

# The Common Property Resource Digest

NO. 60 QUARTERLY PUBLICATION OF THE INTERNATIONAL ASSOCIATION FOR THE STUDY OF COMMON PROPERTY March 2002

This issue of the CPR Digest is the third and final one in our series highlighting themes from the fast approaching *Commons in the Age of Globalisation*, the 9<sup>th</sup> Biennial Conference of the IASCP. It is still not too late to register for the conference with the form on page 13.

The focus here is on theme number three: Protected Areas in Constituting the Commons. We begin with a commentary by *Marshall Murphree* who argues that common property scholars have an important opportunity to be heard at the Fifth World Parks Congress in South Africa in 2003, but to do so we must focus ourselves more on wider policy debates and less on our own internal debates. He suggests three issues that should be the core of our message. *Charles Geisler* responds by expanding on the theme of combining responsibility with real authority in participatory protected area management. Then *Stefan Wodicka* argues that protected area policies still draw on several destructive myths that commons scholars are in a position to puncture. Next *Antonio Carlos Diegues* takes us to Brazil where state promoted protected areas still fail to take the needs of local populations into account. *Poul Degnbol* moves the discussion off shore, reminding us how the protected area notion has become a driving force in fisheries as well as terrestrial debates. *Michael Mascia* continues this theme, reporting on his research applying classical common property concepts to marine protected areas in the Caribbean. Finally, *Thembela Kepe* concludes the discussion by asking the pertinent question of whether the blocks to common property knowledge addressing protected area policy may not arise more from the cooks than the recipe writers.

We also include an intriguing Practitioner's Profile from *Ian Baird* of the Lao Community Fisheries and Dolphin Protection Project. And don't miss the announcement on the *Digital Library of the Commons*. Exciting things are happening on the CPR information front. **Enjoy!**

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## CPR FORUM COMMENTARY

### Protected Areas and the Commons

**Marshall W. Murphree**  
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During the past decades it has been *de rigueur* for any doctoral thesis on common property to start with a critique of Hardin's seminal article on the "tragedy of the commons". The argument is usually some variant of a theme which suggests that Hardin's "tragedy" is really one of open access and that in certain circumstances collective non-state regimes may be an appropriate and viable alternative to state proprietorship of landscapes and resources in the public domain

The extent to which such scholarship has influenced national and international policy on protected areas is questionable. Since its modern incarnation in national parks the protected area paradigm has generally and uncritically equated protected areas with state ownership and management. Informed by the technical perspectives of scientific/bureaucratic establishments and driven by imperatives to maintain the legitimacy of the state, this equation's persistence is hardly surprising.

There are however indications that protected areas are no longer automatically considered state protected areas. IUCN now defines a protected area as *an area of land and/or sea especially dedicated to the protection and maintenance of biological diversity, and of natural and associated cultural resources, and managed through legal or other*

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*Published with support from  
the Ford Foundation*

Editor

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*effective means*, implying that such areas are not necessarily limited to state sponsored landscape. A biocentric bias lingers however in this text and in the seven (revised) IUCN protected area categories, only two of which refer to economic values, one by implication only. Rooted as it is in the World Commission in Protected Areas, the IUCN commission which most closely resonates with those whose conservation values are primarily aesthetic and intrinsic, this biocentric orientation is understandable.

Other commissions in IUCN have taken a more anthropocentric stance. While not excluding state protected area approaches from the suite of possible conservation strategies they have argued that these can only address a small portion of biodiversity concerns. They point out the costs to local peoples whose land and resources have been expropriated to create state protected areas and the sense of alienation that this has produced. They thus encourage a more inclusionary strategy in which rural peoples are assisted to sustainably use nature through a variety of incentives, including economic development and the dynamic of collective action.

This strategy mirrors a similar policy shift in international conservation and development agencies. Indeed it brought these agencies into closer cooperation; if conservation and development could be simultaneously achieved the interests of both would be served. Thus the old narrative of 'fortress conservation' was largely displaced by the counter-narrative of development through community conservation and sustainable use. Significant donor funding was made available to implement the new strategy, resulting in a plethora of projects and programmes sailing under a bewildering array of acronyms. Some

were targeted at people/parks interaction; many others had little to do with established protected areas.

