
Enhancing equity in the relationship between protected areas and indigenous and local communities in the context of global change:

Lessons learned from the philosophy and practice of CBNRM in Southern Africa

What are the key issues?

For more nearly 15 years, a process of evolution in thinking and practice concerning community managed resources and community conserved areas has been taking place in southern Africa. A number of lessons have been learnt during this evolutionary process of what has come to be known within the region as Community-based Natural Resource Management (CBNRM).

A number of statements and principles have been developed concerning CBNRM in Southern Africa (e.g. Murphree 1993, Steiner and Rihoy 1995, Bond 2001). These can be distilled into the central hypothesis that if a resource is valuable and landholders have the rights to use, benefit from and manage the resource, then sustainable use is likely. The benefits from management must exceed the perceived costs and must be secure over time.

There are three main conceptual foundations to this hypothesis:

1) Economic instrumentalism

The assumption is that the most critical decisions regarding the allocation of land, resources and management investments are based primarily on economics rather than conservation considerations (Jones and Murphree 2001). It is therefore necessary to give wildlife a focused value that can be realised by the landholder.

2) Devolutionism

In all Southern African states, authority over wildlife was centralised by colonial governments, and this centralisation was maintained by most post-colonial governments. In order to create positive conditions for landholders to manage wildlife sustainably, the ability to take crucial management decisions needed to be devolved from the state to the landholders.

3) Collective proprietorship

Murphree (1994) defines proprietorship as “sanctioned use rights, including the right to determine the mode and extent of management and use, rights of access and inclusion, and the right to benefit fully from use and management.” The term tenure includes a temporal dimension and relates to the period of proprietorship. Secure tenure is important for resource users to be confident that they can invest time and effort in management and reap the benefits. In the case of communal lands in Southern Africa, proprietorship needs to be devolved to groups of people, who as individuals have rights to use the same land and resources. CBNRM has therefore been based largely on the concept of a communal property regime, i.e. where a defined group of people collectively manages and uses the common property resources within a defined jurisdiction (Jones and Murphree 2001). The idea of collective proprietorship is

therefore crucial for an understanding of community management of resources and community conserved areas.

CBNRM in Southern Africa is based on trying to operationalise the three conceptual foundations outlined above. Throughout the region governments have enabled local communities to gain directly, or share in, the income from various forms of wildlife use including trophy hunting and photographic tourism. Governments have made some attempt to devolve authority to lower, mostly non-state levels of decision-making and rights have been given to units of collective proprietorship.

The policy shift in Southern Africa towards local community benefit and control of natural resources had its beginning with rights over wildlife being transferred to white freehold farmers in Zimbabwe and Namibia in the 1970s. In Zimbabwe the 1975 Parks and Wildlife Act aimed "to confer privileges on owners or occupiers of alienated land as custodians of wildlife, fish and plants" (Government of Zimbabwe, 1994 as amended). The Act designates these 'owners or occupiers of alienated land' as "appropriate authorities" over wildlife. Although the Act provides for landholders to be custodians of wildlife rather than "owners", it still effectively made farms and ranches into proprietorial units for wildlife management. Farmers were able to take nearly all of the significant management decisions over the use of wildlife. The Act allowed for the exemption of specially protected species and for Government to impose restriction orders in cases of flagrant abuse.

The Zimbabwean legislation is significant, because within southern Africa it went the furthest in allowing the landholder to take decisions about how wildlife should be used, without having to obtain permission from the state. It was based on a recognition that wildlife is an economic resource that can contribute to the country's overall development. It recognised that economic processes would determine whether wildlife would or could compete with domestic livestock as a form of land use (this thinking was consolidated into official policy in the 1989 Policy for Wildlife¹). This was an important leap forward in thinking concerning wildlife as it placed wildlife that was outside of protected areas into the realm of economics and land use rather than purely within the realm of conservation².

Why and how do such issues relate to protected areas and human well-being?

The results of devolving user rights to local landholders communities and enabling these landholders to realise the value of wildlife have been clear.

