

Salvaging Nature

Indigenous Peoples, Protected Areas and
Biodiversity Conservation

Marcus Colchester

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World Rainforest Movement



Forest Peoples Programme

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Our commitment to a particular view of the organization of nature is intimately bound up with our commitment to a particular vision of human affairs. Especially in light of the incapacity of ecological science, then as now, to tell us much of certainty about the natural systems around us, it is possible to comprehend that whatever model of nature we postulate it is one we ultimately *choose* to see.

Douglas R. Weiner (2000:6) '*Models of Nature: Ecology, Conservation and Cultural Revolution in Russia.*'

What we call Man's power over Nature turns out to be a power exercised by some men over other men with Nature as its instrument.

C.S. Lewis (1944:28) '*The Abolition of Man*'.

Chapter 1

Wilderness and Preservation

And in future what a splendid contemplation... when one... imagines them as they **might** be seen, by some great protecting policy of government preserved in their pristine beauty and wildness, in a **magnificent park**, where the world could see for ages to come, the native Indian in his classic attire, galloping his wild horse, with sinewy bow, and shield and lance, amid the fleeting herds of elks and buffaloes... A **nation's Park**, containing man and beast, in all the wild and freshness of their nature's beauty!

George Catlin, 1841, *The Manners and Customs of the North American Indians*¹

The idea that humankind, or to be more accurate mankind, is apart from nature seems to be one that is deeply rooted in western civilization. In contrast to the 'animistic' religions of many indigenous peoples, which, to use our terms, see culture in nature and nature in culture,² Judaeo-Christian traditions tell of an origin in which man was given dominion over the beasts. Indeed, even the most ancient of the world's epics, the Tale of Gilgamesh, recounts the primordial struggle between kingly civilisation and the forests, the source of all evil and brutishness.³

In ancient Greece, untamed nature was perceived as the domain of wild, irrational, female forces that contrasted with the rational culture ordered by males. In this world view, not only was nature a dangerous threat to the city state, but the wilderness beyond was peopled by barbarians, the epitome of whom were the Amazons - long haired, naked, female savages who represented the antithesis of Greek civilization.

These precepts endure to this day. In Europe's middle ages the image was sustained of an ordered world of culture managed by civilised men, bounded by a chaotic wilderness peopled with savages, the abode of pagan warlocks and witches who drew their power from the dangerous, evil forces of nature, the realm of Beelzebub himself.⁴ Similar images continue to sustain

the views of fundamentalist Christian missionaries who perceive the shamanism of indigenous peoples as 'devil worship', and believe that as 'Commandos for Christ' they have a God-given role to 'reach the lost until they have reached the last', in 'Satan's last stronghold'.⁵

Pioneering Christian fundamentalists brought these same views of nature to the New World where they found them strongly reinforced. Beset from the first by naked, long haired 'salvages'⁶ who knew nothing of Christ or modesty, their precarious frontier world depended on a taming of nature as they sought to wrest a living from a hostile 'wilderness'. As one local poet wrote in 1662, the forests of the New World were:

A waste and howling wilderness,
Where none inhabited
But hellish fiends and brutish men
That devils worshipped.⁷

The notion that their society had a 'manifest destiny' to tame the wilds became for them a fundamental truth and political imperative.⁸

Dissenters from this society, alienated by its crassness and greed, sought refuge in its antithesis. For romantics such as the artist George Catlin, the noble Indians whose guiltless lives were being undermined by disease, firewater and land-grabbing, were perceived as a part of wild nature itself - not evil, but unstained, part of an ancient world as yet untainted by the whiteman.⁹ The ascetic recluse Thoreau likewise found that 'In wildness is the preservation of the world'.¹⁰ These views echo an equally long counter-tradition, that sees human civilisation as flawed and unfulfilling. Just as Gilgamesh, epic king of the first city of Mesopotamia lamented 'in the city man dies with despair in his heart',¹¹ so Thoreau was to write nearly four millennia later 'Our lives need the relief of [the wilderness] where the pine flourishes and the jay still screams... little oases in the desert of our civilization'.¹²

There thus emerged in late 19th century America, as a counterpoint to a view of the wilds as evil and opposed to society, a new tradition of wilderness as a refuge from the ills of civilization, as something to be preserved for the recreation of the human spirit. John Muir, one of the main forces in the national parks movement in the United States, argued vehemently and successfully that wilderness areas should be set aside for recreation to fulfil an emotional need for wild places. In the view of these conservationists, as they have come to be known, wilderness is 'primitive and natural'¹³ a resource that is not for use but to be preserved untouched.¹⁴

As well as laying the basis for the national parks programme in the States, these views of nature powerfully shaped the global pattern of conservation. In the States this view of conservation and nature remains as deeply embedded as ever. Wilderness is still revered by Americans as a place to rediscover the purpose of life, while for many 'wildness' is biodiversity.¹⁵ The notion that nature and human society are inherently antagonistic and incompatible rationalises the intense sense of alienation that underlies many American versions of 'deep ecology' and motivates many members of groups such as Earth First!.¹⁶ For such 'deep ecologists', 'wilderness means extensive areas of native vegetation in various successional stages, off limits to human exploitation'. They justify such exclusion on the grounds that 'most of the Earth has been colonized by humans only in the last several thousand years'.¹⁷

The Yosemite State Park and the Yellowstone National Park were the first results of this approach and the same philosophy of national Parks as excluding humankind were eventually given a basis in law. As Gomez-Pompa and Andrea Kaus have noted, according to the 1964 US Wilderness Act, wilderness is a place 'where man himself is a visitor who does not remain'.¹⁸

Since the concept of a 'National Park' was first born it has spread throughout the world and with it the basic premise that nature must be preserved free from human interference. Bernard Grzimek, whose campaigns to conserve wildlife in East Africa made the Serengeti Plains into one of the most well-known protected areas on the planet, was single-mindedly dedicated to excluding the indigenous Maasai cattle herders from their lands. 'A National Park' he argued 'must remain a primordial wilderness to be effective. No men, not even native ones, should live inside its borders'.¹⁹ By the 1970s, this vision of protected area management had come to dominate the conservation movement. According to the World Conservation Union (IUCN), a national park was narrowly defined as a large area:

1. where one or several ecosystems are not materially altered by human exploitation and occupation, where plant and animal species, geomorphological sites and habitats are of special scientific, educative and recreative interest or which contains a natural landscape of great beauty;
2. where the highest competent authority of the country has taken steps to prevent or eliminate as soon as possible exploitation or occupation of the whole area and to enforce effectively the aspect of ecological, geomorphological or aesthetic features that have led to its establishment.²⁰

One curious aspect of this view of nature is that even where such lands are inhabited by indigenous people, they are sometimes still considered to be wilderness. The contradiction can be sustained because of a common perception that indigenous people are 'of nature' - wild, natural, primitive and innocent. When Europeans contacted indigenous people in North America, the long-haired Indians fitted perfectly the European notion of wildness, as unruly, uncontrolled, feminine forces in league with the devil.²¹ The image, though modified, was maintained in the era of 'romanticism', where indigenous peoples were considered natural and blameless 'savages', lost to civilisation in the wild woods - *sans dieu, sans loi et sans roi* (godless, lawless and kingless).²² To some extent these images are retained to this day and lie behind conservationist policies of 'enforced primitivism', whereby indigenous people are accommodated in protected areas so long as they conform to stereotype and do not adopt modern practices.²³

In the Old World, the roots of the protected area movement have rather different origins. Game reserves for royal hunts first appear in recorded history in Assyria in 700 BC.²⁴ By 400 BC royal hunts were established in India under Ashoka.²⁵ The Moguls reinforced this tradition in India where the idea gained a wider currency among the ruling elite. Alexander the Great and his followers introduced the hunting reserves that he found in Persia into Europe.²⁶ The Normans introduced the same idea to England in 11th century. The 'New Forest', the first royal hunt established in England, required the forced removal of 2,000 people to provide for the 'sport of kings'.²⁷ In a literal sense, the Normans were, indeed, seeking to create 'wilderness' - a word derived from the Old English words *wild deor nes* meaning land inhabited by undomesticated deer.

The Normans enforced the concept of royal forests with such enthusiasm that by the reign of Henry II nearly a quarter of England was classified as royal hunts. Local people bitterly objected to the restrictions on their rights that these royal forests imposed²⁸ and it is presumed by many that the myth of Robin Hood has its roots in popular resistance by Saxon yeomen to the impositions of Norman rulers.

However, while the definition of areas as royal forest served to reinforce social inequities, it did not usually imply either the wholesale extinction of local ownership or other rights.²⁹ On the contrary, these traditional rights were too long recognised and deeply vested for the conquerors to be able to ignore, and the royal forests were thus defined as yet another layer of special rights that did not completely extinguish the complex web of prior rights of use, access, transit and ownership.

The way National Parks have been established in Britain owes much to this long tradition of overlapping rights. What has emerged in Britain is a practise of landscape conservation rather than wilderness preservation, which respects the long-established order of land tenure.³⁰ Recognising that landscapes are not only overlain with existing rights but are also a joint creation of natural growth and human cultivation, British conservationists accepted a vision of nature as part of a process of 'continuity and gradual change, with man at the centre and integral to the rural landscape'.³¹ National parks in Britain thus not only clearly recognise existing rights but also seek to maintain the established farming system. Moreover, in their management, British National Parks formally involve local government bodies and have special mechanisms to ensure that local residents have a direct influence over decision-making.

Conservation notions spread overseas with the extension of the colonies, but brought with them little of this respect for traditional rights and uses. Though partly to counter the excesses of colonialism, the colonial State sought ever greater control of natural resources. As early as the 18th century the French began experiments to regulate forest use on Mauritius and the English began similar initiatives in Tobago. Environmental concerns also played their part in the push to create forest reserves in India, when it was recognised that excessive forest loss, largely resulting from forest clearance for cash cropping, was not only leading to the silting up of Malabar in India but was also responsible for local climate change.³² Other less noble sentiments also lay behind the annexation of land for forest reserves. The need to secure supplies of timbers for the imperial infrastructures - for railway sleepers and navies³³ - resulted in huge areas of India and later other colonial territories being set aside as Reserved and Protected Forests under the control of the colonial Forests Department. Restrictions were progressively tightened so that by 1900 local people were even denied access to these areas to hunt unless they could get hold of a hunting license.³⁴ As Grove has noted: 'colonial states increasingly found conservation to their taste and economic advantage, particularly in ensuring sustainable timber and water supplies, and in using the structure of forest protection to control their unruly and marginal subjects'.³⁵

The establishment of protected areas for wildlife conservation in India was founded on the forest department's experience, reinforced by the concerns of colonial sportsmen and native aristocrats, who wished to preserve game for hunting. The model for wildlife conservation that was adopted in India was thus based on the US experience, treating the local people as 'poachers' and 'encroachers' rather than as local owners with prior rights to the areas. The tribal residents of many of the areas favoured for wildlife preservation were held responsible for the decline in local fauna,

particularly as some were by then involved in a lucrative trade in game birds and feathers and shifting cultivation was held in opprobrium.³⁶ As one textbook for trainee foresters argued:

Forest dwelling communities are invariably inveterate hunters and have in most areas practically annihilated game animals and birds by indiscriminate hunting and snaring. It is surely time to instil in the tribal mind a respect for the basic game laws of the country.³⁷

In Africa, the open savannahs thronging with game fitted perfectly with western notion of wilderness and game reserves and National Parks began to be established from the end of 19th century. The process of establishing national parks intensified greatly after the end of the Second World War and accelerated in the last years before these territories were granted independence.³⁸

In Russia, too, those who championed nature conservation were strongly influenced by the American National Parks model. Russian conservationists were also similarly motivated.

Their need or desire to see in wild nature a sacred and model world - indeed a... refuge from the profanity of modernism and Stalinism - informed their science, which accordingly³⁹ held up wild nature as a norm of ecological integrity and health.

However, by contrast to their counterparts in the West, who appealed to the power of the State to protect wilderness regions from the destructive impacts of unrestrained capitalism, early Soviet conservationists pushed for the creation of scientific nature reserves (*zapovedniki*) as islands of freedom, off-limits to human activities being ruthlessly imposed by the Stalinist State. As Douglas Weiner observes in his historical critique of Russian conservationism, the economic commissariats engaged in 'socialist construction' 'genuinely believed that nature had no utility unless it was subject to active exploitation'. To them, Russian conservationists, apparently intent on preserving nature as 'science for science's sake', were dangerous, counter-revolutionary elements and they were thus purged from the establishment. However, while facing different enemies - free-markets and State industrialism - neither Western nor Russian conservationists had room in their 'models of nature' for local communities or indigenous peoples.⁴⁰

Reviewing the recent history of conservation, Adrian Phillips, the previous chairman of the World Commission on Protected Areas has noted:

At least until around the mid-1960s, the climate in which protected areas were set up around the world favoured a top-down and rather exclusive view of protected areas. Setting up large game parks without

too much concern for the impact on local people fitted well with the autocratic style of colonial administration (especially in Africa); and it was equally at home in the early days of post-colonial government which followed many of the same styles of administration... Certainly the opinions and rights of indigenous peoples were of little concern to any government before about 1970; they were not organized as a political force as they are now in many countries.⁴¹

It thus transpired that despite the very different historical trajectories of the conservation movement, the needs and rights of indigenous peoples were to receive short shrift. National Parks and other protected areas have imposed elite visions of land use, which result in the alienation of common lands to the State. What is equally clear is that the conservationists' concept of wilderness is a cultural construct not necessarily shared by other peoples and civilizations, which have quite different views of their relationship with what we call nature.

Indigenous peoples are thus perplexed by western views of what conservation means.⁴² For example, Jakob Malas a =/Khomani hunter from the Kalahari, whose lands were classified as the Gemsbok National Park, has noted:

The Kalahari is like a big farmyard. It is not a wilderness to us. We know every plant, animal and insect, and know how to use them. No other people could ever know and love this farm like us.⁴³

The nineteenth century Oglala Sioux Chief, Luther Standing Bear, made a similar point:

We did not think of the great open plains, the beautiful rolling hills, and winding streams with tangled growth as 'wild'. Only to the white man was nature a 'wilderness' and only to him was the land 'infested' with 'wild' animals and 'savage' people. To us it was tame. Not until the hairy man from the east came... was it 'wild' for us.⁴⁴

Ruby Dunstan of the NI'aka'pamux people of the Stein Valley in Alberta, Canada, who have been fighting to prevent the logging of their ancestral lands, has likewise remarked:

I never thought of the Stein Valley as a wilderness. My Dad used to say 'that's our pantry'. We knew about all the plants and animals, when to pick, when to hunt. We knew because we were taught every day. It's like we were pruning everyday... But some of the white environmentalists seemed to think if something was declared a wilderness, no-one was allowed inside because it was so fragile. So they have put a fence around it, or maybe around themselves.⁴⁵

Notes to Chapter 1

- 1 Catlin 1841(1989): vii.
- 2 Hultkrantz 1967; Lowie 1970; Eliade 1972; Colchester 1981; 1982.
- 3 Sinclair 1991.
- 4 Duerr 1985.
- 5 Jank 1977; Hvalkof and Aaby 1981; Stoll 1982; Colchester 1982:386 ff; Lewis 1990.
- 6 The word, which is cognate with the French 'sauvage' and Spanish 'salvaje', means, literally forest-dweller. Its pejorative notion derives entirely from the prejudice against such people.
- 7 Cited in Sinclair 1991:50.
- 8 DiSilvestro 1993.
- 9 Catlin 1989.
- 10 Cited in DiSilvestro 1993:25. Thoreau was, however, fully alert to the fact that the concept of wilderness is a human construction. '*It is vain to dream of a wildness distant from ourselves,*' he wrote in his journal in 1856, '*There is none such. It is the bog in our brains and bowels, the primitive vigor of Nature in us, that inspires that dream. I shall never find in the wilds of Labrador any greater wildness than in some recess of Concord, i.e. than I import into it.*' (cited in Schama 1996: frontispiece).
- 11 Sinclair 1991:6.
- 12 Cited in Ussher nd. Roderick Nash in his book *Wilderness and the American Mind* has argued that 'a society must become technological, urban and crowded before the need for wild nature makes economic and intellectual sense' (cited in Adams 2003:34) but Gilgamesh seems to have wrestled with the discontents of urban life five millennia before the 'American dream' necessitated the dream of wilderness as its counterpoint.
- 13 DiSilvestro 1993.
- 14 Redford and Stearman 1993b:428. cf Coates 1998:104.
- 15 DiSilvestro 1993:xvii.
- 16 Taylor 1991.
- 17 Wild Earth 1992:4.
- 18 Gomez-Pompa and Andrea Kaus 1992:271.
- 19 Adams and McShane 1992:xvi.
- 20 Cited in West 1991:xvii.
- 21 Amselle 1978.
- 22 Hemming 1978.
- 23 Goodland 1982.
- 24 Dixon ad Sherman 1991:9.
- 25 Gadgil and Guha 1993.
- 26 Coates 1998:37. Coates (Ibid: 59) also notes that the term 'paradise' derives from the Persian term for enclosed hunting reserves.
- 27 Coates 1998:46.

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- 28 Westoby 1987.
29 Rackham 1989.
30 Harmon 1991.
31 Blacksell 1982 cited in Harmon 1991:34. The word 'landscape' is derived from the Dutch *landschap* and the German *landschaft* and signified a unit of human occupation, a jurisdiction (Schama 1996:10).
32 Grove 1992; Haeuber 1993.
33 Guha 1989b, Fernandes and Kulkarni 1982; Shiva 1987.
34 Tucker 1991.
35 Grove 1995:15 cited in Adams 2003:25.
36 Tucker 1991.
37 Stracey 1963 cited in Tucker 1991:50.
38 Adams 2003:35-41.
39 Weiner 2000:248. Weiner notes that the term *zapovednik* implies more than a protected area but a 'protected territory maintained in a state of inviolability and devoted to scientific research...' where scientists could observe 'baseline areas embodying virgin natural communities typical of the surrounding region' (Weiner 2000:ix).
40 Weiner 2000:2.
41 Phillips 2003:3.
42 Alcorn 1993:425.
43 Cited in Chennells 2001:8.
44 Cited in Coates 1998:10.
45 Cited in Ann Ussher nd.

Chapter 2

Indigenous Peoples and their rights

There are no commonly accepted definitions of who indigenous peoples are. In its most literal sense the term 'indigenous' only implies long term residence in a given area. Yet in international law the term has begun to be used in a more precise way to apply to culturally distinct ethnic groups, who have a different identity from the national society, draw existence from local resources and are politically non-dominant.¹ In a like vein, the World Bank identifies as indigenous peoples 'social groups with a social and cultural identity distinct from the dominant society that makes them vulnerable to being disadvantaged by the development process'.² The International Labour Organisation (ILO), whose Conventions treat both indigenous and tribal peoples, places more emphasis on the notion of prior residence in an area, before conquest, colonisation or the establishment of present state boundaries. However, the ILO notes clearly that:

self-identification as indigenous or tribal shall be regarded as a fundamental criterion for determining the groups to which the provisions of this Convention shall apply (ILO 1989, Article 1).

Summing up the deliberations of years of hearing testimony from indigenous spokespersons and government delegates at the United Nations, the Chairperson of the UN's Working Group on Indigenous Populations has concluded:

In summary, the factors which modern international organisations and legal experts (including indigenous legal experts and members of the academic family) have considered relevant to understanding the concept of "indigenous" include:

- priority in time with respect the occupation and use of a specific territory;

- the voluntary perpetuation of cultural distinctiveness, which may include aspects of language, social organisation, religion and spiritual values, modes of production, laws and institutions;
- self-identification, as well as recognition by other groups, or by State authorities, as a distinct collectivity;
- and an experience of subjugation, exclusion or discrimination, whether or not these conditions persist.³

For their part, many ethnically distinct and marginal peoples are increasingly adopting the term 'indigenous' to describe themselves because of the rights that they believe are associated with such a term - rights to their lands and territories, to the recognition of their right to be different, to maintain their cultural traditions, religions, languages and practices, to exercise their customary law, to govern themselves through their own institutions, to represent themselves through their own organisations, to control their own natural resources, to self-determination.

Estimates of the numbers of people classified as 'indigenous' vary widely, not only because definitions vary but because census data are often poor or absent in the remote areas such peoples inhabit. Figures from organisations such as the International Labour Organisation, Survival International and the International Working Group on Indigenous Affairs range between 300 and 500 million worldwide. More importantly, 'indigenous' peoples speak the vast majority of the world's languages and represent the majority of cultural diversity (see Map 1 Where Indigenous Peoples Are).

Government policies towards indigenous peoples vary widely. On the one hand, many state policies seek to eradicate indigenous lifestyles and cultures and integrate them into the national mainstream. On the other hand, other policies seek to isolate indigenous people and keep them apart from the national majority. In both cases the underlying prejudice is that indigenous peoples are inferior and must either be elevated to a more modern cultural level or kept apart from their superiors.⁴ Policies of integration received the sanction of international law, with the promulgation of the ILO's Convention 107 on Tribal and Indigenous Populations, but more recently, such policies have been rejected by the ILO as inappropriate and current policies stress the need to respect 'the aspiration of these peoples to exercise control over their own institutions, ways of life and economic development and to maintain and develop their identities, languages, religions, within the framework of the States in which they live'. What most indigenous people themselves demand is the right to self-determination in accordance with the International Covenants on Civil and Political Rights and on Social, Cultural and Economic

Rights. Whereas the ILO's Convention specifically avoids deciding whether or not indigenous peoples have such rights (ILO Convention 169, Article 1.3), the United Nations Draft Declaration on the Rights of Indigenous Peoples, currently being reviewed by the UN's Human Rights Commission, notes in Article 3:

Indigenous Peoples have the right to self-determination. By virtue of that right, they freely determine their political status and freely pursue their economic, social and cultural development.

In recent years, the Treaty Monitoring Bodies which oversee the implementation of the international human rights instruments have made a series of statements which recognise that indigenous peoples do indeed enjoy the right to self-determination although this is disputed by a number of governments.⁵ A practical expression of indigenous peoples' right to self-determination is their right to free, prior and informed consent before the implementation of activities which affect their lands.⁶

International law and associated jurisprudence also clearly accept the right of indigenous peoples to the use and ownership of their traditional lands and territories. Such rights had been recognised by the colonial powers from the 16th century onwards but they first received explicit mention in international law in Article 11 of ILO Convention 107 of 1957 which states:

The right of ownership, collective or individual, of the members of the populations concerned over the lands which these populations traditionally occupy shall be recognised.

The law established the principle that 'aboriginal title' is to be derived from immemorial possession and does not depend on any act of the state. Moreover as Gordon Bennett's study of the *travaux préparatoires* of the Convention show, the Convention considers land to be generic and to include the woods and waters upon it.⁷ The law has important implications for conservationists. Indigenous peoples have established ownership rights to their lands and resources. Although this convention may not be recognised by all national governments it sets clear standards that intergovernmental and international agencies cannot reasonably ignore.

ILO Convention 107 also established firm principles regarding the forced relocation of indigenous and tribal peoples. Under article 12 of the Convention indigenous people cannot be relocated except according to national law for reasons of national security, economic development and their own health. If

they are relocated, 'as an exceptional measure', they shall be 'provided with lands of quality equal to that of the lands previously occupied by them, suitable to provide for their present needs and future development... Persons thus removed shall be fully compensated for any resulting loss or injury'. As noted below, these are conditions which conservationists have repeatedly breached since these laws were promulgated.