The results have been mixed at best, and generally performance has been well below expectations. Cohesive local units, the 'communities' with which projects could work, were difficult to identify and the acquisition of local organizational skills needed for new functions was an evolutionary process requiring time frames well beyond the impatient log frames of project-designed development. Projects became sites for new intra-local segmentation and conservationist colonization. More fundamentally, however, most of these initiatives lacked the critical ingredient for success: the devolution of authority and responsibility through societally sanctioned entitlements. Government and agency implementation retained ultimate power to shape objectives and control benefits; 'involvement' became compliance and 'participation' became co-option. Robust devolution requires significant allocative transfers in access and power, which politico-bureaucratic establishments are reluctant to surrender. Thus many of these initiatives have become case studies in aborted devolution.

Poor performance under the community-conservation-and-development strategy has led to disillusionment at both local and higher levels. One reaction suggests that conservation and development objectives should be de-linked and argues for a reinvigorated (and better funded) return to 'fortress conservation'. Another, stemming largely from critical social science, is reconstructive: re-jig the strategy to include the critical components of success. Grasp a more fine-grained understand of shifting conflict and collaboration over time and space, marginalise the weight of imported conceptions and emphasize local insight, aspiration and initiative.

The conceptual footprints of common property scholarship are clear in the shifting policy history that has been traced. Its insights contributed to the rise of the community-conservation-and-development strategy, and subsequently to the analysis of failures under this approach. But even its footprints are clear the power of this scholarship to significantly change policy is questionable, its evolving principles and insights being so easily ignored by political interest or bureaucratic stances of technocratic rationality. Much of this is our own fault. We shape our discourses to suit our own internal debates, using *a la mode* dialectic constructions such as narrative and counter-narrative, sometimes "turning cliché into event" as Theodor Adorno once said of Mahler's music. Our idiom is abstruse, tedious and incomprehensible to those who shape policy. Our penchant for typology places interactive reality into segregated boxes, congealing policy choices into mutually exclusive alternatives.

Nowhere is this disjunction between our scholarship and policy makers more in evidence than in the arena of protected area policy. Protected areas will be with us for the foreseeable future; the issue is not whether they should exist or not, but rather the form and function which they should assume. We should be talking to those who will determine the answers rather than simply talking to ourselves. Common property scholarship now stands on the cusp of a unique opportunity to insert its scholarship into policy debate on protected areas with the Fifth World Parks Congress scheduled to take place in South Africa in 2003. I suggest that the following issues should be at the core of our analytic message to this and other forums on the topic.

Firstly and fundamentally we should drive home the essential affinity between “The Commons” and “protected areas.” Put simply, commons are protected areas in that they are sites and bundles of collective entitlement for their constituents which require protection through controls on their use. Their legitimations may come from a variety of sources, the entitlements may be differential and the definition of their constituencies may vary, but their essence is collective and controlled access. Understood this way, the realisation dawns that ‘protected areas’ pervade most rural landscapes, whether recognized or not. This conceptual lense drives holes through the cognitive filters which have set up false dichotomies in protected area policy: that protected areas are confined to state management, that they are about non-use rather than use, and that they are about exclusion rather than regulated access.

This conceptual shift leads to a second entry point for CPR scholarship into the protected area debate, which is our ongoing analysis in response to the questions “Whose Commons?” and “Who manages?” The answers are of course not simple. Scarcity, uniqueness and ecosystem service functions may well imply state or even international jurisdictions. Proximate legitimations, capacities and efficiency may dictate localized non-state regimes. Clearly the answers cannot be uniform and common property scholarship has much to contribute to protected area policy on the dynamics and decisions involved.

This leads on to a third issue to which our scholarship can contribute, contained in the question “Protected for what purpose?” Urban and industrialized populations generally look to the protected area commons for the provision of recreational, aesthetic and ecosystem service values. Rural and agricultural populations look to their proximate protected area commons largely (but not exclusively) for economic and livelihood values. Both configurations are legitimate. The answers to the problems raised by their juxtaposition lie not in imposition but in exchange, nature

and ideas of nature being imported or exported on negotiated terms sustained by perceptions of mutual benefit and equity.

Finally our scholarship can contribute through a constructively critical analysis of the process which has shaped protected area policies. Managers of the rural commons have been marginalised in this process, with the result that policy has been imposed and generally ineffectual. A societally sanctioned, robust devolution would mandate their inclusion in this process, but as mentioned earlier this often faces intractable opposition from the political-bureaucratic center. A strategic scholarship should therefore include alternative stochastic paths to this goal. One is to explore the potential for incremental, de facto local appropriations of components of devolution. Another is to exploit policy spaces where new networks of local actors, extension workers and scholars can be configured to enter the policy process. Whatever strategies are pursued, protected area policies should be opened up by a continuous and interactive process of unfolding knowledge informing negotiations between all significant stakeholders regarding their use and management of the commons.

