

# LOCAL COMMUNITIES, EQUITY AND CONSERVATION IN SOUTHERN AFRICA

EDITED BY WEBSTER WHANDE, THEMBELA KEPE AND MARSHALL MURPHREE

**TILCEPA**

Theme on Indigenous and Local Communities,  
Equity and Protected Areas

**AFRICA RESOURCES TRUST**



# LOCAL COMMUNITIES, EQUITY AND CONSERVATION IN SOUTHERN AFRICA:

A SYNTHESIS OF LESSONS LEARNT AND RECOMMENDATIONS  
FROM A SOUTHERN AFRICAN TECHNICAL WORKSHOP

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REPORT FROM THE 'COMMUNITIES AND CONSERVATION  
IN SOUTHERN AFRICA: KEY ISSUES AND CHALLENGES TOWARDS  
A MORE EQUITABLE AND SUSTAINABLE FUTURE' WORKSHOP,  
CONSTITUTED AS THE SOUTHERN AFRICAN CHAPTER OF TILCEPA  
(THE IUCN THEME ON INDIGENOUS AND LOCAL COMMUNITIES,  
EQUITY AND PROTECTED AREAS), TO PREPARE FOR THE WORLD  
PARKS CONGRESS TO BE HELD IN SEPTEMBER 2003



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## LIST OF ACRONYMS

ADMADDE	Administrative Design for Management
ART	Africa Resources Trust-Zimbabwe
BOCOBONET	Botswana Community-Based Organisation Network
BSAC	British South Africa Company
Campfire	Communal Areas Management Programme for Indigenous Resources
CBD	Convention on Biological Diversity
CBNRM	community-based natural resource management
CBO	community-based organisation
CCA	community-conserved area
CEESP	Commission on Environmental, Economic and Social Policy
CFU	Commercial Farmers' Union
CITES	Convention on International Trade in Endangered Species of Wild Flora and Fauna
CMPA	co-managed protected area
CMWG	Co-Management Working Group
DNPWLM	Department of National Parks and Wildlife Management
ETIS	Elephant Trade Information System
FAO	Food and Agriculture Organization of the United Nations
GATT	General Agreement on Tariffs and Trade
ICA	intensive conservation area
ICTSD	International Centre for Trade and Sustainable Development
IUCN	World Conservation Union
LIRDPA	Luangwa Integrated Resource Development Project
MEA	multi-lateral environmental agreement
NACSO	Namibian Association of CBNRM Support Organisations
NGO	non-governmental organisation
NRB	Natural Resources Board
NRM	natural resources management
OECD	Organisation for Co-operation and Development
PLAAS	Programme for Land and Agrarian Studies
SACIM	Southern African Centre for Ivory Marketing
SARCCUS	Southern African Regional Commission for the Conservation and Utilisation of the Soil
TANAPA	Tanzanian National Parks Agency
TBNRM	trans-boundary natural resource management
TILCEPA	(IUCN) Theme on Indigenous and Local Communities, Equity and Protected Areas
USAID	United States Agency for International Development
WCPA	World Commission on Protected Areas
Windfall	Wildlife Industries New Development for All
WPA	Wildlife Producers Association
WPC	World Parks Congress
WSSD	World Summit on Sustainable Development
WTO	World Trade Organization
WWF	World Wide Fund for Nature
Zimsun	Zimbabwe Sun Group of Hotels



## FOREWORD

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The view that protected areas (PAs) are pristine areas where human action must be controlled – and in some instances local people thus removed – and the history of these areas must be addressed if PAs are to be seen as integral assets for local, national and international goods and services. The concepts and structures that guided the development of PAs in the 20<sup>th</sup> century are inadequate for the challenges of the 21<sup>st</sup> century. The constituencies and purposes of PAs are changing rapidly and, if they are to have a significant place in southern Africa's future politico-economic map, these changes must be addressed.

There is a growing trend worldwide towards involving rural communities in managing biological resources. In this regard, major advances have been made in southern Africa and policies and legislation put in place. However, questions are beginning to be asked about the commitment of governments to ensuring the success of these community approaches for community development and biological-diversity conservation through equitable access to and use of resources. Southern Africa's extensive experience in these community approaches indicates that they are institutionally inhibited by a lack of proprietary devolution. There is a need to give formal recognition and entitlements essential for their effective management.

Experiences from southern Africa further indicate that the PA and community approaches are complementary in their contribution to conserving biological diversity. Yet the efforts of rural people to conserve biological diversity are rarely officially recognised by governments. It is apparent from the discussions at the technical workshop that this view has to change and that governments have to not only recognise community inputs in conservation, but also protect communities' access to these resources. The workshop thus warmly endorsed TILCEPA's (the Theme on Indigenous and Local Communities, Equity and Protected Areas) proposals to add a governance dimension to The World Conservation Union's (IUCN) list of PA categories, to include community-conserved areas (CCAs) and co-managed protected areas (CMPAs). The active involvement of those living in and around PAs can enhance both conservation and development objectives. Consequently, PA goals and structures should be reviewed to achieve this synergy and CMPAs should be further developed on the basis of negotiated formal agreements between PAs' management and neighbouring authorities regarding reciprocal responsibilities and benefits. A formal statement summarising these views was adopted by the workshop at its concluding session and is reproduced on the following pages.





## STATEMENT

### ON LOCAL COMMUNITIES, EQUITY AND PROTECTED AREAS IN COMMUNITY-CONSERVED AREAS (CCAs), CO-MANAGED PROTECTED AREAS (CMPAs) AND PROTECTED AREAS (PAs) ADOPTED IN PRETORIA ON 28 FEBRUARY 2003

#### 1. COMMUNITY-CONSERVED AREAS

Noting that:

1. There is strong evidence that devolution to the lowest proprietary units delivers substantial institutional, livelihood and conservation benefits.
2. Many of the necessary tools, principles and knowledge to take devolution into effect have been developed and tested through a variety of community-based natural resource management (CBNRM) initiatives.
3. Devolution principles and practices have seldom been applied to best effect in the southern African region.
4. TTLCEPA's definition of CCAs as 'natural and modified ecosystems including significant biodiversity, ecological services and cultural values voluntarily conserved by concerned indigenous and local communities through customary laws or other effective means' generally corresponds with the localised proprietary regimes which CBNRM experience in southern Africa suggests is appropriate for many contexts.
5. CCAs can be effective examples of devolution if they are provided with the necessary status and entitlements.

The workshop therefore recommended that:

- CCAs and their associated proprietary rights and responsibilities be officially recognised in national and international statutes and included as a governance form within The World Conservation Union (IUCN) PA category system.

#### 2. CO-MANAGED PROTECTED AREAS AND PROTECTED AREAS

Noting that:

1. The provision of ecological and socio-economic value by official, state-declared PAs is currently sub-optimal.
2. PAs in transitional societies will survive only by serving the needs of their constituencies, which include the conservation of biodiversity, ecosystem services and also a variety of social, economic and cultural values.
3. The trade-offs between biodiversity and socio-economic values are currently exaggerated and the synergies underestimated.
4. Greater involvement of those living in and around PAs can contribute to PA and landscape conservation.
5. In many cases, protected areas can act as local engines for economic and social development.
6. Integrating protected areas into their surrounding landscapes and generating synergies with local communities has advantages in terms of both performance and accountability.

The workshop accordingly recommended that:

1. The goals and governance structures of official, state-declared PAs be reviewed to better contribute to the objectives of society at large and to enhance local livelihoods, governance and economic development.
2. State-declared PAs should provide residents and neighbours with full legitimacy and status in co-management governance structures.
3. CMPAs should function as subsidiary decision-making units, uniting legitimate stakeholders, internalising costs and benefits, and sharing them fairly through institutional mechanisms, rights and contractual obligations.







LESSONS LEARNT  
AND RECOMMENDATIONS  
FROM A SOUTHERN AFRICAN  
TECHNICAL WORKSHOP





## INTRODUCTION

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This publication reports on a technical workshop entitled 'Communities and Conservation in Southern Africa: Key Issues and Challenges towards a more Equitable and Sustainable Future', which was held on 26–28 February 2003 in Pretoria, South Africa, in preparation for the World Parks Congress to be held in Durban in September 2003.

The workshop sought to synthesise the extensive experience of southern African countries on community-based conservation and natural resources management into concrete inputs and recommendations for the World Parks Congress 2003.

### BACKGROUND TO THE WORKSHOP

The World Congress on Protected Areas, or World Parks Congress (WPC) as it has become known, is held once every ten years and provides the main global forum for reviewing the status and role of PAs in conservation and development. The WPC is a major international event and offers a unique opportunity to take stock of progress and setbacks on the management of PAs, as well as to chart their course over the next decade and beyond. The first WPC took place in 1962 in Seattle, USA. The subsequent three were held in Yellowstone, USA (1972), with the theme 'National parks – A heritage for a better world'; in 1982 in Bali, Indonesia, with the theme 'Parks for development', and in 1992 in Caracas, Venezuela, with the theme 'Parks for life'.

The 5th World Parks Congress will be held in Durban, South Africa, from 8–17 September 2003. This congress follows three major international events relevant to issues of community conservation and development, which were held in 2002. These events were:

- the 6<sup>th</sup> Conference of the Parties to the Convention on Biological Diversity (CBD)
- the World Summit on Sustainable Development (WSSD)
- the 12<sup>th</sup> Conference of the Parties to the the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES).

All these international events, including the WPC, share a common challenge, which is how to support indigenous and local communities in conserving and managing their natural resources sustainably in the face of poverty.

To this end, the next WPC is appropriately themed 'Benefits beyond borders'. This clearly defines the challenge for the next decade: showing and realising benefits from PAs in the broader economic, social and environmental context for humankind in the 21st century. The theme sketches the opportunities for PAs in the next millennium and the range of meanings or interpretations implicit in the terms 'benefits' and 'boundaries'. It also provides the flexibility for the WPC to explore a wide variety of relevant sub-themes.

In this regard, the World Commission on Protected Areas (WCPA) and the Commission on Environmental, Economic and Social Policy (CEESP), both arms of the World Conservation Union (IUCN) have established an inter-commission Theme on Indigenous and Local Communities, Equity and Protected Areas (TILCEPA). The WPC and this inter-commission theme represent a significant opportunity to highlight and promote the interests of indigenous and local communities with respect to neighbouring PAs, notably as concerns access and equity issues, and community conservation and co-management opportunities. It was in this context that TILCEPA requested Africa Resources Trust-Zimbabwe (ART) and the Programme for Land and Agrarian Studies (PLAAS) at the University of the Western Cape, South Africa, to organise and host the southern Africa technical workshop to explore relevant themes for the WPC and a strategy for southern Africa to engage with the WPC.

The organisers would like to acknowledge the support from the Siemenpuu and Ford Foundations that enabled the hosting of the workshop and this publication. TILCEPA, ART and PLAAS provided part of the funding for the workshop. Resource Africa, represented by Kule Chitepo and Julian Sturgeon, facilitated the workshop.



## RATIONALE AND OBJECTIVES OF THE TECHNICAL WORKSHOP

The workshop brought together academics, practitioners, policy makers and community representatives with interest in CBNRM in the southern African region. The purpose of the workshop was to review lessons learned in the relationship between southern African communities and PAs, with a view to understanding effectiveness (for example, in terms of biodiversity conservation, sustainability of resource use, betterment of living conditions, maintenance of community identity, and so on), sustainability and equity (especially in terms of distribution of the costs and benefits of conservation), the extent and regional distribution of CCAs and the traditional/legal mechanisms of their maintenance. The focus was on governance aspects of PAs, particularly those related to areas that are outside official PAs, CCAs and CMPAs. These areas – often relying on collaborations between the state or private sector on the one hand, and communities on the other – were seen as important with regard to issues of fairness, equity and representation of resource users. On the basis of lessons learnt in dealing with these issues in southern Africa, the workshop explored what can be done, feasibly and concretely, to promote more equitable and effective ways of managing natural resources and PAs in southern Africa and beyond. On this basis, the workshop drafted a set of recommendations emanating from lessons learnt.

This report forms part of the results of the workshop that will be presented at the WPC in September 2003, and be made available through other platforms beyond the Congress. The report includes:

- a statement drawn up by regional participants at the workshop
- five thematic papers delivered at the workshop
- lessons learnt in Southern Africa
- a set of recommendations for dealing with the challenges of communities and conservation.

Where possible, boxed case studies have been prepared to highlight the lessons learnt and to support the recommendations provided.

In all, 45 specialists from various disciplines from the southern Africa region participated in the workshop. The participants analysed in depth five papers that were presented to illustrate and take stock of the key sub-themes identified for the workshop. The workshop was held over three days and was structured as follows:

- The first day was dedicated to the presentation of five commissioned thematic papers. The themes were

designed to highlight lessons learnt and issues arising in the field of communities, conservation and development in the region.

- On the second day, participants were divided into four groups<sup>1</sup> according to four of the seven WPC workshop streams to be addressed in September 2003. The groups were tasked with synthesising lessons learnt from experiences of community-managed resources, CCAs and CMPAs, and to develop a set of lessons learnt and recommendations for interacting with areas managed and conserved by local communities throughout the region. Specific case/sites to illustrate key regional issues and lessons learnt were also discussed.
- The third day was dedicated to consolidating the lessons learnt and the recommendations arising, including a discussion on the workshop outputs and how these would be showcased at the WPC.

## SETTING THE CONTEXT: CONCEPTUAL ISSUES ON CONSERVATION AND COMMUNITIES IN SOUTHERN AFRICA

### INTRODUCTORY REMARKS

In introducing the workshop, Dr Cecil Machena of ART outlined the objectives of the workshop, noting that this was an opportune time for southern Africa to share lessons learnt in working with communities in conservation and development initiatives. Grazia Borrini-Feyerabend, Co-Chair of the IUCN TILCEPA, expanded on the objectives and spelt out briefly why the workshop was relevant. She stressed the need for southern Africa to share its lessons learned in dealing with communities and conservation, but also in addressing issues of social justice and equity in relation to resource conservation and governance of various forms of PAs.

The lessons learnt in southern Africa are collected as part of a worldwide effort by TILCEPA to gather experiences and lessons from different regions. A common finding is that initiatives of rural communities in conservation are poorly known and understood, and even less recognised, in official conservation circles. CCAs are still playing a crucial role in many environments but are under serious threat – more than any other form of conservation. CMPAs also provide an opportunity for indigenous and local communities to contribute to conservation and development through partnership agreements and organisations with state governments, the private sector



and other social actors. Conservation partnerships are becoming a common phenomenon but often still have a long way to go from paternalism and tokenism to genuine negotiation and mutual engagement.

Grazia stressed the strong focus of the Durban WPC on governance of PAs. Two major issues will be the focus of that discussion. The first is good governance principles. These will be developed starting from those proposed by the UN – legitimacy and voice, accountability, fairness, direction, and performance – as important for all types of PAs. Notably, the UN principles spell out a much more open agenda than that of reducing ‘good governance’ to a minimal role of government in public affairs. The second issue is ‘governance type’. Different governance types can be distinguished according to who holds authority, responsibility and accountability in management. The importance of understanding and recognising the full spectrum of governance types that contribute to conservation as part of national systems will be highlighted in Durban. In this sense, state-managed, co-managed (including trans-boundary), private and community-conserved areas should all be fully recognised and supported to act in complementary, equitable and synergistic roles.

The workshop was honoured by an address by the Director-General of the IUCN, Mr Achim Steiner, who encouraged the exploration of new, people-centred approaches to protected-area policy that took into account politico-economic and governance issues. Mr Steiner noted the role played by southern Africa in shifting mindsets in relation to communities, conservation and development. He encouraged the region to continue on their path of intellectual rigour and relevancy of policy, which led to the pioneering of partnerships between government and communities. Communities have also been involved in conservation without the involvement of the state, and the region should showcase these case studies.

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<sup>1</sup> Theme groups: 1. Linkages in landscape/seascape – linkages including social, economical, ecological, cultural (not as isolated entities). 2. Governance of PAs – interaction between structures processes – about power, relationships and – who decides, consensus, who benefits, who does something, is that just, who is accountable to who. 3. Management effectiveness. 4. Sustainable finance and resources



## THE SOUTHERN AFRICA CONTEXT: THEMATIC ISSUES

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The first day of the workshop was dedicated to the presentation of thematic papers that provided a basis for deciding on a strategy to engage with the WPC. The themes, in order of presentation, were as follows:

### PRE-COLONIAL AND COLONIAL CONSERVATION PRACTICES AND THEIR LEGACY TODAY – JAMES MUROMBEDZI

This paper comprised three parts:

- pre-colonial conservation practices in the southern African region, with an emphasis on community-based conservation
- conservation systems and practices developed under the colonial regime
- the legacies of the pre-colonial and colonial systems today.

The paper thus explored the evolution and development of pre-colonial and colonial conservation practices, and demonstrated their influences on contemporary conservation policies and practices. A long-term historical approach was used, and for the most part Zimbabwe was the primary point of reference, although examples from other parts of the region were used and discussed during the plenary session. The paper and discussions showed that the history of conservation in most of southern Africa followed broadly similar trajectories, with differences only in the detail.

### ORIGINS AND PROCESSES OF MODERN CBNRM PRACTICES IN THE SOUTHERN AFRICA REGION – BRIAN CHILD

This paper dealt with the key characteristics of modern CBNRM practices in southern Africa and traced their origins. The paper concluded that the evolution of CBNRM is linked to wildlife policies developed for privately-held land and where conflicts between human practices and wildlife existed. The origins of CBNRM are

thus linked to resolving wildlife-human conflicts. The success of CBNRM on mostly state land under communal arrangements has been linked to some official protected areas agencies, which have been instrumental in driving modern CBNRM practices in southern Africa.

### LESSONS LEARNT FROM THE PHILOSOPHY AND PRACTICE OF CBNRM IN SOUTHERN AFRICA – BRIAN JONES

This presentation examined the challenges and opportunities faced in the southern African region during the emergence of an array of wildlife management systems, including:

- private landholders
- corporate conservancies on private pooled land
- communal conservancies (for example in Namibia)
- communal management regimes (for example, the Communal Areas Management Programme for Indigenous Resources [Campfire]).

The paper concluded that implementation of CBNRM initiatives, despite numerous problems, have provided sufficient evidence in southern Africa to suggest that conservation need not be confined to formally proclaimed state-run PAs. The lessons learnt from the philosophy and practice of CBNRM point to the need for a number of strategies that can improve the performance of community-based approaches. Rights of local communities need to be strengthened through policies and legislation that are drafted on the basis of the evidence linking sustainable management with strong proprietorship and strong economic incentives. Devolution should be based on the lowest appropriate level of jurisdiction. From there, scaling up should take place, where necessary, through the delegation of authority upward. Decision making about use of income should be taken at village level rather than at the supra-committee level, ensuring greater participation by



residents. Communities should be supported in maximising their income-generation opportunities within acceptable environmental and social limits and taking into account tourist-carrying capacities.

#### CONDITIONS FOR EFFECTIVE, STABLE, SUSTAINABLE AND EQUITABLE CONSERVATION AT THE NATIONAL LEVEL IN SOUTHERN AFRICA – ROWAN MARTIN

This presentation dealt primarily with conditions that have to be met at a national level for successful conservation both within state PAs and outside of such areas. The paper concluded that outside PAs the first necessary condition for successful conservation – devolution of authority for natural resources to landholders – has not been met fully. It emerged that in most instances in the region the definition of landholders was fuzzy except where freehold existed. The paper noted that PAs are often too big to be financially viable and to contribute effectively to biodiversity conservation.

#### THE IMPACT OF REGIONAL AND INTERNATIONAL INSTRUMENTS, POLICIES AND PROCESSES AND DONORS ON EFFECTIVE, SUSTAINABLE AND EQUITABLE CONSERVATION IN SOUTHERN AFRICA – CECIL MACHENA

This presentation discussed the role that international multilateral environmental agreements (MEAs) have played in the conservation movement in southern Africa and other areas. The presentation also looked at how conservation systems in southern Africa have influenced the overall thinking and decision making at the international level. The paper focused on the provisions of two MEAs: Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) and the Convention on Biological Diversity (CBD). The paper highlighted the fact that within conservation practices in southern Africa CITES has been very controversial in conflicting with wildlife management policies and legislation in the region. The CBD, on the other hand, provides a better framework for integrating conservation and development. The problem is that CITES is a legal international agreement in itself and the CBD cannot override it. However, the World Trade Organisation (WTO) is making efforts to create a fair multilateral trade frame. Hence the rights and obligations of these two MEAs are examined in relation to those of the WTO.

These thematic papers provided a basis from which lessons learnt were drawn out and recommendations

formulated. The following section discusses these presentations in greater detail. Lessons learnt and recommendations are discussed in sections 4 and 5 respectively. Edited versions of the papers presented are provided in section 6.

## DISCUSSIONS BASED ON THE THEMATIC PAPERS

As pointed out earlier in this report, the five thematic papers were intended to provide a basis on which experiences and lessons from the southern Africa region could be discussed and synthesised. Consequently, the discussions that followed the presentation of the papers aimed at capturing regional experiences and recommendations that could be presented at the WPC in September 2003. Summaries of these discussions are presented below.

### PRE-COLONIAL AND COLONIAL CONSERVATION PRACTICES

- It was emphasised that there are distinct phases through which conservation should be viewed. One of these, the pre-colonial phase, is at times romanticised as if pre-colonial communities lived in perfect harmony with nature. Even though there is limited clarity and evidence on exactly how this happened, conservation attempts are likely to have reflected attempts to exercise power by clans and certain groups over resources and people. In fact, pre-colonial idioms reflect lineage cults based on religion, professionalism and territory, the functions of which were production and distribution of food. These cults were also responsible for resource conservation through control of fires and forced movements of people from areas prone to ecological disasters.
- The development of conventional conservation by colonial governments separating humans from nature was part of the broader attempt to advance colonialism through alienating people from resources they previously used and had control over. Ironically, post-colonial governments have also perpetuated these separatist approaches. In other words, there appears to be more continuity than change as post-colonial governments seem to be enhancing colonial practices of disempowering poor rural communities. An example cited of this was the Haroni Rusitu tropical forest in Zimbabwe where rural communities have preserved parts of the forest as a sacred area, only to be frustrated by the Rhodesian colonial authorities and later the Zimbabwe government (see Box 1).





### BOX 1: THE ROLE AND DYNAMICS OF TRADITIONAL INSTITUTIONS IN THE MANAGEMENT OF THE HARONI AND RUSITU FORESTS IN CHIMANIMANI, ZIMBABWE

Two unique patches of tropical lowland moist forest have been the subject of contested management and ownership between traditional local institutions and external agencies, including successive governments, in Zimbabwe. To the local people and their institutions, the forests are sacred and should be preserved as such. To the government and other external agencies, the forests face the threat of total destruction by the local people. Ways have to be identified to 'save' the forests. The local people have managed the forests (and continue to do so) over the years through local institutions and locally instituted 'informal' rules and regulations. The colonial and post-colonial governments have instituted a different approach that included declaring the forests botanical reserves and, recently, promoting a Campfire-based eco-tourism programme. The local people have, through the years, resisted the appropriation of their declared sacred forests through several means, ranging from physical confrontation to passive acceptance. It is concluded that forest values should be broadly defined to include non-material, non-economic social values.

Before independence, local institutions were largely left alone due to security problems in the area. Later, the then colonial government gazetted the Rusitu forests as botanical reserves to be protected through state institutions. After independence, the new government reaffirmed the colonial policies, and in fact, intensified the disempowerment process. In the 1990s, a Campfire programme was introduced, further disempowering local institutions. New institutional arrangements were put in place to replace traditional mechanisms of management. Traditional institutions have, however, displayed resilience in the face of all these pressures. Local people have contested the gazettement of the forests as botanical reserves since 1974. There is no agreement on the boundaries of the forests. From 1974 to 1992, the boundaries of the forests were neither surveyed nor demarcated due to wars in the area (the liberation war between 1975 and 1980 and the Mozambique National Resistance conflict in Mozambique). It was only in 1992 that government started efforts to demarcate the boundaries. A number of homesteads were enclosed within the reserve boundaries and these people continue to resist eviction.

