

# CONSERVATION AND CITIZENSHIP: DEMOCRATIZING NATURAL RESOURCE GOVERNANCE IN AFRICA

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## Abstract

Rights-based conservation depends on institutions that give citizens clear and enforceable rights to manage lands and natural resources. Such rights hinge on citizens' abilities to strengthen and defend their rights and on the operation of the rule of law and impersonal forms of government for legal reforms to take place and have meaning. Across much of sub-Saharan Africa, local rights and citizenship are constrained by enduring institutional structures and power relations that favour the centralization of authority and weaken the rule of law, and which create disincentives to devolving secure rights to local groups of citizens. Current political-economic trends in many parts of eastern and southern Africa are increasing conflicts over resource governance as governments and political elites reconsolidate control over lands and resources. These struggles are part and parcel of wider contests over political rights and democratization in the region and the scope and meaning of citizenship. If more sustainable natural resource governance arrangements are to emerge, rights-based conservation efforts must work to understand these political dynamics and to build the capacity of local groups to work towards institutional change and reform.

As rights-based conservation becomes more prominent in global conservation discourse and practice, it is apparent that human rights and conservation efforts enjoy both strong synergies and enduring conflicts.<sup>2</sup> Natural resource governance entails many interconnected rights: property rights to use, access, and trade land and resources; rights to participate in decisions made at multiple scales, including policies and legislation; and wider political and civil liberties. Citizenship is defined by these rights, by the way they are granted and withheld by governance institutions (policies, laws, constitutions), and by the bodies that enforce them (police, courts of law, government agencies). Rights and rights-based conservation, more specifically, are therefore premised on the operation of the rule of law and legal principles of constitutionalism that give meaning to such rights.

Importantly, though, there are vast differences in the performance of the rule of law, and thus in the meaning and function of rights and citizenship, in different regions and countries.<sup>3</sup> In sub-Saharan Africa, the rule of law tends to be weak, with governance processes strongly influenced by informal or personal interests and networks. In such contexts, rights as defined by laws or constitutions can be, in practice, of limited practical meaning.<sup>4</sup> As a result, efforts to strengthen local rights and tenure in relation to natural resources, as well as participation and accountability in decision-making and wider civil and political rights, are widely constrained. Moreover, current political and economic trends in sub-Saharan Africa, particularly the growing market value of many natural resources, create incentives for policy-makers and political elites to weaken local rights rather than strengthen them.

Rights-based conservation efforts are thus inherently tied to local, national, and transnational struggles over a range of political and civil rights in African countries. Promoting local rights entails engaging with political processes that structure

1 This article draws on material from the edited volume, Nelson, F. (ed.), 2010. *Community Rights, Conservation and Contested Land: The Politics of Natural Resource Governance in Africa*. Earthscan: London. This volume includes contributions from 17 colleagues from east and southern Africa and was organized through the IUCN Southern Africa Sustainable Use Specialist Group, with financial support from the Norwegian Ministry of Foreign Affairs and the Sand County Foundation Bradley Fund for the Environment. I am also grateful to Jessica Campese and Holly Shrumm for helpful editorial comments and guidance during the process of developing and revising this article. The views presented in this article, however, are mine alone and I am responsible for any errors of fact or interpretation.

2 Greiber, T., 2009. *Conservation with Justice: A Rights-based Approach*. IUCN: Gland, Switzerland.

3 Kaufmann, D., A. Kraay, and M. Mastruzzi, 2009. *Governance Matters VIII: Aggregate and Individual Governance Indicators, 1996-2008*. World Bank Policy Research Working Paper No. 4978, Washington, D.C. Last accessed June 29, 2010, at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=1424591](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1424591).

4 This situation has been termed, in relation to constitutional law, as 'constitutions without constitutionalism', meaning that the rights enshrined in African constitutions are frequently not matched by political traditions or institutions (such as independent courts) required to uphold them. See Okoth-Ogendo, H. W. O., 1993. "Constitutions without constitutionalism: Reflections on an African political paradox", pages 65-82 in Greenberg, D., S. N. Katz, M. B. Oliviero, and S. C. Wheatley (eds.), *Constitutionalism and Democracy: Transitions in the Contemporary World*. Oxford University Press: New York.

and shape those rights, as well as strengthening local social movements and civic organizations, which are ultimately the key to democratizing natural resource governance institutions and the wider political landscape that they are situated within. Rights-based conservation efforts need to develop strategies for influencing political and institutional changes, including through better links between local groups and global networks, as well as generating improved understanding of the political dynamics surrounding natural resource governance processes. This article discusses rights-based conservation in relation to these wider political and governance processes and trends in eastern and southern Africa, with a more detailed discussion of Tanzania as a case example.

