

Transboundary Protected Area Governance

Tensions and Paradoxes

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1. Introduction – Do TBPA's Transcend or Superimpose Politics?

That the overarching theme of this Fifth World Parks Congress is 'Benefits Beyond Boundaries' is testament to the fact that bioregional, 'ecoregional' or 'landscape-level' planning at an increased spatial scale – like integrated regional planning and community co-management in previous decades – has become the driving paradigm in protected area planning. The guiding principal is that 'artificial' human-imposed administrative boundaries rarely coincide with ecoregions:

As the views of our planet from space make clear, nature does not acknowledge or respect the boundaries with which we have divided our planet. As important as these boundaries are for the management of our political affairs and relationships, they are clearly transcended by the unitary nature of the natural system on which our lives and well-being depend (Strong 1992).

What this privileging of biophysical over political units means in practice for protected area management is that, increasingly, rather than being boxed into small areas, protected areas are being opened up across administrative, and even national, boundaries to create large and newly coherent landscapes and management entities. In this ambitious new era for conservation it is no longer enough to focus on the preservation of protected enclaves. Ecological integrity – and a lot more besides – can be established with transboundary conservation initiatives. The emphasis has also shifted to the enhancement or restoration of 'natural' or 'traditional' landscapes more broadly and even recreating landscapes perceived as lost by rewilding. However this process is not happening in a vacuum: crucially this ecological integrity is being exported to the political sphere as these spaces are becoming statutory units of landscape management. These areas of newly minted ecological integrity and political authority are being superimposed on complex, contested, and variegated landscapes with pre-existing overlapping institutional authorities and political constituencies, and patchworks of differing land uses and tenure regimes (including public, private and communal ownership).

Perhaps inevitably Transboundary Protected Areas (TBPA's) that are theoretically meant to transcend political boundaries and units are in practice intrinsically political entities. As large scale regional planning and investment initiatives spanning differing institutional frameworks and with varying degrees of collaboration between the state, private sector and civil society they superimpose further layers of politics and raise important questions about power, control,

authority, accountability and legitimacy at a variety of scales – that is to say questions about governance.¹

Each TBPA has its own unique governance dilemmas that may not be repeated elsewhere. There seem to be, however, several more general paradoxes or tensions inherent in TBPA governance – both ideological and practical, and at the global, regional and local scales – and this paper is an attempt to tease out four of them. These tensions are between ‘radical bioregionalism’ and ‘scientific ecoregionalism’, ecoregionalism and neoliberalism, TBPA planning and national sovereignty, and top-down and bottom up managerial processes. In conclusion the paper draws lessons for improved protected area governance in a transboundary context.

2. Radical Bioregionalism or Technical Ecoregionalism?

The concepts and philosophies underpinning TBPAs come from a diverse range of sources and its advocates constitute a sometimes surprising coalition of interests that often pull in different directions.² One such conceptual tension is between radical bioregionalism and scientific ecoregionalism. Bioregion and ecoregion are terms used interchangeably but they have rather different provenances. This distinction is of more than arcane academic concern – it has fundamental implications for the governance of TBPAs.

Bioregionalism is a, largely northern, ecocentric philosophy and social movement which holds that the earth consists of contiguous but discrete ‘organic regions’ or ‘bioregions’. A bioregion is ‘a place defined by its life forms, its topography and its biota, rather than by human dictates; a region governed by nature, not legislature’ (Sale 1985: 43; see Wolmer 2003). Local and regional cultures are physically and symbolically rooted in these ‘homelands’ which are seen as the most appropriate units for political organisation. Bioregionalists argue passionately for political autonomy, decentralised governance, grassroots empowerment, social equity and self-sufficiency. The approach has played out in efforts, primarily in North America, but increasingly in Europe and Australia to work at the scale of the ecosystem to find a balance between their needs for livelihoods and the natural resources in their bioregions (Miller 1996). These are grassroots, ‘bottom up’ initiatives led by communities themselves characterised by the devolution of power to local and regional bodies and the construction of governance around bounded places. In its most extreme form the bioregional movement rejects all forms of centralised authority (Fall 2003).

