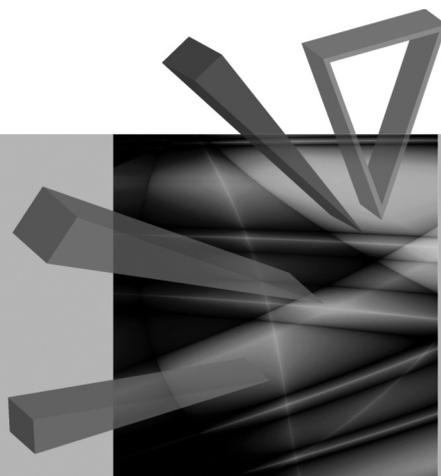


# Problemy koncepcyjne i implementacyjne zrównoważonego rozwoju



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## SUSTAINABLE DEVELOPMENT AS CLUB GOOD

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**Abstract:** In this article conditions and challenges for sustainable development becoming a kind of club good are addressed in the context of the aim of environmental sustainability and ever increasing income and wealth. In particular institutional governance, concerning different types of organizational structures being instrumental in the development and implementation of policy (institutional change) and influencing the incentives for and transaction costs of creation and enforcement of new property rights regimes, is fundamental in the discussion on sustainable development as club good. Lack of existence and/or access to institutional governance may work as an exclusion mechanism, and prevent the achievement of a good life for large groups of people.

**Keywords:** sustainable development, club goods, property rights, transaction costs, institutional governance.

### 1. Introduction

Sustainable development (SD) is a concept focusing on intra- and inter-generational equity. The issue is how to create a good life for current and future generations [WCED 1987]. However, it seems that in much of the discourse on SD the inter-generational aspect related to protection of environmental resources receives priority over issues like current problems of global poverty [Rao 2000]. A reason may be that most of the scientific research, also on SD, is carried out in highly developed countries (HDCs) [Woźniak 2000], while in these countries many socio-economic problems have been solved and, e.g., environmental non-governmental organisations (NGOs) have gained influence. It may be that HDCs are interested in sustaining and increasing the current level of socio-economic development, while less-developed countries (LDCs) may first aim at achieving high levels of socio-economic development before starting to aim at sustainable management of natural resources.<sup>1</sup>

In theory SD is an inclusive concept, including all people (current and future generations) in socio-economic development. However, it seems that people's appetite

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<sup>1</sup> Of course, the distinction between LDCs and HDCs is a simplification. In reality, the levels of development and priorities are more differentiated.

for increase in income and wealth is unlimited [Smith 1998 (1776)] and even increasing with a rise in income and consumption [Galbraith 1958]. The pressure this puts on natural resources required to achieve this aim leads to the simple question whether technological development may lead to such a decrease in resource use that the permanent aim of achieving economic growth can be sustained. When this is not the case, either use of natural resources should be reduced by way of a decrease in production and consumption, or a significant part of the global population should be excluded from access and use in order to achieve SD. The fundamental scarcity of resources, then, leads to the question whether SD in reality may eventually become a kind of club good. In this article, conditions and challenges for SD becoming a club good will be discussed in the context of natural resource management and institutional governance, i.e., mechanisms for governing institutional change, gathering information, enforcing rights, enhancing human capabilities for development, etc. [Platje 2004].

## **2. Property rights, transaction costs and SD as a club good**

The discussion on SD as a club good focuses on the importance of property rights and transaction costs [North 1990; Eggertsson 1990] in the context of the idea that SD is in fact about management of scarce resources [Rydén 2008]. Property rights, providing incentives for human productive activity, possess different characteristics which are important for the sustainability of these activities: access, exclusion, withdrawal, management, alienation and the right to cause detrimental or beneficial effects for others [Honoré 1961; Bromley 1991; Schlager, Ostrom 1993, pp. 14–15; Furubotn, Richter 1997]. Transaction costs are fundamental for the functioning and sustainability of property rights regimes [Coase 1960; Cornes, Sandler 1996]. A distinction can be made between fixed and variable transaction costs. Regarding natural resources, fixed transaction costs are “costs of setting-up, maintaining or changing an organizational design [Furubotn, Richter 1997, p. 46], ” while variable transaction costs concern information, negotiation and control (monitoring and enforcement) costs involved in the transfer and protection of rights [Williamson 1985; Barzel 1989]. Important for the creation and operation of a property rights regime is the functioning of institutional governance [Platje 2010]. Institutional governance concerns different types of organizational structures which are instrumental in the development and implementation of policy (institutional change), influence the incentives for and transaction costs of creation of new property rights regimes as well as the transaction costs of enforcement of rights by way of courts, police, etc. (see Table 1) As such, institutional governance is fundamental for creating sustainable property rights regimes for natural resources, as well as enhancing human capabilities [Sen 1999] for achieving a good life. For this reason, natural resources and institutional governance are fundamental in the discussion on SD as a club good. The functioning of institutional governance determines society’s capacity and capability