*Promoting local rights entails engaging with the political processes that structure and shape them.*

## RESOURCE RIGHTS AND THE STATE IN AFRICA

During the past thirty years, a wide range of scholastic and practitioner efforts across eastern and southern Africa have placed the issue of local rights at the centre of natural resource management paradigms and practices.<sup>5</sup> These efforts have taken place in diverse social, ecological, and political contexts and have assumed a range of names, including community-based natural resource management (CBNRM), participatory forest management, and community-based conservation, among others.<sup>6</sup> These overlapping terms share in common basic underlying assumptions about natural resource governance: first, that local groups of people are key actors in managing lands and resources as the basis for sustaining local livelihoods, wider regional economies, and ecosystem services; and second, that a combination of local collective property rights and economic benefits provide the key behavioural incentives for the sustainable use and conservation of biodiversity.<sup>7</sup>

Practical experimentation with devolving rights over natural resources spans over four decades in southern Africa.<sup>8</sup> Zimbabwe, South Africa, and Namibia granted private landholders rights over wildlife starting in the 1960s. Such usufruct rights over wildlife were later expanded to communal lands such as through Zimbabwe's CAMPFIRE<sup>9</sup> and later, Namibia's communal conservancies. These programmes and reforms have had a wide range of livelihood and conservation impacts, in some instances leading to large-scale expansion of wildlife-based land uses and considerable growth in locally-captured benefits from natural resources.<sup>10</sup> Similarly, albeit with different origins and influences, forestry reforms aiming to strengthen local rights and abilities to benefit from forests have emerged, most strongly in eastern African countries such as Tanzania and Uganda.<sup>11</sup> Overall, natural resource policy reforms that promote local participation, empowerment, and broad resource governance shifts from central to local scales have been widespread across the region for much of the past twenty years in one form or another.<sup>12</sup>

*Devolving rights to lands and resources to local citizens is often incompatible with the political logic that underpins many contemporary African states.*

While conservation and natural resource governance efforts centred around local rights have become widely embraced, it has also become clear that there are major obstacles to such institutional reforms occurring in practice. Across eastern and southern Africa, devolved resource governance regimes have often been promoted

in government policies, donor projects, and rhetorical narratives, but rarely do communities actually possess secure rights and tenure. In some places, rights that were gained have subsequently been taken away or contravened.<sup>13</sup> A fundamental cause of this gap between policy rhetoric and institutional reality lies within the political arena, where governance

5 Suich, H., B. Child, and A. Spenceley, 2008. *Evolution and Innovation in Wildlife Conservation: Parks and Game Ranches to Transfrontier Conservation Areas*. Earthscan: London; Alden Wily, L., and S. Mbaya, 2001. *Land, People and Forests in Eastern and Southern Africa at the Beginning of the 21st Century: The Impact of Land Relations on the Role of Communities in Forest Future*. IUCN-EARO: Nairobi, Kenya.

6 Roe, D., F. Nelson, and C. Sandbrook, 2009. *Community Management of Natural Resources in Africa: Impacts, Experiences and Future Directions*. IIED Natural Resource Issues No. 18, International Institute for Environment and Development: London.

7 These assumptions are grounded in the work on common property regimes of scholars such as Elinor Ostrom and, within southern Africa, Marshall Murphree, who observed nearly 20 years ago: "The evidence is that communities can become effective institutions for sustainable resource management, but only if they are granted genuine proprietorship, that is, the right to use resources, determine the modes of usage, benefit fully from their use, determine the distribution of such benefits and determine rules of access." See Murphree, M., 1993. *Communities as Resource Management Institutions*. IIED Gatekeeper Series No. 36, International Institute for Environment and Development: London.

8 Suich *et al.*, 2008.

9 Communal Areas Management Programme for Indigenous Resources (CAMPFIRE).

10 Roe *et al.*, 2009.

11 Alden Wily and Mbaya, 2001.

12 Roe *et al.*, 2009.

13 Nelson, F. (ed.), 2010. *Community Rights, Conservation and Contested Land: The Politics of Natural Resource Governance in Africa*. Earthscan: London.

regimes and decisions are negotiated amongst parties with divergent interests.<sup>14</sup> Natural resources are valuable capital assets, particularly in agrarian African societies with relatively low levels of industrial production. As valuable resources in economically poor countries, natural resources play a key role in providing patronage goods for politicians that control governmental functions.<sup>15</sup>

*The divergence between democratic rhetoric and governance realities is reflective of broader social struggles over political rights and accountability.*

African states are highly centralized, with strong concentration of powers in the hands of the executive branch as a result of both colonial and post-colonial history; they are also institutionally fragile and prone to outbreaks of violent competition for winner-takes-all control of the executive branch.<sup>16</sup> African states tend to be governed more through personal networks and informal processes than states where the rule of law (which is ‘impersonal’) is well-established.<sup>17</sup> Citizens tend to be highly constrained in their ability to hold political leaders accountable and those leaders are thus able to pursue private interests.<sup>18</sup> Centralized control over valuable natural resources plays an important role in this context, enhancing the capacity of those in power to dispense patronage and control the flow of resources.

Despite the importance of local rights in terms of encouraging sustainable use, government officials often possess strong disincentives to devolving authority.<sup>19</sup> Devolving rights to manage and control the value of lands and resources to local groups of citizens is consequently often incompatible with the political logic that underpins many contemporary African states.

These political and economic realities create a fundamental challenge for development and conservation efforts predicated on strengthening local rights and tenure: how can more devolved and democratic natural resource governance regimes be achieved in political settings that are often effectively hostile to their emergence? Resource rights are bound up with much wider questions of citizenship, accountability, and democracy.

