

Negotiated Domains: Evolving Boundaries, Communities and Policy Spaces

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Abstract

This paper deals with the imperatives of social ecological interaction seen through CPR lens. It specifically looks at the process and factors that characterize the dynamics of the above interactions, with particular reference to the changing status and governance of CPRs at the landscape level. The sociological interactions have been developed over the years based on the communities' historical understanding of the larger landscapes, resource availability and dependence on the resources for sustenance. The communities adapt to their needs and create a variety of operational boundaries and property regimes through negotiations across habitations based on access to resources and the availability of certain specific resources but are rarely based on the artificially created administrative boundaries.

This paper attempts to discuss a framework of "negotiated domains" to explain the existence of informal boundaries across property regimes and mutually accepted rules that have developed through historical negotiations between communities across generations. Neither it is easy to explain the wide range of ecosystem interactions in terms of property theory nor is it possible to legalize the multiple boundaries, as an enforceable claim to the benefits but it is essential for such informal spaces to be acknowledged and supported by society through law, custom or convention. The sustainability of the resource depends on the socially constructed norms, rules and entitlement regimes that define the access to the resources and not only property rights that provides enforceable claim to use of or benefit from the resource.

Key Words: *Forests, Negotiations, Institutions, India*

Introduction

The fragmentation of landscapes and eco-systems along administrative or legal boundaries has become the most accepted basis for decision-making processes. This may be attributed to the colonial and post-colonial discourse on property theories that has led to decollectivisation, classification, allocation and titling of lands to individual households (Sowerwine, 2004) with the forests and common lands retained as the property of the government under the principle of Eminent Domain but placed in the record of rights of each village. Various acts, policies and programmes formulated from time to time have continued to define and redefine boundaries based on manageability rather than the suitability in the larger landscape and the existing socio-political framework. The implementation of these act and policies have strengthened the conflation of property and identity that has had identifiable effects on how both property relations and development prospects have played out. Such actions have lead to what has been termed as territorialization by many scholars (Peluso _____, Sowerwine 2004,). Property rights are defined by legal concepts, which indicate the variable strength of the relationship between holders of property and their property objects (Paul, 2004).

The ecosystem interactions often transgress the domains of administrative boundaries and are based on the natural watersheds, geological formations, hydro-geological and nutrient flows. Administrative or legal boundaries make little sense while understanding the evolution of nature, its diversity, complexity and simultaneity. And yet we live in a world in which most decisions have to be taken along these boundaries (Gupta & Sinha 2001). Further, the sociological interactions have also been developed over the years based on the communities' historical understanding of the larger landscapes, resource availability and dependence on the resources for sustenance (Rangoori & Singh 2005). The interactions are therefore characterized by temporal and spatial variability of resources, such as grazing lands, forests and water points as they are unevenly distributed over wide geographical areas. The communities adapt to their needs and create a variety of operational boundaries and property regimes through a variety of negotiations across habitations based on access to resources and the availability of certain resources but are rarely based on the artificially created administrative boundaries.

The boundaries separating distinct institutional systems – much like the boundaries between individual ecosystems – are often fuzzy and difficult to locate with precision. This is a consequence of the role that social construction plays in determining the scope or domain of individual institutions as well as of inter-dependencies connecting institutional arrangements to one another (Young, 1999). Adding to this is the complexity is the use of the resources with the resource users being different for different commodities, in fact overlapping in terms of scale spatially and temporally. The objective of the paper is to examine and discuss the possible approaches to understand the interplay between the institutions and the ways to deal with issues of access and property rights within the discourses on commons. The paper attempts to discuss the issue through the framework of “negotiated domains” to explain the existence of in‘formal’ boundaries across property regimes and mutually accepted rules that have developed through historical negotiations between communities across generations. This paper is an output of a post-facto analysis of a study

conducted across ninety villages in the eastern state of India (Orissa)¹ to evaluate the performance of institutions managing natural resources (especially forest resources) against institutional and resource parameters. The paper is based on our search for mechanisms that assist in the development of rules and regulations, specifically on elements that provide other stakeholders access to the resource.