Elements of this bioregionalist philosophy have entered mainstream conservation thinking as ecoregional planning. However the radical political agenda has been ditched in favour of a scientific discourse that draws on conservation biology to argue that achieving sustainability and conserving biology requires shifting conservation programmes to ecosystem scales of management (e.g., Miller 1996; Pirot et al. 2000).

Habitat fragmentation has been identified as a major threat to preservation of biodiversity – and the means to combat this fragmentation and ‘restore ecosystem functions’ is to enlarge protected areas, establish ‘connectivity’ by linking them with biodiversity corridors and, at the

macro level, establishing global ecological networks. This mandate for protected area expansionism derives largely from the increasingly science-driven conservation ethic. Conservation biology confers conservation priority status on habitats that had been ignored by the previous generation of conservationists inspired by the romantic wilderness ethic because they were not sufficiently aesthetically pleasing (Calicott and Nelson 1998). In Africa, for example, this logic leads to recommendations that ‘biodiversity conservation be extended even further, beyond buffer zones and protected areas, to include all elements of the African landscape and all ecosystems’ and that ‘Africa should endeavour to join all its game parks contiguously from Cape to Cairo’ (Biodiversity Support Program 1993; de Villiers 1999).

Ecoregionalism, however, is a managerial as much as scientific discourse. It has been accompanied by a revival of top-down approaches to priority-setting and planning landscapes as a whole – variously described as ‘strategic’, ‘comprehensive’, ‘integrated’ and ‘plan-led’ (Brosius 2003). Although this discourse shares radical bioregionalism’s desire to establish or preserve regional integrity, it has excised or sanitised much of its idealistic social goals. Gone is the emancipatory rhetoric of ‘liberating the self’ and achieving non-hierarchical citizenship rooted in reciprocity and co-operation. Gone too is much of the political commitment to bottom-up development and devolved power. In its stead comes the dispassionate and largely depoliticised language of ‘stakeholders’, ‘partnerships’, ‘participatory planning’, and ‘capacity building’ (Wolmer 2003).

In recent years there has been a backlash against ICDPs which have been accused of failing to protect species and their habitats (e.g. Terborgh 1999; Oates 1999; see Wilshusen et al. 2002). There is a danger – from the point of view of advocates for people-oriented conservation – that the protectionist expansionism of the ecoregional planning paradigm will provide legitimacy for a return to an authoritarian protectionist conservation paradigm which had been curbed by the predominance of the community-based conservation discourse (Jones and Chonguica 2001). As we shall see, ecoregional planning’s ostensibly impartial scientific and managerial focus potentially masks fundamental power – or governance – implications (cf. Ferguson 1990).

The danger of extreme bioregionalism is that it plays to an agenda of the political right that rejects altogether centralised political authority and regulation (McCloskey 2000; Fall 2003). But has ecoregional planning’s exclusion of ‘moral or political considerations in favour of indifferent technical and political solutions’ (Brosius and Russell 2003: 46) and its top-down biases moved us too far away from the ideals of devolution and bottom-up planning? (see Brosius 2003; Wilshusen et al. 2002; Brechin et al. 2002).

Summary governance implications: bioregionalism devolved and bottom-up – power to communities; ecoregional planning expansive and top-down, power to scientists and technocrats.

3. Ecoregionalism and Neoliberalism

Another tension inherent in the governance of TBPA’s derives from the curious intersection of ecological/scientific discourses with discourses of global governance that emphasise the

extension of neoliberal economic management (Duffy 2002; Wolmer 2003). This model, which currently dominates development thinking, promotes an investment led approach, with the role of the state being to provide an enabling environment to stimulate private sector involvement.

