

OPTIMAL PRINCIPLES AND PRAGMATIC STRATEGIES:

**Creating an Enabling Politico-Legal Environment
for Community Based Natural Resource Management (CBNRM)**

Keynote Address
by

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Introduction

Let me start this address with an hypothesis. I suggest that the mixed profile of success and failure in CBNRM in the Region owes much of its ambiguity to our strategic pragmatism in its implementation. We have placed policy and practice before politics and thus have encouraged the birth of CBNRM (in its "modern" version) into a politico-legal environment which, if not hostile, is hardly a nurturing one. In so doing we have put an ironic twist on the conventional approach to planned change. A recent draft article on rhino conservation sent to me for review complains that "much time and money get wasted in the political battlefield trying to shape out policies that do not get implemented on the ground." We in CBNRM programmes have done the opposite. We have spent a lot of time and money in implementation on the ground, leaving the outcomes of the political battlefield which surrounds it largely unresolved.

Please do not misunderstand me. In retrospect, I do not think that our strategy has been wrong. We have grasped the essential principles, generally taken the right policy directions, and have seized the opportunities to put these into practice when they have occurred. Had we not done so, community based approaches to natural resource management might well be still at a concept stage, stuck on the agenda of endless interministerial planning meetings and gathering dust on the in-trays of our respective bureaucracies. But what I am suggesting is that in our initial and successful end-run around political processes we run the risk of ignoring their centrality to long-term CBNRM success. Our "pragmatic strategies" may cause us to be complacent about the introduction of our "optimal principles."

The Private Land Prototype for CBNRM in Southern Africa

Let me illustrate from our history what I mean by "our end run around political processes." In Zimbabwe and Namibia the prototype for the five CBNRM principles mentioned in Steiner and Rihoy's Background Paper for this Conference was established in the mid 1990's with respect to private farms and ranches. With minor differences, Namibia's Nature Conservation Ordinance (No. 4 of 1974) and Zimbabwe's Parks and Wild Life Act (1975) conferred "ownership" or "custodianship" of wildlife resources on the owners of privatised land. In both cases the legislation, and the policy philosophy behind it, was that the best way to conserve wildlife was to confer strong property rights over it to the people who had the greatest incentive to use it sustainably and who were best placed to manage it effectively.

Let us pause to note the institutional regime thus put in place:

- a) The farm owner, with fixed tenurial rights over a defined land unit, was given tenure over wildlife on that land. "Tenure" implies long-term property rights and the owner's long-term rights over land were extended to long-term rights over wildlife, a critical incentive factor for using it sustainably.
- b) By giving the farm owner property rights over wildlife, or ownership, the owner gained the right to decide how to use it and to benefit (or suffer) from his management decisions. In academic language, "ownership" is the "placement with a person (or a group of persons) of a certain group of rights to property: the rights of possession, use and disposal of worth." (Harper, 1974: 18)
- c) By giving the farm owner rights to the "disposal of worth" of wildlife, he was empowered to make market decisions, rather than have these made for him by others. This active producer presence is an important feature of efficient markets, reducing centre-periphery imbalances in national economies.
- d) The wildlife management unit became far smaller and more efficient, a regime in which the linkages between cost and benefit, quality of input and quantity of output were immediate and transparent.
- e) The balance in government's role in wildlife management shifted significantly away from regulation towards extension, with far lower budgets required.

The legislation which produced these institutional changes in Zimbabwe and Namibia was passed 20 years ago. The economic and ecological effects are categorical. On private land in both countries a new and flourishing wildlife industry is in place, wildlife revenues have increased dramatically, wildlife populations have expanded and their habitat has improved.

Applying the Prototype to Communal Lands

With this success model in hand it was a natural policy step for wildlife authorities to seek to extend it to communal lands. This, in fact, is what is being attempted in the various CBNRM programmes of the region. But the transplant of the model to communal lands is neither easy nor simple. I mention here three factors:

- a) The units analogous to private farms in communal lands are not surveyed entities. They may well exist in the social and ecological geographies of local culture and traditional authority. They may appear on the administrative maps of local governance, but frequently these have little economic and ecological rationale. We are not sure of the criteria to be used in determining these units, other than that they should be small enough to provide face-to-face interaction for all members. This may in the long term be a good thing since they should be self-determined, but in the short term it makes initiation difficult.
- b) A second problem is that the analogous proprietorial unit in communal lands is far more organizationally complex than the private farm or ranch. Its membership is larger and internally differentiated. Furthermore, not only is it differentiated in terms of its membership but also in terms of categories of resources, members having specific usufruct rights over arable land but also having collective rights to the communal commons.
- c) The third and greatest problem is the tenure status of communities on communal lands. Our citizens in communal lands do not have strong property rights, i.e. "the rights of possession, use and disposal of worth."

