

Review

# Property rights regimes, resource utilisation and biodiversity conservation in Eastern and Southern Africa

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Natural resources degradation threatens persistence of biological resources in many parts of Eastern and Southern African regions. In these regions, property rights regimes intractably influence resource utilisation and biodiversity conservation. Hitherto, the underlying causes of varied performances of property rights regimes are rarely collated. Consequently, resource policies are often flawed, resulting in pervasive systems failure and biodiversity losses. In this study, this particular information gap is interrogated by systematically reviewing various property rights regimes, their influence on resource utilisation and biodiversity conservation from wealth of available literature. The results unravelled that the performance of various property rights regimes are influenced by levels of social capital, encompassing stakeholders' participation, trust, commitment and social networking at the base regardless of whether the property rights are by full hegemony or sanctioned by higher authorities. This finding closely approximates the concept of environmental subsidiarity in natural resource management. Further, it is concluded that bottom-up self-institutional regulation and top-down state control play complimentary if not invasive role to each other. These approaches stimulate sustainable resource utilisation and biodiversity conservation, where legal actors are given full resource property rights to access, own, utilise and exclude intruders to avoid the 'tragedy of the commons'.

**Keywords:** Collaborative governance, environmental subsidiarity, sustainable development, natural resource management.

## INTRODUCTION

Resource property rights are a suite of entitlements or bundle of rights to the bearers, especially over scarce resources (Demsetz, 1998; Klein and Robinson, 2011). Entitlements could relate to the income or utility that can be derived from resources which are sanctioned, or at least condoned, by society and protected by a higher authority (De Alessi, 1983; Bromley, 1992). The bearers

may include the state, private actors and local communities. Appropriate rights are therefore imperative especially as human populations are ever growing in the resource dominated areas (Wittemyer et al., 2008), with increasing demands and claims over resources (Giller et al., 2008). Property rights are also theoretical constructs in economics for determining how are source is used and

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owned by individuals, associations or government (Lee et al., 1996; Ostrom, 2008). As an economic good, Guerin (2003) has described the attributes of property rights as entitlements to use the goods, earn income from the goods, transfer the goods to others and enforce. Therein are a boundary rules that determine who has the rights to access, control, use and ownership (Denison and Klingler-Vidra, 2012). Thus, these rules define the distribution of the property rights. Over-utilisation and loss of biological resources arise from incompletely defined and enforced property rights (Libecap, 2009) and are dismal (Barbier, 1991; Sinclair et al., 2006; Lindsey et al., 2014). According to Millennium Ecosystem Assessment (2005), anthropogenic activities are among the major causes of biodiversity losses, especially in human-dominated ecosystems such as African savannas.

The property rights can be held under either of four different regimes: open access, public, common and private property regimes (Swanson and Barbier, 1992). Sources of the property rights of access, withdrawal, management, exclusion and transfer are varied. The property rights may be conveyed as *de jure* or *de facto* rights. *De jure* right are given lawful recognition by formal and legal instrumentalities. According to Schlager and Ostrom (1992), *de facto* rights are less secure than *de jure* rights. *De facto* rights originate from cooperative resource users who define, monitor and enforce certain rights but may not be recognised by the state. Thus, property rights institutions range from formal arrangements, including constitutional provisions, statutes and judicial rulings, to informal conventions and customs regarding the allocations and uses of property (Andelson, 1991). These property regimes regulate the actual functioning of the tenure in local settings and at multi-level scales (Berkes, 2006). However, most natural resources are not exclusively private or public, but are governed by a mixture of private and public institutions, which often contradict (Bromley, 1992).

Further, the actors in the administration of property rights would vary from authorised users, claimants, proprietors to owners (Schlager and Ostrom, 1992), and potentially forming institutions of sustainability (Hagedon, 2008; Bromquist, 2009). The formation of regimes depends on the transaction costs defining, monitoring and enforcing property rights conferred by the parent institutions (Denison and Klingler-Vidra, 2012). Therefore, the distribution of the property rights would be skewed to actors' affordability. For instance, needs of poor people and small scale users are more likely to be met within common property regimes rather than private property regimes (Rohde et al., 2006; Lawry et al., 2014). Protection of given property rights are provided by the force of etiquette, social custom and formal legally enacted laws supported by the state, developed under rules of first possession (Lueck, 1998).