The locals recognise much smaller areas considered sacred, while government boundaries are broader. The inextricable link between humans, nature and the spiritual world is a strong feature of natural resource management in Rusitu. Yet this has never been considered by external agencies, including government. Spiritualism, or the belief in the supernatural world, creates respect for flora and fauna. Living beings communicate with the ancestors through song, dance and offering of snuff and beer to the ancestors. Local people perceive benefits in maintaining sacred forests in their natural, undisturbed state. The forests, therefore, provide both non-material and material benefits for the local people (for example, poles, thatching grass, medicines, soil erosion control, watershed protection, and wildlife habitat). There are several traditional rules, beliefs and practices that contribute towards the management of the forests in Rusitu. These rules and regulations govern management of resources inside and outside forest areas. These rules and regulations pertain to the management of individual trees, burial sites and sacred forests and pools. It is these rules that have been disregarded by various external agencies in their interventions to 'save' the forests from local destruction.

*Source: Chidhakwa 2001*

- The question to address is why it is taking so long for post-colonial governments to rethink the paradigm of PAs if pre-colonial communities had clear reasons for practising conservation. A combination of factors might be responsible for this. Firstly, there is a market influence from international conventions and donor agencies. A good example here is that in the setting up of PAs donors insist on the confirmation of the PA boundaries before funds are made available. Secondly, science – and strong views held by powerful and privileged people who are interested in the 'wilderness', 'unspoilt' or 'pristine' nature – continues to perpetuate the dominant paradigm that holds poor rural people responsible for resource degradation. Yet there is evidence of the role of indigenous knowledge and technical input in pre-colonial conservation. This evidence is highlighted by the complex systems of conservation and resource regulation. Protected areas were set up in pre-colonial times – for example, King Shaka had a hunting reserve, the present-day Hluhluwe Game Reserve, and King Mzilikazi introduced a permit system for colonial hunting. King Mzilikazi also set up a game reserve called Madukuza where no-one was allowed to hunt without the king's permission. Other factors were used to effect resource conservation but pre-colonial conservation was based largely on perceptions of unity between resources and people where the



actual motivation was to guarantee access to resources.

- Religion was also important for resource conservation. Sacred groves were sites where natural resources were often left entirely unspoiled. Sacred groves ranged from individual to group efforts, for example, Matopos, that was later converted to a protected conservation area under conventional approaches, was a burial site for Ndebele kings and leaders.
- It is ironic then that the challenge for rural communities is how to untangle themselves from the stigma that pre-colonial activities were evil, and that certain initiatives are pagan, even though they contributed to the conservation of natural resources.
- Whereas power in the pre-colonial times guaranteed access to resources, the colonial and post-colonial times are characterised by the use of power to deny people access to, and use of, natural resources. This is despite the purported attempt of current community-based initiatives to redress the power imbalances in controlling land and natural resources.
- The evolution of CBNRM, therefore, has to be viewed through the democratic processes which are attempting to devolve power to communities and engage different actors in co-managing rural resources. These attempts face bigger challenges of the privatisation of natural resources. The current system therefore has to strive to restore the balance of power relations among government, communities and the private sector and to enable communities to exercise certain powers. An important issue is whether CBNRM is reinforcing the current status of power or challenging it in the face of the proliferation of PAs through trans-boundary natural resource management (TBNRM) schemes. A challenge posed by TBNRM schemes is the likelihood that they may be stripping communities of a platform to voice their concerns with their own governments. Furthermore, the sovereignty that national governments have over natural resources could also be threatened.

#### ORIGINS AND PROCESSES OF MODERN CBNRM PRACTICES IN THE SOUTHERN AFRICA REGION

- The history of conservation demands that southern Africa continues to move from a scientific and technical approach of conservation to a more political-economic approach, which involves taking into

consideration the needs and aspirations of rural communities. The first phase of this scientific and technical approach was seen largely in the 1940–50s, with legislation concerned with conservation of soils and harnessing erosion.

- The development of policies allowing the private sector to utilise wildlife resources are largely meant to address conflicts between agriculture and wildlife. The same conditions and tensions have led to a rethink of the role of rural communities in conservation. Yet this separation of land and resource policies between privately-owned land and communal land presents problems of non-replicability of approaches. On privately-owned land it was clear to identify who had proprietorship rights, thus it was easier to transfer duties and benefits from wildlife resources. On communally-owned land, this distinction was much more fuzzy and made the transfer of duties and benefits more difficult.
- The dual nature of tenure systems brought to bear on rural resources meant that a different approach had to be effected on communal land to engage rural resource users in any meaningful co-managed conservation initiatives. The lack of clarity over who is in charge of communal resources has demanded innovative ways of addressing the issue of access and use of these resources. This has been approached through partnerships between communities and government, and at times with the private sector.
- For communities to be involved in any meaningful way, governments have to devolve certain powers and authority over land and natural resources. These often include the ability of communities to be involved in monitoring resource use, peer review through networks, the right to exclude and to utilise. Yet all these efforts have still not addressed the issue of governance being top down and the need for participation by disadvantaged members of the community.
- Villages should be more equipped to influence policy. The only way this can be achieved is when villages are portrayed in a positive and active way. This challenge has meant that no-one can ever point to a community that has been truly empowered to manage natural resources. Local institutions – those meant to be empowered by the CBNRM initiatives for managing natural resources – are overshadowed by local government structures and this has meant that



governments have held onto certain critical powers for natural resource management. Whilst it is widely accepted that further devolution of power and authority is a central principle of CBNRM, this is not widespread in application and as a result, the centrist approach of managing natural resources continues to enjoy hegemony.

- CBNRM also has to contribute towards the resolution of land imbalances that are a result of historical dispossession. In this regard there is need to address the dualistic environment within which CBNRM is being implemented. CBNRM needs to be holistic of rural transformation drives, otherwise it risks being irrelevant if it is too specialised.
- Implementers of CBNRM also have to avoid offering it as a panacea to socio-economic upliftment. Research has shown that examples of CBNRM making a meaningful contribution in the fight against poverty are scarce.

#### LESSONS LEARNED FROM THE PHILOSOPHY AND PRACTICE OF CBNRM IN SOUTHERN AFRICA

- If a resource is valuable and landholders have the rights to use and benefit from the management of such a resource, then conservation is likely to benefit. It is imperative therefore that economic incentives for the conservation of these resources are put in place so that those who use the resource derive some benefits. One way of achieving this is the devolution of authority from state level to lower levels, including non-state agencies or government structures carrying out functions of central government. However, it is becoming clear that governments are devolving to commercial interests rather than to communal areas. This dualistic nature of governing natural resources is problematic. For communal areas, governments in southern Africa have continued to limit resource rights and placed conditions on their use. Thus the question of what is devolved and to whom becomes central.
- The central issue in southern African rural communities is the need to realise that there is collective proprietorship over natural resources. The key decision-making issue therefore becomes how one creates conditions for CBNRM implementation that acknowledges and is sensitive to the problem of defining community, without necessarily forcing or coercing associations among such communities. Where there are forced associations, conflict has arisen. A related issue is how to define a jurisdiction

where devolution can be bestowed. It has been argued that for collective decision making to work, smaller units are better participatory decision-making units, but the critical question remains how these smaller units interact with other smaller units.

- On freehold land the situation is different as the definition of to whom to confer jurisdiction is clearer. As a result, the interaction of small units has been a basis for building blocks for conservation on neighbouring and adjoining freehold land. Examples of this include Zimbabwe's commercial farming sector where single units with freehold tenure are coming together with others to manage a resource where the aim is to increase efficiency and maximise returns. But there are more challenges on communal land and over resources where tenure is not as secure, and clear, for example on private land. This is linked invariably to the point of dualism, which presents an even bigger problem in the non-replicability of initiatives started on communal land and vice versa. Security of tenure and clarity over to whom it is bestowed is important to the success of community conservation and development.
- Lack of secure tenure on the part of communities also presents problems for partnerships that include government, private sector, and communities. There is therefore a need to reassess tenure security for rural communities and partnerships where rights are not clearly and fully defined. This is especially so in the case of TBNRMs schemes where there are many levels of partnerships between different governments, private sector and communities. Any form of potential partnerships among resource users in such environments is overridden by certain government provisions. It is critical in these instances to define rights fully to avoid the issue of nature conservation receiving preference ahead of rural livelihoods, and using that position to dictate what and how land and natural resources can be used. This has given rise to situations where rural communities manage 'animals' when there is resource use, and where animals become 'wildlife' in the context of tourism.
- A critical point is whether economic benefits receive preference ahead of tenure security, resource rights, and social and symbolic value of resources. Additionally, the lack of a multidimensional approach to CBNRM has meant that it has failed to address issues of identity that people attach to land and resources. This could be a result of the sectoral nature of the approach – there is a need to widen this



beyond wildlife and economic benefits. An initiative in Swaziland has made issues of local identity central to its conservation and development needs (see Box 2).

#### CONDITIONS FOR EFFECTIVE CBNRM IMPLEMENTATION

- In conservation terms, there is need to challenge the dominant paradigm that subscribes to the view that PAs are the pinnacle of conservation. The PA paradigm is in total disregard of effective conservation outside PAs, yet there is evidence that there is equal if not more biological diversity outside these areas.
- Should conservation be a moral obligation to governments and individuals when it is highly unprofitable? State PAs follow a centralist model, and an increased role for other stakeholders needs to be factored in. This is particularly relevant considering the fact that field staff for PAs increases with the size of the area being conserved. As a result, costs rise sharply with size and this has implications for

effective conservation. It becomes important therefore that there are conditions for successful conservation outside PAs.

- It is important to understand then that PAs are another form of commons, but the question is who are they for, who manages them, how are they used and how are the benefits from their use or existence distributed? At the moment it seems that PAs are thin on local partnerships. There is no indication of any change from fortress approaches to partnerships.

#### THE IMPACT OF REGIONAL AND INTERNATIONAL INSTRUMENTS, POLICIES, PROCESSES AND DONORS ON EFFECTIVE, SUSTAINABLE AND EQUITABLE CONSERVATION IN SOUTHERN AFRICA

- It is critical to view the environment as a resource and to understand that rural communities are dependent on natural resources for their livelihoods. Yet their ability to use and conserve resources is affected by international instruments. Central conservation

#### BOX 2: USE OF INDIGENOUS RESOURCES AND VALUES FOR POVERTY ALLEVIATION: THE EXPERIENCE OF SHEWULA COMMUNITY, SWAZILAND

Since 1999 the community of Shewula, Swaziland, has been the centre of projects and initiatives aimed at improving the quality of life of its population and at alleviating poverty. Shewula is a rural community with a population of 10 000, stretching over a territory of nearly 15 000 hectares in the Lubombo mountains. The Shewula Trust, a community-based organisation, has promoted initiatives and projects at Shewula with the support of the Italian non-governmental organisation, Cospe, and in collaboration with many local and national institutions and agencies. The projects focus on biodiversity conservation, eco-cultural tourism development and sustainable agriculture. All the projects and initiatives are part of a comprehensive strategy focused on the mobilisation and use of indigenous resources and values (natural, socio-cultural, economical, institutional and human).

Shewula is the first Swazi community to set aside part of its communal land (2 650 hectares) to create a nature reserve as a basis for eco-tourism development and biodiversity conservation. The Shewula Nature Reserve is part of the Lubombo Conservancy, a 60 000 hectares integrated system of PAs in north-eastern Swaziland. The tourism programme focuses on the concept of African 'identity' as a peculiar combination of natural and cultural factors to attract visitors with the offer of a real and integral 'African experience'. The Shewula Trust is running a community lodge, the Shewula Mountain Camp, which consists of four traditional huts, one *boma* (kitchen, dinner-meeting room-store) and one ablution block, which can accommodate 24 people. The Shewula Mountain Camp is located on the top of the Lubombo escarpment, with a wonderful view of the savannah landscape. Tourists are offered the chance of spending a time in a real African community, experiencing nature and its people without any artificial barrier or division.

Since it started operating in August 2000, the Shewula Mountain Camp has been run as a business, relying on its own income. A private company, Swazi Trails (a leader of tourism in Swaziland), collaborates with the Shewula Trust (in marketing and assistance for management). Shewula is also being included in the Afrikatourism network promoted by the Open Africa Initiative. Important lessons emerging from Shewula are that indigenous resources, knowledge and values are highly underestimated as a potential for improving people's livelihoods, and also as actual conditions that have been securing a dignified quality of life for most of the community. External perception tends to destroy self-esteem, fostering passivity and weakening capacities for long-term self-reliance. The tendency to replace indigenous systems and resources – which have been working for hundreds of years, and are deeply rooted in the culture – with systems and resources imported from outside can prove destructive. Use of local resources and indigenous knowledge is progressively giving the community a leading role and strengthening capacities for self-organisation.

*Source: Menchini 2003*





issues are biased against rural communities as these communities are viewed as having a propensity to degrade the environment.

- International conventions affect local natural resource management initiatives as such conventions are often based on singular resources (for example, the Ramsar Convention on wetlands and CITES on endangered species). Lately, however, the CBD has been more holistic in its approach.
- CITES's key objective is the control of trade of species threatened with survival. It can therefore be concluded that it does not appreciate the role of community in CBNRM. It is important here to ask who has authority over resources when international instruments are involved. It is clear that international instruments impose and impact on local efforts to conserve and utilise resources.

## LESSONS LEARNT

Southern Africa has a wealth of lessons on CBNRM systems that can be drawn on to ensure that communities benefit from natural resources surrounding them. These lessons need to be highlighted to enable post-colonial governments to rethink whether to embrace pre-colonial aspects of conservation methods or to maintain the status quo. It was the intention of colonialism to establish order, a move that is widely regarded to have disturbed a good system of managing natural resources. What is needed in the region is to convince world leaders and PA managers to allow disadvantaged communities settled next to such PAs to start deriving benefits from their rich diversity.

Current lessons from the region indicate that the devolution of power and authority over natural resources and the ensuing benefits – from the state and individuals to lower structures – is key but has been inadequate. It was agreed that devolution of authority over resources to local communities probably constitutes the single biggest problem facing the southern African region. The Mahenye case study (see Box 3) clearly highlights the benefits of devolving authority to resource users. The case study also highlights the role of co-management arrangements that are premised on equal partnership in resolving conflicts over natural resources.

Effective methods need to be put in place to ensure that this is achieved for the benefit of all those involved. The workshop participants recommended that to resolve the problem, local institutions and communities must be

empowered by statutory instruments that protect them if they are to have a role in the conservation of natural resources. It was thus agreed that further devolution of power and authority over land and natural resources would additionally empower communities in contributing to the goals of conservation and development. The current initiatives, for instance in Zimbabwe where devolution has been suspended at rural district council level, where benefits trickling down to the resource users are minimised and not linked to the duties and responsibilities over the resource, emphasise the importance of this issue.

There is a need for new models of PAs to ensure that communities benefit from resources in those areas. These models must address the fact that communities closer to PAs live in deep poverty and their access to those resources is restricted. New and innovative models for PAs based on co-management of natural resources between the state and communities should be premised on levelling power relations.

The technical and scientific approaches that characterised the implementation of PAs in the past are largely enjoying hegemony in the post-independence period. These approaches – largely centrist and exclusionary of poor rural communities – have faced problems in the past and experiences from the region indicate that, whilst they have played a part in conservation, they have hardly addressed issues of social justice and equity. The continued existence of these approaches should be located within broader, linked landscapes that take cognisance of multiple uses of environments. The existence of conservation practices outside conventional PAs point to the fact that conservation is not just the preserve of the state; other actors also play this role, albeit linked to sustainable livelihoods. The lack of recognition of the broader linkages between land, natural resources, conservation, and livelihoods is at the centre of the dispossession of rural communities' access to such resources through the establishment of PAs. The legacy of this dispossession can best be understood in the contestations over authority over land and resources, not only between the landless and private landowners, but also within PAs.

Further, there are issues around access to and use of land in the communal areas that are largely connected to the way PAs were established in the past. The way PAs continue to be run today has not addressed this important question, or where attempts have been made,



### BOX 3: MAHENYE CO-MANAGEMENT ARRANGEMENTS: LOCAL COMMUNITY, PRIVATE SECTOR AND GOVERNMENT

As a result of the establishment of the Gonarezhou National Park in south-eastern Zimbabwe, local people were dispossessed of access to land and natural resources. This led to poaching by the Mahenye community. In 1982, in one fortnight alone, there were 80 convictions of poaching against the community, showing open antagonism towards the park. A local safari operator, Mr Clive Stockil, brokered an agreement between the Department of National Parks and Wildlife Management and the Mahenye people. Mr Stockil could shoot a small quota of elephant and buffalo crossing from the park into the community. The people would receive the meat and the revenue in exchange for no poaching. Mr Stockil sold the quota to safari hunting clients. Over time the hunting quota was increased and the community's earnings grew. The community reorganised their villages, moving some families away from prime hunting areas, and increased the amount of land allocated to wildlife. The community used the money to develop a number of community projects. This was the experience that gave the department the confidence to take the far-reaching decision to devolve the authority over wildlife to the district level in communal areas, as the institution for the operationalisation of Campfire. The government's positive response led to policy changes providing for:

- devolution of state control over wildlife to the locals through district councils
- devolution of decision making from the state to the local level
- devolution of costs and benefits from the state to the local level, leading to internalisation of costs and benefits at the local level
- institution building at the community level, community empowerment and community participation
- market access for wildlife products.

**Land use planning and management activities** The community set aside 15 000ha of wilderness as a wildlife conservancy. Other management activities carried out by the community include fire control, game capture and relocation, provision of game water supplies and resource monitoring. The community is responsible for setting their trophy hunting quotas. Safari hunting operations are carried out on the community land. The community also promulgates bylaws as a means of enforcing community management decisions.

**Joint venture with the private sector** The Mahenye community went into a partnership with the Zimbabwe Sun Group of Hotels (ZimSun), in forming an enterprise based on the construction of two upmarket lodges, namely Chilo and Mahenya. The community leased the land to ZimSun and the company invested up to Z\$60 million. This enterprise alone provides some 70 jobs to the community. The agreement also stipulates that 15% of the gross revenue of the enterprise goes to the community. The lodges conduct tours into the neighbouring park as well as photographic safaris on the west bank of the Save river. Marketing of wildlife products is done by the private sector. The rural district council enters into lease agreements with safari operators who sell the hunts and manage the hunting clientele. Eco-tourism marketing is the responsibility of the ZimSun.

*Source: Machena & Matinire 2003*

### BOX 4: WILDLIFE-BASED LAND REFORM AS A WAY TO RESOLVE CONFLICTS

In south-east Zimbabwe a local community has invaded part of a PA to force the government to address a long-standing land dispute. The government's response has been to propose resolving the conflict through wildlife-based land reform. This points to the potential that the current state of community conservation and development initiatives in southern Africa has to address issues of community autonomy around the land question.

*Source: Woolmer, Chaumba & Scoones 2003*

it has often been too late. An example of this is the Chitsa land dispute in south-east Zimbabwe, on the border with the Gonarezhou National Park.

Experiences of communal property associations in South Africa are premised on restoring land rights to communities that were dispossessed of such access but also promoting natural resource management. This

clearly highlights the fact that establishment of a clear rights framework with commensurate responsibilities must be defined and agreed to, for example, the Makuleke community and the Kruger National Park. What is emerging from the Makuleke experience is that establishment of institutional reform of PAs and community governance is necessary for co-management to be successful. In short, decisions on natural resources



and their use should not just be oriented towards achieving state goals of conservation, but also towards meeting socio-economic needs. This case clearly indicates that there are opportunities for strengthening PA and community relationships if the tradeoffs are fair and equitable.

Where the planning of the PA is done without the community in mind – for example, the setting up of part of the Limpopo National Park in Mozambique – local access and use rights are likely to be undermined. In addition, a centralised management approach weakens linkages among institutions asserting some authority over resources and within the landscapes. This manifests itself in challenges within proprietorship boundaries.

Lessons from the region also highlight that there are multiple motives, not just financial, for CCAs. Further, the dominance of outside agents, and the concomitant lack of recognition of CCAs by government, donors and non-governmental organisations (NGOs) has a negative impact on CCAs (see Chidhakwa case study, Box 1).

## SUMMARY OF RECOMMENDATIONS

An underlying consensus informed the deliberations of the workshop – that the concepts and structures that guided parks development in the 20<sup>th</sup> century are inadequate for the challenges of the 21<sup>st</sup> century. Parks' constituencies and purposes are rapidly changing and if they are to have a significant place in southern Africa's future politico-economic map, these changes must be addressed. It was recognised that the findings of the workshop had relevance for a number of the WPC streams and it was hoped that they would be taken into consideration in the various debates concerned. The findings have particular salience for the governance stream.

The workshop thus warmly endorsed TILCEPA's proposals to add a governance dimension to the IUCN's list of PA categories, including CCAs and CMPAs. Noting from southern Africa's extensive experience in CBNRM that CCAs are institutionally inhibited by a lack of proprietary devolution, the workshop recommended that these be given the formal recognition and entitlements essential for their effective management. Noting that the active involvement of those living in and around PAs can enhance both conservation and development objectives, the workshop recommended that PA goals and structures should be reviewed to achieve this synergy, and that CMPAs be further

developed on the basis of negotiated formal agreements between parks management and neighbouring authorities regarding reciprocal responsibilities and benefits.

The workshop thus specifically recommended that the goals and governance structures of official, state-declared PAs be reviewed to better contribute to the objectives of society at large and to enhance local livelihoods, governance and economic development. It was further agreed that state-declared PAs should provide residents and neighbours with full legitimacy and status in co-management governance structures. At the same time, CMPAs should function as subsidiary decision-making units, uniting legitimate stakeholders, internalising costs and benefits and sharing them fairly through institutional mechanisms, rights and contractual obligations.

In order for CCAs and CMPAs to be successful there is need to address certain approaches to conservation. This should, firstly, lead to the recognition of the role played by communities in conservation – conferring rights and responsibilities on such communities to benefit from the role they play in conservation must complement this recognition. Secondly, governments, donors and conservationists must create an enabling policy environment to allow the evolution of CMPAs and the continued development of CCAs. Additionally, policy must be supported with clear legislation and guidelines. Devolution must lead to an understanding by the state and other actors of who they are actually negotiating with.

It became clear in the workshop deliberations that the categorisation and distinction of CCAs and CMPAs is key. Salient to both categories was that devolution is crucial for conservation and production to be successful. It is critical to note that with CMPAs devolution has a different arrangement – the state has a clearly defined body that negotiates and as such, rights, benefit sharing, and partnerships should be based on negotiated rights and responsibilities. With CCAs, recognition of local communities as the major players with authority in decision making on the management of the natural resources is key. The role such communities play should be acknowledged and appreciated through devolution of authority over natural resources.

What also emerged in the discussions of PAs as common property was an opportunity to redefine parks completely. The discussions at the workshop began highlighting from a historical perspective that conservation is not just the preserve of the state but there are other actors who have played and continue to play this role.





