

# 1 Introduction

## Land rights, biodiversity conservation and justice—rethinking parks and people

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In all these matters I would suggest *a little more reverence for life*, a little less straitjacketing of the future, a little more allowance for the unexpected—and a little less wishful thinking.

(Hirschmann 1971, 338, authors' emphasis)

In the context of sustainable development, recent land debates tend to construct two porous camps. On the one side, norms of land justice and their advocates dictate that people's rights to tenure security are tantamount and even sometimes key to successful conservation practice. On the other hand, biodiversity conservation advocates, supported by global environmental organizations and states, remain committed to conservation strategies, steeped in genetics and biological sciences, working on behalf of a "global" mandate for biodiversity and climate change mitigation (Redford 2011; Sandbrook et al. 2012). While we see these positions with different priorities, they are also entangled and complex (Mollett 2016; Igoe 2011). In this book we seek to illuminate struggles for land and territory inside and in close proximity to protected areas, or "parks." Our use of the word "parks" reflects the myriad of protected area designs promoted by the International Union for Conservation of Nature and the different kinds of enclosures that exist beyond protected areas, such as carbon forests, payment for ecosystem programs, etc. Building on an array of insights from scholarship in political ecology, including green grabbing and land grabbing literatures, our interest lies in the kinds of power that are mobilized when biodiversity conservation practices meet, clash, and blend with the demands for land and access to and control of resources from people living in and close to "parks." The chapters in this edited collection maintain that, while biodiversity conservation is an important goal in a time where climate change is a real threat to human existence, we can no longer ignore the underlying power relations that displace people and that re-entrench severe social inequalities unfolding in the context, and in the name of biodiversity conservation. We write with Hirschmann's urging in mind and with "a little more reverence for life" (Hirschmann 1971, 338).

In this volume we acknowledge the role of global capitalism in the marginalization of people affected by biodiversity enclosures. However, our goal is to

make visible other kinds of power that become mechanisms of land dispossession. We are particularly interested in how *difference* shapes the various justifications for land governance before, during, and after conservation. In this work we understand the notion of difference in terms of spatial imaginings and signifiers with their concomitant boundaries in the making, and as positionality, in reference to how race, gender, culture, class and national hierarchical differentiation mutually inform (in)justice vis-à-vis local people's land tenure and control (Gupta and Ferguson 1992; Sundberg 2004). Combined, these chapters are attentive to multiple logics of class, race, culture, gender, and colonialism embedded in the practices and processes of biodiversity conservation and land rights distribution and the active mobilization and resistance against them. In light of these spatial struggles, this edited volume offers an urgent reminder about who is made to sacrifice in the name of sustainable development and biodiversity conservation. We argue that the practice of biodiversity conservation facilitates how elites, states, and inadvertently transnational corporations seize control of land from many communities whose racial and cultural identities and land use practices are already subjugated in national and international development priorities. We counter by proposing that climate change mitigation and biodiversity conservation strategies are doomed to fail without respect, autonomy, and enforceable legal protections for the heterogeneous communities reliant on biodiverse landscapes, without which biodiverse "hot-spots" would not exist.

### **Political ecology of biodiversity conservation**

In this volume we employ a political ecology approach to examine the logics, impacts, and practices of conservation and environmental protection. Our collective concern is with the way biodiversity conservation, supposedly designed to improve global conditions, is too often employed as a mechanism for elite control of resources and natures (Peet et al. 2010). Our insights draw from a genealogy of biodiversity conservation that is linked to international development's concern with biological diversity and the rise of the concept vis-à-vis the 1992 United Nations Conference on Environment and Development, held in Rio de Janeiro, and its accompanying Convention on Biological Diversity. The aim, overwhelmingly emerging from scientific and policy circles, focused on transforming peoples' attitudes so as to halt how *some* humans treat nature as a treasure of conquest as opposed to a collective responsibility for care (Escobar 2008). As Escobar maintains,

under this realization, the conservation of biodiversity became a tireless task, a mission to be carried out in and on behalf of the magic, sacrosanct kingdom of wilderness.... By putting a scientific spin on the crisis, conservation biologists purported to become the authoritative spokesperson for an entire movement to save nature, having as its fundamental goal the "preservation of intact ecosystems and biotic processes."