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# CPR FORUM RESPONSE

## Murphree's Law

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Marshall Murphree gives us three thoughtful points to ponder: conservation counter-narratives are commanding attention; common property research can reinforce counter-narratives in several important ways; and conservation is problematic where authority and responsibility are severed. This last point might be called Murphree's Law of robust devolution and is my focus here.

Murphree's Law has a general form (robust devolution requires significant allocative transfers in access and power) and a specific form (borrowed here from his previous writings): "What is required to make the concept of [community] participation [in conservation] viable is proprietorship, which means sanctioned use rights, including the right to determine the mode and extent of management and use, rights of access and inclusion, and the right to benefit fully from use and management." Bluntly, robust devolution means empowerment rather than disempowerment, and proprietorship is the litmus.

I have three related comments. First, the corollary to Murphree's Law is that failed devolution experiments in conservation are fundamentally about failed entitlement. The Law doesn't privilege one ownership model over another nor reduce protected area ownership to privatization versus state-owned land and resources. It appreciates the extended family of common property entitlements with all their legal-cultural complexity.

Second, Murphree's Law is about power, the essence of proprietorship. Many have equated ownership (wrongly, I believe) with security and ownership security with conserving behaviors. Protected area discourse generally ignores power or naively assumes that co-management somehow equalizes it. This is the Achilles heel of the counter-narrative. I expropriate you, then invite you to be my management partner. Precarious power logic; perfidious results.

Third, by definition common property is devolution with property rights. Responsibility and authority are joined. Conservation is a localized benefit not a cost; the benefit is shared; and beneficiaries are finite. Some 35 miles (56 km) from where I'm sitting is a working example of Murphree's Law, New York's Finger Lakes National Forest. Ever since 1948 between 50 and 100 local farmers are entitled each year to graze their cattle on selected

meadows of the Forest, thanks to their membership in a grazing cooperative with a renewable lease from the federal government. For 5 months of the year the cooperative co-manages this commons with the US Forest Service and takes responsibility for resource conservation therein. The lease empowers the farmers to exclude nonmembers, influence carrying capacity, and capture the benefits of valuable grazing subsidies.

The Law tells us something more: political bureaucratic establishments surrender power reluctantly. This should become the rosary of the conservation counter-narrative. It tells us that devolution is less likely to fail than is the transfer of authority in property.

Murphree's Law is not to be confused with Murphies Law, for if things can go right, sometimes they will, and robust devolution will result.

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# CPR FORUM RESPONSE

## Response to Dr. Murphree: Let's Take on the Myths

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Dr. Murphree's piece on protected areas and the commons is a timely and critical attempt to set an agenda for including common property scholarship in the policy debate on protected areas. My comments focus on the four issues he raises as the core of analytical discourse proposed for the Fifth World Parks Congress scheduled in 2003. This response reflects current thinking on experiences with community-based natural resource management initiatives in Southeast Asia.

Murphree provides an interesting new lens through which the myth of protected areas as confined to state-management, non-use, and exclusion can be challenged by viewing such areas as "commons." Through such a lens, protected areas 'pervade most rural landscapes', and thus the boundary between protected areas and commons becomes less clear. Applying this lens further, the same affinity could be drawn between commons and private property where, in many countries entitlements of the State are becoming more and more pervasive. Perhaps, this analogy could further open the debate about the effectiveness of collective entitlements versus protected areas.

While intellectually stimulating, I believe that common property scholarship could drive a more challenging message to the policy debate on protected areas by demonstrating that collective and controlled access is more effective in achieving long term conservation goals, if this indeed can be substantiated. I also believe that we need to challenge the arena of protected area policy (even if it will be around for the foreseeable future) with myths about the necessary relationship between poverty and environmental degradation, or that poor people are too poor to invest in the environment. Such myths have often played a stronger role in driving protected area policy, especially in developing countries. Common property scholarship could significantly inform the debate about protected areas by critically studying basic assumptions about poverty and the commons.



