

## **Just conservation? On the fairness of sharing benefits**

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### **[a]Introduction**

Biodiversity conservation has become a global priority due to the unprecedented rate of species extinction, the associated threat to ecosystem services, and the potential consequences for the welfare of current and future people. Addressing this priority has often involved the production of injustices because the costs of conservation typically fall on a small constituency of current local people, whilst the benefits accrue to a large global constituency of both current and future people. An ecosystem services perspective contributes to a particular way of understanding such unfairness, by guiding us to look at the range and value of benefits that flow from ecosystem functions, and providing a conceptual basis for fairer sharing of these benefits as well as their associated responsibilities. The sharing of benefits from protected areas is intended to reconcile the tension between the imperative to secure goods for the many and that to protect the entitlements of the few. Benefit sharing can help to ensure that conservation interventions such as compulsory restrictions on resource harvesting, are accompanied by safeguards that seek to compensate for the inevitable livelihood disruptions to some local people. This chapter asks whether systems to distribute the costs and benefits of protected areas in the tropics provide an effective means of reconciling biodiversity conservation with social justice objectives. We focus here on the example of tourist revenue sharing schemes, a fairly common form of benefit sharing in which local people are compensated for the costs arising from loss of access and the menace of wild

animals, or stated more positively, are rewarded for their role in sustaining the landscape and biodiversity services that form the tourism attraction.

In the early part of this chapter, we lay the groundwork for using a justice lens for analysing conservation benefit sharing. We discuss the most relevant justice issues for research on ecosystem services and biodiversity conservation and adopt a classification that distinguishes between matters of distribution, procedure and recognition. We then link this classification to what we consider to be the fundamental needs that people have in order to live a good life, in particular linking distributive justice to the delivery of material needs and recognition with delivery of social needs. This provides us with an analytical framework that guides the two substantive parts of the chapter's argument. First, using a case study of the Bwindi Impenetrable National Park in Uganda, we ask whether benefit sharing schemes are successful on their own terms – i.e. do they actually succeed in distributing costs and benefits in the intended (fair) ways, or do they reproduce or exacerbate existing inequalities? Secondly, we consider the justness of revenue sharing approaches from the perspective of a broader conception of justice, as the meeting of a set of both material and social needs that underpin equality of opportunity. Under this broader justice analysis, we open up the possibility that even 'successful' benefit sharing might not necessarily serve social justice where it successfully provides for material needs whilst reducing opportunities to meet other social needs. In doing so, we consider whether benefit sharing approaches to conservation justice focus too much on one dimension of justice – distribution of monetary value – at the expense of social dimensions needed to pursue ways of life that are deemed worth living. We find that benefit sharing approaches can serve distributional justice but can also reinforce dominant ways of thinking about conservation problems that can themselves produce injustices. We conclude that benefit sharing approaches tend to reflect a depoliticised

approach to thinking about conservation and that this cannot bring about environmental justice because this is inseparable from political engagement.

### **[a]Justice, ecosystem services and biodiversity conservation**

The rise in popularity of an ecosystem services approach to thinking about biodiversity has at least three important and related justice connections. First, biodiversity is framed both as an ecosystem good/service as well as being foundational to the production and resilience of other ecosystem functions that support the wider set of goods and services (see e.g. Mace et al, 2011). Thus the conservation of biodiversity is increasingly viewed as linked to the provision of a range of co-benefits such as water regulation, climate change mitigation and adaptive capacity through ‘ecosystem-based adaptation’ (e.g. Secretariat of the CBD 2009). This linking of biodiversity conservation to a range of benefits has underscored the progressively dominant way of presenting protected areas as ‘win-win’ solutions that can meet both conservation and development goals. For example, there is currently discussion about extending the boundary of Rwanda’s Volcanoes National Park by creating a one kilometre wide buffer zone from existing farmland. If agreed by parliament, this will help to protect the habitat of mountain gorillas but will inevitably place livelihood constraints on local farmers. Rightly or wrongly, this is still presented as a potential ‘win-win’ for conservation and livelihoods because, for example, it may reduce local vulnerability to flooding.

Secondly, an ecosystem services analysis lays out more clearly than before the multiple constituencies of interest across scales, from the local people valuing harvested provisions such as traditional medicines to distant and even future people with interests in climate change mitigation. An ecosystem service perspective therefore plays some role in framing the relevant justice community, extending rights and responsibilities across space and time.

Thirdly, an ecosystem services perspective promotes a very particular way of framing the link between wild nature and human welfare, based on a set of compartmentalised commodities that are typically amenable to monetary valuation. As with any other dominant discourses or framing, this has the capacity to produce injustice where it serves to suppress alternative ways of thinking and thereby contracts the opportunities for some people to live the kind of lives they find satisfying. At the same time, such a discourse might even close down the range of issues considered relevant to a justice analysis: where the benefits from nature are framed as tradable commodities, conflicting interests are then framed as conflicts of *economic* interest, and solutions framed in terms of economic instruments that can convert trade-offs into win-win situations. The point here is simply that an ecosystem services framing of biodiversity conservation is connected to justice concerns about distribution of material costs and benefits and about recognition of different ways of thinking about and living with nature.