TBPAs are thus promoted as key revenue generators, providing an enabling environment for investment, especially in ecotourism, as well as being instruments for leveraging private sector investment to 'maintain and grow ecological capital'. In Africa, for example, TBPAs are marketed as the [African] dream ticket combination of economic growth and environmental conservation and a means of restoring investor confidence in the continent (Draper and Wels 2002; Hanks 2003). TBPAs, it is argued, enable economies of scale to be exploited; they allow for regional marketing and provide an opportunity for the private sector (and donors) to benefit from a politically correct 'green image' by investing in nature related activities (van der Linde et al. 2001).

Peter Brosius (2003) has drawn attention to a further way in which ecoregional planning and neoliberal economics discursively intersect. With massive funds necessary for large-scale ecoregional planning initiatives large conservation organisations are becoming increasingly business-like – developing funding strategies in conjunction with multilateral development banks and building corporate linkages. These funding structures as well as the managerial tools of these large-scale and top-down initiatives inevitably privilege 'big conservation' (transnational conservation organisations) at the expense of grassroots or even national conservation organisations.

Thus the private sector and international finance institutions have found common cause with global environmental organisations, with donor-recipient governments forced to 'follow the stream' (Magome and Murombedzi 2003). This new neoliberal melding of conservation and commercial goals throws up certain problems for TBPAs. Conservation and business obviously do not necessarily pull in the same direction and when they do it can be to the detriment of stakeholders other than investors, particularly local communities.

A key element of this trend is the rise of public-private and private-community partnerships and joint ventures in conservation and tourism. Indeed encouraging partnerships between government, the private sector and civil society in sustainable development and natural resource management was one of the major, and most controversial, themes of WSSD in 2002. This is part of the global switch to public private networks to provide goods and services that were once the preserve of state controlled public sectors. The extent to which government should form alliances with business in areas of general public interest and the intrusion of private sector values into these spheres are, of course, crucial governance questions (Graham et al. 2003).

A critical question for TBPAs is whether these new partnership arrangements prioritise investment or equity? Do they spread the benefits of new investments in and around protected areas, or do they simply constitute a licence for private sector territorial claims at the expense of communities' land and resources as commons are privatised? Critics of private-community partnerships in southern Africa, and especially Mozambique, have pointed to large areas of land given up to private investors to become resource extraction enclaves regardless of claims by

local people and existing uses (Jones and Chonguica 2001; Ashley and Wolmer 2003). Partnerships in this context are often choiceless ones characterised by power asymmetries. The private sector is almost always the stronger partner and initiator of joint-ventures, with communities often relegated to the role of landowner – in what are in reality little more than lease agreements – and employee, ceding representation to NGOs or community leaders in processes that are not always transparent. These ‘communities’ often lack the capacity to hold the private sector to account as governments have not provided adequate incentive, regulation or technical back-up for communities to act as genuine partners (Ashley and Wolmer 2003; Katarere et al. 2001; Magome and Murombedzi 2003).

Where government’s first priority is seeking private sector investment and there is not a great deal of competition between investors the private sector also often has considerable power vis-à-vis the state. The focus on investment and economic growth can overshadow conservation and livelihood priorities. This is evident where TBPAs are being integrated into regional economic integration initiatives such as South Africa’s Spatial Development Initiatives where government funds are used to leverage private sector investment to unlock economic potential in certain zones and spur growth (Wolmer 2003). Good governance in this context tends to mean less governance – with the state reduced to an ‘investment promotion agency’ (Soderbaum and Taylor 2001). TBPAs, despite their potential ecotourism and spin-off investment potential are thus vulnerable to competition from other, potentially more lucrative private sector interests including extractive industries such as mining (Duffy 2002).

Summary governance implications: imbalances of power: private sector at expense of national governments and local communities – business interests not conservation or community development prioritised.