Landscapes as livelihood spaces

We understand that the livelihoods of the community are shaped by the opportunities and the constraints that a particular landscape offers. Defining a landscape is very abstract and having a common and acceptable definition for a common understanding is important. Apart from the topographical and morphological features it is also important to understand the cultural and social aspects in the landscape as it provides a character to and defines the land use in the landscape. According to the Wikipedia definition 'a landscape comprises the visible features of an area of land, including physical elements such as landforms, living elements of flora and fauna, abstract elements such as lighting and weather conditions, and human elements, for instance human activity or the built environment'². UNESCO defines cultural landscapes³ as 'combined works of nature and of man, illustrative of the evolution of human society and settlement over time, under the influence of the physical constraints and/or opportunities presented by their natural environment and of successive social, economic and cultural forces, both external and internal. Cultural landscapes include diverse examples of the interaction between humans and the natural environment and could fall into three categories: (i) the clearly defined landscape designed and created intentionally by man; (ii) the organically evolved landscape; and (iii) the associative cultural landscape'. McNeely's definition of the landscape attempts to put the ecological social and cultural aspects in perspective, which is defined as "a mosaic where a cluster of local ecosystems is repeated in similar form...A landscape is characterized by a particular configuration of topography, vegetation, land use, and settlement pattern that delimits some coherence of natural, historical, and cultural processes and activities (McNeely and Scherr 2003:275)". This definition views landscapes as not only a biophysical space but also as cultural-political-economic space, which interacts to shape the landscape structure.

Landscapes are dynamic systems and various component of the landscape are in constant interactions from inside as well as outside. This is especially true in practice, where the broad-scale processes act to constrain or influence finer-scale phenomena are few key parameters – i.e. the land-use, the farming systems and the 'supply-side' of agricultural lands (for food security). It is this ecological landscape, based on which the livelihoods of the communities are evolved with the land, forests and water as their basic capital assets. The livelihood strategies so developed are the range and combination of activities and choices that people make or undertake in order to achieve their livelihood goals including the choices they employ in pursuit of income, other productive and reproductive activities, investment strategies, choices, security, well-being, etc. Several researchers have highlighted the critical relation between survival strategies, ecological and biodiversity-rich production systems and

¹ The paper is based on the results of fieldwork undertaken in the project villages in Angul and Dhenkanal districts of Central Orissa

² Wikipedia definition as accessed on 21st April 2008

³ <http://www.environment.gov.au/heritage/worldheritage/criteria.html> accessed on 22nd April 2008

the customary rights of the poor to collect and gather food from their surroundings. These ecological and ethical relations fashion a "social landscape" that ensures survival, no matter how difficult that may be (IDRC⁴).

Also, it is important to understand that the livelihoods within a particular landscape are developed and strongly affected by the contexts of the specific complexities present in the interfaces between conservation, land-use and the state of governance order in place. I attempt to understand how local people develop/determine their agrarian landscapes and livelihood practices in a given landscape drawing from Henri Lefebvre's concept of socially produced space. The livelihoods so developed are very much dependent on the access and rights over landscape components. The study of space offers an answer according to which the social relations of production have a social existence to the extent that they have a spatial existence; they project themselves into a space, becoming inscribed there, and in the process producing that space itself. Failing this, these relations would remain in the realm of 'pure abstraction,' that is to say in the realm of representations and hence of ideology (O'Ruairc, 2003).

The status of the livelihoods in a landscape today in any location is a picture based on a series of negotiations arising out of contestations over land-use, property and access over resources – private or otherwise. For example, land use and landscape management are strongly linked to the management of water resources and the way land is used determines the livelihoods of the various communities living within the landscape. This therefore brings people together to identify, negotiate and put in place practices that optimize the environmental, social and economic benefits within the larger policy framework and the opportunity and constraints that the landscape offers. The present land-use in the given landscape is a result of years of real-life trade-offs and negotiations and the functionality of the landscape is designed by the policies and practice mainly based on collaborative process of learning and adaptive management. We also understand that both physical and social landscapes do not exist in isolation and landscapes are nested within larger landscapes that are nested within more larger landscapes, and so on. So does the negotiations extend beyond landscapes and people keep creating new sets of domains to define their existence and thereby their livelihoods.