ISSUES	RECOMMENDATIONS FOR CCAs	RECOMMENDATIONS FOR CMPAs
Policies	Should not intervene if there is something that works (policy is to protect and create an enabling environment for conditions to evolve). External interventions should only be carried out by request and on local conditions.	Should promote and secure equitable partnerships where a CMPA is established.
Rights	There is need for confirmation of real and procedural rights to land and other natural resources, coupled with a statutory protection for local institutions.	Rights and obligations of all stakeholders should be clearly documented and clarified. Clear rights framework commensurate with responsibilities should be agreed to.
Benefit sharing	Benefits should not be defined simply in economic terms, but go beyond this to encompass the meaning of land, culture, social and symbolic relations. Distribution of benefits should be determined by the CCA itself and subject to community consensus.	Should be a negotiated deal. Benefits should accompany responsibilities. Benefits should not only be negotiated, but also be subject to re-negotiation periodically.
Devolution	Devolution is generally desirable, starting from full recognition of local actors. The process should arise organically instead of being led by the state. Indicators of success should be defined by communities. Devolution is a necessary condition for robust CCA development. If <i>de jure</i> devolution is not possible, build on increments of <i>de facto</i> devolution.	Devolution must lead to an understanding by the state and other actors of who they are actually negotiating with. Devolution defines the non-state partners. Decision-making should be oriented towards resource users instead of the state. Community participation and representation structures and systems should be clearly defined and flexible.
Boundaries	Should be agreed to between neighbours, both community-community and community-state neighbours.	Should be the product of fair negotiation among the management partners. Boundaries should be negotiated and balance conservation and development goals.
Capacities	Capacities develop primarily through experimentation and experience. Capacity building is a process requiring long time-frames and this should be reflected in state and other interventions. External inputs to capacity building are required in technical aspects, that is, resource inventories, off-take quotes, fiscal management, marketing. For learning to occur experiments must be monitored and adapted. Monitoring should be in accordance with indicators of success drawn and defined by communities. Various CCAs should be acting collaboratively and government should assist them with a marketing strategy.	Capacities develop primarily through experimentation and experience. Capacity building is a process requiring long time-frames. External inputs to capacity building are required in technical aspects, that is, resource inventories, off-take quotes, fiscal management, marketing. For learning to occur, experiments must be monitored and adapted. Monitoring should be in accordance with indicators of success defined by all management partners. PAs should have a comprehensive marketing strategy.
Partnerships	A wide range of possibilities exist with adjacent CCAs, private individual proprietorial units, private sector business entities. Basis for partnership should be a negotiated agreement premised on reciprocity among the partners. Partnerships should promote equity around issues of rights, knowledge, capital, decision-making powers and returns to investment.	Negotiation should lead to fairness and partnership can only result if there is fairness. Local partners should be socially recognised, legitimate partners. Basis for partnership should be negotiated agreement premised on reciprocity.
Process	Should be internal to the community itself – so that they are not the recipients of a policy but a party to such policy.	Should be fair and transparent.



<b>Donors</b>	Donors should understand long process times in community issues. Some CCAs lack the kind of collateral that lending agents look for – governments and other partners are able to provide this collateral.	Donors' resources should be controlled by all the management partners and allocated fairly.
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At the same time, discussion of community in communal lands should address the issue of land. The workshop thus pointed to the need for conservation to address the historical inequities in land use and ownership. Communal land is state land even where there are community conservation and development initiatives. There was thus a strong recommendation that issues of land need to be teased out and community autonomy around issues of land needs to be worked towards.

The workshop drafted a specific set of recommendations for both CCAs and CMPAs, which is provided in summary in the table on page 17.

Participants further recommended that local institutions should be accorded statutory protection for their involvement in conservation issues. Policy makers and practitioners should recognise and support the multiple motives for community conservation – that communities have multiple uses of environments. Where partnerships are being promoted, they should be structured to promote equity, rights, knowledge, capital, decision-making powers and returns on investment.

The workshop also called for PAs to be located within landscapes as positive economic and ecological actors – not viewed in a narrow sense, but at a much broader area beyond the actual space. A PA's plan should be located in a landscape and the type of goal for conservation and other needs agreed on. As such, PA authorities should form strong alliances with community-based organisations (CBOs) based on a balance of conservation and development goals.

Workshop participants fully supported the need to establish CMPA arrangements between communities and the state or private landholders where these do not already exist. In these arrangements, the rights and obligations of all stakeholders in the arrangement must be clearly understood and documented. This requires the establishment of a supportive policy framework with provisions for community capacity building and conflict-management processes. There should be capacity building at all stages of co-management – that is, during

negotiations, signing of the agreement, to understand the final agreement, and implementation of the agreement.

The establishment of a clear rights framework with commensurate responsibilities must be clearly defined and agreed on. Community participation and representation structures and systems should be clearly defined and flexible. Establishment of institutional reform of PAs and community governance is imperative for co-management to be successful.

The essential requirement for communities entering into effective co-management with state PAs or managing resources on their own lands is that such communities should have full authority over their lands and natural resources. The approach to management should be holistic, adaptive and should recognise the full spectrum of potential benefits.

As presented earlier, the workshop drafted a statement on CCAs and CMPAs, which was undertaken to give a sharp and explicit focus to core recommendations.

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ANNEXURE 1:  
EDITED VERSIONS OF THE PAPERS





# PRE-COLONIAL AND COLONIAL CONSERVATION PRACTICES IN SOUTHERN AFRICA AND THEIR LEGACY TODAY

JAMES MUROMBEDZI

## INTRODUCTION

Most contemporary commentators have tended to romanticise pre-colonial conservation practices. There is a dearth of information about these practices, although available evidence does indicate that as pre-colonial society became first regimented then stratified, access to and use of natural resources also came to be stratified, and conservation practices reflect the attempts to balance competing interests. Such recorded pre-colonial conservation practices as the demarcation of sacred areas, the allocation of totems, the expropriation of labour for conservation, and so on, did not necessarily reflect egalitarian and consensual conservation, but rather the exercise of power over people and resources by dominant clans or classes, as the case would have been.

Very little is known and has been written about pre-colonial conservation practices in the region. The general belief is that low population densities, unsophisticated agricultural and hunting practices, and immobile populations meant that ecological conservation tended to be built into the routine economic, social and religious activities of the era. Consequently, pre-colonial societies did not need to develop sophisticated conservation mechanisms. The reality tends to be very different. Existing evidence suggests that settlements typically were consolidated with very high population densities. Agricultural and other resource extraction activities were very sophisticated and adapted to the requirements of specific resources and ecosystems over time, while the

societies themselves developed sometimes very sophisticated mechanisms to regulate resource use.

The assumption of stable pre-colonial populations is wrong. In very early times, evidence exists to suggest that when resources came under pressure from, say, increased human populations, or economic activity, a typical response was for whole populations to move to new un-colonised and resource-abundant areas. These political responses to ecological phenomena resulted in the several waves of migrations from central into southern Africa and back, including the Luba-Lunda dispersions and the Mfecane of the late 18<sup>th</sup> century. As this response became restricted by widespread settlements, new political, religious and technological innovations were developed to deal with ecological concerns. These included such innovations as pastoralism, slash and burn agriculture, water harvesting, and the development of institutional regulation of resource use.

In the area of wildlife, for instance, much evidence exists to demonstrate that because of technological limitations indigenous hunter-gatherers did not adversely affect the populations, especially of big game. Although meat constituted an important part of local diets and wildlife products constituted important commodities, trading did not deplete existing wildlife populations. Thus by the time the 'great adventurers' (essentially European hunter-gatherers) in the mould of Henry Morton Stanley, or the

missionaries, in the form of the Moffatts and Livingstone, arrived in the region, they could report that the region was teeming with wildlife, that the forest were dense and unscathed, and that the landscape was generally pristine.

Fortman and Nhira (1992) detail various other ways – including the setting up of sacred groves, ritual and myth – by which local communities managed scarce resources. Schoffeleers (1979) discusses the complex relationship between communities and their environment, and the various institutional mechanisms developed by these communities to manage natural resources. Matowanyika (1991) describes some important aspects of Shona ethnography and environmental management and concludes that while colonialism attempted to replace African with European institutions for environmental management, African institutions did not dissipate but continued to function because of basic and fundamental differences in perceptions and uses of the environment between the colonisers and the colonised.

This paper explores the evolution and development of pre-colonial and colonial conservation practices and attempts to demonstrate their influences on contemporary conservation policies and practices. A long-term historical approach is used, and for the most part the case of Zimbabwe is the primary point of reference, although examples from other parts of the region are used wherever necessary. This is because the history of conservation in most of southern Africa followed broadly similar trajectories, with differences only in the detail.

## PRE-COLONIAL CONSERVATION PRACTICES

Because of obvious problems with the predominant historical methodologies, it is difficult to describe with any precision the conservation practices that could have existed in pre-colonial times. However, as Matowanyika (1991) argues, certain important elements of pre-colonial ethnography and environmental management survived into the colonial period because of their continued relevance to the environmental management practices of the colonised peoples. Historians, sociologists, anthropologists and other students of non-industrial societies have emphasised the close relationship between social organisation and the environment. They have also observed that the process of ecological transformation of nature forms a major element in the religious systems of any society with a subsistence economy.

A great deal has been written about the notion of ‘sacredness’ and its role in conservation. For example, sacred groves are seen as representing important pre-colonial forest conservation, while sacred pools are related to wetlands conservation, and so on. While there can be no doubt that religion was certainly deployed to conserve critical resources, particularly in times of crisis, it appears that sacred places represented much broader religious goals and functions than conservation.

Perhaps the most comprehensive studies of pre-colonial conservation practices as they existed during the colonial era in central and southern Africa have occurred in the context of studies of religion. This is not surprising since conservation would not have existed as a separate discipline per se, but as part of general social organisation. As Schoffeleers states, ‘[T]he prevalent idiom used by central African societies for the articulation and application of their earth philosophies is religion’ (1979:2). Schoffeleers further notes that territorial cults are distinct from other religious organisations in society in terms of their high degree of institutionalisation, their reflection of the power and primacy of political organisations over kin groups, and historical continuity.

Given that population densities were generally low compared to resources, and also that resource exploitation was designed to fulfil immediate consumption needs and only limited exchange values, natural resources were not commoditised in the pre-colonial era. Consequently, early conservation ideals were developed to deal with crisis situations arising out of natural disasters, rather than from the extractive activities of humans. Thus most regulation of resource use revolved around the implications of particular forms of resource extraction for, say, droughts, floods and pestilence.

Schoffeleers (1979) notes that cults function to regulate the production and distribution of food, the protection of natural resources, and the control of human migratory movements. Ecological functions are distributed through a number of these religious institutions, including lineage cults concerned *inter alia* with land and livestock issues, professional cults of hunters, fishermen and others, and territorial cults which are profoundly ecological in function. ‘Territorial cults function in respect of the well being of the community, its fields, livestock, fishing, hunting and general economic interests.’ They achieve these objectives through ritual as well as issuing and enforcing directives.



As colonialism progressed, territorial cults came under various challenges, which eventually led to their breakdown. These challenges included:

- land expropriation and wage labour which drastically changed the structure of social organisation
- Christianity, which questioned the religious bases of the cults
- the colonial administration itself; the rationalist interpretations of ecology in the form of land conservation and animal husbandry
- the bureaucratisation of the chieftainship, which weakened political support for the cults.

As a consequence of these pressures, by the 1950s the territorial cults had greatly diminished in importance (Schoffeleers 1979).

The role of indigenous technical knowledge systems in pre-colonial conservation has also been considerably studied (Matowanyika 1989). Local communities developed intimate knowledge of their ecosystems and used this knowledge to tailor systems of sustainable resource use and management that were appropriate to these systems. Local resource users developed intimate knowledge of the ecological status of the resources, rates of reproduction, rates of sustainable off-take, as well as forms of sustainable off-take. Numerous examples can be adduced from local myths and religions to demonstrate the ways in which indigenous knowledge was deployed and reinforced in religion to regulate resource use. Thus traditional healers developed regulations around the harvesting of medicinal plants, some of which are still in force to this day; hunters, fishers and pastoralists all developed highly complex resource-use regulatory systems based on the productive and reproductive capacities of the resources in question. However, pre-colonial conservation practices were not only regulated in the religious realm with reference to local use. The pre-colonial state also took steps to regulate resource use by outsiders, especially if such use was perceived to be affecting sustainability.

It is significant that pre-colonial conservation, based as it was on the unity of humanity and nature, did not create separate categories for conservation, but rather devised strategies for conserving nature while at the same time guaranteeing access to it. Although this access and use may have been mitigated by policy, religion, custom and practice to reflect existing stratification and other

imbalances in pre-colonial society, the motivation for conservation was to guarantee human access to nature. This was in direct contrast with the colonial model of conservation, which has led to the development of nature conservation areas, where human use of resources and settlement were highly restricted. Colonial conservation was based on a myth of nature, which emerged from the scientific processes of exploration, mapping, documentation, classification and analysis. Nature came to be defined as the absence of human impact, especially European human impact. Nature thus came to define regions that were not dominated by Europeans (Adams 2003:33)

## COLONIALISM AND CONSERVATION

According to Adams (2003), colonialism can be seen as an outworking of bureaucratic rationalisation. This rationality has four dimensions, all of which were features of colonial states:

- the development of science and technology and its deployment to manipulate nature
- the expansion of the capitalist economy
- formal hierarchical organization (the creation of executive government, transforming social action into rationally organised action)
- the elaboration of a formal legal system (Adams 2003:22).

This rationality assumed that the cultural and the social could be uncoupled from nature, since reason had allowed humanity to escape from nature and to remake it:

*The acquisition of colonies was accompanied by, and to a large extent enabled by, a profound belief in the possibility of restructuring nature and re-ordering it to serve human needs and desires* (Adams 2003: 23).

Science was the mechanism by which this could be achieved, and science and conservation developed hand in hand.

It is now generally agreed that European colonisation colonised not only humans, but nature as well (Plumwood 2003). In direct contrast to the African intuition regarding the unity between nature and society, colonial ideas about nature were based in the European Enlightenment's dualism between humans and nature. In this construction, nature is seen as a resource for



human use, and wildness as a challenge for the rational mind to conquer (Adams 2003). European colonisation itself was based on the application of rationalist ideology to both humans and nature. In this ideology, indigenous peoples and their lands are portrayed as areas of rational deficit – unused, empty, and under-used. Thus the imposition of European rationality on this irrational landscape is justified through a form of anthropocentrism, which sees indigenous cultures as primitive and less rational. The colonisation of nature thus relies on a range of conceptual strategies that are employed also within the human sphere to support supremacism of nation, gender (the white male) and race (Plumwood 2003). According to Plumwood, these human/nature dualist anthropocentric conceptual strategies, which exaggerate differences while at the same time denying commonalities between humans and nature, include:

- **Radical exclusion:** This functions to mark out the ‘Other’ for separate and inferior treatment. Nature is treated as Other, and humans are separated from nature and animals. Nature is a separate lower order, lacking any real continuity with the human. At the same time, the colonising groups associate themselves with mastery of nature.
- **Homogenisation/stereotyping:** The Other is not an individual, but a member of a stereotyped class, thus making it interchangeable, replaceable and homogenous. Nature is treated as interchangeable units, as resources. Radical exclusion and homogenisation work together to produce a polarised understanding in which human and non-human spheres correspond to two quite different substances or orders of being in the world.
- **Polarisation:** Radical exclusion and homogenisation work together to produce a polarised understanding in which overlap between the human and non-human spheres are denied and discouraged. Nature is only nature if it is ‘pure’, uncontaminated by human influence, as untouched ‘wilderness’, while human identity is separate from and outside of nature.
- **Denial, backgrounding:** Once the Other is marked as separated and inferior, there is strong motivation to represent them as inessential. In ecology, the colonised are firstly denied as uncivilised. Their prior ownership of the land is denied, and their land is seen as *terra nullius* – with no pre-existing regimes of rights to it. Nature is seen as a basically inessential constituent of the universe
- **Assimilation:** The colonised are devalued as lacking the coloniser’s essential quality – reason. Differences

are judged as deficiencies, and therefore as grounds of inferiority. The order of the colonised is represented as disorder. Thus the colonised and their disorderly space are available for assimilation and use by the coloniser. Similarly, the intricate order of nature is presented as disorder, to be replaced by human order in development.

- **Instrumentalism:** The colonised Other is reduced to being a means of the coloniser’s ends. The extent to which indigenous peoples were ecological agents who actively managed the land is denied, and they are presented as largely passive in the face of nature. In ecology, nature’s agency and independence are denied, subsumed in, or remade to coincide with human interests. Since the non-human sphere is empty of purpose and devoid of agency of its own, it is appropriate that the human coloniser impose his own purposes.

Thus, it is significant that the definition of places as wild played an equally important part in pre- and post-colonial conservation. While pre-colonial notions of ‘wild’ were applied to abandoned places or places untouched by human use, the same notion was used in colonial conservation through the suppression of knowledge of the extent and scope of human occupation in a process of creating ideologically significant landscapes (Adams 2003). In colonial conservation, ideology replaced religion as the basis of conservation practices:

*The colonial period saw a distinctive pattern of engagement with nature: a destructive, utilitarian and cornucopian view of the feasibility of yoking nature to economic gain (Adams 2003:22).*

Discussing the declaration of Matopos National Park in Rhodesia from 1926, Adams demonstrates how, by recognising ancient hunter-gatherer occupations of Matopos but dismissing contemporary agricultural activity, depopulating the park and restricting access to tourists and officials, a white Rhodesian shrine – sacred to the memory of Cecil John Rhodes who was buried there – was created in a place that was formerly a shrine of the Mwari cult.

While early colonial ideas about nature conservation grew partially out of a desire to tame the wild (Adams 2003), as exemplified by the collection, naming and deposition of specimens in museums and other attempts to master wildness (Griffiths 1996), as well as social reaction against technology and industrialisation, environmental historians



have noted that the major impetus for colonial conservation has its origins in the general opposition to the impacts of the excesses of utilitarian resource exploitation, as well as perceptions of rapid environmental degradation in the colonies (Grove 1995). Thus colonial conservation has its origins in both a romantic tradition opposed to ‘modernisation’, as well as a scientific rational tradition that sought to manage nature for human enjoyment and benefit (Adams 2003:8).

Hughes notes how this myth of the wild continues to be used to justify contemporary conservation policies and practices, even when they are applied to landscapes that are themselves the result of human agency (pers. comm. 2003). Citing the examples of Lake Kariba, a massive man-made lake on the Zambezi valley, and the Chewore/Mana Pools National Park complex downstream of it, Hughes observes how these recent human creations are managed and legitimated as wilderness in contemporary Zimbabwe.

## CONSERVATION AND THE EVOLUTION OF WILDLIFE POLICY IN SOUTHERN RHODESIA AND THE CAPE COLONY

This section traces the historical development of game legislation in the Cape Colony and Southern Rhodesia as the basis for subsequent wildlife and natural resource conservation policies and practices throughout the region. The case of Southern Rhodesia is presented, with examples adduced from elsewhere as appropriate. Early colonial game legislation was based on the creation of separate spaces for conservation.

Game legislation in the colonies was essentially a reaction to the depletion of the hitherto abundant game resources of these areas by white hunters, missionaries, adventurers and engineers armed with high-precision rifles (MacKenzie 1987, 1988; Mapuvire 1987). Stories of the early adventurers abound with tales of huge bags of trophies collected for sale in Europe (Masona 1987). Initially, ivory was the primary object of the chase – ostrich feathers, rhino horn, hippo teeth and meat and hides were of secondary importance. In the 19<sup>th</sup> century, hunting came to focus on the collection of specimens for sale to natural museums and zoological gardens in Europe (Mapuvire 1987; MacKenzie 1988). Adams observes that the plundering of nature was a widespread feature of colonisation, particularly in its pioneer form (2003: 29).

## HUNTING AND EARLY COLONIAL GAME LEGISLATION

As detailed by MacKenzie (1987, 1988), hunting subsidised the advance of imperialism in different phases. In the first phase, professional hunter-traders, adventurers and explorers undertook hunting for trade in trophies in Europe. In this phase, missionaries, prospectors, explorers and engineers (particularly railway builders) also undertook hunting to subsidise their activities. The famous missionary, David Livingstone, built his church at Kolobeng and paid his followers with the gun.

Thus, in the second phase of the imperial advance, hunting subsidised the activities of the early settlers. Game constituted a resource – providing meat, a means of paying for labour and other items for trade. As settlers built up herds of livestock, the balance between pastoralism and hunting shifted towards the former. It was no longer in the settlers’ interests to have competition for grazing, and so wildlife was shot out as ‘vermin’.

As the depletion of game stocks became increasingly acute, game legislation was introduced with the aim of preserving the remaining species and providing limited access to these species for the white elite.

Early game legislation established proprietary rights to wild animals in relation to land ownership, and introduced a licensing system, the effect of which was to turn hunting into an elite recreation.

Game laws were also passed for aesthetic and moral reasons, and the need to preserve flora and fauna for posterity (Street 1970, in Masona 1987). ‘Colonial conservation allowed resources to be appropriated, both for the use of private capital as a source of revenue for and the state itself’ (Adams 2003). Early colonial legislation in Rhodesia was imported from the Cape of Good Hope, which, in turn, had been exported from Britain. British game legislation was itself based on the Magna Carta of 1215, itself based on Roman common law which established that game was *res nullius*, that is, the property of no-one, not even the state. Thus in the Magna Carta, game was held by the king:

*in his sovereign capacity in sacred trust for the people. Therefore, it follows that an individual cannot obtain an absolute property right in such game except upon such*

*conditions, restrictions and limitations as may be permitted by the state* (Leopold, quoted in Masona 1987).

This was the basis of the ‘King’s Game’ or ‘Royal Game’ concept that was to become such a pervasive feature of game policies in southern Africa.

Game legislation in southern Rhodesia began in 1889 with the granting of the Charter of Incorporation to the British South Africa Company (BSAC) by the British government. Seeking to streamline the chain of command between the former and the latter, the Charter made the laws of the Cape of Good Hope applicable to the colony of Southern Rhodesia (Masona 1987). The policy of game preservation was written into the Charter. Initially these laws applied only to Matebeleland, but were extended to Mashonaland in 1898 when the colony of Southern Rhodesia was proclaimed (Masona 1987). Owners and occupiers of alienated land were exempt from these laws. From the outset, colonial game legislation introduced a class and racial character to the exploitation of game by limiting access to owners of land, who could only be the European settlers. Game legislation was imposed on the BSAC in the Charter by the imperial state. The policy was not the result of the experiences of the BSAC in Southern Rhodesia, neither did it in any way reflect the aspirations of the indigenous population of the colony (Mapuvire 1987).

By proclamation of the High Commissioner on June 10, 1891, the law in force in the Cape of Good Hope became the law of the colony of Southern Rhodesia. In terms of this proclamation, the Game Law Amendment Act of 1886 of the Cape of Good Hope became the official game law of Southern Rhodesia. This law detailed the process of acquiring licenses and permits and their use on privately owned or occupied land. It further sought to curtail the export of game from the Cape and to prevent the commercialisation of game exploitation (Masona 1987). The beginnings of a preservationist game policy in Southern Rhodesia were contained in this early legislation.

In 1899 a Game Preservation Ordinance No 6 was passed to ‘consolidate and amend the Game Laws for the better preservation of game in Southern Rhodesia’. The Ordinance marked the introduction of profound changes in colonial game policy and these are outlined and discussed below. The Ordinance divided game into two classes, ‘A’ and ‘B’ for purposes of licensing. A class ‘A’

licence cost one pound and was valid during a shooting season, (a closed season having been set at 1 October to 30 April of the following year). For the shooting of class ‘B’ game, permission of the Administrator was necessary and this was granted only to holders of game licences.

The Ordinance further declared elephant, giraffe, hippopotamus, white rhino, eland, zebra, Burchell’s zebra, quagga, kudu or ostrich, royal game and prohibited their killing, hunting, pursuit or capture, unless they were required for *bona fide* scientific or farming purposes. A game licence would cost ten pounds and would be sold to holders of a magistrate’s certificate stating that the applicant was suitable to hold such licence. The privileges of owners or occupiers of alienated land were left intact.

For the first time, the Ordinance provided for the legal protection of species from hunting. Albeit this protection was for a limited period of time (five years), the guiding principle was that a threatened species could be protected for sufficiently long periods of time, within designated areas, to allow for population to build up, after which exploitation could resume.

#### THE GAME PRESERVATION PHASE (1923–1960)

*The “preservation” phase, associated with the early attempts at game legislation and the establishment of (game) reserves, was part of the transformation of hunting into the sport of an elite. Species would survive and game would be protected in order to supply recreation to those qualified [by race and class] to pursue it* (MacKenzie 1988: 23).

The Game Law Consolidation Ordinance of 1906 was the first amendment to the pre-1923 game legislation and already contained elements of the racial ‘appropriation of nature’ by the new settler regime (Masona 1987). The amendment was occasioned by an application by a white landowner for a permit for his African employees to shoot game on his ranch. The permit was refused on the grounds that an African employee could not be the agent of a white landowner as intended in the legislation. The amendment also prohibited the shooting of game at night. This resulted in serious opposition from the settler community who argued:

*We must make up our minds whether we are going to keep this colony as a game reserve or whether we are going to make it a colony of white people* (Southern Rhodesia Legislative Assembly Debates vol 5 (1926) col. 411, quoted in Masona 1987:34).



Again, this opposition by landowners stemmed from the perception of wildlife as a nuisance and a cost to agriculture that could not be tolerated.