4. TBPAs and National Sovereignty

Given that TBPAs are intrinsically political entities their establishment will clearly have implications for national sovereignty. Inevitably they have a potential impact on a state’s ability to make independent decisions regarding resources physically residing in their territory (Singh 2000). Most obviously states must cede a degree of control over those resources to their neighbouring states since their transboundary nature implies being managed jointly by two or more governments. However there are multiple powerful actors other than national authorities that are involved in the management of TBPAs – states and official bodies are operating in complex ways with NGOs and other elements of civic society and private enterprise at national, regional and international scales.

Much is made of the potential for TBPAs to operate as symbolic ‘Peace Parks’ which will foster good political relations and security through the encouragement of inter-state collaboration and cooperation around issues of common concern (e.g. Sandwith et al. 2001; Hanks 2003). In the African context the identification with nature above nation ties in with Pan-African visions of reuniting a continent artificially carved up by colonialism (Draper and Wels 2002; Ramutsindela 2002); healing the wounds of pre- and post-independence wars of destabilisation

(Koch 1998); and achieving the ‘cultural harmonisation’ of divided ethnic groups (i.e., re-establishing cultural integrity as well as ecological integrity).

However in the messy real world, this post-national symbolism runs up against divergent national interests and agendas. Indeed attempts to bind states into formal transboundary conservation agreements may be as likely to cause inter-state disputes as to assuage them. This is particularly true of situations where there are differences in the economic power of the partner nation states and their perceived ability to negotiate their interests. Asymmetries in the partner states’ incomes, degrees of park and infrastructural development, political stability and security and available financial resources; as well as diverging veterinary and immigration policies are all potential sources of difficulty (Katerere et al. 2001; Simon 2003; Wolmer 2003).

It seems wistful thinking that TBPAs are likely to be anything other than a very low priority for governments in actual conflict situations. It is worth remembering that protracted disorder can actually foster the interests of elite groups through the subversion of the interests and legitimacy of state (Chabal and Daloz 1999; Bayart et al. 1999). Such groups may resent and resist the exposure to prying eyes of zones of illegality (poaching etc) and more effective law enforcement that TBPAs would bring (Duffy 2002; and see Peluso 1993).

Similarly whilst the re-establishment of historical links where communities have been divided by political borders imposed by colonial powers is frequently promised, is it likely, feasible or desirable that governments will be willing to cede power or territory to ethnic groups spanning their borders?

Whilst states’ might be unwilling to give up too much power to neighbouring states TBPAs also involve ceding considerable authority and decision making power to a range of supra-national entities – such as bilateral and multilateral donors, international NGOs and multinational companies – and sub-national entities which often by-pass state authority structures. In particular powerful international conservation NGOs and consultancy companies or ‘facilitating agencies’ often exercise considerable power in collaborative management arrangements (Duffy 2002).

Summary governance implications: power ceded to stronger states and super and supra national entities.

5. Top-down or Bottom Up?

A final set of tensions inherent in the governance of TBPAs that I want to explore are those between top-down approaches that prioritise conservation and/or centralised power and bottom-up approaches prioritising local development. Are the voices of the poor heard in ecoregional planning processes?

Despite the recent critique of integrated conservation and development programme it remains politically unfeasible to ditch the rhetoric of community participation in TBPAs in developing countries. This rhetoric is essential for the political legitimacy of protected areas in poor

countries and for fundraising from donors concerned principally with development issues. But what is this rhetoric and what does it add up to in practice?

TBPAs are described as a means for the socio-economic uplift and empowerment of previously marginalised communities who are able to derive benefits from and participate in their management as key sub-state entities (see Miller 1996 etc). However, in practice the familiar refrain from case studies of TBPA processes is one of communities being 'consulted' if they are lucky about plans already made at higher levels, and rarely being present on decision-making fora. Given the formal bilateral nature of most TBPA agreements they are by definition top-down. Massive power asymmetries and structural conditions work against development of appropriate institutions for local conservation by local actors themselves (Neumann 1997; Zerner 2000; Duffy 2002; Brosius and Russell 2003; Wolmer 2003; RRP 2002). This is all a long way from the bioregionalist idea of devolved homelands.