The expansion of the global network of protected areas has been an important and in many ways successful component of the struggle to slow down rates of biodiversity loss and maintain habitats. However, the allocation of lands and seas for biodiversity conservation can create losers, especially among indigenous and local communities who become excluded from materially and culturally significant territories and resources. This basic tension is at the heart of concerns about conservation justice and is made all the more fraught by two

geographical contexts. First, areas of high biodiversity value, including those identified as ‘hotspots’ tend to be located in economically poorer countries of the world (Figure 4.1) and furthermore, tend to be bordered by some of the poorest within those countries (Brandon and Wells 2009). Secondly, areas of high biodiversity are also often contiguous with areas of high cultural and linguistic diversity (Figure 4.2) reflecting the presence of indigenous peoples.

**Figure 4.1** *Poverty and biodiversity overlap* (Source: Hugo Ahlenias, UNEP/GRID – Arendal, [www.grida.no/graphicslib/](http://www.grida.no/graphicslib/))

**Figure 4.2** *Cultural and biological diversity, plant and language distribution* (Source: Stepp et al, 2004) **\*\*CURRENTLY MISSING\*\***

Claims about conservation justices and injustices are often formed amidst this highly sensitive context of economic and cultural marginalisation and vulnerability. Whilst a spectrum of claims abound, it is helpful for this chapter to think of two basic types of claims to injustice. Firstly, conservation is thought to create injustices by rendering the poor relatively worse off, by suffering proportionally higher costs for nature conservation and/or enjoying less of the benefits. The more general accusation that ‘parks make people poor’ is not well grounded because whilst there is evidence that people living in and around parks are poor compared to national averages, there is no evidence that they are worse off because of the parks (Brandon and Wells, 2009; Ferraro et al, 2011). However, the finer grained concern that ‘parks make the poorest poorer’ is clearly borne out in a multitude of (though by no means all) cases, especially where there is displacement of homes and livelihoods

(Brockington et al, 2006). Secondly, conservation is said to produce injustices due to failure to attune to, respect and protect cultural diversity and local autonomy. The justice implication is that dominant knowledge systems and values are imposed in ways that unfairly reduce some (minority) people's opportunities to live and reproduce the kind of lives that are valued within their culture.

These two types of injustice fit with the different dimensions of justice identified in the environmental justice literature: justice as distribution, recognition and procedure (Schlosberg, 2004; Walker, 2012; Sikor on REDD+ this volume). In our analysis of the justice of conservation benefit sharing schemes, we consider distributional and recognitional issues in turn, treating procedural matters as cross-cutting and instrumental to those two classes of justice outcome. We would of course expect that benefit sharing is more attuned to dealing with distributional inequities than with matters of recognition and our concern with the latter is not therefore whether it is addressed by benefit sharing arrangements, but with whether recognition injustices become amplified or entrenched as a result of this approach to managing distributional inequities. Such a claim has begun to appear in the literature, albeit sometimes implicitly (de Jonge, 2011; Whiteman, 2009; Martin et al, forthcoming).

It is not quite so clear whether our two-fold classification of justice concerns fits with the priorities of global conservation practitioners, a selection of which are summarised in Figure 3. Perhaps the clearest message here is that all have opted for a rights-based approach to justice, which references national legislations as well as international rights frameworks such as the UN Declaration on the Rights of Indigenous People. As will become more apparent below, we opt to analyse justice from a perspective of needs rather than rights. We don't put this down to any particular philosophical difference but rather to the view that the distinction



The emphasis of rights over needs might however influence views of how just ends are to be brought about. Rights-based approaches do seem to steer one towards emphasis on procedural matters (e.g. legal procedures) whereas needs-based approaches are arguably more likely to steer one towards emphasis on distribution. The second thing to note from Figure 3 then is that international conservation stakeholder often emphasise recognition (especially indigenous cultures) and procedure (mainly participation). In contrast, statements about distribution are often lacking in these documents, notably so among the big international conservation NGOs and their umbrella institutions.