Namibia has about 75% of its wildlife outside formal state-run protected areas. On freehold farms a multi-million dollar industry has developed based on consumptive and non-consumptive uses of wildlife. In Namibia many individual farm units (average size of about 5 000 ha) are not large enough in semi-arid and arid environmental conditions for successful game farming (de Jager 1996). Successful game and livestock ranching in arid, unpredictable environments requires large areas of land on which animals can take opportunistic advantage of pasture growth and water supply. Mobility and flexibility are the key to survival. Freehold farmers therefore realised the advantages of pooling their land and resources to manage wildlife collectively. They joined together to establish «conservancies» which have operating rules, management plans and criteria for distribution of income derived from joint

¹ Government of Zimbabwe 1989

² See Jones and Murphree 2001

wildlife management. There are now at least 24 conservancies on freehold land in Namibia (double the 1998 number) covering an area of close to four million hectares (Ministry of Environment and Tourism unpublished data). The size of the conservancies ranges from 65 000 ha to 387 000 ha. Efficiencies of scale have meant that financial rates of return are more than twice those of individual ranches with wildlife as a land use (Barnes and de Jager 1995).

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

In Zimbabwe more than 100 000 communal area households benefit from wildlife income and hunting and tourism on freehold and communal land is worth US\$ 1 billion³. Freehold conservancies began to emerge following efforts by the Department of National Parks and Wildlife Management to develop a translocated breeding nuclei of black rhino in safe sanctuaries. This objective led to freehold farmers negotiating common property arrangements with their neighbours to establish rhino conservancies. Given land use economics, persistent droughts and emerging wildlife-based production systems, some conservancies quickly developed towards becoming substantial business enterprises (Murphree and Metcalfe 1997). The conservancies were functioning as effective freehold "community" conservation areas for black rhino (Kock et al.....) before the disruption caused by political instability in 2001 and 2002. Some communal area communities in Zimbabwe have zoned their land to include wildlife areas and others for crops and livestock.

In Botswana more than 120 villages are involved in community management of wildlife and other natural resources, and income to local communities (mostly through institutions called « community trusts ») is worth around US\$1 250 000. The number of community-based organisations involved in CBNRM has grown from 5 in 1993 to 130 in 2001 (Rozemeijer 2002). Large areas of land outside protected areas are maintained under wildlife as an important land use, particularly around the Moremi Game Reserve and the Chobe National Park, but also in the more arid areas of the western Kalahari Desert. Elephants are no longer viewed by local communities as just a problem animal, but as a valuable commodity with a minimum community income of US\$12 000 (Rozemeijer 2002).

The growth of community management of natural resources and community managed areas (on freehold and communal land) in Southern Africa has some important implications for thinking concerning protected area management in developing countries.

Firstly it is clearly advantageous for state-run formal protected areas to have neighbours who are interested in promoting compatible forms of land use and share some of the objectives of the protected area. The use of buffer zones is still often promoted as a viable option for protected area management where parks are bordered by areas of human settlement and agricultural activity. Generally the main motivation for buffer zone creation has been the

³ Statistics from Zimbabwe are valid for up to 2000 before the current political instability began to seriously affect tourism.

“protection” of a protected area by hoping to change the attitudes and behaviour of resident peoples through using the buffer zone as a means of generating benefits. Buffer zones are also aimed at protecting protected areas by removing the 'hard edge' boundary between the protected area and incompatible land uses on its border, thus reducing conflicts with resident peoples.

Despite the popularity of the buffer zone concept, there has been a growing consensus that in practice, the approach is difficult to implement and has not been very successful (Brown and Wyckoff-Baird 1992, Hales 1989, IIED 1994, Wells and Brandon 1993). In many cases buffer zones have resulted in local communities losing access to land and resources due to restrictions being imposed that were not there before.

Protected area management strategies should embrace the promotion of CBNRM on adjoining land rather than adopting the old-fashioned buffer zone approach. Communal or freehold conservancies can provide ready-made institutions which protected area managers can negotiate with and through with regard to management issues. Further, strong links between the park and adjoining communities can be made if, for example, people on adjoining lands can benefit economically from a range of wildlife use activities associated with the park. Relationships between park and neighbours are likely to be more equitable if park authorities are dealing with strong units of local proprietorship that are an accepted part of the conservation landscape.

However, CBNRM approaches have more fundamental implications for protected area management than simply the improvement of relationships between existing protected areas and their neighbours. They point to the possibility of the establishment of other forms of protected or conserved area that are not necessarily run by the state and are not based on protection of wildlife and coercion of people to obey externally imposed laws and rules. While community managed conserved areas might not have biodiversity conservation (one of the main rationales for state-run protected areas) as their main objective, some biodiversity objectives can be achieved through community management of resources and through community conserved areas. The state's investment and the costs to the state of maintaining such community conserved areas do not need to be high, if the costs and benefits can be internalised within the community management group itself. The state can confine its role to policy making, overall regulation and technical advice and support in such circumstances.