In 1929 the colonial government shifted its efforts to preserve wildlife into higher gear through the promulgation of the Game and Fish Preservation Act 35 of 1929. The Act was passed to ‘... Consolidate and amend the law for the *better preservation* of game and fish and the *protection of certain of the fauna* of Southern Rhodesia’ (emphasis added). In terms of this Act, the Governor of the Colony could establish game reserves and appoint game wardens and rangers to manage these reserves. In the same year, the Southern Rhodesia government also established the first game reserve and national park in the country (the Matopo Game Reserve and National Park). This was intended to preserve all species of flora and fauna occurring in the designated area, which would be protected for scientific, educational and aesthetic purposes.

#### RETHINKING THE EXCESSES OF THE ‘VERMIN’ POLICY AND FREE SHOOTING: GAME PROTECTION AND THE ESTABLISHMENT OF GAME RESERVES

While in the early years of colonial rule game had been shot to make way for the developing cattle industry, this soon resulted in declines in the game populations. Game policies were designed to preserve wildlife to sustain the ‘sport’ hunting activities of the settler elite. However, even such activities were threatened by the eradication of game. Thus it became necessary to enforce game protection measures that would ensure the survival of a pool of wild animals to sustain these activities. However, as has already been stated, initial game preservation laws were aimed at protecting specific species in designated areas for limited periods of time.

In 1923, after the granting of responsible government to the colony, a research programme was set up to determine trends in the population dynamics of the game population of the colony. The actual surveys were carried out by native commissioners who assessed the populations of the various species of wildlife in their areas. Not surprisingly, in most districts the game populations were found to be extremely low, with some species being reported to have disappeared altogether (Tarutira 1987).

By this time, pressure was increasing for the establishment of a game reserve in the colony to halt the fast

disappearance of flora and fauna. The conservationist lobby, represented by the Wildlife Protection Society of Southern Rhodesia, was a major pressure group for the establishment of game reserves. The main objective of this Society was the preservation of wildlife with due regard to the economic and agricultural interests of the country (Tarutira 1987). The economic and agricultural interests of the country obviously referred to the economic and agricultural interests of the settler economy (to the exclusion of the indigenous population), and therefore to the protection of these interests where they conflicted with wildlife. The Society generally agreed with the game laws in force, but was dissatisfied with the administration and enforcement of the legislation. Commenting on the occurrence of night shooting, trapping and fish dynamiting—all banned activities which nonetheless were continuing unabated—the honorary secretary of the Wildlife Society of Southern Rhodesia wrote in a circular letter:

*... the whole thing forces one to ask if we have any feelings, aspirations or thoughts beyond tobacco, gold, mines, mealies, base metals commerce or LSD* (quoted in Tarutira 1988).

Ironically, the same Wildlife Society claimed that game meat was not appropriate food for Africans, despite the fact that the settlers (hunters, missionaries, farmers and so on) had made extensive use of game for exactly this purpose.

Thus the primary motivation of the Society in agitating for a tightening of the game laws and preservation was precisely in order to preserve wild animals for the benefit of the Europeans. Thus the enjoyment of game meat had to be a by-product of ‘sport hunting’ which the game laws were specifically designed to exclude the African from:

*in effect, game meat was to be subjected to sumptuary laws; it could be eaten only by those who treated hunting as sport; African labour time was not to be devoted to its pursuit* (MacKenzie 1988:23)

A change in government policy soon occurred with the passing of the 1929 Game and Fish Preservation Act which, *inter alia*, granted the government power to establish game parks. Thus the original game reserves were established by ministerial decree and could also be de-proclaimed, and most people thought they would be temporary. However, by 1931, a total of 5 780 square miles of land had been declared permanent game sanctuaries in the following areas:



- Matopo National Park (reserved in 1926) – 350 square miles
- Wankie Game Reserve (reserved in 1928) – 5 142 square miles
- Victoria Falls Game Reserve (reserved in 1930) – 210 square miles
- Kazuma Pan Game Reserve (reserved in 1931) – 76 square miles.

There was also, however, considerable opposition to the establishment of game reserves, especially from the ‘cattle lobby’, that is, the representatives of the cattle farmers of the colony. Thus, for example, the establishment of a game reserve at Chipinda Pools in the south-eastern lowveld was opposed by farmers in that area for fear that it would engender the spread of *tsetse* and thereby threaten the viability of the cattle industry there. However, the Victoria Publicity Association strongly campaigned for the game reserve on the basis that it would stimulate tourism in the province. They were strongly supported by the Umtali Publicity Association who figured that the game reserve would attract tourists to the town of Mutare. The Gona-Re-Zhou Game Reserve was eventually proclaimed in 1934 in the Chipinda Pools area. Smallholders also resisted the establishment of game reserves, especially since most entailed their relocation from areas designated game reserves. Boundary disputes between the smallholders and the Department of National Parks still occur to this day, with colonial and pre-colonial claims to land designated national parks being reasserted in many areas.<sup>1</sup>

The establishment of these game reserves was not without cost. Numerous Africans were displaced by the new game reserves and relocated into the already crowded reserves. Thus, for instance, the proclamation of the Gona-Re-Zhou game reserve in 1934 led to the displacement of 1 500 families and their subsequent relocation in the overcrowded Matibi 2 reserve in Natural region 5 (Tarutira 1988).

The period from after the Second World War to 1960 was characterised by an intensification of the preservation policies. The promulgation of the National Parks Act in 1949 led to the establishment of the Department of National Parks in the Ministry of Internal Affairs. For the first time a department responsible for the administration and management of wildlife in the country came into existence. However, from the outset the department was beset with problems associated with the shortage of

funds, which severely curtailed their ability to effectively implement the existing game laws (Masona 1987). This original wildlife agency was fundamentally protective of wildlife in outlook, in line with the preservationist policies. It was also inward-looking and had a strong enforcement (essentially policing) capacity. The department was also directly responsible for the management of wildlife outside PAs, and as such the policing function tended to extend outside the PAs into the communal areas. Staff recruited into the department were often untrained former hunters expected to be jacks of all trades.

During the inter-war years, more national parks were proclaimed and by 1960 some 4 524 400ha of land had been alienated for the parks and wildlife estate. This includes six land use categories – national parks, botanical reserves, botanical gardens, wildlife sanctuaries, safari areas and recreational parks – designed for the protection of higher plants and animals, and partially developed for tourism. Landowners as well as peasant farmers continued to be denied the opportunity to benefit from the wildlife resources of their areas by the preservationist policies and legislation which proscribed the commercialisation of wild animals.

Therefore, for the period from the onslaught of imperialism in the mid 19<sup>th</sup> century to 1960, successive colonial regimes did not consider wildlife as a legitimate form of land use. Initially, wild animals were seen as a ‘wasting asset’, to be hunted for a lucrative trophy trade in Europe (MacKenzie 1988). With the establishment of more settled forms of colonialism and a settler economy based on agriculture, wild animals came to be viewed as competitors with cattle for grazing and also as transmitters of a variety of diseases to cattle and were thus to be eradicated to make way for the development of the cattle industry. Both the colonial state and settlers adopted a preservationist attitude towards wild animals when the shooting out of game had depleted the game resources of the country. The preservation of wild animals was, however, designed for the benefit of only the elite. These preservationist policies did not save wild animals on private land and in the reserves. In the reserves, wild animals were pushed out as population pressure increased. On alienated land, wild animals were shot out as landowners sought to increase their livestock herds and to reduce competition and diseases from wildlife.



Woodland policies in Zimbabwe went through a similar trajectory to wildlife management policies. Concerns over woodland management were first voiced in the early colonial period over timber extraction for mining activities and for tobacco curing. During this period, given the overriding mining objective of the colonisation process, miners' rights superseded all other legislative controls, resulting in widespread removal of timber from many parts of the country (Scoones & Matose 1992). The expansion of the tobacco industry, and the attendant need for fuel wood used in the curing of tobacco, had a similar effect on woodland (Fortman & Nhira 1992).

Legislative controls on woodland were first established with the passing of the Native Reserves Forest Produce Act of 1928, later to be replaced by the Natural Resources Act of 1942 and the Forest Act of 1948. These Acts were intended to preserve woodland and reflected the declining influence of the mining sector and the corresponding need to establish a regulatory framework for the emerging agricultural sector (Scoones & Matose 1992). Like wildlife legislation before it, the Native Reserves Forest Act of 1928 contained dualistic provisions for the African and European sectors of the population. Voluntary regulation was encouraged for the white farmers while a strict regulatory emphasis was placed on the African population:

*This inherited dualism in legislative provision for resource management is still apparent in amended acts today. In the communal areas, the emphasis remains on regulatory control by the state with limited options for active participation by local populations (Scoones & Matose 1992:4).*

However, Scoones and Matose (1992) contend that the major influence on woodland management in the communal areas emerged not from forestry legislation, but from state land-use planning and administration interventions. The centralisation policies of the 1920s led to the establishment of planned settlements away from the water sources in blocks on the wooded top land areas. This resulted in the clearing of woodland areas in the top lands for arable agriculture, with the previously settled and often unwooded lowland areas allocated to grazing.

#### FROM GAME PRESERVATION TO WILDLIFE UTILISATION

The Wildlife Conservation Act of 1960 marked a significant shift from previous preservationist wildlife legislation in that it allowed licensed owners and occupiers of alienated land to commercially utilise wildlife

on their lands. It did not, however, apply to the reserves, where wildlife remained state property with no local proprietorship. While previous legislation had allowed owners and occupiers of alienated land to utilise wildlife on their land, it had proscribed the commercial utilisation of wild animals.

In 1960 the Rhodesian government commissioned a consultancy study to advise on the economic feasibility of game ranching. The consultants initiated feasibility work at Doddieburn ranch from which they set up cropping quotas and obtained special permits for the marketing of meat, hides and skins. The study concluded that wildlife was probably a more efficient producer of meat than cattle because of the ability of wild animals to utilise a greater variety of flora than cattle (Child 1988). The experiment was later extended to the Buffalo Range ranch in 1961. In the mid-1960s the international safari industry experienced a boom and the commercial activities of game ranches shifted to safari hunting as the major form of wildlife exploitation. The industry expanded steadily in the 1970s and 1980s. By 1974, some 179 ranchers had acquired permits to utilise wildlife on their ranches (Child 1988:775). Between 1975 and 1984, the safari-hunting industry grew at an annual rate of about 6% (Child & Child 1987)

The early experiences of game ranching and the increasing number of farmers entering into the wildlife industry, as well as the capacity of the safari industry to earn valuable foreign exchange during a time of sanctions against the Rhodesian regime, and the need to diversify agriculture, led to the promulgation of the Parks and Wildlife Act in 1975. A specific objective of the Act was 'to confer privileges on the owners and occupiers of alienated land as custodians of wildlife'. The Act differed from the Wildlife Conservation Act of 1960 in that it allowed the owners and occupiers of alienated land to utilise wildlife on their land without a permit, provided the privilege was not abused (Child 1988).

The Parks and Wildlife Act of 1975 was designed to improve the efficiency of wildlife utilisation by enhancing local proprietorship. In terms of the Act, while wildlife remained state property, the owners and occupiers of alienated land became the proprietors of the wild animals on their land and could thus legally utilise these animals. Game ranching expanded even further with the promulgation of this Act (Child 1988). By 1987, the safari industry yielded estimated direct revenue of Z\$10 million, most of it in foreign currency.

The Wildlife Producers' Association (WPA) – a commodity association under the umbrella of the Commercial Farmers' Union (CFU) – was registered in 1986 and had a membership approaching 500 in 1987. This membership is more significant when one considers that the sizes of some of the members' holdings are larger than 100 000 hectares. Under the Parks and Wildlife Act of 1975, game ranching has expanded to include at least three basic categories of operation. The first category is a multi-species cattle and wildlife production operation, undertaken mostly by the earliest game ranchers of the south-eastern lowveld operating on properties which already had significant wildlife populations when they ventured into game ranching. In some of the cases, however, there have been significant purchases of wild animals from the Department of National Parks and Wildlife Management (DNPWLM) by the ranchers. Wild animals in this category of game ranching are used mainly through trophy hunting and some venison cropping.

The second category of game ranching operations involves the intensively cropped mixed farms of the highveld. These farmers had to introduce wild animals onto their properties because stocks had been depleted. The properties tend to be smaller ranches and they seldom have the dangerous wildlife species. Wildlife marketing in this category is largely through game-viewing safaris (walking or riding), and bow hunting has now been introduced.

Because of the salience of the land issue in Zimbabwe today, game ranching on the highveld has been the bone of contention between the large-scale commercial farmers engaging in the practice – the CFU and WPA on the one hand, who argue that game ranching is a legitimate land use which produces significantly larger returns per unit area than other land uses – and the smallholders, the Zimbabwe Farmers' Union and the Ministry of Agriculture on the other, who see the practice as being designed to disguise the under-utilisation of land by the large-scale farmers. It is further argued by the latter group that in any case the benefits of game ranching accrue to the individual landowner, while the cost to the macro-economy in terms of reduced food security due to the removal from production of land suitable for food production is considerable.

The third category of game ranching in Zimbabwe consists of specialised operations, usually focusing on single species. The nature, size and location of the

operation are determined by the species farmed. Examples of current operations in this category are crocodile and ostrich farming. Eland and zebra have also been considered for specialisation.

The most fundamental conclusions drawn from the success of game ranching on alienated land in Zimbabwe were that the devolution of proprietorship to landowners resulted in them developing the economic potential of the resource, which in turn led to sustainable utilisation of wildlife. Previous game-management practices on alienated land were designed to exterminate the resource because wild animals produced no significant economic benefits for the landowners but actually constituted a significant cost (Child 1988; Child & Child 1987). Thus changes in the attitudes of the landowners to wildlife occurred because of two fundamental factors: proprietorship of the resource and the ability to earn direct economic benefit from the utilisation of the resource.

## CONCLUSIONS: THE LEGACIES OF COLONIAL CONSERVATION

This paper has demonstrated that land-use policies generally, and particularly wildlife management policies of the colonial regimes, tended to be accommodations of the conflict between settler agriculture and wildlife. Wildlife was almost eliminated from alienated land because it did not have any commercial values until the promulgation of the Wildlife Conservation Act of 1960, and also because landowners had rights to utilise the wildlife on their properties. In the communal areas, on the other hand, the resident populations had no legal access to the resource, although it constituted a cost to their agriculture in the same ways as on alienated land. In these areas, the decline of the wildlife resource is attributed to the system of communal tenure, which potentially leads to a 'tragedy of the commons', as well as to the lack of legitimate benefits from wildlife. Proprietorship and the rights to utilise wildlife were not seen as the causes of the decline of wildlife populations in this land-tenure category.

The post-colonial/neo-colonial governments of southern Africa have continued with, sometimes even strengthened, colonial conservation practices. In many case conservation has increased in the post-colonial era, with many new PAs being proclaimed on the same bases as colonial PAs, and with little or no regard for the conservation and livelihood practices of the local populations. In the post-





colonial era/neo-colonial era, conservation continues to be imposed – in an alien and arbitrary manner – barring people from their lands and denying their understanding of non-human nature (Adams 2003:9).

Although there has been a general ideological shift towards a view of conservation as sustainable resource use (for example, the IUCN and the World Wide Fund for Nature (WWF), the dominant western ideology regarding conservation has remained preservationist (Adams 2003:9). The CBD's language of biodiversity has come to drive a protectionist programme, including reinforcing the PA strategy based largely upon a US model of national parks and wilderness reserves, a tradition which fosters a conceptual separation between humans and nature, and between nature and culture (Adams 2003:9). This creates moral and practical dilemmas, especially in poor countries, where human needs are sometimes dependent on access to nature.

While colonial conservation policies were in part justified on the basis of the need to achieve ecological equilibrium through the exclusion of human impact, contemporary science appears to discredit this notion. Non-equilibrium ecology has demonstrated that dry-land ecosystems, in particular, exist in different states of disequilibria. This finding creates new opportunities for overcoming the colonial model of nature conservation, especially by allowing for resource extraction while recognising the impacts that human use may impose on the ecosystem.

There are also significant moves to privatise conservation and to grant the private sector greater access to existing PAs. While most PAs in the region are state PAs, it is significant that most states in southern Africa have very limited financial, human and other material resources necessary to manage the conservation estate. Yet the model of conservation pursued has tended to exclude other potential partners, with the result that most PAs in the region are experiencing enormous management problems. In some instances it has emerged that there is greater biodiversity outside of PAs than inside. As a consequence of its incapacity to manage the PAs, the state in southern Africa is coming under increasing pressure to privatise the management of these areas to private-sector entities who have the resources for their management. Given the current dominance of the neo-liberal market agenda, it is quite clear that some important PAs in the region will be privatised in the coming years. It is not clear what the private sector's agenda is in these initiatives, and

care needs to be taken to ensure that conservation does not become subordinated to short-term profit motives as conservation inexorably gets privatised.

<sup>1</sup> Donald Moore's (1992) study of the Nyanga National Park demonstrates conflicts over the park's land with surrounding communal lands.

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# ORIGINS AND EFFICACY OF MODERN CBNRM PRACTICES IN THE SOUTHERN AFRICAN REGION

BRIAN CHILD

## INTRODUCTION

### WHAT ARE THE ORIGINS OF CBNRM IN SOUTHERN AFRICA?

While recognising that CBNRM evolved as a regional effort, and often through regional networks of key individuals, the story of its evolution will be built around the experience of Zimbabwe, which provided much of the early impetus to this movement.

Zimbabwe always prided itself on conservation policies that were rooted strongly in the hands of landholders. As early as 1939, the Parliamentary Commission under Justice Robert McIlwaine introduced landholder community control over natural resources on private land (Natural Resources Act of 1941). The bottom-up wildlife approach was grafted onto the far-sighted Intensive Conservation Areas (ICA) movement. Reacting to public concern over soil erosion and other environmental degradation, the McIlwaine Commission of 1939 led to the promulgation of the Natural Resources Act of 1941, the backbone of Zimbabwe's remarkably successful conservation efforts. The success of the ICA movement lay in its strong legal mandate and accountability to a membership of local landholders. Each ICA committee (some 400 blanketed the country) was comprised of elected local landholders, and the only support provided by government was a small

secretariat fee, travelling expenses and the presence of technical officers when required.

Wildlife policies were less far-sighted, and remained highly centralised, non-commercial and inappropriate until Reay Smithers began to agitate for landholder use rights in the 1950s. On his invitation, three outstanding American Fulbright Scholars from the University of California (Thane Riney, Ray Dasmann, Archie Mossman), were invited to Zimbabwe, where they stimulated a philosophy that encompassed scientific management and the sustainable use of wildlife. They argued that the widespread neglect and slaughter of wildlife on private land was because it was of no legal value to landholders and was competing with 'legitimate' farming enterprises – the 'you can't farm in a zoo' adage. In practical terms, they initiated experimentation with game ranching on several lowveld ranches; most notably game cropping on Doddieburn and Buffalo Range owned by the Hendersons and Styles respectively, who were both passionate about wildlife. They also pulled together lessons from the use of wildlife on private land in the Transvaal province of South Africa. Riney was requested to do an Africa-wide survey of wildlife for the Food and Agriculture Organization of the United Nations (FAO), and although it is over 40 years old, this remarkable document echoes much of what we hear in southern Africa today.



The Wildlife Conservation Act of 1960 opened the door to the sustainable use of wildlife. Use of wildlife was encouraged, albeit through a permit system. Key officials saw little value-added in excess regulation and worked on eliminating bureaucracy. This aversion to value-negative red tape was reflected in the Parks and Wildlife Act of 1975. The Act provided private landholders with 'appropriate authority' (that is, extensive use rights) for wildlife on their land. An important feature was the empowerment of local landholder communities to control abuses (through the ICA/Natural Resources Board [NRB] mechanism), with the outcome that the externalities associated with fugitive wildlife resources were managed highly successfully at a local level.<sup>1</sup> Requirements for government use permits were abolished, although several communities initiated quota systems for key species. Government did retain the power to intervene where the devolved system proved ineffective, and in two decades only had to act twice, in both cases to control hunting on properties immediately adjacent to parks.

During the early 1970s ideas were spreading across the region through regular contact between southern Africa's leading conservationists at the Southern African Regional Commission for the Conservation and Utilisation of the Soil (SARCCUS) meetings (Graham Child, pers. comm.) In 1971, for example, they met at Gorongosa to discuss the theme 'Nature conservation as a form of land use'. At this time, the innovative Bernabie de la Bat was heading the Namibian wildlife agency. These conservationists provided the fulcrum of the then (and now) progressive idea that wildlife was potentially a major and profitable form of land use in non-agricultural ecosystems. It was no coincidence that in 1975 Namibia also introduced legislation which empowered private landholders to use wildlife commercially, although in this case only certain species could be used. Gradually, similar practices spread through South Africa's decentralised provincial system.

In the 1980s the vehicle of connectivity, learning and mutual support was the CBNRM, and the battle to keep markets for wildlife products open was exemplified by the Southern African Centre for Ivory Marketing (SACIM) and the fight against the ivory ban. These networks were particularly effective because the commitment and professional capacity of these officials was combined with a significant degree of authority – they wrote legislation, and their technical recommendations were listened to and respected by politicians.

Game ranching began to expand rapidly in the early- to mid-1980s. Local use rights enabled change to occur. A rapid improvement in the relative profitability of wildlife drove this change. This resulted partly from increasing demand for wildlife-based recreation and partly from declining livestock profitability. In about 1973, the world beef price declined from \$4 to \$2.5 (in constant [1980] US\$) and never recovered, a trend that also had a major impact on ranching in the USA. However, the declining world beef price occurred at the same time as a reduction in the political power of white farmers to attract subsidies to the livestock sector, and rising demand and prices for outdoor recreation, hunting and other wildlife products. This radically changed the economics of the rangeland sector.

The fact that wildlife was emerging as a competitive land use was of fundamental importance to wildlife policy for communal areas. It provided real confidence in the argument that wildlife was a competitive land use in marginal areas, and a practical model to work from. Thus the innovation in communal areas was the institutional and governance arrangements, rather than the technicalities of wildlife-enterprise production systems. Contrary to the widely-held view, community wildlife management was actually initiated almost a decade before independence by a small group of far-sighted conservationists.

As early as 1971, Zimbabwe's wildlife department began to advocate sustainable use principles for wildlife in communal lands. In the early 1970s, the initial drafts of the Parks and Wildlife Act provided for communal area communities to become appropriate authorities. This was blocked, first by the Ministry of Internal Affairs and, on two subsequent occasions, by changes in governments. The Act was eventually amended in this manner in 1982, but at this time communities were not (and are still not) legal entities, so authority was devolved (unhappily) to district councils.

Nevertheless, in the mid-1970s the department persuaded the Minister, with much patience and perseverance, to commit revenues from three game reserves (Chirisa, Dande, Malipati) to the people living around them. This represented a major change in government fiscal policy when it was ushered quietly through the House. The cumbersome and ultimately unsound administration of this money through the Consolidated Revenue Fund for development projects was recognised at the time. However, the relatively weak Wildlife Department believed that the government of the day, and especially the powerful Ministry of Internal Affairs, would never



have accepted direct fiscal empowerment of local people. Getting agreement that the money would be returned to rural people, albeit through a cumbersome and unsatisfactory arrangement, was at least a first step in the right direction.

Operation Windfall (Wildlife Industries New Development for All) was the department's first major success in channelling wildlife revenues back to local communities. In 1980 and 1981, 755 elephants were culled (earning US\$463 000), to which was added \$160 920 from safari hunting in Chirisa Safari Area. These substantial revenues were paid back to communities through councils for approved projects. Central to this model was the empowerment of community members at village level to control wildlife and its revenues, the internalisation of costs and benefits at this level,<sup>2</sup> and an underlying belief that wildlife was the most sustainable land-use option in many of these remote communal areas. In many ways it reflected the principles of landholder control that had proved so successful through the ICA movement on private land. Initial implementation in Gokwe and Nyaminyami was unsatisfactory. Payments went through the government fiscal cycle, Treasury often delayed payments further, and money was allocated only for approved development projects.