(Takacs 1996, 79, cited in Escobar 2008, 139)

Indeed, as Redford (2011) agrees, conservation organizations largely ignore the politics and power embedded in conservation and the places where environmental protection takes place. Such organizations are seemingly more concerned with “science driven approaches” “based on biocentric values and assumptions, privileging natural science views of both problems and solutions” (Redford 2011, 325; Chapin 2004). While there has been more attention to politics from conservation organizations more recently, conservation policy still operates as though humans are fundamentally menaces to the other kinds of nature.

While Redford and others suggest this has opened up space to think of “humans as legitimate elements in nature and explicitly part of the solutions to the conservation problems,” many of the chapters argue that only *certain* humans get to play a role in conservation. Said differently, even in the designs of biodiversity conservation that claim to offer a more humanized form of protection—i.e., biosphere reserves, carbon markets, payments for ecosystem services—the overwhelming fact remains that local people are meant to sacrifice land control, food security, cultural traditions, and relations to nature on behalf of a global, affluent community that continues to rely on the “merchandising of biodiversity” “green developmentalism,” and market conservation “that leaves intact the underlying framework of economics and the market that is inimical to nature in the first place” (Escobar 2008, 143; Martinez Alier 1996; McAfee 1999).

In this volume we are not concerned with finding fault with biodiversity conservationists, but rather we seek to disclose the chains of explanations for the re-entrenchment of precarious social inequalities that are reproduced by biodiversity conservation *mechanisms* complicit in local peoples’ dispossession, dehumanization, and ongoing subjugation by states and elites. Nor do we assert that environmental protection is homogenous and always harmful. Rather, we insist that the consequences of protected area management relates to particular historical, cultural and political contingencies (Igoe 2011; West et al. 2006). While some of us in this volume are more concerned with the disclosure of these revelations and the multiple logics of power that inform them, others work toward some kind of “solution.” We as editors, however, adhere to the postcolonial political ecological mantra that any “solution” that does not name power in its multiple, intersecting and more than economic iterations and leaves colonial processes intact engenders “a facile dishonesty by suggesting that an easy way out of our immense difficulties lies right around the corner” (Wainwright 2008, 284). We suggest that *change starts with thinking differently* and thus, in this vein, we rethink the relations between *parks and people*.

### For clarity

The case studies in this volume disclose the underlying ways difference informs justice around land and land tenure (in)security in the context of sustainable development and biodiversity protection strategies in the Global South. Seemingly the successful and *just* future of biodiversity conservation is contingent upon land tenure security for the people living therein. In the following section

we briefly explain the book's main themes as they punctuate *political ecologies of conservation: justice, history, race, and land rights*.

## Justice

*Justice* is one of the most basic values determining the direction of daily human life, particularly how human beings relate to one another (Khakhulina 2015). Many struggles dealing with the plight of the poor and the marginalized tend to focus on justice as a social value that should be central to any positive social change. However, justice as a concept is elusive, often with multiple and contradictory meanings. At the most basic level, there are three conceptions of justice, which are not mutually exclusive. These include procedural justice, which is the application of the law according to prescribed principles and due process; redistributive and social justice, which focuses on fairness in the distribution of rewards, opportunities, and burdens in life; and retributive justice, which is about what is considered appropriate sanctions and punishments for violating certain agreed rules and regulations (Jary and Jary 1995; Rawls 1999; Robertson 2004). In the context of rethinking parks and people *procedural justice* reflects how transparency and fairness inform the processes through which land and natural resources are allocated, and how conflicts are resolved. A colonial legacy has meant that for many marginalized people procedural justice is elusive, and favors a select few. This of course often sets the stage for other kinds of injustices.