What can we do about it?

Despite the progress made within CBNRM in Southern Africa, a number of constraints exist to realising the full potential of community contributions to conservation on communal land in particular. These are :

a) LOW HOUSEHOLD BENEFITS

It is difficult for economic instrumentalism to be effective when large numbers of people have to share the income generated from wildlife and tourism activities. In the case of CAMPFIRE in Zimbabwe, Bond (2001) found that in real terms the median benefit per household from wildlife was US\$4,49 in 1996. In most years the financial benefit per household from wildlife revenue is low and constitutes less than 10 per cent of gross agricultural production. “In terms of the proposed definitions of the financial viability of wildlife it appears that in most wards wildlife is not financially viable at the household level. Consequently, in most wards, the

current financial incentives for institutional change for sustainable management of wildlife and wildlife habitat are low” (Bond 2001:235). One of the reasons for the low household income is that a significant portion of wildlife income is retained at district government level in most CAMPFIRE areas.

A study of the ADMADE and LIRD projects in Zambia (Gibson 1999) concluded that illegal off-take of wildlife in the late 1980s and early 1990s was continuing at pre-project intervention levels partly because the individual returns from hunting far outweighed a resident’s share in the benefits that the projects could deliver. In Namibia and Botswana very few community wildlife management institutions have opted for direct household dividends. High earning conservancies in Namibia and community trusts in Botswana have found it difficult to decide how to use their wildlife income and their earnings have sat in bank accounts accruing interest, paying for running costs and funding some small-scale community projects (Long *et al* 2002, Jones 2002a). In early 2002 a relatively low-earning conservancy in Namibia, Salambala, distributed US\$200 to each of its 19 constituent villages. About 7 000 people live in the conservancy and membership is estimated at between 3000 to 4000.

However, there is evidence that economic instrumentalism can work where income from wildlife is relatively high and the number of beneficiaries is low or where beneficiaries are particularly poor. Bond (2001) cites two examples within CAMPFIRE: Kanyurira Ward in the Zambezi Valley and Mahenye Ward in the south east lowveld. In these wards the average benefit per household from wildlife revenue exceeded the index of gross agricultural production in four out of the five years between 1989 and 1993. Bond concluded that there had been significant institutional change within these wards towards the management of wildlife and wildlife habitat.

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

Mahenye Ward, Zimbabwe

In Mahenye and some other CAMPFIRE areas of Zimbabwe village meetings are held where the Ward Wildlife Committee gives a statement of accounts for the year and at which decisions are taken on how to spend the next year’s income from wildlife and tourism. When the income is distributed, each head of household individually collects the cash. If it was decided to spend some of the income on a community project such as a grinding mill, then the head of household returns the agreed portion of the cash for this purpose. Each head of household has seen and held the cash that was generated from wildlife and realises that wildlife has a monetary value. Further, each head of household will want to ensure that their money was actually used for the planned purpose, creating a sense of accountability.

CHALLENGE 1

A major challenge in terms of incentives is to ensure that income from wildlife and tourism to community institutions is also channelled to individual households in the ways households themselves think is most appropriate.

OPTIONS FOR ACTION AND ADVICE

- Support agencies need to give more assistance to community institutions for developing benefit distribution plans and deciding on how income should be spent.
- Decision-making about benefit distribution should be made at village level where local residents can participate, rather than at the conservancy or community trust level
- Cash should be distributed to households who can then return all or a portion of the cash if the money is to be used on community projects. In this way greater accountability is created as residents will want to know what was done with their cash.

CHALLENGE 2

A further challenge in terms of financial incentives is to ensure that income from wildlife and tourism to community institutions is maximised.

OPTIONS FOR ACTION AND ADVICE

- Community managed wildlife areas need to have well-defined business plans that aim to maximise income generating opportunities within acceptable environmental limits and within tourism carrying capacities.
- Community institutions need good support in understanding the value of the resources they control so that they can negotiate favourable deals with the private sector.
- Protected area policy and practice needs to promote the maximisation of benefits to communities neighbouring parks through the granting of tourism concessions to these communities, either within their own neighbouring lands or within the park itself. Communities can then strike deals with the private sector for the operation of these concessions if necessary. If concessions are granted outside the park, the park should not compete unfairly by developing tourism inside the park.