*A Protected Area in Lao PDR - photo courtesy Doug Wilson*

The question of “who manages?” is essential to open up the policy debate. Protected area policy in many developing countries just doesn’t work. In most cases, we face a situation of open access, where markets and economic development policies are the driving forces behind the management of these unique areas. Furthermore, protected areas have most often been designated on the basis of inadequate science and no or little local participation, and therefore remain oblivious of local realities. It should be no surprise that ICDPs have met with such little success in the face of inappropriate policies. A reality check on the *de facto* failure of protected area policy would serve to move the debate towards new opportunities and breakthroughs.

“Protected for what purpose?” is another key question at the center of the protected area policy debate, and follows logically the retort to the former question. The purpose for protection can no longer be determined unilaterally, as in the past. Global, regional, national, urban, rural and a multitude of other interests interface and compete for the use or preservation of unique resources. Common property scholarship could enlighten policy makers on how common interests evolved to make the commons sustainable, and thus inform the challenge of building a common

vision based on common values among the plurality of stakeholders for managing resources into the future.

The final issue is without question the path to innovation and to reaching new breakthroughs in managing protected areas. Such paths may emerge during upcoming international forums but may not yet have reached a critical mass to make a paradigm shift possible. I agree though that various policy changes do provide windows of opportunities and believe that a planning reform, which includes stakeholders closest to the resources, will be more fruitful than pursuing the protected area policy path. Common property scholarship could play a strategic role in documenting such initiatives for wider dissemination and comparative analysis.

I would agree with Dr. Murphree that common property scholarship has much to offer to the protected area debate. New lenses are needed through which, paradigms such as that of ‘protected areas’ can be challenged more effectively. The critical questions he raises will hopefully guide future research and thus contribute more significantly to the policy debate on protected areas during the Fifth World Parks Congress.

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## CPR FORUM RESPONSE

### State Property versus the Commons in Brazilian Protected Areas

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Many Indian and non-Indian traditional communities that often live in remote forested and coastal areas of Brazil have developed production systems based on common use of natural resources and territories. Many of restrictive protected areas based on state property, such as national parks where no traditional communities are allowed to remain, have been built over these traditional systems, leading to their disruption.

Among some Brazilian conservationists and governmental agencies, such as IBAMA (Brazilian Institute for Environment), there is still the concept that protected areas (national parks, ecological stations) should be empty spaces, with no human dwellers. According to the existing law, the presence of any human group, traditional or not, is a threat to conservation and therefore, traditional communities living in areas before the establishment of the restrictive protected areas should be expelled. It is known however that the traditional communities (mainly artisanal fishermen, riverine and extractive groups) have

lived for long time and due to their type of livelihood are, to a large extent, responsible for the conservation of the area. In many cases, the expulsion of these groups has induced the arrival of powerful economic groups such as sawmill processors, land speculators that are responsible for the degradation of protected areas.

In order to understand the cause of this unjust treatment against traditional populations it is important to understand the origins of the North-American conservationism concerning the creation of national parks without dwellers in the late 19th century, when the Yellowstone Park was created. These ideas have deeply influenced the establishment of national parks in Brazil.

Vast areas were considered “empty” and “wild,” although most of them were sparsely populated by traditional communities of small scale fishermen, shifting cultivators, extractive groups. These human groups were not so common in the areas proposed as national parks in the US. Very often parts of the tropical forests in Brazil were and in some case still are maintained in a “wild” state because of the type of livelihood of the traditional population that need to use the natural resources in a wise way in order to survive. However, because of imported conservationist ideas these traditional human groups should be transferred, by law, from the land their ancestors have inhabited for a long time. According to a study undertaken by NUPALTB/USP - Research Center on Human Populations and Wetlands in Brazil, in the southern states over 40% of the national parks are inhabited by traditional communities.

The acceptance of the presence and awareness of the contribution of traditional population to national parks conservation is growing among conservationists and researchers in Brazil, in spite of the fierce opposition of some governmental and non-governmental sectors. The creation of the extractive reserves, result of the struggle of the rubber-tappers (seringueiros) is an important step to the recognition of the role of the traditional communities. In these extractive reserves, new commons have been built and in the Amazonian lakes co-management systems are being experimented in which the traditional common property systems are respected.