Decentralization, Devolution and Territorialization

The colonial and post-colonial discourse on property that has led to titling of lands to individual households in India way back in 1700 AD is leading to gradual decollectivisation and allocation of land. The colonial and postcolonial governments have shaped natural resource governance and the resource rights regimes through the process, what Peluso (1995) refers to '*territorialization*'. Critical tools like cartographic mapping, survey and settlements and land titling etc., carried out mostly in 19th Century and first part of 20th Century under colonial state brought in and established territorialization. Territorialization has been a "resource control" strategy by the modern state wherein it divides and subdivides the area under its control into economic and political zones, rearranges people and resources within such units and delineates how and in what manner such resources can be used by whom and in what manner. In the globalizing world, state policies increasingly manage natural

⁴ http://www.idrc.ca/en/ev-110416-201-1-DO_TOPIC.html accessed on 28th April 2008

resources, particularly the common as commodities while ignoring local rights and the negative consequences in the lives of local people.

The survey and settlement undertaken in India during the 1800s drew lines on the map, identifying each bit of land either in the name of an individual or in the name of the village or have been allocated to different departments as custodians of the land resource. While the demarcations drew permanent lines on the ground, the policies over the years strengthened the claims and bringing in the identification of 'mine' and 'yours'. Unfortunately, India continued with the colonial law and policy even in the 21st century, continuing with the policy of considering as public land all land not assessed for revenue and taking over such land after declaring it 'forest' or 'wasteland' irrespective of the history of occupation and use. In practice, the notions of property has been very clear for the private lands but the common lands and the forests though transferred to the revenue and forest departments, continued to be accessed as open access and the communities continue to structure their livelihoods around the resources, especially in terms of depending on the resource for energy needs, fodder and grazing needs, collection of forest products and ecological services and goods. The access of the resources has not been limited to their village but extend to across the landscapes and the communities access the resources across villages.

With five decades of programmatic decentralization and about two decades of policy decentralization have further strengthened the boundaries drawn during the colonial rule. Attempting to understand the policy on land by the Indian governments' we find three distinct elements: First, we have a series of legislations creating land title; second, the governments have continued a policy of encouraging the formation of publicly-funded organizations/institutions, many of them have necessitated creating new land title regimes, like Tree Growers' Cooperatives⁵, Village Forest Committees⁶ etc; and third, we have a regime of governance under the panchayats which have been provided custodial rights over certain kind of lands and right to use the same effectively.

Years of development process during the colonial and post-colonial socialist regime, led to the additions of land parcels in the private domain for agriculture, not only through the distribution of public lands for the poor as political largesse but also through the process of regularization of encroachments. The concept of internal territorialization provides a handle for addressing historically embedded political, social and economic processes, which underlie spatial differentiation of landscapes and emergence of property and resource rights regimes. This is not to claim that the state is the only key actor in this process: market forces, traditional systems of resource tenure, existing practices, all influence the emergence of resource regimes; but the modern state often has the most critical role to play, since its laws, policies and practices lay the ground rules of legitimacy. Therefore strategies for internal territorialization followed by States and their interactions with local dynamics become

⁵ TGCS- Tree Growers' Cooperative Societies initiated by the Foundation for Ecological Security (earlier NTGCF)

⁶ The Indian Forest Policy of 1988 that brought in the Joint Forest Management, the 73rd Amendment to the Constitution that brought the three tier Panchayati Raj System have been significant in legal terms and has left an impression on the governance arena .

the key processes for entitlement creation over land and other natural resources, influencing the social and economic status of the inhabitants of the landscapes.

Divided by boundaries for collection of revenues and for administrative reasons in the seventeenth century, it had little influence on the use pattern in the landscape. The increasing demand for arable lands, reducing pastures and common lands, increased degradation leading to threatening of livelihood systems has tended to fragment the landscape and disintegrate use patterns and thereby disrupting dependent livelihoods. The decreasing common lands and a combination of acts and policies that encouraged decentralization have furthered and firmed the boundaries and thereby establishing territorialization. Fragmentation and enclosure of the social and physical landscape is therefore a broad trend that has enormous direct impact on the livelihood options of people, which once developed based on the larger landscape are getting smaller and smaller because of allocation of such lands to be protected and managed by habitations or villages which results in these spaces are being fragmented, privatized and redesigned in ways that reduce or eliminate the customary rights of the poor to gather resources and fashion their livelihoods.