*[b]By what standards or principles can we undertake a justice analysis?*

Before proceeding to our discussion of the justices and injustices of benefit sharing, we summarise the framework that we will use for this analysis. This is shown in Figure 4.3, which is organised around the proposal that environmental justice dimensions (distribution, procedure, recognition) are closely associated with the overarching concern of social justice to provide the conditions necessary for individual wellbeing. The *distribution* of environmental goods and bads contributes primarily to the material conditions such as good health, whilst cultural *recognition* contributes to the basic social conditions that underscore liberty and choice. As Gillian Brock (2009) argues, both material wellbeing and freedom are basic requirements for human agency that enable people ‘to do and to be’ what they value as richly human. We position participation and agency in central, cross-cutting roles, both as determinant, product and link between the two more distinct, material and social, dimensions



of environmental justice and social need. Just as Brock highlights that agency is a product of social need provision, so too it is a determinant of meeting material needs. Figure 4.3 acknowledges the parallel with environmental justice dimensions, whereby participation can be a product of having ones culture or knowledge system recognised which in turn is a determinant of distributional outcomes.

**Figure 4.3** *Environmental Justice and Human Needs*

But how can we be guided in practice about whether a decision or outcome is a good one? In his *Theory of Justice* John Rawls (1971) proposed a ‘thought experiment’ to consider further what justice might mean in practice. In relation to the subject matter at hand, this would involve imagining that we were part of a team considering what constitutes fair distribution of conservation costs and benefits, with the all-important condition that we make decision from behind a ‘veil of ignorance’ – we do not know what position we will subsequently hold in the world. A participant might turn out to be director of WWF International, or an indigenous person required to relocate from her tribal territory to make way for a new conservation corridor. Indeed, all arbitrary characteristics such as religion, sex, ethnicity are unknown, and we would add nationality although Rawls did not himself extend this experiment to the international scale.

What kind of distribution would we choose under such conditions of impartiality? To be sure, we would not tolerate discrimination against the economically or socially vulnerable as we would not personally wish to risk being the victim of such an outcome. But as subsequent

scholars such as Amartya Sen (2009) have objected, it is easier to agree on unjust outcomes than to agree on just ones, partly as there may be more than one rationally defensible just outcome. For example, just distribution of conservation ‘goods’ might be argued to involve a) equal benefits, b) equal opportunity to benefit, c) unequal benefits in favour of the poorest, d) unequal benefits in favour of those whose costs or efforts are greater, and so on, and not forgetting that we might also need to agree what constitutes a good in the first place.

Thankfully our purpose in this chapter is not to conclude 2500 years of philosophising about the nature of the good. It will suffice here to go a bit further in translating Rawls’s thinking to our selected dimensions of justice and to illustrate how this might operate in the context of conservation. In our context, the distribution dimension is about conservation benefits flowing to the economically poor, relative to others. Using Rawls’ ‘difference principle’ to illustrate how we might think about this, we might say that *distribution need not be equal but any inequalities should favour the poor*. Or we could opt for a slightly weaker reading that the poor should be benefiting in broadly proportional ways. For the recognition dimensions we can say that *the socially marginalised should have similar opportunities to others to act freely in accordance with what is valued within their own culture*.

*[b]Should conservation justice be a global concern?*

We might still wonder whether these are really justice matters for the global community of conservation stakeholders, or matters of State. Should our ‘global’ interest in the justness of conservation be restricted to ensuring that states are assured the ‘sovereignty’ needed to manage environmental resources autonomously? We propose that these are indeed matters of responsibility for a global community of justice, for two basic reasons.

Firstly, the problem of biodiversity loss is a global problem, including its historical and current drivers, its implications for human welfare and the scope of its proposed solutions and institutions, the distribution of biological diversity itself, the interdependencies that this entails, the asymmetries in benefits and costs arising from exploitation and protection, and the prevailing patterns of power that surround this. These global connections require global duties and responsibilities. Secondly, having accepted such connections, we then tend to accept a 'cosmopolitan' position on the scope of responsibility for justice. Thomas Pogge (1992, p89) summarises the cosmopolitan stance according to three elements:

First, individualism: the ultimate units of concern are human beings, or persons – rather than, say, family lines, tribes, ethnic, cultural, or religious communities, nations or states. The latter may be units of concern only indirectly, in virtue of their individual members or citizens. Second, universality: the status of ultimate concern attaches to every living human being equally – not merely to some sub-set, such as men, aristocrats, Aryans, whites or Muslims. Third, generality: this special status has global force. Persons are ultimate units of concern for everyone – not only for their compatriots, fellow religionists, or such like.

### **[a]Sharing wildlife fairly?**

It is common for protected area management to involve some form of intervention to distribute environmental costs and benefits. This sometimes involves compensation, for example for the loss of territory or access, or for damage inflicted by wild animals. Other

times, compensation schemes are considered inappropriate due to concerns about high transaction costs or about the erosion of motive to prevent wild animal damage. Revenue sharing and other forms of benefit distribution are therefore more commonplace than compensation, especially where protected areas generate substantial income from nature tourism including recreational hunting. Such interventions are often designed with instrumental motives foremost, namely that they will assist park managers to achieve their conservation objectives. But they are also clearly justice-oriented, in the sense that managers believe that local communities will better support parks where costs and benefits are seen to be more fairly shared.