Our understanding of redistributive or social justice is informed by John Rawls's (1999) framework of justice as fairness, instrumental in most contemporary notions of justice. Rawls's major contribution is the principle of difference, where he argues that inequalities are justifiable if they are arranged to benefit the most disadvantaged people in a society. As a strong believer in equity, Rawls believes that justice needs to unfold in three stages, in a particular order: to secure equal basic liberties; then to secure fair equality of opportunity; and, finally, for social and economic inequalities to be arranged to benefit the most disadvantaged people. Even though we acknowledge that Rawls's views are not necessarily widely accepted, we wish to point out again that many tensions that exist between land rights and biodiversity conservation are fundamentally about the failure of states, past and present, to uphold the principle of fairness without discriminating based on social difference.

The ways in which contemporary states fail to remedy injustices of the past to the satisfaction of the victims of those injustices is key to land conflicts. Atuahene (2007), for example, has argued for recognition of what she calls property-induced invisibility, in thinking about land justice, emphasizing the socially embedded nature of land, and that the loss of land during colonialism had dehumanizing effect on the victims, which brought about their invisibility, or what she also calls social death. In agreement with others (e.g., Andrews 2006), Atuahene believes that any restorative processes that fails to return the victim's dignity in turn fails to advance true justice. Restoring land as a natural resource

alone, she argues, is not enough; recognizing historical roots of those injustices must remain central (Osmani 2010).

## **History**

The overlapping struggles over place and natures have histories. The colonial and nation-building histories from which these struggles emerge continue to shape their formations however contested (Stoler 2016). A focus on history in this volume means not taking for granted “the connectivities joining colonial pasts to ‘postcolonial’ presents” (Stoler 2016, 4) but being attentive to their mechanisms. Within political ecology, scholars make clear the salience of history. For Offen, historical analysis is significant to a political ecology of conservation in how “‘pristine’ landscapes are, in fact, anthropomorphized landscapes that often (politically) conceal their own human history—a history of violence, disease, demographic collapse, colonialism, migration and conceptual transformation” (Offen 2004, 26). Indeed. A historicization of place discloses the way parks are significant to the “formation of a national identity for the dominant settler culture, an identity forged through a mythologized encounter with nature” (Neumann 1998, 32). History helps disclose for some what others seek to conceal, particularly when such histories are “situated” (Peluso 2012, 80). To rethink parks and people, many chapters in this volume make visible how “history making practices often disguise exploitation and oppressive associations” (Peluso 2012, 80). Similarly, the way scholars draw upon histories both contemporary and long past is to “attend to the evasive history of empire that disappears so easily into other appellations and other, more available, contemporary terms” (Stoler 2013, 23). The social landscape upon which colonial power and mechanisms materially and imaginatively influence space are arranged by the “racial ontologies they called in to being, and by the cumulative historical deficiencies certain populations are seen to embody—and the ongoing threats to the body politic associated with them” (Stoler 2013, 23). To reveal these processes engenders possibilities for change.

## **Race and the politics of difference**

History informs race and racial meanings. The chapters in the volume have taken on race in various ways ranging from acknowledgment of past inequalities that shape the present and showing race as an actively producing social formation in the context of land struggles and biodiversity conservation. While not all authors attend to race explicitly, a politics of difference is always present in their colorful discussions. For us, race is a “contingent historical phenomenon that has varied over time and space” (Appelbaum et al. 2003, 2). While it may seem like everyday common sense that race is a social construction without biological foundation (Bonnett and Nayak 2003), the “materiality of race cannot and should not be eclipsed in favor of thinking about its apparent mobility and malleability” (Mahtani 2014, 360). Indeed, racial meanings and characteristics speak to more

than skin color; racial ideologies are also embedded in labor power and intersect with other forms of power like gender, caste, nation, religion, sexuality, existing in “intimate, reciprocal and contradictory relations” (McClintock 1995, 5; Goldberg 1993). Notwithstanding the multiple masks that race sports, racial ideologies and racial meanings inform the structures and representations of our social natural world (Bonnett 2000; Goldberg 1993; Kobayashi and Peake 2000).