## CONTESTED GROUND: NATURAL RESOURCE GOVERNANCE TRENDS IN TANZANIA

Tanzania provides a useful case study to illustrate some of the wider contemporary trends in natural resource governance in sub-Saharan Africa. Several key points from the Tanzanian experience must be emphasized. First, the economic importance of natural resources has increased dramatically during the past decade due to a range of global economic factors. Second, there is a marked contrast between policies promoting devolution or decentralization of rights and benefits to the local level and actual changes occurring in natural resource governance institutions. Third, this divergence between democratic rhetoric and governance realities is reflective of broader social struggles over political rights and accountability in contemporary Tanzania.

*As the economic value of Tanzania's natural resources has increased, so have the stakes for rights to access, control, and utilize those resources.*

Tanzania is one of sub-Saharan Africa's most resource-rich countries. It has unmatched wildlife populations that provide the basis for a tourism industry that generates more than 1 billion USD in total annual revenue, extensive forests and woodlands with many valuable hardwoods in a growing export trade, major fisheries in both inland lakes and along the coastal shelf, large areas of fertile arable land, and many lucrative mineral deposits.<sup>20</sup> All of these natural resource-based industries have grown rapidly since the economy effectively collapsed in the early 1980s, prompting the abandonment of the socialist development paradigm of the late 1960s and 1970s. Tourism grew by 10% annually during

14 ‘Institutions’ refer to the formal and informal ‘rules of the game’ that govern human societies. Institutions themselves are the outcome of bargaining amongst different groups and actors with different interests, as those interests are defined by various economic, cultural, and ethical factors. ‘Politics’ refers to societies’ decision-making processes in the governance of states or polities, including this bargaining amongst different actors over the rules of the game (policies, laws, constitutions, etc.), as well as both electoral and bureaucratic processes. See North, D. C., 1990. *Institutions, Institutional Change and Economic Performance*. Cambridge University Press: Cambridge.

15 Gibson, C. C., 1999. *Politicians and Poachers: The Political Economy of Wildlife Policy in Africa*. Cambridge University Press: Cambridge; Nelson, 2010; see also Nelson, F., and A. Agrawal. 2008. ‘Patronage or participation? Community-based natural resource management reform in sub-Saharan Africa’. *Development and Change*, 39(4): 557-585.

16 Ake, C., 1996. *Development and Democracy in Africa*. Brookings Institute: Washington, D.C.

17 North, D. C., J. J. Wallis, and B. R. Weingast, 2009. *Violence and Social Orders: A Conceptual Framework for Interpreting Recorded Human History*. Cambridge University Press: New York.

18 Diamond, L., 2008. ‘The state of democracy in Africa’, pages 1-14 in *Democratization in Africa: What Progress Toward Institutionalization?* Conference report from October 4-6, 2007, Center for Democratic Development/National Intelligence Council: Accra.

19 See, for example, Gibson, 1999.

20 World Bank, 2008. *Putting Tanzania's Hidden Economy to Work*. World Bank: Washington, D.C.

the 1990s and is now one of the top contributors of foreign exchange.<sup>21</sup> Timber harvesting has expanded considerably as a result of demand for hardwoods from China and other Asian countries.<sup>22</sup> These and other commercial activities based around natural resource use have been central to Tanzania's attainment of up to 7% growth in annual Gross Domestic Product in recent years.<sup>23</sup>

As the economic value of Tanzania's natural resources has grown, the stakes have also increased for how rights to access, control, and utilize those resources are defined and allocated. In the 1990s, a range of donor-sponsored reforms were adopted, particularly from 1995-1999, when new national policies were produced for sectors such as land, forestry, wildlife, tourism, and environment. These policies all prioritized providing greater recognition and security for local rights to lands and natural resources and creating new economic opportunities for rural communities to benefit from resources such as forests and wildlife. In most cases, new laws followed such as the 1999 Land Act and Village Land Act, which replaced colonial-era land tenure legislation, and the 2002 Forest Act. The Forest Act provides a secure legal framework for local communities to formalize rights over forests on community lands (as defined under the 1999 Land Act and Village Land Act) and led to a considerable expansion of community-managed forests in Tanzania.<sup>24</sup> These reforms of the 1990s were also reflective of wider changes in Tanzanian society, including the shift from socialism towards more liberalized economic policies and the adoption of multi-party politics in 1992.

During the past decade, however, the reformist tenor of the 1990s has not been matched by actual progress in devolving authority over economically valuable natural resources; even local rights clearly defined under the law are highly constrained in practice. These dynamics have been most evident in the realm of wildlife management. As perhaps Tanzania's most economically and strategically valuable natural resource,<sup>25</sup> wildlife has been the subject of some of the fiercest struggles over use and management.

The 1998 Wildlife Policy of Tanzania described the future management paradigm for wildlife in Tanzania as one that would devolve rights to use and benefit from wildlife outside the core protected areas (national parks and game reserves) to local communities living alongside wildlife, with the aim of making wildlife a beneficial and competitive local form of land use.<sup>26</sup> This policy recognized that for wildlife to be sustained outside state protected areas, local communities needed to capture more direct benefits from wildlife. The core mechanism for achieving this is through establishment of Wildlife Management Areas, where local communities would, according to the 1998 policy, be given "full mandate" of using and benefitting from wildlife.<sup>27</sup> After the release of the 1998 policy, expectations were that a new law would be passed to replace the 1974 Wildlife Conservation Act and give legal meaning to the new policy and that this law would accordingly devolve greater rights to villagers.<sup>28</sup>



**Figure 1.** Maasai pastoralists in northern Tanzania are dispossessed from their customary lands for private hunting concessions and state protected areas. © Fred Nelson

21 Mitchell, J., J. Keane, and J. Laidlaw, 2008. *Making success work for the poor: Package tourism in northern Tanzania*. Overseas Development Institute and SNV: London.