Whilst cost and benefit sharing clearly has the potential to support more just conservation, we consider some of its limitations, beginning in this section with an examination of its contribution to distributive justice and material needs, and in the following section, exploring the links to recognition and social needs. A number of authors have concluded that benefit sharing schemes only rarely deliver substantial net benefits to local communities because the benefits are insufficient to offset the costs of protecting wildlife including loss of access, crop and livestock loss and risk of physical harm (Emerton, 2001; Hulme and Murphree, 2001; Igoe and Croucher, 2007). Furthermore, such benefits themselves come at a cost to household time commitments where they are contingent on taking on new responsibilities such as monitoring. Where benefits are low relative to costs, this is often considered to exacerbate existing inequalities in both wealth and power. Local elite gain most and lose least from such arrangements, because they are better positioned to access benefits and less dependent on resources for which access is restricted (Archabald and Naughton-Treves, 2001; Sommerville et al, 2010; Fletcher, 2012). This outcome underpins a worrying phenomenon whereby what is good for the elite who influence decision-making is less desirable for the many who do not,

and worst of all for the few who are most vulnerable to any change in access to natural resources. What may appear as consent at community level may in fact mask a degree of coercion at household level (Sommerville et al, 2010). Such inequitable outcomes of benefit ‘distribution’ are obviously influenced by asymmetries of power and in that sense distributional outcomes are influenced by decision-making procedures. Harper (2002) notes a strong correlation between distribution of benefits and participation in park planning processes.

### *[b]Benefit sharing in the Bwindi Impenetrable National Park*

Bwindi Impenetrable National Park (BINP) covers 330km<sup>2</sup> of montane rainforest in southwest Uganda, at an altitude of 1500 to 2250 metres. It is very rich in species diversity and in endemics and conservation has also been given the highest priority because it is home to nearly half of the remaining population of mountain gorilla, *Gorilla berengei berengei*, the remainder being in the nearby Virunga volcanoes landscape. The Bwindi forest was designated as a forest reserve in 1932, and as an animal sanctuary in 1964. It suffered heavy degradation during Uganda’s war-torn decades of the 1970s and 1980s, with some resettlement within the sanctuary and loss of species such as buffalo and leopard. Pressure mounted to upgrade its status to a National Park which eventually happened in 1991, followed by designation as a World Heritage Site in 1994.

The past 20 years have not been easy for many local people. Around 2400 of those who had re-entered the park during the troubles faced eviction without compensation in 1992

(Blomley, 2003). The Batwa people (pygmies) who first settled this region may never have been wholly dependent on forest resources (Cunningham, 1996) but certainly developed a forest-based culture and livelihood. They are reported to have all been evicted in the early 1960s but in our own discussions we hear consistent stories of evictions at around the same time as Park designation, with families tricked into ‘voluntarily’ leaving the forest, lured by promises of alternative land that never materialised. More generally, the people living around Bwindi faced a rising resource crunch. Access to the park was all but erased, the once considerable forest remaining outside its boundaries had by now virtually disappeared, and since the early 1980s wetlands had been drained for agriculture amidst rising population pressures. This represented something of a triple whammy for any who relied at all on common property resources, of which hardly anything remained.

Park designation in 1991 was marked by deliberate setting of fires (Hamilton et al, 2000) and increased violence towards park staff that was often sanctioned by local leaders (Baker et al, 2012). Concerns about the conflict with local people, together with strong global advocacy for gorilla conservation, led to a substantial response (Hamilton et al, 2000). First, gorilla tourism started in 1993 and a revenue sharing system was initiated in 1994 to provide benefits to parishes that border the park. Second, Multiple Use Zones were also established in 1994, now covering 20% of the park, and benefiting those park-adjacent parishes that are not host to gorilla tourism. Third, a trust fund was established in 1996 with \$4 million of Global Environment Facility money to provide benefits to those in a two parish wide band around the park (this is now called the Bwindi and Mgahinga Conservation Trust).

One reason for choosing BINP as our case study is that it is one of the most studied parks in Africa, attracting numerous researchers interested in this array of what are collectively known as integrated conservation and development projects (ICDPs). Before summarising some of this research, it is worth noting that two distinct camps emerge. The first camp tends to employ household surveys and other more quantitative methods to investigate the scale and distribution of benefits, as well as the inferred impacts on conservation conflict. The second camp is more qualitative using smaller samples of interviews and placing greater emphasis on understanding the experiences of individuals. The first camp identifies many problems with benefit sharing interventions but tends towards more positive findings, especially in terms of the impact of ICDPs on conflict reduction (Blomley, 2003; Blomley et al, 2010; Sandbrook, 2010; Baker et al, 2012; MacKenzie, 2012). By contrast, the more qualitative camp is largely critical of these efforts, for being too little, for being poorly distributed, for not alleviating conflict, and for what we are classifying in this chapter as failures of recognition (Namara, 2006; Laudati, 2010; Tumusiime and Svarstad, 2011; Tumusiime and Vedeld, 2012). In practice, these different researchers are interacting with the same communities about similar topics and we speculate that contrasting conclusions reflect one of the most fundamental divides in justice thinking, that between the rights of the individual and the aggregate good. In simplest form, we might characterise it as a debate over whether an intervention can be a force for good where it benefits many but fails to target the most marginalised, or where it has broadly good distributional outcomes, but achieved through means that are not conducive to recognition. In this dichotomy within existing research we thus see how researchers have been inadvertently grappling with justice issues and, at the same time, how a more overt justice analysis might add something new, despite considerable existing work.