Racialization is also an important aspect in the construction of difference. Racialization, “the process of marking differences to hierarchical discourses grounded in colonial encounters and their national legacies” (Appelbaum 2003, 2) is key to understanding how some communities both enclosed in protected areas and outside their boundaries become rendered “unimaginable” (Nixon 2011). In borrowing from Nixon, we are alluding to people located inside the nation-state but “whose vigorously unimagined condition becomes indispensable to maintaining a highly selective discourse of national development” (Nixon 2011, 151). Key to rethinking parks and people we reject the way “racial differences are stubbornly held up as natural” (Mollett and Faria 2013, 117) or how “[r]ace serves to naturalize the groupings it identifies in its own name” (Goldberg 1993, 81, cited in Mollett and Faria 2013). To move against this, we acknowledge how the case studies in our volume are a theater for multiple racial projects, such projects do the ideological labor that entangles structure and representation (Omi and Winant 2000). A critical examination of the relationship between parks and people engenders multiple racial projects such as European colonialism and conquest and settler colonialism, a land-centered project where “settler colonizers come to stay” (Wolfe 2006; Kauanui 2016). In addition, a “coloniality of power,” where race serves as a genre to distinguish between humans and those human beings deemed less than human is also instrumentalized through conservation practice (Mignolo 2015; McKittrick 2006; Weheliye 2014). As Pulido notes, “we can never overlook the fact that racial ideology (along with guns) enabled colonization,” and classifications of “indigenous peoples as less than fully human was entirely necessary for the colonial project” (Pulido 2017, 527).

### **Land rights**

Rethinking parks and people centers the way biodiversity conservation relies on the enclosure of land. For us this exemplifies the way protected area management is imbued in colonial ideologies and exists as a colonial practice, as colonialism is a structure and not simply an event (Wolfe 2006; Quijano 2007). Thus our understanding of land rights in this volume acknowledges that land is an assemblage of power relations with “an especially rich and diverse array of ‘affordances’—uses and values it affords to us, including the capacity to sustain *human* life” (Li 2014, 39). The materiality and form matter, as do the “devices” employed into making land a resource for some. For others, land’s “buried epistemologies” and unburied ontologies link land relations to other kinds of natures including human beings (Li 2014; Willems-Braun 1997; Escobar 2015). Land

and land control are significant for conservation. For many parts of the world, customary and de facto rights to land were sufficient for long-term tenure security. The cases in our volume show the lack of formal land rights not only makes Indigenous, Afro-descendants, women, and the poor more susceptible to large-scale land transactions, which are not only facilitated via neoliberal hegemonic land titling programs, both legal and extra-legal, but green grabs as well (Fairhead and Leach 2012).

Land legislation does not always satisfy the needs and desires of the world's informal landholders. Land rights in the shape of single users and individual land plots are welcomed by many rural peoples. In fact, according to the World Bank, only 30 percent of the world's population has legal ownership to their land (World Bank 2017). But individuated land titles do not reflect the social relations to land, water, and other natures common to many Indigenous, Afro-descendant and various other rural populations. Rather, land rights, as designed by development institutions and sanctioned by states, often only treat land as a natural resource, without recognizing that the meanings of land and water take shape in collective ways that are always unfinished (Agnew and Oslender 2010; Bryan 2012; Offen 2003).

### **The book**

We bring together an eclectic group of scholars who have ongoing and empirically grounded research projects across the globe in such places as Mozambique, South Africa, Guatemala, Guyana, Honduras, Colombia, Thailand, Bangladesh, Kenya, and India, and who are located in universities in both the Global North and Global South. The chapters in this volume employ a variety of analytical frameworks. They may be read as a collection or as stand-alone pieces.

### **Justice**

There is growing agreement that justice in land requires *intuitive justice*, whereby the collective voices of the people provide material for mitigating circumstances or create space for deviating from formal and legalistic conceptions of justice (Gibson 2008; Kepe, Fukuda, Hicks, Shortly, and Brode 2017). “Intuitive justice” is about a relational and affective approach to the land that could produce justice by acknowledging and respecting local contexts and the power relations at work. *Recognition* and *participation* are key to intuitive justice (Schlosberg 2004).