Property rights can either enforce or negate 'tragedy of

the commons' postulated by Hardin (1968). Ostrom (2008) defines the commons as lands which rural communities possess and use collectively in accordance with community-derived norms. Further, commons maybe defined by the fact of their communal ownership, that they are acknowledged as being the shared property of a definable group of persons, undivided shares whether or not recognised in statutory law but governed by communal norms (Wily, 2011). Tragedy of the commons theory suggests that it occurs when individuals, acting independently and rationally according to each one's self-interest, behave contrary to the whole group's long-term best interests by depleting some common resources (Hardin, 1968). Typically, tragedy of the commons arises when it is difficult and costly to exclude potential users from common-pool resources that yield finite flows of benefits as a result of which those resources will be exhausted by rational, utility-maximising individuals rather than conserved for the benefit of all (Rankin et al., 2007). Tragedy of the commons refers to a particular type of uncontrollable communal property management system where individuals try to gain as much as possible in the short term without taking longer term needs of the community into perspective (Fabricius et al., 2001). Consequently, tragedy of the commons has occurred for instance in fisheries areas with about 80% of stock being fished at beyond their maximum sustained yield (FAO, 2009), wildlife overharvested to levels well below their carrying capacities (Lindsey et al., 2014) and forests degraded at extremely high rates (Alajarvi, 1996; Abdallah and Monela, 2007; ILUA, 2010; Henry et al., 2011; Chidumayo, 2012). On the contrary, appropriate property rights increase the incentives of households and individuals to invest, and provide them with better access to resources, their productivity and use (Deininger, 2003).

Hitherto, the impacts of property rights regimes in natural resources have either been underplayed or misconstrued by policy and decision makers, despite the long debates on issues relating to the subject. This review, therefore, evaluates property rights regimes in the context of their impacts, drivers and suggested solutions to numerous challenges in their implementation. The typology and effectiveness of the particular property rights regimes are discussed from multiple perspectives, giving examples from across the Eastern and Southern regions.

## **TYPES OF PROPERTY RIGHTS, FUNCTIONAL CONDITIONALITIES AND THEIR EXAMPLES FROM EASTERN AND SOUTHERN AFRICAN REGION**

### **Open access regime**

Open access property is a metaphor of the tragedy of the commons (Blewett, 1995). Typically, open access property regime entails that the property is not owned by resource users, and no one can exclude anyone else from using it

(Denison and Klingler-Vidra, 2012). Therefore, it lacks resource governance and individuals exploit these sources as hastily as possible, thereby rapidly degrading the resource (Repetto, 1988; Libby, 1994). When effective enforcement is infeasible, users “who would willingly reduce their own appropriation if others did are unwillingly to make a sacrifice for the benefit of a large number of free riders...” (Ostrom, 1999). This scenario creates crisis to the resource management system and gives rise to system’s collapse (Folke et al., 2010). If, however, the government or the subsidiary authorities start to control the use of resources on that property then it ceases to be an open access property and is converted to state property (Guerin, 2003).

There are several examples of open access regimes that have occurred in Eastern and Southern Africa. Examples of open access resources in Eastern and Southern Africa include fisheries, forests and other non-renewable energy sources such as coal (Leal, 1998). For instance, Lake Kariba of Zambia and Zimbabwe was overfished because it did not have imposed rules like the “fish ban” (Submanian, 1996). In South Africa, the communal small farm areas of Leliefontein of Namaqualand experienced persistently higher stocking rates of livestock which led to a depletion of palatable perennials and loss of vegetative cover due to open access regimes (Todd et al., 1999). In Zambia, bush meat poaching can be considered as ‘prima facie’ evidence of market failure in sustainable resource utilisation as individuals receive benefits yet share the damage to the commons (Lindsey et al., 2014). Another example is overgrazing by mass introduced livestock on the Kafue flats in Zambia, depleting wildlife forage (Haller and Chabwela, 2009).