The first question we might ask of the fairness of benefit sharing is whether it is enough. Is it enough to offset costs? Is it a sufficient proportion of total revenue? Or is it sufficient to bring about stated conservation objectives? The tourism revenue sharing scheme launched in 1994 provided 12% of total revenue which included the lucrative gorilla trekking permits (now costing \$500 each). In 1996 this was greatly reduced to 20% of the now \$30 park entrance fee, to enable harmonised national policy. Partly in response to concerns about such a reduction, a 'gorilla levy' was introduced in 2006, with \$5 per permit (i.e. 1%) going to an additional revenue sharing fund. This has translated into average annual revenue sharing of \$13,000 1996-2009 (Tumusiime and Vedeld, 2012) among what we roughly estimate to be 200,000 people living in parishes bordering the park (estimate drawing on Cunningham, 1996; Hamilton et al, 2000). Even given that this is set to more than double with the onset of the Gorilla Levy, this is vanishingly little. Furthermore, there is a question mark about whether this money is really additional or whether it displaces state spending on social welfare.

One concern is over the proportion of benefits that accrue locally. An ecosystem services perspective counts tourism as only one benefit among many. Casting this wider net, Bush and Mwesigwa (2007) value the ecosystem services flowing from BINP and find that 36% of value accrues at the global level, 60% nationally, and just 4% at the local level. Sandbrook (2010) looks at total revenue from tourism, studying six villages around the main gorilla tourism centre. He finds that 76% of total revenue is lost through 'leakage' away from the local area but that the retained \$365,951 in his study area outweighs all other sources of non-farm income by more than four times. Even allowing for limitations in the data, he concludes that tourism yields significant economic benefits in the local area. By contrast, Bush and Mwesigwa (2007) attempt a household level cost-benefit analysis of the impacts of living close to BINP. Using estimates of the costs of crop-raiding by park animals, they find that



total benefits from the park are outweighed by costs, with greatest net annual losses for the poorest. They also find no significant difference between mean household incomes in villages with and without tourism industry.

From a justice perspective, a key issue here is the degree to which the tourism industry bears the responsibility for any harm caused to local people. Whilst such harm is hard to evaluate, it seems almost certain that managing the park for tourism leads to specific costs associated with both the numbers and behaviour of wild animals. In particular, the habituation of mountain gorillas to human presence has led to some groups spending more time outside of the park boundary, feeding from private agricultural land. Efforts to reduce this impact, by organising villagers to chase the gorillas, and through purchase of affected lands to extend the park, have either had limited success or have produce new claims of injustices, including concerns that land sales were coerced (Namara, 2006). Further issues arise from the distribution of tourism income between local and non-local stakeholders, the degree of fit between those receiving benefits and those who suffer the costs, and that the net costs of conservation and tourism might be greatest for those who are already poor.

In practical terms, it is not at all clear how best to remedy this situation. On the one hand, a problem arises because costs are experienced at household level (eviction, crop-raiding) whereas benefits are distributed at communal level (Igoe and Croucher, 2007). Revenue sharing has largely funded parish level projects such as improvements to schools, health clinics and roads. On the other hand, it is precisely such public good projects that are found to best distribute benefits across wealth groups in BINP (Blomley et al, 2010; Sandbrook and Adams, 2012). Household/individual level benefits, such as gaining employment in the

tourism industry are mainly secured by those who already have the assets and connections to access them. Even when specifically targeting the poor, such as the increasing use of revenue sharing to distribute goats, this still occurs through forms of nepotism and clientelism that tend to favour the more powerful and well connected.

A final point to make about the distribution of benefits is that procedures for decision making appear to matter. According to survey evidence (Blomley et al, 2010), the most equitable distribution of benefits occurs for revenue sharing funded community projects. These projects are proposed through Community Protected Area Institutions that provide formal institutional linkage between parish and park level decision-making bodies. The least equitably distributed benefits are the more direct benefits from tourism which are largely unregulated and the access rights arising from Multiple Use Zones (MUZs), both of which favour the relatively more wealthy (Blomley et al, 2010). Those decision that are often deemed least fair, including the range of plant materials deemed eligible for MUZ harvesting, and the proportion of tourism revenue to be shared, remain very much the domain of the Uganda Wildlife Authority who resist decentralisation of this level of authority.