The first example of a community wildlife programme was probably in Mahenye (see Box 3 on page 15) where, in 1982, two elephants were hunted by Clive Stockil and, with the encouragement and permission of the Director of the Wildlife Department, the money was eventually returned to the community for the construction of a school. Much more, however, is known about Nyaminyami because a larger group of people, in what was then a highly unusual mix – wildlife managers and social workers – went to some lengths to prepare it to assume authority to manage its wildlife. This included ecological work as well as the formation of the Nyaminyami Wildlife Trust. In 1989, the Department granted Nyaminyami District Council 'appropriate authority status', thus short-circuiting Treasury for the first time. This meant wildlife revenues would be paid directly to the council. Mistakes were made in Nyaminyami, including excessive levels of unsustainable financial support, and despite being the first district to receive such status, it never really followed the Campfire principles.

## WHAT ARE THE KEY CHARACTERISTICS OF MODERN CBNRM PRACTICES IN SOUTHERN AFRICA?

One of the critical outcomes of Campfire was the set of principles by which the programme was managed. In the

### BOX 1: COMMUNAL AREAS MANAGEMENT PROGRAMME FOR INDIGENOUS RESOURCES (CAMPFIRE)

#### A brief history:

<b>1960s</b>	Game ranching initiated on private land.
<b>1971</b>	Communal area benefits first proposed by Director, Department of National Parks and Wildlife Management.
<b>Late 1970s</b>	Department persuades Ministry of Local Government and Treasury to change fiscal policy, thus allowing revenue earned in protected areas recently excised from tribal trust lands to be returned (Chirisa, Dande, Malipati).
<b>Late 1970s</b>	Ecologists working in Sebungwe note rapidly rising populations and propose the economic use of wildlife to (1) soften hard edges of parks and maintain corridors between them and (2) promote rural economic growth.
<b>Early 1980s</b>	Martin and others compile 'Sebungwe Land Use Plan'. Not implemented due to bureaucratic challenges, but promotes conceptual development.
<b>1980</b>	Under Project Windfall revenues from elephant culling in Sengwa Wildlife Research Area and safari hunting in Chirisa returned to Gokwe District Council.
<b>1984</b>	Rowan Martin develops Campfire documents. This sets the philosophical basis of Campfire.
<b>1989</b>	Appropriate authority status granted to Nyaminyami and Guruve District Council, and ten others in 1990.





initial stages of Campfire, and despite the legislative weaknesses that later allowed slippage, a strong and gentlemanly commitment to these principles ensured that the amount of revenues used at community level increased steadily. It was the justice, economic and institutional sophistication embedded in these principles, and the great hope and vigour that it gave communities, that propelled Campfire into the international limelight. It was also propelled by the powerful devolutionary impulse associated with these principles, and the remarkable consequences of entrusting communities with responsibility.

Several sets of overlapping theories come together in southern Africa's CBNRM philosophy. The first is concerned with empowerment, the second with organisational development and democratisation, and the third with market and pricing theory. Progress, where it has been made, has also been underpinned by sensible and liberalised economic policies, and a sound sense of ecological function. Where the macro-political environment has reneged on these principles, as in Zimbabwe, progress has reversed.

The southern African experience suggests that empowerment consists of three primary components – that communities have the rights:

- to retain the full benefits of their wildlife
- to sell their wildlife to best advantage
- to manage their wildlife, including the selling of quotas or tourism joint ventures, and the design of concession areas.

In addition to formal rights, communities need to be aware and convinced of these rights, and to have the capacity to take advantage of them. This is where capacity building comes in. Capacity building is a necessary complement to enable communities to take advantage of these rights, and is invaluable for strengthening them. However, in some cases implementing agencies have been unable to acquire rights for communities, and have spent a great deal of money on the assumption that capacity building will eventually bring about devolution.

In the 1960s and 1970s, several southern African countries recognised that wildlife would only survive if it was financially viable for landholders to conserve it. The first signs of these principles being applied to communal lands were in Zimbabwe, and soon after, in Zambia's Luangwa Valley, following the Lupande workshop in

1983 that gave rise to both the Administrative Design for Management (ADMAGE) and the Luangwa Integrated Resource Development Project (LIRD).

To return to the three components of empowerment: the necessity of returning revenues to landholders and communities was long accepted, both as an essential feature of sustainability and as a moral imperative. Nevertheless, there was considerable debate at the time over the question of whether wildlife should be a public resource at community level (and used primarily to fund public works as decided by leaders), or should be converted into a private resource at the level of the individual. The wildlife authorities recognised that the former might benefit the level of public services in the short-run, but was fundamentally unsustainable. Therefore they experimented with partial revenue distribution at household level with each family in Masoka being paid \$200 in 1990.

The real, and second, breakthrough came in the Chikwarakwara community in Beitbridge in 1990. With growing land pressures, the wildlife authorities knew that unless wildlife was a valuable commodity at household level it would be replaced by other private forms of land use – livestock, or scratching agriculture. They were also concerned that unless every rural person had a real, tangible stake in wildlife, knew the value of wildlife and could fight for their rights to benefit, the hierarchy would appropriate these revenues. In a tale with enough twists to grace a spy novel, an alliance between the Wildlife Department and the local community out-manoeuvred the bureaucracy and, for the first time, ensured that each and every community member was involved in choosing how to use wildlife revenues, including the retention of a cash dividend at household level. The latter proved so powerful that it soon became a central principle of the Campfire programme.

Believing strongly in the maturity and capacity of rural people once the shackles of dependency and permission were removed, the Wildlife Department also insisted that communities sold wildlife themselves. The only insistence was that the marketing process was open, transparent and highly competitive.

The third major breakthrough in terms of empowerment was the devolution of setting of quotas to community level. Again, this was supported by the development of simple but robust tools for monitoring and analysis. Essentially, communities meet for several days in a facilitated forum to triangulate data on trophy quality and



wildlife populations from several sources. The output is a quota that is submitted to the Wildlife Department for approval. The system worked so well, and certainly produced better results than even a technical competent department, that the response of technicians was ‘why ever didn’t we do this before?’ Not only did good quotas result, but the participation and learning of communities about managing wildlife was powerful. Further, as communities knew their quotas, they were able to calculate expected revenues, providing a further lever towards transparency and accountability.

## HOW DO THESE CHARACTERISTICS AND ORIGINS VARY IN THE REGION?

So far the discussion has centred on Zimbabwe. The situation in Namibia is remarkably congruent. As in Zimbabwe, a small number of highly motivated professional bureaucrats formed alliances with civil society, taking the role of policy reformation while encouraging the outsourcing of capacity building to NGOs and CBOs. As with Zimbabwe, the majority of bureaucrats proved to be reactive, so the survival of the programme probably depends on empowering communities sufficiently quickly so that they can use tangible results to argue against re-centralisation. In Botswana, however, the catalyst for change appears to have been the United States Agency for International Development (USAID)-funded Natural Resource Management Project, with sufficient co-operation from government to implement sufficiently sound policy change.

## NAMIBIA

It was at about this time that the baton of CBNRM was passed to the Namibians. Recognising the institutional roadblocks that prevented the Zimbabweans from properly applying their own Campfire principles, the new ‘Conservancy’ legislation promulgated in 1997 allowed for self-identification and formation of bodies corporate at any level. In 1997, Namibia enacted new legislation, which allowed the devolved management of wildlife by communities provided they were registered as ‘conservancies’. Together with a strong set of emerging support organisations, this legal change led to major positive trends in wildlife conservation:

- The number of people involved in conservancies increased rapidly to 32 086, with some 70 000 additional people in conservancies awaiting registration.
- By 2001, 15 registered conservancies already managed over 200 000 wild animals in 40 000km<sup>2</sup>. This is expected to rise to 49 conservancies and 100 000 km<sup>2</sup>

- With effective technical support, wildlife/tourism income to communities doubled in each of the last five years, and was expected to reach N\$12m in 2002, with a potential for substantial further growth.
- In north-west Namibia, communities currently get 2% of the \$98m wildlife/tourism business. This is expected to rise to 10% of a \$375m sector.
- The programme developed 14 well co-ordinated support agencies with jointly agreed work programmes.

## BOTSWANA

At about the same time (1993–2001), Botswana developed a large amount of CBNRM-related legislation, policy and guidelines. The rights and responsibilities of communities over natural resources in Botswana are mainly defined in the 15-year community natural resources management lease between the legally registered community trust and the land authority. This gives the community trust exclusive use (not ownership) of their area (including controlled hunting areas) for all tourism-related activities, hunting, game capture, and commercial use of veld products. However, the Wildlife Department retains the right to set quotas, and the collaboration with communities is less than desired.

The number of communities involved in CBNRM has grown rapidly. Two factors have contributed to this:

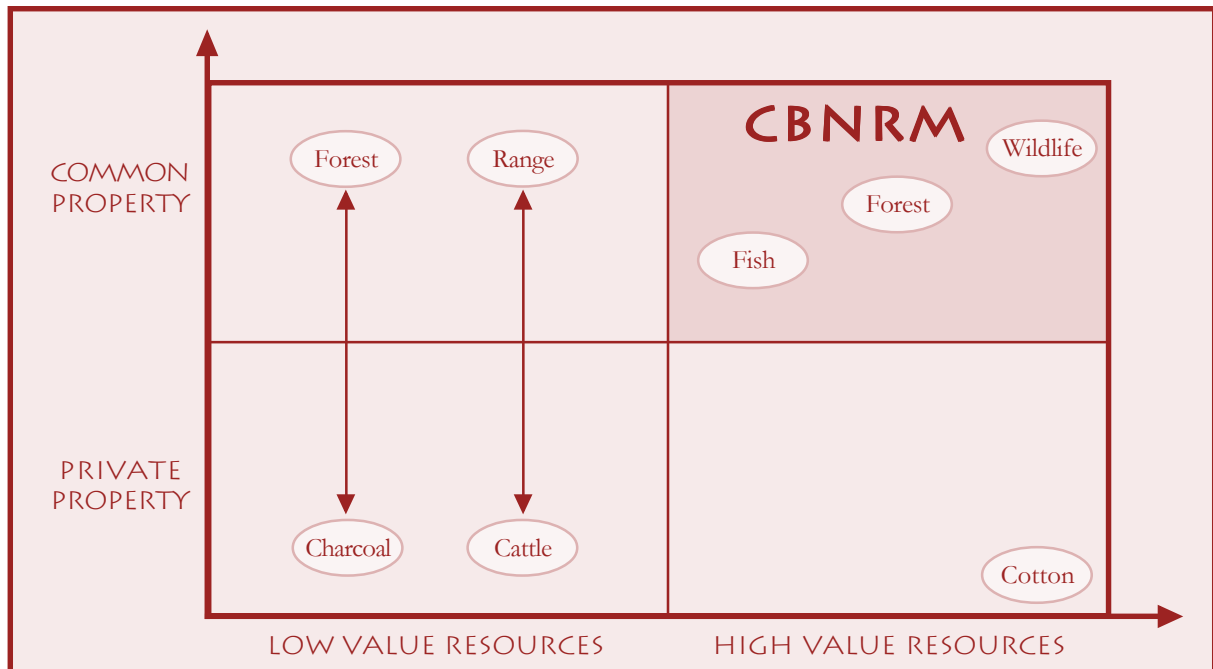
- formal use rights
- the increasing value of wildlife and NRM.

One of Botswana’s real strengths has been the development of joint venture arrangements between CBOs and the private sector. This has had a positive impact on natural resource management, and has brought significant revenues to local communities. In general, 15% of these revenues are used to manage the CBO, and the community uses the remainder for development projects, although one of the constraints has been the ability of the community to spend this money. The involvement of the private sector, alongside Botswana’s liberalised economic policies, has enabled rapid growth in community income. As in Zimbabwe and Namibia, the key to economic growth has been well-developed community-private joint venture arrangements.

## WHAT THEN IS CBNRM?

Perhaps a useful definition of CBNRM is that it deals with the transfer of ownership of high-value, common-property resources from the state to communities. It may also deal with the externalities at the interface of private resources or





enterprises occurring on common property, such as charcoal harvesting or cattle production in a village's range, as illustrated in the diagram above.

Note that the top definition of CBNRM introduces:

- efficiency (it deals with high value resources)
- equity (it often transfers value to the poorest rural communities)
- improved resource management and sustainability (by privatising ownership at the community level, that is, transforming open access to private/common property regimes).

CBNRM works if it tackles fundamental issues of profit and proprietorship.

Devolution is an extremely powerful force for creating the sought-after combination of conservation and economic growth, and for directing this value towards reducing poverty and empowering local communities – as is seen in the examples of Zimbabwe, Botswana and Namibia.

However, the transaction costs of shifting the control of high-value resources from the centre (government agencies) to communities can be high. These costs include:

- negotiating devolved use rights (high level of costs and conflict if no political will)
- developing management capacity at local level (difficult or costly if communities have no rights to enable experiential learning).

## IMPLEMENTING STRUCTURES IN THE REGION

The successful Botswana, Namibian and Zimbabwean CBNRM programmes have some common characteristics. The programmes were run under government mandate. However, government did not attempt to dominate the sector and was usually responsible for policy, guidelines, monitoring (but staffing often limited to 1–2 persons). Instead, and according to their comparative advantages, NGOs/CBOs were mandated with the bulk of capacity building. In all cases the support agencies had close informal working relationships, but also met formally to agree strategy and even joint work plans. Specifically, the Namibian programme is co-ordinated by an NGO association (NACSO), and co-ordination is highly formalised – there is not yet producer-community representation on this forum. In Zimbabwe, National Parks passed the lead role to a producer association (Campfire Association) and capacity building to several NGOs, and these partners met regularly through the Campfire Collaborative Group, having clearly defined roles and responsibilities. In Botswana, a CBO (BOCOBONET) co-ordinates the programme, with government and NGO support.

## CONCLUSIONS AND THE WAY FORWARD

The paper attempted to address the following questions: What were the key motivations and driving forces behind CBNRM? How were conservation departments positioned to take this far-sighted approach? Given the potential



driver role of conservation departments in CBNRM, how can they be supported to remain effective? How else can effective support be provided to strengthen CBNRM?

As we have seen, it was no accident that southern Africa's wildlife departments initiated a major paradigm shift. This was not a sudden good idea that emerged in 1990, but was the result of at least 30 (and up to 50) years of gradual policy changes, coupled with implementation capacity through the building of a high level of professionalism, commitment and excellence in the sector, and in government agencies in particular.

This paper has demonstrated the critical role played by government departments in initiating (or retarding) the growth of CBNRM programmes. However, for a number of reasons, the quality of these departments is dropping; they no longer provide critical leadership and insight and, in some cases are downright reactive. Supporting weak government departments, particularly with respect to policy formulation, does not have a good track record. Perhaps the best way to proceed is a radical one – set up sound performance criteria, and pay for projects that work.

In this last point, perhaps, lies a potential solution that is not focused on a few high-level champions, but of capturing the combined capacity of many communities: in short, to move from a bureaucratically-led to a market-led solution. A suggestion is to create a peer-based governing value system that includes a regular review of performance criteria so that communities and countries learn from, and pressure, each other. The skill is to create simple performance criteria that incorporate CBNRM's founding principles of devolution, democracy, ecological sustainability, and business-like management of natural resources. Now that the concept is widely accepted, there is considerable potential to achieve greater progress with less money by improving management systems.

One means of achieving this would be to facilitate regional CBNRM programmes to meet regularly to review their performance. Thus each programme would be self-assessed, and a regular report on its status and trends with respect to mutually agreed criteria made available. This report, playing a similar role to a company report, would then provide the key to investment decisions, and, by invoking such a system, pressure to comply with sound principles and performance indicators

would be provided by information and the market place rather than by overseers in NGOs or government agencies. Thus consumers (hunters and tourists) could select where to spend their money according to what then happens to this money. If provided with reliable information they would likely opt to visit programmes that benefit local people rather than those that do not. Investors, too, are likely to target sounder programmes. With some education donor funding could also be targeted in this direction. Finally, by setting out clear targets and visions, and by peer-reviewing these on a regular basis, powerful psychological forces may well come into play.

The evidence presented here suggests that, where CBNRM principles are followed in southern Africa, progress is steady if not rapid. So far control systems have rested in the hands of bureaucrats and project executives. Perhaps it is now time to radically alter the system, and to provide performance discipline through the medium of validated information and the market place.

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<sup>1</sup>This institutional fencing was amazingly effective, with low transaction costs and high levels of local commitment. It is somewhat surprising that the concept has not spread to South Africa and Namibia, where externalities tend to be controlled by steel fencing. Not only is steel fencing financially expensive, but it is also ecologically hazardous, preventing wildlife movement and allowing landholders to mask mismanagement such as over-stocking.

<sup>2</sup>The economic sophistication of this model, and its understanding of property rights, was influenced by emerging literature such as Hardin's *Tragedy of the commons* and Stroup and Baden's work. Another strong influence was Norman Reynolds, then Chief Economist in the Ministry of Economic Planning, who added to this mix a strong understanding of the development process born of his experience in rural India.

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# LESSONS LEARNT FROM THE PHILOSOPHY AND PRACTICE OF CBNRM IN SOUTHERN AFRICA

BRIAN JONES

## INTRODUCTION

In recent decades the southern African region has seen the emergence of an array of wildlife management systems including:

- management by individual freehold farmers
- corporate conservancies on pooled freehold land
- community management regimes on communal land.

This paper considers these management regimes in terms of a number of key elements that are a crucial part of the philosophy and practice of CBNRM in the region. These elements are:

- economic incentives and conditions
- devolution of rights and tenure over land and resources
- collective proprietorship
- scale (social and ecological)
- community empowerment (the extent to which local communities themselves are able to take decisions about CBNRM activities).

The paper then identifies some key lessons with regard to CBNRM and relationships between local communities and protected areas.

## CBNRM PHILOSOPHY

CBNRM in southern Africa is concerned with providing communal area landholders with the appropriate

incentives to manage land and renewable natural resources sustainably. It rests on a perception that it is not the overuse of specific resources or species that is the greatest threat, but that the greatest threat in terrestrial situations lies in natural systems being replaced with other land uses (SASUSG 1996). A number of statements and principles have been developed concerning CBNRM in southern Africa (see for example, Murphree 1993; Steiner & Rihoy 1995; Bond 2001). These can be distilled into the central hypothesis that if a resource is valuable and landholders have the rights to use, benefit from and manage the resource, then sustainable use is likely. The benefits from management must exceed the perceived costs and must be secure over time.

There are three main conceptual foundations to the hypothesis. The first is based on the notion of economic instrumentalism. The assumption is that the most critical decisions regarding the allocation of land, resources and management investments are based primarily on economics rather than conservation considerations (Jones & Murphree 2001). It is therefore necessary to give a resource such as wildlife a focused value that can be realised by the landholder. At the same time the landholder will be unlikely to invest time, effort and finances into managing a resource if the benefits do not exceed the costs. Policy therefore needs to ensure that wildlife has a value that can be realised by landholders and that other forms of land use are not unfairly subsidised or wildlife use unfairly taxed.



The second conceptual foundation is the notion of devolutionism. In all southern African states, authority over wildlife has been centralised by the state. This occurred during the colonial era and most post-colonial governments maintained such centralised authority. In order to create positive conditions for landholders to manage wildlife sustainably, the ability to take crucial management decisions needed to be devolved<sup>1</sup> from the state to the landholders. In most cases in southern Africa, a situation had arisen where government retained the *authority* while landholders (freehold and communal) bore the *responsibility* over wildlife management (as well as having to bear the costs of damage caused by herbivores to crops and by predators to livestock).

The third conceptual foundation of CBNRM is that of collective proprietorship. If authority over wildlife was to be devolved to people on communal lands, then who should receive these rights, and could effective institutions develop for collective management of wildlife? Who should be recognised as the ‘proprietors’ of the wildlife? Many commentators (such as Murphree & Hulme 2001; Cousins 2000; SASUSG 1996; IFAD 1995) have emphasised the importance of tenure and property rights or ‘proprietorship’ for sustainable natural resource management. Murphree (1994) defines proprietorship as:

- sanctioned use rights, including the right to determine the mode and extent of
- management and use, rights of access and inclusion, and the right to benefit fully from use and management.

The term tenure includes a temporal dimension and relates to the period of proprietorship. Secure tenure is important for resource users to be confident that they can invest time and effort in management and reap the benefits. CBNRM has therefore been based largely on the concept of a communal property regime, that is, where a defined group of people collectively manages and uses the common property resources within a defined jurisdiction (Jones & Murphree 2001).

The concept of collective proprietorship gives rise to a number of challenges in terms of implementation, not least of which is dealing with the issue of scale. Scale is important at the community level because collective decision making is easier between smaller, relatively cohesive social units where there is direct interaction between decision makers and peer pressure can also play a part in ensuring conformity to resource use rules. Scale is

also important in terms of resource management, particularly with a ‘fugitive’ resource such as wildlife, where some species range over large areas of land. It can therefore be difficult sometimes to match appropriate size social units with appropriate size wildlife management units. Scale is also important in terms of the level at which decision making is located. The more a resource is shared across larger areas of land, the more important it becomes for decision making to be shared across larger numbers of resource users. However, the bigger the geographic scale, the bigger the trade-off between highly interactive and participatory decision making and representative forms of decision making that begin to blur the lines of accountability. Murphree (2000) suggests that the problems associated with scale can be approached through the use of three linked approaches:

1. The starting point should be small local jurisdictions which combine authority with responsibility.
2. Where necessary these jurisdictions should aggregate upwards through delegating authority to larger jurisdictions in order to manage resources across larger spatial scales.
3. In all cases the principle of downward accountability should be applied.

Another challenge for promoting collective proprietorship is to enable participants in collective management regimes to define the membership themselves, and to define the boundaries of their jurisdiction. This is important for the development of a common property-resource management institution that has internal legitimacy.

Typically, CBNRM programmes in southern Africa are based on trying to operationalise the three conceptual foundations outlined above, while trying to reconcile some of the issues of scale. Throughout the region governments have enabled local communities to gain directly, or share in, the income from various forms of wildlife use including trophy hunting and photographic tourism. Governments have made some attempt to devolve authority to lower, mostly non-state levels of decision making; rights have been given to units of collective proprietorship, which in some cases are self-defining, while in others these are based on existing state administrative units. In some cases the units of proprietorship involve small, cohesive groups of people with a sense of ‘community’, while in other cases the units include large numbers of people. In most cases the units of proprietorship do not necessarily conform to what wildlife managers might deem to be units of resource management.

## WILDLIFE MANAGEMENT ON FREEHOLD LAND

To a large extent the development of the CBNRM philosophy has built on the experiences of wildlife management systems that emerged on freehold land in Zimbabwe and Namibia. The wildlife management systems established on freehold land in these two countries represent examples where the state has devolved proprietorship over wildlife to landholders.<sup>2</sup> In both countries, during the colonial period government appropriated formal control over all wildlife and passed legislation providing hunting rights to white settlers and visiting sport hunters. On the white-owned freehold farms the wildlife belonged to the state and commercial farmers tended to see wildlife as competing with their livestock and crop farming. On both communal and freehold land, illegal use and conversion of wild habitat to farmland led to declines in wildlife numbers.

In the 1960s there was a radical shift in wildlife policy away from a protectionist philosophy to one of conservation through sustainable use in Namibia and Zimbabwe (Jones & Murphree 2001). The shift was away from state control to individual proprietorship by white freehold farmers, who could now benefit financially from the wildlife on their farms. The approach of the state was very clearly based on economic instrumentalism and the devolution of property rights as key incentives and conditions for sustainable management. Proprietorship and benefit were seen as key incentives for sustainable management.

Rights over wildlife were conferred on white freehold farmers in Namibia in 1968 and consolidated in the Nature Conservation Ordinance No 4 of 1975. The Legislation gave conditional ‘ownership’ over certain of the more common species of game and limited use rights over other species through a permit system. Ownership and use rights were conditional upon a farmer owning land of a certain size, which had to be enclosed by a certain type of fencing. Freehold farmers were now able to hunt game for their own use, buy and sell game, cull for the sale of meat and entertain foreign trophy hunters on their farms.