22 Milledge, S. A. H., I. K. Gelvas, and A. Ahrends, 2007. *Forestry, Governance and National Development: Lessons Learned from a Logging Boom in Southern Tanzania*. TRAFFIC East/Southern Africa/Tanzania Development Partners Group/Ministry of Natural Resources and Tourism: Dar es Salaam, Tanzania.

23 World Bank, 2008.

24 Blomley, T., K. Pfiegner, J. Isango, E. Zahabu, A. Ahrends, and N. Burgess, 2008. "Seeing the wood for the trees: Towards an objective assessment of the impact of participatory forest management on forest condition in Tanzania". *Oryx*, 42(3): 380-391.

25 For a range of useful background information on wildlife management in Tanzania, see Tanzania Natural Resource Forum, 2008. *Wildlife for all Tanzanians: Stopping the Loss, Nurturing the Resource and Widening the Benefits. An Information Pack and Policy Recommendations*. TNRF: Arusha, Tanzania. Last accessed August 30, 2010, at: <http://www.tnrf.org/node/8339>.

26 For a fuller account of this institutional history, see Nelson, F., R. Nshala, and W. A. Rodgers, 2007. "The evolution and reform of Tanzanian wildlife management". *Conservation and Society*, 5(2): 232-261.

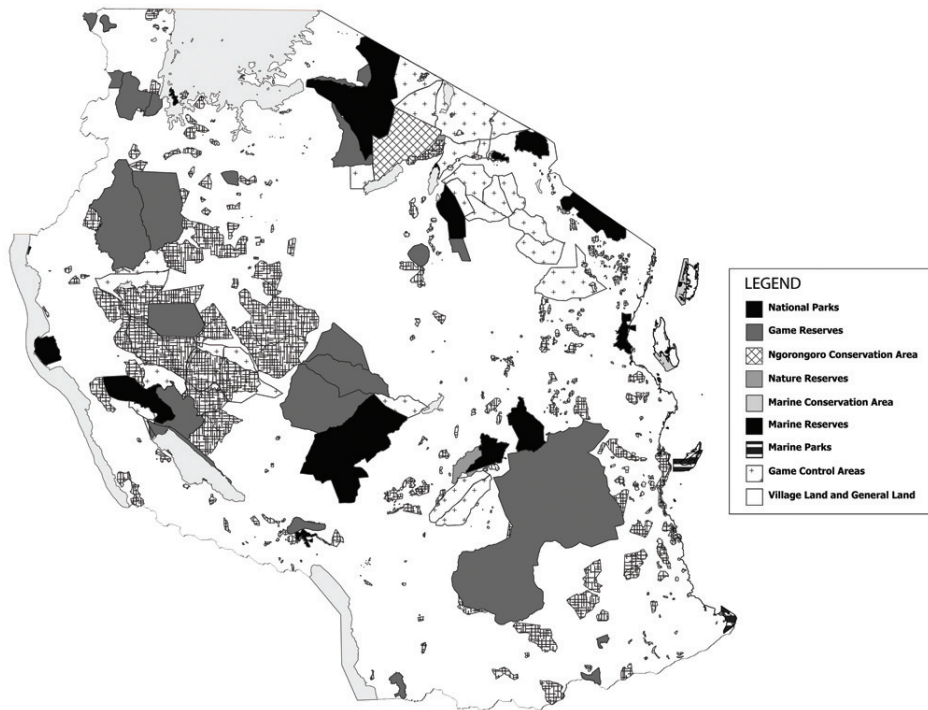
27 Ministry of Natural Resources and Tourism, 1998. *The Wildlife Policy of Tanzania*. Government Printer: Dar es Salaam.

28 It is important here to bear in mind the distinctions between policies, laws, and regulations as different types of governing institutions (or

In the 12 years following the release of the 1998 Wildlife Policy, the institutional dynamics in the wildlife sector have taken a very different turn from the reformism of the 1990s. Wildlife Management Areas were introduced without clear mechanisms for sharing benefits between government and local communities. For many local communities the benefits of Wildlife Management Areas were not clear, which created fears that so-called community-based conservation was in practice little different from traditional, exclusive national parks.<sup>29</sup> The government released new tourism regulations in 2000 and 2007 that redirected revenues paid to villagers under local tourism concession agreements to central authorities, reducing the flow of benefits to villages from wildlife and tourism and effectively counteracting the espoused objectives of the Wildlife Policy. An array of national parks and game reserves continued to be created or expanded, leading to loss of local communities' access to resources across large areas.<sup>30</sup>

*Contrary to the reformism of the 1990s, wildlife governance institutions are actually being centralized, rather than decentralized, by the Tanzanian state.*