One crucial dilemma inherent in pitching TBPAs as vehicles for rural development is that the revenues and job opportunities they provide for local communities are often dwarfed by the opportunity costs of livelihood strategies forgone. As Zimbabwe's experience of CAMPFIRE shows it is notoriously difficult to generate substantial revenues from wildlife for local communities – even with safari hunting (Bond 2001). With ecotourism initiatives there is a particularly high 'leakage' of revenue away from local communities to national and international elites and tourism is a notoriously fickle commodity as Zimbabwe's recent experience also shows. A further dilemma is that community development programmes in and around TBPAs may lead to the very infrastructure that ecotourists in search of wilderness and primitivity are seeking to avoid (Gordon 1992; Neumann 1997; Draper and Wels 2002; Wolmer forthcoming).

TBPAs are clearly damaging to livelihoods when the expansion of protected areas requires evictions, but less obviously they threaten transboundary livelihood strategies such as transhumant pastoralism and labour migration. Many transboundary livelihood strategies are illicit ones such as smuggling, trafficking and illegal labour migration. Border regions in this regard tend to be areas of fluidity and illegality: their physical remoteness from the centres of power, less developed nature and sparse populations often mean they escape the exercise of state power to a certain extent. Establishing TBPAs in these contexts has clear governance implications. It means bringing state authority and infrastructure to these marginal areas. States establishing TBPAs along their borders are being given tools that may extend their control and law enforcement over these areas and enhance their power over communities rather than empowering them (Singh 2000; Duffy 2002; Brosius and Russell 2003; cf. Scott 1998; Schroeder 1999). The paradox is that just as TBPAs are allowing freedom of movement of tourists and wildlife across borders, long-established cross-border livelihood activities are being policed and constrained (Wolmer 2003). Whilst transfrontier connections and big bioregions are being espoused local populations are often being fixed into small static villages (Hughes 2002).

The use of conservation as an excuse for territorial control has uncomfortable echoes of the coercive establishment of protected areas for many communities. The history of protected areas in much of the world is one of alienation of ancestral land; and criminalisation of livelihoods via

attacks on ‘poaching’ and ‘squatting’ (MacKenzie 1988; Adams and McShane 1992). Consultation or participation will not change many rural peoples’ suspicions of TBPA unless it attends to these broader social and political legacies (Wilshusen et al. 2002). Indeed plans for local participation and benefit sharing of ecotourism revenues are not the same as the frequent demands from local communities for power to control, use and access environmental resources (Neumann 1997; Duffy 2002).

However, as the South African experience of land restitution in national parks has shown, where communities have been granted sovereign power to control the use of their ancestral land within protected areas there is considerably more potential for them to find a voice in TBPA processes. Having explicit and secure land rights gives local communities opportunities to outsource their own ecotourism and safari concessions and gives them bargaining power vis-à-vis the state and private sector (Magome and Murombedzi 2003; Wolmer et al. 2003). Where communities have secure land tenure within TBPA it will increasingly make sense to negotiate a degree of multiple land use incorporating the collection of natural resources.

Summary governance implications: TBPA more likely to increase centralised state power and constrain livelihoods than amplify communities’ voice in management and boost their socioeconomic opportunities. But some opportunities for communities exist.

6. Conclusions and Lessons

TBPAs are new governance entities defined by quasi-ecological criteria which are being superimposed on pre-existing administrative authorities. They tend to be driven by international conservation organisations and principally serve the economic and political interests of entrenched and emerging national, regional and international elites (Simon 2003). In contrast to the opening of science to plural perspectives, with the emergence of deliberative, inclusionary approaches to decision-making in the fields of health and biotechnology for example, there is a danger that ecoregional planning implemented in a top-down, technocratic manner by remote experts will lead to an erosion of the limited gains of participatory planning in protected area management of the last twenty years.