### Public property regimes

Public property regime allows for cooperative ownership, where access of the resources is controlled by the authorities like the government (Guerin, 2003). Examples are state owned and managed national parks in many of states or expansive state farms for internationally marketed tobacco, tea and sugar (Adams et al., 1999). In some cases, the public property rights are enjoyed by responsible states at the expense of impoverished rural communities who receive limited benefit streams (Knox, 1996). Management effectiveness of state owned and managed protected areas is strongly linked to community involvement and benefit streams (Coad et al., 2010; Leverington et al., 2010). In the recent decades, several synergetic novel initiatives that include contractual parks and trans frontier conservation areas have been experimented upon to marshal multi-level support to property regime functions under collective property, owned by a group of individuals, whose access and use are biodiversity conservation and appear to be promising (Quan, 2000; Child, 2009a; Grossman and Holden, 2009).

### Common property regimes

Common property regimes are controlled by the joint owners (Ostrom, 2008). Due to difficult in excluding or limiting users, common-pool resources are prone to degradation (Ostrom, 1999). Therefore, tragedy of the commons occurs when unconstrained consumption of common-pool resources takes place (Dodds, 2005). The common property regimes differ from open access regimes in so far as there would be well defined ownership, access, use, controls through legitimate resource management institutions. However, the use rights of individuals can be delimited and regulated so that over exploitation of the resource does not result. For instance, grazing schemes in Zimbabwe’s communal lands demonstrated that when access to grazing was unrestricted, exploitation of communal grazing land by privately held livestock inevitably resulted in ‘tragedy of the commons’ (Barnes, 1978). Unconstrained use of common-pool resources by local communities and commercial users is a major conservation concern and continues to be a major cause of decline of biodiversity despite the key role the traditional leadership plays in enforcing management rules and local resource regimes (Wilson et al., 2006; Marks, 2009).

In Eastern and Southern Africa, several examples of natural common-pool resources abound and include fishing grounds, forests, populations of animal and plant species, wetlands and grazing lands for livestock, wood supply, medicines and farm land (Adams, 2004). Some southern African societies developed relatively effective indigenous institutions for the management of entire landscapes and their component ecosystems, when this was in their economic interest but these have not been resilient to emerging changes (Magole et al., 2010). Colonial legacy, later inherited by post-colonial governments, buttressed governance systems that ignored indigenous knowledge and commons practice (Haller and Chabwela, 2009; Magole, 2009; Mhlanga, 2009). In some cases, indigenous management regimes were replaced by sectorial or fragmented systems that focused on technical, anti-political rationales (Büscher, 2010).

In the case of wildlife resources, since many native communities were evicted by colonial governments from their ancestral lands when protected areas were proclaimed, local communities generally developed antipathical view of wildlife (Mwima, 2001; Child, 2004; Mbaiwa, 2007). Traditionally, conservation has focused on the establishment of protected areas under central government control and eviction of people residing in these areas but it has negative impacts on local livelihoods and sometimes results into increased poaching pressure (Brockington and Igoe, 2006; Makagon et al., 2014). To address such antipathy, government agencies and non-government organizations (NGOs) joined forces in the 1980s and 1990s to develop community-based wildlife programmes aimed at providing benefits to affected communities (Murphree, 1993).

However, common property rights which were based on traditional leadership were evinced and proclaimed by the state as flawed systems which caused natural resource degradation, legitimising state intervention in management of the commons (Leach and Mearns, 1996). Thereafter, local communities retained legacies as hunters and gatherers (Child, 2004; Marks, 2009). Exacerbated by extreme poverty and low literacy levels of resource harvesting, in many cases biodiversity conservation efforts involving local communities have been deemed unsuccessful in favour of 'fortress conservation' that seeks to exclude local people from resources in order to ensure their conservation (Büscher and Dressler, 2007). The intervention was a zeal for reform entailing mainly privatisation and nationalisation of communal resources (Magole, 2003).