The Parks and Wildlife Act of 1975 formalised the policy shift in Zimbabwe by aiming ‘to confer privileges on owners or occupiers of alienated land as custodians of wildlife, fish and plants’ (Government of Zimbabwe, 1994 as amended). The Act designates these ‘owners or

occupiers of alienated land’ as ‘appropriate authorities’ over wildlife. Although the Act does not go so far in its wording as the Namibian Legislation in conferring ‘ownership’ of certain species, it still effectively makes farms and ranches into proprietorial units for wildlife management. Farmers are able to take nearly all of the significant management decisions over the use of wildlife. The Act allows for the exemption of specially protected species and for government to impose restriction orders in cases of flagrant abuse. Martin (2003) suggests the Zimbabwean legislation is the *only* example in southern Africa of the *full* devolution of authority over wildlife to entities outside the state.

In both Zimbabwe and Namibia, the effects of giving white freehold farmers rights over wildlife were the development of multi-million-dollar wildlife industries, and an increase in wildlife on private freehold land. The amount of wildlife in Zimbabwe quadrupled in response to these policies and species richness nearly doubled (Child et al. 2002). In Namibia, the number of game species on freehold land increased by 44% over 20 years while the total number of animals and biomass increased by 80% between 1972 and 1992 (Ashley & Barnes 1996).

In both countries white freehold farmers responded positively to the economic incentives provided by government and the devolution of authority and proprietorship from the state. To a large extent the wildlife management systems that have emerged on freehold land are relatively easy to implement – perhaps crucially, freehold farmers were gaining resource rights over wildlife in a situation where they had strong and secure tenure (freehold) over their land and other resources. This gave them stronger rights of enforcement (for example, in terms of laws of trespass) and management decisions could be taken quickly and easily by the individual landowner. Freehold tenure also provided farmers with the ability to use their land as collateral for raising capital to invest in the infrastructure necessary for the development of game ranches and tourism. Another important consideration is that the financial returns to the freehold farmer do not have to be divided among many and therefore can have a significant impact on each farmer’s income. Further, the government subsidies that had gone into providing white farmers with transport and telecommunications infrastructure in the freehold farming areas enabled game farmers to have easy contact with hunting and tourism markets and enabled their clients to reach their farms.





In an important development on freehold land, farmers began to realise that there were significant advantages in pooling their resources for wildlife management. In Namibia many individual farm units (average size of about 5 000 ha) were not large enough in semi- and arid environmental conditions for successful game farming (de Jager 1996). Successful game and livestock ranching in arid, unpredictable environments requires large areas of land on which animals can take opportunistic advantage of pasture growth and water supply. Mobility and flexibility are the key to survival. In the late 1980s a number of individual freehold farmers began to discuss the possibility of pooling their land, human, financial and wildlife resources to manage their land in a more collective manner for wildlife. After long and arduous negotiations facilitated by conservation personnel, a group of farmers agreed to adopt a model of resource management based on the 'conservancy' approach developed some years earlier in Natal in South Africa (Jones 1999). They agreed on a constitution and a set of operating rules and criteria for the distribution of income derived from joint wildlife management. Although the government had not then legislated to give formal recognition to freehold area conservancies, the then Directorate of Nature Conservation and Recreational Resorts developed a policy acknowledging such conservancies and establishing levels of support (MWCT 1992).

There are now at least 24 conservancies on freehold land in Namibia (double the 1998 number) covering an area of close to 4 million ha. The size of the conservancies ranges from 65 000 ha to 387 000 ha – even the smallest freehold conservancy is larger than some state-run PAs in Namibia. Efficiencies of scale have meant that financial rates of return are more than twice those of individual ranches with wildlife as a land use (Barnes & de Jager 1995).

In Zimbabwe, freehold conservancies began to emerge following efforts by the DNPWLM to develop a translocated breeding nucleus of black rhino in safe sanctuaries. This objective led to freehold farmers negotiating common property arrangements with their neighbours to establish rhino conservancies. Given land-use economics, persistent droughts and emerging wildlife-based production systems, some conservancies quickly developed towards becoming substantial business enterprises (Murphree & Metcalfe 1997). The Save Conservancy is an example of a rhino conservancy on land used for livestock that developed into a business

operation based solely on wildlife and tourism. It comprises 20 individual properties covering an area of 321 355 ha, with members ranging from small, family-owned businesses to large companies (Save, Bubiana and Chiredzi River Conservancies 1994).<sup>3</sup>

The development of conservancies in Zimbabwe has been motivated by the need for:

- greater economic and ecological resilience in the face of drought
- more efficient and sustainable use of key resources by virtue of the greater diversity, biomass and mobility of wildlife populations in the larger, unfenced area
- spreading risks
- resource management at a more appropriate scale (Murphree & Metcalfe 1997:4).

Further, single landholders on relatively small properties were often unable to afford the staffing levels, law enforcement, fire-fighting, road maintenance and other infrastructural requirements of a big game wildlife enterprise. Conservancies offered the opportunity to introduce economies of scale, making joint wildlife enterprises possible (Wildlife Working Group 1996).

In South Africa freehold conservancies were promoted by the Natal Parks Board to facilitate water catchment conservation through encouraging groups of farmers to monitor the impact of their land-management practices on the health of river systems. The approach has been extended to wildlife management where neighbouring farmers have established joint arrangements for maintaining sufficient wildlife for aesthetic and recreational purposes rather than for production for consumptive use (Murphree & Metcalfe 1997). Conservancies have also been established in Free State province where the provincial conservation authority has subsidised the provision of wildlife to farmers in order to facilitate species-conservation objectives. The large freehold private game reserves next to Kruger National Park are also sometimes referred to as conservancies because of the level of co-operation between neighbouring landholders in terms of traversing rights across unfenced land.

Essentially the formation of conservancies in all three countries has aimed at coping with issues of scale related to wildlife management and/or ecosystem conservation, improving economic efficiency and providing diversification of land uses (although at least one

conservancy in Zimbabwe has converted entirely to wildlife).

It is interesting to note, however, that in South Africa and Namibia intrinsic values have also been important motivations (Ashley & Barnes 1996; Murphree & Metcalfe 1997). These objectives have led individual farmers with strong and secure proprietorship over their land and resources to develop small-scale (in terms of social units) common property regimes for managing wildlife. This has involved developing mechanisms for collective decision making, the equitable distribution of benefits, the equitable sharing of costs and management investments, and joint negotiation and interaction with the state and other institutions. Given the elements of common property resource management present in freehold conservancies and the extent to which a 'community' of resource users and landholders is involved, it could be argued that such arrangements should also be categorised as constituting CBNRM.

## WILDLIFE MANAGEMENT ON COMMUNAL LAND

The application of CBNRM approaches on communal land in southern Africa has had mixed results. In some areas, wildlife numbers are being maintained or are increasing and local communities are setting aside land for wildlife and tourism. Local communities and individual households are gaining some income from wildlife use. However, the development of new wildlife management systems and the implementation of CBNRM on communal land have not been as straightforward as the situation on freehold land. There are a number of factors that contribute to the complexity of the situation in communal areas. These include:

- the larger numbers of people that are involved in collective proprietorship institutions
- internal differentiation within 'communities'
- the need to create new wildlife management institutions
- the need for communities to gain knowledge and understanding of some technical aspects of wildlife management and the operation of the tourism industry
- the need for governments to shift towards provision of extension and advice to community wildlife managers
- the need for communities to gain access to capital and markets.

These and other factors have led to a number of problems in implementing CBNRM in communal areas.

## CHALLENGES FOR ECONOMIC INCENTIVE-BASED APPROACHES

It is difficult for economic instrumentalism to be as effective when large numbers of people or different institutions have to share the income generated from wildlife and tourism activities. In the case of Campfire in Zimbabwe, Bond (2001) found that in real terms the median benefit per household from wildlife was US\$4.49 in 1996. In most years the financial benefit per household from wildlife revenue is low and constitutes less than 10% of gross agricultural production:

*In terms of the proposed definitions of the financial viability of wildlife it appears that in most wards wildlife is not financially viable at the household level. Consequently, in most wards, the current financial incentives for institutional change for sustainable management of wildlife and wildlife habitat are low (Bond 2001:235).*

In only a few Campfire wards is the household dividend sufficient to make an impact.

A study of the ADMADE and LIRDP projects in Zambia (Gibson 1999) concluded that illegal off-take of wildlife in the late 1980s and early 1990s was continuing at pre-project intervention levels partly because the individual returns from hunting far outweighed a resident's share in the benefits that the projects could deliver. In Namibia and Botswana very few community wildlife management institutions have opted for direct household dividends. High-earning conservancies in Namibia and community trusts in Botswana have found it difficult to decide how to use their wildlife income and their earnings have sat in bank accounts accruing interest, paying for running costs and funding some small-scale community projects (Long et al. 2002; Jones 2002a). In early 2002, a relatively low-earning conservancy in Namibia, Salambala, distributed US\$200 to each of its 19 constituent villages. About 7 000 people live in the conservancy and membership is estimated at between 3 000 and 4 000.

However, there is evidence that economic instrumentalism can work where income from wildlife is relatively high and the number of beneficiaries is low or where beneficiaries are particularly poor. Bond (2001) cites two examples within Campfire: Kanyurira Ward in the Zambezi Valley and Mahenye Ward in the south-east lowveld. In these wards the average benefit per household from wildlife revenue exceeded the index of gross agricultural production in four of the five years between 1989 and





1993. Bond concluded that there had been significant institutional change within these wards towards the management of wildlife and wildlife habitat. In Mozambique, the Tchuma Tchato Project channels revenue from safari hunting to local communities in areas of the Zambezi Valley where there is little or no government budget for public works and people are extremely poor. Between 1996 and 2001 the project generated about US\$76 300 in community income. Although the evidence for a decline in poaching and an increase in wildlife is anecdotal, project staff (particularly game scouts), are convinced that more wildlife is being seen and that poaching has declined. Game scouts and project staff ascribe the decrease in poaching to increased co-operation from local residents who provide information on a regular basis. It would appear that a combination of regulation and control by the game scouts and the wildlife income, which is used for grinding mills, improvements to schools, village shops, and so on, has provided incentives for changing behaviour (Jones 2002a).

In certain cases there is also scope for communities to increase their income. Torra Conservancy in north-western Namibia (352 200 ha) has one up-market tourism lodge generating approximately US\$50 000 annually. Trophy hunting is worth nearly US\$18 000 annually and the sale of springbok raised an additional US\$13 000 in 2002. The size of the conservancy means that it could certainly develop two more lodges without causing environmental damage or spoiling the wilderness experience for tourists. This would more than double the existing income, making considerably more money available for the 120 households, once operating costs of around US\$18 000 have been covered. In late 2002 the conservancy distributed a dividend to members of N\$630 (US\$63), the first such distribution the conservancy has made. Such an amount appears small in US dollar terms. However, income of this nature needs to be seen in context. For example, the average income of subsistence farming households in Namibia is estimated at US\$700 a year, and for the poorest 20% of households around US\$200 a year (Ashley & Barnes 1996). There is evidence from the region that even relatively small amounts of income can be important to households when, for example, they are used for things that require cash at a specific time, such as school fees (Martin pers. comm.; Ashley 1998).

#### PROBLEMS IN DEVOLVING AUTHORITY

There have also been problems in promoting the devolution of authority over wildlife to local rural

communities. Several constraints can be identified. Firstly, even where governments have changed policy and legislation to assign rights to lower levels, this devolved authority has usually been limited and conditional. In Botswana, Namibia, Zambia and Zimbabwe, government sets quotas and issues permits for most uses of wildlife. In Botswana and Zambia, communities tend to be passive recipients of income from wildlife, without engaging in active management, partly because the state retains considerable management authority itself (Gujadur 2001; Gibson 1999). In Zambia, a government ban on safari hunting in 2001 removed the main opportunity for communities to gain income from wildlife.

Secondly, in Namibia and Botswana there have been attempts by government to withdraw or withhold some of the rights provided by policy or legislation. In Namibia CBNRM legislation had been designed to remove the need for conservancies to apply for permits and quotas for own use of the category of huntable game species. However, officials tried to reinterpret the legislation so that such permits and quotas would have to be obtained. In addition, the officials insisted that in order to gain use rights conservancies would have to develop and submit a management plan to government, when this was not provided for in legislation (Corbett & Jones 2000). In Botswana the government issued a decree that community trusts should no longer be allowed to retain the income from contracts with safari hunting and tourism companies and this income would be held in trust by district councils (Jones & Butterfield 2001). In both cases communities and NGOs working with them successfully resisted these attempts by government to withhold or withdraw rights. However, in Namibia proposed new wildlife legislation would remove the rights that have already been given to communities.

In Zimbabwe legislation provides for 'appropriate authority' over wildlife to be given to rural district councils, but the original intention of the Campfire policy planners was that councils should devolve this authority further to the ward level. Councils were encouraged by implementation guidelines to carry out this further devolution, but few have done so, or where this occurred, occurred, authority has been re-centralised by councils. In Namibia there is a need for further devolution from conservancy level to smaller units within the community to promote more direct involvement in decision making by conservancy members.

The problems surrounding devolution of authority over resources to local communities probably constitute the

largest challenge facing CBNRM in the southern African region. In many respects the contestation between communities and government for power over wildlife as a resource and the income it can generate is likely to be an ongoing political struggle within CBNRM. The ability of communities and other stakeholders in Namibia and Botswana to resist government attempts to withdraw or hold onto power is a positive sign. Other positive developments in terms of devolution include the increasing attention being given to the need to devolve within existing community wildlife-management entities. A model for such an approach exists within the Chobe Enclave in Botswana where decision making over the use of income has been devolved to village level trusts (Jones 2002b), which also develop their own community development plans. Another model exists in the Luangwa valley in Zambia where local village institutions are the basic building block for decision making (Child et al. 2001). In Zimbabwe, the most successful Campfire areas are those where the rural district council has devolved authority over wildlife to the ward level providing local control over income and management decision making.

Perhaps one of the main reasons for the problems facing devolution to lower levels is the bureaucratic impulse to hold on to power. According to Murphree:

*Administrative bureaucracies require special attention for programmes involving the devolution of proprietorship to local levels, since there is an in-built tendency at any level in bureaucratic hierarchies to seek increased authority from levels above and resist its devolution to levels below* (1991:141).

However, there are some other factors that need consideration. CBNRM in southern Africa has succeeded in changing policy and legislation so that communities can gain more rights over wildlife and more benefits. However, often the policy and legislation was based on existing statutes that were not necessarily ideal or adequate. A number of compromises had to be made because of the adaptation of existing policy and legislation, and in order to operationalise the new approaches (Jones & Murphree 2001).

In addition, although policy and legislation has changed, the institutions expected to implement new CBNRM approaches have not. There is a large gap between the philosophy behind the new policy and legislation and the institutional ethos of most organisations responsible for applying the new approaches. Many wildlife officials do

not trust local communities to manage wildlife sustainably and fear there will be no role for themselves if management authority is devolved. Institutional reform in southern African wildlife agencies needs to be supported so that CBNRM is 'mainstreamed' as an acceptable conservation tool by officials.

The Tanzanian National Parks Agency (TANAPA) provides an example of where such institutional reform was achieved (Bergin 2001). A community conservation approach was successfully mainstreamed using a number of strategies. Community conservation was sold to officials as being beneficial to their work and not diminishing their authority – performance of park staff is evaluated on the quality of relationships with neighbours, not just whether the water-pumps work and the numbers of elephants in the park. Community conservation is applied as a tool alongside law enforcement, not promoted as an alternative.

#### APPLYING COLLECTIVE PROPRIETORSHIP

The notion of 'collective proprietorship' has been difficult to apply in several contexts in the region. In some countries such as Zimbabwe and Botswana, policy and legislation pre-define communities through using existing administrative units to determine the boundaries of membership and jurisdiction. This is simpler and less time-consuming than allowing communities to define themselves (as in Namibia), but often brings together villages or groups who would not necessarily usually cooperate. In some cases in Namibia, community self-definition has led to the re-opening of some long-standing land, ethnic and tribal disputes between different groups. In the Sesfontein Conservancy case, the attempt to define the community for the emerging conservancy took six years and the break up of the proposed conservancy into three. But it is better that the local disputes were settled before the conservancy was registered by government and the disputes then proceeded to tear it apart. Further, concern has been raised in several quarters that the model of giving rights to communities represented by committees enables local elites to capture the decision-making processes and run activities in their own interests. There is a need to ensure that the majority of residents and resource users in fact enjoy collective proprietorship.

There is also some evidence that communities find it difficult to implement some of the institutional aspects implied by the notion of collective proprietorship. In Zambia, Gibson (1999) notes that the ADMADÉ and



LIRD projects did not identify and exclude from public benefit those residents who continued to hunt illegally, thus promoting free riding. In Namibia, some conservancy committees are wrestling with the question of whether all residents should benefit from wildlife income even if they are not conservancy members. Their dilemma also raises the issue of free riding where individuals can continue to benefit without needing to modify their resource-use activities. This is a crucial issue of common property resource management that communities will need to resolve internally. It is also a question that is raised where communities opt for using income for public works such as an additional classroom for schools, rather than a household dividend from which an individual or household can be more easily excluded. In the case of the school classroom for example, a person obeying the rules might be excluded from benefit because he or she has no schoolgoing children, but a regular poacher with children at school does in fact benefit.

The new institutions of collective proprietorship that are emerging under CBNRM face two crucial challenges. One is to find space for themselves in the existing array of overlapping and competing authorities that typically exist in most communal areas of the region. In Namibia, conservancies have to compete with traditional leaders who have authority over land allocations as well as vague legal duties to ensure sustainable use of renewable natural resources within their area of jurisdiction. The Ministry of Agriculture, Water and Rural Development and the Ministry of lands, Resettlement and Rehabilitation, also affect land use and allocation. Community forest committees and community water-point committees are being given authority over natural resources in different sectoral legislation to the wildlife laws. A similar situation exists in Zimbabwe where Bond (2001) notes that the enabling legislation for use and control of most natural resources is fragmented and resource-specific. Such a situation also gives rise to overlapping authorities and competing institutions. Where such situations exist, new resource management institutions find it difficult to make decisions that they can enforce without being undermined by some competing institution.

A second crucial challenge for the new institutions is to gain internal legitimacy. This is problematic where community wildlife management units are pre-determined by existing state administrative units as noted above. Internal legitimacy will be greater if social

units are relatively cohesive and collaboration is voluntary. However, internal legitimacy will also be promoted if the new institutions can deliver benefits that are important to members (whether these are financial, or intangible). Long-enduring common property resource management institutions have evolved over time (Ostrom 1990) and few of the new CBNRM institutions in southern Africa have been in existence for more than a few years. It will take time for these institutions to be tested, reviewed and adapted by their members before internal legitimacy is achieved.

CBNRM approaches in southern Africa typically bestow resource rights on local communities, but not *land* rights. This is a critical weakness of these approaches that has yet to be dealt with adequately. Throughout the region communal land is typically owned by the state and local communities enjoy user rights over the resources on the land that are strongly conditional and are not tenurially secure (Murphree 1995). A crucial requirement for sustainable resource management and the self-determination of rural people is for communities to be able to gain strong collective proprietorship over the land as well as over individual resources. In Namibia, for example, conservancies that develop land-use plans that set areas aside for wildlife and tourism can do little if a person from a neighbouring area moves a large herd of cattle on to that land. A conservancy can do little if the government decides to use communal land for a development project – the land belongs to the state. New land legislation passed in 2002 has slightly improved the ability of conservancies to control developments that conflict with their management and land-use plans, but the tenurial insecurity remains. Throughout the region, attempts to promote private group land tenure have met with considerable resistance from politicians. In South Africa a new minister threw out such proposals in draft legislation in 2000 and a satisfactory approach is still being lobbied for. Attempts to implement the legal provisions for local common property associations in South Africa have proved problematic. In Zimbabwe, proposals made by a land reform commission (Rukuni 1994) for the introduction of group tenure based on village units was ignored by government. Mozambique appears to have gone the furthest in the region with enabling local communities to gain secure tenure over their land, but the government is doing little to promote implementation of its own legal provisions and is still doing major deals with the private sector regarding the use of large tracts of communal land.

The South African land restitution policy is one of the few examples of communities being able to gain some form of secure tenure over their land. In this case, communities that have land restored, which was forcibly appropriated under apartheid are able to gain title over the land. Several communities in South Africa have taken advantage of the legislation. The Makuleke community bordering the Kruger National Park successfully launched a claim to regain land from which they were removed when the park was formed. Under the settlement they will not re-occupy the land, but title has been restored to them. They will gain the income from all wildlife use and tourism on the restored land. A similar settlement has been made with the Khomani San in the former Kalahari Gemsbok Park (now part of the Kgalagadi Transfrontier Park). They have been given 25 000 ha within the park, which will be run on a contractual basis by the park authorities.

Most approaches to improving relationships between state-owned PAs and their neighbours do not involve a change in tenure and authority over decision making. Although not the choice of the South African parks authorities, this tenure change is what has happened and it creates an important model for dealing with similar circumstances elsewhere in the region. Local residents have been removed from PAs in all countries in the region and there should be moral obligation on governments to provide adequate compensation. In most cases this has not been done and the restoration of land on the South African model would be an appropriate way of dealing not only with the moral issue, but also with practical and political issues of trying to gain legitimacy for state-owned PAs.

#### ISSUES OF SCALE

It has been difficult in many cases to achieve appropriate matches between ecological scale and social scale in many CBNRM contexts. In Caprivi in Namibia there are a number of conservancies geographically small (up to 19 000ha) with relatively large numbers of residents (up to 6 000). Because of their small size and large numbers of people they do not qualify for elephant-hunting quotas to be allocated to each conservancy. They will have to develop collaborative arrangements in order to benefit from most forms of wildlife utilisation, and essentially 'scale up' their management activities. In both north-east and north-west Namibia conservancies have begun to combine into regional forums for better regional communication and advocacy. These forums could also

emerge as aggregated management institutions for wildlife at a regional level. The break up of the Sesfontein Conservancy in north-west Namibia into three separate conservancies represents an attempt by residents to establish units that were functional in terms of geographical size as well as sufficiently cohesive social units. In Chobe in Botswana, the division of the Chobe Enclave Conservation Trust into a number of smaller village trusts is also an attempt to deal with issues of scale.

#### COMMUNITY EMPOWERMENT

Community empowerment is a key element of southern African CBNRM programmes and progress in this regard has been mixed. As mentioned above, governments have not fully empowered communities to manage wildlife resources, retaining significant powers for themselves. Further, the reliance on donor funding and NGO support for CBNRM implementation often has unintended consequences in terms of restricting the extent of community empowerment. Community wildlife management committees such as conservancies, trusts, ward committees, and so on, tend to become accountable upwards to the organisations that provide funding and technical support rather than downwards to the organisation's members (Child et al. 2001). Empowerment in terms of greater technical knowledge and understanding of wildlife management and the tourism industry, enhanced skills in organisational management, and exposure to new ideas and arenas, tends to be concentrated in the hands of the committee members.

Increasingly attempts are being made by CBNRM practitioners to assist communities to develop their own vision of the future and to channel service provision through the community's own development plans. In Namibia, in one conservancy in the north-west a coalition has been formed between a number of government agencies, NGOs and donor-funded projects known as the Forum for Integrated Resource Management. This grouping is trying to provide ongoing support to the conservancy and a local farmers' union based on the aims and objectives of the conservancy rather than the sectoral agendas or mandates of the member organisations.

#### LESSONS LEARNT

The data and analysis in the paper above point to a number of key lessons learned from the philosophy and practice of CBNRM in southern Africa.





A mix of economic incentives and strong proprietorship has had positive impacts on freehold land. On communal land, governments have not fully applied the same principles, particularly with regard to devolving strong proprietorship. Rights over wildlife given to communities remain limited and conditional. Despite these limitations, there has been a strong response from communities across the region wanting to gain benefits from wildlife and tourism. Incomes to communities have increased and there have been conservation benefits.

There are now 15 community conservancies in Namibia managing 4 million ha of land with more than 200 000 wild animals including endangered black rhino, endemic species such as Hartmann's mountain zebra, and large parts of Namibia's elephant population. Important habitats managed by these communal area conservancies include the western escarpment of the central plateau, which is a major centre of endemism, seasonal and permanent wetlands, northern broad-leafed woodlands, and west-flowing rivers which form linear oases in the Namib desert. Several communal area conservancies have set aside some of their land as core wildlife and tourism areas within broader land-use plans, and wildlife has been re-introduced to at least three conservancies.