In 1989, the ILO developed a revised convention which further elaborates indigenous rights to land and territories and natural resources. In addition to recognising indigenous peoples' rights to land ownership, Article 14 states that 'measures shall be taken in appropriate cases to safeguard the right of the peoples concerned to use lands not exclusively occupied by them, but to which they have traditionally had access for their subsistence and traditional activities. Particular attention shall be paid to the situation of nomadic peoples and shifting cultivators in this respect.' Article 15 of the Convention notes:

The rights of these peoples concerned to the natural resources pertaining to their lands shall be specifically safeguarded. These rights include the right of these people to participate in the use, management and conservation of these resources.

The United Nations Draft Declaration on the Rights of Indigenous Peoples is also forthright about indigenous peoples' rights to land. Article 26 notes:

Indigenous peoples have the right to own, develop, control and use the lands and territories, including the total environment of the lands, air, waters, coastal seas, sea-ice, flora and fauna and other resources which they have traditionally owned or otherwise occupied or used. This includes the right to the full recognition of their laws, traditions and customs, land-tenure systems and institutions for the development and management of resources, and the right to effective measures by States to prevent any interference with, alienation of or encroachment upon these rights.

Indigenous peoples who have been dispossessed of their lands also have the right to restitution. ILO Convention 169 in Article 14 recognises that, in the exceptional case that forced resettlement has been required that people should have the right of return to their original area. Article 26 of the Draft Declaration goes further and notes that:

Indigenous peoples have the right to the restitution of the lands, territories and resources which they have traditionally occupied or used. Where this is not possible, they have the right to just and fair

compensation. Unless otherwise freely agreed upon by the people concerned, compensation shall take the form of lands, territories and resources equal in quality, size and legal status.

**Articles 40-44 of the
Charter of the Indigenous and
Tribal Peoples of the Tropical Forests,
Penang, Malaysia (February 1992)**

Biodiversity and Conservation:

40. Programmes related to biodiversity must respect the collective rights of our peoples to cultural and intellectual property, genetic resources, gene banks, biotechnology and knowledge of biological diversity; this should include our participation in the management of any such project in our territories, as well as control of any benefits that derive from them.

41. Conservation programmes must respect our rights to the use and ownership of the lands and resources that we depend on. No programmes to conserve biodiversity shall be promoted on our lands without our free and informed consent.

42. The best guarantee of the conservation of biodiversity is that those who promote it should uphold our rights to the use, administration, management and control of our territories. We assert that guardianship of the different ecosystems should be entrusted to us, indigenous peoples, given that we have inhabited them for thousands of years and our very survival depends on them.

43. Environmental policies and legislation should recognize indigenous territories as effective 'protected areas', and give priority to their legal establishment as indigenous territories.

Intellectual Property:

44. Since we highly value our traditional technologies and believe that our biotechnologies can make important contributions to humanity, including 'developed' countries, we demand guaranteed rights to our intellectual property, and control over the development and manipulation of this knowledge.

International law also goes some way towards defining how States and outside institutions should go about interactions with indigenous peoples. For example, ILO Convention 169 notes in Article 2 and 4 the need to respect and safeguard indigenous peoples' customs and institutions, while Article 6 obliges States to:

- a) consult the peoples concerned, through appropriate procedures and in particular through their representative institutions, whenever consideration is being given to legislative or administrative measures which may affect them directly...
- c) establish means for the full development of the peoples' own institutions and initiatives, and in appropriate cases provide the necessary resources for this purpose.

International law regarding indigenous people is unique in a number of respects, perhaps the most important being that it recognises **collective** rights. It thus asserts the authority of the indigenous **group** to own land and other resources, enter into negotiations and regulate the affairs of its members in line with customary laws which may be quite different to national laws. Indigenous peoples are, thus, to some extent recognised as autonomous seats of power within the State. Outsiders dealing with indigenous peoples need to recognise the political nature of their interaction with them.

This chapter has only sought to summarise some of the salient principles of the now very extensive body of international law and jurisprudence that exists about indigenous peoples' rights. In sum we may note that indigenous peoples have recognized rights to:

- Self-determination

-
- Freely dispose of their natural wealth and resources
 - In no case be deprived of their means of subsistence
 - Own, develop, control and use their communal lands, territories and resources, traditionally owned or otherwise occupied by them
 - The free enjoyment of their own culture and to maintain their traditional way of life
 - Free, prior and informed consent prior to activities on their lands
 - Represent themselves through their own institutions
 - Exercise their customary law
 - Restitution of their lands and compensation for losses endured.

The examination of the relationship between conservationists and indigenous peoples, summarised below, takes these internationally agreed legal norms as its starting point. Unfortunately, conservationists have in the past had a very different starting point and, in general, still have a long way to go before a respect for these rights is incorporated into their programmes.

Indigenous people are particularly indignant of the fact that it is exactly because the areas that they inhabit have not been degraded by their customary resource use practices that they are now coveted by conservationists who seek to limit their activities or expel them altogether from their customary lands. As one Karen facing eviction from the Thung Yai wildlife sanctuary in Thailand noted:

When we moved into these forests over two centuries ago, Bangkok was just a small village surrounded by lush vegetation. Over these many years, we Karen have protected our forest lands out of respect for our ancestors and our children. Maybe if we had cut down the forests, destroyed the land, and built a great city like Bangkok, we would not now be faced with possible eviction.⁸

Notes to Chapter 2

- 1 ICIHI 1987.
- 2 World Bank 1992c.
- 3 Daes 1996b.
- 4 Bodley 1982.
- 5 Mackay 2001a, 2001b, 2001c, 2001d, 2001e.
- 6 Caruso et al 2003.
- 7 Bennett 1978.
- 8 Cited in Thongmak and Hulse 1993:167.

Chapter 3

Protecting Biodiversity

The notion of conservation through the establishment of protected areas has, as we have seen, a long pedigree. From royal forests and hunting reserves, through game reserves and wildlife sanctuaries, to national parks, the practice has a history almost as long as civilization. Yet in recent decades, the establishment of protected areas has become a global business¹ and the types of protected areas have become much more sophisticated. To a large extent the refinement of these types of reserves is a response to problems that conservationists have encountered in their management and reflects attempts to accommodate the different degrees of human activity that should be permitted within their boundaries. However, until 1994, the World Conservation Union followed the US model and expected protected areas to be established on public land and subject to the control and management of State agencies. The revised protected area classification, adopted in 1994, allows for private sector, NGO and indigenous ownership and management (see Chapter 8). This proliferation of ideal types has, however, kept far ahead of legislative changes. For this reason National Parks remain the most common type of protected area, especially in developing countries.

Scientific advances have seen a commensurate sophistication in concepts of biodiversity conservation - only one objective among many that underlie the definition of protected areas. Whereas the first parks in Yosemite and Yellowstone were established to preserve their scenic beauty and unusual geology, other protected areas have been established as much to secure certain ecological values - climate, soil conservation and regulating hydrology. Conservation of flora and fauna, began with efforts to conserve prized game animals and later other larger forms of wildlife that had typically been the prey of the hunter. Increasingly, as wildlife has been perceived by urban viewers as *choses à penser* rather than *choses à manger*,² the focus of

much conservation has been on what have come to be known as the 'charismatic megafauna' - big spectacular animals of widespread popular appeal. Conservation of these species has absorbed the lion's share of the conservation budget.

It is only relatively recently however that the conservation of biological diversity - shortened as 'biodiversity' - has become a popular intent and this has ironically come about largely as a result of a growing perception that genetic material and genetic diversity is not just a mechanism of inheritance and evolution but part of humankind's heritage, a potentially lucrative resource.

As ecological awareness has grown, the focus has also shifted from the conservation of species (so-called alpha conservation) to the conservation of habitat (so-called beta conservation), a shift reflected in the change of name of one of the largest conservation organisations, the World Wildlife Fund, to the WorldWide Fund for Nature. Special measures to protect areas of intense species endemism have led to the development of a third kind of conservation (referred to as gamma conservation).³

Identifying priority areas for biodiversity conservation has also become a highly technical business. Although big mammals are still major targets, mainly to satisfy the expectations of public supporters, conservationists have broadened their concerns to embrace the full range of biodiversity, and, in order to capture the greatest number of species, have thus focused much of their attention on the tropics, where over half the world's species are found in only 12% of its surface area. For example, the WorldWide Fund for Nature has undertaken a global review of the most valuable ecosystems and developed a list of the top 200 'Ecoregions' that should be a priority for protection, 75% of which are in developing countries.⁴ The result is that conservation practice has a tendency to be articulated along a North-South axis, with conservation institutions in the industrial world, funded by their members or the northern aid agencies, seeking to protect the resources of the developing world from the depredations of their own populations.⁵ This has had the unfortunate result of sharpening conservation's often top-down style of operation.

With biodiversity now vanishing at an unprecedented rate,⁶ conservationists have realised that attempts to save all biodiversity are futile and that they must concentrate their scarce resources on key areas. The result is a policy of global '*triage*'⁷ which attempts to salvage areas of maximum diversity and least vulnerability, while writing off other areas as doomed or of lower priority.⁸ Conservation International, for example, has developed a list of conservation 'hot spots', which it has prioritised for its

conservation effort. The areas are selected according to two main criteria - degree of endemism especially of plant species and degree of threat, hotspots being those ecosystems of high species endemism which have lost at least 70% of their original extent. About 80% of these 'hotspots' are in developing countries.⁹ An unintended result of this approach is that protected areas tend to be selected according to technical criteria while giving only secondary consideration to social and political issues. This also reinforces conservation's technocratic tendency, with the effect of marginalising indigenous peoples.

It is important to realise that few conservation agencies continue to believe that the establishment of protected areas will by itself assure the preservation of biological diversity, because, while protected areas attempt to isolate threatened areas from the forces destroying surrounding zones, they do not address the root causes of this destruction.¹⁰ On the one hand this appreciation has led to attempts to institute captive breeding programmes to maintain gene pools of threatened species even after their natural populations or habitats are destroyed; *ex situ* conservation by putting germ-plasm into cold storage is another approach. On the other hand, as dealt with briefly in Chapter 8, conservationists advocate a broader planning approach as a means of changing the direction of development strategies. Nevertheless, the creation and extension of protected areas absorbs most of the funds of non-governmental conservation bodies. Protected areas also remain a priority for many international funding agencies, like the World Bank and Global Environment Facility, as the most practical way of conserving the greatest amount of biodiversity.¹¹

The ethic underlying the conservation of biological diversity is that it is for the global good and the needs and rights of future generations. Nevertheless profit motives have never been far away. Indeed the first parks at Yosemite and Yellowstone in the United States were created largely as a result of pressure from the railway building lobby, which sought to increase the numbers of fare paying passengers by routing their tracks near to scenic sights for what today we have reinvented as 'ecotourism'.¹²

Conservation is thus plagued by an uncomfortable internal contradiction. On the one hand it seeks to preserve wilderness free of human contamination, yet on the other hand it has to make conservation pay by promoting non-damaging forms of use. This raises the question, never far from the forefront of indigenous peoples minds when they learn that their lands are to be developed for conservation: conservation for whom? Like most development efforts, much conservation that excludes local people is justified in terms of a conventional trade off between global or national interests and local interests.¹³

Protected Areas and their Shadows

According to some indigenous peoples, protected areas and conventional 'development' programmes - dams, mines, roads, pipelines, colonisation schemes - are but two sides of the same coin. Both are experienced as top-down impositions on indigenous communities whereby lands are taken away from the control of local communities and allocated to uses determined by outsiders. Both are violations of the rights of indigenous peoples to their lands and to self-determination.¹⁴

The connections between protected area planning and destructive development may also go deeper. Integrated land use planning processes, by which lands are allocated for protection, are the same processes which also allocate lands for other purposes.¹⁵ Indeed, in developers' eyes, once a requisite percentage of an area (say 10%) is set aside for protection, then the rest (the other 90%) is logically then considered to be unprotected and available for 'development'. Protected areas thus foreshadow much larger 'sacrifice zones' where unsustainable developments are permitted or even encouraged.

These are not theoretical concerns. For example, in the early 1980s, the World Bank was heavily criticised for funding road-building and colonisation schemes in the Amazon basin. After protests from environmental campaigners and promises of reform, the World Bank and Inter-American Development Bank, switched their emphasis to funding 'Natural Resource Management Projects'. In Mato Grosso and Rondonia these zoning programmes, having set aside areas as indigenous reserves and protected areas, then promoted the colonisation of the rest leading to some of the fastest rates of deforestation ever experienced in Amazonia. Moreover, many of the indigenous reserves and protected areas set aside in these zoning exercises are now heavily invaded by the ranchers, loggers and colonists who have spilled out of the neighbouring zones where their activities were encouraged.¹⁶

From the point of view of 'Shadow Ecology' - the political ecology approach which looks for the political consequences of resource allocation decisions and the knock-on effects on environments and people¹⁷ - conventional protected area planning processes can thus be seen as intrinsically flawed. Zoning, of which protected area zoning is only one part, encourages technocratic planning processes, which marginalise local communities and vest power and authority over resources in State agencies and private sector enterprises. Land use decisions are then decided on in trade-offs negotiated between those promoting conservation zones and those promoting destructive developments. Increasingly, large sums of money may be involved in these transactions, with development agencies and private companies being prepared to put up substantial amounts of money which conservation organizations spend on

developing management plans and on new institutions to implement them. Cosy relationships between developers and conservationists, referred to as 'win-win scenarios', have thus become the norm - 'you scratch my back, I'll scratch yours' - creating a nexus of vested interests that risk excluding indigenous peoples and other local communities.

For example, Dale Peterson, in his far-ranging study of the bushmeat trade in Central Africa, has documented the close collaboration that has been established between conservation organizations and industrial logging companies. He alleges that in return for loggers handing over control of certain pieces of forest to conservationists, the same organizations have turned a blind eye to the systematic over-exploitation of game in the same companies' logging areas. Promoting such 'partnerships' between the conservationists and timber industrialists has been formalized by the World Bank, through its 'CEOs forum', which brings together representatives of the major international conservation organizations and timber industries.¹⁸

Indeed, the World Bank's 'Natural Habitats' policy actually requires exactly such trade-offs between destruction and conservation. According to this policy, when World Bank projects and investments are likely to 'convert' a natural habitat, then to 'mitigate' for the loss a protected area should be established and maintained in a similar natural habitat.¹⁹ An example of such an 'off-set' arrangement comes from the World Bank-funded Chad-Cameroon Pipeline. The pipeline has been driven directly through the forests of the Bagyeli people - though compensation has not been effectively channelled to them - leading to severe social and environmental problems.²⁰ To offset this damage and in accordance with the Natural Habitats policy, the World Bank, through the Global Environment Facility, has also set up two protected areas, Campo Ma'an and Bouma Bek, both of which were established without the local 'pygmy' peoples being consulted and which have severely limited their rights of access to forest resources. At the same time the road to the Campo Ma'an national park is now being used by logging companies to extract timbers from forests beyond the reserves.²¹

This pattern of development and conservation going hand in hand to exclude local communities has been widely remarked on in other studies.²² Indigenous peoples from the Congo Basin have expressed concern to the African Commission on Human and Peoples' Rights that new international conservation and development programmes, being implemented through the schemes such as the Congo Basin Initiative, the African Partnership for Forests, the Africa Forest Law Enforcement Group and the New Partnership for African Development (NEPAD), are all likely to intensify this carve up of indigenous peoples' forests into protected areas and logging zones without the rights of indigenous peoples being taken into account.²³

Notes to Chapter 3

- 1 Abramovitz 1991.
- 2 'things to think about' rather than 'things to eat'.
- 3 Huber 1993.
- 4 www.panda.org/resources/programmes/global200/pages/list.htm . 177 of the 238 listed ecoregions are largely in developing countries.
- 5 Bonner 1993.
- 6 Wilson 1988; Reid and Miller 1989.
- 7 *Triage* was the practice instituted in the First World War whereby French nurses separated the casualties into those which were not worth treating, those needing emergency surgery and those which could wait awhile for treatment]
- 8 McNeely et al. 1990.
- 9 www.conservation.org/xp/CIWEB/strategies/hotspots/hotspots.xml . 20 of the 25 'hospots' are in developing countries.
- 10 cf Wells and Brandon 1992:xi; Verolme and Moussa 1999; Wood, Stedman-Edwards and Mang 2000; Carey, Dudley and Stolton 2000:30-1.
- 11 World Bank 1993:110.
- 12 DiSilvestro 1993.
- 13 Dixon and Sherman 1991.
- 14 Gray, Padellada and Newing 1996.
- 15 Brockington 2002:4.
- 16 Rich 1994: 166-168; Keck and Sikkink 1998: 137-147.
- 17 For an explanation of 'Shadow Ecology' see Dauvergne 1997.
- 18 Peterson 2003:151-182. see also Chapter 8 in this volume.
- 19 World Bank OP 4.04 'Natural Habitats', paragraph 5. www.worldbank.org
- 20 Griffiths and Colchester 1999; Caruso et al 2003.
- 21 Nelson and Hossack 2003.
- 22 Eg Colchester and Erni 2000.
- 23 Statement presented by Indigenous Peoples of Africa Coordinating Committee (IPACC) to the 33rd Session of the ACHPR/Niamey-Niger 15-29 May 2003.

Chapter 4

The Social Impacts of Wilderness Preservation

We were chased out on the first day. I didn't know anything was happening until the police ran into my compound. They all had guns. They shouted at me, told me to run. I had no chance to say anything. They came at us and we ran, they came so violently. I was frightened for the children - I had eight children with me - but we just ran off in all directions. I took my way and the children took theirs. Other people were running, panicking, even picking up the wrong children in the confusion. I lost everything. I had 31 cows and some goats and hens. They were killed - 20 cows were killed and the rest taken. They burned everything, even the bed and furniture and the kitchen. We're poor now.

Joy Ngoboka, evicted from the Kibale Game Corridor, Uganda, 1 April 1992.¹

An unhappy truth which conservationists have only recently come to admit is that the establishment of most National Parks and protected areas has had negative effects on their prior inhabitants. So powerful has been the notion that conservation is about preserving wilderness that conservationists have been intensely reluctant to admit that indigenous peoples and other local residents have any rights in protected areas. The facts are, however, that like it or not, most protected areas are inhabited. Recent figures for Latin America suggest that 86% of protected areas in Latin America are inhabited.² Some 80% of the protected areas of South America have indigenous peoples living inside them. In Central America, the figure is 85%.³ Worldwide, according to the IUCN's figures for 1985, some 70% of protected areas are inhabited.⁴

The expulsion of indigenous peoples from protected areas, however, became the norm right from the start. Indeed the world's first 'Park', established in Yosemite in the Sierra Nevada in California was the homeland of the Miwok people. The startling landscapes of Yosemite, substantially an

outcome of indigenous land use systems,⁵ were proposed for conservation by the very same settlers and miners who, twelve years previously, had waged the 'Mariposa Indian War' against the area's indigenous people - the Miwok. In this one-sided struggle, forces sanctioned by the US Government made repeated attacks on Indian settlements. Indian villages were burned to the ground to force the Indians out of the area and to starve or freeze the Indians into submission. The main proponent of the Park, LaFayette Burnell, who led the Mariposa Battalion, and who professed a take-no-prisoners approach to the Miwok, wanted to '*sweep the territory of any scattered bands that might infest it*'. In common with the prejudices of the day, he thought of '*redskins*' as superstitious, treacherous marauders, '*yelling demons*' and '*savages*'. Once the Park was established, it was run by the US Army for the following 52 years before being taken over by the newly established National Parks Service in 1916.⁶

Expulsion from the Park deprived the Miwok of their traditional hunting grounds, grazing areas, fish runs and nut collecting groves. When they tried to take anything back from the whites, they were resisted with guns and then hounded out of the area again by the Mariposa Battalion. Ironically the very word 'Yosemite' is, according to Simon Schama, a term of abuse used by the Miwok to describe the Americans who were assaulting them and actually means 'some among them are killers'.⁷

In 1890, some years after their expulsion, the Miwok petitioned the US Government. They called for compensation for their losses and denounced the managers of the park for letting white ranchers and settlers invade the area with impunity.

The valley is cut up completely by dusty, sandy roads leading from the hotels of the white in every direction.... All seem to come only to hunt money... This is not the way in which we treated this park when we had it. This valley was taken away from us [for] a pleasure ground... Yosemite is no longer a National Park, but merely a hay-farm and cattle range.

Their pleas were ignored and further evictions of remnant Miwok settlements were made in 1906, 1929 and as late as 1969.⁸ The Miwok noted that the National Parks were not only being set up to preserve 'wilderness' regions '*unimpaired for the enjoyment of future generations*'⁹ but were also designed with a profit motive.

Yet the splendours of Yosemite, with its spectacular rocky eminences and the enormous *Sequoia gigantea* trees, also resonated in the American mind as 'an overpowering revelation of the uniqueness of the American

Republic' and were thus signed over in a bill creating the world's first wilderness park to the State of California in 1864 in the midst of a civil war 'for the benefit of the people, for their resort and recreation, to hold them inalienable for all time.'¹⁰

A similar sorry tale accompanies the world's first National Park at Yellowstone, which had first been conceived by the romantic artist George Catlin in the 1830s as a preserve for both nature and Indians (see opening quote to Chapter 1).¹¹ His idea was born in the tumultuous rush of land grabbing during the American conquest of the west, when covered wagons, the US cavalry, gold miners, cowboys and Indians struggled to impose their different visions of life and land use on the continent. Respecting the Indians' need for large areas of land to pursue their customary livelihood, Catlin had dreamt of a substantial 'Park' to preserve a way of life he profoundly admired. However, when the Yellowstone National Park was actually created 34 years later, it was during the disruptions of the American Civil War at a time when a devastating series of 'Indian Wars' was being waged to subdue Indian autonomy and realise the country's 'manifest destiny'. The prevailing view of Indians, at the time that the park was created, was that they were 'sneaking red devils'. The resident Shoshone of Yellowstone were thus expelled, not altogether 'willingly'. Other neighbouring peoples who had frequented the area for grazing and hunting - Lakota, Crow, Bannock, Nez Perce, Flathead and Blackfeet, were likewise excluded. Subsequent records suggest that there were violent conflicts between the park's authorities and indigenous groups: as many as 300 people were killed in clashes in 1877 and nine years later administration of the park was turned over to the US Army.¹² The establishment of Yellowstone was founded on a manifest lie, that Yellowstone was not 'Indian Country' although its protection from Indians nevertheless required the building of a fort.¹³

As it had commenced so it was to go on. Relocation, often forced, of indigenous peoples has been a recurring 'necessity' in order to establish protected areas in the image chosen for them. One of the most grotesque examples of this process was documented by Colin Turnbull in his book *The Mountain People* which described the consequences for the hunting and gathering Ik of their expulsion from their traditional hunting grounds by the establishment of the Kidepo National Park, in colonial Uganda. Obligated to adopt subsistence agriculture in the barren highlands neighbouring the park, the Ik suffered prolonged famine leading to a total collapse of society and the disappearance of all mores except naked self-interest. Traditions of food-sharing vanished as the Ik slowly died of hunger while seeking to delay the inevitable through 'poaching', begging and prostitution.¹⁴

Forced relocation to make way for national parks has been a particularly severe problem for indigenous people in watershed forests which are often afforded strong protection to conserve soils - and thus prevent the siltation of downstream engineering projects. Thus the Dumoga-Bone National Park in Sulawesi, Indonesia, while noted as a successful example of buffer zone management by the World Conservation Union,¹⁵ in fact required the expulsion of the indigenous Mongondow people, who had been forced up the hillsides by the agricultural settlement and irrigation projects in the lowlands.¹⁶

The last remnants of Sri Lanka's aboriginal people, the Vedda, were likewise expelled from the Madura Oya National Park in the catchment of the controversial Mahaweli Development Programme. Although they had been demanding rights to their lands since at least 1970, the Vedda were obliged to leave their lands with the gazettelement of the Park in 1983. Brought down out of the hill forests to small settlements where they were provided houses and small irrigated rice paddies, the Vedda - traditionally hunters and gatherers supplementing their subsistence by shifting cultivation - had trouble adapting to a sedentary life. Subsequent surveys showed they resented the lack of access to forest produce, game and land for shifting cultivation and were fast losing their own language. Only one small group insisted on remaining in the forests where they were persistently harassed by officials. International protests in support of the Vedda led to Presidential promises that some land would be set aside for them: a promise which, to date, remains unfulfilled.¹⁷

National Parks established to protect mountain gorillas in Zaire, Uganda and Rwanda have also entailed the expulsion of Batwa 'pygmies', whose extremely marginal position in the local political economies has resulted in them being apparently entirely ignored by subsequent attitudinal surveys of affected people.¹⁸ Nevertheless, the Batwa achieved international notoriety in the feature film '*Gorillas in the Mist*', where they are explicitly blamed for the murder of the conservationist Diane Fossey thus perpetuating the myth that conservation in Africa can only be achieved through violent confrontation with indigenous peoples.¹⁹

In fact, Twa groups have been dispossessed of many of the last remaining forest areas in Central Africa including protected areas in Uganda, Rwanda and the Democratic Republic of the Congo.²⁰ A Twa widow explains what is felt like to be expelled from the Kahuzi-Biega National Park in the Congo in the 1960s.