However, one of the deterministic strategies the Eastern and Southern regions spearheaded was the return of rights from the state to local communities through the community based natural resource management (CBNRM) programmes (e.g. ADMAD in Zambia; CAMPFIRE in Zimbabwe, LIFE in Namibia and TRANSFORM in South Africa) and various partnerships (Hulme and Murphree, 2001; Fabricius and Koch, 2004; Dressler et al., 2010). CBNRM was poised to address the biodiversity conservation challenges through transformative collective action and devolution of resource user rights (Child, 2004). Unlike in open-access property regimes, common property owners have greater ability to manage conflicts through shared benefits and enforcement (Klein and Robinson, 2011). However, widespread central control of common-pool resources by the state occurs due to perceived inertia among the local actors (Rankin et al., 2007). One of the key challenges in managing common-pool resources is society complexities due to heterogeneity in actors' values and norms about commonly owned property resource management and inadequate supportive legislation. In order to minimise the challenges in managing common resources, membership rules have been applied to exclude non-members from common resources (Lawry et al., 2014). Subsequently, CBNRM models have either been unsuccessful or successful. For instance, CBNRM in Namibia has encouraged the recovery of wildlife and generated significant incomes (NACSO, 2008) while in Mozambique and Zambia both wildlife and associated incomes have dwindled over time (Lindsey et al., in press). The differences in the outcomes of common property rights in Namibian versus Mozambican and Zambian scenarios were due to unclear and weak proprietary rights to the resource users coupled with weak relational social capital among the resource actors like communities and wildlife agencies.

In Malawi, CBNRM focuses on natural resources within protected areas and allows the consumptive use of resources by communities adjacent to national parks and wildlife reserves but wildlife remains the property of the

state (Arntzen et al., 2003). Mesterton-Gibbons and Milner-Gulland (1998) posited that Zimbabwean local communities used cooperative game theory to determine the conditions under which community self-monitoring would ensure conservation occurs. These researchers in Zimbabwe concluded that "no self-monitoring agreement can be sustainable without a payment to each individual that exceeds the opportunity cost of monitoring even if no one is poaching".

In Botswana, like in other states in the region, assumption was made that once local communities fully participate in natural resource management and derive benefits, they can develop a sense of ownership and will use their natural resources sustainably (Mbaiwa, 2007). In all the above stated illustrations, the focus was bottom-up programmes implementation. Users were usually local residents that traditionally relied upon the common-pool resource for subsistence and self-regulated consumption by imposing their own enforcement of restrictions, or partnering with local authorities to do so (Gibson and Marks, 1995; Ostrom, 1999). Simultaneously, they depended on the top-down regulations by the state for their legitimacy (Child, 2004).

Caughley and Sinclair (1994) and Mphale et al. (1999) gave an account of a pilot range management project in Lesotho, where the Government of Lesotho and the United States Agency for International Development (USAID) established a successful grazing association at Sehlabathebe in the Drakensburg Mountains, and gave it management control over a badly degraded watershed. A popularly elected executive committee was responsible for administering a grazing management plan which provided for the seasonal rotation of livestock among winter grazing areas near villages and summer grazing areas in the surrounding mountains.

Livestock found grazing in violation of the plan were subject to impoundment by range riders. Local sanctions and rules helped to control 'free riders', who could otherwise degrade the rangeland further. Other similar examples are found in such countries as Botswana, South Africa and Zimbabwe in Southern Africa (Scoones and Cousins, 1991; Rohde et al., 2006). Despite these innovative collective actions, several other areas remained exposed to 'free riders' of the commons, effectively giving rise to open access resource regimes (Dore, 2001), including where local institutions existed (Lindsey et al., 2014). Therefore, strong investments in capacity development of local institutions and governance structures are required (Fabricius and Collins, 2007).

