

ABSTRACT

Title: Sustainable Resource Management and Legal Pluralism in Mount Pulag National Park, the Philippines.

Keywords: natural resource management, legal pluralism, customary law

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This thesis explores possible approaches on how to deal with uncertainties in natural resource management (NRM) especially in the context of legal pluralism, which is a challenge to achieving sustainable management of resources. The research hypothesis is; the plurality of legal orders available for resource users can offer effective routes to negotiation of outcomes and compromises that can lead to sustainable NRM. However, because of the heterogeneity of communities— often translating to unequal power relations due to varying economic and political power; what is needed are institutions that can level off the negotiation field for the various resource claimants. Uncertainty of resource rights often fosters misuse and overexploitation of resources, but legal pluralism expands the options of users in order to cope with such uncertainties.

This study has adopted a theoretical paradigm, employing concepts from legal pluralism and property rights theory to validate the hypothesis in a case study analysis. The case study has been conducted using qualitative methods to analyze incentive mechanisms for resource misuse and consequently draw implications for the questions raised and assumed by the theory.

Results show that complex and overlapping legal arrangements provides resource users with useful options especially in times of uncertainties and conflict. In relation to this, it was found that customary law plays a great role in resolving resource disputes by serving as a “negotiation platform” that levels off the playing field, either by strengthening the negotiating ability of disadvantaged groups or expanding the repertoire of claims on a resource.

On the other hand, however, the case study also show that the plurality of legal orders can give rise to forum shopping behavior—when disputants shop from available forums to satisfy their own agendas. This behavior disables the process of authoritative settlement which negatively impacts NRM. Nevertheless, the case reveals that, in an indigenous cultural community with strong community cohesion and social trust, customary law still has the potentials to control forum shopping.

Therefore, this study concluded that plural and overlapping legal arrangements can only serve to help attain sustainable NRM if an effective negotiating forum, such customary law is in place.