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Paper Title: The Coloniality of Nature Conservation Law and Implications for Governance

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Il faut éclairer l'histoire par les lois et les lois par l'histoire
(*Law illuminates history, and history law*)
Montesquieu, *De l'esprit des lois* (*Spirit of the laws*)

Abstract

Nature conservation can incur a range of human rights concerns. In recent decades, international conservation policy and law has moved to confront these concerns with broad approaches that integrate conservation with development, justice and rights and, most recently, governance. Yet these approaches so far have not engaged fully with what lies at the heart of current nature conservation practices, namely the hard legislative framework that regulates nature conservation *in perpetua*. This body of law dates back to the mid-nineteenth century, and in fact has retained a remarkably rigid blueprint when it comes to protected areas. To further shed light on this issue, this paper sketches the history of nature conservation law including its emergence in Europe and extension to the colonies. These nature conservation laws are presented as 'legal transplants' that retained a distinctive character even when applied in new contexts. This character, here dubbed the 'coloniality of nature conservation law', is described via four key themes: (i) epistemologies, ethics and assumptions about people and natural resources; (ii) power, property and protected areas; (iii) the intervention and dominance of positive law, provisions of law and particular legal approaches that subsumed other legal regimes; (iv) the internationalisation and universalisation of these concepts. The implications of this discussion are far reaching, and provide a starting point for achieving fairer and more equitable protected and conserved areas. In particular, it is submitted that this requires re-examining the diversity of knowledge systems; movement towards recognition of the agency of local resource users; the meaningful recognition of plurality of legal systems; and finally acknowledging the legacy of disempowerment and the need for reconciliation and trust building.