In Zimbabwe more than 100 000 communal area households benefit from wildlife income and hunting and tourism on freehold and communal land is worth US\$1 billion. Some communal area communities in Zimbabwe have zoned their land to include wildlife areas and other areas for crops and livestock.

In Botswana more than 120 villages are involved in community management of wildlife and other natural resources, and income to local communities (mostly through institutions called 'community trusts') is worth around US\$1 250 000. The number of CBOs involved in CBNRM has grown from five in 1993 to 130 in 2001. Large areas of land outside PAs are maintained under wildlife as an important land use, particularly around the Moremi Game Reserve and the Chobe National Park, but also in the more arid areas of the western Kalahari desert. Elephants are no longer viewed by local communities as just a problem animal, but as a valuable commodity with a minimum community income of US\$12 000.

However, there are a number of constraints to further conservation progress:

- Governments are trying to hold onto power over wildlife or take back what power they have devolved.

This is due to a natural bureaucratic impulse to resist devolution. It is also because a gap has developed between the philosophy embedded in policy and legislation and the philosophy of the organisations expected to implement community-based approaches.

- Security of tenure over land is an important foundation for sustainable management of land and resources by local communities. Without such security of tenure many attempts to manage individual resources sustainably are undermined.
- Land restitution initiatives in South Africa linked to PAs provide useful models for situations in other countries where people have been removed from their land for the establishment of game reserves.
- Economic incentives are difficult to apply where income has to be divided between large numbers of people and/or different institutions. However, economic incentives can have an impact where income is relatively high, where there are small numbers of people, and where income accrues directly to local residents.
- Economic incentives above are not sufficient, particularly where income to households is relatively small. It is crucial to ensure that strong proprietorship is devolved to local jurisdictions. Local managers need to be able to determine the level and methods of use without requiring quotas and permits from government.
- CBNRM is at its most effective where economic benefits are perceived by residents to be high/useful and devolution reaches the lowest appropriate levels.
- CBNRM programmes in the region have tended to focus on empowering committees that represent relatively large numbers of people. This creates the danger of a centralisation of decision making removed from the lowest appropriate levels.
- A number of examples are emerging where scaling up is beginning to take place with the lowest levels such as village bodies forming the foundations of accountable natural resource management governance systems.

## THE WAY FORWARD

Despite problems and constraints, there is sufficient evidence from experience on freehold and communal land in southern Africa to suggest that conservation of wildlife and other natural resources need not be confined to formally proclaimed state-run areas. The lessons from the philosophy and practice of CBNRM point to the need

for a number of strategies that can improve the performance of community-based approaches:

- Current policy and legislation should be revised on the basis of the evidence linking sustainable management with strong proprietorship and strong economic incentives. This implies the strengthening of the rights of local communities over their land and natural resources. Governments should give up their hold over crucial areas of decision making and maintain an overall regulatory/supervisory function rather than a control function. Devolution should be based on the lowest appropriate level of jurisdiction. From there, scaling up should take place, where necessary, through the delegation of authority upwards. This principle should be applied within 'communities' as well as between communities and other levels. The emphasis should be on accountability downwards.
- In order to increase the impact of economic benefits, income should reach household level. Support agencies need to give more attention to methods of income distribution that promote direct household benefit (for example, the household distributions pioneered by Campfire where recipients then return any cash earmarked for community projects). Decision making about use of income should be taken at village level rather than at the supra-committee level, ensuring greater participation by residents. Communities should be supported in maximising their income generation opportunities within acceptable environmental and social limits and taking into account tourist carrying capacities.
- Institutional reform of wildlife agencies needs to be promoted and supported so that CBNRM can be 'mainstreamed' and accepted by officials. The gap between the philosophy embodied in policy and the philosophy of the implementing institutions needs to be closed.
- CBNRM practitioners should continue to lobby for secure group tenure over communal land. Group land rights that include rights of exclusion should be promoted as a fundamental prerequisite for sustainable management and the establishment of CCAs. Models such as those used in South Africa for the restitution of land rights for communities that lost their land under apartheid should be developed for PAs. This would restore proprietorship over the land to communities which were evicted from their

land for the establishment of PAs. CBNRM as a 'movement' needs to engage more directly in the debates and processes concerning land reform in southern Africa.

- PA managers should explore the opportunities provided by CBNRM activities on park borders. There is the opportunity to develop synergies and partnerships with communities that are using wildlife and setting aside land for wildlife and tourism. Few countries in the region have exploited such opportunities. PAs and neighbouring communities that have adopted wildlife and tourism as land uses still work in isolation and often conflict. The opportunities for developing synergies and partnerships will be strengthened where communities have strong tenure over land and resources and can enter into negotiations with PA authorities as equals.

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<sup>1</sup>Devolution in this context is viewed as the surrender by the state of elements of authority and responsibility to units with non-state constituencies. Decentralisation is viewed as a structural dispersal of state control to sub-units of the state apparatus in a bureaucratic hierarchy (following Jones & Murphree 2001).

<sup>2</sup>South Africa has also transferred ownership of wildlife to landholders and grants exemptions to farms with suitable fencing so that hunting, capture and the sale of game can take place year round. The wildlife industry in South Africa is estimated to have grown at a mean rate of 5.6% a year from 1993 to 2000 when there were 5 061 exempted wildlife ranches, covering about 10 364 000 ha (Bothma 2002).

<sup>3</sup>The impacts of land reform and the invasion of white-owned farms on conservancies such as Save are discussed in another paper in this volume.

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# CONDITIONS FOR EFFECTIVE, STABLE AND EQUITABLE CONSERVATION AT THE NATIONAL LEVEL IN SOUTHERN AFRICA

ROWAN MARTIN

## INTRODUCTION

The topic of local communities and natural resource conservation in southern Africa has now accumulated over 500 research publications. If I had to summarise in a few sentences the net import of all the socio-economic research findings on communities and conservation in southern Africa since 1980, they amount very simply to the following:

- devolution of authority to communities or landholders for conservation and sustainable use of wild resources is a ‘cardinal input’ (Murphree & Mazambani 2002)
- the promotion of economic value for wild resources provides a positive incentive to conserve and develop wildlife management as a land use (Metcalf 1998) – provided it is coupled with the first postulate.

For many of us in the conservation and sustainable-use field, there was little to add to these two tenets until Murphree (2000) pushed the envelope further with the concept that it is not enough to create a scattering of strong local jurisdictions. In order for these devolved units to meet the challenges of larger ecological and functional scales, it is necessary to create a hierarchy of ‘cascaded institutions’ (Martin 1999) to match jurisdictional imperatives:

- scaling down, to be sustainable, requires scaling up (Murphree 2000).

This summary may seem somewhat abrupt and dismissive of much research effort. However, to an implementer as opposed to an academic researcher, these are the key principles to be applied to land outside state-protected conservation areas. Moreover, although the research has been focused mainly on local communities in communal lands, the findings apply equally to private land and ‘transitional land’ (which I shall define shortly). Perhaps, too, they are relevant to state PAs (for which I will use the term national parks hereinafter because it is less cumbersome – although, strictly speaking, in all southern Africa countries there are categories of state PAs which are not national parks).

An examination of the given title of this paper suggests that the focus should be on national parks, although it does not preclude consideration of land outside them. The phrase ‘at the national level’ could be interpreted as an invitation to scrutinise government natural-resource policies in general. However, with this paper’s intent being to contribute to the coming WPC in 2003, I intend to place the major emphasis on national parks and give only a summary treatment of the remaining land. And since the majority of national parks in southern Africa were established to protect wildlife and its habitats, I will stop using ponderous phrases to refer to natural resources in general and use the word ‘wildlife’, being at all times conscious that there are a range of other wild resources.



I do not subscribe readily to the idea that a national park is the pinnacle of conservation—given the many examples of failing state PAs in southern Africa and the many successful conservation examples outside PAs where wildlife management is the chosen form of land use. Effective conservation of wildlife takes place on unsettled land, whether inside or outside national parks, and must mean the continuous maintenance of viable animal populations and their habitats. All that may differ is the size of area, with national parks generally being larger than most private or communal land ventures.

There is a lower limit in size below which conservation of most large mammal species is not practical (Martin 2002). Parker and Graham (1989a, 1989b) found that elephants disappeared from areas where human densities exceeded 15 per km<sup>2</sup>. The implications of this finding are that there is little point in expending effort to develop wildlife as a land use in areas where human densities exceed about 20 persons per km<sup>2</sup>—the empirical evidence suggests that, even without illegal hunting, conditions are not conducive to wildlife survival.

I have argued with Parker (pers. comm.) that the distribution of human settlement is more important than the absolute densities—in theory, if all the people in a given area lived in one small corner of the ‘football pitch’, the remainder of the area would still be available for [the] game. This is, however, contrary to the established patterns of settlement in communal lands. The point is not frivolous. If the highest valued land use for a given area lies in wildlife management, then this is denied to people when their densities become too high and they are forced to adopt lower-valued land use systems, which will further exacerbate their poverty.

Murphree and Mazambani (2002) discuss meanings of the word ‘equity’ and suggest the most current usage of the term implies the elimination of gross disparities arising from situations or structures which concentrate and maintain power in the hands of a narrow band of elites:

*Equity is thus a relative, dynamic and subjective concept arising from both material conditions and normative perceptions. “Equity” in effect becomes a synonym for “legitimacy” – the legitimacy of structures and processes of entitlements, controls and obligations that hold a broad social consensus of normative support.*

One might add that this epitomises working democracy. The derived adjective ‘equitable’ should imply the situation where equity has been achieved.

To finalise the dissection of the title of this paper the word ‘conservation’ should come under the microscope. I believe that the noble objective of maintaining viable ecosystems and species populations has been severely disadvantaged by treating conservation as a special case in the arena of human activities under which the normal financial and socio-economic systems, which regulate all other aspects of human commerce, are suspended. Southern Africa is fortunate in that it is able to obtain high returns from wildlife management on land that is incapable of producing sustained incomes under conventional agricultural systems. Indeed, on some lands where wildlife management and agriculture are both potentially viable, wildlife shows superior qualities because of its marketing advantages. Cattle will never be sold for more than the commodity value of beef, milk and hides: wildlife’s ceiling value seems to be determined only by marketing skills. Given this, there is very little justification for mounting crusades to save species or wild areas—or subsidise inefficient state systems that are incapable of producing the income necessary to maintain national parks.

There is an additional economic dimension to investment in wildlife as a land use. The annual returns from wildlife tourism enterprises (including sport hunting) are, in the case of private land, secondary to the capital value, which arises from the investment (Ivan Bond, pers. comm.). As long as there is a demand for large tracts of Africa in pristine condition, land under wildlife will have a high value regardless of the immediate income it is capable of producing. Those that acquire wealth in other sectors of national economies will wish to spend it on recreation and lifestyles based on the African ‘wilderness’. This is not true for tracts of land that cannot be bought and sold—such as communal land and national parks—to their own disservice.

This is becoming a lengthy introduction and the perceptive reader might suspect that the author is searching for a suitable framework within which to develop the theme. I do have a plan. My extended immersion in the world of consultancy indicates that this topic may be best approached in the form of a strategy. The elements of any strategy are:

- Where are we now?
- Where do we want to be?
- How will we get there?
- How will we know when we have got there?

As an additional dimension I will also base the discourse on land-tenure categories. In the table on the next page I make two broad divisions—state PAs and other land.





‘Other land’ has been further subdivided into private land, communal land and ‘transitional land’ – a term coined for the Zimbabwe situation which includes the entire mixty-maxy set of existing resettlement schemes, conservancies and large commercial farms in the process of takeover. The status of title to this land is confused.

The two shaded areas in the table – the status quo and a vision for national parks – form the main part of this paper. The tenure rights and the institutional systems needed for effective conservation on ‘other land’ have been more than adequately dealt with by other authors in this publication and I shall give them no more than a cursory treatment.

Inevitably, being a Zimbabwean and being closely involved with the situation in Zimbabwe, a bias will show through in my material. However, my aim is to present generic principles.

## THE STATUS QUO

### STATE PROTECTED AREAS

The minimum requirement for effective protection of wildlife in African national parks has been estimated by a number of authors. Parker (1979) compiled a list of most of the parks in sub-Saharan Africa and subjectively ranked them in categories of success and failure. He found that there was a strong correlation between those parks with an annual recurrent expenditure greater than US\$200/km<sup>2</sup> and their successful wildlife management. Cumming, Martin and Taylor (1981) examined budgets available to state conservation agencies; Bell et al. (1992) and numerous other papers examined requirements for law enforcement in parks; Dublin et al. (1995) examined the effects of operating budgets on the performance of African elephant range states; and Jachmann (1998) produced a definitive work on law-enforcement requirements in African savanna rangelands. Martin has developed formulae that give a crude estimate of the

number of field staff, the required operating costs and the necessary capital expenditure for a park of any given size.

These budgets set a critical threshold. Where the state provides an annual operating budget equal to or greater than the requirements, there is a high probability that the national park will be adequately managed and conserved. Where budgets are lower than the amounts needed, it is unlikely that a wildlife agency will be able to protect resources against any determined onslaught by illegal hunters. The losses of black rhino in Zambia and Zimbabwe in the 1970s and 1980s were the direct result of under-funding of and under-staffing in the parks where the species occurred.

With the possible exception of Botswana and South Africa, the staff complements and recurrent expenditure for parks in all southern African countries fall considerably short of these levels. In some countries, the numbers of staff are close to the required threshold (for example, Malawi and Zambia), but the budgets are too low for the staff to operate effectively. In others, such as Mozambique and Angola, both the staff numbers and budgets are a fraction of the requirement.

The result is that illegal hunting is rife in the majority of parks (excepting Botswana and South Africa) and management (such as the maintenance of artificial water supplies, roads and firebreaks, wildlife capture and translocation, and population regulation) is totally missing. De la Harpe (1998) has argued that the soundest strategy for a state wildlife agency is to seek financial self-sufficiency for each PA under its control and to divest itself of areas that are economically unsustainable. The 1950s notion that the running costs for national parks should be met from taxpayers’ revenues is untenable in African economies in the 21<sup>st</sup> century.

FRAMEWORK FOR ANALYSIS OF NATIONAL LEVEL CONSERVATION PERFORMANCE				
	STATE PROTECTED AREAS	OTHER LAND		
		PRIVATE	COMMUNAL	TRANSITIONAL
<b>The status quo</b>	Centralist models which are failing	Differ only in degree of devolved authority – none have the ideal situation		
<b>The vision</b>	Increased role of stakeholders in park management	All need full devolution of rights over wild resources; alignment of authority, responsibility and incentives institutions for addressing issues of ecological scale		
<b>Inducing change</b>	Ultimately, must come from demands of strong political constituencies			
<b>Monitoring</b>	All require self-diagnosing adaptive management systems			





The functional failure in the parks has, in turn, led to more sinister activities. In three southern African countries in which I have worked in the past two years the parks are subject to massive commercial meat-hunting rackets and/or hardwood timber exploitation by the staff themselves, both for their individual gain and for the profit of senior civil servants. It is doubtful in these cases whether the restoration of adequate operating budgets would rectify the situation since it is the vocational commitment of local and senior leadership that is missing.

There are moves afoot in a number of countries (Malawi, Mozambique, South Africa and Zambia) to engage neighbouring communities in the management of the parks in a more meaningful role. The Makuleke example in Kruger National Park is among the more advanced of these and may prove to be significant. Elsewhere, these initiatives are not characterised by any sincere intention on the part of state bureaucracies to admit local communities through the portals to the hallowed realm of decision making – rather, the entire exercise is seen as granting local communities limited resource-extraction rights from the parks which, as Barrett and Arcese (1995) have pointed out, is likely to lead to positive feedback spirals where demands and expectations rise exponentially.

## OTHER LAND

In no southern African country can it be claimed that the first necessary condition for successful conservation outside national parks, that of devolution of authority for natural resources to landholders, has been fully met. Martin (2002) summarised the situation in southern African countries and concluded that the process was in its infancy. Corbett and Jones (2000) refer to the process in Namibia as ‘aborted devolution’<sup>1</sup> and note that, despite Namibia’s much touted conservancy policies, the state still continues to set quotas for consumptive use and to allocate concessions within conservancies – actions which weaken any nascent institution attempting to take on responsibility for its resources.

There is only one example in southern Africa (that I am aware of) of the full devolution of authority over wildlife to entities outside the state and that is the granting of ‘appropriate authority’ to private landholders in Zimbabwe under the provisions of the Parks and Wildlife Act of 1975. In 1996 the Ministry of the Environment and Tourism sought to temper this right through subsidiary legislation,<sup>2</sup> by demanding that

wildlife farmers register with the ministry, submit annual wildlife management plans to the Wildlife Department and have quotas approved by the Director of Wildlife. However, the regulation was disregarded by landholders and became yet one more example of ‘the authoritative reach of the State exceeding its implementational grasp’ (Murphree 2000). Of surpassing importance now is the present status of private land under wildlife and the erstwhile landholders.

The Zimbabwean government is currently attempting to develop new wildlife policies to accommodate large tracts of private land under wildlife into its ‘fast-track’ land reform process. Whilst appearing to recognise that wildlife is a suitable land use for certain areas (see the final discussion on technicist/centrist policies), the state’s current preoccupation is with trying to define the minimum sizes of land units which will be viable for wildlife with the aim of subdividing the conservancies into smaller land parcels – an action which will reduce their overall ecological viability. Although the fate of these conservancies may appear to be a peculiarly Zimbabwean problem, there may be lessons to be learned of value to the entire region.

## A VISION

*Devolution is an approach which faces strong and entrenched opposition. The State, its private sector allies and its bureaucracies have their own appropriative interests in local resources and the state is loath to legitimate local jurisdictions in ways that diminish their ability to claim the benefits of these resources. ... This tendency, more than any other factor, is responsible for the failure of programmes ostensibly designed to create local natural resource management jurisdictions (Murphree & Mazambani 2002:53).*

I submit this pronouncement applies as much to state PAs as to other land. In the time I worked for the Zimbabwe government both before and after independence, I was strongly aware of an extractive process under which a flow of monies derived from resources located in marginal areas far from the capital city moved to central government coffers. These revenues were not reinvested in the areas from which they originated – rather they were deployed elsewhere in the economy with a net effect of strengthening the centre and weakening the periphery. When a potentially valuable resource was discovered in communal lands, instead of allowing this to become the business and entitlement of local communities or district councils, government



would immediately alienate the land on which the resource occurred and shift its management to a central authority.

There is a continuous demand on government for the allocation of revenues from the fiscus to alleviate poverty and meet human needs in all remote areas of the country. The stronger local economies become, the less of a financial burden these areas are to the state. Amongst the devolutionary options open to governments are those of treating national parks as regional, district or local assets – and there are strong arguments to indicate that, far from prejudicing the parks’ primary ecological functions, it might even enhance them.

### STATE PROTECTED AREAS

The March 2002 issue of the *Common Property Digest* (No 60)<sup>3</sup> was dedicated to the subject of PAs and the contribution which social science scholarship might make to influencing national PA policies. Murphree (2002) has written the lead article and it is followed by responses from a number of authors. Murphree’s article opens the door for questioning a number of axioms characterising state PAs and I have attempted to extract the key concepts as follows:

- PAs have generally been uncritically linked with state ownership and management.
- The IUCN definition of a PA, however, makes no mention of state ownership.
- The IUCN World Commission on Protected Areas tends primarily to assign intrinsic and aesthetic conservation values to PAs.
- Other IUCN commissions observe that PAs address only a fraction of global biodiversity concerns and point out the sense of alienation experienced by local peoples whose land and resources have been expropriated to create national parks.
- These commissions advocate inclusive policies where local people, acting collectively, are provided with incentives to take responsibility for and benefit from the economic development which PAs can provide;
- Similar policy shifts are occurring in a number of international conservation and development agencies and the old notion of ‘fortress conservation’ is being displaced by new ideas of development through community conservation and sustainable use.
- Performance of projects based on these new approaches has generally been well below expectations. Amongst the proximate reasons for failure are the following:

- Cohesive communities have been hard to identify.
- Incentives for cohesion are absent or do not cover the transaction costs involved in developing or maintaining cohesion.
- The process requires time frames well beyond the impatient log frames of conventional donor project development.
- Conservationists have tended to ‘colonise’ and capture projects and local actors have diverted projects away from their central objectives.
- The ultimate and most fundamental reason for failure has been that the critical ingredient for project success, that of devolution of authority and responsibility, has been missing.
- Governments (and NGO implementing agencies) have continued to:
  - retain ultimate power to shape objectives and control benefits
  - see community involvement as the same thing as ‘compliance’
  - see participation as the same thing as ‘co-opting’ communities
  - be reluctant, as politicians and bureaucrats, to surrender the power and control of access to resources which is essential for robust devolution.

Hence most of the projects involving communities in natural resource management have simply become an exercise in ‘aborted devolution’. The result of this is a backlash where disillusionment has set in at local, national and international levels. Two reactions are emerging from the failures:

- One group wants to return to fortress-type PAs, for example, Conservation International’s ‘Back to the barriers’ policy.
- The other group, informed largely by social scientists, wants to see the critical ingredients for success included in the recipe.

Murphree argues that PAs are no more than another form of ‘commons’ – areas set aside for a constituency which require protection through controls on their access and use. Seen as an area of ‘commons’, a number of false perceptions need to disappear – PAs do not have to be managed by the state, they are not about use versus non-use, and they are not about exclusion rather than regulated access.



## OTHER LAND

Murphree (2000) stresses the need for alignment of authority, responsibility and incentives as follows:

- Authority without responsibility is meaningless or obstructive.
- Responsibility without authority cannot be effective.
- Without responsibility or authority, there are no incentives to invest, manage or control.

In their recent study, Murphree and Mazambani found that:

*the attitude of local peoples to [government] policy and implementation... is ambivalent – a mixture of recognition that authority is necessary, a resignation to State intrusions, and doubts as to its motivations and efficacy (2002:45).*

It is precisely the lack of alignment described above which explains this attitude.

Murphree (2000) observes that most planners and bureaucrats see devolution of power as a step-by-step process under which communities are granted powers incrementally as they demonstrate the ability to manage. This is a 'Catch 22' situation. Authority is a pre-requisite for responsible management and should not be held out as a reward for it. Devolution carries with it the responsibility for organisation, management, control, self-sufficiency and, above all, for developing resourcefulness. These attributes cannot be imposed but must be developed experimentally in the local setting. Without authority, such experiments are defective. The stimulus arises not from the anticipation of future entitlement, but from the imperative of immediate empowerment.

## INDUCING CHANGE

It is a sorry testament to the discredit of government conservation bureaucracies throughout Africa that there does not appear to be a single example where a full partnership arrangement for the running of a national park has been achieved. Whilst state conservation agencies will accept donations towards their needs, they have always insisted that such assistance be unconditional.

Murphree (2000) examines situations where breakthroughs in the creation of local jurisdictions (with varying degrees of autonomy) have occurred and the inducements in his typology are listed below:

- Change may come about through the efforts of enlightened bureaucrats who see that the achievement

of larger goals requires the reform.

- The transformation may occur through the political process where a strong political constituency makes demands which a government cannot afford to ignore.
- Situations where the vested interests of stakeholders coincide with those of local governance structures may also induce change.
- Situations where governments approved policies whose implications they did not understand at the time.

There is an innate drive in Zimbabwe and some other southern African countries to reassert patronage systems under which governments are highly visible in distributing benefits to local communities – even if the largesse concerned has been produced and earned by the communities in the first place. In Namibia, despite enlightened policies and supportive legislation, implementational practice frequently disempowers local communities (Corbett & Jones 2000:23). In the mid-1990s, Botswana led southern African countries in devolutionary measures by granting sweeping rights to many communities in remote areas and removing intermediate layers of bureaucracy. Much of this reform would fall in the first category of Murphree's typology – being the actions of enlightened bureaucrats. Unfortunately, these innovations were not underpinned by legislation and were very much at the whim of the senior officials of the day.