Territorialization also provides a handle for addressing historically embedded political, social and economic processes which underlie spatial differentiation of landscapes and emergence of property and resource rights regimes. This is not to claim that the state is the only key actor in this process: market forces, traditional systems of resource tenure, existing practices, all influence the emergence of resource regimes; but the modern state often has the most critical role to play, since its laws, policies and practices lay the ground rules of legitimacy. Therefore strategies for territorialization followed by States and their interactions with local dynamics become the key processes for entitlement creation over land and other natural resources, influencing the social and economic status of the inhabitants of the landscapes.

Existence of fuzzy boundaries

Landscapes are contested territories and raise issues of identity, access, appropriation and power not just for individuals but also involves institutions when we consider the management of common property resources across a larger landscape. Administrative or legal boundaries make little sense while understanding the evolution of resource use, its diversity, complexity and simultaneity. The fragmentation of landscapes and eco-systems along artificial boundaries does impair our ability to let the socio-ecological interactions be monitored or managed in a sustainable manner. By focusing on ability⁷, rather than rights as in property theory, this formulation (Theory of Access) brings attention to a wider range of social relationships that can constrain or enable people to benefit from resources without focusing on property relations alone (Ribot & Peluso, 2003, pp 154).

⁷ Ability is akin to power, which we define in senses- first, as the capacity of some actors to affect the practices and ideas of others (Weber 1978; Lukes 1986) and second, we see power as emergent from, though no always attached to, people. Power is inherent in certain kinds of relationships and can emerge from or flow through the intended and unintended consequences or effects of social relationships - from A Theory of Access by Jesse C. Ribot & Nancy Lee Peluso, Rural Sociology 68(2), 2003. p.p.153-181

Notions of property and access to resources have dominated the discourse regarding the management and governance of commons. Clear delineation of boundaries around resources and social boundaries around groups of rights-holders have been proposed as essential prerequisites of successful common property regimes (Ostrom 1990 and 1992, Swallow 1994, etc). Many researchers also feel clear boundaries are important in monitoring and enforcing, and in making sure that those who participate in collective action (either by contributing or refraining from taking too much) will be the ones who benefit from improvements (Knox 2002). Lack of boundedness of the resource is more complex and resource managers find it difficult to manage. It is, therefore, various acts, policies and programmes formulated from time to time have continued to define and redefine boundaries based on manageability rather than the suitability in the larger landscape and the existing socio-political framework. The standard approach to the analysis of property rights recognizes only clearly defined property right regions and considers flexible rights as causes for negative externalities (Dejene 2004) .

Focusing on natural resources as the 'things' in question, the discussion explores the range of powers - embodied in and exercised through various mechanisms, processes and social relations – that affect people's ability to benefit from resources. These powers constitute the material, cultural and political-economic strands within the "bundles" and "webs" of powers that configure resource access. Different people and institutions hold and can draw on different 'bundles of powers" located and constituted within "webs of powers" made up of these strands. People and institutions are positioned differently in relation to resources at historical moments and geographical scales. The strands thus shift and change over time, changing the nature of power and forms of access to resources (Ribot & Peluso, 2003, pp 154).

However, the situation is very different on the ground and in most cases "fuzzy" boundaries exist and many-a-times may be preferred, especially in highly variable contexts, where people recognize that they may need to tap others' resources under crisis conditions (e.g. drought), and are therefore willing to allow others to use their resources under similar conditions. The existence of fuzzy boundaries has been discussed by many researchers (Dejene 2004, Gimenez, Gleditsch 2005, Knox 2002) at spatial (ecological) and social scales and boundaries in contexts like the pastoral lands, river resources, etc. Also, the vagueness, permeability, and overlap of boundaries around resources and user groups pose significant difficulties for implementation of formal tenure regimes designed to address insecure tenures and unsustainable land-use patterns, and the assumptions of common property theory do not hold. Ostrom (1998) also later argued that the world of property rights is far more complex than simply government, private and common property and identified a hierarchy of five classes of rights including the right of access, withdrawal, management, exclusion, and of alienation. Corresponding to each of these right regimes, she identified five classes of property rights holders, i.e., authorized entrants, authorized users, claimants, proprietors, and owners (Ostrom 1998).