Trying to bring together what is known, we suggest that tourism benefit sharing can and probably should play a role in re-distributing costs and benefits of conservation in a location such as BINP. This requires careful attention to the nature of costs and the social barriers to accessing benefits. The poor do not necessarily bear greater costs than the less poor. Indeed, contrary to prevailing narratives that the poor are mostly responsible for illicit activities in the park, it is often the more powerful who benefit most. In Bwindi, this is evidenced by the fact that the violent conflicts that followed park gazettement in 1991 were largely sanctioned by

local chiefs seeking to defend their interests in organised, commercial forms of illicit exploitation (Baker et al, 2012). Nevertheless, the costs of forest protection may well still hit harder on poorer people, as for example, costs from crop-raiding might be harder to cope with. At the same time it is also much harder for the poor, including the Batwa, to access benefits such as tourism employment.

Drawing on our pro-poor justice proposition, we would have to conclude that there is considerable scope to improve the justice outcomes around Bwindi. There are clear injustices from the past that have never been addressed. There are also clear losers from the current management arrangement, including those who have suffered as a result of changing gorilla behaviour and/or higher wildlife populations, but who have not been able to access those benefits on offer such as employment or revenue sharing. Furthermore, there is considerable income generation from tourism, and high levels of services flowing nationally and internationally that provide actual and potential opportunities to reward local people. Most would probably agree that revenue sharing 20% of gate fee, plus the additional 1% of gorilla permits, is inadequate, especially where it fails to reach those whose desert is greatest due to historical or present circumstances – the Batwa households living in poverty having been helped with housing but not with land or employment, those who suffer specifically from tourism related problems such as habituated gorillas, and perhaps the poorest more generally. If benefit sharing is to contain specific safety nets for ‘losers’ there is probably a need to first be more open about the links between conservation and development. Simply put, we might be more honest about gorilla conservation being a global priority and that local people will continue to be the ones to accommodate this. To wrap this up in a win-win rhetoric is nonsensical. Perhaps a different language is needed to underpin benefit sharing, in which

conservation is seen to impose compromise on local people – and that the least they can expect is to be fully involved in negotiating those compromises.

### **[a]Is Benefit Sharing Just?**

So far, we have dealt mainly with the left hand side of Figure 4.3, with matters of distribution and material needs. The case of Bwindi Impenetrable National Park has shown us that sharing benefits fairly is not always an easy matter given asymmetries of power and competition for resources. Such findings help us to think about how we might better organise benefit sharing, in terms of justifying changes in the overall share, and promoting forms of safeguard to ensure that the poorest or most deserving gain as much as others. We now turn to the right hand side of Figure 4.3, to matters of recognition and social need. Following the work of Nancy Fraser (2001) we think about recognition in structural terms – as the societal structures that produce injustices in the form of lack of respect, discrimination and domination across social fault-lines such as gender, sexuality and ethnicity. This is familiar territory for environmental justice, for example because early works on the distribution of toxic waste did not only look at the distributional patterns, but for example at the perceived mechanisms of institutional racism that produced these. Put in these terms, it becomes clear that the ‘recognition’ dimension of environmental justice is intended to capture the fundamental causes of injustice and should take a prominent place in our analysis if we are to avoid treating the symptoms alone.

Is it realistic to expect conservation benefit sharing interventions to address the foundation of social discrimination? This is a reasonable question. What we can probably expect of

conservation interventions is that they do not actively reinforce the causes of mal-recognition. In light of that, we ask whether the act of confirming material distribution as the most salient concern serves to push concerns about social recognition off the agenda, in ways that ensure their continuation. Let's pose an example. At the Mgahinga Gorilla National Park, just 30 km from Bwindi, a 'Batwa Trail' was launched in 2011. This is a tourism attraction that involves Batwa guides taking tourists to see cultural sites, and to experience the re-enactment of traditional hunting and dancing. Whilst not strictly speaking a revenue sharing scheme, the marketing of this new tourism product is intended to enable the Batwa to share in the economic benefits of conservation and tourism – to get a fair share. This enterprise has been developed with good intentions and will likely succeed in its objectives to produce employment for people who state this as a key need. But we argue that an environmental justice perspective should at least question matters of recognition that are relevant to this case. For example, these Batwa communities are only allowed to enter the forest and visit their cultural sites when accompanying tourist parties. One might even suggest that visiting their cultural sites was made conditional on providing a tourism attraction, or taking this thought in a related direction, that they are only allowed a fair share of benefits from the park if they assimilate to the dominant framing of conservation. Were that so, our concern is that this would be a case in which good intentions to deliver a fairer share of material benefits actually goes hand in hand with a reinforcement of the processes that subjugate the Batwa.