My use of the word "strong" here is indicative of the fact that there are degrees of ownership. Ownership is never absolute. Its strength is determined by its time frame and the conditionalities attached to it. The longer its sanctioned duration, its "tenure", the stronger it will be. The fewer the conditionalities attached to it, the stronger it will be. As Alchian says, the strength of ownership "can be defined by the extent to which the owner's decision to use the resource actually determines its use." (Alchian, 1987: 1031). As inhabitants of what is technically state land, communities in communal lands do not have strong property rights in either of these dimensions. Their tenure is uncertain, their decisions on the use of resources subject to a plethora of conditionalities. As in colonial times, communal lands continue to be in various degrees the fiefdoms of state bureaucracies, political elites and their private sector entrepreneurial partners. The persistence of this condition into the modern post-colonial state is an indication that the devolution of strong property rights to communal land peoples is a fundamental allocative and political issue and that power structures at the political and economic centre are unlikely to surrender their present position easily.

Whether we want to admit it or not, CBNRM has plunged us into this political battlefield. In the technically-inspired attempt to transfer the success of strong property rights over wildlife on private land to communal land proprietorial units,

the khaki shorts ecology brigade has led us into a largely unrecognised struggle over property rights in rural Africa. Its implications are profound.

In an incisive overview of two decades of attempts to promote community forestry in Nepal, Talbott and Khadka show the parallel elsewhere:

"The tenurial rights of local peoples over natural resources and the role of the state in recognizing and supporting those rights continues to be a paramount issue of development, not only in Nepal, but throughout the developing world. The resolution of the concomitant social, economic, and political side issues may well mean the difference between sustainable development and accelerated economic and environmental impoverishment." (Talbott and Khadka, 1994: 2)

And, one might add, tenurial rights will make the difference between rural democratic representation and the continuation of perpetual adolescent status for the communal peoples of Southern Africa in national structures of governance.

Pragmatic Implementational Strategies in CBNRM: The "end-run" around politics

It is only when these three problems involved in the transference of the private land strong property rights prototype to communal lands are resolved that the "optimal principles" for CBNRM can operate. The logical framework planning approach urged on us by many donors would dictate that we should have developed CBNRM in a sequential approach involving first analysis, then policy formulation, then political endorsement, then the legislative enactments conferring strong property rights on communities, and finally implementation. We chose instead to take a simultaneous, experimental approach to all three issues. We advocated policy changes on technical grounds, capitalising on the frequent inability of governments to fully grasp the implications of advice from their technical agencies. Bell and Clarke's analysis is relevant here:

"In a specialised sphere such as wildlife management ... the formulation of policy detail is delegated to the technical agency. Policy is, therefore generated at middle management levels but is formally adopted at higher levels; and this, we believe, occurs without a thorough appreciation by the higher government levels of the implications, consequences and requirements of the policy." (Bell and Clarke, 1984: 471)

We gained broad political support for the policy by appeals to popular sentiment - was it not after all a removal of discrimination between white and black farmers? We masked the deeper political and economic implications of CBNRM by cloaking it in the ambiguous language of current development-speak, talking of "involvement," "participation," "decentralisation," "co-management" and "revenue sharing." We exploited legal and procedural niches to create revolving funds for wildlife revenues or to decentralise controls over communal land wildlife to lower

tiers of government. We identified - however imperfectly - communal units of wildlife management and invested large extension resources in the development of their internal management systems. And, where there has been the right combination of communal assertiveness, resource availability, supportive local bureaucratic authority and quality facilitation, we have succeeded. This success is, however, conditional - conditional on the combination described above, and conditional on a continued state indulgence that it should proceed. The success is based on permission, not mandate.

Strategies for the Next Phase:

Institutionalising CBNRM in National Policies and Politics

My view should now be clear. For long-term sustainability CBNRM requires a fundamental shift in national policies on tenure in communal lands. The core of the matter is strong property rights for collective communal units, not only over wildlife and other natural resources, but over the land itself.

