



Property rights and the utilisation of wetlands

Nindyantoro

Untuk didiskusikan

- Apakah property right ?
- Apakah lahan basah (wetlands) ?
- Mengapa wetlands dimanfaatkan ?
- Apa permasalahan property rights pada lahan marginal ?
- Apa permasalahan lingkungan dimanfaatkannya wetlands ?

Pendahuluan

- Keberhasilan konversi lahan basah ditentukan kelembagaan dan property rights yang dikaitkan dengan keputusan pengelolaan sumberdaya
- Pemahaman rezim property rights, kendala terhadap petani pengguna sumberdaya lahan basah dan distribusi manfaat kegunaan antara pengguna dan non pengguna, merupakan hal pokok jika nilai ekonomi ekosistem fungsinya direalisasikan.

Permasalahan

- Wilayah lahan basah secara global pada abad ini berkurang karena terkonversi untuk pertanian, perkotaan, dan penggunaan lainnya
- Hal ini menimbulkan dampak lokal maupun global termasuk dampak sosial ekonomi pada pengguna sumberdaya.

Permasalahan: persepsi thd wetlands

- Pengkajian terhadap penyebab konversi lahan basah menunjukkan bahwa berbagai tindakan yang menghasilkan konversi dapat dijelaskan melalui konteks motivasi dan sosial politik.
- Secara awam lahan basah dipandang pengambil kebijakan sebagai lahan sisa (lahan pembuangan) ('wastelands') yang tidak mengandung nilai.
- Hal ini menimbulkan sikap meremehkan (**under-valuation**) sehingga mendorong untuk mengkonversi ke penggunaan yang nilainya lebih tinggi .
- Hal ini menyebabkan eksploitasi tak terkendali (uncontrolled exploitation), konversi dan degradasi.

Under-valuation of wetlands

- The under-valuation of wetland resources has led to a situation where many wetlands areas lack a long history of ownership, clear tenure rights or any official delineation of property rights.
- Furthermore, traditional land rights are frequently not recognised

The major causes of conversion

- (1) incomplete information on the ecological services and functions of wetlands;
- (2) the high opportunity costs of their maintenance, given prevailing prices of other goods for which there is effective demand;
- (3) structural causes associated with who bears the costs and enjoys the benefits from maintenance or conversion of wetlands, and the lack of appropriate and recognised property rights.

Incomplete Information

- rational economic decisions on conversion of wetlands are taken on the basis of incomplete information.

Wetlands Characteristics

- Karakter multi-sumberdaya dari lahan basah mempengaruhi struktur penyakapan (resource-tenure) dan gaya pengelolaan (management regimes).
- Sebagai penghubung atau batas (interface or boundary) di antara beragam ekosistem, (antara **marine and terrestrial or lake and forest, lahan basah menghadapi permintaan besar** dari beragam fungsi dan penggunaan diantara pengguna yang berbeda.
- The coexistence of contrasting communal and individual rights to resources, even within the same community, is a common feature.

Wetlands Characteristics

- Wetland areas are also characterised by the indivisibility of many resources such as water, fish and seasonal or daily altering ecotonal habitats that are impossible to physically partition.

Wetlands Characteristics

- As a non-fixed resource moves in and out of geographical boundaries, the definition of wetlands in terms of private property can become problematic (Burbridge, 1982).
- For example, as fish can be classified as fugitive resources (Table 1), activities in one territory will affect fish supplies in other areas.

Commons Management

- Major property rights issues therefore include: the underlying determinants of management, such as the changing role of the state; the physical prerequisites leading to diverse property regimes; and the opportunities for 'creating' commons management.
- The latter issue of creating partnerships between local users and the state, known as co-management, has become the focus of debate in the past decade.

Property rights

- Property rights refer to specific rights to utilise, control and exchange assets (following Bromley, 1991).
- These rights are attenuated by various legal and customary restrictions defining limitations on the use or consumption of the good or resource.
- There is a large range of types of property rights, often decided by the intrinsic nature of the resource, and by cultural and social determinants.
- These range from open access to common property, state property and private property. Common managed systems have been documented for fisheries and terrestrial resources in all regions of the world

Definition of Common Property

- Common property is defined as property whose individual users tend to have higher incentives to co-operate with each other than to pursue individualist strategies, it is usually within defined boundaries and ruled through a group of individuals or organisations who enforce control over access and use. Baland and Platteau, 1996

Definition of Common Property

- Common property management regimes are a set of institutional arrangements that define the conditions of access to a range of benefits arising from collectively used natural resources (Swallow and Bromley, 1995, p. 100). Perangkat kelembagaan yg menjelaskan syarat memperoleh manfaat dari penggunaan s.d.a.
- The administrative systems may be centralised (e.g. a village committee) or be a diffuse set of actors, depending on historical and cultural factors.