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## CPR FORUM RESPONSE

### Protected areas and the commons - the fisheries case

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Marshall Murphree’s paper discusses protected areas from a common property perspective in general, but draws its examples mainly from terrestrial systems. It is interesting to read this from a fisheries perspective because the discussion on marine protected areas (MPA’s) is one of the hottest issues in the international fisheries management debate presently and the discussion sounds so familiar. The discussion of MPA’s which has taken place in the international fisheries literature in recent years has in many ways retraced the development which Murphree describes. MPA’s have achieved the status of panacea in some parts of the international debate on fisheries management, in a fashion similar to the early stages of “fortress conservation” in the terrestrial context.

This comparison is deceptive, however - a closer analysis of the ongoing debate in the marine environment shows that it is about something very different. The contributions from CPR scholarship to policy development regarding protected areas may therefore also be very different in the two situations.

Protected areas as a management instrument focuses on the spatial aspects of common property, the adequacy of this instrument and its specific institutionalisation depends entirely on the spatial characteristics of the commons in question. The spatial aspects of the commons take on a specific flavour in a marine context, because the spatial delimitation of resources in most cases is so fuzzy. Fish are mobile and often migratory and their lives depend on a marine ecosystem which ultimately is linked to processes in the world ocean at large. This has not prevented the emergence of local spatially-based management systems, and such management systems are still proving successful in some cases, especially where less mobile resources (mussels, lobster etc) are exploited.

However, the modernization process has in a more radical way led to detachment of exploitation from spatial dependencies in the marine environment : modern industrialised fishing fleets are highly mobile and adaptive and some fleets have developed an opportunistic fish-down-and-move-on approach to resource use on a regional or even global scale. Existing spatially-based management systems have in most cases not been able to cope with this

situation, leading to a specific variant of the commons problem, not as a sort of initial state in Hardin's sense, but as an outcome of modernisation processes. Spatially distinct jurisdictions have been reintroduced on the national level, primarily through the Law of the Sea in 1982, which confirmed the concept of Exclusive Economic Zones, and this has in many areas led to a situation where the only authority for spatial management, and indeed a recently established one, is the State. Murphree's idea that rural landscapes already are mosaics of 'protected areas' and that the scholarly discussion on protected areas therefore should get out of understanding protected areas as being confined to state-management, to non-use rather than use, and exclusion rather than regulated access does therefore not apply to many marine areas.

It is in this situation of State jurisdiction and high pressure from industrialised fishing fleets that marine protected areas in recent years have achieved the status of a universal solution to the crisis of fisheries management - at least from some quarters of the international debate. The case for marine protected areas is often based on two arguments: 1) that protected areas will serve to protect specific sensitive habitats or biota within the area and/or 2) that protected areas will serve to reduce the exploitation pressure on marine resources in general. Both arguments suggest that large scale areal closures will serve to protect living resources in the marine ecosystem at large.

The first argument applies to specific habitats such as coral reefs and the management issues, including institutional considerations, are in this case very similar to similar situations on land. However, it is the second argument which has had a high profile as a recipe for fisheries management, and this is interesting in light of the fact that there is a strong international consensus that the core - and nearly universal - problem of fisheries management is too much fishing power. The harvest capacity of the fishing fleets supercedes the productive capacity of the marine ecosystems considerably, by a factor of two in some important fisheries. Programmes to reduce this capacity have been undertaken but generally with very limited success to say the least. The case for MPA's is now emerging partly as a result of this failure to control capacity directly, based on the idea that by reducing the area open for harvest the impact of existing overcapacity will be reduced. It is a part of this argument that compliance with MPA's is considered easier to control than most other management measures, especially given the possibilities for satellite control of the spatial structure of fishing activities.

The task for CPR scholarship in relation to MPA's will therefore in some respects be quite different from the

options presented by Murphree for the terrestrial case. If MPA's are used as a substitute for capacity control and based on the argument that they are easier to control we may be into a similar situation as Murphree describes as a reinvigoration of "fortress conservation," a defeatist approach reverting to top-down governance based on State authority. The critical questions to be asked here include both questions relating to the legitimacy of such an approach, how fishers, coastal communities and citizens with an environmental concern are represented in the process and questions regarding the possibilities for pursuing what has been recognised as the real problem - fleet capacity. But the basic issues we must address to answer these questions remain the same - how do we develop room for exchange, exploration and devolution and how do we open up policies by "a continuous and interactive process of unfolding knowledge informing negotiations?"