There is an emerging literature that engages with this kind of concern in the context of biodiversity conservation. However, this is quite fragmented and much of it does not use the language of recognition, for example political ecology literature tends to employ language around coercion and discursive power (e.g. McAfee, 1999; Schroeder, 2008). We stick with the term recognition because of its direct association with environmental justice and the

useful way in which it is defined alongside and in distinction from distributive and procedural justice. However, we also think that it is helpful to introduce another concept that seems to encapsulate the particular form of recognition failure that all of these authors are observing when they write critically about benefit sharing arrangements. Whilst some talk of cognitive injustice (e.g. de Jonge, 2011), others of discursive power (e.g. McAfee, 1999), others a stripping of local control in the name of the global good (Laudati, 2010), we propose that all are at some level getting at the idea of the power exercised through ‘framing’. By this, we particularly refer to giving salience to particular ideas and ways of thinking, with the effect of reducing the salience of other ideas and ways of thinking. Thus, framing is the exercise of power over others through knowledge communication (Entman, 1992) and becomes an injustice where it involves domination of the less powerful by the more.

“To frame is to select some aspect of a perceived reality and make this more salient in a communicating text, in such a way as to promote a particular problem definition, causal interpretation, moral evaluation, and/or treatment recommendation” (Entman, 1992, p52).

We might characterise the following as components of a dominant framing of biodiversity conservation. First, the problem is ultimately rooted in beliefs about the incompatibility of humans and nature conservation in Africa. More specifically, it is about the need to remove people from biodiverse nature, and the difficulties of performing this perceived public good whilst not at the same time doing bad things to those who are excluded. The cause of this difficulty is seen as essentially economic – the way to ‘fairly’ restrict people’s access to protected areas is to offset their economic losses with some form of gain, whether it be aid, compensation, revenue sharing or payment for a service. Whilst an ecosystem services

framing does not necessarily lead to a focus on monetary valuation and to solutions based on financial transactions, this has become the mainstream framing and is indicated by the growth in popularity of market-based mechanisms such as payments for ecosystem services and revenue sharing. For many political ecologists this nexus between the ecosystem services concept, win-win narratives and market-based approaches should be understood as a product of the wider political economy and, in particular, the ‘neoliberal’ drive to extend markets across the globe and to enfold ever more peoples and commodities into circuits of capital accumulation (McAfee, 1999; Sullivan, 2006; Brockington and Duffy, 2010; Duffy and Moore, 2010; Peluso and Lund, 2011).

Whilst this sounds a bit alarming, our job here is not just to show that capitalism is having its way, but rather to ask how this is linked to justice and injustice. Our concern is that imposed conservation ‘framings’ associated with benefit sharing initiatives might pose specific threats to the social needs of some stakeholder groups. The dominant framing underpinning benefit sharing approaches is dualistic, casting nature and society in opposition to each other. This way of representing conservation in Africa has underpinned colonial and post-colonial histories of separation of people from parks, leading to loss of both material and cultural sources of wellbeing (Chapin, 2004; Brockington et al, 2006). Dahlberg et al (2010) go beyond a focus on narrow economic benefits to consider the broader ways in which people benefit from natural resources and the forms of access related to these. They identify South Africa as a case where benefit sharing is instigated *instead of* more fundamental negotiations over access – which is the real justice requirement. Rather than challenging the ideological commitment to separation of humans and nature that they see to be the mechanism that produces injustices, benefit sharing adds “new layers rather than exchanging an old perspective for a new one” (p220).

It is admittedly difficult to think outside of this dualistic framing. Readers might be aware of examples where the presence of human use helps to sustain biodiversity, such as some flower rich meadows that depend on grazing by domestic animals. But we should still be sceptical of any simple claims about the compatibility of resource use and conservation. However, compromises do exist. For example, India's 2006 Forest Rights Acts inverts assumptions about the incompatibility of people and biodiversity such that any new protected area can only exclude people after demonstrating that critical biodiversity will be endangered through human use. The key point here is that the framing is more open, making the question of human access a point for inclusive deliberation rather than an inalienable given.

At the same time as promoting the salience of separation, benefit sharing approaches are also held to promote the salience of financial forms of valuation above others. The Convention on Biological Diversity's benefit sharing policies frame biodiversity as a 'genetic resource' and in effect reduces local nature value to a form that enables its incorporation into global commodity circuits (McAfee, 1999; Duffy and Moore, 2010). This has the effect of excluding those other forms of value held locally that are tied to particular ways of living with nature that contribute to a culturally rich and proper life. In short it devalues those things that are part and parcel of what is necessary to meet the social needs of some groups of people. This is by no means a universal requirement. For example, in research in Rwanda we find very little interest in non-material, cultural values related to forest resources (Martin et al, forthcoming). But we have already referred to the huge cultural diversity associated with forested landscapes and there are many places where cultural values, and the requisite autonomy to exercise these, remain highly pertinent to justice (Schlosberg, 2007; Stronza, 2010).