A number of recent episodes highlight the degree to which wildlife governance institutions are actually being centralized, rather than decentralized, by the Tanzanian state. In early 2009, the Wildlife Conservation Act, a new general wildlife law, was passed through Parliament.<sup>31</sup> Contrary to earlier policy pledges, this law provides few new rights for local communities and does not establish mechanisms for greater accountability and transparency in wildlife-based industries such as tourist hunting. Instead, the Act creates a range of new types of protected areas to be governed according to Ministerial regulations (which do not have to be passed through Parliament) and upgrades the provisions governing some existing land use categories (see Figure 2).<sup>32</sup>



**Figure 2.** Map of different protected areas and land categories in Tanzania.

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The changes that the Act makes to the governance of Game Controlled Areas in particular are of great concern to some local communities. Game Controlled Areas were created during the colonial era, when utilization of wildlife was not regulated or restricted everywhere in the country (as it has been since 1974), in order to regulate wildlife use in particular areas. Many Game Controlled Areas were established in areas that had long been inhabited by large human communities, particularly in the northern part of the country where local pastoralists and wildlife share savannah and grassland ecosystems. The 2009 Wildlife Conservation Act, however, summarily makes any livestock grazing or agricultural cultivation in Game Controlled Areas illegal. Debate on the Act resulted in an amendment to ensure that areas classified as village lands (under local communities'

formal rules). Policies are a statement of intent and have mainly a declaratory meaning; policies have no legal meaning and are not part of the legal code and thus cannot be enforced as such. Laws are the main way that societies establish and modify formal rules of governance and are what enforcement bodies such as the police and the judiciary base their activities on. Regulations are a part of the legal code that can be propagated administratively, rather than by the legislature, because they are provided for by a given statute or 'parent law'.

29 Igoe, J., and B. Croucher, 2007. "Conservation, commerce, and communities: The story of community-based wildlife management in Tanzania's northern tourist circuit". *Conservation and Society*, 5(4): 534-561.

30 Brockington, D., H. Sachedina, and K. Scholfield, 2008. "Preserving the new Tanzania: Conservation and land use change". *International Journal of African Historical Studies*, 41(3): 557-579.

31 Wildlife Conservation Act No. 5 of 2009. Government Printer: Dar es Salaam.

32 For example, the Act provides for the Minister of Natural Resources and Tourism to designate buffer zones and migration routes outside state protected areas on communal or private lands and to impose (undefined) land use restrictions in these areas.

management) do not overlap with the Game Controlled Areas in the future, as they have for many years. Nevertheless, this change of the meaning of Game Controlled Areas poses a major threat to local land tenure security, particularly in northern Tanzania where the Areas overlay at least four entire administrative districts, establishing a showdown between state authorities and villagers over the definition of the boundaries between village lands and Game Controlled Areas.

The potential ramifications of this growing conflict over local land use in areas where wildlife lives outside state protected areas was also apparent in 2009 in the Loliondo area of northern Tanzania (see Figure 3). This locale has been the site of a long-running conflict between local Maasai pastoralist communities and the holder of a hunting concession situated in legally titled community lands. This hunting concession was originally granted to a member of the royal family of the United Arab Emirates in 1992, without approval and consultation with local communities in an episode that became a national and international controversy.<sup>33</sup> After years of uneasy co-existence, the conflict assumed a new dimension in July, 2009, when government security forces carried out an operation to clear villagers out of their own village lands-cum-government hunting concession at the beginning of the annual hunting season.<sup>34</sup> This operation involved burning a large number of homesteads and resulted in a wide range of alleged human rights abuses.<sup>35</sup> The villagers were essentially evicted from lands that they have clear and unambiguous legal rights to under the Land Act and Village Land Act.

The Loliondo episode highlights the increasing tensions between central government, villagers, and private investors over local land, human rights, and access to wildlife for commercial use and investment. The central government appears committed to maintaining land access for private investors with contractual arrangements with government agencies, even when such arrangements conflict with local livelihoods and existing land and resource rights. The interests of government decision-makers in this case range from the formal interest in promoting foreign investment to the informal public and private benefits that may accrue from such investments at various levels of government.<sup>36</sup> At a practical level, the Loliondo case illustrates how in countries such as Tanzania, where the rule of law is weak and informal or personalized decisions play a central role in governance processes, formal legal rights are circumvented when those rights conflict with other private or state interests.