Understanding negotiated domains⁸

The socio-ecological interactions and their boundaries often transgress the domains of administrative boundaries and are based on the communities' understanding of the larger landscapes and their traditional knowledge of historical access over resources, resource availability and variety of contestations across communities (Gupta 2001). The communities adapt to their needs and create a variety of operational boundaries and property regimes through a variety of negotiations across habitations based on access to resources and the availability of certain resources but are rarely based on the artificially created administrative boundaries. It is important therefore to understand how communities, user boundaries and property rights are defined in the context of a particular resource. The composition of the users often changes from one product to the other, while the users for timber, fuel wood and fodder are fairly defined under usual circumstances and are specific to the habitations managing the resource, the users for other produce like food, bamboo, fibres, honey, tendu leaves, mohua flowers etc vary greatly across the landscape and are spread spatially. With the larger landscape being used as livelihood spaces, the appropriation and allocation of resources beyond the habitation level lead to negotiations that help in drawing out appropriate collective choice arrangements at various levels between such institutions.

The spatial and social boundaries are difficult to define for use-patterns by communities because - firstly, the resources that communities rely on are multiple and overlapping, representing a corresponding multiplicity of associated use rights, which are often contingent upon one another; secondly, among these multiple resources are many that are difficult or impossible to delineate spatially, except at very large spatial scales, due to inherently flexible or fuzzy resource boundaries - these indistinct and flexible boundaries are the result of the spatial and temporal variability in resource quality and abundance that characterize certain common lands and differentiate from the others, and; thirdly, the groups of resource-users who use these multiple resources are also overlapping, constantly shifting in composition, and consequently difficult to define. The sociological interactions have also been developed over the years based on the communities' historical understanding of the larger landscapes, resource availability and dependence on the resources for sustenance. This paper attempts to discuss a framework of "negotiated domains" to explain the existence of informal boundaries across property regimes and mutually accepted rules that have developed through historical negotiations between communities across generations.

Framework for Negotiated Domains

Notions of boundaries and property over resources dominate the debate over commons. Property is a three-way relationship between the holder of the property entitlements, the particular resource complex and the collective, state or social norm, which gives legitimacy to the entitlements (Attwater, 1997). Property rights are defined by legal concepts, which indicate the variable strength of the relationship

⁸ The word "contested domains" has been used more frequently in the theoretical discourses on Commons. The word has been used by Dr. Akhileswar Pathak in his book by the same name and later by Prof. Anil Gupta & Riya Sinha (2001) in their paper "Contested Domains, Fragmented Spaces: rights, responsibilities and rewards for conserving biodiversity and associated knowledge systems". I use the term "Negotiated Domains" in this paper as it better explains the concept of establishing new boundaries for access and resource use.

between holders of property and their property objects (Paul, 2004)⁹. The word “contested domains” has been used more frequently in the theoretical discourses when there are disputes over resource use (Pathak 1994¹⁰, Gupta & Sinha 2001, Pankhurst 2003, Fianza 2004 etc). I use the term “Negotiated Domains” in this paper as it better explains the concept of establishing new boundaries for access and resource use – it is not about contestation or disputes but it is about developing working relationships where resource use is accepted under certain conditions depending on the context. Few factors that facilitate the evolution of negotiated domains are -

Residual claims for historical usages

Boundaries have for quite sometime been discussed in common property literature and with political decentralization considerable attention has been given to the ways that resource boundaries are carved out. While certain boundaries were drawn in the early seventeenth century, these had little impact on the resource use but the post independence policies on resource use have helped in the consolidation and reinforcement of the resource boundaries. In most cases landscapes reflect multiple overlapping or multi-layered boundaries asserted by various social groups developed through years of resource use, their association with the resource and changing policies that impacted the resource use from time to time.