*Intuitive justice* is a central theme in Kepe's chapter. With a focus on South Africa, Kepe draws insights from conflicts over land in the context of conservation. Kepe argues that it is the hegemonic alliances between private businesses and conservation, or those between powerful international environmental NGOs and biodiversity conservation projects, that impede justice for local people. Such powerful alliances silence their claims. Ramutsindela and Shabangu also use the case of South Africa's land claim process within conservation areas to explain



the tensions between land rights and conservation. They suggest that this tension persists partly because land rights issues are generally seen by the elite as inimical to nature conservation efforts. Through *environmental justice* framework, these scholars examine land claims in the Kruger National Park, and argue that land restitution does not necessarily guarantee environmental justice. Such environmental justice, they suggest, instead hinges on the manner in which land claims are settled.

### *Violence*

Violence is a habitus ... at once structured and structuring: structured because the idea of violence results from historical events, stored as memory of past deeds, of past encounters, of past frustrations; and structuring because the idea of violence informs human actions, determines the acceptability, even the banality of violence, if not the ability to erase the scandal of its occurrence.

(Dumont 1992, 277, cited in Peluso and Watts 2001, 6)

Violence is embedded in environmental struggle (Peluso and Watts 2001). The geographic imaginaries that inform the imperative of protected area enclosures in the Global South often originate from affluent, urban, Global North residents who treat their perspectives as universal and protected areas and their inhabitants, as problematic, read as insecure (Kelly and Ybarra 2016). This has led to the practices of “green security,” what Kelly and Ybarra (2016) explain as “the overt use of policing and militarization of protected areas’ vast territories (land or maritime) in the name of security” (2016, 171). Such militarization polices borders both seen and unseen and thus such “borders contribute back to the political projects that made them possible” (Valdivia et al. 2014, 687).

As Dumont’s definition of violence asserts, we include in our meanings for violence the acts and conditions of displacement. In the context of conservation, development-induced displacement often refers to “the removal of a thing from its place, putting out of place” (Agrawal and Redford 2009, cited in Mollett 2014, 30). While in this context land loss is often enacted through eviction from parks, conservation-induced land loss may also look more like displacement-in-place. For Mollett (2014, 30) this concept acknowledges that displacement is inherent to international development writ large, so that a community may become displaced but remain in place but through “green security,” law, or threats of violence, they become dispossessed from access and control of their lands, but without removal (see also Katz 2004; Nixon 2011; Vandergeest et al. 2006). In this volume, displacement exemplifies the way violence is more than simply extreme acts such as war and murder, but violence occurs when people’s relations to nature are “irrevocably altered in ways that foreclose or otherwise impede possibilities for habitation” (Lunstrum et al. 2016, 130).

In this vein the co-authored chapter by Lunstrum and Ybarra flesh out the ways state actors in Africa and Central America treat Mozambique’s Limpopo



National Park and Guatemala's Maya Biosphere Reserve, and the people therein, as sites and sources of insecurity and threats. To do so, residents in each of these spaces are rendered trespassers and become defined as a "racialized enemy." The cases together are indicative of the entanglement between conservation, race, security, and displacement. In a similar way, Bersaglio's chapter builds on the concept of "green violence" to make visible the increase in violent conflict on private wildlife conservancies. The white settlers who own these large-scale wildlife landscapes in Laikipia Kenya employ "green violence" as way to protect privately owned pasture from pastoralist-livestock invasions. Bersaglio argues that the conflicts that occur as a result of this tension is in fact a "delayed effect of settler colonialism ... rooted in racialized dispossession" (Bersaglio this volume). In similar ways, Ojeda and González combine paramilitary state-sanctioned violence and sustainable development projects to show the ways in which peasants work to define themselves as *green subjects*. In Colombia, peasants are commonly excluded from the benefits of development programs aimed at land titling and biodiversity protection, unable to instrumentalize a political language of ethnicity that has tended to open space and resources, however insecure, to Indigenous and Afro-descendant communities. Ojeda and González argue that peasant space—or, rather, their territorialities—become *elusive* in the increasing landscapes of enclosure and dispossession in the Colombian Caribbean.