I return to the Nepal Forestry paper quoted earlier. The authors have this to say:

"The key issue is ownership. Current forestry laws clearly stipulate that community forest user groups do not have direct ownership rights to the land, only usufruct rights of management over the trees and the forest products derived from the land... In short, the official policy is to "hand over" the forests, but by retaining possession of the land itself, the government is not truly "handing over" the forests at all." (Talbot and Khadka, 1994: 11)

These observations apply to CBNRM in Southern Africa as well. Communal proprietary units need not only strong property rights over wildlife but also the same rights over their land base and other natural resources on it for an integrated management system. Until this is in place, our "optimal principles" will have an uneasy fit with the jurisdictional fragmentation that currently pertains. As Metcalfe puts it,

"For as long as communal land resources are both formally state, and informally customary lands, authority and management will be compromised, and open access tendencies will thrive." (Metcalfe, 1995: 8)

The creation of a new tenure category of communal land, comprised of legally titled collective and communal property right holders, separate from state and private tenure categories, would of course involve a sweeping agrarian reform. To achieve it will require a process well beyond the mandate of those directly involved in CBNRM. But the evolution of CBNRM in Southern Africa suggests that it has played an important role in initiating this process and it bears a responsibility for contributing further to its momentum. We can no longer continue our "end-run" strategy of avoiding central political processes.

Three strategic thrusts suggest themselves at this stage:

- a) The arena of technical discourse on CBNRM must be broadened to include the insights and expertise of other technical line ministries responsible for agriculture and lands. Agriculture is particularly important since it is also about natural resource use, and directly converges with CBNRM interests on such topics as livestock use of the grazing commons. Indeed it could be argued that natural resource management is agriculture in the broad sense of the term. The fact that wildlife production on private land is now usually coordinated by associations linked to commercial agricultural production is not a coincidence.

The technical sponsorship of CBNRM can thus no longer be the exclusive purview of government environmental agencies if its potential is to be fully developed. Ministries involved in local governance are also clearly important. All this points to the need for greater inter-ministerial coordination in CBNRM planning and implementation.

- b) One relatively unexplored interim step towards the conferment of strong property rights on communities is the use of existing legislation on the establishment of cooperatives, turning communities into natural resource cooperatives. This approach was in fact suggested in the original planning for CAMPFIRE in Zimbabwe but not pursued in implementation. The possibility deserves re-examination in our respective current legal contexts.
- c) The third, and most urgent, strategic thrust now demanding attention is political advocacy for CBNRM at the political centre. By this I do not mean renewed or expanded efforts by environmental technocrats, rural development agencies, academic activists or donor enthusiasts to persuade the political power structure of the importance of CBNRM. Such efforts may have peripheral influence but if, as I have claimed, optimal conditions for CBNRM require strong tenurial rights for communities, this requires a fundamental devolution of power, one which politicians are unlikely to make unless there is a strong political reason to do so. This reason can only lie in a strong, politically potent constituency demand that this takes place.

There is only one source from which this politically salient constituency voice can arise with any potency and this is the rural resource-managing communities themselves. At this level the will and intent is present and it is one of the successes of CBNRM that it has contributed in some rural communities to a more aggressive demand for strong tenurial rights. However, this assertion of community self-interest remains largely episodic and fragmented. It needs to be coalesced into an organised and channelled advocacy. In part this can be done at parliamentary constituency levels. But it also needs to be done at national levels, with representative and effective organisations speaking on behalf of CBNRM constituencies. To my knowledge, in this region only Zimbabwe has progressed on this front through the CAMPFIRE Association. The importance of this kind of representation at this stage is critical and should be a priority for CBNRM initiatives

in each country of the region. Without it an essential feature of long-term national CBNRM sustainability will be missing.

Conclusion

This address has suggested that our strategy of initial experimentation and implementation under existing politico-legal conditions has been pragmatically productive. We have laid the empirical basis for substantive policy and political change. It has also suggested, however, that we have now reached the stage where that experience must actively be applied in the political arena; with tenurial empowerment being the goal and the communities themselves being the principal actors.

The era of externally-derived innovation in CBNRM should be brought to an end. The era of self-determined, tenurially robust communal natural management should be brought into being. If this conference contributes to a sharper definition of what is needed to bring about this further evolution, it will be justified.

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