In case of the forest, the communities in the area enjoyed ‘*nistaar*’ rights during the colonial period and for some period in the post independence period after which these rights were withdrawn. While in the revenue lands, which have been historically used as common resources have been left unattended. In both the cases the communities have developed resource use regimes to support and augment their livelihood needs and in most cases, their domain of their sphere has been spread across the landscape. With the decentralization and devolution of resource management to the lower tiers of governance – the habitations or panchayats have been allocated control of the forest, grazing and revenue lands, boundaries have been drawn around the resources as a good practice for resource governance. While most policies have tended to define ‘community’ and ‘boundary’ with a narrow connotation on the basis of fixed in place socio-political unit having residential proximity to the resource. The basic weakness of the standard approach arises from the fact that it neglects the complex forms of rights, which are widespread in traditional societies (Dejene 2004). This has resulted in displacing the historical use pattern on such lands leading to conflicts and breakdown of the institutional arrangements. With such contestations, it has been observed that the residual claims based on the historical use have been accepted through repeated negotiations over the years. These are observed in areas where the resource is scarce and limited but the usage is allowed for certain products and limited for certain others.

Competitive power dynamics

Landscape is seen as an arena where socio-cultural and environmental processes meet and where rules of the game are defined and conceptualized between the

⁹ Paul, Christopher 2004: TENURE IN COMMUNITY FORESTS, A Study on Communal Land Associations as Forest Management Regimes in Budongo, Masindi

¹⁰ Pathak, Akhileshwar 1994, **Contested Domains: State, Peasants and Forests in Contemporary India**, SAGE, New Delhi, 1994

various stakeholders. The relationship between villages within the landscape is dynamic at any point of time and is in a process of constant negotiation. The spoke-and-hub design of the development process followed in the country often lead to the larger centrally placed villages more powerful as they are the hub of the political as well as the economic activities in the area. Taking advantage of the power they assume, the bigger villages try and negotiate for a larger pie of the resource in lieu of the services they provide. The smaller villages show submissive behavior because in most cases they are susceptible to isolation in the larger development process.

The interactions between the small villages and their big neighbours determine the type of negotiations arrived at. Anticipating the moves of the larger villagers, the smaller villages would be able to respond better and make better decisions. The competitive power dynamics between the actors brings in a lot of challenges in terms of resource use. Many a times, it is too costly for a coordinated effort for resource protection by the larger villages and therefore entirely depends on the resources protected by the smaller villages – by agreement or by force. The smaller villages also offer support for the larger villages, though not for regular use by all members, but on strategic instances like festivals etc to keep their relationship better. The appropriation and allocation of resources beyond the habitation level lead to conflicts and the negotiations help in drawing out appropriate collective choice arrangements at various levels between such institutions.

Conflicts and disturbances arise when there are varied interests of people in a particular resource. Conflicts are not only unavoidable but are also natural, the intensity and frequency increasing with the demand on the resource. All the stakeholders tend to appropriate resources in proportion to the power (social, economic or political) they command and many are indifferent to the effort that goes into the maintenance of the same. Conflicts are also desirable as they have the ability to bring in positive changes that have long-term impact (Singh 2003). They have the potential to be converted for everyone's benefit but when the resources are scarce, competition for the resource increases which tests the effectiveness institutional mechanisms for regulating the use of resources. Negotiations are a way for preventing and resolving conflict arising from competition over resources. Stand-offs in situations of conflicts often lead to degradation of the resources, while the ability of the institution to enter into negotiations and come-up with win-win situations help in maintaining the resource as well as building them as partners in conservation.

Distributional Consequences

The use rights over the resources are negotiated because of the uneven distribution of resources over the landscape. The availability of the commons (forests or grazing) lands within the landscape varies – some are better endowed than the others, which results in the habitations coming into arrangements whereby they benefit from the resource. The distribution of species across the landscape also varies, as it is dependent on the climatic and geological factors for its existence. This requires groups depending on such resources to negotiate with the other communities or get into arrangements whereby the benefit from the resources.

As the resources are developed, only the villages nearest to the resources begin protection, they get short-term gains. As resource grows more stakeholders begin

claiming the benefit from resources – based on historical usage (residual claims) – mechanisms develop for sharing by villages protecting the resource to continue getting benefits and for other stakeholders to also receive occasional benefits. Negotiated access rights are also associated with certain unique conditions such as droughts or calamities, where communities share the resources for such time limits when the going gets tough.