Enclosure and exclusion is also the theme in Gururani's chapter. Unique to the volume, Gururani examines the political ecology of the commons perched between rural and urban governance of land and property in Gurgaon, India. This chapter complicates the tensions between and among agro-pastoralists and environmentalists in the making of a park on the urban periphery. As a way to advance "critical ecological praxis," Gururani attends to the ways in which conservation practices are implicated in the "double edge of exclusions" within urban space.

### ***Indigenous territorial struggles***

As mentioned above, land rights do not always reflect community claims and their ontological foundations. These active relationships to land are better represented in territorial claims. Territorial claims seek to invoke different ontological meanings from land claims. A territorial claim in essence contests the meanings of territory as "natural," and instead is understood as an "order [that] has been historically constituted through practices of exclusion frequently justified in racial terms" (Bryan 2012, 216; Escobar 2008). While Indigenous and Afro-descendant peoples' territorial claims are recognized in international law and within a number of biodiversity conservation protocols, as our volume shows, neither customary nor statutory rights to territory guarantee territorial security for Indigenous and Afro-descendant peoples. Rather, their tenure (in)security relies on their historical (mis)recognition that places them outside the citizenry and sometimes outside humanity vis-à-vis national elites and dominant ethnic groups.

This volume acknowledges how land and territorial rights are not granted by benevolent states, but won by tenacious Indigenous communities who know their rights and who are willing to fight to defend them. For instance, in his chapter Chowdury illuminates how cultural logics interplay with the growing limits in common property forestry conservation in Chittagong Hills, Bangladesh. Similar to green grabbing critiques, Indigenous peoples in Bangladesh are finding themselves less able to resist against state- and corporate-led conservation and development projects and as a result face threats of displacement. In this chapter, struggles over common property forest are not simply over resources but are also reflected in ethnic contests.

Like Chowdury, MacDonald highlights how Indigenous territorial struggles are at once ontological struggles. In this chapter, MacDonald examines how the Low Carbon Development Strategy taken on by the Guyanese government underpins the newly created Kanuku Mountains Protected Area. Highlighted in the tensions between the park administration and the Wapishana peoples who live in South Rupununi is the way the Wapishana mobilize Indigenous world views as part of a conscientization movement aimed as an anti-colonial struggle for self-determination. Drawing on a history of territorial struggle, MacDonald discloses the contradictions in the politics of state conservation in Guyana.

Like Guyana and Bangladesh, Karen territoriality in Thailand emerges as a result of struggle. In Lamb and Roth's chapter, they argue that history illuminates significant changes in the relationship between science, Indigenous and local knowledge, and place-based movements. The authors make visible the changing landscape of natural resource struggles where the use of "technologies of humility" bring nature claims based on "science" and claims based on local knowledge together in complementary and overlapping ways. The authors also reflect on how "technologies of humility" have led to their own successful collaborations unsettling, for better or worse, past claims to expertise and legitimacy in Thailand.

In the final chapter, Mollett rethinks the relations between "parks and people" by illuminating the limits to territorial formalization inside the Honduran Rio Plátano Biosphere Reserve. In this chapter Mollett reflects on the how a history of colonial power in the Honduran Mosquitia is not erased by territorial legislation, however significant. But, in fact, the forms of violence in the reserve, complicated by protected area policies, have similar logics and justifications to the violence perpetrated against the bodies of Indigenous women mobilizing in defense of Indigenous lands and territories *outside* the reserve. In this chapter Mollett thinks through the ways protected area practice and the state's extractivist development agenda are linked through a shared logic of Indigenous peoples' dehumanization.

Together these chapters serve as a reminder—in a time when more-than-human natures become instrumentalized by conservation practice as a mechanism to ignore local people's needs in parks—that at the heart of these struggles and tensions between conservation and land rights are people, namely, human beings.

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