to enter a path of SD. This is achieved by creating new laws and regulations (at different levels of government with participation of different stakeholders in the process of design and implementation), activities that lower information costs (e.g., government agencies, NGOs, etc., gathering information on existing property rights, the state of the environment, labour conditions, poverty, the real state of the economy), enforcement of material and immaterial rights (e.g., basic liberties such as freedom of speech, freedom of press, freedom of organization, political freedom [Rawls 1971; Sen 1999], while providing capability-enhancing goods such as education and health care. While institutional governance is, to a large extent, related to the functioning of different levels of government administration, it also includes NGOs and associations involved in, among other things, protection of the environment, protection of labour rights, etc. These and many other (grass-root) organisations play an important role in local society's capacity for self-organisation [Moulaert 2002] while having an important control function for the governmental part of institutional governance. The fixed transaction costs related to institutional governance are "costs of setting-up, maintaining and changing a system's formal and informal political organisation" [Furubotn, Richter 1997, p. 47]. The level of these transaction costs determines whether efficient and effective structures of institutional governance, supporting SD, will come into being and continue to exist. The variable transaction costs, related to the operation and use of its different elements (court, police, public participation in decision-making processes, access to information, etc.) not only determine its influence on SD, but also may lead to factual exclusion of certain groups, making access to and use of institutional governance and its capability enhancing function a kind of club good.

The description of SD as a club good presented here is meant as a basis for further analysis and discussion. The idea is based on the need for protection of natural resources being crucial for socio-economic development, while current overuse and priorities focused on economic growth, seemingly independent from the level of economic development, will put more and more pressure on natural resources when technological development reducing resource intensity and finding sustainable substitutes for depletable resources will be too slow.

Essential in the distinction between different types of property rights is the notion of exclusion and rivalry in use. In this case, exclusion, may not only be interpreted as a lack of access and right to use, but also lack of participation in management of property rights, participation in political decision-making processes, etc. Basically, the following types of property rights regimes can be distinguished [Buchanan 1965; Cornes, Sandler 1996]:

- Private goods. Exclusion is possible at relatively low transaction costs, while the use by one person reduces the possibility of use by another person (rivalry in use).

**Table 1.** Structures of institutional governance

“Structure” of institutional governance	Types of activity and involvement in policy development and implementation
Central government and different levels of local government (e.g., regional, municipal)	Create, change, interpret and implement formal rules of the game. Policy development. Provision of capability enhancing public goods.
Parliament	Create formal rules of the game. Policy development. Functioning is strongly related to functioning of public administration as well as professionalism and lack of corruption of civil servants.
Court	Interprets and enforces formal rules of the game. Specifies the often generally formulated formal rules of the game and may create rules, e.g., by jurisprudence.
Police, fire brigade, tax office, etc.	Enforces rules of the game, provision of safety, while interpreting them to a certain extent. Provision of safety. Control function regarding implementation of formal rules of the game. The informational function may identify new fields of policy making.
Public agencies (e.g., environmental protection agencies, agricultural agencies), land register, property register patent register, etc.	Implementation and enforcement. Data collection and property rights registration (e.g., land register), facilitating economic transactions. Control function regarding implementation of formal rules of the game. Strengthen the system of property rights and reduces the problem of asymmetric information. Provision of capability enhancing public goods.
Labour inspection, commodity inspection department, environmental inspectorate, etc.	Enforcement and control. Reduced problem of asymmetric information and opportunistic behaviour, when functioning properly. Increase importance of social and environmental elements of sustainable development by enforcing and facilitating enforcement of rights. The informational function may identify new fields of policy making.
Different “civil society” stakeholders such as consumer organisations, environmental NGOs, labour unions, church, etc.	Different stakeholders try to achieve different goals social, economic and/or environmental goals. Information collection and diffusion (e.g., quality of products), protection of rights, etc. Empowerment of weak stakeholders such as the poor and representatives of environmental issues. The informational function may facilitate identification of new fields of policy making.
Formal private structures such as security agencies	Enforcement and control.
Informal institutional governance, e.g., mafia	Informal policy and organisational level. Often a sign of a weak state and formal institutional governance. Hampers policy making for SD.
Informal institutional governance, e.g., authority of a certain person	Informal policy and organisational level. Positive effect in case of social self-organisation capacity. Lowers transaction costs of functioning of formal institutional governance and may facilitate policy making and putting issues on the policy agenda.