*We did not know they were coming. It was early in the morning. I heard people around my house. I looked through the door and saw people in uniforms with guns. Then one of them forced the door of our house and started shouting that we had to leave immediately because the park is not our land. I first did not understand what he was talking about because all my ancestors have lived on these lands. They were so violent that I left with my children.*²¹

Denied their traditional lands and livelihoods, these Twa - traditional hunting and gatherers - now exist in a number of squatter camps on the fringes of their once extensive forest territory. They suffer extreme malnutrition, landlessness, demoralization and despair. As another Twa explains:

*since we were expelled from our lands, death is following us. The village is becoming empty. We are heading towards extinction. Now the old people have died. Our culture is dying too...*²²

Forced relocations are not a thing of the past. Further north in Uganda, mass expulsions of forest-dwellers and peasant settlers have recently been carried out under a World Bank, European Community, DANIDA and NORAD funded project to create a wildlife corridor between the Kibale Forest Reserve and the Queen Elizabeth National Park. Completely contrary to the World Bank's and the Development Assistance Community's norms on relocation under development projects, some 30,000 indigenous people in the Kibale Forest Reserve and Game Corridor were expelled without warning, leading to mass impoverishment, burning, looting, the killing of livestock, and other serious human rights violations including deaths.²³ Shortly after the evictions the EC's chief technical adviser reported that:

This successful operation... has opened up the possibility of the frustrated elephant population of Kibale once more being free to migrate between the Queen Elizabeth National Park and the forest...²⁴

According to the World Bank, which itself ascribes to the wildlands approach to conservation 'resettlement is particularly important when the local people's activities are fundamentally incompatible with the preservation objectives of Wildland Management Areas'.²⁵ Yet it is far from clear whether the social, political and environmental problems incurred by transplanting people out of protected areas are justified even in strictly environmental terms. Not only do they create a difficult political environment for the protected area to function within but they also disrupt neighbouring environments into which the people have been displaced.

The study of forced resettlement has become something of a science due to its increasing frequency as an adjunct of 'development' programmes (the World Bank, for example, forcibly relocated some 3 million people in the years from 1986 to 1996).²⁶ As one World Bank study has noted, forced relocation can 'be expected to cause multidimensional stress'.²⁷ These stresses include 'psychological stress' including the 'grieving-for-a-lost-home syndrome', 'anxiety for the future' and 'feelings of impotence associated with the inability to protect one's home and community from disruption'. These stresses may become so great as to cause problems under the second category of stress: 'physiological', discernible as an actual increase in health disorders. While such conditions may be reversible, the stress factors that come under the rubric of 'socio-cultural stress' may not be. The 'cessation of a range of familiar and satisfying economic, social and religious activities which are tied to the oustee's old home' are related to an overall breakdown in society, particularly political structures.²⁸ The leaders of the oustee communities find themselves in a 'no-win situation', since they lose legitimacy if they approve the removal of their people against the will of the majority, but also if they oppose the removal, because ultimately they are proved powerless.²⁹ Societies that are removed from their lands not only lose the economic basis for their survival, but 'a major reduction in their cultural inventory due to a temporary or permanent loss of behavioral patterns, economic practices, institutions and symbols'.³⁰

Materially most oustees are substantially worse off following removal from their original areas. The fact that compensation is usually inadequate³¹ is compounded by the fact that cash compensation is often squandered imprudently by people unused to land markets. Indigenous people, unaccustomed to dealing with land as a saleable commodity, frequently fall easy prey to the unscrupulous. Summarising the experience of years of work trying to mitigate the impact of forced resettlement programmes, Thayer Scudder of the University of California has noted that 'forced resettlement is about the worst thing that you can do to a person short of killing him'.³²

Summarising the impacts of forced resettlement on rural communities, the World Bank has noted:

When people are forcibly moved, production systems may be dismantled, long-established residential settlements are disorganized, and kinship groups are scattered. Many jobs and assets are lost. Informal social networks that are part of daily sustenance systems - providing mutual help in childcare, food security, revenue transfers, labour exchange and other basic sources of socio-economic support - collapse because of territorial

dispersion. Health care tends to deteriorate. Links between producers and their consumers are often severed, and local labour markets are disrupted. Local organizations and formal and informal associations disappear because of the sudden departure of their members, often in different directions. Traditional authority and management systems can lose leaders. Symbolic markers, such as ancestral shrines and graves, are abandoned, breaking links with the past and with peoples' cultural identity. Not always visible or quantifiable, these processes are nonetheless real. The cumulative effect is that the social fabric and economy are torn apart.³³

The environment too often suffers as a result of forced relocations. Traditional balances between humans and their environments are disrupted. People are confined to small and inappropriate land areas; traditional social institutions and patterns of land management and tenure, which used to regulate access to resources are undermined. Short term problem-solving behaviours replace long-term planning. The net result is environmental degradation.³⁴

Although resettlement has been and continues to be one of the most common means of dealing with indigenous people in protected areas, alternatives have long been tried. Continued residence by indigenous peoples has sometimes been tolerated, often to encourage tourism, on condition that the people maintain a 'traditional' lifestyle and do not change the way they hunt or farm. Such policies, referred to as 'enforced primitivism' by the World Bank,³⁵ which rejects them, were quite vigorously applied by the *apartheid*-based regimes of southern Africa. As Robert Gordon has documented, the policies were based on racist concepts which advocated that 'we must treat the Bushmen as fauna and realize that he is incapable of assimilating European ideas'. Accordingly the last group of Bushmen in South Africa were allowed to live by the Gemsbok National Park where they were expected to live on government handouts and by 'traditional' hunting. The experiment in preserving the Bushman 'race' was not a success, as the Bushmen not only sought to change their way of life - they wanted clothes, improved housing and hunting dogs - but also intermarried with other local Africans. After some years one of the park wardens noted with disgust 'their desirability as a tourist attraction is under serious doubt, as is the desirability of letting them stay for an indefinite period in the park. They have disqualified themselves...'.³⁶

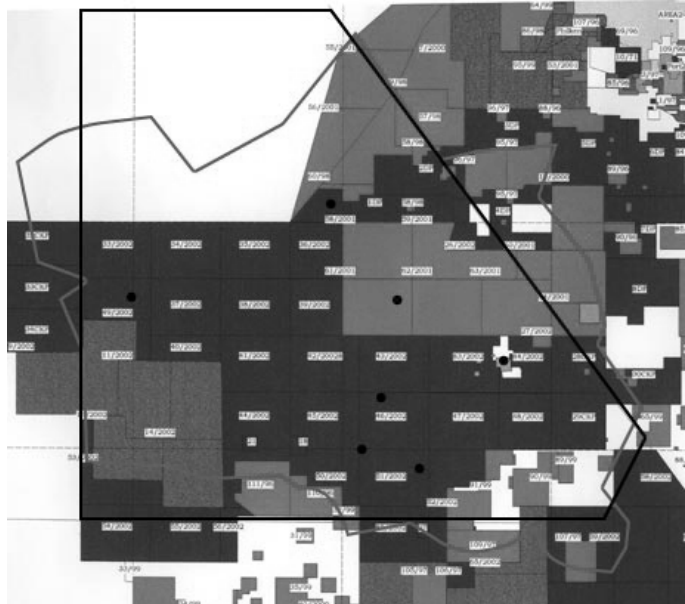
In Botswana, the Central Kalahari Game Reserve was originally established as a reserve area to protect the San 'Bushmen' and other

traditional desert dwelling groups and their habitat. Within the reserve, the San and other hunter-gatherers were allowed to hunt without licences as long as they used their traditional weapons.³⁷ The reserve thus protected them, at the cost of setting limits on how they could develop their economies. However, in the 1980s conservationists grew increasingly concerned at the changes in the Bushmen's ways of life - they adopted small herds of cattle, concentrated at the tube-wells where limited government services were provided and some began hunting with non-traditional weapons. The conservationists called for bans on hunting and even the expulsion of indigenous peoples from the area.³⁸ The Government acceded to the pressure and set about developing plans to resettle the groups inhabiting the reserve. The move prompted an international outcry from human rights groups, which pointed out that the Reserve was suffering much worse damage from diamond mining, ranching and tourism.³⁹ At first, the Government backed down and the resettlement plan was temporarily dropped.⁴⁰

However in 1997, the Botswana government suddenly moved to evict the Bushmen from the Reserve even though they clearly objected to the forced relocation. As one spokesman noted:

We said that we didn't want to abandon our culture here and go elsewhere. This is our ancestral land, why should we leave it and go elsewhere? If we agreed to relocation, would the government provide us with our natural resources and with our culture and heritage, which we have here? We know this land belonged to our great grandparents - we have their burial sites here. But now, just because we are the Bushmen, it seems that our land is being taken from us. Just because we are Bushmen and we can't stand up for our land. We think it is because we are Bushmen. We don't see it happening to other peoples, only to the Bushman communities.⁴¹

Subsequently, some Bushmen trickled back to the reserve from the depressing resettlement sites to which they had been removed but they were again evicted by force in 2002. The international human rights organisation, Survival International, has vociferously denounced these forced relocations, noting that the evictions are not only against the will of the Gwi and Gana Bushmen whose ancestral lands these are but are also being carried out principally to clear the area for diamond prospecting and mining.⁴² The organization's website shows maps which illustrate how the ancestral lands of the Bushmen and the Game Reserve are now a chequerboard of diamond prospecting leases granted to some of the world's largest diamond mining



corporations. These prospecting activities are being undertaken with the support of the private sector arm of the World Bank, the International Finance Corporation.⁴³

Conservationists now face another problem. As a result of their success in generalising a conservation model that excludes people, national parks legislation in many countries necessarily requires the removal of residents - such laws are the norm in South America for example.⁴⁴ As a result, conservationists may find that they are legally obliged to resettle people from national parks even though there is no evidence that their presence poses a threat to the local ecosystem or biodiversity.

A case in point is the Korup National Park in the Cameroon, a 126,000 hectare forest inhabited by about one thousand people and used by several thousand more. According to the legal decree under which the park was established, these villagers will have to be resettled.⁴⁵ But researchers developing a management and resettlement programme for the park have been sharply divided about both the necessity and advisability of the resettlement. Early surveys suggested that with the exception of one community in the very south of the proposed park, which was engaged in a vigorous trade in bushmeat across the border to Nigeria, the levels of hunting, farming and gathering were probably sustainable. Subsequent more detailed research did not disprove this, although levels of hunting were found to be higher than previously thought.⁴⁶ On the other hand, these studies revealed that hunting was the single most important source of cash for the majority of villagers, representing more than half of their meagre income, yet the restrictions imposed by parks regulations meant that development of alternative means of generating a cash income would also be illegal.⁴⁷ The Worldwide Fund for Nature thus felt obliged to argue that 'the presence of villages within the park whose inhabitants are involved in hunting, trapping and agriculture is incompatible with the operation of the park' and they advised a voluntary resettlement programme based on creating incentives to relocate to neighbouring forest areas with better soils, where roads, community development initiatives and improved services would be provided.⁴⁸ It remains unclear whether this programme will be successful,⁴⁹ especially as the Government has been unwilling to pay compensation to villagers for the abandonment of homes, crops and fruit trees.

At the same time, the imposition of restrictive legislation and the threat of relocation, which has now hung over these people's heads since 1981, created a hostile attitude towards the park.⁵⁰ Surveys showed that 'many, perhaps all, of the thirty villages within the Park and three kilometres from its

boundary claim traditional rights to land and natural resources within the Park itself'.⁵¹ One specialist looking into the managerial aspects of the park advised against resettlement arguing that the local political disruptions would foment greater antagonism to the park and make management and policing untenable or very costly. The specialist also pointed out that the same laws that made resettlement from the park necessary would also apply in the buffer zones to which they were relocated, making their presence there equally illegal.⁵²

In the past 20 years, the managers of the Korup National Park have had limited success removing these people from the Park in line with legal requirements, not least because the main donor agencies funding the scheme - the British aid agency (DfID), the European Union and the German technical assistance agency (GTZ) - have insisted that the welfare of the people in the Park is not affected. Indeed to date only one of the six villages falling within the Park's core zone has been relocated and most effort has now been focused on participatory community development projects and conservation monitoring schemes.⁵³

The world over, conservationists are now beginning to realise that the strategy of locking up biodiversity in small parks, while ignoring the wider social and political realities has been an ineffective strategy. So long as polluting and unsustainable land use patterns prevail outside, the future of the parks is in jeopardy.⁵⁴ At the same time, the establishment of protected areas without taking into account the needs, aspirations and rights of the local peoples may create ultimately insoluble social problems which may threaten the long term viability of the parks quite as much as the perceived threats, which caused them to be established.

Animal Rights and Indigenous Peoples: the fur wars in the Arctic

Today it is possible to distinguish between two schools of environmentalism. On the one hand are those who argue for adjustments in human interactions with the biological environment in order to ensure the sound functioning of ecosystems and the conservation of species diversity, because ultimately human survival will depend on them. Such 'utilitarian' groups favour a pragmatic acceptance of humankind's use of nature,

accepting 'culls', 'sustainable cuts' and 'allowable annual yields' without sentimentality. On the other hand, other environmentalists argue for a new respect for nature based on a rejection not only of 'anthropocentrism' and 'speciesism', but also on a respect for 'animal rights'. For these groups the killing of warm-blooded animals and other beings, even the cutting of forest trees, are immoral acts in themselves and constitute a violation of the individual rights of other forms of life. Like the wilderness preservationists before them, these environmentalists advocate putting nature off limits to human beings as a means of protecting it.

Yet, in practice, the distinction between these 'utilitarian' and 'deep ecology' approaches has always been blurred. Most environmental and conservation groups that rely on public support in the western industrial countries for fund raising and popular campaigns have pegged their work on the appeal of large furry animals - so-called 'charismatic megafauna' - and on sensational photographs of harpooned whales, battered baby seals and butchered elephants. Since they rely on a culturally generated sense of outrage in their general public they have consciously and unconsciously set their agenda to suit these cultural perceptions.

Indigenous peoples have suffered badly from the effects of these cultural blinkers. In the Arctic, in particular, where temperatures are too low for agriculture, the hunting, killing and butchering of animals has been basic to indigenous peoples' ways of life. Interaction with the outside world has inevitably drawn these peoples into the international market and they have thus come to depend to a large extent on commerce in skins and furs to maintain their livelihoods. But conservationists and later animal rights activists have successfully campaigned to end this trade. Beginning with species that were classed as threatened, but then expanding their campaigns to embrace all furs, environmentalists have succeeded in substantially reducing the trade and as a result have all but undermined these peoples' ways of life. The result has been quantified in a massive increase

in welfare dependency, family breakdown, alcoholism, divorce, truancy, suicides and emigration among peoples whose views of nature have not accorded with western ones, even though their deeply held religious beliefs resonate with a respect for animal spirits.⁵⁵

As Jeff Sayer of the World Conservation Union has noted:

Legal protection is rarely sufficient to guarantee the continuing integrity of conservation areas. Local people, often with good reason, frequently see parks as government-imposed restrictions on their legitimate rights. Patrolling by guards, demarcation of boundaries and provision of tourist facilities will therefore not deter them from agricultural encroachment. Illegal hunting and gathering of forest products will be difficult to control. Laws which are resented by the majority of the population are difficult to enforce. In these situations, protected areas⁵⁶ lose support and credibility, and their condition rapidly deteriorates.

For example, resentment among Sherpas at the imposition of the Sagarmartha National Park (Mt. Everest) and the undermining of traditional commons management practices led to an acceleration of forest loss. Local elders estimated that more forest was lost in the first four years of the Park's creation than in the previous two decades.⁵⁷ In India, resentment by local people to national parks legislation and enforcement agencies has caused increasing problems. In some cases, as Gadgil and Guha note, villagers have responded by setting fire to large areas of national parks, such as the Kanha National Park of Madhya Pradesh. This kind of 'incendiarism' has occurred in areas as far apart as the Ho areas of Bihar and the Nagarhole National Park in South India, which displaced the Bette Kurumbas and Jen Kurumbas peoples to establish a tiger sanctuary, where some 20 square kilometres of forest were burned after wildlife guards were accused of killing a poacher.⁵⁸

One of the major problems with the protected areas approach has been that the national agencies charged with administering these areas are, generally speaking, small, politically marginal and underresourced. In Africa, for example, one study found that most countries spend less than a fifth of the minimum amount of money considered adequate for parks management. The world famous Amboseli National Park in Kenya had a budget in 1988 of only US\$25,000. In 1987, the budget for all Madagascar's protected areas was under US\$1,000.⁵⁹ The same parlous situation has been documented

in Central America, where of the 21 protected areas which existed in 1989, only 13 had regular personnel. Only 9% of the 84 people who did work in these areas had professional training.⁶⁰ In Brazil, according to local conservationists, the agencies are not so much underfunded as politically unstable, inefficient and lack well-qualified staff. The result, of course, is that national parks become open access areas, where local peoples' rights are denied but state protection is unenforced. The few parks personnel are spread out over vast areas, have inadequate transport and other resources and spend most of their energies trying to supplement their meagre incomes by legal and often illegal means. This leads to an acceleration of social impoverishment and environmental destruction. Without the support of local communities, protected areas may be self-defeating.

As Janis Alcorn has noted, classical conservation initiatives have:

focused on supporting protected-area strategies implemented through state governments. Park departments, with staff trained by academic centers that teach strategies based on protected areas, still espouse the conservationists' goals and agenda... But, despite the confluence of those two agendas, park departments and other state agencies have failed miserably at conserving biodiversity, globally and in Amazonia. Instead, paper parks abound, and deforestation rates have increased. While states have pleased conservationists by announcing the creation of parks, a careful look at state performance shows a general pattern whereby state-linked elites are continuing to log and mine in protected and reserved areas.⁶¹

In Africa, over a million square kilometres of land have been set aside as national parks and game reserves,⁶² yet they have been remarkably unsuccessful at protecting wildlife. Commenting on the problems confronting national parks in Central Africa, Stuart Marks in his book titled 'The Imperial Lion' argues:

Materialistic Northerners have sought to preserve African landscapes in the only way they could, by separating them from daily human activities and setting them aside as national parks where humans enter on holiday... Wildlife protection, like other imposed policies, has always carried with it the implications of force, of quasimilitary operations, and of sanctions. It is my contention that for the West to persist in its support of preservationist policies that hold vast acreages of land hostage to its myths is to ensure their certain destruction through African needs and perspectives.⁶³

More recently, World Wildlife Fund authors Jonathan Adams and Thomas McShane have reached similar conclusions:

As long as conservation operates on the notion that saving wild animals means keeping them as far away as possible from human beings, it will become less and less relevant to modern Africans. Parks and other protected areas will eventually be overrun by people's need for land unless the parks serve, or at least are not completely inimical to, the needs of the local population.... Conservation will either contribute to solving the problems of the rural poor who live day to day with wild animals, or those animals will disappear.⁶⁴

A study by Madhav Gadgil in southern India, found that the assertion of state control over natural resources led to 'severe conflicts with the local populations attempting to maintain their customary rights to resources. In the process, the local traditions of resource conservation have been increasingly disrupted or have broken down altogether.'⁶⁵

In a like vein, Sanjoy Deb Roy of the Indian Forest Service and Peter Jackson of the World Conservation Union note that:

All of India's nearly 500 protected areas are virtual islands surrounded by villages and agriculture land, where people are desperately short of the basic resources of life, such as firewood, building materials and grazing areas for their livestock. Inevitably they invade the reserves and come into conflict with the authorities. Poaching of animals, timber and other forest produce is rife, and cattle and goats are found in most reserves. Resentment at the wildlife authorities' attempts to control the situation has exploded in violence against officials and guards.⁶⁶

These protected areas have already displaced some 600,000 tribal people and forest-dwellers and affected many more. According to some social activists in India, the Ministry of Environment and Forests plans to establish a further 650 Wildlife Sanctuaries and 150 National parks in the next few years, displacing as many people again.⁶⁷ Indeed many third world environmentalists, in countries such as Ecuador, Venezuela, Indonesia and the Philippines believe that national parks are often purposefully established as a means of denying local peoples' rights and reserving the areas for future exploitation. In India, conservation groups have realised that protected areas from which tribal peoples have been expelled are unusually vulnerable, deprived as they are of their first line of defense.

Conservationists have fought shy of admitting the underlying reason that the classical approach to protected area management has failed. For the choice that they have made is to impose their vision, their priorities and their values of landscape, nature and society on other peoples, securing their endeavours through the power of the State and its right of eminent domain. Almost by definition, therefore, conventional protected areas have been at odds with indigenous peoples' rights to self-determination and territorial control.

Notes to Chapter 4

- 1 Cited in Feeney 1993:2.
- 2 Kemf 1993; Amend and Amend 1992.
- 3 Alcorn 1994.
- 4 Dixon and Sherman 1991; Burnham 2000: 60.
- 5 Schama 1995:9.
- 6 Keller and Turek, 1998: 20-22.
- 7 Schama 1995:186
- 8 Ibid.
- 9 US Congress 25 August 1916.
- 10 Schama 1995:191.
- 11 Yosemite was initially classified as a 'State Park' and was only later reclassified as a National Park.
- 12 Kemf 1993:5-6.
- 13 Keller and Turek 1998:23.
- 14 Turnbull 1972.
- 15 Sayer 1991:44.
- 16 *Down to Earth* No. 5 1989.
- 17 Chandrasena 1993.
- 18 Hannah 1992:34; Wells and Brandon 1992:76.
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- 21 Albert Kwokwo Barume, 2000, *Heading Towards Extinction: Indigenous Rights in Africa- the case of the Twa of the Kahuzi-Biega National Park, Democratic Republic of Congo*, Forest Peoples Programme and International Work Group for Indigenous Affairs, Copenhagen: 80.
- 22 Kwokwo Barume 2000:87.
- 23 Feeney 1993.
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- 25 Ledec and Goodland 1988:97.
- 26 World Bank 1993.
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- 33 World Bank 1994:iii-iv.
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- 35 Goodland 1982.
- 36 Cited in Gordon 1985:32
- 37 Hitchcock and Holm 1993:326.
- 38 Hitchcock 1990.