Inter-jurisdictional rule-making

Where the resources are scarce and contested, cooperation among the stakeholders emerge as networks. The exchanges that take place within networks are typically positive for all, yet often more positive for some than for others. It is generally posited that the greatest gains from exchange within any network will reside in the hands of those that provide links to others in the network who are not themselves directly connected. Being a link between others not directly connected confers brokering power within a network (Burt 1995, p. 48), a “betweenness” advantage maximized when a member has large numbers of diverse links to other members. The opposite condition is to be trapped in a clique with just a small number of links, and all to fellow clique members. In highly centralized networks, brokering power tends to reside at a single center hub linked to all other members by spokes, with the members at the ends of those spokes poorly connected to each other.

Deterring factors

Straightjacketed policy implementation

The tragedy of this situation lies in the fact that most state property regimes are examples of state's reach exceeding its grasp. The state has taken on far more resource management authority than they can be expected to carry out effectively (Brombley & Cernea, 1988). In such a vacuum, in many areas the local communities took control of the depleting resource, to regenerate and manage the resources to their advantage. As the programmatic and policy decentralization continued, the use mechanisms developed due to the years of government inaction have been displaced and the administrative boundaries drawn during the colonial rule are getting strengthened.

The policy guidelines drawn out for implementation have been detailed seeking straightjacketed implementation on the ground. This large-scale implementation usually leaves little scope for ground realities to be appreciated and is the largest factor that discourages negotiations. Therefore, the communities provided access to the resource tend to control the control the resource and restrict access of the users from across the landscape.

Institutional overhangs

In continuation to the discussion on the policies, I would like to extend on the institutions being promoted through the policies regarding the management of natural resources. The literature from evaluations of the programmes suggest that the institutions formed for the implementation are either committees that exist on paper or are very weak in terms of taking the role of the resource governance, while those which have evolved stronger either due to better implementation or because of better awareness and capacity. While in the earlier case, the resource is under threat because on non-regulation and ineffective governance. In the later case, the institutions suffer from institutional overhangs – which function very strictly in

accordance to the guidelines and discourage negotiations. Under such situation too the resource and institution are under threat because of recurrent conflicts arising out of contestations and demand from other stakeholders.

Conclusion and discussion

The fragmentation of landscapes and eco-systems along administrative boundaries has become the most accepted basis for decision-making processes. Various acts, policies and programmes formulated from time to time continue to define and redefine boundaries according to their manageability rather than the suitability in the larger landscape and the existing socio-political framework. Understanding the evolution of nature, its diversity, complexity and simultaneity, it is difficult within the framework of these administrative boundaries to manage and conserve the complex landscapes. In the earlier section, we tried to discuss a framework of “negotiated domains” across the landscape to explain the existence of informal boundaries across property regimes and mutually accepted rules that have developed through negotiations between communities across generations. Neither it is easy to explain the wide range of ecosystem interactions in terms of property theory nor is it possible to legalize the multiple boundaries, as an enforceable claim to the benefits but it is essential for such informal spaces to be acknowledged and supported by society through law, custom or convention. The sustainability of the resource depends on the socially constructed norms, rules and entitlement regimes that define the access to the resources and not only property rights that provides enforceable claim to use of or benefit from the resource.

In ecosystems, interaction strength often decays with spatial distance or temporal displacement. However, social systems interactions can extend far across space or time. We understand that the institutions by design can promote negotiations or reduce negotiations –the landscape as the livelihood space captures the need for institutional format to appreciate such negotiations and allow for multiple boundaries. Understanding that the resources have multiple uses and various stakeholders dependent of the resource, the policies need to appreciate the existence of such interactions and allow for such mechanisms to evolve. While the policies for decentralization are necessary, we need to provide an opportunity for the institutions to evolve mechanisms rather than have detailed guidelines to follow. Appreciating the fact that each of the mechanisms are unique and dependent on the resource, the relationship with the neighbouring habitation, the institution’s understanding of cross-scale processes and envisioning their future along with their ability to change would form the key to the understanding of the negotiated domains. Understanding these would provide the leads to policy formulation where the principles could play a larger role than the policy guidelines.

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