Source: [Platje 2010], based on [Bromley, 1989, 1991; Castells 1996; Ciriacy-Wantrup 1971; [Furubotn, Richter, 1997; North 1990].

- Common goods. Environmental resources such as water resources, forests, etc. are often considered to be common goods. While transaction costs of exclusion are very high, there is rivalry in use.
- Public goods. The transaction costs of exclusion are very high, while there is no rivalry in use. Basic human liberties such as freedom of speech, freedom of press, political and organizational freedom and other democratic rights may be assumed to be public goods. However, the transaction costs related with the use and enforcement of these rights through structures of institutional governance may lead to partial rivalry (there is a maximum capacity of activities of an organizational structure), which in combination with lack of capabilities among certain groups (e.g., lack of income, lack of education, lack of access to health care, etc.) creates possibilities for (un-) intentional exclusion.
- Club goods. Transaction costs of exclusion are relatively low, while there is a lack of or partial rivalry in use.

It has been argued that club goods are more common than is often assumed, as, for example, a partnership is in fact already a private club for the co-owners [Bromley 1991]. Furthermore, as property rights have different characteristics, there can be different owners of these different characteristics [Honoré 1961; Bromley 1991; Schlager, Ostrom 1993, pp. 14–15; Furubotn, Richter 1997]. Access concerns the right of people to enter a physical property like forests, but also institutional governance. Exclusion means a lack of access rights, and may be determined by law, as is the case for non-owners of private property. The possibility of exclusion makes it possible to obtain a fee/price for access and use, which provides incentives for the provision and maintenance of the good in question. Whether in reality other people can be excluded depends on the level of transaction costs. On the other hand, in democratic societies people cannot be excluded from their democratic rights according to law (except for mentally ill, prisoners, etc.). However, high transaction costs of using these rights may in reality lead to exclusion. A similar argument goes for the right of withdrawal, i.e., to obtain the products or “fruits” of a resource (usufruct).

Fundamental in the discussion on whether SD may be or become a kind of club good is the right of management. Management concerns establishment and change of rights of access, use and withdrawal, as well as guaranteeing finance required for design of these rules, operation and maintenance of the club [Ostrom, Schroeder, Wynne 1993]. It is the lack of a management regime that makes environmental resources a kind of open access regime. In this case there are no established/enforced use, access and withdrawal rights, which may lead to overuse of these resources, in turn leading to their deterioration, depletion and/or disappearance.

The right of alienation, i.e., the right to “change [the] form, substance, and location [of an object] [Furubotn, Richter 1997, p. 16] is related to issues of strong and weak sustainability [Borys 2005]. Strong sustainability exists when, e.g., environmental resources have to be kept in the same size and form for future generations. Weak sustainability exists when non-renewable energy resources are replaced by re-

newable substitutes in the process of their depletion [Keijzers 2003]. In case of basic human rights, it may be argued that democratic rights, such as freedom of speech and press, political participation, etc., should be inalienable and may not be sacrificed [Rawls 1971; Sen 1999]. This issue becomes actual in situations of war, natural disasters, famines, etc. May democratic rights temporarily be sacrificed in the face of a crisis, facilitating a government to deal with such a crisis? However, when the crisis is over, a question remains whether a government is voluntarily willing to give up its new power.

An important issue in the discussion on the willingness and capability to create a club, and the sustainability of such a club is the right to cause damage (negative externalities) or benefits (positive externalities) for others (see, e.g., [Coase 1960; Honoré 1961]). In case of positive externalities, like with finding a cure for certain diseases or guaranteeing peace and safety, the incentives for providing such a good may be weak as it is difficult to obtain direct payment from the people or groups benefiting. In case of negative externalities imposed on non-club members, a question is whether this will lead to counter reaction by the victims, threatening the stability of the club [Cornes, Sandler 1996]. Emission standards are an example of the right to pollute, and the trans-boundary nature of many pollutants makes a situation possible where the poor and excluded, in particular in areas with weak institutional governance, face the damage (“victim pays” principle).