What lessons can be learnt from this rather sceptical overview of some of the tensions inherent in TBPA governance? The first is that we cannot wish away the political dynamics of TBPA but need to get to grips with them. Ignoring power and politics in institutional design will eventually result in sure failure and capture of the process by those with power and resources. Despite the adoption of ‘good governance’ as part of the international consensus and World Bank orthodoxy on development much of the literature on governance – particularly in developing country contexts – is surprisingly naïve about politics. It assumes – or asks for as if they can be delivered swiftly and unproblematically – free and fair elections, confidence and capacity for exercising voice at local level and so forth, i.e. a model of responsive governance and service delivery with strong links to accountability, representation and democratic empowerment. This is the fantasy underlying much of the rhetoric about decentralisation in Africa, for example, which bears little resemblance to reality of bitter power struggles, gatekeepers and elite capture (Scoones and Wolmer 2003). It assumes governments serve the

common good of their citizens and ignores the possibility that conservation might be used as excuse for territorial control or elite accumulation (Wilshusen et al. 2002).

Secondly if we are serious about empowering local communities as stakeholders in TBPA processes secure access to land and resources is the *sine qua non*. Allowing communities to retain or regain utilisation and ownership rights over land and access to natural resources should not be regarded as a dangerous precedent for conservation but as an essential prerequisite for its success. Strengthening tenure rights means more legal, economic, political power for communities and greater negotiating strength in their dealings with the private sector: they have more control over the type of development and nature of partnership (Katerere et al. 2001; Ashley and Wolmer 2003; Magome and Murombedzi 2003).

Thirdly, where possible, the government should use its power on behalf of the weaker party in negotiating community-private partnerships around TBPAs and provide greater incentives for the private sector to be 'pro-poor'. For example by incorporating community involvement and equity criteria in the selection of bids for ecotourism concessions on state land (Ashley and Wolmer 2003).

Fourthly, there are no programmatic blueprints for TBPAs. Each needs to be planned, implemented, evaluated and adapted around specific circumstances of each situation (van der Linde et al. 2001). Problems – such as trade-offs between human development needs and nature protection – should be addressed in context and arrangements for decision-making and power-sharing locally negotiated and re-negotiated via open dialogue with recognition of the inherent power asymmetries. Formal agreements and protocols tend to derive from top-down, non-inclusive processes and are not necessarily sensitive to local strategies and institutional arrangements for transboundary resource management. There needs to be recognition that informal arrangements for transboundary natural resource management like transhumance are often more effective than formal TBPAs and an appreciation that facilitating cross-border livelihood strategies is as important as encouraging movement of wildlife and tourists.

Fifthly, given the potential extreme sensitivities at local, national, regional and international scales raised by TBPAs there is a need to proceed slowly and cautiously, avoiding political grandstanding and media-hype. Lessons can be learnt from the PR-conscious release of elephants into the Mozambican portion of the Great Limpopo Park to coincide with a benefactor's birthday and the African Union Summit despite lack of advance planning and community awareness (Katerere et al. 2001; *Mail and Guardian* 26/4/2002; RRP 2002).

Finally we would perhaps do well to revisit some of the ideals of the bioregionalist movement abandoned with the rise of practice of ecoregional planning and adopt full participation, self-representation, and self-determination as core principles of future TBPA endeavours (Brechin et al 2002; Miller 1996).

Notes

¹ Governance, in this context, refers not just to agreements and protocols or formal structures and processes of government – but to the exercise of power in practice, from the global to local scales. Who has decision-making

power in TBPA's? How is it exercised? What are the arrangements for power sharing? How are decision-makers held accountable? With what implications?

² The diverse grab-bag of objectives of TBPA's ranging from regional ecological integrity to increased economic opportunities to community empowerment to fostering peace have been well rehearsed (see, for example, van der Linde 2001).

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