Torra Torra Conservancy Namibia

Torra Conservancy in north western Namibia (352 200 ha) has one up-market tourism lodge generating approx. US\$50 000 annually. Trophy hunting is worth nearly US\$18 000 annually and a recent sale of Springbok raised US\$13 000. The size of the conservancy means that it could certainly develop two more lodges without causing environmental damage or spoiling the wilderness experience for tourists. This would more than double the existing income, making considerably more money available for the 120 households once operating costs of around US\$18 000 have been covered.

b) PROBLEMS IN DEVOLVING AUTHORITY

There have also been problems in promoting the devolution of authority over wildlife to local rural communities. Several constraints can be identified. Firstly, even where governments have changed policy and legislation to assign rights to lower levels, this devolved authority has usually been limited and conditional. In Botswana, Namibia and Zambia, government sets quotas and issues permits for the use of most wildlife. In Botswana and Zambia, communities tend to be passive recipients of income from wildlife, without engaging in active management partly because the state retains considerable management authority itself (Jones and Slade 2000, Gibson 1999). In Zambia, a government ban on safari hunting in 2001 removed the main opportunity for communities to gain income from wildlife, demonstrating the extent to which communities are effectively disempowered.

Secondly, in Namibia and Botswana there have been attempts by government to withdraw or withhold some of the rights provided by policy or legislation. In Namibia CBNRM legislation

had been designed to remove the need for conservancies to apply for permits and quotas for own use of the category of huntable game species. However, officials tried to re-interpret the legislation so that such permits and quotas would have to be obtained. In addition the officials insisted that in order to gain use rights, conservancies would have to develop and submit a management plan to government, when this was not provided for in legislation (Corbett and Jones 2001). In Botswana the government issued a decree that community trusts should no longer be able to retain the income from contracts with safari hunting and tourism companies and this income would be held in trust by district councils (Jones and Butterfield 2001). In both cases these attempts by government to withhold or withdraw rights were successfully resisted by communities and NGOs working with them. In Botswana intense lobbying by community trusts and NGOs led to government backing down and the decree on income being held in trust by district councils has not been implemented. In Namibia, emerging regional conservancy associations lobbied government and used an opinion from the Attorney General's office to support their cause. (The opinion supported the conservancies' position and was « leaked » after being kept quiet by a senior government official). In both countries communities involved in CBNRM activities appear to be forming a significant political constituency that governments are prepared to listen to. The democratic nature of government in both countries also enabled community voices to be heard.

Thirdly, Zimbabwe provides an example of what has been called “aborted devolution” (Murphree 2000). The Zimbabwe legislation provides for “appropriate authority” over wildlife to be given to Rural District Councils (RDCs), but the original intention of the CAMPFIRE policy planners was that this authority should be devolved by councils further to the ward level. Councils were encouraged by implementation guidelines to carry out this further devolution, but few have done this. Bond (2001 :236-237) concluded that « the CAMPFIRE Guidelines have been largely ineffective at protecting sub-district organisations in the management of wildlife and wildlife-based revenues and that they are not a substitute for strong and well-defined legislation giving sub-district organisations control over wildlife revenue...Further, the failure to devolve legal authority over wildlife to sub-district levels has meant that most producer communities have remained largely passive recipients of revenue transferred to them by the RDCs. In Namibia there is a need for further devolution from conservancy level to smaller units within the community to promote more direct involvement in decision-making by conservancy members (Child *et al* 2001, Long *et al* 2002).

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

CHALLENGE 1

To get governments to go ahead with much fuller devolution of authority over wildlife so that communities can take the most important management decisions

OPTIONS FOR ACTION AND ADVICE

- CBNRM in Southern Africa has succeeded in changing policy and legislation so that communities can gain more rights over wildlife. However, often the policy and legislation was based on existing statutes that were not necessary ideal or adequate. Governments need to be encouraged to develop new legislation that gives full management rights to communities.
- Although policy and legislation has changed, the institutions expected to implement new community-based approaches have not. Institutional reform in Southern African wildlife agencies needs to be supported so that CBNRM is “mainstreamed” as an acceptable conservation tool by officials.