While the exclusion of part of the global population from access to environmental resources and institutional governance may be considered to be unfair, creation of ownership rights makes people responsible for their actions, as owners can be identified [Pejovich 1995]. When a management regime is established, the managers may be held liable and responsible for environmental resource management, etc. It is institutional governance that creates rules for managing environmental resources. Environmental sustainability may be achieved by establishing access, use and withdrawal rights at such a level that the environmental resource can renew itself and absorb environmental pollution (the carrying and absorption capacity are not exceeded. Examples may be a maximum number of tourists in national parks or fish quota. Thus, the number of members of the club having the right of access, use and withdrawal of an environmental resource is determined by its supply (amount that can be withdrawn without deterioration of the resource) and the total amount of the source individual members are willing to withdraw or use. A fundamental problem is that the transaction costs of establishing a property rights regime as well as exclusion may be too high, in particular for so-called global commons. While at a national or transnational level nature parks may be established, and water resources may be managed, for example fish and many other animals may migrate. At such a moment, like with measures for reducing CO<sub>2</sub> emission, the effort of protection by one country may have no effect when other countries still excessively catch fish, emit CO<sub>2</sub>, etc.

While the free-rider problem and high negotiation costs may prevent global commons from becoming a kind of club good, it may be HDCs having economic and military power as well as relatively efficient institutional governance that may eventually be able to create such a club. As mentioned, different phases in the creation of a public or club good are design, finance, construction, operation, maintenance and use [Ostrom, Schroeder, Wynne 1993]. For design, advanced technology and knowledge may be needed, which may be more available in HDCs. For financing the construction, operation and maintenance of the club, resources are needed which are more available in HDCs. On a local or national scale, this argument may also be used regarding strong stakeholders in LDCs, having access to the local or national (inefficient) institutional governance and being integrated in the international economy through international trade.

However, designing a property rights regime for environmental resources not only requires technical knowledge, knowledge on functioning of ecosystems, etc., but also locally-specific knowledge [Uphoff 1986]. This may be a fundamental problem in creating sustainable environmental management regimes. HDCs may possess funds and knowledge to protect biodiversity in LDCs, where local population may have specific knowledge on climatic conditions, functioning of local ecosystems, human traditions and behaviour influencing the overuse of environmental resources etc. HDCs may be more interested in large projects in co-operation with LDC governments, as this reduces costs of management, control, operation, etc. However, without local knowledge, mistakes can be made, while lack of involvement of local society may stimulate opportunistic behaviour among them, reducing the likeliness of successful environmental management [Ostrom, Schroeder, Wynne 1993; Cornes, Sandler 1996].

Maybe most fundamental in the discussion on SD as a club good is whether in reality groups of people, regions or countries can be excluded from efficient institutional governance. Efficient institutional governance creates capabilities for people to achieve a good life, while being an important instrument in achieving social, economic and environmental sustainability. A lack of access to institutional governance may lead to permanent social exclusion, where people do not participate in socio-economic and political life, being excluded from real opportunities for achieving a good life. For environmental sustainability, a question is whether they can be prevented from overusing environmental resources (e.g., wood from forests for cooking, deforestation of rainforests for agricultural purposes) which is related to their poverty [Rao 2000]. Access to institutional governance should be guaranteed by democratic rights and basic liberties. A lack of freedom of speech, political organization, entrepreneurship, etc., means that people have limited capabilities while undemocratic governments and related strong stakeholders may assure a good life for themselves.

Pure public goods are characterised by non-rivalry in use and consumption (zero crowding or congestion) and the impossibility of exclusion. In this sense, peace ke-

eping and safety can be considered to be a public good, as people do not have to undertake any action to obtain the benefits from these goods. In fact, these benefits are a kind of positive external effects from which no-one can escape, whether they appreciate this or not. Organisations of institutional governance are characterised limited capacity. When too many people make use of courts or police services, a kind of congestion may appear in the form of long waiting time [Cornes, Sandler 1996]. A reason is that the moment activities have to be undertaken to make use of rights, this is accompanied by transaction costs. As a consequence, institutional governance and its capability enhancing functions may become a kind of club good. Education, income, etc. may be elementary in the access to and use of institutional governance. Uneducated and poor people, when having rights at all, have less opportunities to defend these rights. It is what Sen [1999] calls means to freedom that makes people able to influence their own life, and benefit from efficient institutional governance.

An efficient institutional governance lowers information costs, e.g., by way of land register, patent register, monitoring environmental pollution, labour circumstances, etc. The positive effects are a kind of public good, while facilitating people's socio-economic activities and empowering weak stakeholders. However, as education may be needed to find, interpret and use information, while information is becoming more and more important in developing economies, lack of education may lead to factual exclusion. When people do not know or understand their rights, they are rather unable to use and enforce them, even when judiciary functions efficiently.