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41 Tlhalefang Galetshipe, January 2001, cited on [www.survival-international.org/
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50 Infield 1988.
51 Devitt 1988.
52 Ruitenbeek 1988.
53 www.wwfcameroon.org/cpoprojects/koruppark.htm
54 DiSilvestro 1993.
55 Lynge 1992.
56 Sayer1991:1.
57 Sherpa 1993:49.
58 Furer Haimendorf 1986; Roy and Jackson 1993.
59 Hannah 1992:3
60 Utting 1993:93.
61 Alcorn1993:424.
62 Hitchcock 1990.
63 Marks1984:4-5 cited in West 1991:xviii.
64 Adams and McShane 1992:xv, xvii.
65 Gadgil 1992:268.
66 Roy and Jackson 1993:160.
67 PRIA 1993.

Chapter 5

The Politics of Parks

Action can be initiated only at a political level, conservation being more a social matter than a scientific or technological one.

George Schaller, *The Last Panda*¹

Conservationists have begun to realise that plans to protect species and habitats most often go awry if the social dimensions are ignored or local communities marginalised. Yet, the very politics of conservation tends to militate against an adequate involvement of local people. Since classical conservation is so often a policy that is introduced either by outsiders to a region or foreigners to a country, it seeks legitimacy and authority by making alliances with government. For obvious reasons, since they lack local constituencies or power bases, conservationists tend to see 'policy-makers' as their target group² and hope that, by winning them over to their point of view, they can assure real changes on the ground by changing the legal status of land and obliging local players to change their economic activities. The result is that classical conservation approaches tend to reinforce existing divisions between local people and government, thereby increasing alienation and conflict rather than resolving them.

This is made most starkly apparent with regard to rights to land. Especially in developing countries and in contrast to the practice in Britain, National Parks legislation alienates protected areas to the State, thereby annulling, limiting or restricting local rights of tenure and use. This act alone makes collaboration between indigenous peoples and conservationists nigh impossible. For land rights are not just dry legal concepts, they express the deep connections between peoples and their environment, they establish the framework that regulates community use of the environment and are vested in local **political** institutions that provide the alternative to direct state management of resources.

The denial of indigenous peoples' land rights is thus not just contrary to both customary and international law, it tears at the fabric of indigenous society and its relations to the environment. Yet conservationists continue to be shocked and affronted by the vehemence with which local people respond to the imposition of protected areas, and tend to assume that this hides an intention to deplete or destroy natural resources.

One example is the Loagan Bunut National Park in Sarawak which was designed to protect Sarawak's only natural lake.³ The lake is the customary property of the Berawan people of Long Teru who have complex regulations governing who has rights to fish the lake and its rivers.⁴ Correctly noting that agricultural development, road-building and logging seriously menaced the Berawan's lands, Government officials moved precipitately to define the area as a National Park. The fact that their lands were increasingly under threat was not news to the Berawan - Iban and Malaysian Chinese settlers had been taking over their lands for many years and logging too had taken its toll, with soil pollution causing a decline in fish-stocks, leaving the Berawan with a seriously reduced resource base on which to survive.

Despite being fully aware that the area was important to the Berawan for fishing, and despite proposals that it would be better to develop the area as a Biosphere Reserve, where the people could retain certain rights, instead of as a National Park, which would extinguish them,⁵ in late 1986, the Government's National Parks and Wildlife Office went hurriedly ahead with their plans to define the area as a National Park. The Berawan found themselves served with a notice that they should file claims for compensation for the extinction of their customary rights by May 1987. At the same time a proclamation was circulated, noting that erecting buildings, hunting, cutting vegetation and clearing land were all to be prohibited in the Park, and made punishable with a fine of M\$2,000 and up to one year in jail. At the stroke of a Government pen, they were to become poachers and squatters on their own lands. Predictably, the Berawan reacted strongly against the proposal. They asserted that they cannot and will not relinquish control of their traditional territory. 'No amount of money can compensate these losses because we depend on the land and the lake for our survival'.⁶

In 1993, the Berawan were once again in the news. Like the Berawan of Long Teru, those at Long Terawan had their land rights extinguished by the establishment of a National Park, this time at Gunung Mulu, but this time in exchange for legislation which recognised their rights to continue to hunt, fish and collect building materials inside the Park. In the intervening years the Berawan have experienced a progressive encroachment on their remaining lands just outside the Park as tourist lodges have been established

to service the increasing flow of visitors. More recently, the Government gave the go ahead for Japanese developers, allegedly with the involvement of the family of Sarawak's Chief Minister, to clear land within and on the margins of the Park for creating a luxury hotel, with airport, roads, a tourism complex and golf course. The Berawan have protested the project, which deprives them of further land stating 'this is not development, but theft of our land, our culture and our dignity as human beings'.⁷

Intentionally or not conservation efforts which ignore or deny local rights and concerns often serve to bolster State interests which have little or nothing to do with conservation. A well-documented example of this process is the WWF's flagship programme in China to preserve the panda.⁸ The programme commenced in a very unfavourable political context shortly after the Cultural Revolution, a time when adherence to State doctrine was a matter of life or death for the Chinese and when bold and innovative thinking was intolerable. Bowing to this reality and in exchange for the right to carry out field research of pandas and jointly develop a management plan to protect panda habitats, the WWF parted with several millions of dollars of money for a prestigious but near useless high-tech. captive breeding and veterinary study programme carried out in a huge, ugly concrete research centre in the Wolong Nature Reserve. No effort was put into studying the relations of local communities - which included both Han and ethnic minorities - with their local environment, much less were they involved or consulted in decision-making. The main destroyer of panda habitat, logging, has largely continued unchecked, while poachers have been dealt with unpredictably, with negligent *laissez-faire* alternating with extreme severity.⁹ A number of ethnic minority communities were threatened with being forcibly resettled,¹⁰ though the ill-planned efforts came to nothing.¹¹

The full irony of the panda conservation programme is that by making the panda into such a potent symbol both of conservation and Chinese nationalism it actually increased pressure on the species in the wild. In the first place, pandas became prestige gifts from the Chinese government to visiting dignitaries. They were also coveted by zoos who wanted pandas as star attractions to increase revenue from visitors - though they soon learned to disguise their cupidity behind the rhetoric of captive breeding. This increased demand for live pandas to be removed from their habitat. Panda skins also became extremely valuable in the illegal fur trade, leading to an increase in poaching. The overall result was that, by focusing international attention on the animal as a conservation icon, panda populations declined. At the same time the main cause of panda decline, habitat destruction, went essentially unaddressed.¹²

The Chinese Government has clearly not been the most comfortable partner for the conservation groups to deal with and the authoritarian practice of Government partly explains why a more socially sensitive approach was not adopted. However, the WWF's habitat management plans for the panda have persistently failed to deal adequately with the social issues.¹³

The 'Save the Tiger' programme in India, another of the WWF's most publicised initiatives, has been just as controversial. Launched in 1973, the project has expanded to include more than 2,500 square kilometres of forest. Most of the reserves have followed India's typical pattern of denying or heavily circumscribing local peoples' rights and this by itself has led to much hardship and resentment. But the resulting increase in tiger numbers has also caused more direct problems to the local residents. According to Gadgil and Guha, in the Sunderbans alone nearly a thousand human lives were taken by tigers in the first twenty years.¹⁴

A similar problem has been faced by the Chenchus, one of the few surviving foraging communities in South India. Living in the forests that clothe the Nallamalai Hills on both sides of the Krishna River, in Andhra Pradesh, they live a semi-nomadic existence as hunters, food gatherers, and collectors of forest products such as honey, gum, soapnuts and medicinal plants. In the 1940s, around 40,000 hectares of the Nallamai Hills were set aside as a Chenchu reserve allowing the Chenchu to maintain their way of life relatively undisturbed. However, in 1979, as part of the Save the Tiger programme, the entire area was declared a tiger sanctuary and the Chenchu were prohibited access to the core area causing them serious hardship.¹⁵

Resentment of the local people to the impositions of the Tiger programme have increased their susceptibility to various insurgencies. In the south of Madhya Pradesh, for example, 52 villages of Maria tribals were evicted from the lands in 1984 to make way for the Kutru Tiger and Buffalo Reserve.¹⁶ As a consequence, the Maria are alleged to have sided with Naxalite insurgents, who have long championed tribal rights,¹⁷ having commenced as a revolutionary land reform movement among the Santal tribal people of West Bengal.¹⁸

One of the earliest reserves to be established by the Save the Tiger programme was the Manas Tiger Reserve in Assam, an area that enclosed part of the traditional homeland of the Bodo tribal people.¹⁹ The Bodo who once predominated in the area, have seen their homeland progressively taken over by migrants brought in by the opening of the State to logging and tea-plantations by the British. Since independence, political instability and landlessness in Bangladesh has forced successive waves of Hindu and Bengali migrants into the area,²⁰ squeezing the Bodo off their ancestral lands

and turning them into an ethnic minority in their own state. As a reaction, Bodo have begun to demand the establishment of an independent Bodo state and some have even taken up arms to achieve this. Taking advantage of the remoteness of the Manas area and the resentment of local Bodo who have lost lands to the Reserve, the insurgents have taken over the area and driven out the park's guards.²¹ By 1993, reports suggested that the Bodo insurgents have been killing wildlife to provide funds to arm their movement. Three-quarters of the population of rhinos from the Manas park were reported to have been killed for their horns since 1989.²²

The Ju/Wasi 'Bushman' of Eastern Bushmanland in Namibia have not reacted to the impositions of conservation laws in the same way, but the problems they face are similar.²³ In 1990, the Ju/Wasi had a total of 376 cattle at a dozen water points, in an area that was also home to some 400 lions. The conservation laws prevented the Ju/Wasi from killing the lions, even if they took livestock. As Robert Hitchcock notes, the irony was that hunters from the USA, Europe and Japan were allowed to shoot these lions, prompting an angry reaction from the Ju/Wasi. 'Lions are the dogs of Western conservation' one said.²⁴

Conflict between local people and park authorities is widespread in Africa and is exacerbated by the annexation of further areas as reserves for trophy hunting. Indignation at the hypocrisy of state interventions which prohibit local hunting but allow foreigners to hunt the same areas all in the name of conservation is keenly felt. One survey of local African attitudes to protected areas in northern Cameroon found vociferous objections to parks restrictions which prohibited hunting, fishing, gathering of medicinal plants and the killing of animal pests. One elder interviewee enquired:

When Fritzo was moving around this country carried on human shoulders to choose where to create national parks, I was a lot younger than now. Why did he choose our land? Was it not because there were many animals there? Were we not hunting? Are you telling us that we can't hunt because some animals will 'finish', as you said? When the white men come and hunt every year, why don't the animals get finished? Does it mean that it is only we who can make the animals finish?²⁵

The imposition of State controls on indigenous peoples not only leads to tensions between State agencies and local communities but it also serves to undermine indigenous systems of resource control and management. Indeed this may be the explicit purpose of the protected area legislation. For example, the law establishing the National Integrated Protected Area System

in the Philippines, while it claims to have the 'preservation of ancestral domain and customary rights within protected areas as a management objective', aims to put protected areas under 'close management, control and study' so that 'experts' can decide where, when and how much natural resources local communities can extract.²⁶ The result is the erosion of local systems of decision-making and the substitution of indigenous institutions with those of what Robert Hitchcock and John Holm call the 'bureaucratic State'. In Botswana, 'it is foreign aid organisations, their academic advisers, NGO leaders and top ranking civil servants who are actually deciding the substance and rate of social change among the San'. These pressures, as much as land loss and economic problems, are undermining San culture and identity.²⁷

The denial of local political control of areas annexed by the State may thus increase pressure on resources. As one community leader in northern Cameroon explained:

I don't know why people think that creating a national park and making people suffer is a good thing. We had always lived with these animals, and there were no problems until your national parks came. Do you know that what is now the Benoue National Park used to be the private hunting grounds of the 'lamido' [local ruler] of Ray-Bouba? When it was still under the control of the 'lamido', we had to make sure that people didn't hunt there without his permission. He had to give approval for anybody to hunt there, and defaulters were punished by our traditional laws. People were not allowed to hunt certain species because they were reserved for the chief. When anyone did, the carcass was taken immediately to the palace. Since the national park came, who knows what is happening?²⁸

As Nancy Peluso has noted the conventional conservation approach, which alienates lands to the state, builds on the assumption that

each nation-state, including those which have only recently emerged from colonialism, has the capacity, the internal legitimacy, and the will to manage all resources falling within its territorial boundaries. The implication is that the nation-state should be able to control behaviour of all users of all resources located within the state's (self) declared jurisdiction, whatever the origin of the state's claim, whatever the nature of competition for those resources, and whatever the nature or origins of resistance to the state's resource control.²⁹

As Peluso points out, the state may go on to legitimise serious human rights abuses against those who resist state control in the name of an

internationally sanctioned conservation ethic. It is alleged that in 1989, the Kenya Wildlife Service under its director Richard Leakey declared a virtual 'war' on ivory 'poachers' and summarily killed, without charge or trial, literally hundreds of indigenous people. Likewise in the Central Africa Republic French soldiers have admitted to a 'take no prisoners' policy in eliminating poaching, even killing off wounded poachers brought down by their guns. Mainstream conservationists pay little attention to these social costs and indeed help to finance some of the agencies which perpetrate such human rights abuses. At the same time, they apparently perceive the state and the armed forces as neutral mediators in conflicts over natural resources and advocate the 'systematic' involvement of national security forces in conservation programmes.³⁰

It is very doubtful if such a hard-line approach to nature conservation achieves its objectives, in the long term. More usually, as Peluso argues, the result is to intensify social and political conflict 'which causes environmental degradation and ultimately fails to achieve the goals of international conservation interests. Nevertheless, the state may not 'lose'. Even if conservation goals are not achieved, the state may succeed in strengthening its capacity to govern via the use of force'.³¹

Notes to Chapter 5

- 1 Schaller 1993:xiii
- 2 Reid and Miller 1989:vi.
- 3 Sayer 1991:56.
- 4 Colchester 1987.
- 5 WWF(M) 1985:23.
- 6 Colchester 1989:64.
- 7 Electronic mail communication 11 December 1993, SAM 1993.
- 8 Schaller 1993.
- 9 Schaller 1993.
- 10 *Survival International News* No. 4 1986.
- 11 Ghimire 1994.
- 12 Schaller 1993:251.
- 13 Schaller 1993:231; Ghimire 1994.
- 14 Gadgil and Guha 1992:234.
- 15 Furer Haimendorf 1986: *Survival International News* No. 15 1987; Morris 1987.
- 16 Furer Haimendorf 1986.
- 17 Banerjee 1984.
- 18 Duyker 1987.
- 19 Roy and Jackson 1993.
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- 21 Roy and Jackson 1993.
- 22 Kumar 1993.
- 23 Gordon 1985.
- 24 Hitchcock 1990:228.
- 25 Njiforti and Tchamba 1993:175.
- 26 DENR 1992:14.
- 27 Hitchcock and Holm 1993:331.
- 28 Njiforti and Tchamba 1993:177.
- 29 Nancy Peluso 1992:47.
- 30 Peluso 1992:66-67.
- 31 Peluso 1992:52.

Chapter 6

Society and Biodiversity

The concept of wilderness as the untouched or untamed land is mostly an urban perception, the view of people who are far removed from the natural environment they depend on for raw resources. The inhabitants of rural areas have different views of the areas that urbanites designate as wilderness, and they base their land-use and resource management practices on these alternative visions. Indigenous groups in the tropics, for example, do not consider the tropical forest environment to be wild; it is their home.¹

Gomez-Pompa and Kaus.¹

If the track record of the State is that it cannot be relied on to defend biological diversity, the question that then occurs to conservationists is whether any other institutions, such as indigenous ones, can. There are many who have argued that indigenous societies do live in harmony with their natural environment and are thus its best guardians and this is an argument that many indigenous peoples themselves have used to bolster their demands for a recognition of their rights to their lands. Indeed much of the support that indigenous peoples have been able to recruit in the industrialised North results from this belief that indigenous peoples are both closer to nature and motivated by a conservation ethic.

There are strong reasons for believing that many indigenous systems of resource use are relatively benign. In general, indigenous communities have developed ways of life remarkably attuned to their local environment. Many indigenous peoples' environments are less modified and degraded than surrounding areas. Since they are often orientated primarily towards self-sufficiency, and only secondarily to the generation of surplus for trade, their traditional economies and technologies are often environmentally appropriate. Their long association with their territories has resulted in indigenous peoples developing both strong ties to their lands, expressed both in customary law and in complex religious and symbolic schemes, and in extremely detailed knowledge of their resources. Such knowledge may

be deeply coded within traditional lore handed down and refined from generation to generation so that the practical justification for certain customs may not be immediately apparent either to researchers or the local people themselves.² Crucially, many indigenous people see clearly that their long term survival depends on them caring for their land for the sake of future generations. As Victor King remarks of the indigenous peoples of Borneo, 'the traditional view of Borneo natives is that natural resources are held in trust for future generations'.³

This combination of a long passed association with their environment and a commitment to remaining there in the future equips indigenous peoples very well to prudent management in the present. However, almost everywhere, indigenous societies are undergoing rapid change and it is not clear whether the balance that these societies have, in general, maintained with their environments can endure under these changed circumstances.

In the first place, many indigenous peoples have lost much of their ancestral territories to outsiders and this had led to too many people being concentrated on too little land, upsetting traditional patterns of land ownership, management and use. Rising indigenous populations have likewise increased local pressure on the environment. Increasing demands for cash, some externally imposed and some internally generated, also place a heavier burden on local economies and environments to produce a marketable surplus. New technologies, like steel tools in place of stone ones, chain saws, shotguns, agricultural machinery and transportation, new crops and agrochemicals, may radically change land use. At the same time traditional value systems, social organisations and decision-making processes may be transformed and not just as a result of outside impositions. All these forces tend to upset indigenous peoples' relations with their environment and may result in over-intensive land use and environmental degradation.

Ever since ecology became a fashionable science, arguments have been made not just that indigenous societies have traditionally maintained relatively stable relations with their environments - an observable reality - but that this balance is a sought for condition that indigenous peoples consciously strive for and maintain. For example, the Colombian anthropologist Reichel-Dolmatoff interprets the Tukano Indians' concepts of vital energy and the dangers attendant to the excess consumption of foods or indulgence in sex as analogous to ecologists' concepts of energetics and negative feedback.⁴ Similarly, McDonald has argued that the system of food taboos found in many Amazonian societies is a kind of 'Primitive Environmental Protection Agency'.⁵ It has even become commonplace in some circles to accept that indigenous peoples are, in their own way, fully cognizant of the

dangers of environmental exploitation and ultimately it has even been claimed that they have their own 'conservationist cosmivision'.⁶

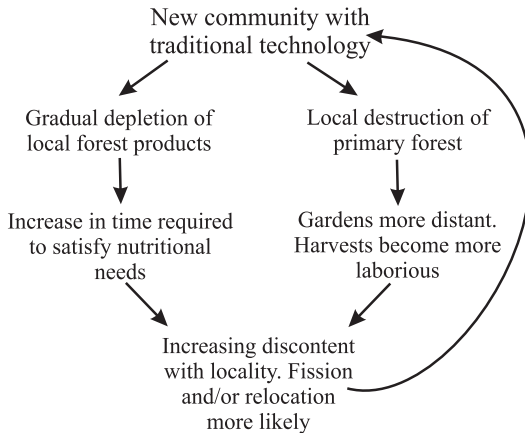
This may be to overstate the case. As the Kuna Indian, Nicanor González, points out:

What I have understood in talking with indigenous authorities, indigenous groups and individuals is that they are familiar with the laws of nature. They are not conservationists; rather, they know how to interrelate humans and nature... In this sense, then, I don't believe that you can say that indigenous people are conservationists, as defined by ecologists. We aren't nature lovers. At no time have indigenous groups included the concepts of conservation and ecology in their traditional vocabulary. We speak, rather, of Mother Nature. Other organizations need to be clear about this before jumping in to solve some problem with the indigenous population.⁷

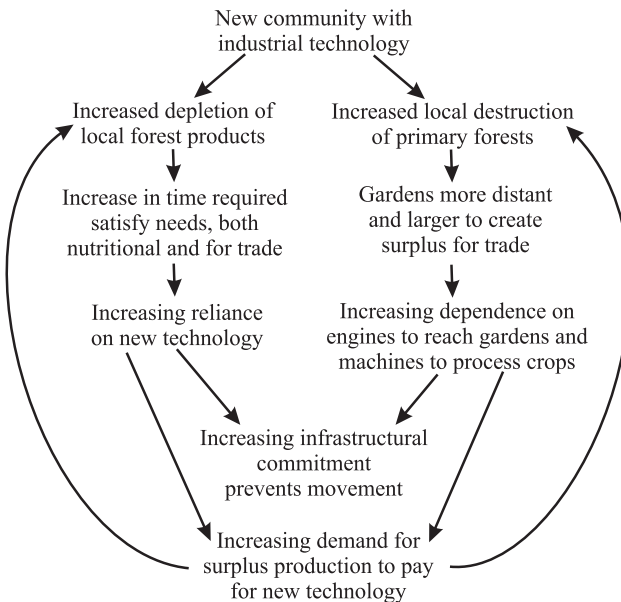
Claims that indigenous peoples consciously moderate their populations and use of resources in response to environmental depletion have never been empirically demonstrated. On the contrary, detailed field research to establish the links between indigenous belief systems and actual patterns of resource use have shown how tenuous the connections really are. Reading a conservation ethic into religious symbolism or indigenous belief systems is highly subjective, and many studies show little correlation between beliefs prescribing certain practices and actual behaviour. Typically, in Amazonia, prohibitions on eating certain foods are honoured in the breach. Lacking centralised processes of decision-making, neither do these egalitarian societies succumb to the 'tyranny of custom'.⁸ Many Amazonian Indians, it has been suggested, have an opportunist rather than conservationist attitude to the environment and achieve ecological balance because their traditional political systems and settlement patterns encourage mobility. Indians thus move their villages, fields and hunting expeditions to fresh areas once nearby localities are exhausted because it is less effort than getting diminishing returns from their present locations. Balance is thus achieved unintentionally by negative feedback rather than through a conscious concern with excessive use. Market demands and other pressures that sedentarise and enlarge these communities, thus disrupting traditional residence and settlement patterns, coupled with new technologies such as outboard engines that cut travel times and machines to process crops, may upset these negative feedback cycles and cause Indian communities to overexploit their locale (see figure).⁹

Figure 1

Traditional system of resource use. Negative feedback cycle prevents excessive long-term use of local environment (Colchester, 1981).

**Figure 2**

Modern system of resource use. Positive feedback cycle exaggerates speed of environment destruction leading to increasing dependence on outside society (Colchester, 1981).



Similarly, Robert Harms' studies among the Nunu of Central Africa, revealed that the balance they achieve with their environment is not a sought for result of a concern to prevent the overuse of the environment but, on the contrary, is the unintended consequence of their system of land tenure through which local villages claim exclusive rights to certain areas of forests, rivers, ponds and swamps.¹⁰ As in Amazonia, it is the societies' political systems and settlement patterns that result in balance. One conclusion from a recent review of the available literature on Amazonian societies is that 'Amazonian tribal populations make no active or concerted effort to conserve fish and game resources. At the same time, it is clear in most cases there may be no need for a conservation policy, because current local subsistence demands on resources have not led to severe resource shortages'.¹¹

Unfortunately, there seems to be a lack of comparably detailed studies of indigenous systems of resource use in other areas. In general, it can be observed that, in contrast to the very scattered and acephalous peoples of Amazonia, more densely settled indigenous peoples have increasingly strict rules regulating access to and use of natural resources. Common lands may be subject to clan or household ownership and access controlled by the authority of community elders, chiefs or other political authorities. In these circumstances, conscious management of resources to avoid over-exploitation may be explicit and highly effective.¹² Conservationists who worry that indigenous conservation systems will break down with the failure of belief systems¹³ maybe focusing on the wrong risk. The main threats will come from the breakdown of community political systems, systems of land tenure and rights allocations. Certainly such systems cannot be divorced from the same people's belief and value systems but many societies, notably those in Africa, show a remarkable continuity in their political and land management systems after undergoing fundamental religious conversions.