TANAPA in Tanzania

Successful institutional reform was achieved in the Tanzania National Parks agency where community conservation was mainstreamed. Community conservation was sold to officials as being beneficial to their work and would not diminish their authority. Performance of park staff is evaluated on the quality of relationships with neighbours, not just whether the water pumps work and the numbers of elephants in the park. Community conservation is applied as a tool along side law enforcement. Source: Bergin (2001)

CHALLENGE 2

To get community institutions to devolve authority internally so that participatory decision-making can take place.

OPTIONS FOR ACTION AND ADVICE

- Community institutions should be encouraged to devolve authority to local levels smaller in scale so that decision-making can take place at the lowest appropriate level.

Participatory democracy in community-managed areas in the Luangwa Valley in Zambia

Participatory democracy can considerably reduce the risk of corruption and increase the likelihood of income being used on activities beneficial to residents. Direct participation by individuals increases and they are aware of their rights, programme objectives, wildlife values, etc. Attitudes towards wildlife shift from being negative to positive. Residents become more confident in asserting their rights. Source: Dalal-Clayton, B. and Child, B (2001). Child, unpublished data.

c) APPLYING COLLECTIVE PROPRIETORSHIP

The notion of “collective proprietorship” has been difficult to apply in several contexts around the region. In some countries such as Zimbabwe and Botswana, policy and legislation pre-define communities through using existing administrative units to define the boundaries of membership and jurisdiction. This is simpler and less time-consuming than allowing communities to define themselves (as in Namibia) but often brings together villages or groups who would not necessarily usually co-operate. In some cases in Namibia community self-definition has led to the re-opening of some long-standing land, ethnic and tribal disputes between different groups. In the Sesfontein Conservancy case, the attempt to define the community for the emerging conservancy took six years and the break up of the proposed conservancy into three. But it is better that the local disputes should have been settled before the conservancy was registered by government and had to deal with issues such as benefit distribution. Further, concern has been raised in several quarters that the model of giving rights to communities represented by committees enables local elites to capture the decision-

making processes and run activities in their own interests. There is a need to ensure that collective proprietorship is in fact enjoyed by the majority of residents and resource users.

There is also some evidence that communities find it difficult to implement some of the institutional aspects implied by the notion of collective proprietorship. In Zambia Gibson (1999) notes that the ADMADE and LIRDPA projects did not identify and exclude from public benefit those residents who continued to hunt illegally, thus promoting free riding. In Namibia, some conservancy committees are wrestling with the question of whether all residents should benefit from wildlife income even if they are not conservancy members. Their dilemma also raises the issue of free riding where individuals can continue to benefit without needing to modify their resource use activities. This is a crucial issue of common property resource management that communities will need to resolve internally. It is also a question that is raised where communities opt for using income for public works such as an additional classroom for schools, rather than a household dividend from which a non-compliant individual or household can be more easily excluded.

The new institutions of collective proprietorship that are emerging under CBNRM face two crucial challenges. One is to find space for themselves in the existing array of overlapping authorities that typically exist in most communal areas of the region. In Namibia, conservancies have to compete with traditional leaders who have authority over land allocations as well as vague legal duties to ensure sustainable use of renewable natural resources within their area of jurisdiction. Land use and allocation is also affected by the Ministry of Agriculture, Water and Rural Development and the Ministry of Lands, Resettlement and Rehabilitation. Community forest committees and community water point committees are being given authority over natural resources by different sectoral legislation to the wildlife laws. A similar situation exists in Zimbabwe where Bond (2001) notes that the enabling legislation for use and control of most natural resources is fragmented and resource-specific.

A second crucial challenge for the new institutions is to gain internal legitimacy. This is problematic where community wildlife management units are pre-determined by existing state administrative units as noted above. Internal legitimacy will be greater if social units are relatively cohesive and collaboration is voluntary. However, internal legitimacy will also be promoted if the new institutions can deliver benefits that are important to members (whether these are financial, or intangible). Long enduring common property resource management institutions have evolved over time (Ostrom 1990) and few of the new CBNRM institutions in southern Africa have been in existence for more than a few years. Time is required for these institutions to be tested, reviewed and adapted by their members before internal legitimacy is to be achieved.