Smaller vs larger groups

- Individual resource users are often **more co-operative in smaller groups** than in larger groups (Olson, 1965; Messick, 1973;)
- and this can be explained because larger groups motivate people to act non co-operatively as the chance of personal benefit is lower.
- In addition the larger the collective, the smaller is the impact of individual behaviour.

Privatisation of commons

- The **distribution of benefits** in a socially desirable manner is a key social goal or aspect of many common property management regimes (Shanmugaratnam, 1996).
- Even if private property could be implemented for a resource with all the perfect markets and zero transactions costs referred to above, **Pareto improvement would only occur in privatisation of commons** in certain circumstances

Kasus Hutan Mangrove di Indonesia

- Undang-undang kehutanan 1967 menggolongkan hutan dalam : hutan produksi, hutan lindung dan hutan konversi.
- Most mangrove areas in Java are owned by the Perhutani, which manages 77 000 ha of mangrove as 'Production Forest'.
- However, much of the 'Production Forest' has been converted to other uses (DGF, 1991).
- Many mangrove areas, which were designated as Forestry land, were utilised by local villages prior to 1967.

Kasus Hutan Mangrove di Indonesia

- Pada undang-undang pokok agraria hak adat diakui
- Namun pemilik lahan biasanya diminta agar dapat membebaskan lahan untk kepentingan daerah atau nasional dengan ganti rugi.

Utilisation conflicts

- A strong conservation-utilisation conflict is reflected in the tension between the activities of the local population and the state forest company's social forestry programme that refuses to acknowledge traditional land use rights of local mangrove users.

Tambak Tumpangsari Case

- The state forest enterprise initiated the social forestry programme in 1976 in mangrove area to integrate forest management with fish production.
- The programme uses the system of '*tumpangsari*' or taungya, which is seen as the most appropriate management technique for disputed land as it allows for crops to be grown while protecting the forest and optimising land use. The state forest enterprise initiated the social forestry programme in 1976 in mangrove areas aiming to integrate forest management with fish production.

institutional aspects

- The Indonesian cases demonstrate that the local use of wetlands (their de facto property rights regimes) are determined by the unique ecological nature of wetland ecosystems, namely, **the multiple use and indivisible nature of the resources and their temporal changes in the water regimes**.
- These are compounded by institutional aspects such as the **lack of clearly defined** formal and informal property rights and **official conservation policies**.
- The **de jure property** rights, however, form a significant part of the individuals' decisions on resource use and can often undermine the de facto property regime.

traditional users, the state and incoming users

- Analysis of the configuration of property rights between traditional users, the state and incoming users is, we would argue, **vital for understanding whether the ecosystem functions** (and their values as emphasised by the ecological economics research agenda) will actually be realised.

local residents tend to be politically and economically marginalised

- This intensification of aquaculture is reflected in the **pond ownership patterns** emerging in the area of northwest Java. In the areas nearest Jakarta, where land values are highest due to proximity to the markets, **most ponds belonged to absentee owners** with little economic rent reaching the local tenant farmers.
- Traditional law states that the right to use land converted from mangrove only accrues to those **who directly clear the land**. Yet this is being breached in reality as many mangrove areas are being cleared on behalf of absentee owners.

Marginalisasi masyarakat lokal

- As Bailey (1985) points out, it is a common feature of many mangrove areas for local e' lites to stake personal claims over resources used by local residents. These resources can easily be allocated to outsiders as local residents tend to be politically and economically marginalised (Collier, 1979).

Value and property rights

- It is often the perceived scarcity or increased value of a resource that leads to the delineation of de jure property rights

over-exploitation of the resource base

- Recent degradation of the mangrove areas is caused by the realisation of the potential of such areas for aquaculture production, as well as by the increasing global commercialisation of the shrimp industry due to the expansion of regional and global markets for its outputs.
- Throughout Indonesia the area of brackish water aquacultural production increased by 73% between 1980 and 1990
- Efforts to develop wetland resources more intensively have often led to a **breakdown in previously existing controls over land use and to the over-exploitation of the resource base**, reducing its value and in turn encouraging conversion. Between 1979 and 1989 the value for frozen shrimp exports increased more than three times from about USD200 million to over USD670 million

Pendekatan pengelolaan sumberdaya

- Berdasarkan penilaian atas nilai ekonomi total dari suatu sumberdaya dengan pemahaman terhadap fungsi SDA tsb.
- Mempertimbangkan dampak terhadap masyarakat lokal



SEKIAN

SILAHKAN MEMBERI KOMENTAR
ATAU PERTANYAAN