These conclusions may likewise be relevant to progressive conservationists and community development specialists who have begun to step up their efforts to secure indigenous resource management systems in their changed circumstances. These attempts have, in general, focused principally on technical innovations - agroforestry systems, non-timber forest product exploitation etc. - or have focused on the documentation of indigenous knowledge systems. Their efforts would be better directed towards understanding the politics of community resource management.

There are those purists who will nevertheless object that any human interference in ecosystems will cause a depletion of biodiversity¹⁴ and thus argue for the protection of virgin areas as wilderness. Leaving aside for the moment the ethical and cultural shortcomings of such an approach, these

arguments are suspect for a number of technical reasons. In the first place it is now increasingly realised that climax systems are not the norm - 'nature is increasingly perceived as being in a state of continuous change'.¹⁵ Indeed under certain circumstances, human interference with ecosystems may enhance biological diversity. Conservationists are beginning to realise that the Serengeti's grassland ecosystem, for example, is in part maintained by the presence of the Maasai and their cattle. With the Maasai's expulsion from their lands, the Serengeti is increasingly being taken over by scrub and woodland, meaning less grazing for antelopes.¹⁶

The truth, too, is that conservationists have been no less selective about what biodiversity to prioritise for conservation than indigenous peoples. Big mammals are prized by conservationists and indigenous peoples alike, for rather different reasons, but indigenous peoples may be more concerned to preserve crop diversity and the quality of their watershed forests.

The reality that conservationists have been reluctant to face is that the choices are not between pristine wilderness and human use but between different kinds of use and between different kinds of political control. Increasingly conservationists are realising that the exclusion of local communities from decision-making and control is against everyone's best interests. The challenge is to find new models of involving local people in management.

As a recent WWF report notes:

Loss of traditional rights can reduce peoples' interest in long-term stewardship of the land and therefore the creation of a protected area can in some cases increase the rate of damage to the very values that the protected area was originally created to preserve...Putting a fence around a protected area seldom creates a long term solution to problems of disaffected local communities, whether or not it is ethically justified.¹⁷

Notes to Chapter 6

- 1 Gomez-Pompa and Kaus 1992:273.
- 2 Alcorn 1989; 1994.
- 3 King 1993:167.
- 4 Reichel-Dolmatoff 1976.
- 5 McDonald 1977: cf Ross 1978.
- 6 Seijas and Arvelo-Jimenez 1979.
- 7 Kuna Indian, Nicanor González, cited in Redford and Stearman 1993b:427.
- 8 Colchester 1981; Hames 1992.
- 9 Colchester 1981.
- 10 Harms 1987; Adams and McShane 1992:34.
- 11 Hames 1992:182. It may be objected that it is unfair and irrelevant to suggest that many indigenous systems of resource use management are unintentionally and indirectly conservationist rather than expressly so, if their effect is to balance society with the environment. The point of labouing this distinction, between what anthropologists call manifest and latent function, is that under circumstances of rapid social and economic change people are less likely to consciously modify their practices and knowledge to improve resource management if they do not perceive the connections.
- 12 Lohmann in Shiva et al. 1991.
- 13 Redford and Stearman 1993a:252.
- 14 Redford and Stearman 1993a:252.
- 15 Gomez-Pompa and Kaus 1992:272.
- 16 Adams and McShane 1992; Monbiot 1994.
- 17 Carey, Dudley and Stolton 2000:25.

Chapter 7

Parks for People: management alternatives

Conservation cannot be imposed from above. Any conservation effort must involve the local people, based on their interests, skills, self-reliance, and traditions, and it must initiate programs that offer them spiritual and economic benefits. Innovative programs of this kind have been developed worldwide in and around various reserves, some based on tourism, some on sustained use of critical resources.

George Schaller, *The Last Panda*.¹

It would be most unfair to suggest, however, either that the conservation community has had a monolithic approach to protected area management or that they have all been insensitive to the needs and rights of indigenous peoples. As early as 1975, the IUCN passed a resolution at its 12th General Assembly in Kinshasa, Zaire, recognizing the value and importance of 'traditional ways of life and the skills of the people which enable them to live in harmony with their environment'. The resolution recommended that governments 'maintain and encourage traditional methods of living' and 'devise means by which indigenous people may bring their lands into conservation areas without relinquishing their ownership, use or tenure rights'. The same resolution also recommended against displacement and stated 'nor should such reserves anywhere be proclaimed without adequate consultation' (and see box).

The same resolution was recalled in 1982 at the World National Parks Congress in Bali, Indonesia, which affirmed the rights of traditional societies to 'social, economic, cultural and spiritual [but, significantly, not political] self-determination' and 'to participate in decisions affecting the land and natural resources on which they depend'. While explicitly avoiding endorsing indigenous peoples' right to full self-determination or recognising their rights to own and control their territories, the resolution advocated 'the implementation of joint management arrangements between societies which have traditionally managed resources and protected area authorities'.

At the same time, owing to the work of UNESCO's 'Man and the Biosphere' programme, the notion of Biosphere Reserves was developed. The basic strategy of these biosphere reserves is one of

Box :

**The Kinshasa Resolution (1975):
Protection of Traditional Ways of Life:**

Recognizing the value and importance of traditional ways of life and the skills of the people which enable them to live in harmony with their environment;

Recognizing also the vulnerability of indigenous people and the great significance they attach to land ownership

The 12th General Assembly of IUCN meeting in Kinshasa, Zaire, in September 1975:

Recommends:

(1) That governments maintain and encourage traditional methods of living and customs which enable communities, both rural and urban, to live in harmony with their environment;

(2) That educational systems be oriented to emphasize environmental and ecological principles and conservation objectives derived from local cultures and traditions, and that these principles and objectives be given wide publicity;

(3) That governments devise means by which indigenous people may bring their lands into conservation areas without relinquishing their ownership, use and tenure rights;

(4) That the governments of countries still inhabited by people belonging to separate indigenous cultures recognize the rights of these people to live on the lands they have traditionally occupied, and take account of their viewpoints;

(5) That in the creation of national parks or reserves indigenous peoples should not normally be displaced from their traditional lands, nor should such reserves anywhere be proclaimed without adequate consultation with the indigenous peoples most likely to be directly affected by such proclamation;....

containment through zoning, whereby a fully protected 'core zone', which excludes human occupation or use is cushioned from the outside world by a 'buffer zone', defined as:

a zone, peripheral to a national park or equivalent reserve, where restrictions are placed upon resource use or special development measures are undertaken to enhance the conservation value of the area..²

Conservation agencies implementing projects along these lines could get them listed by UNESCO to gain international recognition of their efforts and thus become eligible for UNESCO financial support.³

One of the early examples of a national parks management project which sought to assure compensatory benefits for local people in a 'buffer zone' is the Amboseli National Park in Kenya. Created on lands traditionally used by Maasai pastoralists, the park denied the local Maasai access to dry season grazing lands and watering points, though this was essential to their cattle-based livelihood. The result was a long history of conflicts and the Maasai began to show their resentment by spearing rhinos, lions and other wildlife.⁴ Under a project funded by the World Bank, the core conservation zone remained off limits to Maasai but a surrounding buffer zone was developed where watering points were established outside the park. Benefits were also promised through the payment of a compensation fee for loss of access, tourism development outside the park and a share of lodge royalties to the local district council for a school and a dispensary. As Hannah notes,⁵ the project is widely cited as a successful example of 'integrated parks management', notably by the World Bank.⁶

However, the project has not been without serious problems, as the World Bank has subsequently admitted.⁷ As Lee Hannah notes, the system began to break down in 1981.⁸ The water supply system began to deteriorate. Compensation fees went unpaid. The school was inappropriately located.

Little tourism developed outside the park. Royalties accrued to central government and the local district council but failed to trickle back down to the community level.⁹ Consequently, in contrast to the relatively smoother acceptance of conservation management in the Maasai Mara Reserve further west, at Amboseli conflicts between parks management and the Maasai endure. Maasai continue to enter the park to water their cattle. The difference, according to Talbot and Olindo,¹⁰ is that in the Mara, the Maasai have been more effectively involved in decision-making which has accorded more respect to traditional authorities. In Amboseli, by contrast the management process had 'received considerably more attention from development agencies so that a new social and political order had significantly disrupted the traditional authority system.' In Amboseli, decision-making took place at district council level and implementation by-passed the local elders. 'Therefore, the Maasai actually living in the areas adjacent to the reserve were not really represented in negotiations and their cooperation was not secured. When it came to the distribution of benefits, the Mara region Maasai knew what they were owed and were in a position to demand it, unlike those in Amboseli'.¹¹

In a useful review of buffer zone experiences in tropical moist forests, Jeff Sayer then of the World Conservation Union concluded that the results of buffer zone 'projects' have been largely disappointing.¹² Most have been initiated and directed by outsiders, have been of short duration, and have focused on ambitious but untried technologies to secure increased economic benefits for local people from buffer zone areas, in the hope that they would not then impinge on the core zones, which were off limits. These 'ecodevelopment projects' have 'frequently pursued objectives which were inconsistent with the aspirations of the very people they were trying to help'.¹³ They have suffered from paying too little attention to social and political constraints, both of the local communities and the national conservation agencies. A severe limitation on many buffer zone projects is that government conservation authorities rarely have jurisdiction over the lands outside the parks boundaries.

Sayer observes that the best buffer zone projects 'have not been short-term aid projects but initiatives taken by local community groups or resource managers who have made creative attempts to solve the day to day problems which they faced'.¹⁴ One favoured approach, partly pursued in the Amboseli experiment, has been to share benefits and profits from the parks with local residents. For example, in Malawi local people have been 'allowed back into protected areas - the lands of their ancestors - on a controlled basis' and have been assisted by the introduction of far more productive and

environmentally benign apiculture methods. Honey, given its high value for weight ratio, has been exported in large quantities and has begun to provide a significant cash income to villagers, with the result that 'relations have improved between villagers and the parks department'.¹⁵ A somewhat similar approach has been adopted to placate people whose rights were extinguished by the creation of the Royal Chitwan National Park. For fifteen days each year villagers are allowed to enter the park to collect tall grass for thatching materials. Each year some 100,000 villagers harvest between 50,000 to 100,000 tons of grass from the park. 'This management device has markedly increased local acceptance and appreciation of the park' argue George Ledec and Robert Goodland of the World Bank.¹⁶ A more recent study by Krishna Ghimire is much more critical of the park's social impact.¹⁷

Creating employment in national parks as guides, trackers, porters and in other tourism services has been another means by which conservationists have sought to defuse local opposition and reconcile the conflicts of interest. In the south-western corner of the Central African Republic, for example, the World Wildlife Fund (USA) has been seeking to establish a complex of two protected areas, the Dzangha-Sangha Dense Forest Special Reserve and the Dzangha-Ndoki National Park. The area, which contains numerous rare mammals - notably elephants, primates, forest antelopes - is inhabited by both Aka 'pygmies' and various Bantu and Oubangian peoples and has been subjected to low intensity logging and serious over-hunting. According to the WWF's assessment, 'if an effective wildlife management programme is not initiated, the wildlife populations will be exterminated in the Dzangha-Sangha region within 5 years as a result of poaching'.¹⁸

Starting from a recognition that 'in all projects dealing with the management of natural resources, it is absolutely necessary to gain the support of the local population',¹⁹ the aim of the project was to curb the logging and 'poaching' and promote an alternative local economy based on eco-tourism. This should generate both revenue for local community-based development groups and employment for individuals. Accordingly, the project has helped set up the '*Association Communautaire de Yobe-Sangha*' (ACYS), a local legally incorporated non-government organisation run by local leaders and villagers, which gets 40% of tourist takings and advises the parks' management. At the same time, in an attempt to break the Aka's abject dependency on low paid wages in the timber industry and demoralisation in the sedentarised communities promoted by Catholic missionaries, the project is trying to encourage 'pygmies' to act as guards, guides and lodge staff. Aka women take tourists on collecting tours while 'pygmy' hunters use their tracking skills to help tourists spot animals.²⁰

The project faces an uphill struggle. Central Government continues to permit foreign companies to log in the area.²¹ Local political leaders and government officials maintain their illegal but highly lucrative trade in ivory, skins and bushmeat, through traditional patron-client networks. Since the protected areas threaten not just their business interests but also their political paramountcy and control of the local villagers and client 'pygmy' groups, they have worked hard to undermine the project and corrupt the parks personnel. At the same time, it is not yet clear whether the WWF's attempts to break the Aka's dependency on villagers, loggers, wildlife traders and missionaries, will actually liberate them or only create an alternative dependency on ex-patriate conservationists.²² Neither the Aka nor the ACYS have decision-making authority in the running of the reserves, though the latter does decide for itself how its revenues will be spent.

Eco-tourism has now become big business and profit-sharing with local people has been a popular way by which conservationists have hoped to reconcile indigenous people with protected areas. However, the process has proved more difficult than might have been expected. A study by Michael Wells of national parks in Nepal suggests that not only is most of the profit from eco-tourism in Nepali parks enjoyed by trekking and tourism ventures based in the capital and overseas, but even the national parks agency only recoups a quarter of its management costs in visitors fees. Local people certainly benefit from tourists, but much less than expected, while the social and environmental costs are far from negligible in terms of pollution and littering, overgrazing by pack animals, fuelwood depletion from heating water and cooking, and the introduction of western mores and values.²³ Indigenous people are far from unaware of the potential social costs of increased dependency on tourism and are not all prepared to abandon their customary rights and ways in exchange for a temporary gain in cash income. As one Maasai told the author George Monbiot, when informed that the Director of the Kenya Wildlife Services had recommended that they keep less cattle and make money from tourism instead:

We know there is money to be made from tourism. We already have tourists staying on our lands in tented camps. And, yes, they bring us an income. We don't need the Kenya Wildlife Service to tell us that. But you can tell Dr. Leakey this. We don't want to be dependent on these tourists. We are Maasai and we want to herd cattle. If we stopped keeping cattle and depended on tourists, we would be ruined when the tourists stopped coming.²⁴

Giving people a share of the profits that can be made from conservation in exchange for extinguishing their rights and their local political autonomy,

and transforming their way of life, may not seem like a very fair deal to many indigenous people. A number of conservationists are beginning to realise that the short-term problems of them relinquishing to indigenous peoples their control of decision-making in protected areas may be worth it in the long term.

Lee Hannah reports that:

a strong consensus is emerging that African parks **must involve local people in management decisions**, that local people must benefit from parks, and that support of local people is essential to the long-term existence of protected areas in Africa. But these are only ideas. Few parks in Africa actually apply these new methods. Retraining staff, rewriting management plans, and developing community benefits are all expensive. In the difficult economic setting of Africa, no government parks authority has had the resources to revamp its entire park system in line with the new theory.²⁵

Likewise the World Bank advises that, in establishing protected areas 'the local people who are likely to be affected should be kept fully informed and should be invited to participate meaningfully in decisions about siting and management. Such participation can prevent many conflicts and can increase the flow of economic benefits to the local people.'²⁶

Adopting an approach of 'conflict management', joint-management programmes seek a compromise between indigenous and conservation interests. Elizabeth Kemf, who carried out a review of indigenous peoples in protected areas for the WWF and the World Conservation Union, suggests that such an approach must start from an assessment of the basis for these conflicts and then establish procedures, first, for communication between local peoples and parks managers and, second, for ensuring that benefits or compensation accrue to the local people.²⁷

In fact, 'joint management' conservation initiatives have proven very difficult as they have to bridge very wide cultural divides, as well as accommodate both the divergent priorities of the various players and the local political and economic realities. The majority of 'joint management' schemes are actually joint in name only. The lack of political power and financial resources means that the local communities are more usually very junior partners in decision-making.

Conservationists aiming for local participation, like all outsiders engaged in rural development, face hard choices in defining the most culturally appropriate structures. The facile advice that conservationists should respect local systems of decision-making may obscure the fact that traditional

decision-making is sometimes vested in leadership structures which marginalise women and lower castes or classes, or lower status ethnic groups. Top down projects which work through the local elites may sometimes be very successful in conservation terms²⁸ but may reinforce and even exacerbate class and gender inequities.²⁹

A widespread problem facing conservationists and aid agencies alike is that local political elites strongly object to their client groups, with whom they have long established and profitable ties, benefiting from targeted development initiatives. This is the fundamental problem facing the Dzangha-Sangha project noted above. Since they do not recognise the prior rights of indigenous communities to their own resources, measures adopted to compensate a loss or secure a people's livelihood may be interpreted as positive discrimination or even racism. As one Cameroonian academic has insisted:

It would not be advisable to allow the pygmies to continue to hunt in reserves and national parks on the grounds that they are not sufficiently numerous to cause a significant loss of protected species. For in any case, if the pygmies are authorised to hunt in the reserves, this right should be extended to all other 'Cameroonian nationals', as there is not apartheid in the Cameroons (and besides it is hard to distinguish by sight between a pygmy and a non-pygmy).³⁰

Lee Hannah, after reviewing protected area management experiences in Africa, concluded that:

Effective project design will explicitly address situations of social inequity. This requires defining project policy towards social inequity and creating a framework for implementation which strikes a balance between cultural sensitivity and respect for human rights. Project goals and implementing agency policies will be important determinants of an appropriate balance. These are some of the most difficult and critical issues of project design, and they must be addressed on a site by site basis. It is the responsibility of project designers to understand local political structures and to create project structures and operations which are responsive to these local social situations.³¹

Encouraging though such statements are they nevertheless reveal the extent to which western conservationists remain wedded to the idea that conservation is something that outsiders do to local environments. It reveals their reluctance to relinquish their controlling role in making management

decisions. However, in recognition that they also need to deal with local people, the onus is now placed on them of also being omniscient social engineers as well as natural resource managers. It is unlikely that many expatriates can measure up to such exacting demands.

An example of how local pressure can oblige conservationists to change their management approach is offered by the Khunjerab National Park in north Pakistan. The area was declared a national park on paper many years ago, in line with conservation agency recommendations, in recognition of the fact that it is one the last areas containing a broad range of Himalayan fauna, including blue sheep, snow leopards, Marco Polo sheep and Tibetan asses. The Pakistan government wanted to establish the park on the Yellowstone model, by phasing out all grazing and banning human occupation. However, local Shimshali and nearby Gojali herders totally rejected the proposal, leading to a stand off. Essentially self-sufficient, the indigenous people depend on the area both to cultivate their crops and graze their livestock. Hunting provides a significant part of their diet and they kill snow leopards and wolves which carry off their sheep and goats. Clumsy moves to prohibit grazing led to organised local actions. 'First they can kill us, then they can come and make a national park' said Dulat Amin, President of the Shimshal village organisation.³² Mistrust of the government's intentions underlies local opposition. As a Gojali noted:

We are interested in developing the Khunjerab National Park, but the management of the park should be in local hands. The government will take the profit without involving the people. They just want to take all this beautiful land away and leave us empty-handed.³³

To accommodate such demands, conservationists have now come up with a compromise management plan, which some of the communities have agreed to, which would allow controlled grazing, would authorise local villagers to take charge of patrolling the park to halt hunting, and would provide 80% of the employment opportunities arising out of the Park's establishment to local people. Even limited hunting would be contemplated once wildlife populations had recovered and 70% of profits from hunting licenses would go to the local people. The plan is still a long way from being implemented successfully but demonstrates how involvement of local people in management decisions may often come about as a result of popular opposition and insistence.³⁴

Speaking of the long experience in joint-management initiatives with indigenous peoples in Canada, Sheila Davey emphasises:

There are no blueprints for co-management schemes. Each scheme will vary according to the kind of protected area being managed and the aspirations and needs of the people.³⁵

In 1989, Canadian conservationists and indigenous people had allied themselves around a 'Canadian Wilderness Charter', which brought activists together to push for both native rights and protected areas. However, tensions soon emerged within the movement because of the participants' very different perspectives on what constituted wilderness and what priority should be given to native livelihoods.³⁶ Experience in British Columbia has resulted in a number of guidelines for joint management projects which include training of the indigenous personnel elected to act as equal partners in management skills, the establishment of unambiguous written contracts, consensus decision-making to avoid caucusing and polarisation, mechanisms for further community input and consultation and joint research programmes.³⁷ Davey further stresses that: local people should be involved right from the start to avoid unnecessary conflict and misunderstanding; social impact assessments should be carried out; attention should be paid to cultural preservation strategies; and most radically that, 'wherever possible, territorial rights should be respected. Local people should be allowed to remain inside protected areas and make use of natural resources on a sustainable yield basis'.³⁸

Similar pragmatic solutions have been explored in China, for example on Hainan Island where the Li and Miao who 'live in abject poverty' on the margins of nature reserves in which their customary use of natural resources has been made illegal. In contrast to those living in conflict with the Wuzhishan Nature Reserve from which they are excluded, those near the Bawangling National Nature Reserve are allowed by the local authorities to continue having access to the resources their livelihoods depend on and where researchers detected a 'stronger sense of stewardship through participation'. A next step would be to formalize and legalise what are presently just oral agreements.³⁹ In Southern Africa, the CAMPFIRE programme has pioneered game management by local communities so locals can get incomes from controlled hunting.⁴⁰

However, it seems that outright recognition of indigenous peoples' ownership rights is hard for the old school that fears 'conceding too much control to local communities'.⁴¹ Thus, whereas the World Conservation Union now recommends that, as far as buffer zones are concerned 'land rights of local people should take precedence over those of distant resource users [and] laws should guarantee access to forest resources for forest people, whilst placing restrictions upon over-exploitation of these resources or

clearance of the land',⁴² scepticism remains about whether land rights should be recognised within protected areas themselves. Jeff Sayer cites experiences in Costa Rica which:

highlight the danger of trying to manage conservation areas under local, private ownership. People may readily accept the principle of restrictions on use in order to get title to land. However, in the longer term, and especially as new land use options become available to them, it will be very difficult to enforce land-use restrictions. This problem will occur in privately-owned buffer zones and is potentially a serious flaw in the concept of 'indigenous' and 'extractive' reserves.⁴³

In sum it is clear that there remains an inherent reluctance of conservationists to relinquish or even share power over protected areas. Stung by the criticisms of their socially insensitive and politically blind approach, conservationists have been readily persuaded to admit that local peoples needs should be taken into account. They have been far more reluctant to recognise indigenous assertions, backed by international law, of their rights to own and control land and exercise their authority over their own domains. As one reviewer has noted:

One suspects that with the conservation movement on the defensive, it has sought to take the moral high ground with the rhetoric of 'ecodevelopment' as its watchword, and let the details work themselves out later. Whereas, in the past, resident peoples' concerns were swept under the rug as being irrelevant, today they are frequently swept under the rug in glowing praise of ecological compatibility, still coupled with rigorous, exclusionary preservation.⁴⁴

Another review, carried out by the World Bank, of twenty three protected areas where there had been attempts to reconcile development and conservation objectives reached the conclusion that it was questionable whether the projects had reduced pressure on the parks or reserves they were aiming to protect. The study also showed that attempts to involve local people in the process of change and development were largely rhetorical and most treated local people as 'passive beneficiaries'.⁴⁵

In their review of the status of 'Resident Peoples and National Parks', Patrick West and Steven Brechin found that although new models for involving local people in protected area management had begun to be advocated and experimented with there were in fact few convincing examples of how it has worked out in practice. They concluded:

What we suspect is that the international conservation movement is in for a second major revolution based on shock therapy in the face of harsh reality. It is not quite so easy to harmonize natural area protection, cultural preservation, and true rural development for resident peoples. The gap between rhetoric and reality is not so easily closed. Tragic dilemmas and hard wrenching choices will not go away.⁴⁶

Indeed, even where recognition of land rights is achieved not all the 'hard-wrenching choices' can be wished away. Legalised indigenous control of their commons will not by itself ensure either the sanctity of these areas from invasions and disruptions or guarantee that indigenous economies do not overwhelm their environmental base. Effective management requires procedures to enforce agreed regulations, whether imposed by outside managers or self-imposed by indigenous communities.⁴⁷ The challenge is to find means by which the indigenous peoples' own institutions can agree to or develop for themselves such controls.⁴⁸ Moreover, only in a few situations is it likely that indigenous institutions can effectively secure their areas from outside pressures, without outside assistance. This implies the continuing need to define a role for the state in securing indigenous territories as conservation areas. The point has been forcefully argued by Janis Alcorn who, while arguing the case for the need to recognise indigenous lands as an effective way of preserving biodiversity, emphasises the need to take account of wider political and economic pressures:

Strong partnerships with the state will be necessary for continued conservation of indigenous groups' forests. Building appropriate partnerships between states and indigenous communities may require new legislation, policies, institutional linkages and processes. It requires creating communication networks and research linkages.⁴⁹

A BIOSPHERE RESERVE FOR THE YANOMAMI

The Yanomami Indians inhabit the upland forests in the south of the Guiana highlands. Numbering some 23,000 and scattered into 360 communities on both sides of the Venezuelan-Brazilian border they are spread out over an area of some 190,000 square kilometres in the

headwaters of the Orinoco and Rio Branco rivers.⁵⁰ They are one of the least acculturated and contacted peoples of Amazonia and entered into sustained contacts with non-Indians only in the 1950s, when the last groups gave up the use of stone tools.⁵¹

Since the 1960s persistent invasions of Yanomami lands on the Brazilian side of the border, mainly by miners and road-construction crews, have caused massive mortalities and a long campaign has been fought, led by non-Governmental organisations, to have the Yanomami's lands demarcated and protected.⁵² The result has been the legal recognition of some 93,000 square kilometres as an 'indigenous park' - a term which refers, in Brazil, to a very large indigenous reserve under State ownership set aside for the exclusive use of a number of ethnic groups. However, owing to the inability of both the State and the Yanomami to prevent incursions, the Yanomami's lands continue to be occupied by a fluctuating number of illegal miners some of whom cross the frontier into Venezuela.

