

COMMONS FORUM *RESPONSE*

Response to: Conservation Policy and the Commons, by Moira Moeliono

Issues arising from Conservation Policy and the Commons

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Moira's commentary on conservation policy and the commons provides important insights. The key issue raised is the lack of community participation in the initiation, development and implementation of protected areas. Judging from the trends over the past two decades, it can be argued that such protected areas are going to be there for many years. A number of factors are identified as having contributed to this lack of community participation in conservation. Among them is the "reality gap between policy makers, those implementing the policy and those affected by the policy." Apart from conservation policies, conservation laws also contribute to this reality gap. Therefore we need to reflect carefully on the future of protected area management with regard to community participation. In particular, what kind of conservation laws and policies do we want to see in respect of community participation? Rather than the disempowering and disenfranchising laws and policies of the past, we need those that do the opposite: empowering and enabling stakeholders (including communities) to play significant roles in protected area management and ensuring that they are beneficiaries in the real sense.

Explicit policy and legal provisions, is one of the ways through which community participation in and support for conservation can be strengthened. Depending on how they are framed, laws and policies can either facilitate or hinder community participation in conservation. Conservation policies and laws have often been used to disempower communities from conservation. It can therefore be argued that conservation laws and policies can help provide solutions to the problems bedeviling community participation in conservation today. But the question we need to consider is whether community participation is an end in itself or a means to an end. Community participation is a process aimed at delivering tangible benefits to communities. Ultimately, community participation should lead to the empowerment of communities. Laws and policies can play an important role in ensuring that community participation in conservation leads to community empowerment. For community empowerment to be achieved, conservation laws and policies must be prescriptive. The assumption being made here is that if laws and policies are explicit in their intent with regard to community participation in conservation, then the prospects of real benefits accruing to communities are enhanced. The lack of explicitness in policy and legal provisions is one of the causes of the reality gap between policy makers, the implementing agencies and the communities.

An important indicator of how serious a legal or policy provision is prescriptiveness. Conservation laws and policies that are not prescriptive leave themselves open to various interpretations that may not promote community participation in conservation. Lack of explicitness in conservation laws and policies, makes it possible for conservation agencies to come up with self serving justifications to hinder, if not prevent local communities from participating in the process of identifying and establishing protected areas. Weak provisions may be interpreted by the conservation agencies as indicating a lack of commitment to local participation by policy makers. If the policy makers are not committed to community participation as shown by vague and weak law and policy provisions, then why expect conservation agencies to be?

Conservation policy and the commons can indeed co-exist through collaboration among different stakeholders with different backgrounds, view points and skills including communities, working together. On the other hand, without some reasonable assurance of tangible benefits, local communities will have little, if any incentive to be involved in government sponsored conservation initiatives.

Unfortunately, the failure by local communities to participate in government sponsored conservation processes which is due to the lack of tangible any tangible benefits, is often interpreted as a lack of “willingness and ability” to participate, which is not true. Obviously, local communities need capacity, skills and competence to participate in conservation. And whatever capacity, skills and competence they possess can surely be improved through collaboration with other stakeholders in the conservation process. Prescriptive laws and policies, in which people likely to be most affected have had an in put, can go a long way in empowering and encouraging local communities to participate effectively in state sponsored conservation initiatives. This entails the promotion of good governance in protected area management.

While the extent to which conservation laws and policies should be prescriptive is debatable, precedents have already been set in other sectors of the economy. An example is South Africa’s Black Economic Empowerment Act, No. 53 of 2003 establishing the framework for the promotion of Black Economic Empowerment (BEE). The aim is to redress economic imbalances that were perpetuated during the apartheid era. Prescriptive provisions are made for the principle of BEE. The BEE policy documents are clear in their intent and set out specific targets that should be met for Black Economic Empowerment to be regarded as successful. If laws and policies can be this prescriptive in other sectors of the economy, then why not in the conservation processes where it is known that local communities are frequently marginalized? It is through definitive laws and policies that are clear on their intent that community participation which leads to community empowerment can be achieved.

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