Public and private organisations having an informational function as well as courts, police, etc. having an enforcement function have a limited capacity. Lack of capacity may lead to long waiting times, which may create earning opportunities for corrupt civil servants. At such a moment, people not being able to pay bribes or pay for lawyers when procedures are very complicated are factually excluded. In this situation, institutional governance is certainly inefficient, and it is unlikely that NGOs defending the interest of the poor, the environment, etc. will become strong. Corruption and bureaucracy in many LDCs show that access to institutional governance limited to a small group of privileged as well as foreign companies being able to pay lawyers and other specialists [De Soto 2000]. Lack of access to institutional governance can be considered to be a feature of social exclusion [see Castells 1998] and be a factor of continuation of poverty.

In order to establish a club, non-members must be excluded, while the members should pay a toll or fee for use. The fee may take different forms, such as legal fees, bribes, time, etc. However, as Cornes and Sandler [1996, p. 471] argue, "maintenance is purely public within a club," creating a free rider problem for managing institutional governance. At a local or national scale, governments have an important role while public participation and transparency may lead to maintaining eventually efficient structures of institutional governance. A problem remains finance, as it is very difficult to establish a user fee that covers all costs, while not reducing positive externalities. Maintenance also means changing the working rules of institutional

governance, as well as changing the law in case of, e.g., economic, social and technological changes. Otherwise the structures of institutional governance may deteriorate, and become less efficient (or more inefficient). At such a moment, private organisations may come into existence with information and enforcement functions. When the state is weak, mafia structures may take over some of their functions, excluding non-mafia members from the informal institutional governance. Thus, informal institutional governance (see Table 1) may be an exclusion mechanism in case of poorly functioning institutional governance.

### 3. Concluding remarks

While SD should be a concept including as many people as possible in achieving a good life, there exists the threat that it will become a kind of club good. HDCs and quickly developing LDCs may try to secure natural resources for further development, which may easily lead to deterioration of environmental global commons. On the other hand, protecting these resources may lead to the formation of property rights regimes which may factually lead to exclusion of significant parts of the world population from a good life.

It may be in particular institutional governance that is crucial in the discussion on SD as a club good, as it not only enhances human capabilities, but is also instrumental in creating environmental management systems. Regions and countries with relatively strong institutions and institutional governance may be able to establish different types of property rights regimes on natural resources, excluding other areas with relatively weaker institutional governance. While this scenario may be unlikely due to the high transaction costs, there are some important implications. When technological development is quick enough to solve all appearing environmental problems, all problems will be solved, even in the context of ever increasing consumption and production. When people decide that they should reduce consumption and production radically, the problem may also be solved. However, when someone is not such an optimist, not believing in such a techno-centric paradigm [Gladwin, Kennelly, Krause 1995], the question is whether we want to sacrifice future welfare for current welfare. This is what Cornes and Sandler [1996, p. 467] call the “tragedy of the intergenerational commons.” Overuse in an early state may have large negative effects for future generations. Thus, when not willing to sacrifice current standards of living and not achieving enough technological development, part of the current generation has to be excluded in order to leave behind developmental opportunities for the future. However, even when a club is established, there exists the danger of overuse. First of all, there are large uncertainties about the long-term effects of environmental damage, which may lead to short time horizons [Cornes, Sandler 1996, p. 475]. Furthermore, when the decision makers in institutional governance adhere to the techno-centric paradigm, but create a club in order to be precau-

tious about their own developmental opportunities, this still may lead to overuse of environmental resources.

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**Streszczenie:** Niniejszy artykuł porusza problematykę warunków oraz wyzwania zrównoważonego rozwoju, stającego się swego rodzaju dobrem klubowym. Zagadnienia te omówiono w kontekście osiągnięcia celu, jakim jest rozwój zrównoważony środowiskowo oraz stale rosnący poziom dochodu i bogactwa. W dyskusji dotyczącej zrównoważonego rozwoju jako dobra klubowego fundamentalną rolę odgrywają zwłaszcza instytucjonalne struktury współrzędzenia, dotyczące różnych rodzajów struktur organizacyjnych kluczowych z punktu widzenia rozwoju i wdrażania polityki (zmian instytucjonalnych) oraz oddziaływania na bodźce oraz koszty transakcyjne związane z tworzeniem i egzekwowaniem nowego systemu praw własności. Brak istnienia i/lub dostępu do instytucjonalnych struktur współrzędzenia może działać na zasadzie mechanizmu wykluczenia i uniemożliwiać osiągnięcie dobrej stopy życiowej przez liczne grupy ludności.

**Słowa kluczowe:** zrównoważony rozwój, dobra klubowe, prawa własności, koszty transakcyjne, zarządzanie instytucjonalne.