The Yanomami's situation in Venezuela has been quite different from that in Brazil. In the early 1970s, State policy towards what was then the Amazon Territory consisted of a 'developmentalist' programme that copied the Brazilian military model of road-building and colonization, under a programme rudely titled 'La Conquista del Sur' (CODESUR). However, since real pressure to open up the interior of Venezuela is slight - both population and capital being drawn to the oil rich coast - the CODESUR programme was never more than a political foible and soon lapsed. The lack of real pressure to develop the interior resulting from the oil boom and the growing awareness of the problems caused by the model of development in Brazilian Amazonia, provided room for the emergence of a different policy emphasising environmental concerns and scientific research. The result was that by the mid 1980s the Ministry of the Environment (MARNR) had become the strongest Ministry in the territory.⁵³ This situation, however, is changing. On the one hand, MARNR has

gradually strengthened its presence by defining large areas of Amazonas as 'Areas Bajo Regimen de Administracion Especial' (ABRAE). On the other hand, the worsening economic condition of Venezuela's poor, has seen the resurgence of populist policies that promise a rapid opening up of the interior to development. Road-building, mining and plantations schemes are now once again being advocated by para-statal and politicians, a process sharpened since 1991 when the Territory was opened to local electoral politics as it was redefined as a State. The present Governor of the State openly supports illegal enterprises such as mining in National Parks and tourism in indigenous areas.

Efforts to protect the Yanomami in Venezuela commenced in 1978 with an idea of creating a binational Yanomami Park on the Venezuelan-Brazilian watershed.⁵⁴ Given the lack of precedent for a state recognition of indigenous land rights, a biosphere reserve enclosing some 88,000 square kilometres was the proposed in Venezuela in 1979, which would have divided the Yanomami area into a core zone made up of three existing and uninhabited national parks, a protected area enclosing the majority of Yanomami villages and a buffer zone including both Yanomami and Yekuana Indians where controlled development would be permitted.⁵⁵ By 1982, owing to increasing support for the proposal from the Agrarian Reform Institute which wanted to establish a legal precedent of titling large indigenous areas, a revised proposal was circulated for an indigenous reserve. The proposal very nearly gained Presidential approval,⁵⁶ only to be diverted by the emergence of a second biosphere reserve proposal that same year.⁵⁷ A resurgence of anti-Indian rhetoric in 1984, after a violent conflict between Piaroa Indians and ranchers, buried both proposals⁵⁸ and the idea lapsed until repeated invasions of the Upper Orinoco by Brazilian miners caused a revival of interest in protecting the area in some way in 1989. That year, North American anthropologist Napoleon Chagnon and ex-Minister of youth Charles Brewer-Carias, proposed a national park or anthropological

preserve for the most isolated Upper Siapa region. This triggered a flurry of counter-proposals, as well as an international conference on the 'Culture and Habitat of the Yanomami',⁵⁹ and led eventually to the Ministry of the Environment pushing through the Presidential decree of 1991 creating the 83,000 km² Biosphere Reserve and the Parima-Tapirapeco National Park within it.

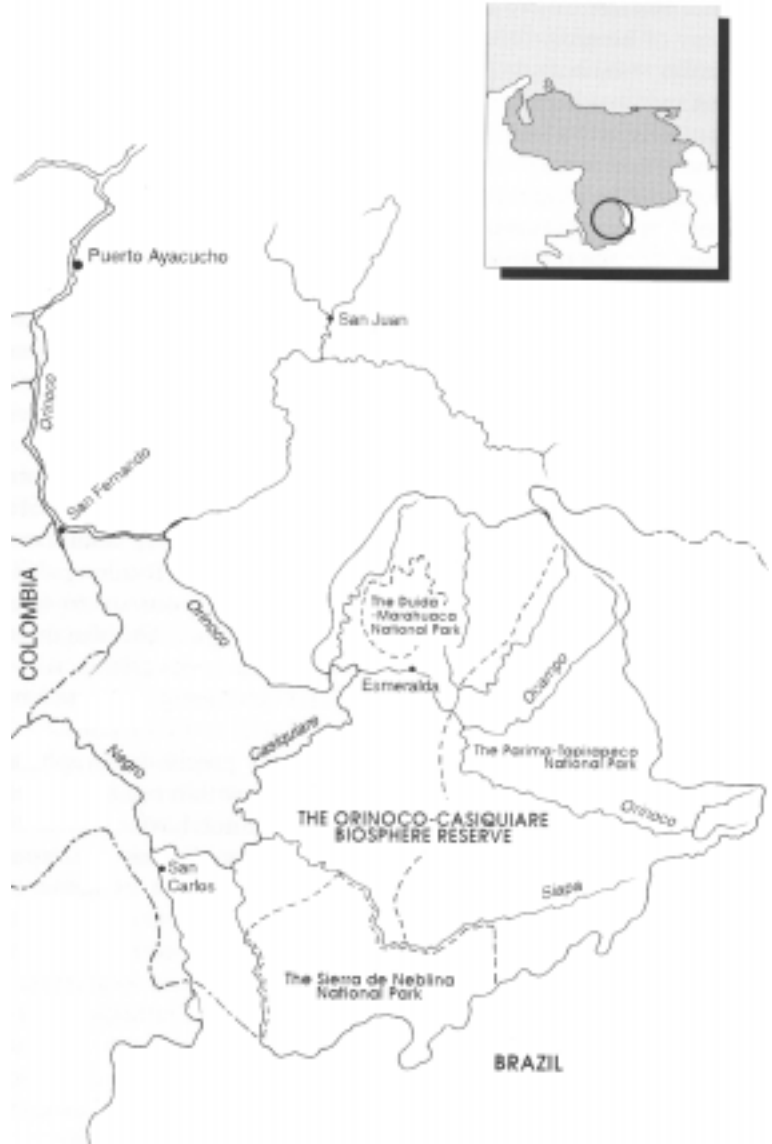
The Biosphere Reserve is placed under the control of MARNR, is to be administered by its special autonomous secretariat for development of the Amazon State, and directed by an interministerial commission that will include seven ministries, three parastatals, academic institutions and Catholic missionaries, as well as indigenous representatives. Although the legislation setting up the Biosphere Reserve indirectly acknowledges Indian rights to own land, explicitly recognises their right to continue their 'traditional livelihoods' and prohibits colonisation or development by outside interests, it is not at all clear by what means the Indians will in fact have a say on what happens in the area.

The decree, which was issued in July 1993 established a period of two years for the elaboration of a management plan for the reserve. This has been slow in coming. Funds of US\$ 8 million to begin the elaboration of such a plan were then approved by the European Commission. The project planned activities relating to remote sensing and mapping, physical boundary demarcation and the establishment of an improved communications network throughout the reserve. It also planned the implementation of a detailed assistance programme in the fields of community economic development, tourism, education, health and nutrition and environmental education.

The main deficiency with the EC project was the minimal attention that it paid to the involvement of local people in decision-making both in the elaboration of the project and in its implementation. The management structure of the project offered no roles for indigenous involvement in the project as paid staff and with the exception of a

token representation on the Interministerial Committee, options for interaction were limited to the local and sub-programme level. However, in the event the project achieved very few of its objectives being plagued with major institutional problems, mainly due to the corruption and incapacity of the government agency that acted as a counterpart to the EU's team of consultants.⁶⁰

Imperfect though it is the Biosphere Reserve and its associated EC-funded project (which is now closed) nevertheless afforded effective protection to the region. The presence of the internationally funded project provided the basis for a European Parliament resolution in the mid-1990s when 'developmentalists' in the State government sought to open up the State to logging and mining. As a result of the international outcry the legislative changes which would have allowed these activities was shelved. It remains to be seen whether the breathing space this has afforded will yet allow the Venezuelan Yanomami to seize control of their lands and destiny but this is now at last technically possible. In 1999, the Venezuela adopted a new Constitution which recognises the right of indigenous peoples to their 'habitat' and enabling laws are now in place for the recognition of the collective ownership of self-demarcated areas.



Notes to Chapter 7

- 1 Schaller 1993:231.
- 2 Sayer 1991:2
- 3 Oldfield 1988; UNESCO and UNEP 1984.
- 4 Talbot and Olindo 1990:70.
- 5 Hannah 1992.
- 6 Ledec and Goodland 1988.
- 7 Talbot and Olindo 1990; Wells and Brandon 1992:70.
- 8 Hannah 1992:25.
- 9 Peluso 1992; Hannah 1992; Talbot and Olindo 1990.
- 10 Talbot and Olindo 1990:73.
- 11 Talbot and Olindo 1990:74. By contrast Hannah (1992:29) believes that the Amboseli project 'dealt with traditional leadership in an effective way.'
- 12 Sayer 1991:4.
- 13 Sayer 1991:24.
- 14 Sayer 1991:4.
- 15 Banda and de Boerr 1993.
- 16 Ledec and Goodland 1988:99.
- 17 Ghimire 1992.
- 18 Carroll 1992:69.
- 19 Hunsicker and Ngambesso 1993:231.
- 20 Carroll 1992.
- 21 Colchester 1994.
- 22 Sarno 1993.
- 23 Wells 1993.
- 24 Monbiot 1994:x.
- 25 Hannah 1992:1 emphasis added.
- 26 Ledec and Goodland 1988:98.
- 27 Kermf 1993.
- 28 Ntshalintshali and McGurk 1991.
- 29 Hannah 1992.
- 30 Loung 1992:21.
- 31 Hannah 1992:54.
- 32 Cited in Slavin 1993:145.
- 33 Qurban Mohammmed, Gojali herder cited in Slavin 1993:143.
- 34 Slavin 1993.
- 35 Davey 1993:201.
- 36 Morrison 1993.
- 37 Davey 1993:204.
- 38 Davey 1993:203.
- 39 Jager 2001.
- 40 Cf Duffy 2000; Hulme and Murphree 2001. Sullivan (2002) offers a more critical appraisal.

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- 41 Sayer 1991:10.
 - 42 Sayer 1991:17.
 - 43 Sayer 1991:15.
 - 44 West 1991:xvi.
 - 45 Wells and Brandon 1992:x.
 - 46 West 1991:xxiii.
 - 47 Hannah 1992:55; Gibson, McKean and Ostrom 2000.
 - 48 Cf Sherpa 1993.
 - 49 Alcorn 1993: 426; cf Hannah 1992:56.
 - 50 Colchester 1985.
 - 51 Migliazza 1972; Colchester 1982.
 - 52 Ramos and Taylor 1979; Survival International 1990.
 - 53 Colchester 1982b.
 - 54 Colchester 1982b.
 - 55 Colchester 1980.
 - 56 Colchester and Fuentes 1983.
 - 57 Arvelo-Jimenez 1983.
 - 58 Colchester 1984; Arvelo-Jimenez and Cousins 1992.
 - 59 Caballero 1991; Colchester 1991.
 - 60 Colchester 1995; Colchester 1998.

Chapter 8

New Principles, New Practice?

The question... is not whether there should be an increase in biodiversity conservation, including an increase in protected areas. There will be and there has to be. Nor is the question, whether people's livelihood and rights must be protected and enhanced. They have to be. Nor - least of all - is it a question of whether these two considerations are interlocked. They are. The solutions to the dilemmas of protecting both biodiversity and livelihoods clearly revolve around the 'how', not around the 'whether'. The effectiveness of means is under scrutiny.

Michael M. Cernea and Kai Schmidt-Soltau.¹

In 1923, Chief Deskaheh of the Haudenosaunee nation (the so-called Mohawks) traveled to Geneva and called on the League of Nations to defend the right of his people to live under their own laws, on their own land and according to their own faith. Although he was denied access, his action established the precedent of indigenous peoples seeking access to intergovernmental processes to gain redress for the injustices they have suffered.

In 1977, the indigenous peoples were back, this time at the United Nations, where they took their demands for a recognition of their sovereign rights to the UN's Decolonization Committee, the UN body charged with overseeing the granting of independence to colonized peoples. That Committee also declined to give them access but a special meeting on Indigenous Peoples at the UN was convened by the UN Human Rights Commission and a process was set in train that has, since 1983, allowed indigenous peoples unimpeded access to parts of the UN human rights process to press for a recognition of their rights. Through their persistence they have been remarkably successful. The establishment of the 'Working Group on Indigenous Populations' in 1983, led ten years later to the acceptance of the draft 'Declaration on the Rights of Indigenous Peoples' in 1993.² The initiation of the UN Decade of Indigenous Peoples (which comes to and end in 2004) followed, with the

major objective of securing international acceptance of this Declaration. In 2002, the UN also established a 'Permanent Forum on Indigenous Issues' with the main task of ensuring effective coordination between the UN agencies dealing with indigenous peoples. The composition of the Forum is unique in that its members are made up equally of government delegates and indigenous representatives. As a result of this sustained advocacy, international laws and jurisprudence now recognize the rights of indigenous peoples (see chapter two). In addition a large number of development agencies have adopted special policies on indigenous peoples.³

The emergence of indigenous peoples onto the world stage since the 1970s has also obliged conservation organizations to rethink their approach to protected areas. Early statements in favour of respect of indigenous rights began to be made in international protected area conferences from as early as 1975 (see chapter seven). However the issue did not become a focus of conservationists' concern until the 1990s. In 1992, the World Parks Congress in Caracas took stock of the fact that the majority of protected areas are owned, claimed or used by indigenous peoples and other local communities. The Congress urged that action be taken to revise the IUCN system of categories to allow local communities a greater say in protected area management and planning.

New principles:

In 1994, therefore, in order to encourage more inclusive forms of conservation, the World Conservation Union adopted a revised set of categories of protected areas which accepts that indigenous peoples, as well as others, may own and manage protected areas of all types from the most strict reserves to those most open to human land use.⁴ The new category system thus overturned the notion that protected areas had to be established on public lands and administered by State agencies and opened the door to new models of protected areas owned and managed by a diversity of other actors - non-government agencies, private land owners, corporations, local communities and indigenous peoples.

In 1996, following several years of intensive engagement with indigenous peoples' organisations, the WorldWide Fund for Nature-International adopted a *Statement of Principles on Indigenous Peoples and Conservation*, which endorses the UN Draft Declaration on the Rights of Indigenous Peoples, accepts that constructive engagement with indigenous peoples must start with a recognition of their rights, and upholds the rights of indigenous peoples to own, manage and control their lands and territories and to benefit from the application of their knowledge.⁵

The same year the World Conservation Congress, the paramount body of the World Conservation Union, adopted seven different resolutions on indigenous peoples.⁶ These resolutions *inter alia*:

- Recognise the rights of indigenous peoples to their lands and territories, particularly in forests, in marine and coastal ecosystems, and in protected areas
- Recognise their rights to manage their natural resources in protected areas either on their own or jointly with others
- Endorse the principles enshrined in International Labour Organisation's Convention 169, Agenda 21, the CBD and the Draft Declaration on the Rights of Indigenous Peoples
- Urge member countries to adopt ILO Convention 169
- Recognise the right of indigenous peoples to participate in decision-making related to the implementation of the CBD
- Recognise the need for joint agreements with indigenous peoples for the management of Protected Areas and their right to effective participation and to be consulted in decisions related to natural resource management.

In 1997, the World Conservation Union published a two-volume resource guide, titled *Beyond Fences*, which makes suggestions about how conservation objectives can be achieved in greater collaboration with local communities.⁷ It notes that the collaborative approach is not only justifiable in terms of conservation effectiveness but is also required if conservation is to be morally and ethically responsible.⁸

Then, in 1999, the World Commission on Protected Areas (WCPA) adopted guidelines for putting into practice the principles contained in one of the 1996 IUCN resolutions. These guidelines place emphasis on the co-management of protected areas, on freely negotiated agreements between indigenous peoples and conservation bodies, on indigenous participation and on a recognition of indigenous peoples' rights to 'sustainable, traditional use' of their lands and territories. The guidelines promote the use of traditional knowledge and accept the principle that indigenous peoples should control and manage protected areas by means of their traditional institutions. The guidelines endorse the principle of free and informed consent, proscribe forced relocation in the setting up of new protected areas and encourage measures to give legal recognition of indigenous peoples' lands and resource rights.⁹

Key Phrases in IUCN Resolutions on Indigenous Peoples (1996)

Resolution 1.49 on *Indigenous Peoples and the IUCN* calls upon members 'to consider the adoption and implementation of the objectives of' ILO Convention 169 and the CBD, 'and comply with the spirit of' the UN Draft Declaration on the Rights of Indigenous Peoples.

Resolution 1.50 on *Indigenous Peoples, Intellectual Property and Biological Diversity* recognizes 'the rights of indigenous peoples to their lands and territories and natural resources, as well as their role in management, use and conservation, as a requirement for the effective implementation' of the CBD.

Resolution 1.51 on *Indigenous Peoples and Mineral and Oil Extraction, Infrastructure and Development Works* calls on the IUCN and members to respect the rights of the world's indigenous peoples, based on the 'adoption and implementation of the objectives of' CBD, ILO Convention 169 and 'comply with the spirit and principles of' the UN Draft Declaration on the Rights of Indigenous Peoples and Chapter 26 of Agenda 21.

Resolution 1.52 on *Indigenous Peoples on Marine and Coastal Areas* recognizes 'the role and collective interest of indigenous peoples taking into account the terms of' the CBD, ILO Convention 169 and the UN Draft Declaration on the Rights of Indigenous Peoples.

Resolution 1.53 on *Indigenous Peoples and Protected Areas* calls on the IUCN Secretariat and members to develop and implement a clear policy on protected areas and indigenous peoples based on 'recognition of the rights of indigenous peoples to their lands or territories and resources which fall within protected areas'.

Resolution 1.54 on *Indigenous Peoples and Conservation in Meso-America* recognizes 'the rights of indigenous peoples taking into account the terms of' ILO Convention 169, the CBD and the UN Draft Declaration of the Rights of Indigenous Peoples.

Resolution 1.55 on *Indigenous Peoples and Forests* recognizes 'the rights of indigenous peoples taking into account' the terms of ILO Convention 169 and the UN Draft Declaration of the Rights of Indigenous Peoples.

Resolution 1.56 on *Indigenous Peoples and the Andes* recognizes 'the role and collective interest of indigenous peoples taking into account the terms of' the CBD, ILO Convention 169 and the UN Draft Declaration on the Rights of Indigenous Peoples.

Taken together, these new principles provide, potentially, the basis for a radical transformation in protected area planning and management. If applied adequately, they should ensure that protected areas are no longer established in violation of international human rights norms and allow for genuinely collaborative relations between indigenous peoples and conservation organizations.

Practice:

Putting these new principles into practice is, however, easier said than done. Conservation initiatives take place within the same constraints as other 'development' activities. They have to deal with the same competing enterprises and vested interests that confront local communities everywhere.¹⁰ In particular they have to confront the all-too-common ingrained prejudices against indigenous peoples, held by both the general public and personnel in government agencies.¹¹

Over the past seven years, the Forest Peoples Programme (FPP) has carried out a detailed review of the extent to which these new standards are actually being applied. This review has involved an extensive trawl through the literature, attendance at workshops and meetings with conservationists and fellow-travellers and, as its centerpiece, a series of joint conferences carried out with indigenous peoples to analyse and report on their experiences

with protected areas. Accordingly a first conference held in Pucallpa, Peru, jointly with the International Work Group for Indigenous Affairs (IWGIA) and the Inter-Ethnic Association of the Development of the Peruvian Amazon, heard indigenous peoples present their experiences with 16 protected areas in various parts of Latin America from Honduras down to Argentina. A second conference, organized jointly with IWGIA, the Asia Indigenous Peoples Pact and Partners of Community Organisations in Sabah, Malaysia, reviewed a further 14 cases from South and South East Asia. A third conference was held in Kigali, Rwanda, jointly with the *Communaute des Autochtones Rwandaises* and reviewed a further 11 cases of indigenous experiences with protected areas in Central and Southern Africa.¹²

The main finding of this review is that **the new principles of conservation are not yet being widely applied in developing countries**. During the conferences, indigenous participants expressed indignation at the implication that they oppose conservation. They point out that, usually, it is not they who have destroyed the environment and that, indeed, it is exactly for that reason that their territories are now coveted by conservationists as areas still rich in biodiversity. .

The overall findings from the three regional conferences and the literature review are sobering but not entirely discouraging. In general, protected areas continue to be established and administered in violation of indigenous peoples' rights and in ignorance of the new standards. In Central Africa, protected areas continue to oblige the forced relocation of indigenous peoples, often without any plans for resettlement or compensation. Serious impoverishment is widely reported and participation is at the most elementary level.¹³

In Asia, the record of the conservation agencies is somewhat better. Although national laws and policies continue to be framed by the colonial model of conservation, benefit sharing through 'Integrated Conservation and Development Projects' have a wider currency and in some areas sincere efforts have been made to involve local communities in decision-making and accommodate (if not legally recognize) their land rights.¹⁴

In Latin America, the picture is more mixed. Most national constitutions now recognize indigenous peoples and the legislatures have enacted laws that recognize indigenous peoples' rights. Although implementation of these laws still leaves a lot to be desired, significant progress has been made.¹⁵ However, corresponding reforms of conservation laws and policies lag behind these changes and most examples of indigenous owned and run protected areas have been achieved outside the official protected area systems.¹⁶ Parallel studies suggest that conservationists in Latin America are only in

the first phases of incorporating local communities into protected area management. Typically these measures include employing local people as park guards and rangers, cooks, secretaries and so on. Community development projects are then the next stage of 'participation' after which involving communities in natural resource management is then attempted. Actual recognition of rights in protected areas is, often, not yet even on the national agenda.¹⁷

These findings echo studies made in the USA where the gradual move towards an accommodation of indigenous peoples' rights in protected areas took over half a century. As Robert Keller and Michael Turek have noted:

To begin, park/Indian relations seem to fall into four phases: (1) unilateral appropriation of recreation land by the government; (2) an end to land-taking but a continued federal neglect of tribal needs, cultures and treaties; (3) Indian resistance, leading to aggressive pursuit of tribal interests; (4) a new National Parks Service commitment to cross-cultural integrity and cooperation.¹⁸

Our review finds that in all regions examples can nonetheless be found of protected areas where sincere efforts to apply these new standards are being made. These examples demonstrate that it is possible to recognise the rights of indigenous peoples and achieve conservation goals in the same areas. Perhaps future studies of these areas, may also find that conservation goals have been achieved more successfully in such areas than in those where managers find themselves in long term conflict with neighbouring communities.