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## CPR FORUM RESPONSE

### Protected Areas: A Confluence of Research and "Real World" Opportunities

Michael B. Mascia

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Marshall Murphree rightly identifies the Fifth World Parks Congress as a tremendous opportunity for IASCP scholars to inform protected area policy and policymakers. The limited influence of common property research on protected area policy, however, suggests that traditional common property research-which social scientists successfully pursued to demonstrate the limitations of Hardin's "tragedy" thought experiment-does not directly answer questions at the heart of current protected area policy debates. Thus, while policymakers must acknowledge that "commons are protected areas", as Murphree argues, social scientists must recognize that protected areas are commons and diversify their research accordingly.

There are good reasons for IASCP researchers to focus greater attention upon protected areas. First, protected areas are a significant social and political phenomenon. Nearly 10% of the land on earth is governed by one of the 30,000 IUCN-recognized protected areas; the number of marine protected areas (MPAs) governing a portion of the world's oceans has nearly doubled in the past decade, to

roughly 2,000 sites. Second, social scientists seek answers to many of the same questions that face protected area policymakers. How are the emergence, evolution, and performance of protected areas (i.e., common pool resource regimes) shaped by decision making arrangements? Resource use rights? Monitoring and enforcement systems? Conflict resolution mechanisms? The state? Cultural beliefs and values? Organizational hierarchy? Appropriator and resource heterogeneity? Third, and perhaps most importantly, protected areas represent a known sampling universe, allowing researchers to design studies that foster external validity—a concern of policymakers as well as academics.

MPAs demonstrate the challenges and opportunities associated with protected area research. MPA governance regimes include centuries-old common property systems, state-dominated regimes, and novel NGO, parastatal, collaborative management, and hybrid systems. Like the forests, fisheries, grasslands, and irrigation systems that common property scholars have traditionally studied, MPAs generate scarce and renewable resource units. MPA resources, however, vary in their mobility, subtractability, and capacity for storage. Appropriators of MPA resources often vary in group size, degree of resource dependence, patterns and mode of resource use, and cultural beliefs and values. While this diversity in governance, resource, and appropriator systems makes MPAs a challenging system to study, it also provides the opportunity to advance social theory in numerous directions by designing natural experiments to test specific hypotheses.

My own research on the emergence, evolution, and performance of MPAs in the Wider Caribbean hints at the promise of protected area studies. Comparative case study analysis of three Wider Caribbean MPAs (Hol Chan Marine Reserve, Belize; Folkestone Marine Park, Barbados; and Exuma Cays Land and Sea Park, Bahamas) suggests that Ostrom's design principles are a robust predictor of regime performance—social and environmental—in more complex common pool resource systems than previously demonstrated. Study results also suggest that institutional change (i.e., MPA emergence and evolution) may be analytically separated into a two-stage process of “institutional choice” and “institutionalization”. Institutional choice (the formal or informal selection of standards to govern individual behaviour) is shaped by the structure of pre-existing social institutions and cultural beliefs and values. Institutionalization (the process through which institutional choices become functional constraints on behaviour) is shaped by the interplay of individual self-interest, external coercion, institutional legitimacy, and cultural beliefs and values.

In addition to its implications for political theory, this study of Wider Caribbean MPAs has significant policy implica-

tions. At the most basic level, this study demonstrates that “the rules of the game” shape the social and environmental performance of protected areas—a simple fact frequently overlooked or unrecognized by protected area policymakers and practitioners. Moreover, this study suggests that Ostrom's design principles represent a useful starting point for the design of effective protected area governance regimes. Protected area policymakers and practitioners who do recognize the importance of protected area governance have a dire need for policy “rules of thumb” to test and modify over time; Ostrom's design principles may serve such a role. Finally, this study illustrates that policymakers' efforts to design protected areas and appropriators' use of protected area resources are shaped by shared beliefs about how the world works and shared values of what is good, desirable, and just. As



*Mkambati Nature Reserve, South Africa  
Photo Courtesy Thembele Kepe*

an epistemic community, IASCP scholars have the responsibility to ensure that policymakers' shared beliefs—and their policies—are based upon the best available social science, rather than the misleading Hardinesque assumptions that still underlie protected area policy in much of the world. Fortunately, the Fifth World Parks Congress provides us with an opportunity to fulfill this obligation.

### **For Further Information:**

Mascia, Michael B. 2000. Institutional Emergence, Evolution, and Performance in Complex Common Pool Resource Systems: Marine Protected Areas in the Wider Caribbean. Ph.D. Dissertation, Department of the Environment, Duke University, Durham, North Carolina, USA.

Disclaimer: The views expressed here do not necessarily reflect those of the U.S. Environmental Protection Agency.