### **Private property regimes**

Private property regime is both excludable and rival, while rights to access, use, exclusion and management, appropriate stream of economic rents from use of and

investments in the resource, and the rights to sell or otherwise transfer the resource to others are controlled by a private owner or a group of legal owners (Repetto, 1988; Guerin, 2003). To a considerable degree, Eastern and Southern Africa have legalised and privatised the use of wildlife, encouraging hunting, tourism and the sale of meat, hides and horns for wildlife that remains *res nullius* (without formal owner) or state-owned (Hill, 1994; Lindsey et al., 2009). If certain conditions are met, governments have delegated to the owners of private land the full rights to control the use of wildlife on their land (Jones and Murphree, 2004). With incentive to reap the benefits, investment in the resource base will optimise the benefits received, and will ensure the resource is not depleted over time (Andelson, 1991).

For example, due to incentives to invest by the private owners, management of wildlife was enhanced in Zimbabwe, raising the average return on investment from 1.8 to 10.5% as compared to non-private wildlife entities (Moyo, 2000). In the Southern Africa, private rights conferred on land owners such as game ranchers resulted in drastically increased wildlife revenues, expanded wildlife populations and enhanced habitats (Child, 2009b). Establishment of *de facto* private rights to wildlife reversed declining Namibian wildlife populations, and resulted in an 80% increase in wildlife on freehold land and a major boost to the national economy (Jones, 1999). In South Africa, game ranching developed rapidly and contributed significantly, ecologically and to local and national economies (Van der Waal and Dekker, 2000; Child, 2009b). In Zambia, game ranching industry has also grown rapidly since 1980s, contributing to biodiversity conservation, job creation and economies (Lindsey et al., 2013). However, implications of the contemporary global pressure created by 'land rush' (Cotula and Polack, 2012) regarding resource property rights regimes needs to be further studied.

Further, in Savé Valley Conservancy in Zimbabwe private actors partnered with the local communities to enhance benefits to local economies through improved conservancy financing and management (Lindsey et al., 2009). Partnership was born out of realisation that wildlife could not be effectively conserved in protected areas or on private land without the support of neighbouring communities (Kreuter and Simmons, 1994). Again, another example comes from contractual parks as one innovative conservation mechanism which has been popular in South Africa since the 1980s (Reid and Turner, 2004; Grossman and Holden, 2009). This kind of contractual parks are established on land owned privately, either by individuals or community groups, which are then managed by the national conservation authorities and effectively become part of the national protected areas estate. Management of contractual parks is carried out in accordance with a joint management agreement devised by a board comprising representatives of both the landowners and the conserva-

tion authorities.

Therefore, building relational social capital in such arrangements is inevitable in fostering partnership.

## RESOURCE PROPERTY RIGHTS VS. BIODIVERSITY CONSERVATION

Resource property rights, resource use and biodiversity conservation are intractably linked. Accelerated over-harvesting of forest products and degradation of forests occurred after national governments declared themselves to be the owners of forested land (Ascher, 1995). Similar problems of overexploitation have occurred with inshore fisheries when national agencies presumed that they had exclusive jurisdiction over all coastal waters (Finlayson and McCay, 1998). The states usurp the rights from users based on pessimism about the possibility of users voluntarily cooperating to prevent overuse, leading to widespread central control of common-pool resources (Hardin, 1968). Consequently, the tragedy of the commons arises when it is difficult and costly to exclude potential users from common-pool resources that yield finite flows of benefits. As a result, the resources will be exhausted by rational, utility-maximising individuals rather than conserved for the benefit of all (Guerin, 2003). Thus, the problem of over exploitation is a result of the resources being under public rather than private ownership (Wentworth and Ratté, 2002). Where government manages public resource property, the neighbouring local communities should be involved in beneficial partnerships with the state to ensure resource protection (Child, 2009a). Such engagement with local communities may follow the principle of environmental subsidiarity, where local communities will have the right to make choice of rational decisions over resource use and management (Ribot et al., 2010).

