sometimes come into conflict with defenders of the fundamental rights and dignity of indigenous and poor people because of an underlying model that posits nature as existing apart and separately from humans, sometimes derided as ‘Fortress Conservation’. The latter group tends to argue that nature conservation should incorporate the human presence and landscape uses as long as they are sustainable. In some cases, the wilderness model of state-established protected areas has led to the exclusion of former inhabitants from access, use and decision making (Cronon, 1995; Colchester, 1996; Neumann, 1999; Zimmerer, 2000; Hazen and Harris, 2007; Garcia-Frapolli et al., 2009). They are often people already politically and economically disadvantaged, especially indigenous people. Hess (2001: 160) characterized the Yellowstone model of a protected area as “state expropriation of customary tribal lands.” In some cases, indigenous people have been relocated to other places where their knowledge for sustainable use could not be applied due to changes in ecosystem composition, seasonal patterns and species interactions. The Yellowstone model has also been criticized for breaking traditionally sustainable relationships between ecosystems and humans, as well as for disregarding indigenous people's rights to live in their homeland and use natural resources for subsistence (Stevens, 1997).

In recent years, growing attention has been paid to less dualistic and more integrative relationships between nature and humans at both the conceptual and institutional levels (Zimmerer et al., 2004). The International Union for the Conservation of Nature (IUCN) has extended its definition of the objectives of protected areas to the protection of nature, a broader goal than protecting biological diversity (Dudley, 2008). This represents a shift from a strong emphasis on biodiversity in conservation policy toward a broader ecosystem service model. The more integrative understanding of human-nature relations is coupled with new institutional models of conservation that shift from state-led or top-down models towards community involvement, co-management, delegation of authority, and grassroots initiatives (Lockwood, 2010). Environmental non-governmental organizations (ENGOs), both local and international, often work with agents in civil society in developing place-specific partnerships, with governments playing subsequent and secondary, but still essential, roles (Borrini-Feyerabend et al., 2006), promoting conservation activities in civil society with official recognition, technical assistance, financial support and publicity.

The IUCN's Category V (protected landscape/seascape) and Category VI (protected area with sustainable use of natural resources) have been the subject of debate among scholars and practitioners (e.g. Borrini-Feyerabend et al., 2004; Locke and Dearden, 2005). Both categories are concerned with inhabited landscapes that are simultaneously natural and cultural, and that incorporate both resource use and human presence (Dudley, 2008). Borrini-Feyerabend et al. (2004) suggested the notion of a community-conserved area to better acknowledge the customary rights held by indigenous and mobile communities over natural resources, as well as their ongoing roles in sustaining those resources to the present. Community-based conservation need not be limited to protected areas, but it does assume and promote

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