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# CPR FORUM RESPONSE

## Protected Area Policies and Commons Scholarship

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Murphree presents a concise history of how the protected areas debates have evolved over several decades. He notes the role of common property scholarship in this evolution, which has seen biodiversity conservation move from a strict protection mode to accommodating various forms of 'sustainable use' by local people. Murphree's assessment that community-based conservation has had mixed results is particularly true for many poor countries. The question that arises is: has common property scholarship failed these countries? To reflect on this question, and others raised by Murphree, I draw on the experience of South Africa.

South Africa was slow to entertain the paradigm shift in protected area management, for two main reasons. Firstly, the apartheid government did not experience a real challenge to their protected area policies for over a century. National racist policies - which were enforced and protected with brutal force - permeated the conservation sector. Secondly, scholarship in the social sciences was pre-occupied with addressing issues that were central to the struggle against apartheid: institutionalized racism, land and poverty. Conservation was largely seen as the domain of natural scientists and a few (privileged) wildlife enthusiasts.

As the apartheid government was losing its grip on power during the 1980s and early 1990s, non-government organizations with a history of working with marginalised people began to challenge the conservation orthodoxy. This was often combined with the fight for land rights. Common property scholarship undoubtedly informed the ideological aspects of this challenge. In addition, southern Africa countries like Zimbabwe were seen as role models of how common property concepts can guide policy in protected area management. Thus, NGOs and scholars from outside - many of whom were from the common property school - ensured that CPR ideas were incorporated into the new post-apartheid policies they helped to draft. This is particularly true for those who worked for government as consultants or advisors. This appeared to fulfill Murphree's proposition that "We should be talking to those who will determine the answers rather than simply talking to ourselves."

Many would agree, however, that this "talking" is often not straightforward and is frequently rejected by bureaucrats. What happened in South Africa can be compared to a situation where one person develops a recipe for a dish, but

somebody else cooks, tastes and serves. What if the cook, cutting costs, left out some ingredients or skipped a step? What if the cook also tasted the food and gave his or her approval, but the people who ate it thought the food was really bad? Do we blame the author of the recipe? That would be unusual in the culinary world, but unfortunately it happens when social scientists try to influence policy.

In South Africa the government took the main responsibility for implementing the CPR-influenced protected area policies. I agree with Murphree that poor definitions of "community", and the absence of "robust devolution" of authority and responsibility, were ingredients for limited success of these "community-conservation-and-development" strategies. However, it became apparent in South Africa that fast-tracking (including skipping crucial steps) contributed heavily to limiting the success of these projects. Land rights issues



*Mkambati Nature Reserve, South Africa*

*Photo Courtesy Thembela Kepe*

were ignored, implementers did not have adequate skills, community conflicts were ignored, political will was largely absent and unrealistic promises were made. Yet it was scholars who were blamed for being idealistic, and for suggesting unworkable ideas.

While this accusation seems unfair, one has to wonder if we should not shoulder some of the blame. In our attempts to make theory relevant to protected area policy, we sometimes go too far. Take the example of ecotourism. It is now fashionable for scholars to suggest that ecotourism can increase the benefits from a protected area. While there might be some truth in this, ecotourism is not a panacea for poverty. Yet many governments and potential beneficiaries treat them as such, often at the expense of diverse livelihood sources. One would hope that Murphree's suggested "stochastic paths" which scholarship should take, in contributing to protected area policies, do not mean dressing up credible ideas to a point of non-recognition. There is a danger that governments, while under pressure to speed up development, would only take the dressing of projects (e.g. ecotourism) and leave the real thing, which are people's rights and power dynamics, untouched.

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# PRACTITIONER'S PROFILE

## Community-Based Aquatic Resource Co-Management in Southern Laos

Ian Baird

### 1) What does your program do?

The Lao Community Fisheries and Dolphin Protection Project (LCFDPP) was a small NGO-supported community-based resource co-management and community development project that was initiated in cooperation with communities and local government in Khong District, Champasak Province, southern Laos between 1993 and 1997. The Environmental Protection and Community Development in Siphandone Wetland Project (EPCDSWP) immediately followed between 1997 and 1999. Both were two phases of the same initiative. The area is rich in both aquatic biodiversity and productivity, and has an extensive system of islands, channels, rapids, deep pools, waterfalls and wetland forests. People have a long history living in the area, and local ecological knowledge and dependence on wild-capture fisheries remains strong, as does community structure. In the 1980s and early 1990s overfishing, the introduction of destructive gears, and improved marketing opportunities apparently resulted in increased catches, which led to drops in landings and declines in socio-economic conditions.