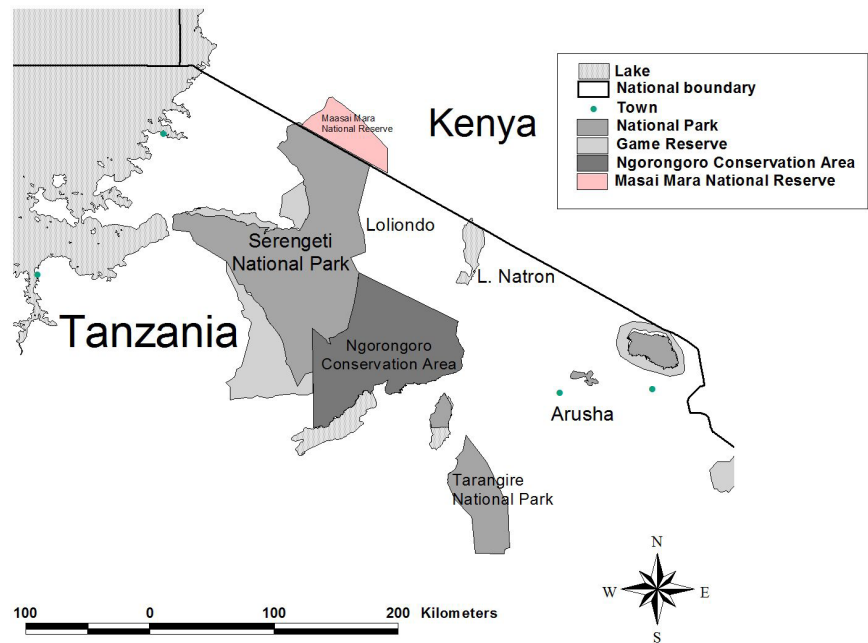


Figure 3. Map of Loliondo area in Tanzania. © Fred Nelson

*If the rule of law is weak, formal legal rights are circumvented when they conflict with other private or state interests.*

Tanzanian organizations and groups of citizens have mobilized in response to these struggles over local rights and livelihoods. Civil society organizations representing a range of rural and global constituencies sought to influence the Wildlife Conservation Act, but the legislative process in Tanzania continues to be predominantly shaped by ruling party interests and Parliamentarians are often more accountable to the party than to their constituents. The Loliondo conflict has prompted multifaceted local and national efforts to address alleged human rights abuses and prevent the loss of local lands and resource access.<sup>37</sup> Nevertheless,

33 Honey, M., 2008. *Ecotourism and Sustainable Development: Who Owns Paradise?* 2<sup>nd</sup> Edition, Island Press: Washington, D.C.

34 Ihucha, A., 2010. "Govt under fire over new hunting license". *The East African*, August 16-22, 2010, page 1.

35 Renton, A., 2009. "Tourism is a curse to us". *The Observer*, September 9, 2009. Last accessed May 17, 2010, at: <http://www.guardian.co.uk/world/2009/sep/06/masai-tribesman-tanzania-tourism>.

36 Such informal flows of resources are difficult to document, but are widely reported in the case of Loliondo. See Renton, 2009.

37 For example, the Dar es Salaam-based Feminist Activist Coalition organized a fact-finding mission to Loliondo shortly after the conflict began and issued a report that was strongly critical of the government and described a range of abuses. See Pambazuka News, 2009. "Tanzania: Loliondo report of findings". Last accessed August 30, 2010, at: <http://www.pambazuka.org/en/category/advocacy/58956>.

these efforts have had limited impact thus far, as elected officials in both parliamentary and executive branches have demonstrated limited interest in addressing local grievances. These struggles over wildlife governance illustrate how citizenship in Tanzania, in terms of the ability of individuals and groups to participate in and influence governance decisions and processes and to defend their rights, is heavily constrained by existing power relations and political arrangements, particularly the concentration of authority in the executive branch, curbs on the media and civil society organizations, and the continued effective domination of the state by a single party.

These dynamics cut to the heart of broader contemporary struggles over control of the economy, the orientation of public policy, and political accountability in Tanzania. Despite a decade of strong macroeconomic growth, poverty levels across Tanzania have changed very little, with rural poverty levels nearly stagnant.<sup>38</sup> A central reason for this is that the governance of key productive sectors such as land, natural resources, and agriculture continues to enable many extractive or predatory forms of governance and administration. Economic value and market access is often captured by urban elites and politically-connected companies due to persistent or resurgent institutional distortions.<sup>39</sup> As existing resource use and governance arrangements are increasingly questioned by economically and politically marginalized citizens, Tanzania's *de facto* one-party state is facing a renewed crisis of legitimacy. The 2008 resignation of the country's Prime Minister and Cabinet in a grand corruption scandal is the most notable embodiment of this changing political climate, with more subtle changes such as revitalized opposition parties and parliamentary debate playing an equally important role.<sup>40</sup> Ultimately, the debates over the distribution of rights over and benefits from natural resources are fundamental to these wider struggles for citizenship, accountability, and democracy in Tanzania today, and are likely to play a key role in the reconfiguration of political relationships and institutions in the future.

*Debates over the distribution of rights over and benefits from natural resources are fundamental to wider struggles for citizenship, accountability, and democracy.*

## REFORMING RESOURCE GOVERNANCE AND THE RECONSTRUCTION OF CITIZENSHIP

*A number of enabling laws, policies, and community-based initiatives developed during the 1990s post-Cold War resurgence of democracy have been challenged or contravened by more recent efforts to reconsolidate or expand direct central control over natural resources.*

Similar dynamics are apparent across eastern and southern Africa, where a number of the enabling laws, policies, and community-based initiatives developed during the 1990s have been challenged or contravened by more recent efforts to reconsolidate or expand direct central control over natural resources.<sup>41</sup> For example, in Mozambique, the democratic reforms to land and natural resource policies carried out from 1997-2001, while still in place, have been marginalized and provisions designed to give communities greater rights over land have seen relatively limited implementation, as the government has greatly expanded the area under centralized management as either protected areas or commercial timber, tourism and hunting concessions.<sup>42</sup> In Zambia, a model devolved system for managing wildlife and hunting revenues in the Luangwa Valley has been replaced with a system that gives villages a lower

proportion of wildlife revenues and less direct say in how those revenues are used.<sup>43</sup> In Botswana, local rights to benefits from joint venture tourism or safari hunting ventures have been reduced in a new official CBNRM policy that recentralizes