Ultimately, the vision for new models in national parks and strong local jurisdictions outside them will come about only through demands from strong political constituencies – and this requires the proper functioning of democratic systems. The quote below from Murphree and Mazambani is an appropriate note on which to end this section:

*Expectations for the present must be tempered by the recognition that common property resources are currently hostage to larger politico-economic realities... This is not to suggest that the grail of good common property policy and practice is not worth pursuing (2002:40).*

## MONITORING

At a first glance the topic of monitoring would appear not to fit within the scope of the title of this paper. It is, in fact, a 'condition' for effective conservation. And, having embarked upon a 'strategy' approach to the subject matter, it is necessary to touch on the subject. Lastly, the



recommended methodology of adaptive management has a direct philosophical link to a 'command and control' attitude prevalent in southern African governments and bureaucracies.

In all problems of managing the environment we are faced with a complex of uncertainties – and these uncertainties increase as we progress to higher-order systems. In managing a single species it may be possible to limit the number of important variables for analysis to a few but, as we progress towards management at the ecosystem level, the number of unknowns multiplies exponentially. The problem will not be solved by collecting massive amounts of data on all the components of the ecosystem, since it is the interrelated functioning of all the parts that defies synthesis. Adaptive management (Holling 1978) recognises the inevitability of management interventions in higher-order systems characterised by inherent uncertainties and, accordingly, requires each act of management to be structured as an experiment.

Adaptive management is characterised by feedback loops at all stages and a willingness to adjust goals, hypotheses, objectives and management actions. Bell (1986) makes the important point that adaptive management need not be confined to ecological issues. It can be applied in the broadest sense to any complex system and can be designed to take into account political, economic and social effects. Lee (1993:9) treats all policies as experiments to be evaluated using adaptive management – an uncomfortable notion for the arch-bureaucrat or 'blueprint' advocate.

Hulme and Edwards (1997:18) are critical of such rigid plans where inflexibility is built into the design of projects from the outset. Chambers (1996) notes:

*.... Demands for accountability upward are believed to require systematic planning. Rightly or wrongly, those who receive funds are not trusted to plan well. So donors demand the use of logical framework analysis and its subspecies GOPP (GTZ 1988), and ZOPP (objective-oriented planning) and the like.*

Miller et al. (1997)<sup>4</sup> include adaptive management as a component of decentralisation<sup>5</sup> and thoroughly confuse the two issues. Their blueprint for devolution is a cautious one, basically advising governments not to let go the reins until a large number of assurances are in place. The list of constraints is sufficiently long to preclude devolution and fails to recognise experience from the

field, which indicates unequivocally that devolution is a *prior* requirement for overcoming the obstacles they enumerate. Adaptive management is not seen as an activity which can be left to those to whom responsibility has been devolved but one which requires:

*... time-consuming consultative processes and careful coordination of activities among governments and institutions both at the central and local levels.*

Elsewhere in the document, it is clear that the authors are more comfortable with an emphasis on 'best available science', which is seen as something separate from adaptive management and suggests reliance on massive biological inventories and increased research to reduce uncertainties.

Holling and Meffe (1996) describe the syndrome of many environmental management agencies which, having made a small successful advance as a result of applying the first step in adaptive management, then throw away the recipe book, discontinue monitoring and continue to apply the same management measure without assessing its further impacts. There is an inherent human propensity to slide into 'command and control' mode.

## DISCUSSION

I have drawn heavily on Murphree and Mzamabani (2002) throughout this paper and, indeed, their analysis of current common property policy issues in Zimbabwe is so perceptive that it might have been preferable to consider their study in full rather than a hotchpotch laden with disjointed quotations. There is perhaps one area in which, as analysts, they are culpable of omission. They provide a fairly damning description of a policy of 'State custodianship and communal/resettlement land wardship'<sup>6</sup> and a 'technicist, centrist and proscriptive' approach to policy and give historical origins as the proximate reasons for the situation. But they fail to make the final extrapolation that the ultimate factor motivating the drive to centralise and bureaucratise is the enhancement of individual wealth and power within a ruling élite. Corruption is an area on which the authors are silent.

I believe that this syndrome is not general and, much of the time where it does occur, it is not always the product of a primary conscious motive: it is innate and deeply embedded in the subconscious. In my period in post-independence government, time and again I observed situations where bureaucrats sought to position themselves as the 'gate-keepers' for any activity that might





involve the issue of a permit, licence or concession. To achieve this it was often necessary to go against existing provisions of the law or to withdraw rights and powers which had been legally granted to members of the public. But it was done. Had the individuals concerned been confronted with the accusation that they were corrupt, they would have exhibited righteous horror. They would have advanced reasons such as the protection of the integrity of national assets. But a year later, they would own a Mercedes Benz. And as they rose in power and joined the ruling elite, their influence became magnified.

The antidote lies in the proper practice of democracy – which is a plant suffering the effects of a shallow root system in some parts of southern Africa savannas at the moment.

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<sup>1</sup> A phrase which may have originated from Murphree (2000).

<sup>2</sup> This was Statutory Instrument No 26 of 1996, created under a subsection of the primary legislation which enables the Minister to make regulations for a range of wildlife activities. In law, it is not possible (or correct) to attempt to use a regulation to alter the legal intent of primary legislation and, had the statutory instrument been tested in court, it would have been disallowed.

<sup>3</sup> The Common Property Resource Digest is a quarterly publication of the International Association for the Study of Common Property.

<sup>4</sup> This paper was presented for comment by the participants at the 3rd meeting of the Subsidiary Body on Scientific, Technical & Technological Advice (SBSTTA) of the CBD in Montreal from 1–5 September 1997. It has since been generally released without modifications, despite numerous comments.

<sup>5</sup> Miller et al. (1997) also confuse ‘decentralisation’ with the intended word ‘devolution’. Murphree and Mazambani (2002:53) make the clear distinction between the two.

<sup>6</sup> The metaphor of ‘custodian and ward’ is an apt characterisation of the relationship between government and its rural constituencies. The Oxford dictionary describes a ward as a ‘minor under the care of a guardian or the court’ and wardship as a state of ‘tutelage’.

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# THE IMPACT OF REGIONAL AND INTERNATIONAL INSTRUMENTS, POLICIES AND PROCESSES AND DONORS ON EFFECTIVE, SUSTAINABLE AND EQUITABLE CONSERVATION IN SOUTHERN AFRICA

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CECIL MACHENA

## INTRODUCTION

There are over 180 MEAs in force today. As such there is a large variety of environmental issues addressed, making it a problem to generalise their objectives. These MEAs have trade measures that vary depending on the type of environmental issues addressed and this is a source of conflict in the provisions of the various MEAs. This paper focuses on the provisions of two MEAs: the Convention on International Trade in Endangered Species of Wild Flora and Fauna and the Convention on Biological Diversity in relation to:

- conservation and trade issues and related sub-regional policy instruments in southern Africa
- the IUCN CMWG/CEESP theme on 'Local communities, equity and protected areas: Issues and challenges towards a more equitable and sustainable future' concerning PAs, communities and biodiversity conservation in the southern African region
- the principles of the WTO that guide the multilateral trade agenda.

## WHY FOCUS ON ONLY TWO MEAs?

CITES has been very controversial within conservation practices in southern Africa. It conflicts with wildlife

management policies and legislation in the region. The Convention has in fact imposed bans on trade in some key environmental products in the region. The CBD, on the other hand, provides a better frame for integrating conservation and development. The problem is that CITES is a legal international agreement and the CBD cannot override it. However the WTO is making efforts to create a fair multilateral trade frame. Hence the rights and obligations of these two MEAs are examined in relation to those of the WTO.

The philosophy and conservation practice in southern Africa is based on two key premises:

- that economics in the form of commercial value and subsistence value is central to all conservation issues. This is in the form of community livelihoods security or the economic well-being of communities directly dependent on natural resources. This is also in the form of markets that work in the interest of biodiversity.
- that people, particularly those who live with and are directly dependent on biodiversity, as well as those with the propensity to degrade biodiversity most, must be placed at the centre of efforts to find solutions to biodiversity loss.



In the first section the two MEAs are analysed and contrasted by the extent to which they encapsulate the issues (outlined above) that lie at the heart of conservation approaches in southern Africa. The CBD is a young convention and is still evolving. The second section looks at the relationship between indigenous/local communities and the environment, setting the basis for the appreciation of their potential to either conserve the environment or degrade it. It is a justification for letting communities/indigenous groups take a central stage in conservation issues. The third section looks at the history of global efforts in conservation and the emergence of and the key provisions of CITES and the CBD. The last section takes up the challenges faced by the WTO and its potential role in creating a multilateral trade system that meets the needs of both developing and developed countries.

## RURAL COMMUNITIES, CONSERVATION AND THE SIGNIFICANCE OF NATURAL RESOURCES TO LIVELIHOODS

The importance of PAs cannot be doubted, but the current reality is that PAs comprise about 10% of the world's surface area (Zbicz & Green 1997). On a global scale PAs therefore do not make a large contribution to conservation. The implication is that the bulk of biodiversity lies outside PAs. Within developing countries 60% to 80% of the population lives in rural areas. Rural people are therefore the custodians of the world's largest biodiversity. It is also in rural areas that there is direct dependence on biodiversity for survival requirements. It has also been noted that the high dependence on biodiversity is largely by very poor people who have little or no other resources to turn to (Nasi & Cunningham 2001; Prescott-Allen & Prescott-Allen 1982). Consequently, the two most persistent political realities of this decade are degradation of biodiversity and poverty.

The global challenge today, with its implications for economic, political and social development, is how to link conservation of biodiversity with rural development and poverty reduction. The challenge is to remove biodiversity from the wild and put it under the custodian and care of rural communities and link this to benefits or some level of motivation. Central to the idea that communities are now the locus for conservation is the concept of sustainable development. The shift in paradigm from the central role of state and parks to that of the community is also premised on the hope that benefits will accrue to the

community. Hence incentives are driving the process and shaping the thinking of the community on understanding the limits to the renewal capacity of natural resources – the source of benefits. The outcomes are improved livelihoods security, rural development and conservation (Child, 2000; Martin, 1994; Taylor, 1995).

What the approach in southern Africa has succeeded in doing is to link authority, responsibility and benefits. For successful conservation, responsibility cannot be divorced from authority and duties cannot be divorced from benefits. The sustainable use approach has more than doubled land under wildlife (Cumming 1991, 1999).

It is not a coincidence that CBNRM approaches have developed as a sub-regional issue in southern Africa. Southern Africa is taking a major step of using natural resources as a sustainable base for directing rural development well into the future. To do this, the broad policy framework has been defined at both the national and sub-regional levels. The Declaration Treaty and Protocol of the Southern African Development Community (SADC 1992) gives a clear vision on inter-sector co-operation between countries in the region. This has led to the Protocol on Wildlife Conservation and Law Enforcement in the Southern African Development Community (SADC 1999), and a number of other regional and bilateral protocols focusing on various sectors. SADC sectors covered by the protocols include environment, fisheries, transport, communications and meteorology, mining, energy, and education.

## HISTORICAL VIEWS OF THE ENVIRONMENT AND DEVELOPMENT AGENDA AND THE EMERGENCE OF THE CITES AND CBD CONVENTIONS

The norms governing international trade on the one hand, and sustainable development on the other, have different origins and objectives (Biggs 2000) and this has influenced in a significant way the focus and impact of CITES and the CBD. There are three broad historical views, namely: the conventional view, the natural resources versus nature and environment perspective, and the ecological economic perspective. These views and their implications are outlined briefly below.

### CONVENTIONAL VIEW: ECONOMY SUPERIOR TO AND ABOVE PROCESSES IN THE ENVIRONMENT

Following the Second World War the overriding imperative was the reconstruction of Europe. The focus

was on revitalising the economy and the environment was considered as one of the independent and substitutable variables for economic production (Folke 1991). The other variables were land, labour and capital. Land was looked at from its value in speculative investment and property relations. The environment was looked at mainly from the point of view of exploiting natural resources (agriculture, forestry, fisheries and so on) as inputs into industrial production. Unfortunately, the ecological and complex interconnectedness between these and other components of the environment were not factored in (Barbier 1989). In other words, the limits to growth regarding forestry, fisheries and agriculture were not appreciated at the time. At this stage in history, human activities were on too small a scale to inhibit environmental functions.

#### NATURAL RESOURCES AND ENERGY VERSUS NATURE AND ENVIRONMENT PERSPECTIVE AND CITES

In the late 1950s and 1960s, the complexity and functions of the environment were beginning to be appreciated. Environment degradation and the monetary costs associated with it were beginning to be appreciated. However, these problems were still treated as occasional (Barbier 1989; Folke 1991) and the environment was still regarded and treated separately from natural resources (Barbier 1989), so that there was nature and environment on the one hand, and natural resources and energy on the other. Insofar as natural resources and energy were concerned, management still focused on the exploitation of natural resources and energy. Nature and environment concerns were looked at from a preservation perspective. A need was seen to preserve the environment through the creation of national parks and the preservation of endangered (over-exploited) species.

The background and justification for the creation of national parks was set within the Convention Relative to the Preservation of Fauna and Flora, which was signed in London in 1933. National parks were depicted in this convention as large areas where hunting and other consumptive uses were prohibited. This reasoning led to the negotiation of CITES, which was signed on 3 March 1973 in Washington. The overriding objective of the Convention is to regulate and restrict trade in specimens of species of wild plants and animals that are endangered through an international legal framework (OECD 1999). It seeks to address the decline in biodiversity levels and an increase in the extinction of species through reducing consumer demand for the endangered species.

The Convention employs a system of permits and certificates, which are required for export and re-export of wildlife products of taxa listed in three appendices. CITES can even impose trade bans. Appendix I contains species threatened with extinction and trade for commercial purposes is prohibited. Appendix II includes about 4 000 animal and over 25 000 plant species which can only be traded under certain strict controls. CITES listings may be further defined through annotations (for example, excluding and including certain parts of plant or animal). Species may also be split-listed (having sub-populations listed on both Appendix I and II). Parties are expected to have sufficient legislation to implement the convention effectively.

CITES has been in existence for 30 years. Experience gained over these years has led to review of some of the implementing mechanisms, the 'significant review process' being an important one. This empowers the Animals Committee to periodically review trade in Appendix II species and make recommendations on the sustainability of the trade. CITES also has provision for stronger domestic measures.

By virtue of the CITES annual reporting requirements, trade in CITES-listed species is well documented. The main sources of data are customs data and annual reports compiled by parties to the convention.

CITES has a number of shortcomings:

- The listing of species in appendices is rigid and inflexible.
- The main objective of CITES is to regulate and restrict trade on species declining in populations. The assumption is that trade is the major factor causing decline in the given species (du Plessis 2000, cited in Roe et al. 2002). Other factors (for example, habitat loss and weather changes), which may in fact be more important, may be overlooked. This will detract from assessing the root cause that may then be ignored. Thus stopping trade may have little conservation impact because the root causes are not addressed.
- The proposal to list species in the CITES appendices can be submitted by any party, whether or not that party is a range state for the species in question. This has created a lot of problems. There is an increasing tendency for parties to be motivated by politics blinding them to the need to follow scientific criteria. Some species are now 'untouchables' within CITES. These are the charismatic mega-fauna such as the



elephant, the whale, the marine turtles, and so on. These are ‘intelligent’ animals that should not be killed for any reason. This is largely the view of developed countries. Developed country parties have sufficient resources to adequately prepare for meetings, lobby and influence other parties.

- The problem is that developing country parties who have the bulk of the natural resources, and therefore, the heavy responsibility and burden to promote conservation and eradicate poverty, have no bigger voice than developed countries which are far removed from the natural resources and keen to apply economic pressure if their ‘views’ of conservation are not respected.
- The issue of politics is evident in the case of the African elephant. In 1997 Botswana, Namibia and Zimbabwe’s respective elephant populations were placed on Appendix II with a trade quota subject to heavy conditions. The scientific evidence shows healthy, growing populations posing a threat to their habitats. Despite the fact that the elephant populations for the three countries have grown further, increasing from 67 000 in 1997 to 89 000 in 2002 for Zimbabwe, and from 40 000 in 1980 to 120 000 in 2002 for Botswana, countries like Kenya and India are still calling for the placing of these populations in Appendix I. This means that most countries can conveniently ignore scientific criteria as and when it suits them.
- The ‘precautionary principle’ has the potential to be abused by justifying trade restrictions or bans on

developing country exports.

- The provision for countries to employ ‘stricter domestic measures’ is a problem. It flies in the face of the need to make ‘non-detriment findings’. This makes CITES provisions inconsistent with the WTO principles. The clearly serves to undermine the Convention.
- CITES was not designed, and is therefore not structured, to address the conservation of species in relation to the livelihoods of communities. The decision-making process does not include consideration of livelihood issues by including information on the socio-economic aspects of harvests and trade in the significant reviews and the supporting statements of CITES listing proposals, and considering that information when designing and recommending remedial measures (Roe et al. 2002). Socio-economic dimensions of wildlife trade are not included in the work programmes under the Animals and Plant Committees.
- Others will argue that CITES was established to address the conservation of wild species in international trade and not the livelihoods of communities (Roe et al. 2002). This position lacks a clear appreciation and understanding of the complex factors at play. If wildlife and other natural resources do not pay their way as outlined earlier, these natural resources will not compete with increasing human population and ever-increasing demands for more lands for cropping and the consequence loss of habitats.

**TABLE 3: KEY ISSUES RELATED TO CITES**

<p><b>Objective</b> Keep populations above levels that do not threaten survival</p>	<p><b>Current listing status on appendices:</b> Appendix I: &gt; 800 species species Appendix II: 4 000 animals (including charismatic mega-fauna such as <i>Loxodonta africana</i>); 25 000 plants</p>
<p><b>Focus:</b> Regulate trade to prevent commercial export of endangered species</p>	<p><b>Weakness:</b></p> <ul style="list-style-type: none"> <li>· Strict domestic measures strongly conflicting with WTO principles.</li> </ul>
<p><b>Mechanism</b> Listing on appendices</p> <ul style="list-style-type: none"> <li>· Use of permits and certificates for export and re-export of listed wildlife products</li> <li>· Trade bans</li> <li>· Significant trade processes</li> </ul> <p>Stronger domestic measures</p> <ul style="list-style-type: none"> <li>· Split-listing</li> </ul>	<p>Politics/emotionalism take precedence over scientific criteria</p> <ul style="list-style-type: none"> <li>· Trade taken as the only key factor causing species decline This will result in failure to address the correct causes of species loss</li> <li>· Failure to address conservation of species in relation to community livelihoods</li> <li>· Commercially valuable timber &amp; fish species (even those with evidence of decline) not readily tabled for discussion</li> <li>· Listing of species regardless of population status at different ranges (for example, African elephant – 300 000 in southern Africa)</li> </ul>



- There is no requirement for benefit sharing for countries of origin for species under captive-breeding programmes.

## THE ECOLOGICAL ECONOMIC PERSPECTIVE AND THE CBD

One of the key insights into the environment/development dialogue was given for the first time in the 1987 Brundtland Report. The report enunciated the principle that the development and exploitation of natural resources should be sustainable over time (Biggs 2000). Key elements in this view are:

- that natural resources are finite and have intrinsic limits to growth (as outlined earlier in this paper)
- that natural resources should be exploited rationally and preserved for the benefit of future generations
- that environmental considerations be integrated in economic plans, programmes and projects. This was the precept of sustainable development (including its main instruments, environmental policy and legislation), as a requirement for all environment and development projects.

That we are approaching environmental limits on a global scale is reflected in warning signals such as global warming and ozone depletion (Folke 1991).

These are the issues and thoughts that led to the conceptualisation of the term 'biodiversity' and the negotiation of the CBD. The same principle has also been in the Rio Declaration (principle 4), Agenda 21, and outlined in the General Agreement on Tariffs and Trade (GATT). In relation to GATT, the issue is to ensure that policies related to international trade and those concerning the environment are mutually supportive in the interest of sustainable development.

The CBD has a holistic approach that encapsulates the following elements: sustainable livelihood issues, financial mechanisms, and incentive measures (including compensation schemes) at the local and international levels. In other words the CBD calls for the integration of environmental concerns and development. Key considerations here are:

- the need for economics to be central in all conservation issues
- economic prosperity and markets that work for the interest of biodiversity. Conservation and development policies need to use economic and market forces as effective tools in promoting sustainable growth and conservation

- communities to be at the centre of conservation efforts
- the need for of all parts of society including governments, public interest groups, consumers and the private sector to take the responsibility for sustainable development (Brundtland 1987). Inter-sector co-ordination is critical.

The provisions of the CBD are more consistent with conservation efforts in southern Africa than those of CITES. CBNRM initiatives in southern Africa offer a frame within which to test the integration of conservation and development and to monitor the outcome. Formal CBNRM has been in practice in the region for over ten years. Some lessons are emerging. Formal CBNRM has involved the state with the devolution of authority and responsibility over wildlife and other natural resources and the right to benefit from these natural resources to the community.

Key elements within CBNRM practices that are consistent with the CBD convention are.

- state allocation/transfer in *access to natural resources* and *power* (to make decisions) over these natural resources to a local community
- state allocation of the rights to benefit from the natural resources to the local community
- making tangible economic benefits realised by the community – *creating conditions for economic prosperity*
- creating the need to *maximise* benefits by looking after the resources or adding value to the resources, by getting the *market value* for the resource.

Steps are being taken at the international level, particularly at the level of the CBD, to develop processes that increase the competence of communities to manage their natural resources. This is through the CBD work programmes and the cross-cutting *ecosystem approach*. The work programme relevant to CBNRM and southern Africa is that within the thematic area of the arid and semi-arid ecosystem.

Within the context of the CBD work programmes to be adopted and implemented by states is the need to build the technical capacity of communities to carry out adaptive management by:

- developing local ecological and socio-economic indicators
- using these indicators to monitor ecosystem changes



that take place from the interaction of the communities with the ecosystem

- developing data bases and the capacity to interpret the data they collect
- understanding and responding to ecological feedback mechanisms.

## THE ROLE OF THE WTO

There are clear linkages between trade, poverty alleviation and sustainable development. These linkages are complex but they can be summarised as: increased volume of trade will lead to increased economic growth, which should lead to improved employment conditions, and improved living standards through increased income distribution in society. The understanding is that poverty reduction is sensitive to income distribution. From the perspective of the environment, the degradation of the environment is sensitive to poverty. There is a cycle between poverty and environment degradation, and economic prosperity and markets that work for the interest of biodiversity are essential for conservation success and for promoting sustainable development. Hence the WTO has a fundamental role to play. The problem is that the multilateral trade field is not even with regard to market access and the rights and obligations of MEAs and those of the WTO.

The markets for the developed countries, including for environmental goods and services, are inaccessible to developing countries and most of these have vulnerable economies. The markets of most developed countries are protected by high tariffs, domestic subsidies and other non-tariff measures. While it is accepted that MEAs are international legal agreements and should be given due respect, there are inconsistencies between WTO rules and MEAs. The problem with CITES has been outlined above.

## CONCLUSION

This paper may have given the impression that CITES is all negative. This would not be accurate. CITES has probably been most positive in building up data (which is captured in the Elephant Trade Information System (ETIS) database on global trade in plant and animal specimens. It is impossible to capture all the data, but the available data shows trends and gives insights into monitoring and the management of international trade under CITES.

Many in southern Africa call either for doing away with CITES or making CITES a technical wing of the CBD

responsible for trade data collection and management. Others may consider these views to be extreme, but this is a call to set up processes of reviews of MEAs with the intention of harmonising inconsistencies in the provisions of the individual MEAs. In this regard the United Nations Environment Programme needs to work closely with the WTO.

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ANNEXURE 2:  
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Experiences from southern Africa indicate that protected areas (PAs) and community approaches are complementary in their contribution to conserving biological diversity. Yet the efforts of rural people to conserve biological diversity are rarely officially recognised by governments. It is clear that this view has to change and that governments have to not only recognise community inputs in conservation, but also to protect communities' access to these resources. This volume covers conservation practices from the pre-colonial to post-colonial periods, the efficacy of community-based natural resource management practices in southern Africa, conditions for effective conservation in the sub-continent, as well as the impact of international instruments, policies, processes and donors on effective, sustainable and equitable conservation in the region. It synthesises lessons learnt from experience in southern Africa, and makes recommendations on the importance of involving and recognising rural communities in conservation efforts as an input into the deliberations of the World Parks Congress to be held in South Africa- in September 2003.

## TILCEPA

Theme on Indigenous and Local Communities,  
Equity and Protected Areas

## IUCN

The World Conservation Union



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