## RESOURCE PROPERTY RIGHTS VERSUS COLLABORATIVE GOVERNANCE

Collaborative governance of natural resources is a multi-actor based social processing a collective action (Imperial, 2005). Such collective action can greatly caution decimation of natural resources in transient resource property rights governance especially where state governance structures become inadequate to counteract resource depletion (Gibson and Marks, 1995). CBNRM was founded based on the common property theory which was applied to discourage open resource access though promotion of resource ownership, control and use by local communities (Rihoy and Steiner, 1995) and emphasised participatory approaches (Twyman, 2000). It was realised by practitioners and scholars that local communities can only conserve and use these natural resources in a sustainable manner when they

Table 1. Key conditions determining the likelihood for success of a particular property regime in Eastern and Southern Africa.

| Type of property regime | Key conditions for success or failure   | Selected references   |
|-------------------------|---|---|
| Open access regime      | Absence of controls leads to systems failure. Implementation of effective internal and external controls by way of local rules, norms and practice as well as sound policies and effective management result in sustainably managed resources.  | Submanian, 1996; Todd et al., 1999; Guerin, 2003; Folke et al., 2010; Lindsey et al., 2014. |
| Public property regime  | Though exclusionary policies may appear enticing for policy makers and resource managers, community involvement has shown to be promising. Local integration in resource management and beneficiation enhances sustainable resource management. Through local involvement, transactional costs for resource management are lowered, thereby increasing success rates for biodiversity conservation. | Child, 2009b; Grossman and Holden, 2009.  |
| Common property regime  | Like in other regimes such as public and private property regimes, relational social capital plays a critical role in improving positive outcomes of resource management. In addition, clear proprietary rights and associated benefits to the resource users are crucial.  | Wilson et al., 2006; Marks, 2009; Magole et al., 2010; Lawry et al., 2014.                  |
| Private property regime | Increased incentives, including ownership and use rights of the resources within a given jurisdiction and sound relational social capital environment stimulate sustainable utilisation and biodiversity conservation.  | Moyo, 2000; Grossman and Holden, 2009; Child, 2009b; Lindsey et al., 2013.                  |

derive benefits from them (Swatuk, 2005). In order to address these biodiversity conservation challenges, various models of institutional arrangements have been piloted in Eastern and Southern region (Lund and Treue, 2008; Child, 2009a) and their effectiveness are mostly yet to be assessed.

## RESOURCE PROPERTY RIGHTS VERSUS SUSTAINABILITY

Sustainability of the property rights depends on legitimisation of the rights by local and state authorities (Mbote, 2005). Property rights play an important role in the sustainable use of resources as they create wealth to local communities and land owners, and enhance protection of resources and convey rights (Lyons, 1998; Anderson et al., 2013). The stronger the institutions and the rights, the less danger there is likely to the persistence of the common-pool resources (Schlager and Ostrom, 1992). Property rights ought to empower actors evenly within the existing institutional arrangements responsible for resource management (Brockington et al., 2008). Strong institutional functionalities, including use of formal and informal rules to give incentives to the actors, are essential for sustainable natural resource management (Hagedorn, 2008; Bromquist, 2009). Securing of property rights in resource management serves to provide for incentives for sustainable natural resource management and rural development (Demsetz, 1998). Convincing participants to have beneficial behaviour to the rest of the group requires that individuals trust that the desired outcome is attainable and that free-riders will

not benefit (Rankin et al., 2007). If gains can provide the economic incentive to landowners to manage natural resources on a sustained-yield basis, species will be saved (Hobley, 1996). However, there are several threats to sustainability that need to be dealt with. For instance, oppressive state control and rent seeking behaviour can put the resource base at risk (Benjaminsen et al., 2013). Further, essential research on attributes of property rights would contribute to sustainability of biological resources (Diekert, 2012; Nkhata et al., 2012). As the tragedy of the commons is increasingly part of the conventional wisdom in environmental studies, economics and ecology (McEvoy, 1988; Leach and Mearns 1996), results and lessons from the tragedy of commons could prove relevant in the formulation of strategies and policies for sustainable natural resource management.