The two projects facilitated a process recognised by the local government that gives villages the authority to establish, through participatory processes, co-management regulations. Communities can opt out, but between '93 and '99, 63 villages set up aquatic co-management regulations. Each village chose its own combination of regulations, and no two have the same ones. Many communities have restricted destructive fishing gears, banned the catching of juveniles of some fish species, restricted frog harvesting, and protected wetland habitat. The most important measure has been to establish 69 Fish Conservation Zones (FCZs) to protect deep-water habitat, which is important as dry season fish refuges. Local people now widely report that their fish catches have increased due to these measures, and that certain rare species have returned. In many cases, community solidarity has improved. According to villagers, the programme has been successful in both improving their lives and managing resources more sustainably.

### 2) How did you get started?

I initiated the LCFDPP after conducting field investigations in Khong in 1991 and 1992. The idea to implement community-based co-management was largely based on my experience from Southern Thailand with community-based coastal management projects in collaboration with local Thai NGOs.

### 3) How is your group funded?

In 1999, financial support in Khong ended. The LCFDPP was funded through a number of small grants, with the main funder being the NGO CIDSE - Laos. The European Community

funded the Italian NGO CESVI to provide assistance through the EPCDSWP.

### 4) What have been your most important accomplishments?

To facilitate the establishment of a strong community-based aquatic resource co-management system that both benefits people and the environment in Khong. The villages are continuing to follow the system even though NGO financial support was removed over two years ago. Fishers from Khong and local government are convinced that the regulations put in place have actually benefited the fisheries that they are dependent on.

### 5) What have been your biggest hurdles or challenges?

To convince some of the foreigners working as fisheries scientists that local people should have the rights to participate in locally managing aquatic resources. Some have questioned the ability of local people, but time has proven that they can manage better than they have often been given credit.

### 6) What lessons have you learned that would be useful for other groups or communities involved in common pool resource management?

One of the most important lessons relates to the way access to resources is managed in Khong. Although the local government has mainly emphasised the need for local communities to set their own regulations, one of the few things that they mandated was that individual villages should not have the right to set regulations related to resource use in their own territories that only outsiders must follow. This may seem to be a recipe for disaster, since it appears to imply that locals cannot control access to using resources in their territories. However, the system actually helps to reduce conflicts between communities. If a host community bans a particular fishing gear, all communities must follow the same regulations. This provides host communities leverage over outsiders, who can be more easily persuaded to follow the regulations, since they know that the host community is following the same regulations. It does not appear to outsiders that the community is only trying to grab resources for their own private benefit. The goal is to conserve the resources for all to benefit from in the future. This system also encourages fishers to regulate themselves in situations where outsiders may be using particular gears that are damaging. If they want the destructive outsiders out, they must also agree to also stop using the same fishing methods. It makes it easier for resource-poor villages to continue to gain access to resources in other communities, providing that they agree to follow the regulations established by the host communities. Because Lao people are particularly averse to conflict, this system is appropriate. It tends to reduce conflict associated with co-management, and thus improve the chances that the system will continue into the future.

### 7) How can readers get in touch with you?

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Charlotte Hess

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## March 2002

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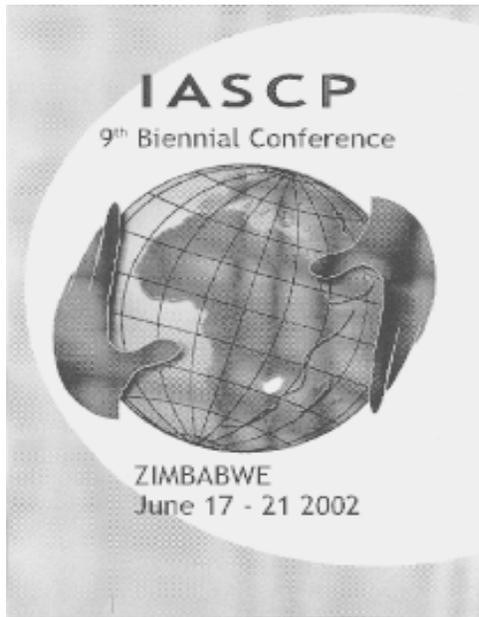
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