The case studies also show that a number of serious obstacles stand in the way of an effective recognition of indigenous rights in conservation practice. These include:

- Entrenched discrimination in national societies' attitudes towards indigenous peoples such that indigenous peoples' ways of life are seen as backward, dirty or subhuman. In the context of conservation initiatives, the result may be a denial of rights and a feeling among affected peoples that they are treated as worse than animals.
- Absence of reform of government policies and laws regarding indigenous peoples. Many governments, especially in Asia and Africa, pursue integrationist or assimilationist social policies towards indigenous peoples, designed to elevate them from backward ways into the national mainstream while ignoring or denying their cultural traditions, customary institutions, rights and preferences.

- National laws and policies with respect to land which deny indigenous peoples' rights to own and manage their lands.
- National conservation policies and laws still based on the old exclusionary model of conservation. Few of the countries studied have adopted legislation that would encourage community owned protected areas in line with the revised IUCN protected area category system, which would allow communities and indigenous peoples to own and control protected areas.
- Conservation agencies and NGOs lack appropriate training, staff and capacity to work with communities. In many cases, national chapters of the large conservation organizations have not been informed about the new policies and principles which have been adopted at the international level.
- Indeed, many of the large US-based conservation agencies have not adopted policies towards indigenous peoples.

There is also evidence that the major international conservation agencies that have adopted policies favourable to indigenous peoples still do not give high priority to their implementation even at the international level. In part, at least, this is because the fundraising and marketing strategies of organizations like the WWF depend on projecting images of 'wildlife' imperiled by local communities not protected by them.¹⁹ Further, as one WWF-International social policy adviser admitted in a dialogue with indigenous peoples in the mid-1990s, the organization aligns itself more with the 'Prince and the Merchant' than with the 'Pauper'.²⁰ Thus, when economies have to be made to balance the books, social programmes are cut back while programmes for partnering with corporations and private enterprises are expanded. For example, in early 2002, WWF-International suddenly closed its programme on indigenous peoples and laid off the specialist on indigenous rights who had done much to develop the new WWF and WCPA's policies on indigenous peoples. The move elicited protest from indigenous peoples and supportive organizations.²¹ In the same way, the innovative Biodiversity Support Programme run jointly by the WWF-US, The Nature Conservancy and the World Resources Institute, funded by USAID, which worked closely with local communities and indigenous peoples for over half a decade, was closed down since it was perceived to be competing with the core fundraising priorities of the parent organizations. Likewise the social policy unit at the IUCN secretariat consists of only one full time staff person with a part-time administrative assistant.

What this means is that the agencies that invested huge sums of money and staff time establishing national laws, policies and institutions in developing countries according to the 'old model' of conservation in the 1960s and 1970s, are not investing in similar efforts to reform these institutions, laws and policies. Implementation of the 'new model' of conservation is thus left to a few pioneering individuals and indigenous peoples, against the grain of national norms and procedures set up over the previous decades.

Notwithstanding these obstacles, the FPP survey shows that positive initiatives are nevertheless underway and range from examples of benefit-sharing (see previous chapter) through to others which do recognize indigenous peoples' rights.

Recognition of territorial rights

One of the most loudly heralded steps towards a conservation approach that starts with a recognition of indigenous land rights was taken in Australia in 1985, when the Federal Government, which also legislates for the Northern Territory, agreed to recognise Aboriginal ownership of Ayers Rock if they would immediately lease the rock back to the Government as a national park. As John Cordell has noted somewhat caustically of this deal:

After decades of struggle, the Anangu actually held the title for about thirty-five seconds before relinquishing their ancestral rights to the state for the next ninety-nine years.²²

Uluru, as the Anangu refer to Ayers Rock, is one of four Aboriginal areas to which they have gained title in exchange for allowing them to be designated as national parks, the others being Kakadu, Gurig on the Cobourg Peninsula and Nitmiluk (Katherine Gorge). Under the agreements setting up the parks, Aborigines not only legally own the areas, but also share power on the governing boards or participate in the day to day management.

A number of observers have questioned the reality of the equal partnership aspired to in the setting up of these parks. Cultural and political differences have meant that the Aborigines have effectively been relegated to junior partners in management. Aboriginal grievances about the excesses of tourism in Uluru are growing as they find themselves forced to participate in the commoditization of their culture. Comments Cordell:

judging from Kakadu and Uluru, Aboriginal involvement in protected area management is on the verge of degenerating into Smokey Bear-style ranger training, in which the role of traditional owners is simply to add an interpretive and marketable ethnic element to running the parks.²³

Detailed research carried out by Sally Weaver in the Gurig and Kakadu National Parks modifies this impression. In these cases, she found that in the first place recognition of ownership had been made conditional on the definition of the areas as national parks. Effective involvement of Aboriginal owners in management was neither achieved nor sought.²⁴ Whereas Aborigines actually sought control of overall planning and policy decisions - rather than day to day management - they were more often cast in the role of rangers, which they resented. Aboriginal authority, she found, was continually squeezed by a tendency for government and parks agencies to extend their political-bureaucratic power base. Despite this, relations between parks field personnel and Aborigines was good owing to a genuine interest in and respect for the Aborigines among the staff. Weaver's study usefully stresses 'the inherently political nature of the relationship between parks and indigenous peoples' and she found that 'there was much less power-sharing between parks agencies and Aboriginal owners than government rhetoric and legislation suggested...'²⁵ Nevertheless, she noted a discernible trend of improving relations between Aborigines and parks agencies, with a gradual increase in Aboriginal control as more formal and structured interactions were instituted.

A more recent study of the Uluru National Park also suggests that the situation has continued to improve. The agreement between the government parks service and the Anangu accords them 25% of park entrance fees and both the Aboriginal and non-Aboriginal managers agree that the joint management programme is working well. Indeed, the Aboriginal community within the Park has swelled threefold as a result of the arrangement, causing some social and environmental problems, such as heightened pressure on vegetation by the demand for fuelwood, which has led to new community regulations to control use. Another problem the Anangu have faced is the intense pressure on their private lives from curious tourists who wish to see something of Aboriginal culture, which has obliged the Anangu to close their settlement to uninvited visitors.²⁶

In South Africa, the Khomani San, once expelled from their lands and scattered to the winds - and who were thought to have become extinct - have not only recuperated their language and revived their settlements but have had their land restituted. They are now being progressively granted rights of access and use in large chunks of their former territory. However, with this single exception, the survey revealed that very little progress has yet been made in developing countries to reconstitute indigenous peoples' rights in existing protected areas.²⁷

In some countries where national laws do not recognize indigenous peoples' rights to land such as Indonesia,²⁸ parks authorities with the blessing of local government, have gone beyond the law to zone protected areas so that customary land use systems are accommodated, and have granted *de facto* land rights recognition and involved communities in park management and income generation projects.²⁹

Two notable examples have been developed in the unlikely context of West Papua, a Dutch colony annexed with brutal violence by Indonesia in the 1960s. In stark contrast to the inhabitants of neighbouring Papua New Guinea, land rights are not effectively recognised in West Papua³⁰ and national parks legislation similarly denies land ownership rights to residents. Despite these formidable legal obstacles, the WWF through a ten year long conservation programme, has been able to develop two protected areas which, with local and now national government approval, secure local peoples' rights over their resources.

The first such project established a management plan for the Hatam people, part of whose lands had been designated the Arfak Mountains Strict Nature Reserve. The plan is based on a recognition that while Indonesian law and conservation practice does not recognise the land rights of local people, such recognition is absolutely necessary for the conservation project to be successful and have local acceptance. The WWF field staff thus developed a management plan which involved the local communities in demarcation of the reserve, expressly permitted traditional hunting (without modern weapons), and divided the reserve and surrounding areas into sixteen 'nature reserve management areas' run by village committees which are authorised by the local government to enforce the reserve's regulations within their areas.³¹ In addition, the WWF team have initiated a 'butterfly ranching' scheme to provide a cash income to the villagers. The project presently relies on outside technicians to advise on the ranching practices and to label, price, package and market the butterflies. Export is achieved through the parastatal company PT Inhutani II, which has a very questionable record in dealing with indigenous people. Attempts to stabilise shifting cultivation have not been so successful. The WWF is certainly not complacent about the long term viability of the scheme.³²

The WWF has documented a similar experience with the thirteen villages inside the Wasur National Park in the forests and savannas in the south of the province. An initial mapping exercise demonstrated that the local tribespeople have claims to the whole of the 413,810 hectare park and have well established concepts of zoning and management. Overcoming initial local suspicions with the help of local non-governmental agencies, the parks

team report that they have been able to secure the local peoples' approval for the park by gaining formal, written recognition by central government of their continued rights of residence and land use. Controlled deer hunting for sale in the local market has been encouraged, while parks teams and local people have collaborated in excluding outside poachers coming with rifles and motorised transport from the local urban centres. Since the park provides land security in a way which national laws do not, neighbouring communities now envy the residents. 'Why are our village and land outside the park boundary?' one villager complained at a recent workshop.³³

Another encouraging example, where indigenous land management and customary tenure systems have been revived despite the fact that they are technically illegal has been documented in India.³⁴ When the Sariska National Park was created by law in 1984, it made some 24 tribal villages technically illegal residents. Ill-prepared attempts to resettle the people were however ineffective. More recently, with SIDA funding, a local NGO has encouraged nearly half these villages to revive their traditional land management systems within the park and claims this has improved the people's livelihoods as well as reduced pressure on the natural forest.³⁵

Of course, the other option, well documented elsewhere and thus not reviewed in this paper is not to define indigenous territories as 'protected areas' at all, but rather to seek solely their designation as indigenous lands or territories under whatever national legislation is most appropriate. For example in the Amazon, most famously in Colombia, but also in Brazil, Ecuador, Peru and Bolivia, far more lands have now been recognised as indigenous lands than as protected areas. As in Colombia, Governments have expressly recognised that securing indigenous land ownership is the best means of ensuring conservation. Research shows that in some parts of Amazonia at least indigenous reserves have proven more successful in fending off colonisation, logging, mining and ranching than neighbouring protected areas. In Brazil, some senior conservationists now accept that the old colonial model of conservation is inappropriate.³⁶

Yet indigenous peoples may also accept protected areas as being the most appropriate legal status for areas of their traditional territories that they do not use or even visit but nevertheless consider to be sacred. Many of the high *tepuis* of the Guiana highlands in Venezuela, for example, - rich centres of species endemism and unique ecosystems - have been designated as 'National Monuments' and 'National Parks'.³⁷ Serious problems have only arisen when inadequately controlled tourism has been allowed in these areas (contrary to the law) or where the parks have reached down into areas that are used by neighbouring communities for agriculture, hunting and gathering.

Joint management options are now being developed for these areas with some local acceptance.³⁸

The survey also shows that conservation initiatives are also being undertaken directly by indigenous peoples. In Peru, indigenous peoples, whose land rights have been limited to relatively small 'native titles' established around each settlement, have pushed for the recognition of as much as possible of the rest of their territories as communal reserves which they administer as sustainable use zones.³⁹ A notable example is El Sira Communal Reserve, a 600,000 hectare area of upland forests established on the watershed between the departments of Huanuco, Pasco and Ucayali which was strongly pushed for by a coalition of Ashaninka, Shipibo-Conibo and Yanessa indigenous peoples.⁴⁰ Likewise, in North America, some indigenous peoples have also recognised that they can gain real benefits from turning their lands into protected areas. The Havasupai in Arizona, for example, have set up their own 'national park' in the Grand Canyon, which attracts adventure tourists, trekkers and those with curiosity to experience life in Indian communities.⁴¹

What these and other examples teach us is that long term partnerships require conservation organisations to go beyond 'capacity building' and 'training', and beyond provisions for 'participation', and involve real transfers of power.⁴² In place of 'conflict management', in which rights are not recognized but palliatives offered to defuse local dissent,⁴³ what are required are freely negotiated agreements between indigenous peoples, conservation NGOs and government agencies, which recognise indigenous peoples' rights, and provide enforceable contracts which not only make clear how mutual rights and responsibilities are allocated but include agile mechanisms for resolving problems and difficulties in acceptable and non-confrontational ways.

These kinds of arrangements will also imply real challenges for indigenous peoples themselves. If indigenous peoples actively seek to have parts of their ancestral territories recognised as protected areas under their own management and control - in order to benefit from the protection such designations are meant to entail and the possible revenue streams that may come from eco-tourism and scientific research - they will also need to reappraise how and whether their systems of customary law, self-governance and enforcement effectively regulate and control resource use, both by their own members and visitors to the areas. Indigenous peoples' institutions may have proved adequate to the task in the past, but new pressures may also imply that they need to strengthen and modify their traditional ways. Conservation does not imply the absence of change.⁴⁴

Indeed there are risks of 'community-based conservation' being promoted as a simple panacea that will readily reconcile the interests of conservation and community development. Yet successive evaluations show that community-based approaches are challenging and require long-term investments to be successful. In part this is because, all too often, they have to succeed in unfavourable legislative, institutional and policy frameworks which tend to undermine or make uncertain local level gains. Lack of land security, inadequate devolution of authority to indigenous communities, weak or weakened indigenous institutions and unfavourable markets are typical problems. The capacity of community wildlife schemes and conservancies to provide significant incomes to communities are sometimes exaggerated. 'Co-management' regimes are too often token and fail to ensure real partnership based on mutual agreements between indigenous institutions and conservation authorities.⁴⁵



- Reserves in Ucayali:
- 1 SIRA
 - 2 YURUA
 - 3 TAMAYA-CACO
 - 4 INUYA-TAHUANIA
 - 5 MASHCO-PIRO
 - 6 MURUNAHUA
 - 7 ISHCONAHUA

The Empire Strikes Back

The challenges facing the 'new model' of conservation do not only derive from difficulties of implementation. The reality is that many of the conservation 'old guard' still vigorously defend the colonial doctrines of 'fortress conservation'. Indeed it is possible to discern a backlash of conventional conservation thinking by those who mistrust the assault that they perceive the 'new model' to pose to real conservation.⁴⁶

One of the main charges of the 'old guard' is that faith in the environmental prudence of indigenous peoples is misplaced. Advocates of fortress conservation, such as Spinage, argue that rising populations and technological change will inevitably lead to environmental destruction no matter whether the people are indigenous or not.⁴⁷ John Oates has likewise argued that African societies have typically exploited nature:

wherever people have had the tools, techniques, and opportunities to exploit natural systems they have done so. This exploitation has typically been for maximum short-term yield without regard for sustainability; unless the numbers of people have been very low, or their harvesting techniques inefficient, such exploitation⁴⁸ has usually led to marked resource depletion or species extinction.

The current Chair of the IUCN Commission on Protected Areas has gone further arguing that:

we need to keep some areas wild, free of human habitation or extractive use **if we are truly to retain biodiversity**. I'm not arguing in terms of "wilderness", recreation, scenery, etc. (all of which I feel very strongly about, but those are different goals) but rather, a purely biological issue. Studies show, for example in Borneo and elsewhere, that even where one finds the "lightest" possible human use, such as with bow and arrow or blow gun, whole taxa of fauna are eliminated. So, to preserve certain areas in as wild a status as possible is not, or at least no longer, a question of importing the Yellowstone model to keep such large areas for the benefit of the rich at the cost of the poor, local, indigenous, etc. Rather, we should see it as an investment⁴⁹ for the whole of society, and for this and future generations.

The scientific bases for these kinds of assertions are indeed questionable. While it is possible to point to examples of the 'Pleistocene overkill', when the arrival of human hunters in new continents and islands correlated with - and quite possibly caused - extinctions, detailed research into hunting practices shows the remarkable resilience of most game species to hunting.

Depletion is common, extinction rare.⁵⁰ It is only with the intrusion of new markets and trading patterns, when customary systems of subsistence hunting are transformed into intensified regimes for the production of bushmeat or furs that extinctions become more common.⁵¹

A second argument deployed by those who defend 'fortress conservation' continues along the same lines. In the same way that British Prime Minister Margaret Thatcher argued that 'there is no such things as society', some conservationists assert that community-based conservation is impossible because, in any case, the notion of the 'community' is a myth. Most human groups, it is argued, do not act in the common interest but are characterized by selfish individuals; the groups are internally differentiated in terms of status, income and power. Such groups, being 'dominated by a few powerful individuals, who may wish to advance their personal interests'⁵² are, thus, unable to act responsibly towards the environment and, as such, constitute inappropriate partners in conservation. Interestingly, one of the examples of the intrinsically anti-social behaviour of indigenous peoples that has been put forward to substantiate this argument is the Ik of Uganda.⁵³ Yet, ironically, the anthropologist who documented the break-down of Ik society ascribes this cultural collapse largely to their exclusion from the Kidepo National Park.⁵⁴

Some 'old guard' conservationists seek to limit their recognition of indigenous peoples' rights by hedging them with restrictions. According to this approach, indigenous peoples' rights can only be recognized on **condition** that they explicitly recognize their responsibilities to manage their resources in the best interests of future generations. Just such an approach has been adopted in the NIPAS law in the Philippines as noted in Chapter 6.

There are two major problems with such an approach. The first is that it seeks to impose conditions on indigenous peoples' rights which are not imposed on non-indigenous peoples, a proposition that amounts to racial discrimination. The second is that it makes communities vulnerable to the manipulations of external arbiters, who may make judgments about what is sustainable based on their own prejudices and partial understanding of natural processes rather than on mutually agreed or 'objective' criteria. Given the difficult relations that indigenous peoples have historically had with State institutions, their reluctance to make their rights conditional on other people's suppositions about what is right and proper is understandable.

These are not theoretical concerns. For example, Dan Brockington has documented how the expulsion of communities from the Mkomasi Game Reserve in Tanzania in 1988 was justified on the grounds that their cattle were degrading the area, when the evidence for this was, at best, equivocal. Indeed, it seems more likely that the real limiting factor on the productivity of

the Mkomasi ecosystem comes from rainfall and not cattle numbers.⁵⁵

In the end, however, such arguments for the exclusion of indigenous peoples from protected areas fall back on the notion that having people in these areas is just plain wrong. The arguments are explicitly not utilitarian but are based on the conviction of certain conservationists that they - and they alone seemingly - can discern the 'intrinsic', 'aesthetic' and even 'ethical' values of nature.⁵⁶ John Terborgh argues in his book, *Requiem for Nature* that:

ultimately, nature and biodiversity must be conserved for their own sake, not because they have present utilitarian value... [T]he fundamental arguments for conserving nature must be spiritual and aesthetic, motivated by feelings that well up from our deepest beings. What is absolute, enduring, and irreplaceable is the primordial nourishment of our psyches afforded by a quiet walk in an ancient forest or the spectacle of a thousand geese against a blue sky on a winter's day.⁵⁷

These are, of course, culturally informed judgments often not shared by local resident peoples. Far from being 'intrinsic', these visions of nature and wilderness, are historically shaped and often even have a commercial basis. Spinage, for example, justifies the exclusion of fishing villages from the Queen Elizabeth National Park in Uganda on the grounds that tourists complained that they were 'ugly' and since the 'attraction' they pay to see is unspoiled nature.⁵⁸

As Dan Brockington notes in his recent book *Fortress Conservation*, the 'myth' of wilderness preservation need not detract from its success. Wilderness is a lucrative commodity and, in an unequal world, will continue to trump alternative visions of how best to conserve nature. The problem is, it is unfair.⁵⁹

Notes to Chapter 8

- 1 Cernea and Schmidt-Soltau 2003:3.
- 2 The Draft Declaration was accepted by the UN's Sub-Commission on the Prevention of Discrimination and Protection of Minorities and passed to the UN Human Rights Commission in 1994. Since then the draft has been under discussion at the annual meetings of an Open Ended Ad Hoc Working Group under the Commission. Once, and if, the draft has been accepted it will be passed to the UN's General Assembly for adoption.
- 3 Griffiths 2003.
- 4 IUCN 1994.
- 5 WWF 1996.
- 6 IUCN 1996.
- 7 Borrini-Feyerabend 1997.
- 8 Cf Weber, Butler and Larson 2000; Oviedo, Maffi and Larsen 2000; Eghenter 2000.
- 9 Beltran 2000.
- 10 Brandon, Redford and Sanderson 1998.
- 11 Griffiths and Colchester 2000; Kwokwo Barume 2000.
- 12 Gray, Newing and Padellada 1997; Colchester and Erni 1999; Nelson and Hossack 2003.
- 13 Nelson and Hossack 2003; Cernea and Schmidt-Soltau 2003.
- 14 Colchester and Erni 1999.
- 15 Colchester 2001.
- 16 Gray, Newing and Padellada 1997.
- 17 Dugelby and Libby 1998; similar conclusions have been reached by an in-house review of the global application of the WCPA guidelines carried out for WWF (Larsen 2000).
- 18 Keller and Turek 1998:233.
- 19 Jeanrenaud 2002.
- 20 The individual was sacked shortly after.
- 21 Letter of 9th April 2002 from prominent indigenous leaders from 16 countries in the Americas and Russia to Claude Martin, Director General of the WWF-International; Letter from FPP of 2 July 2002 also to Claude Martin.
- 22 Cordell 1993:105.
- 23 Cordell 1993:110.
- 24 Weaver 1991.
- 25 Weaver 1991:331.
- 26 Griffin 2002. Similar examples of protected areas which have been restored to indigenous ownership come from Canada, New Zealand, the USA and Bolivia (Keller and Turek 1998; Burnham 2000; MacKay 2002).
- 27 But see also Fabricius and de Wet 2002.
- 28 Colchester, Sirait and Wijardjo 2003.
- 29 Cf Craven and Wardoyo 1993.

- 30 Barber and Churchill 1986.
31 Craven and Craven 1990; Mandosir and Stark 1993.
32 Mandosir and Stark 1993.
33 Craven and Wardoyo 1993.
34 Sjobohm and Singh 1993.
35 Sjobohm and Singh 1993.
36 Maretti 2003.
37 Huber 1992.
38 Inparques 1993.
39 Gray, Newing and Padellada 1997:20-64.
40 'Decreto Supremo' of 23 June 2001.
41 Keller and Turek 1998.
42 Colchester 1996.
43 Lewis 1996.
44 Cornell and Kalt 1992; Gibson, Mckean and Ostrom 2000; Roe et alii. 2000; Alcorn and Royo 2000.
45 Berkes 1997 cited in Weitzner 2000; Duffy 2000; Hulme and Murphree 2001; Worah 2002; DfID 2002; Barrow and Fabricius 2002; Sullivan 2002; Brockington 2002.
46 Kramer, van Schaik and Johnson 1997; Oates 1997; Spinage 1998; Brandon, Redford and Sanderson 1998; Terborgh, van Schaik, Davenport and Rao 2002;
47 Spinage 1998; 1999; Colchester 1998.
48 Oates 1999:55.
49 Kenton Miller email communication to TILCEPA working group June 2003 emphasis in the original.
50 Robinson and Bennett 2000.
51 Martin 1978; Krech 1981; Pika 1999; Harms 1999: 245-246; Peterson 2003.
52 Oates 1997:xiii.
53 Oates 1997:53-55.
54 Turnbull 1972.
55 Brockington 2002:55-82. see also Fairhead and Leach 1996; 1998; Leach and Mearns 1996 for examples of how scientists assumptions about the impacts of human resource use on the environment can be spectacularly wrong. See also Chatty and Colchester 2002.
56 Oates 1997:xiii, xvi.
57 Terborgh 1999:19 cited in Wilshusen, Brechin, Fortwangler and West 2002. See also Brechin, Wilshusen, Fortwangler and West 2002.
58 Spinage 1998; 1999; Colchester 1998.
59 Brockington 2002.