## KEY REASONS FOR FAILURE OF VIABLE RESOURCE PROPERTY RIGHTS

There are several reasons for failure of what would be otherwise viable resource property rights. Key conditions for success or failure of a particular property regime in Eastern and Southern Africa are given in Table 1. The following are reasons considered to influence impacts of property regimes on resource utilisation and biodiversity conservation, and these can be dynamic and site specific. According to Lawrence (2000), failure to provide necessary conditions for a property rights regime to propel resource conservation through ownership rights results in degradation of the resource base. For instance, individual land ownership having more secured formal

property rights to land have resulted in more investment and improved productivity per unit area (Feder and Feeny, 1991). In different instance, fishermen who have clearly defined private rights are able to increase efficiency in the use of space and technology (Schlager, 1994) and generate a positive incentive for conservation (Bodal, 2003). A property rights system which includes the right to alienation is often considered the most efficient as it can be defined as equivalent to private property (Ostrom, 2003). Failures to implement alienation rules and participatory collective action have often led to degradation of the natural resources (Haller and Merten, 2008; Chabwela and Haller, 2010).

Previously, failure by governments to provide adequate prerequisite developmental facilities to local communities coerced local communities to become dependent on revenue remittances by the states from resource utilisation. Although CBNRM initially focussed on conservation approach, the rural development became more prominent over any other objective (Arntzen et al., 2007). This mismatch in the implementation of set objectives occurred even when certain local communities received exclusive rights and responsibilities over natural resource management from the state (Arntzen et al., 2003). Thus, failure to directly link conservation and development to cement promotion of environmental conservation and rural economic development through local community participation in natural resource management and other derivatives such as tourism development facilitated increased resource degradation (Leach et al., 1999; Twyman, 2000; Mbaiwa, 2004).

The property rights are often simplified and fail to articulate representation of a complex social-ecological system. For example, common-pool resources theory tends to concentrate on simple systems and common resource generates a predictable, finite supply of one type of resource unit (for example wildlife or tons of fish) in each time period (Ostrom, 2008). Further, resource users are assumed to be short-term, profit-maximising actors who have complete information and are homogeneous in terms of their assets, skills, cultural views and discount rates on harvesting.

The other limiting factor to improved resource property regimes is that transaction costs for establishing, implementation and monitoring can be prohibitive. For instance, Tanzania continues with one of the highest rates of deforestation in Africa despite having forest laws supporting participatory forest management, and local communities entering into agreements with the Forest Department to manage local forestland and forest resources (Abdallah and Monela, 2007). According to Abdallah and Monela (2007), local communities can also designate village land as protected forestland and can develop plans for sustainable use and conservation. To date, however, the country's participatory forest management experience has not significantly reduced the rate of deforestation and land degradation:

programmes are expensive and time-consuming to establish; local forest departments often lack sufficient human and financial resources; and the benefits to communities have not been sufficient to offset their loss of unrestricted use of the forest resources. Similar scenarios have been experienced in Zambia's forests following Joint Forest Management pilot projects (ILUA, 2010).

## CONCLUSION AND RECOMMENDATIONS

Sustainable natural resource management demands deterministic and collective action to halt momentous loss of biodiversity from overutilization. In Eastern and Southern Africa, much of biodiversity conservation challenges can be attributed to flaws in the implementation of resource property rights and even the absence of the property rights altogether as in the case of prevalent open access regimes. Tragedy of the commons occurs and is expressed in different forms of waning natural resources at multiple temporal and geographical scales. Institutions of governance, which will enable definitive local rules, hegemony and self-governing of actors would play a key role in progressive implementation of property rights beyond existing enabling legal provisions.

The role of local communities and other actors in resource dominant areas is important to safeguarding integrity of biological diversity. Integrative approaches are required to stimulate active participation of local resource actors. In order to maximise benefits and appropriately internalise costs of establishing and implementing appropriate property regimes among the actors, capacity building through information generation and sharing in addition to skills building is essential. Such strategies curtail the challenges of dearth of information, lapses in the taking advantages of economies of scale, internalisation of transaction costs and misinterpretation of legal and policy provisions among the actors. Land tenure should always, thus, be made supportive and clear to the actors. Therefore, functional social networks such as partnerships between governments and other actors are likely to improve collaborative governance of natural resources delivery of the property rights via joint ventures and other initiatives. Vices such as rent seeking and undue political power relations among different actors can be prevented by functional social networks and collective action.

## Conflict of interests

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