38 For an interesting discussion of these realities, see Policy Forum, 2009. "Is less more? Business environment from the bottom up." Policy Brief 8.09. Last accessed June 24, 2010, at: <http://www.policyforum-tz.org/files/BusinessEnvironmentfromtheGround-up.pdf>; United Republic of Tanzania, 2009. *Poverty and Human Development Report 2009*. Research and Analysis Working Group, MKUKUTA Monitoring System, Ministry of Finance and Economic Affairs: Dar es Salaam.

39 For an example concerning agricultural policy developments, see Cooksey, B., 2003. "Marketing reform? The rise and fall of agricultural liberalisation in Tanzania". *Development Policy Review*, 21(1): 67-91; for an example on forestry products value chains, see Milledge *et al.*, 2007.

40 For an interesting insider's discussion of some of these dynamics, see Sitta, S., W. Slaa, and J. Cheyo, 2008. *A Parliament with Teeth*. Africa Research Institute: London.

41 Nelson, 2010.

42 Anstey, S., 2005. "Governance, natural resources and complex adaptive systems: A CBNRM study of communities and resources in northern Mozambique", pages 138-193 in Dzingirai, V., and C. Breen (eds.), *Confronting the Crisis in Community Conservation: Case Studies from Southern Africa*. University of KwaZulu-Natal: Pietermaritzburg, South Africa; Tanner, C., S. Baleira, S. Norfolk, B. Cau, and J. Assulai, 2006. *Making Rights a Reality: Participation in Practice and Lessons Learned in Mozambique*. LSP Working Paper 27, FAO: Rome.

43 Lubilo, R., and B. Child, 2010. "The rise and fall of community-based natural resource management in Zambia's Luangwa Valley: An illustration of micro- and macro-governance issues", pages 202-226 in Nelson, F. (ed.), *Community Rights, Conservation and Contested Land: The Politics of Natural Resource Governance in Africa*. Earthscan: London.

control over wildlife revenues.<sup>44</sup> Across the region, there are rapidly growing concerns about large-scale leasing or alienation of community lands for biofuels and agricultural investments.<sup>45</sup> Africa trails far behind Latin America and Asia in formal community forest ownership,<sup>46</sup> even as new concerns emerge about forest conservation financing under a global climate regime<sup>47</sup>, potentially leading to greater central or private claims and control over forests.<sup>48</sup>

Trends in African natural resource governance highlight how current political dynamics shaping the region are starkly different from the 1990s' post-Cold War resurgence of democracy. In the 1990s, democracy was spreading as conflicts ended in countries such as Mozambique and citizenship was transformed in post-apartheid South Africa and Namibia. International support for democratic reform helped citizens in countries such as Zambia, Tanzania, Malawi, and Kenya regain many political liberties and revitalized multi-party competition. Electoral politics has been widely institutionalized, even if, as has happened within the past three years in Kenya and Zimbabwe, electoral results can be superseded by informal political interests and sources of power.<sup>49</sup> Despite this spread of electoral and multi-party democracy, the ability of citizens to hold rulers accountable remains highly curtailed, either because electoral results can be manipulated or, more fundamentally, because institutional structures, with their heavy centralization of discretionary authority and high coercive powers, continue to treat people as subjects rather than devolving powers necessary for more active exercise of citizenship.<sup>50</sup>

*The democratization of states and of natural resource governance must come from long-term social struggles, negotiations over rights, and challenges to established power relations.*

Just as Larry Diamond describes a resurgence of 'predatory states' as a result of global political and economic trends across parts of the developing world this past decade,<sup>51</sup> efforts to promote rights-based approaches to natural resource management have witnessed the democratization of the 1990s gradually giving way to heightened conflicts over rights and tenure and a reinforcement of centralized and extractive institutional arrangements. While earlier reformist trends may have carried an air of inevitable progression<sup>52</sup>, there needs to be a clearer recognition that the political-economic settings have changed and such assumptions about linear or irreversible patterns of reform have proven false.

For practical efforts to promote local rights and resource governance regimes, the starting point is to understand the drivers of existing patterns of institutional change, particularly their political dimensions, as well as the inherent connectivity between natural resource governance reforms and wider questions of citizenship and democracy in African states. As Catherine Boone notes, "the terms of land access remain the hard core of the social contract between the post-colonial state and rural populations."<sup>53</sup> Jesse Ribot also effectively captures the wider salience of contemporary struggles over forest use and governance in Senegal in referring to these as "a last frontier of decolonization."<sup>54</sup> Rights-based conservation is thus inherently woven together with ongoing struggles over citizenship and statehood in African nations.

44 Rihoy, L., and B. Maguranyanga, 2010. "The politics of community-based natural resource management in Botswana", pages 55-78 in Nelson, F. (ed.), *Community Rights, Conservation and Contested Land: The Politics of Natural Resource Governance in Africa*. Earthscan: London.