Whilst an ecosystem services analysis does not necessarily invoke environmental valuation methods, it has a tendency to do so. This can have positive distributional justice implications because it renders visible those benefits that flow across space and time from local protected areas in the tropics, including carbon storage and water regulation. Given that distant beneficiaries tend to be economically better off than those local people allocated the role of protecting the underlying ecosystem functions, this can be pro-poor (Pagiola, 2005).

However, by defining different stakeholder interests in financial terms, solutions become all too simple and technocratic (De Motts and Hoon, 2012). It suggests that all that is needed to convert a ‘trade-off’ to win-win is some reshuffling of financial incentive systems – the ‘relentlessly positive rhetoric’ (Brockington and Duffy, 2010). Framing the problem in a particular way therefore determines what conflicts are rendered visible and what conflicts remain obscured. The injustice for many indigenous and local people is that it is the conflicts most close to their hearts – around rights and self-determination – that become obscured.

Third, this rather begs the question of why local people so often sign up to forms of local benefit sharing and why they seem to have a positive impact on conflict alleviation. Around Bwindi, for example, incidents of violent conflict are now rare (Baker et al, 2012). This really brings us to the heart of concerns about recognition because, for many, benefit sharing approaches have coercive features, even where communities sign up following protocols for prior informed consent. The apparently contradictory view that ‘voluntary’ participation can be ‘coercive’ is either argued in the context of poverty (it is hard for the cash-poor to decline economic benefits) or in the context of community level consultation (local elite dominate decisions). Laudati (2010, p786) concludes that tourism and benefit sharing in Bwindi

ultimately diminish local people's rights to self sufficiency, amounting to a 'trojan horse of initial promises and later loss of control' legitimised by narrative framings of the global public good. Both Namara (2006) and Ahebwa et al (2012) conclude that local residents are effectively forced to enter into agreement with the Uganda Wildlife Authority and international NGOs. Such observations are not restricted to Uganda, for example with Schroeder (2008) concluding that tourism revenue sharing in Tanzania is a form of economic coercion that is conducted with the ultimate aim of enhancing central government control over local communities. This is pushed by the state because it is seen as a way to reduce opposition to conservation management policies whilst at the same time ignoring more fundamental justice claims for self-determination.

The key point arising from this discussion is that justices and injustices are produced through mechanisms that include the discursive framing of biodiversity conservation as a problem. It is not therefore possible to address conservation injustices without engaging with politics, for example regarding whose knowledge and values count and how authority should be structured. Benefit sharing approaches might be considered politically neutral – meaning that they simply don't engage with cultural and environmental politics. On the other hand, they can be seen as more politically active – in the sense that they reinforce dominant framings and serve to deflect resistance to these. As is so often the case, the devil is in the detail and we should not seek to brand all benefit sharing schemes as serving coercive ambitions to deflect more significant struggles for conservation justice. However, even a caveat such as this should not dilute the more general conclusion that conservation justice cannot be served by benefit sharing approaches alone but only through a re-politicisation of biodiversity conservation (McAfee, 1999).

## **[a]Conclusions**

As things stand, there remains something of a division between policy and practice and between ways of addressing justice in biodiversity conservation. The policy documents of major conservation NGOs tend to make little or no commitment to distribution of costs and benefits, other than through more general acknowledgement of rights to e.g. economic development. There is considerably more attention paid to issues of procedure and recognition and in particular the rights of indigenous people to have their knowledge and cultures recognised, albeit within the confines of prior commitments to sovereignty. On the other hand, when we look at conservation in practice - especially in Africa which has been our main focus – we find more or less the opposite. The everyday concerns of state and NGO conservation actors working around parks such as BINP is to manage the economic costs and benefits of conservation in ways that improve attitudes and behaviour towards conservation. In Africa at least, it is much less common to see engagement with conservation justice at the level of the cultural politics and rights to self-determination.

In some ways, this might be seen as an opportunity: state and non-state actors are building the experience that will help to improve distribution systems and at the same time are building the commitment to better recognise the wider, social needs of indigenous and local people. Some analysts have tended to conclude that benefit sharing is incompatible with recognition because it reinforces framings that foreclose on alternative ways of thinking that are a necessary freedom for local communities. We can see this threat but at the same time do not

think this is a safe generalisation and would even go so far as to suggest that much benefit sharing is undertaken in good faith with some good, if wholly inadequate, outcomes. But we also find that such approaches cannot deliver conservation justice in any meaningful way because in many cases they fail to engage with the range of claims about injustice that local people make, and particularly the right to be free to make decisions that support their conceptions of a satisfying relationship with nature. We conclude then that conservation needs more politically-engaged alternatives to benefit-sharing, but can at the same time render benefit sharing fairer. These two efforts can be somewhat bridged through attention to participation and deliberative processes.

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