CBNRM approaches in southern Africa typically bestow resource rights on local communities, but not *land* rights. This is a critical weakness of these approaches that has yet to be adequately dealt with. Throughout the region, land is typically owned by the state and local communities enjoy user rights over the resources on the land that are strongly conditional and are not tenurially secure (Murphree 1995). A crucial requirement for sustainable resource management and the self-determination of rural people is for communities to be able to gain strong collective proprietorship over the land as well as individual resources. In Namibia for example, conservancies that develop land use plans that set areas aside for wildlife and tourism can do little if a person from a neighbouring area moves a large herd of cattle on to that land. A conservancy can do little if the government

decides to use communal land for a development project – the land belongs to the state. New land legislation passed in 2002 has slightly improved the ability of conservancies to control developments that conflict with their management and land use plans, but the tenurial insecurity remains. Throughout the region, attempts to promote private group land tenure have met with considerable resistance from politicians. In South Africa a new minister threw out such proposals from draft legislation in 2000 and a satisfactory approach is still being lobbied for. Attempts to implement the legal provisions for local common property associations in South Africa have proved problematic. In Zimbabwe, proposals made by a land reform commission (Rukuni 1994) for the introduction of group tenure based on village units was ignored by government. Mozambique appears to have gone the furthest in the region with enabling local communities to gain secure tenure over their land, but the government is doing little to promote implementation of its own legal provisions and is still doing major deals with the private sector regarding the use of large tracts of communal land.

The South African land restitution policy is also one of the few examples of communities being able to gain some form of secure tenure over their land. In this case, communities that have land restored that was forcibly appropriated under *apartheid* are able to gain title over the land. This has been used in at least two examples for communities to regain land in national parks that they were forcibly removed from. In the Makuleke case the community has gained rights over land in the Kruger National Park and the Khomani San have gained rights over land in the South African portion of the Kgalagadi Transfrontier Park. Most approaches to improving relationships between state-owned protected areas and their neighbours do not involve a change in tenure and authority over decision-making. Although not the choice of the South African parks authorities, this tenure change is what has happened, and it creates an important model for dealing with similar circumstances elsewhere in the region. Local residents have been removed from protected areas in all countries in the region and there should be moral obligations on governments to provide adequate compensation. In most cases this has not been provided and the restoration of land on the South African model would be an appropriate way of dealing not only with the moral issue, but also with practical and political issues of trying to gain legitimacy for state-owned protected areas.

Community Land Rights in Mozambique

Under recent policy and legal changes in Mozambique, communities are able to gain stronger proprietorship over their land and resources. Provisions exist within the Land Law (19/97) of 1997 and a Ministerial Decree of 1999 for communities to gain leasehold over their land through a relatively simple certification system. Article 33 of the 1999 Forestry and Wildlife Law (10/99) provides for the state to delegate powers of management of fauna and flora to local communities and the private sector. The major shortcoming in the Mozambican framework is that government is not actively promoting community acquisition of land rights and is rather promoting leases to the private sector for large conservation areas even where local communities are living. Source : Jones 2002b

CHALLENGE 1

The main challenge for ensuring that local communities enjoy collective proprietorship over their resources is to provide secure and exclusive tenure over land.

OPTIONS FOR ACTION AND ADVICE

- Strong lobbying from different levels is required to move governments in Southern Africa towards giving strong group rights over land. Communities, support agencies, international conservation NGOs and international agencies should be promoting group

land rights and secure tenure as a fundamental pre-requisite for sustainable management of natural resources and a basic condition for the establishment of community conserved areas.

CHALLENGE 2

A further challenge is for governments to address many of the ethical issues surrounding the dispossession of local residents evicted from protected areas.

OPTIONS FOR ACTION AND ADVICE

- Models such as those used in South Africa to restore rights to communities dispossessed of their land because of *apartheid* should be developed for protected areas. Where a community can establish clear evidence that it was removed without its consent or compensation in order to create a protected area, then proprietorship over that land should be restored. Agreements should be entered into for the management of that land as a part of the conservation area, but with the income from wildlife use and tourism going to the affected community.

Land restitution in protected areas in South Africa

Several communities in South Africa have been taken advantage of legislation to acquire land they were removed from in protected areas. The legislation was designed to enable communities evicted from their land under *apartheid* to re-acquire that land. The Makuleke community bordering the Kruger National park successfully launched a claim to regain land they were removed from to form the park. Under the settlement they will not re-occupy the land, but title has been restored to them. They will gain the income from all wildlife use and tourism on the restored land. A similar settlement has been made with the Khomani San in the former Kalahari Gemsbok Park (now part of the Kgalagadi Transfrontier Park). They have been given 25 000 ha within the park which will be run on a contractual basis by the park authorities.

Source: Jones and Chonguica 2001

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