Chapter 9

From National Parks to Global Benefits: Conservation of the Global Commons.

Growing concern about environmental pollution and degradation has lifted debates about biological diversity and poverty to unprecedented international levels. The issues were highlighted by the report of the World Commission on Environment and Development, titled 'Our Common Future', which made popular the notion that these are 'global' issues of 'common' concern¹ - both controversial points which have the damaging effect of masking the considerable differences of interest and power among the various groups that make up the 'global community'.² The major achievement of the Commission was to lay the ground for the United Nations Conference on Environment and Development (UNCED), held in Rio de Janeiro in 1992, and to get underway the formulation of an International Convention on Biodiversity, signed into being at the conference.

Indigenous peoples made some notable gains through the UNCED process. They were accepted as one the 'major groups' that should be involved in the implementation of 'Agenda 21', the loosely framed plan of action deriving from the conference. They were also permitted to speak to the plenary session of the conference, a notable achievement though of largely symbolic significance. However, in the view of the author, the overall effects of the UNCED debates on indigenous peoples and other politically marginal social groups have been decidedly unhelpful. The hidden, and often not so hidden, agenda of UNCED was the redefinition of North-South economic relations, whereas the main struggle of indigenous peoples was to redefine their relations with States. States thus used the UNCED process to reaffirm and strengthen their control of natural resources both vis a vis other States and vis a vis their own peoples. While this struggle was going on, the real beneficiaries of the Rio Agreements were the international corporations, who benefit from free trade.³

Under international law existing prior to UNCED, 'peoples' had well recognised if ill defined rights, including rights to their natural environment. These principles are fundamental to the work of the United Nations and, indeed, provide the authority for its operations but were purposefully ignored in the UNCED process. This tendency is made very plain if we compare the language of the United Nations of the 1960s with that of the UNCED. For example, Article 1 of both the International Covenant on Economic, Social and Cultural Rights and International Covenant on Civil and Political Rights, agreed in 1966, states:

1. All **peoples** have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic cooperation, based on the principle of mutual benefit, and international law. In no case may a people be deprived of its means of subsistence.
3. The State Parties to the present Covenant, including those having responsibility for the administration on Non-Self-Governing and Trust Territories, shall promote the realization of the right to self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Furthermore, as the General Assembly Resolution 1803 (XVII) of 14 December 1962 on 'Permanent Sovereignty over Natural Resources' makes clear, the notion of 'peoples' is not to be confused with the notion of 'nations', in turn, distinguished from 'States'. A review of the notion of the rights of peoples carried out by UNESCO in 1989 notes, the very 'authority of the Charter of the United Nations is founded not upon States, as such, but upon peoples'. Indeed, the United Nations Charter itself commences with the words: 'We the peoples of the United Nations....' and, as the UNESCO study also emphasises, the second stated purpose of the United Nations is 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples'.

The UNESCO review concluded:

The concept of peoples' rights is now established by universally recognised international law. Its existence cannot now validly be controverted.' [Accordingly] 'peoples' are not to be confused with 'States' and peoples' rights are not State rights.⁴

The work of UNCED, however, was dominated by language of quite a different kind. UNCED accepted without argument Principle 21 of the Stockholm Declaration which, in dramatic contrast, noted that:

States have, in accordance with the Charter of the United Nations and the principles of international law, the sovereign right to exploit their own resources pursuant to their own environmental policies, and the responsibility to ensure that activities within their jurisdiction or control do not cause damage to the environment or of areas beyond the limits of national jurisdiction.

Thus, far from examining means by which the rights of peoples to their environment can be secured, the UNCED process avoided addressing them. Discussions at the UNCED were dominated by the concern of Governments to secure national sovereignty and the exclusive right of States to exploit natural resources, while issues of popular rights to resources are deemed to be internal matters of concern to States and not the United Nations. This would appear to be a violation of both the spirit and the letter of the United Nations' Charter.

The Biodiversity Convention followed this same approach and affirms, 'States have sovereign rights over their own biological resources'. Article 3 of the Convention titled 'Principle' restates Article 21 of the Stockholm Declaration verbatim. Specifically with regard to indigenous peoples the Convention made the State's recognition of indigenous rights 'subject to its national legislation' thus placing no new obligations on States (Article 8j). As Vandana Shiva of the Third World Network notes 'the convention is too strong on patents and too weak on the intellectual and ecological rights of indigenous peoples and local communities'.⁵ However, despite these unhelpful and even damaging limitations, some indigenous groups have taken heart that the Biodiversity Convention offers grounds for a more collaborative relationship with States.⁶ Article 8j) obliges States 'as far as possible and as appropriate':

Subject to its national legislation, [to] respect, preserve and maintain knowledge, innovations and practices of indigenous and local communities embodying traditional lifestyles relevant for the conservation and sustainable use of biological diversity and promote their wider application with the approval and involvement of the holders of such knowledge, innovations and practices and encourage the equitable sharing of the benefits arising from the utilization of such knowledge, innovations and practices.

Likewise, Article 10c) obliges States, 'as far as possible and as appropriate' to:

to protect and encourage customary use of biological resources in accordance with traditional cultural practices that are compatible with conservation or sustainable use requirements.

A good faith interpretation of these obligations, coupled with the commitments of States under Agenda 21 to work in partnership with indigenous communities in managing resources and achieving sustainable development, may offer some scope for indigenous peoples to gain control of their territories and resources. Much will, however, depend on the mechanisms developed for financing activities undertaken under the Convention.

According to the Convention itself, the costs for its implementation are to be borne by the northern industrial nations, which are obliged to fund the 'full **incremental** costs' (Article 20 2). The Convention makes explicitly clear that developing countries have no obligations to implement it, without such outside financing (Article 20 4). The UNCED negotiations, also established that, in the interim, the Global Environment Facility (GEF) should be accepted as the funding channel, subject to modifications in its governance structures.

The GEF and the problem of 'incremental costs'

The whole notion of 'incremental' costs is one that may have major implications for indigenous peoples and the way the Biodiversity Convention and the GEF relates to them. The concept, which was evolved in the context of the negotiations of the Montreal Protocol for regulating ozone depleting chemicals, is fundamental to the GEF. As affirmed by the Participants Assembly of the GEF in April 1992:

The GEF's basic mission is to provide additional grants and concessional funding to cover agreed incremental costs that a developing country incurs in order to achieve agreed global environmental benefits.⁷

As presently interpreted the notion basically means that, as far as the 'donor' countries are concerned, **the GEF will not fund local or national benefits** but only the 'incremental costs' of global benefits. As Britain's Chancellor of the Exchequer has explained:

The central feature of the GEF is that it exists to meet the incremental costs of global environmental benefits. **It would not therefore be appropriate for it to be the funding mechanism for other conventions that are designed to achieve national or regional benefits.**⁸

There are huge theoretical problems in defining which costs of any actions are defined as of local and national benefit and which are only of global benefit and therefore fundable under the Biodiversity Convention and the GEF.⁹ Indeed NGOs have been pointing out the flaws in the whole approach since the GEF was started¹⁰ and their views were brought home to those running the GEF by its Independent Review Panel which concluded in late 1993 that:

The attempt in the absence of a clearly defined strategic framework to draw distinctions between global and national environmental concerns and benefits has led to conceptual and, more important, practical problems in program applications and operations.¹¹

Despite these expressions of concern the GEF continues to disburse funds for projects and is receiving further pledges of financing. Many of these projects of 'global benefit' have very worrying implications for indigenous peoples. Since GEF funded projects or project components are, by definition, not in the national interest, the projects have the effect of marginalising indigenous peoples' concerns. These are far from theoretical objections.

For example, a GEF-funded project to establish timber estates in Ecuador, justified in terms of biodiversity conservation as it would supposedly eventually reduce demand for tropical timber from natural forests, turned out to pose a major threat to indigenous people as an investigative mission, carried out after protests had been raised by non-Governmental organisations, revealed. The project entailed establishing a mill to process tropical timber which would rely on supplies of timber from natural forests over seventeen years while the timber estates became productive enough to satisfy the mill's demand. In all some 50,000 hectares of natural forest - including most of the last 'primary' growth forest in western Ecuador - all on the lands of the indigenous Chachi people, would have been destroyed in the name of biodiversity conservation for global benefit. The investigative mission found that the implementing agency (the World Bank) had not bothered to follow its own policy on indigenous peoples in setting up the project.¹²

Another example is a project financed by a loan from the World Bank, a grant from the GEF and a technical assistance package from FINNIDA, in

Laos. The so-called 'Forest Management and Conservation Project' aimed at restructuring the forestry sector in Laos and was made palatable to the Lao PDR Government by the generous addition of a US\$ 6 million grant from the GEF for biodiversity conservation. Justified by the World Bank as an 'environmental project', the project was originally appraised without an 'environmental analysis' being carried out as required under the Bank's own environmental policies. The Bank also chose not to apply its policies on indigenous peoples, even though the project intended completely reformulating the laws and regulations regarding community access to forests. In all some 5,000 indigenous communities stand to be affected by the project, with potentially serious consequences. Conservationists from the World Conservation Union, who had collaborated with the World Bank in setting up the project and elaborating the conservation laws, had argued that the GEF funds should be spent on integrating conservation values into logging regulations and community forestry. However, the World Bank insisted that these uses of GEF funds would not be allowable under the 'incremental costs' criterion and chose instead to allocate the funds to the creation of protected areas, where indigenous communities will have severely restricted access to forests.¹³ Indeed, a condition of the project is the adoption of new legislation which grants local communities conditional access to and use of all their forests subject to their elaboration of management plans with externally defined objectives. In effect, the project seeks to introduce the same pattern of State control of forest-based communities as British colonial law imposed in India, which granted tribal peoples' **privileges** in forests rather than recognising their **rights**.¹⁴

The GEF and the World Bank have also provided substantial funding for 'Eco-development' projects in India which have caused serious problems for indigenous peoples, referred to in India as '*adivasi*' (original people). The Eco-development projects have been designed to encourage the 'voluntary' relocation of *adivasi* living with protected areas to resettlement villages set up in nearby 'buffer zones'. However, implementation by local forestry and wildlife officials has been much more coercive than planned. The indigenous peoples affected by these schemes have complained of the severe restrictions imposed on their livelihood, the lack of respect for their land rights, violence and intimidation by park guards and the forced relocation of communities to barren resettlement which provide them with wholly inadequate alternative livelihoods. On several occasions disputes between the communities and parks authorities have led to killings. Indigenous plaintiffs have taken their concerns about these projects to the World Bank's Inspection Panel, which has upheld their complaints that the projects had

not adhered to the World Bank's 'safeguard policies', which are designed to protect indigenous peoples against imposed development and the worst effects of forced resettlement.¹⁵ Despite these complaints, forced evictions of indigenous people from a number of GEF-funded protected areas in India continue.¹⁶ Questioned about the World Bank's role in her eviction from the Pench National Park in Madhya Pradesh one tribal woman told an FPP researcher:

Look! It is because of World Bank money that this whole dispute started! If it weren't for their money we wouldn't be here dying of hunger. Our children are malnourished and so they get ill. They are weak. Many of us are sick after being displaced, but there is no money for medical treatment. In my view, the World Bank's money is partly responsible for this! Somebody somewhere has betrayed us and they are responsible for moving us. If there were prior arrangements we could have at least survived. The World Bank came to destroy us and move us around like dogs. The government takes the World Bank money to throw us out of the forest in the name of conservation. The whole thing is a fake! It is fake conservation! The Adivasi people protect the forest. The forest officials only destroy it.¹⁷

Another example of the way indigenous peoples are suffering in GEF-funded projects comes from the Bwindi and Mgahinga protected areas in Uganda, which has led to the enforcement of restrictions the livelihoods of the Twa 'pygmies', who traditionally inhabited these forests. In May 1991, the World Bank granted a US\$4.89 million endowment under the Global Environment Facility (GEF) for the Bwindi and Mgahinga Forests in SW Uganda to establish a trust fund to pay for resource management and biodiversity conservation in the two national parks. However, the involvement of international actors spurred the enforcement of laws which though they had long outlawed the Twa's livelihoods had not previously been enforced. Thus, in 1991, the Batwa were expelled from their forest territories. In effect the input of international funds strengthened the ability of park authorities to exclude the Batwa, destroying their forest-based economy and leaving them severely impoverished. Moreover, a 1996 progress evaluation noted that without adequate land redistribution, forest access, capacity-building and compensation, the work of the Trust would simply serve to ensure the elimination of the Batwa from the forest, while community development projects with neighbouring communities would be bound to exclude the Batwa owing to the discrimination they face from neighbouring non-Batwa farmers.¹⁸ As one Twa noted:

I am from Nteko, nearby the forest. A long time ago we used to stay in the forest where we used to get everything. We reached the time of seeing people coming and they told us to come out of the forest, that it's not yours, you go out of it into the open area. We went out and we couldn't fit in any community. We reached the place and stay there just working for others up to now. We struggle to get the way of surviving. The people who chased us from the forest haven't given us anything to survive on. We need land and hoe. If they are not ready to help us in that - they are to explain to us whether they can let us go back to the forest.¹⁹

Once these issues were again brought to the attention of Trust Fund managers in 1999, they began a programme of land acquisition for the Twa, who since their eviction had been entirely landless and virtually destitute. Less than two years later, however, this compensation programme was stopped, allegedly because the Trust's endowment fund had performed badly on the US stock markets. The problems of the evicted Twa remain unresolved.²⁰

Notes to Chapter 9

- 1 WCED 1987.
- 2 The Ecologist 1993.
- 3 Kolk 1996.
- 4 UNESCO SHS-89/CONF.602/7.
- 5 Shiva 1993:152.
- 6 Barsh 1993.
- 7 GEF 1992a,b.
- 8 Dalyell 1993:49 emphasis added.
- 9 Under the GEF incremental costs refers to the costs of achieving global benefits over and above national ones. Under the Biodiversity Convention, however, incremental costs refers to the additional burdens placed on developing countries in achieving the goals of the Convention, whether the benefits are national or global.
- 10 WRM 1991; Greenpeace 1992.
- 11 GEF 1993 Para 2.14.
- 12 Umana 1992; Cia 1992; DeWalt 1992; GEF 1992c; Arnold 1992.
- 13 World Bank 1992; Colchester 1993; IUCN 1993.
- 14 Gadgil and Guha 1993:123ff.
- 15 Griffiths and Colchester 2000.
- 16 For example on 24-25th April 2002 518 houses were bulldozed in Totladoh in the Pench National Park Tiger Reserve in Madhya Pradesh. (*The Hitavada* 25th and 26th April 2002).
- 17 FPP field study of Pench National Park 4-14th November 2002: statement to field researcher in Waramba village.
- 18 Griffiths and Colchester 2000.
- 19 FPP and UOBDU 2000.
- 20 For further details on this case see Nelson and Hossack 2003.

Chapter 10

Conclusions

Unless property rights (land tenure) of long-term residential peoples are respected and economic benefits from the creation of protected areas accrue in part directly to the communities living in and near them, it is unlikely that nature reserves will endure. Local communities must also be involved in the planning and boundary marking of reserves. Most important, their traditions must be respected.

Elizabeth Kemp¹

As this review has attempted to make clear, indigenous peoples face four major problems inherent in the classical conservationist approach. In the first place, mainstream conservationists have put the preservation of nature above the interests of human beings. Secondly, their view of nature has been shaped by a cultural notion of wilderness sharply at odds with the cosmovision of most indigenous peoples. Thirdly, conservationists have sought authority for their regulation of human interactions with nature in the power of the State. And last but by no means least, conservationists' perceptions of indigenous peoples have been tinged with the same prejudices that confront indigenous peoples everywhere. The result, as we have seen, is that indigenous peoples have suffered a four-fold marginalisation due to conservationist impositions.

The evidence is also clear that these impositions have violated internationally agreed norms particularly regarding indigenous rights to land and to just compensation in the case of forced removal in the national interest. Evolving norms regarding indigenous control of land use and self-determination have also been regularly broken.

The realisation by the conservation community that respect for indigenous peoples rights is not just a matter of pragmatism but principle has been long in coming. However, having adopted these principles, it is now clear that relatively little has been done to put these new principles into practice - albeit there are a growing number of honourable exceptions. If the whole project of conservation through the establishment of protected areas

is not to be widely discredited, then rapid action is now needed by leaders in the conservation world to address indigenous peoples' concerns.

It is time that conservationists began to start their work in areas inhabited by indigenous peoples from the assumption that they are dealing with local people with legitimate rights to the ownership and control of their natural resources. The creation of protected areas under the old model of conservation may not be the most appropriate option in such circumstances, as in most cases indigenous ownership rights are denied by current protected area legislation.

However, there is a risk that the pendulum could swing too sharply the other way, towards an assumption that once an area is under indigenous ownership and control the problem is solved and that all indigenous systems of land use are inherently sustainable. This is patently not the case. Indeed many indigenous communities are fully aware of the fact that as pressure on their lands from outside intensifies and as their own economies and social organisation change to accommodate their increasing involvement in the market economy, they need to elaborate new mechanisms to control and use their resources. Ecologists, social scientists, lawyers and development advisers may have relevant knowledge to contribute to such indigenous communities to help them achieve this transition. Their role, however, is to act as advisers to indigenous managers rather than directors of indigenous ventures.²

In Amazonia, for example, the practice of recruiting technical advisers to indigenous organisations already has a twenty year history and has led to some notable successes in securing lands against outside intrusions. They have had somewhat less success in promoting verifiably 'sustainable' systems of resource management while generating a surplus for the market.

Probably the most difficult aspect of working with indigenous peoples has been in identifying the appropriate indigenous institutions through which to mediate with outsiders. Many indigenous peoples have confronted equal problems in deciding in which institutions to vest authority for governing their own novel activities, be they oriented to conservation or the market. Especially among relatively acephalous societies such as Amazonian Indians and 'pygmy' groups in Central Africa, the lack of central authorities creates tricky problems in the reaching of binding agreements both amongst themselves and with outsiders. On the other hand, the risk with more centralised and hierarchical societies is of vesting undue authority in their leadership and thus exaggerating conflicts of interest within the communities. There are no generalisations that can be made about how to solve these problems, except that the decisions should be made by the people themselves.

The trouble is that the mainstream conservation organisations are simultaneously being drawn in two conflicting directions. On the one hand, their field experience is persuading them that vesting control of land and natural resources in indigenous peoples' institutions makes conservation sense. On other hand, the current fashion of treating environment issues as 'global' problems is encouraging State, private sector and international interventions. As conservation becomes a global concern, substantial funds have become available for conservation organisations to implement and manage protected area projects in third world countries and to act as consultants for the development agencies who have assumed responsibility for managing the global environment. The main risk in all this for indigenous peoples is the reinforcement of conservation's top-down tendencies. Conservation organisations have traditionally derived their funding from the establishment and have sought to impose their visions through the power of the State. Globalizing conservation only strengthens this tendency. Highly motivated conservationist consultants come to occupy the political space within the State that indigenous representatives have been striving to enter themselves, while at the same time, the conservation institutions, bidding for lucrative consultancies and protected area 'projects', adjust their management style to the exigencies of the international agencies that fund them rather than the indigenous communities whose territories they are seeking to conserve. While substantial conservation budgets are lavished on satellite mapping systems, helicopters, jeeps, offices and official salaries, indigenous peoples are increasingly marginalised from decision-making.

The challenge is to find a means of making conservation organisations accountable to what is for them an unfamiliar constituency, indigenous peoples, so that they are obliged to treat indigenous peoples' concerns with the seriousness they deserve. The experience in Canada, Australia and Amazonia already suggests that this will only come about through the mobilisation of indigenous peoples themselves. These cases also suggest that there are grounds for guarded optimism about the outcome. Reconciling indigenous self-determination with conservation objectives is possible if conservation agencies cede power to those who are presently marginalised by current development and conservation models.

The studies by indigenous peoples of their own recent experiences with protected areas, and the conclusions that flow from them, also have important implications for conservationists, such as those gathering in September 2003 for the Vth World Parks Congress in Durban South Africa and in Kuala Lumpur for the next Conference of Parties of the Convention on Biological Diversity in 2004.

If conservation organisations, including IUCN and World Commission on Protected Areas, and State agencies are to ensure that existing and future protected areas are to be managed and established in conformity with indigenous peoples' rights, then they must:

- reaffirm their commitment to respect and uphold indigenous peoples' internationally recognised rights in all their protected area programmes;
- give priority to reforming national laws, policies and conservation programmes so that they respect indigenous peoples' rights and allow protected areas to be owned and managed by indigenous peoples;
- ensure that sufficient funds are allocated to national conservation programmes, and to the regional and international programmes that support them, to carry out these legal and policy reforms;
- retrain conservation personnel in both national and international bureaux so that they understand and know how to apply these new principles;
- establish effective mechanisms for open dialogue, the redress of grievancies and the transparent exchange of information between conservationists and indigenous peoples;
- encourage other major international conservation agencies to adopt clear policies on indigenous peoples and protected areas in conformity with their internationally recognized rights and these new conservation principles;
- combat entrenched discrimination in national and international conservation programmes and offices and, where necessary, adopt affirmative social policies that recognize and respect cultural diversity;
- support the consolidation of indigenous peoples' organisations as independent, representative institutions;
- support initiatives by indigenous peoples to secure their territorial rights; and
- initiate transparent, participatory and effective procedures for the restitution of indigenous peoples' lands, territories and resources incorporated into protected areas and compensate them for all material and immaterial damages in accordance with international law.³

Some indigenous peoples seek help from conservationists to address these dilemmas, but as partners in promoting change rather than as controllers of their lives. As the *International Alliance of Indigenous and Tribal Peoples of the Tropical Forests* noted in 1996:

Indigenous peoples recognise that it is in their long-term interest to use their resources sustainably and respect the need for environmental conservation. Indigenous peoples recognise that the expertise of conservation organizations can be of use to their self-development and seek a mutually beneficial relationship based on trust, transparency and accountability.⁴

If there is one lesson that it seems to the author that conservationists need to learn it is that decisions about conserving nature are by definition political - they are about the exercise of power in the making of decisions about the use of scarce natural resources with alternative ends. For whose benefit are resources to be used or conserved ? Who has authority to make such decisions ? Who has the power to contest them ? In whom should authority over natural resources be best vested to ensure that they are prudently managed for the good of future generations ?

I know of no safe depository of the ultimate powers of the society but the people themselves, and if we think them not enlightened enough to exercise that control with a wholesome discretion, the remedy is not to take it from them, but to inform their discretion.

Thomas Jefferson 1820⁵

Notes to Chapter 10

- 1 Kemf 1993:xviii.
- 2 see Colchester 1982.
- 3 MacKay 2002.
- 4 International Alliance 1996.
- 5 cited in *The Economist* December 18, 1993.

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