45 Cotula, L., S. Vermeulen, R. Leonard, and J. Keeley, *Land Grab or Development Opportunity? Agricultural Investment and International Land Deals in Africa*. FAO/IIED/IFAD: Rome and London.

46 RRI (Rights and Resources Initiative), 2009. *Who Owns the Forests of Africa? An introduction to the forest tenure transition in Africa, 2002-2008*. RRI: Washington, D.C.

47 The United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation in Developing Countries (REDD), 2009. Last accessed 31 August 2010, at: <http://www.un-redd.org/>

48 Gomera, M., L. Rihoy, and F. Nelson, 2010. "A changing climate for community resource governance: Threats and opportunities from climate change and the emerging carbon market", pages 293-309 in Nelson, F. (ed.), *Community Rights, Conservation and Contested Land: The Politics of Natural Resource Governance in Africa*. Earthscan: London.

49 Posner, D. N., and D. J. Young, 2007. "The institutionalization of political power in Africa". *Journal of Democracy*, 18(3): 126-140.

50 Ansety, S., and L. Rihoy, 2009. "Beacon and barometer: CBNRM and evolutions in local democracy in southern Africa", pages 41-57 in Mukamuri, B. B., J. M. Manjengwa, and S. Ansety (eds.), *Beyond Proprietorship: Murphree's Laws on Community-Based Natural Resource Management in Southern Africa*. Weaver Press: Harare, Zimbabwe; also see Mamdani, M., 1996. *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*. Princeton University Press: Princeton, New Jersey.

51 Diamond, L., 2008. "The democratic rollback: The resurgence of the predatory state". *Foreign Affairs*, 87(2): 36-48.

52 In 2004, CBNRM in southern Africa was referred to as "a process of devolution and democratization of natural resources from which there is no turning back". Fabricius, C., E. Koch, S. Turner, H. Magome, and L. Sisitka, 2004, page 281. "Conclusions and recommendations: What we have learned from a decade of experimentation", pages 271-282 in Fabricius, C., E. Koch, H. Magome, and S. Turner (eds.), *Rights, Resources, and Rural Development: Community-based Natural Resource Management in Southern Africa*. Earthscan: London.

53 Boone, C., 2007. "Property and constitutional order: Land tenure reform and the future of the African state". *African Affairs*, 106: 557-586.

54 Ribot, J. C., 2008. *Authority over Forests: Negotiating Democratic Decentralization in Senegal*. Working Paper 36, Representation, Equity, and Environment Working Paper Series, World Resources Institute: Washington, D.C.

Beyond understanding the nature of the stakes and interests at play in rights-based initiatives is the key work of identifying practical entry-points and effective strategies that promote institutional change. The democratization of states and of natural resource governance must inevitably come from long-term social struggles, negotiations over rights, and challenges to established power relations, as has been the case throughout modern human history.<sup>55</sup> Despite the enduring challenges to exercising citizenship in African countries, wider political changes are occurring, from the mobilization of local groups as in Loliondo to major constitutional reform, as recently took place in Kenya. Larry Diamond observes, “To a degree far beyond the early years of nationhood, the construction of democracy in Africa is a bottom-up phenomenon” in

*Supporting rural communities, organizations, and social movements must be the fundamental strategy for promoting rights-based conservation and reshaping the form and function of citizenship.*

contemporary times.<sup>56</sup> Influencing political processes in favour of local rights and interests requires developing political strategies and constituencies that can produce new types of social movements and organizations with local legitimacy, cultural underpinnings, and resonance. Given the constraints to collective action in many parts of rural Africa, many of which are created by existing political relations and structures, supporting rural social movements and organizations must be the fundamental strategy for promoting rights-based conservation.

International processes can however play a useful role in supporting these bottom-up forces for democratization. For example, international human rights and justice bodies provide a valuable alternative in settings where national institutions are weak and unable to provide justice or arbitration. This is clearly illustrated in the widespread support in

Kenya for the International Criminal Court to bring perpetrators of the 2008 post-election violence to justice, particularly in light of the perceived inability of domestic legal and judicial institutions to do so.<sup>57</sup>

## CONCLUSION

Supporting rights-based conservation in the African context is fundamentally about working with local communities, civil society organizations, and social movements and networks to develop effective and adaptive strategies for enhancing and defending local rights. Rights-based conservation efforts are thus inherently and explicitly political, in that they are part of a wide set of processes that are ultimately reshaping the form and function of citizenship. Devising and supporting effective strategies from the local to global scale that support such democratic shifts is fundamental to more sustainable patterns of natural resource use and rural livelihoods across sub-Saharan Africa.

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55 See, for example, Acemoglu, D., and J. A. Robinson, 2006. *Economic Origins of Dictatorship and Democracy*. Cambridge University Press: Cambridge.

56 Diamond, 2008, page 6.

57 Maathai, W., 2010. “ICC our only shield from crimes against humanity”. *Daily Nation*, June 18, 2010. Last accessed June 19, 2010, at: <http://www.nation.co.ke/oped/Opinion/ICC%20our%20only%20shield%20from%20crimes%20against%20humanity/-/440808/941116/-/es55s6z/-/index.html> Accessed 18 June 2010.